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PHOENIX LAW ENFORCEMENT ASSOCIATION

RECAP

The Official News Magazine of the Phoenix Law Enforcement Association

What does a "COLLABORATIVE LABOR/MANAGEMENT RELATIONSHIP" look like?

by Joe Clure
PLEA President

This was the question asked of me recently by Assistant City Manager Ed Zuercher. It was a follow-up to my expressing my complete disappointment and frustration in the total lack of meaningful communication or engagement between the Chief and PLEA.

It's a fair question and I am going to attempt to answer it in this article as well as explain what it does NOT look like.

As recent history has shown, we know all too well what a lack of "collaborative labor relations" can lead to. This is one of the reasons the City went in search of a Police Chief. In their national advertisement, the City placed considerable emphasis on management/employee relationships. In promotional material sent out to prospective candidates for the job one of the quotes on the topic stated the following: Management/Employee Relationship: "The city of Phoenix places a high value on cooperative relationships between management and employees. The police department has two sworn and two civilian unions and associations representing its employees. The Police Chief needs to have a collaborative relationship with employee unions and associations." (City of Phoenix national advertisement for the position of Police Chief – circa Sept. 2011). Notice it did not say, "it would be nice if... or, we would prefer...or, If you would like to have..." it says, "The police chief **NEEDS** to have a collaborative relationship with the employee unions and associations."



Some of the points the City also listed under "Desired Professional and Personal Attributes" were:

- * Proven ability to work **collaboratively** with employee unions (First bullet point).
- * Utilizes outstanding human relations and communication skills to engage and communicate effectively with all stakeholders- someone who is approachable with good listening skills.
- * Visionary who uses **consensus-building skills** to resolve complex problems and issues.
- * Be visible within police organization and foster atmosphere of **positive employee relations.**
- * Ensure that personnel actions are fair and consistent.

The City of Phoenix recognized the importance of having a Chief who is able to work with labor groups to effectively manage the department. I was placed on the selection committee for the new Police Chief. I can tell you that Chief Garcia had all the correct answers for the questions posed by the selection committee. In response to one of the questions Chief Garcia essentially stated: Labor relations is important, I can and have worked well with labor groups in Dallas, etc.

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What is interesting is that before and just after Mr. Garcia was selected as the new Phoenix Police Chief, I/PLEA had a great deal of very positive and frequent communication with him. However, soon after he received the job, communication between us became infrequent and very superficial. Since being appointed as the new Chief, there has not been one inclusionary discussion at the front end of any issue, only the after the fact report of his decisions. This does not equate to any of the aforementioned qualities expressed in the pre-hire selection literature and I can assure you, this is NOT what a collaborative relationship looks like.

Furthermore, since Chief Garcia's arrival we have all heard of "Policing with a Purpose" and the book *The Nobility of Policing*. I am also aware that soon after the Chief's arrival that he encouraged many supervisors to read the book, *Leadership Secrets of Attila the Hun*. It was not until I read the book for myself that the relationship with the Chief or lack thereof began to come into sharper focus and make sense to me.

Attila was a barbaric leader of the Huns, a group of roaming nomads in Europe that raped, robbed, and pillaged as a matter of surviving. What you need to know about this book is the context in which it is written. It is tailored for a corporate private sector style of management. This is a night and day difference when compared to not for profit governmental entities such as the City of Phoenix which is primarily funded by tax revenues and whose purpose is to provide services to the citizens. In addition, most cities have to operate within the confines of a meet and confer ordinance, a constraint not found in private sector organizations. In other words, it is a great book to read if you work for a fortune 500 company and your goal is to crush, annihilate, or take over any competitor who gets in your way. In fact one of the first to purchase and disseminate the book was famed Texas billionaire and business CEO H. Ross Perot.

