

Bill Pribil, Sheriff

911 E Sawmill Rd
Flagstaff, AZ 86001
928.774.4523
800.338.7888

Incident/Investigation Report

Case Number: 811-02610

Incident Information

Date/Time Reported 07/07/2011 17:21	Officer (1007015) MITCHELL, WILLIAM R	Supervisor (1066915) TOZER, BRIAN L
Incident Location Tusa: @m236 Str64, AZ		Location Comment : @TUSAYAN
Case Status FURTHER INVESTIGATION (15)	Case Status Date 08/09/2011	Location Type RESIDENCE/HOME
Case Disposition	Disposition Date 07/11/2011	Investigator Assigned (1007015) MITCHELL, WILLIAM R
		Release/Misd/NC NON CRIME
		DV Related N

Charges

Charge Type	Description	Statute	DV	<input type="checkbox"/> Att	<input checked="" type="checkbox"/> Com
Municipal	OFFICER INFORMATION	OFFICER	N		

Victims

Type VICTIM	Name (Last, First, M) TOWN OF TUSAYAN ARIZONA							AKA	
Race	Sex	DOB	SSN	Height	Weight 0	Hair	Eyes	Age	Victim of Crimes 1
Address						Cell Phone		Home Phone	
Employer Name/Address								Business Phone	

FLAGSTAFF POLICE DEPT.
DISSEMINATION

TO
[Redacted]
BY
[Signature]

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Notes/Narratives

NARRATIVE

PATROL-DR #: S11-02610
DEPUTY BILL MITCHELL #95
C201: 07-11-11

FLAGSTAFF POLICE DEPT.
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TO
BY
TD

ASSIGNMENT:

On 07-07-11 at approximately 1400 hours, I was contacted by Tusayan Town Fire Chief Robert EVANS in regards to an investigation.

INVESTIGATION:

Chief EVENS advised he wanted to find out if the Coconino County Sheriffs Office was conducting any investigation into the possible violation of a town ordinance banning any fires in TUSAYAN, AZ. After speaking to Chief EVANS, I contacted Lt. Brian TOZER #17 and advised him of the inquiry. I advised Chief EVENS I would find out.

While en route to the Tusayan area, I contacted Tusayan Town Mayor Greg BRYAN. Mayor BRYAN advised that a preliminary investigation was to be conducted by the Town Manager, Enrique OCHOA, in regards to a Fourth of July celebration that included a "pit fire."

After speaking briefly to Mayor BRYAN, I then arrived at Papillion Helicopters where I met with OCHOA. As I entered OCHOA'S office, he advised that he was on the phone with Lt. TOZER. After their conversation via telephone, I then asked OCHOA for a copy of the ordinance so I could observe any information in it in regards to the fire ban.

He advised that he had been in contact with Commander Cathy ALLEN and Sheriff Bill PRIBIL of the Coconino County Sheriff's Office in regards to an investigation for the infraction of city ordinance banning fires within the town limits.

While speaking to OCHOA, he advised more than once he wished to have an internal investigation into the ordinance violation as to "Not have an outside agency investigate it so we can keep the outcome internal." OCHOA advised he did not desire to hire an outside agency to investigate the incident stating, "We can monitor the outcome."

While entering OCHOA'S office and listening to the conversation that he and Lt. TOZER were having, I also heard the same statement made by OCHOA in reference to the outcome of an investigation and being able to "monitor the outcome".

After receiving a copy of the ordinance and speaking briefly to OCHOA about persons present including Councilman Al MONTROYA, Councilman Robert BLASI, and Vice-Mayor Cecily MANIACHI, OCHOA himself advised that he was also present at the Fourth of July celebration and observed the fire.

I advised OCHOA that the Coconino County Sheriff's Office knew nothing of the ordinance. OCHOA advised that he believed it was not told to the Coconino County Sheriff's Office.

OCHOA advised the special use permit was purchased by the Tusayan Chamber of Commerce and listed the Chairman John TATUM as the responsible party for the event.

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NOTES/NARRATIVES

OCHOA advised he believed that if there was a statute or some legal term advising if the Fire Chief was present and he deemed it within perimeters to have the fire that that would be the best outcome for the community.

I advised OCHOA that I would contact Lt. TOZER and advise him of the situation and I would begin an investigation.

