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Two San Luis Obispo police officers are fired by city

Action comes after investigation into pharmaceuticals they brought over Mexican border

By AnnMarie Cornejo

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The two San Luis Obispo police officers who pleaded guilty to a federal misdemeanor charge of transporting misbranded prescription pharmaceuticals across the Mexican border have been terminated from their jobs.

The city completed an internal investigation into Officers Armando Limon and Dan McDow and issued their last paychecks Monday.

The two officers, who claim the whole thing was a mistake, have been on paid leave since September and have earned a combined \$305,228 in salary and compensation. Limon was paid \$154,697, and McDow was paid \$150,530.

Attorney Alison Berry Wilkinson, who represented the officers during the city's internal investigation, said both men plan to appeal the decision and seek re-employment with the city.

The officers have offered to reimburse the city for the compensation paid to them while on leave by volunteering with the city or taking the equivalent of an unpaid leave, Wilkinson said.

"In essence, to try and recoup the damage done by the negative publicity to the police department," Wilkinson said.

City Attorney Christine Dietrick declined to release the details of the city's two-month administrative investigation, calling it a personnel matter and saying that it is protected under the Public Safety Officers Procedural Bill of Rights Act and California Penal Code sections 832.7 and 832.8, which maintain that personnel records of police officers are confidential.

"We have absolutely no reason to believe that there is any larger problem within the department," Dietrick said.

Police Chief Deborah Linden declined to comment, referring all questions to Dietrick.

Limon and McDow brought the misbranded prescription pharmaceuticals across the border at the San Ysidro port of entry near San Diego. They were detained Sept. 15 by U.S. Immigration and Customs Enforcement on suspicion of transporting illegal contraband into the United States at the border crossing.

The two officers were found in possession of more than 850 pharmaceutical capsules when stopped by ICE officials, according to Lauren Mack, spokeswoman for the agency in San Diego.

Wilkinson, legal counsel for the San Luis Obispo Police Officers Association, said both Limon and McDow had been told by a pharmacist in Mexico that they did not need a prescription for the pharmaceuticals that they purchased.

"They thought they were of supplement quality," Wilkinson said. "They trusted what the pharmacist said and the labeling that requires imprints on pharmaceuticals and medications."

The seized drugs, used to stimulate the central nervous system, are intended to be used for treatment of attention-deficit hyperactivity disorder and obesity management.

"The pills should have been imprinted because it was a controlled substance," Wilkinson said. "They thought and believed they didn't need a prescription ... and that was the mistake."

Wilkinson said the officers thought they were buying diet pills.

In late April, Limon pleaded guilty to possession of several pharmaceuticals, including methylphenidate, sibutramine and diethylpropion. McDow pleaded guilty to possessing methylphenidate and diethylpropion.

Neither of the men, who began working for the city in 2002, had prescriptions for the medications, according to the plea agreement. Both men were released from custody on their own recognizance without serving jail time.

"This was a simple error, and there was not ill or evil intent," Wilkinson said. "They are not people who went into Mexico to buy drugs to distribute. They have accepted responsibility for their error and are willing to make it up to the city and the community."

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