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BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CESAR HAZEL DIAZ** **Basic Certificate No. 194077** **Intermediate Certificate No. 149616** Respondent.	Case No. 23-11496 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Manuel Alvarez, Jr. (Complainant) is the Executive Director of the California Commission on Peace Officer Standards and Training (Commission). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by David E. Brice, Supervising Deputy Attorney General.

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2. Cesar Hazel Diaz (Respondent) has chosen not to exercise his right to be represented by counsel and is representing himself in this matter.

3. On or about March 6, 2019, the Commission issued Basic Certificate Number 194077 to Respondent.

4. On February 28, 2022, the Commission issued Intermediate Certificate Number 149616 to Respondent.

JURISDICTION

5. Accusation No. 23-11496 was filed before the Commission, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 15, 2024. Respondent timely filed his Notice of Defense contesting the Accusation.

6. A copy of Accusation No. 23-11496 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

7. Respondent has carefully read and understands the charges and allegations in Accusation No. 23-11496. Respondent has also carefully read and understands the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; the right to be represented by counsel; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

10. Respondent admits the truth of each and every charge and allegation in Accusation No. 23-11496.

11. Respondent agrees that his Basic Certificate and Intermediate Certificate are subject to discipline and he agrees to be bound by the Commission's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Commission. Respondent understands and agrees that counsel for Complainant and the staff of the Commission may communicate directly with the Commission regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Commission considers and acts upon it. If the Commission fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Commission shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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15. In consideration of the foregoing admissions and stipulations, the parties agree that the Commission may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Basic Certificate No. 194077 and Intermediate Certificate No. 149616 issued to Respondent Cesar Hazel Diaz are revoked. However, the revocations are stayed and Respondent is placed on probation for five (5) years on the following conditions.

IT IS FURTHER ORDERED that any new certification(s) issued while Respondent remains on probation shall also be placed on probation subject to the same terms and conditions applicable to Respondent's existing certification.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all alleged violations of law and any arrests shall be reported by Respondent to the Commission in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, notwithstanding any provision of law, Respondent agrees that the Commission can receive notification of an arrest and/or conviction from any federal, state, and/or local agency.

2. **Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

3. **Serious Misconduct:** Respondent shall not engage in any acts of serious misconduct, as defined under Penal Code section 13510.8, subdivision (b), including but not limited to, any acts that involve substance abuse related incidents. Any acts of serious misconduct shall be deemed a violation of these probation conditions, and may result in the filing

of an accusation and/or petition to revoke probation.

4. **Comply with Probation.** Respondent shall fully comply with the conditions of probation and cooperate with representatives of the Commission in its monitoring and investigation of the Respondent's compliance with probation.

Respondent will at all times comply with California Code of Regulations, title 11, section 1215, and maintain a physical address of record with the Commission for three (3) years after separation of service from peace officer employment in California. In addition, Respondent will ensure that the Commission has his current home address and preferred method of contact (i.e., phone number, email address) during the period of probation. This information will be maintained confidentially in accordance with the Information Practices Act, Civil Code section 1798 et seq. and California Penal Code section 832.7.

Upon successful completion of probation, Respondent's certification shall be fully restored.

5. **Proof of Completion.** Respondent shall provide the Commission with proof of completion and/or participation in all alcohol abuse treatment and counseling programs taken to date, as well as the results of any alcohol testing he has taken to date.

6. **Notice to Employers.** Respondent shall provide any current, future or potential law enforcement employer with the terms and conditions of this stipulation. Respondent understands and agrees that this stipulation, once adopted, will be a public document and will be subject to public release. Respondent further understands and agrees that the Commission shall have the right to provide any and all records showing compliance or lack of compliance with the terms of this stipulation to any current, past, future or potential law enforcement employer of Respondent, upon the employer's request.

7. **Violation of Probation.** If Respondent violates the conditions of his probation, the Commission, after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of Respondent's certification.

Following any violation of these probation terms, the Commission may, in its discretion, notify Respondent in writing that the Commission intends to lift the stay and revoke Respondent's certification after 35 days from the date of mailing of the notification letter. If

Respondent disputes the Commission's determination that a violation of probation has occurred, Respondent shall have 35 calendar days from the date of mailing of the notification letter to file with the Commission a dispute to the action being taken on Respondent's certification, in which the Respondent shall fully explain the factual and legal basis of his dispute to the asserted probation violation, and supply at that time any evidence supporting the dispute as to the probation violation. The Commission shall consider Respondent's argument and evidence before taking action on the Respondent's certification. If Respondent fails to respond, this action shall be placed, in accordance with the Bagley-Keene Act, on the consent calendar at the next regularly scheduled meeting of the Commission. Upon approval of the consent calendar by the Commission, the revocation order shall become final, and the file will be closed.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's certification or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's certification, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Commission.

8. **Certification Surrender.** During Respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his certification to the Commission under Penal Code section 13510.8, subdivision (f). Upon formal acceptance of the surrendered certification, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's certification shall be considered a disciplinary action and shall become a part of Respondent's certification history with the Commission.

9. **Abstain from Alcohol and Submit to Tests and Samples.** Respondent shall abstain from the use of alcohol and, at his expense, shall participate in a random, biological fluid testing program which the Commission approves. The length of time and frequency will be up to 15 times per year on a random basis. Respondent is responsible for keeping the Commission informed of Respondent's current telephone number at all times and in the event Respondent's telephone number changes, Respondent shall update the Commission within 48 hours.

Respondent shall also ensure that messages may be left at the telephone number when he is not available and ensure that reports are submitted directly by the testing agency to the Commission, as directed. Any confirmed positive finding shall be reported immediately to the Commission by the program, Respondent shall be considered in violation of probation, and the Commission may, in its discretion, order additional testing or screening, over and above the time and frequency listed above.

If Respondent has a confirmed positive finding for alcohol and the Commission files a petition to revoke probation or an accusation, the Commission may suspend Respondent's Certification pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

This term shall not apply until Respondent secures appointment to a new peace officer position in California. Regardless of the effective date of this agreement, this term shall be tolled until Respondent is appointed to a peace officer position in California, after which this term shall be operative for five years, during which time Respondent will remain on probation.

10. **Tolling of Probation.** Periods of residency outside of California shall not apply toward a reduction of the period of probation. Respondent's probation is tolled if and when he resides outside of California and the period of probation shall be automatically extended for the same period he resides outside of California. Any period of tolling will not apply to the reduction of the probationary term and will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Criminal Court Orders; Comply With Probation; Violation of Probation; and Certification Surrender.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Basic Certificate and Intermediate Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Commission on Peace Officer Standards and Training.

DATED: 08.25.2024

CESAR HAZEL DIAZ
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Commission on Peace Officer Standards and Training.

DATED: 9/4/2024

Respectfully submitted,

ROB BONTA
Attorney General of California
CARL W. SONNE
Senior Assistant Attorney General

DAVID E. BRICE
Supervising Deputy Attorney General
Attorneys for Complainant

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