It should be noted that I along with Sgt. John JAMISON #36, and Deputy Christie WENSTROM #110, were present for the Fourth of July celebration in Tusayan. While present at the event I observed an open fire pit with an active fire in it. The fire was started by volunteers at the request of the Chamber of Commerce sometime during the event.

INVESTIGATION CONTINUED:

On 07/11/11 I made contact with Josie BUSTILLOS with the Grand Canyon Chamber of Commerce & Visitor's Bureau. I asked to see the permit obtained for the Fourth of July special event from the Town of Tusayan. As JOSIE was looking for the permit, she began telling me of a conversation she had with Councilman Bob BLASI on the Second of July at the location where the event was being held. While looking at the permit I observed no provisions for a fire and no information about a fire ban ordinance. The temporary use permit that I observed was signed by John TATHAM of the Chamber of Commerce, the Tusayan Town Manager, and Julie ALDEZ the property manager.

The request section of the permit discussed the date and time of the event, the route of the parade and the location of the event but does not mention a fire pit.

She advised that while BLASI was in a Kaibab National Forest Service uniform and driving a marked Forest Service vehicle she asked him in regards to the fire pit "if this would be a problem", to which BLASI replied "no you should be fine it's on private property". I asked JOSIE to complete a written statement about any conversation that she had about the event.

JOSIE also mentioned that councilman Al MONTOYA and OCHOA were present for the festivities and didn't mention anything to her about a fire ban or city ordinance.

I retrieved a copy of the permit from JOSIE and began to talk to Norman (NORM) HANNAH, the Executive Director of the Grand Canyon Chamber of Commerce about his involvement in this matter. NORM advised that he was sent an email from OCHOA on 07/03/11 at 12:58 in the afternoon the day of the event but did not open his email that day as he was busy with the event. He advised that BLASI made the comment to him that the "fire might be illegal if Tusayan had a Police force, a Code Enforcement Officer, and a Judge". Norm advised that he was busy during that time that he didn't remember the exact wording.

NORM advised that OCHOA had a meeting with Michael (MIKE) ROCK at the Grand Hotel in Tusayan on 07/07/11. NORM stated that MIKE is the Chamber President and that he arrived at MIKE'S office when they started discussing the fire ban ordinance. I asked NORM to complete a written statement as to the conversations that he had about the special event. NORM stated he would email it to me when it was completed due to him having to leave the office and go out of town.

I went to MIKE'S office and asked him about the conversations that he had with OCHOA about the event, MIKE advised that as the conversation changed to the fire ban allegation OCHOA began to "drop F-bombs" and had become loud. MIKE advised that his assistant was in her office in an adjacent to his and while the door was shut she could have heard the conversation clearly. I asked to speak to her and MIKE and I located Anesthesia, his assistant, in the restaurant area of the hotel. I asked her what she had heard coming from MIKE'S office when OCHOA and MIKE were in there. She advised that the yelling was so loud that she left her office several times so that she would not have to listen to the conversation, but added that it was very loud.

08-23-11; 12:38PM;

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TO

NOTE/NOTES

Mike and I then returned to his office and I asked him to complete a written statement of his involvement and conversations with OCHOA and the fire ban. MIKE agreed to complete a statement and email it to me when it was completed.

INVESTIGATION CONTINUED:

On 07/14/11 JOSIE contacted me and advised me of a conversation that she had with Tom DePAULO. She advised that TOM is a member of the STILO Investment Group and had approached her about purchasing space in the Fourth of July event. She advised that TOM stated that he had talked to NORM on a prior occasion and was going to put a display up in one of the event tents about the town housing. JOSIE told him that the event was not a "political event" knowing how volatile the housing issues are in Tusayan.

I asked JOSIE why she was advising me of this, she stated that the conversation was "strange" and would like it documented in this report. JOSIE also advised that she would send me an email about the conversation with DePAULO.

INVESTIGATION CONTINUED:

On 07/17/11 I was contacted by Jerry BANKS with the Tusayan Fire Department and he advised that he was one of the volunteers that was helping the Chamber of Commerce set up for the event. He stated that he was standing with JOSIE while BLASI was talking to her about the fire pit. JERRY stated he heard JOSIE ask BLASI if the "fire ban effected the town of Tusayan". BLASI stated that he had "no authority in Tusayan". JOSIE then asked if the fire pit was going to be a problem, to which BLASI stated "no".

