



ProSec Owner Says Politics Behind Contract Loss

By Barron Jones  
SUN Staff Writer

A former Rio Arriba County Commissioner and Española School Board member claims his company lost a multi-year security contract because he would not give in to the Board president’s demand for campaign contributions.

ProSec Security owner Elias Coriz filed a First Amendment violation lawsuit, Jan. 25, in First Judicial District Court against the Española School Board, Superintendent Eric Martinez, in his official capacity, and Board President Pablo Lujan, individually.

Coriz, through his Albuquerque attorney Rachel Higgins, claims Martinez terminated his contract after he refused to give in to Lujan’s demand to financially support former state House District 40 candidate Barney Trujillo’s, and former Española Valley High School basketball coach and city council candidate Richard Martinez’s, bids for office.

“ProSec’s contract was terminated in retaliation for Plaintiff’s refusal to support the political candidates of defendant’s Lujan’s choice,” Higgins wrote in the seven-page complaint. “ProSec’s contract was terminated in retaliation for plaintiff’s refusal to provide financial support to the campaigns of political candidates that he did not favor, and for whom he did not intend to vote.”

Higgins filed the suit two days before a shooting along Riverside Drive prompted District offi-

cials to cancel a basketball game and take extra security precautions.

The additional precautions, included pulling two of the three guards from the middle school and stationing them at the high school, as well as having a sheriff’s deputy at Española Valley High School basketball practices.

Many members of the community, including former Española superintendent Patricia Archuleta, have questioned whether the measures the District has in place are adequate to ensure student safety.

According to Higgins, Lujan “admonished” and “threatened” Coriz for supporting Española City Councilor Peggy Martinez during her successful campaign against challenger and embattled basketball coach Richard Martinez.

A couple months later, Lujan reportedly approached Coriz, not to rebuke him, but to solicit campaign contributions in support of Trujillo’s race against longtime state Rep. Nick Salazar, D-Colfax, Mora, Rio Arriba and San Miguel counties.

“Plaintiff refused to contribute, and reiterated his support for incumbent state Representative Nick Salazar,” Higgins wrote.

Refusing to accept no for answer, Trujillo supporter and District Transportation Director Sennie Quintana reportedly approached Coriz a second time, attempting to secure a monetary contribution, by ensuring the former contractor that “no one



(SUN File foto)  
ProSec Security Services owner and president Elias Coriz (right) speaks with Rio Arriba County Sheriff James Lujan during a lockdown, Oct. 8, 2015, at Española Valley High School. The Española School Board did not renew ProSec’s service contract.

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City Facing Lawsuit After ODing Man Arrested

By Wheeler Cowperthwaite  
SUN Staff Writer

An Española man is suing an Española Police officer for false arrest and imprisonment, after he was arrested following a heroin overdose in 2015.

Officer Albert Rael arrested Michael Salazar on May 8, 2015, after someone called 911 to report he was overdosing, according to court documents and incident reports.

Salazar’s Albuquerque-based attorney Paul Kennedy, filed the lawsuit on Jan. 25 in Tierra Amarilla District Court, seeking damages for the false arrest and imprisonment.

Salazar spent 18 days in jail before being released on charges that legally could not have been brought in the first place, Kennedy wrote.

He wrote in the lawsuit, that he is seeking compensatory monetary damages for Salazar’s pain, suffering, mental anguish, inconvenience and the loss of his time.