Leadership Secrets of Attila the Hun talks about the enemy, the Roman Empire, and how to lead your troops in the battle to overthrow them. One of the chapters in the book is titled: "Aetius: Picking Your Enemies Wisely." What is of great concern to me is who would the "enemy" be from the police perspective? Is it the citizens we are here to protect? Is it the community blockwatch? Is it other police departments? Is it the employees? Or is it PLEA? Perhaps it is all of them. Right now, it looks like the answer is clearly the employees and PLEA. I ask these questions because if you look at the history of how the Chief has conducted himself thus far, he has taken a page right out of *Leadership Secrets of Attila the Hun* with regard to his dealings with us. Take a look at the following excerpts from the chapter titled "Picking Your Enemies Wisely":

- * "Do not waste stamina trying to negotiate with implacable, uncooperative, enemies-conquer them by more effective means."
- * "Do not let your enemy have the advantage in any situation."

* **"Do not neglect the opportunity to DECEIVE your enemy. Make him think of you as a friend. Let him think of you as weak. Let him act prematurely. And never tell him anything."**

This seems to be the exact blueprint the Chief has used in his dealings with PLEA. From what I have heard, other employees have experienced the same thing, particularly with regard to the last bullet point.

On Friday June 15th I along with PLEA Vice President Ken Crane met with Chief Garcia over breakfast and questioned him directly about the rumors swirling around the department over Class D uniforms going away. We recognized that this would be a significant issue with our officers and we had already fielded numerous calls of concern from the membership. We asked the chief if there was any truth to them. He responded by telling us that uniform issues were so low on the priority list (waving his hand about one foot from the floor while seated at the table) that we should not even worry about that. Two weeks later, while meeting with PLEA Board members Ken Crane and Jerry Gannon on unrelated issues the Chief explained that he had arrived at a decision on Class D's and that effective October 1st they could no longer be worn. This decision came without prior warning or discussion with PLEA. Sure looks and feels a lot like the last bullet point to me, "deceive your enemy, make them think of you as their friend, never tell them anything." This is **NOT** what a "collaborative" labor /management relationship looks like!

Just last month (August), I met the Chief for breakfast and one of the topics of discussion was uniforms. I asked about cargo pockets on Class C pants as well as allowing officers to carry the Taser and Radio on the Class C outer vest carrier. All indications from the Chief to me during this conversation were that this would not be a problem. Although there is an approved authorized version of Class C pants with cargo pocket, apparently the direction of management is that officers will not be allowed to carry Tasers and radios on the outer vest carrier despite what the Chief had previously stated to me.

There are all kinds of issues with the Chief's arbitrary decision to eliminate the Class D uniforms. Over 100 grievances filed by the officers as well as an Unfair Labor Practice (ULP) over the failure to negotiate on an issue in the MOU. This unilateral decision could possibly cost the City over a million dollars not to mention the adverse impact on morale it has caused. I do not believe in any way this style of management coincides with the bullet points of the "Desired professional and personal attributes" in the City's national advertisement for Police Chief, "...work collaboratively with employee unions", "visionary who uses consensus-building skills to resolve complex problems and issues", "...foster atmosphere of positive employee relations".

I don't know how on God's green earth the leadership methods prescribed in "Leadership Secrets of Attila the Hun" square with the points mentioned in the City's national recruitment publication, not to mention the principles expressed in *The Nobility of Policing*. How is being deceitful noble? This is **NOT** what a collaborative labor/management relationship looks like!

What should have happened in a true collaborative relationship would have involved the Chief calling PLEA and letting us know he is thinking of changing the uniforms and explaining his thoughts on it, we could have then had **real dialogue** on the front end reference the pros and cons and perhaps been able to resolve and address concerns in a manner mutually benefitting all involved.