I asked JERRY to complete a written statement as to the conversation he had heard when standing by JOSIE. JERRY returned approximately ten minutes later with a hand written statement and a copy of that is attached to this report.

INVESTIGATION CONTINUED:

On 7/21/11 I contacted Robert (BOB) BLASI at the Kaibab National Forest Service Office and asked if I could get a statement from him about his involvement in the fire ban violation. At that time I began recording the interview on my department issued digital video camera.

I asked BLASI whom did he talk to about the possible fire ban for the event, he advised Norm HANNAH and Josie BUSTILLOS. He stated on the day of the event he spoke to NORM and advised him the fire ban was still in effect as the volunteers were constructing the fire pit and placing wood inside. He stated that he said to NORM that he should "clarify it with whomever" including Coconino County. He stated that NORM asked how the ban would be enforced, BLASI responded "there is no court, code enforcement, it's a moot point", advising that there is no way to enforce the ban. BLASI advised that the Town of Tusayan has a fire ban that "follows" the Kaibab National Forest. BLASI advised that he (NORM) knew what BLASI was conveying and norm said "ok".

BLASI stated that he came back to the event approximately 1600 and spoke to JOSIE stating to her that the Forest service was still in fire restrictions so the Town fire ban would still be in effect, even though over "a half an inch of rain" had fallen and stated that she needed to get the fire restriction clarified.

BLASI stated while at the event he said "if it were up to me, I saw absolutely no fire danger what so ever and would have immediately recommended it be lifted".

08-23-11;12:36PM;

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Notes/Narratives

He stated that NORM ask for help in using the Forest service mobile electronic sign to place on Highway 64 advising vehicles to slow down, special event ahead. BLASI said he spoke to his boss and he allowed the use of the sign but wanted a fire prevention message on it as well. BLASI stated he prepared the sign and returned to show NORM the message on the sign including "please no camp fires and no fireworks".

BLASI advised that he told NORM and others about the message, and then stated "they kinda laughed at me". After talking to NORN he stated he received a call from OCHOA and stated he spoke to "them" about the fire ban 2 separate times on the day of the event.

BLASI then spoke about Department of Public Safety Officer Shaun SHIELDS #221 and him knowing details of the town counsel executive session and details that were discussed.

BLASI advised he asked the Mayor to amend the fire ordinance in an attempt to have more control in lifting the fire ban.

BLASI stated that "there was absolutely no fire danger what so ever, and the ban should have been lifted as soon as that rain hit that afternoon. Somebody from the town counsel, probably the mayor or the town manager should have said we can immediately lift that restriction now".

BLASI advised that he spoke to NORM and JOSIE on the day of the event two times then showed them the marquee sign. He began to talk about several other issues with the town and stated that he was offered a bribe by "the Italians" and stated other people "took the money" and stated the money he was offered was \$5000-10,000 dollars was "a joke". He also stated he thought it was a test of his loyalties.

After hearing the comment that was made I made a mental note and continued the interview, knowing the implications that were made would require additional notifications to Lieutenant Brian TOZER #17.

I asked BLASI to write a statement as to his involvement in this matter and he stated that the first contact he made he was in a Forest Service capacity. He also advised that on 07/04/11 smoke was "billowing" up and he had to call it into Forest Service dispatch due to being on patrol and the tower had seen the smoke. He advised dispatch "the smoke was from the event the previous night, there is no danger, and it's perfectly secure".

BLASI started to speak about Town Counsel issues about ordinances and I concluded the interview.

ENCLOSURES:

1. Copy of Ordinance 2011-09-08-02
2. Copy of Statement From Josie BUSTILLOS
3. Copy of E-mail Statement From Michael ROCK (3 pages)
4. Copy of Email Statement from Josie BUSTILLOS
5. Copy of Written Statement From Jerry BANKS
6. Copy of E-mail Statement from Norman HANNAH (2 pages)
7. Copy of First Temporary Use Permit
8. Copy of Second/Signed Temporary Use Permit
9. Copy of Traffic Control Plan for Hwy 64 During the Event (2 pages) Copy of
10. Coconino County Health Department License for the Event

FLAGSTAFF POLICE DEPT.
DISSEMINATION

TO
BY
AS

08-23-11:12:38PM:

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- 11. Copy of Certificate of Liability Insurance
- 12. Copy of State of Arizona Liquor License (6 pages)
- 13. Copy of E-mail From Tusayan Town Manager about Fire Restrictions (2 pages)
- 14. Copy of E-mail From Tusayan Town Manager about Proper permits (3 pages)
- 15. Coconino County Sheriff's Office Evidence/Property Receipt

DISPOSITION:

Pending County Attorney Review for Charging.