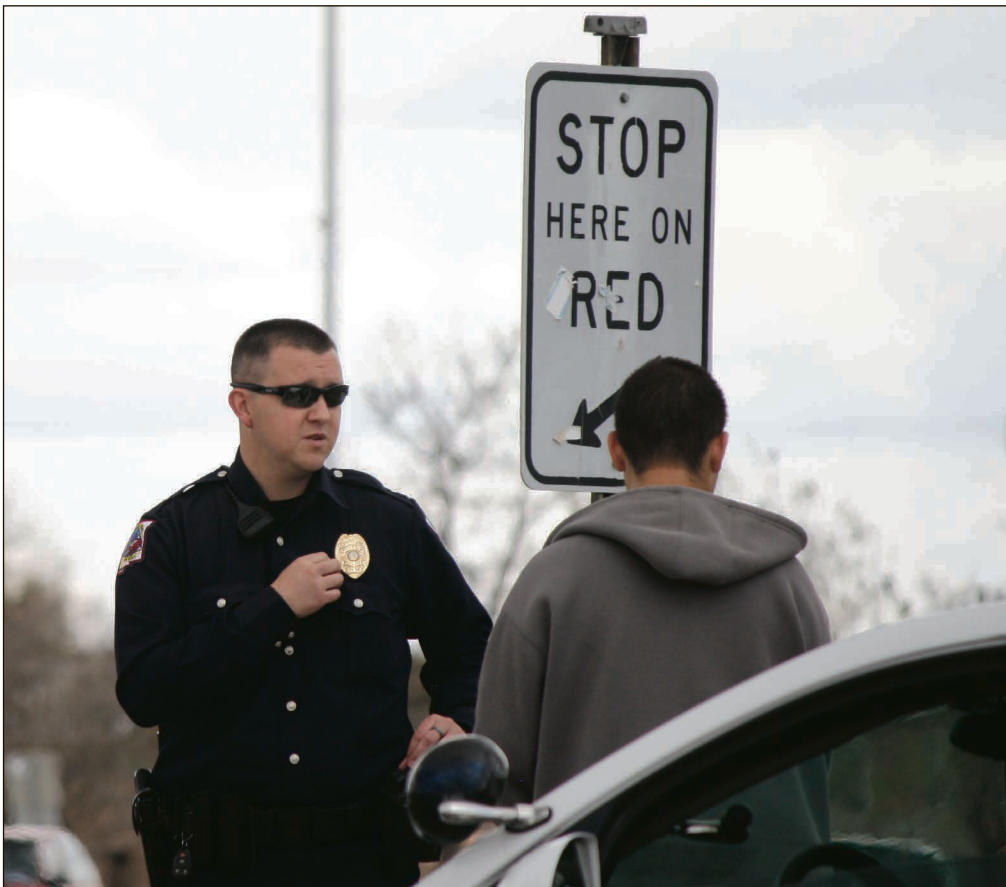
“WHEREFORE, Plaintiff asks that judgment be entered in his favor and against Defendant Rael for the aforementioned compensatory damages plus costs,” Kennedy wrote.

Kennedy said in a Monday interview, that he did not have a specific sum in mind.

In a May 2015 interview, civil rights attorney Matthew Coyte said false arrest torts in New Mexico have their total awards capped at \$400,000, including the cost of attorney’s fees.

Kennedy said the city of Española is not named in the lawsuit because just naming Rael is tantamount to suing the city.

“The city doesn’t have to be named, so



(SUN Filefoto)  
Española Police Officer Albert Rael talks to a juvenile, April 24, 2015, on Paseo de Oñate. Rael is being sued for arresting a man following an overdose, contrary to the state’s Overdose Protection Act.

it doesn’t matter much,” he said.

Deputy Police Chief Matthew Vigil said he was not aware of the lawsuit.

Kennedy said he has not found any lawsuits that have been brought for an officer violating the Overdose Prevention Act, passed in 2006.

“It’s alleging false arrest and false im-

prisonment based on the fact that, (Salazar) should have been immune from arrest and prosecution and he spent 17 or 18 days inside (jail) that he shouldn’t have had to spend,” Kennedy said. “It’s pretty simple.”

The lawsuit is so simple that the entire complaint is only two-and-a-half pages,

totaling 12 paragraphs.

Kennedy said he took the civil rights case because it was the right thing to do.

“I took it for the same reason I decide to take any case,” Kennedy said. “I’m looking for justice.”

Salazar said, in a Jan. 31 interview, that he hopes the lawsuit, and however it turns out, helps get the word out that people can’t be arrested for possession of a controlled substance if police are called to help with an overdose.

“It was just hard on me, being in there,” Salazar said. “It’s something nobody wants to go through. I’m back on track and working.”

The arrest

Following the overdose, and while still at the house, Salazar regained consciousness and Rael asked him if he had any drugs on him.

“The Plaintiff responded in the affirmative, and handed the officer a syringe loaded with heroin,” Kennedy wrote.

As Salazar was being loaded into the ambulance to take him to the Española Hospital, Rael told the man he was going to arrest him.

Once Salazar was released from the hospital, Rael arrested him for possession of a controlled substance.

“Clearly, Officer Rael gained the evidence for the charge of possession of a controlled substance as a result of Plaintiff’s overdose and his subsequent need for medical attention,” Kennedy wrote.

“As Officer Rael well knew, or reasonably should have known, Plaintiff was

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Former Inmate Sues for Lack of Medical Care

By Wheeler Cowperthwaite  
SUN Staff Writer

The Tierra Amarilla Detention Center is being sued for the second time in 2017, in a lawsuit alleging guards denied medical care to a woman, leaving her with permanent damage.