We most likely could have come to some form of consensus that would have avoided the destructive effect on the morale of the officers that are out there doing the hard work on a day to day basis. This was the exact process used in the labor-management committee to bring about the Class D uniform in 1998! PLEA (the officers) had a desire for a more comfortable and functional uniform and the department had a desire to address those concerns as well as increase the wearing of ballistic body armor. As a result there were months of true dialogue. There was some great interpersonal interaction, communication and listening skills that occurred between PLEA and the Chief's office. This resulted in achieving resolution to a complex issue that both sides were able to agree with. This resolution came about through a true collaborative, consensus-building approach that fostered an atmosphere of positive employee relations. If that last sentence sounds familiar it's because those are the traits and characteristics from the City's national advertisement for police chief! That is what a true collaborative labor - management relationship looks like!

I must say, I am very concerned about our future. In looking at the direction the Chief is leading us, I see us going back instead of forward. For example, look no further than the current Lieutenant's assignment process the Chief wants to implement. He essentially wants to abolish seniority as a factor in work assignments allowing him to assign LT's where he alone feels they belong. This is nothing more than a veiled way of setting up a good ol' boys network where those who line up to kiss the emperors ring will get the plumb assignments.

Regardless of their seniority, career ambitions, or personal circumstances, the Chief will now have total control over the career paths of Lt's. If a Lt. dares to voice comment or opinion regarding anything said or done by the Chief, the thought lingering in the in the back of their mind now becomes; "will I be banned to shift three?" "Will I be given crappy days off?", "Will I lose my specialty assignment that I worked so hard to prepare myself for?" We had a good ol' boy system when I first came on. I can think of no better way to ensure that mid-level managers are kept in check and are afraid to voice concerns than to have the ability to jack with their work schedule. If you want to be surrounded by "yes men", this is how you set the system up. Ironically, *Leadership secrets of Attila the Hun* also covers this point, "A king with chieftains who always agree with him reaps the counsel of mediocrity."

I along with other PLEA Board members have had conversations with the Chief to let him know that we are committed to his success and want to see him succeed. Read the article published in the May 2012 Recap that speaks to this very issue.

If we don't have a committed partner who has a like desire and understands how a true labor - management relationship is supposed to work, all I can say is...Here we go again.



Farewell to a Friend

by Joe Clure
PLEA President



What originated as a trespassing call involving a career criminal who was residing in a transient camp behind the block wall of an East Phoenix home in February 2007 has evolved into a friendship and partnership which has accomplished many things for the City of Phoenix, the Phoenix Police Department, and PLEA over the course of the past five and a half years. Since that call, Ann Malone has gone to bat for the men and women of the Phoenix Police Department numerous times for numerous causes.

As the founder of Require the Prior, the Indian School Corridor Citywide Coalition, and author of a White Paper, Ann was instrumental in uniting businesses and citizens in response to the increase of street crime and graffiti. Ann emphasized the need for police, prosecutors, and judges to stop the recurring pattern of returning criminals back to the community by having them follow the Broken Windows Method of policing and prosecution that was successful in New York City. This requires that judges follow state law by aggravating the charge when possible by factoring in prior offenses.

During the complex process of trying to solve neighborhood problems with the City and the Police Department, Anne contacted PLEA and eventually became not only a partner, but a staunch supporter and ally of Phoenix Police Officers and helped form another community organization, Citizens for Phoenix.

During numerous budget hearings of 2010, where there was actually talk of laying off 300 officers in a department that was already down over 450 positions, Ann went to bat to find ways of saving money without sacrificing safety. That same year, Ann was also instrumental in working with the City Council and Police Department to implement the Centralized Booking concept, which had been discussed in one committee or another since 1998. From 2008-2010 Ann helped organize 3 annual block parties that raised thousands of dollars for PLEA Charities and Ann has also served on the Citizens Committees which reviewed the now infamous Berkshire Report and reviewed resumes of and interviewed Police Chief candidates.

It's interesting to note that Ann did all of this while being married, a full-time mother to seven children, and a grandmother. Ann displayed the same dedication to these causes as she did towards her family.