CONTINUATION

FLAGSTAFF POLICE DEPT.
DISSEMINATION

TO

BY
/s/

09-23-11:12:36PM

COCONINO COUNTY SHERIFFS OFFICE
Bill Pribil, Sheriff911 E Sawmill Rd
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Case Number: S11-02610

Supplement Information

Supplement Date 08/09/2011 09:42:57	Supplement Officer (1007015) MITCHELL, WILLIAM R	Supervisor (1007015) MITCHELL, WILLIAM R		
Contact Name	Location Comment : @TUSAYAN			
Case Status FURTHER INVESTIGATION (15)	Case Status Date 08/09/2011	Location Type	Felony/Misd/NC NON CRIME	DV Related N
Case Disposition	Disposition Date 07/11/2011	Investigator Assigned (1007015) MITCHELL, WILLIAM R		

Supplement Notes

DR # S11-02610
Lt. Brian Tozer #17

ASSIGNMENT:

On 07/07/2011 shortly after 1400 hours, I contacted Tusayan Town Manager Enrique OCHOA via telephone to speak with him about a possible fire ban violation in the Town of Tusayan.

FLAGSTAFF POLICE DEPT.
DISSEMINATION

INVESTIGATION:

Upon contacting Town Manager OCHOA I conducted an interview with him.

TO
BY
[Signature]

INTERVIEW: Enrique OCHOA

I advised OCHOA I received information from Deputy MITCHELL that a possible fire ban violation occurred on the 4th of July weekend. OCHOA stated there had in fact been a violation of the Town of Tusayan fire ban and he was wishing for an investigation to take place. OCHOA stated a violation of the Town Fire Ban Ordinance had in fact occurred on the 3rd of July and the Sheriff's Office was present during the event and the violation and did not take action. OCHOA went on to stated he was pondering contacting an "outside agency" to conduct the investigation as the Sheriff's Office was in violation of the ban for failing to take action. OCHOA stated however he would prefer the investigation be conducted internally (meaning the Sheriff's Office) as the town would have input and control over the outcome of the investigation. OCHOA further stated the Town of Tusayan is paying the Sheriff's Office for services and they would expect we would investigate town ordinances.

I advised OCHOA at this time I was not familiar with the town fire ban ordinance and would appreciate receiving a copy as soon as possible. I asked OCHOA at this time if he or any other town official had contact Sgt. JAMISON, Deputy MITCHELL or Deputy WENSTROM who had been present at the event on the 3rd. OCHOA stated he had not however, he had sent out an email on the 3rd of July prior to the event to Mike ROCK with the Chamber of Commerce and several others, stating a fire ban was in effect and a fire would not be allowed at the event that evening. I asked OCHOA if he had received a response to the emails he sent out. OCHOA stated he had not. OCHOA advised me the permit issued to the Chamber of Commerce did not state they could have a fire at the event. I asked if the permit prohibited the lighting of a fire or reference the fire ban which was in effect at the time of the event. OCHOA stated he did not believe the permit stated anything about the fire ban nor did it give permission for a fire at the event. I advised OCHOA I would like to get a copy of the permit issued to the Chamber of Commerce for review and to attach to the report.

08-23-11;12:30PM;

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Supplement Notes

At this time OCHOA stated on the date of the event (3rd of July, Sunday) he went to the event to meet with Roby EVENS (Town of Tusayan Fire Chief) to speak with him about the fire ban and advise him the fire was not permissible at the event. I asked OCHOA if he in fact had a conversation with Chief EVANS about the fire ban. OCHOA stated he did not as he had decided not to speak with anyone at the event as they were all with their families. I asked OCHOA if he was aware if any town official had made contact either in person, or otherwise with the Chamber of Commerce or the fire department about the fire at the event. OCHOA stated not to his knowledge.