Santa Fe Lawyer Scott Voorhees filed the lawsuit, Jan. 17, in Tierra Amarilla District Court, naming the County, Sheriff James Lujan, Detention Center Administrator Larry DeYapp and the Detention Center.

Kathleen Ortiz, 35, is suing for medical expenses, pain and suffering, loss of household services, loss of enjoyment of life, interest on those amounts and attorney’s fees.

Ortiz was booked into the Detention Center on Jan. 23, 2015, following an alleged drunk driving crash. She was first medically cleared at the Española Hospital.

Ortiz was taken to the Hospital following a head-on crash on Fairview Lane, in which an Española police officer found her to be at fault. She was charged with DWI fourth offense.

At the Detention Center, the conditions were filthy, the food was cold and of poor quality, Voorhees claims.

Shortly after arriving at the Center, her right knee began to hurt and she asked the guards for medical attention.

“Her request for medical attention was ignored,” Voorhees wrote.

Ortiz’s knee pain became worse and she continued to ask for medical care and her requests were denied by jail guards.

“The Detention Center guards repeatedly accused Ms. Ortiz of faking an injury,” Voorhees wrote. “At one point, a female guard searched her and exposed her in front of male guards.”

After the second or third day in the Center, Ortiz could no longer

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Computer Error Causes False Arrest

By Wheeler Cowperthwaite  
SUN Staff Writer

A Velarde man is suing the state Taxation and Revenue Department’s Motor Vehicle Division, as well as State Police, for his false arrest caused by a computer error.

Michael Robert Salazar’s Santa Fe attorney, Elden Pennington, filed suit against the two state agencies, Jan. 12, in Tierra Amarilla District Court.

“These claims arise from the conscious violation of the Plaintiff’s rights and the failure of the Defendants to adequately train, supervise and oversee personnel at the Motor Vehicle Division of the NM Taxation and Revenue Department, and the failure of the

New Mexico State Police to follow proper procedures and guidelines related to interactions between the Defendant and Michael Robert Salazar,” Pennington wrote in the complaint.

He alleged that Salazar, 32, was arrested on March 9, 2016, following a traffic stop in Santa Fe County, by State Police Officer Justin Romero.

“Officer Romero ran Mr. Salazar’s information through the Motor Vehicle Department, and it returned that Mr. Salazar was driving on a revoked or invalid driver’s license,” Pennington wrote.

Salazar told Romero that his license was neither revoked nor invalid and there had been some

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Woman’s Bank Account Cleaned Out

By Wheeler Cowperthwaite  
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An Española woman could be awarded up to \$1.29 million after a jury found, Dec. 2, that the Zia Credit Union violated the state’s Unfair Practices Act.

After the five-day trial in Santa Fe, the jury decided that the Credit Union unfairly took \$110,000 from Stella Vigil’s account in 2012 to pay down her daughter, Cassandra Trujillo’s, debt to the institution. The trial started on Nov. 28.

The jury decided against the credit union on all nine counts Santa Fe attorneys Ben Allison and Justin Miller brought when they filed the lawsuit Jan. 17, 2013.

At issue was Trujillo’s name as a joint account holder with Vigil, 65. Trujillo took out a \$145,000 loan with the Credit

Union, while she was an employee there in 2008, to cover other debts. She used her land and single-wide trailer as collateral.

When the collateral wasn’t enough to pay down the debt, Trujillo filed for bankruptcy. The Credit Union froze Vigil’s account and then later took the \$110,000 she had in two certificates of deposit, which was her inheritance from her deceased husband.

Trujillo never deposited any money into the account, making the money the sole property of Vigil.

Allison said the Credit Union used an appraiser who inflated his estimates to support loans larger than what the collateral was worth. In Trujillo’s case, the appraiser, later censured for his behavior, estimated her trailer and land to be worth three times

its actual value. That meant when the Credit Union took possession of the land and trailer, following Vigil’s bankruptcy, it still had a significant amount of uncleared debt.

“They knew they were making inflated appraisals,” Miller said. “The problem was, they made the bad loan to begin with. Sometimes loans go bad and mistakes are made (but) they tried to cover by taking Stella’s money, even though she had nothing to do with the loan.”

Allison said, based on testimony given during the trial, up to 40-percent of the Credit Union’s loans were appraised too high, meaning up to a third of their loan portfolio is larger than it should be.

“They’re making a lot of money (that they) maybe

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