On September 18, 2012, PLEA held an Open House for Ann, who has "retired" as a community activist so she can get back to being a wife, mom, and grandmother. Guests included Mayor Stanton, Councilman Johnson, Councilman Valenzuela, Councilman Simplot, and former Councilman Calvin Goode, as well as numerous Phoenix Police Officers and members of the community.

PLEA has been honored to work with Ann and will always remain grateful for her assistance and sacrifices. We wish her the best as she rides off into the sunset to spend time with her family.

Membership Has Its Benefits

by Franklin R. Marino
PLEA Secretary

Representation of our members is the cornerstone of what PLEA does, whether it means having an experienced PLEA Rep to assist with a variety of problems such as labor relations, transfers, supervisor complaints, working conditions, grievances, allegations of misconduct, or assistance after being involved in a critical incident. While we have approximately 2200 dues-paying members, there are still many Unit 4 members who, for various reasons, do not belong to PLEA. Granted, while PLEA is obligated to provide representation to ALL Unit 4 employees when it comes to MOU issues, there are some distinct benefits of being a dues-paying member. Many members and their spouses/significant others or family members may not be aware of or have long forgotten the ever-evolving list of benefits you receive when you join PLEA.

Mention “benefits of membership” to most PLEA Members and the things that immediately come to mind are any of the following:

- Vacation Discounts to Disneyland/California Adventure, Knott’s Berry Farm, Universal Studios Hollywood, Magic Mountain/Hurricane Harbor, LEGOLAND California, Sea-Life Aquarium at LEGOLAND, SeaWorld San Diego, San Diego Zoo & Wild Animal Park. (In 2011 alone, PLEA members saved over \$50,000 purchasing tickets to these venues at the PLEA office)
- Local discounts to Castles ‘n Coasters, Sea Life Aquarium at Arizona Mills, Amazing Jakes in Mesa, and water parks.
- Movie tickets to AMC and Harkins Theaters at discount prices.
- Appreciation Events with 70% to 90% discounts on various Sporting Events, Spas & Salons, Family Fun, Golf, Fitness, and Discount Books – Bi-Annual availability.
- Car rental discounts through Avis, Alamo, Hertz, Enterprise and Thrifty.
- Discounted tickets on the Verde Canyon Railroad and the Grand Canyon Railway
- Discount cards for Danny’s Family Car Wash
- Discounted tickets to events held at the US Airways Center and Chase Field
- Discounted tickets to events held at the Celebrity Theatre, Mesa Arts Center, and certain Las Vegas venues
- Discounts from a variety of PLEA Partners including law enforcement training, automotive services, home services, and financial services.
- Discounted service on pagers (yes, some people still use them) and cell phones

Granted, you can find similar benefits for employees of other public sector employee associations/unions, traditional labor unions like the IBEW, UAW, Teamsters, Operating Engineers, etc. and employees of private sector corporations, like Honeywell. However, there are other benefits available only to dues-paying PLEA members which may be worth their weight in gold. The downside is that they pertain to topics we generally shy away from discussing, such as civil liability, criminal defense, injury, dismemberment, and death.

Many of us work off-duty jobs for a variety of reasons and as



police officers we all should have a concept of what constitutes probable cause. In the event you should end up being questioned about your abilities to articulate probable cause while making an arrest during the course of your off-duty job, we have access to a group False Arrest insurance policy.

In the event you are involved in a use of force incident or a critical incident like an officer involved shooting, you have access to a criminal defense attorney to consult with and guide you through the criminal portion of the investigation. These attorneys are provided free of charge through our Legal Defense Fund. While most police shootings are usually cut and dry, it never hurts to err on the side of caution and consult with an attorney before doing a walk-through of the scene and an interview with Homicide investigators. After all, you are still a United States Citizen with Constitutional rights. Over the years, it’s unfortunate that we’ve had officers who have been arrested or charged with alleged criminal acts which were committed while they were off duty. In these cases while they were not eligible for free representation, they did get a free initial consultation and a discount on any fees afterwards. We have also had situations where officers were acting under the color of their authority and their defense costs were picked up by the Legal Defense Fund.