***Note: OCHOA mentioned several more times that the Town of Tusayan is paying "30,000.00 per mother" for Law Enforcement services from the Sheriffs Office and they expect us to investigate the incident. OCHOA also stated several time an internal investigation would allow town officials to have some say so as to the outcome of the investigation. I advised OCHOA that any investigation conducted by the Sheriffs Office would contain only the facts in the case and statements from involved persons and that the case would then be sent to the Coconino County Attorneys Office for review.

INVESTIGATION CONTINUED:

Deputy MITCHELL had arrived during my conversation with OCHOA to obtain further information. I advised OCHOA Deputy MITCHELL would be investigating the allegations. (See report by Deputy MITCHELL)

DISPOSITION:

Active by Deputy MITCHELL.

FLAGSTAFF POLICE DEPT.
DISSEMINATION

TO
[Redacted]
BY
MS

08-23-11:12:38PM

COCONINO COUNTY SHERIFFS OFFICE
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Case Number: 811-02610

Supplement Information

Supplement Date 08/09/2011 11:07:42	Supplement Officer (1007015) MITCHELL, WILLIAM R.	Supervisor (1007015) MITCHELL, WILLIAM R.
Contact Name	Location Comment : @TUSAYAN	
Case Status FURTHER INVESTIGATION (15)	Case Status Date 08/09/2011	Location Type Felony/Misd/NC NON CRIME
Case Disposition	Disposition Date 07/11/2011	Investigator Assigned (1007015) MITCHELL, WILLIAM R.
		DV Related N

Supplement Notes

DR # S11-02610
Lt. Brian Tozer #17

DISSEMINATION

BY
[REDACTED]

ASSIGNMENT:

On 07/19/2011 at about 1100 hours, I met with Tusayan Town Manager Enrique OCHOA at the Best Western Squire Inn.

INTERVIEW: Enrique OCHOA

Upon meeting with OCHOA, OCHOA asked if the Sheriff's Office was investigating the fire ban violation. I advised him Deputy MITCHELL was in fact investigating the allegation by the Town of Tusayan involving a fire ban violation by the Chamber of Commerce. I further stated Deputy MITCHELL would be obtaining statements and questioning witnesses.

OCHOA advised me at this time he believed the two of us (OCHOA and I) were on the same page, but he wished to express his thoughts about the investigation to me. OCHOA stated he believed that the investigation would find the members of the Chamber of Commerce and the fire department were in fact guilty of violating the fire ban and he believes they should all receive charges. OCHOA further stated with the Sheriff's Office investigating the allegations and the Town of Tusayan contracting with the Sheriff's Office, the town should have some input on the outcome. I advised OCHOA that at this time we are looking into the matter however, the permit holder being the Chamber of Commerce is responsible for the event and other acting on their behalf were acting in good faith. I advised OCHOA that the allegations would be investigated and the report submitted to the county attorney's office for review.

At this time I spoke with OCHOA about the permit process the town was currently using. I advised OCHOA that the permit was very generic and they may wish to look at a permit which would have more detail, such as outlining any ordinances the Town of Tusayan has in place. This would be helpful to both the town and the permit holder. OCHOA stated they are currently working on the process.

I spoke with OCHOA about our inability to file charges on Town of Tusayan ordinances at this time as there is not an IGA in place with the court. Due to the fact Tusayan had not enacted a City Court of their own at this time, any town ordinances would have to be filed into the Justice Court in Williams. I advised OCHOA that had spoken with Judge KROMBEN and was told by the judge he is currently working on the IGA (Inter Governmental Agreement) process with Coconino County Attorneys Office. I advised OCHOA that we would long form the report with the Coconino County Attorneys Office and should a complaint be filed it would have to remain with the county attorneys office until the completion of the IGA (Inter Governmental Agreement).

08-23-11 12:38PM

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OCHOA told me at this time he believed the situation was becoming very volatile, as letters and flyers by town members had been post on bulletin boards around town calling him (OCHOA) a liar. I advised OCHOA I had received the photographs he sent me however, this was not criminal at this time. I advised OCHOA we would do our best to keep the situation from escalating and that any concerns he should have should be directed to me or Deputy MITCHELL.

CASE DISPOSITION:

Active by Deputy MITCHELL.

FLAGSTAFF POLICE DEPT.
DISSEMINATION
TO

[REDACTED]
BY
[REDACTED]