Another situation officers have found themselves in is being served with an order of protection which also happens to many citizens. As Patrol officers who routinely serve them during the course of their duties, we’ve all been through the drill after a domestic violence call, even one where there has been no crime, such as an argument. The standard line is something like: “You need to go to court, get an order of protection and have him/her served so they can’t come back here, call, write, email, or text you, and they can’t show up at your job or be within X amount of feet of you in a public place. We also know that because of the increased emphasis placed on domestic violence within the past twenty years, anyone can go in front of a judge and tell one side of the story and the judge will grant the order, particularly with the clause that the individual can’t possess weapons. The flip side of the coin is that the defendant has appeal rights, but don’t think that just because

when you show up in court alone and tell the judge you're a police officer they will quash or modify the order. This is another benefit of having access to a criminal defense attorney at a discounted rate that can help save your career.

As police officers, we are eligible for Industrial Insurance coverage in the event we are injured in the line of duty. Unfortunately, many people I know who have been injured in the line of duty and have gone through the Industrial process would most likely rather have a root canal done without anesthetic, as things can be tricky if forms aren't filed properly or if there is any type of question as to if the injury may have resulted from a pre-existing condition. PLEA provides access to an attorney specializing in Industrial and Workers' Compensation claims to help navigate what can be a morass of paperwork and procedures. In the event of injury or accident, you may be eligible for discounted fees of 25 percent instead of 33 1/3 percent through the Napier Law Firm.

If you are killed in the line of duty, there are insurance benefits from the City as well as the Federal Government that will go to your family as well as any personal life insurance benefits you may have through the City. PLEA members' beneficiaries receive an additional \$50,000 for a line of duty death. In the event of a natural death, your beneficiaries receive \$10,000, while in the event of an accidental death, the benefit is \$30,000.

As police officers we often say, "Expect the unexpected." "Prepare for the worst, and expect the best." The bottom line is that we don't have the luxury of looking into a crystal ball to foresee the future and anything can happen to us at any time.

Having said all of this please be sure that you and your family are aware of your benefits. If you have any questions, contact the PLEA office.

BENEFITS TO MEMBERS

Aflac Rep, Debby Tornberg,
is available to meet
with members at a place and time
convenient to them.

She can be reached at 602.214.4686.

Nationwide Retirement Solutions Representative

Jared Williams will be at the PLEA Office on the
4th Thursday of every month from
9:00 AM until 3:00 PM

to assist members with their accounts. Jared can also be
reached at 602-266-2733, extension 1168.

Hester, Heitel & Associates Exclusive

offers all forms of insurance to
PLEA Members,

including Homeowners, Auto,
Motorcycle, Life, Health and Business.

Please call Mark or Pat at 602.230.7726

HAPPY HALLOWEEN

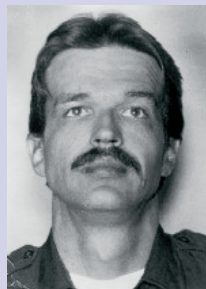


*Membership meetings are the last
Tuesday of each month at
7:30, 12:30, and 5:30.*

*Board meeting is held the
3rd Tuesday
each month and members can
attend at 8:30 am.*

Fallen Heroes

Phoenix Police Officers



Kevin Forsythe
September 7, 1984



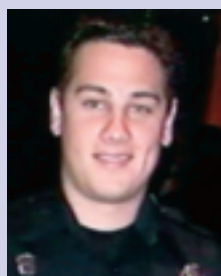
Len Kolodziej
September 4, 1991



Wayne Scott
September 10, 2002



Nick Erfle
September 18, 2007



Shane Figueroa
October 25, 2008



Phoenix Police K-9 Dax
October 20, 1994

LAW OFFICES OF MICHAEL NAPIER, P.C.

MICHAEL NAPIER has been representing Phoenix officers for over 36 years. Mr. Napier is one of the most experienced labor and personal injury attorneys in Arizona. Mr. Napier has represented hundreds of officers before administrative bodies throughout Arizona, and has assisted critically injured officers and the survivors of the officers in obtaining compensation for their injuries and losses.

ANTHONY COURY has focused his 9 years of practice primarily on personal injury and wrongful death lawsuits in which he has served as plaintiffs' counsel. He has experience in cases dealing with dram shop liability, negligence, governmental claims and products liability including service as counsel on the litigation team for Phoenix Police Officer Jason Schechterle.

KATHRYN BAILLIE was born and reared in Phoenix, Arizona, completing her undergraduate degree at Arizona State University. She served as a J.A. for the Third Circuit Court and then worked as a Public Defender in the Commonwealth of Kentucky before joining the Law Office of Michael Napier, P.C. She has worked with Michael Napier on personal injury and wrongful death cases, dram shop liability, negligence, administrative, disciplinary, and other employment matters.

JAMES P. ABDO was born in Omaha, Nebraska. He earned his undergraduate degree from the University of Rochester in 1984 and his Juris Doctorate from the College of Law at Arizona State University in 1991. Mr. Abdo served as an Assistant Attorney General for Arizona before entering private practice as a partner at two major Phoenix law firms, where his practice focused on commercial litigation of all types. He has extensive experience both representing government bodies appearing before numerous state, county and city agencies in numerous licensing, procurement and labor/employment matters. His practice also includes the formation, counseling and representation of business entities, the drafting of a wide variety of real estate and other contract documents in addition to litigating disputes arising out of contracts.

In addition to the full services provided to PLEA members to protect their careers, the Law Offices of Michael Napier P.C. provide the following:

- Personal injury recovery** (on or off duty); experienced representation at a reduced fee;
- Reduced fees** for matters not covered by the PLEA legal plan;
- Free probate** of officer's estate for line-of-duty death;
- Free consultations to members on any matter, and
- Referrals** to attorneys or specialists for matters not handled by the firm.

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(602) 248-9107 • www.napierlawfirm.com



August 19, 2012

Ken Crane
Phoenix Law Enforcement Association
1102 West Adams
Phoenix, AZ 85007

Dear PLEA,

On behalf of the Camp Colley Foundation and the families of our fallen officers and firefighters, thank you so much for your support of our 2nd Annual Camp for Children of Fallen Officers and Firefighters that was held during the week of June 25, 2012. We had enough funds from last year, plus matching funds this year, to provide this opportunity for the kids to come together and enjoy hiking, biking, archery, canoeing and so many more activities. Your generosity allows us to provide this camp with absolutely no cost to the families.

I have enclosed a few pictures from this year so you can see the wonderful experiences that the kids get to enjoy. One of the girls celebrated her 9th birthday at camp and her mom brought cupcakes for everyone! It really is a very special time for them. (All of the pictures are posted on the Camp Colley Foundation Facebook page.)

We look forward to providing our third annual camp next year! Again, thank you for all you do to support Camp Colley and this camp.

Please feel free to contact me at 602-359-8023 or kathleenkilfoyle@cox.net if you ever need any additional information.

Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Kilfoyle".

Kathleen Kilfoyle
Treasurer





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- FIRST:** ***If You Have A Grievance***
Attempt to resolve the matter informally with your supervisor.
- SECOND:** If you cannot resolve this with your supervisor, contact one of the representatives above.
- REMEMBER:** There are time limits to initiate a written grievance.
- RECORD:** ***If You Are Being Investigated***
All interviews once you have been given an NOI.
- COPY:** All memos or paperwork related to the investigation.
- TRUTHFULLY:** Answer all questions related to the investigation.

If you are called by Professional Standards Bureau or any police supervisor regarding an investigatory interview or interrogation, you may have PLEA representation during that interview. Call for representation as soon as possible. For your convenience, a PLEA board member and representative are available 24/7.

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