

**Minutes of Public Meeting of the
Constable Ethics, Standards and Training Board
October 19, 2016**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on October 19, 2016 at 10:19 a.m. at the offices of Capitol Consulting 818 North First Street Phoenix, AZ 85004. Present at the meeting were the following members of the CESTB - Constable Mike Cobb, and Constable David Lester. Present via teleconference were the following members of the CESTB - Constable Brandon Schmoll, Sheriff Adam Shepherd, Judge Barbara Brown. The following staff was present – Tracy Unmacht. There were no members of the public in attendance. Absent were the following members of the CESTB – Constable Scott Tipton, Stuart Goodman, Dan Field and Christine Shipley.

A quorum was reached and the following matters were discussed and decided at the meeting:

Minutes of Previous Meetings: A correction was noted: The motion to approve the minutes from the August 17, 2016 board meeting should have read: “Sheriff Shepherd made a motion to approve the minutes from the September 21, 2016 CESTB meeting. Christine Shipley seconded the motion. The motion carried unanimously without discussion.”

Sheriff Shepherd made a motion to approve the minutes as corrected from the September 21, 2016 CESTB meeting. Constable Schmoll seconded the motion. The motion carried unanimously without discussion.

Financial Report: Staff reported we received the September report from the Department of Administration Central Services Bureau (CSB). Two of the three outstanding claims from July that were not reported have been paid. The 3rd required additional documentation which was submitted on October 5, 2016. We should expect to see that claim reflected in the report next month. Constable Lester made a motion to approve the September financial report and Constable Schmoll seconded. The motion carried without discussion.

Call to the Public: No public comments were made.

Constable Complaints:

The rural subcommittee met prior to this board meeting to discuss the following complaints:

CNA188-2017 – Acton Constable Cobb introduced the case and reported the subcommittee findings. They voted 2-1 to recommend the CESTB dismiss this case since the Pinal County Presiding Superior Court Judge has already implemented disciplinary action against Constable Acton for the infractions. Constable Schmoll made a motion to accept the recommendation of the subcommittee to dismiss the case and Judge Brown seconded. Discussion: Constable Cobb disagreed and felt the CESTB should issue sanctions since Constable Acton continues to show a pattern of behavior of not completing paperwork properly. Motion passed 3-2.

CNA189-2017 – Acton Constable Cobb introduced the case and reported the subcommittee findings. They voted 2-1 to recommend the CESTB issue a reprimand to Constable Acton for failing to serve in a timely fashion. Constable Schmoll made a motion to accept the recommendation of the subcommittee and Constable Lester seconded. Discussion: Constable Cobb disagreed and pointed out a long-running pattern of behavior and failure to follow correct procedures. He pointed out Constable Acton has had lots of time and offers of assistance and training to rectify the situation and hasn't. He went on the record stating his belief Constable Acton should be asked to retire.

Motion passed 3-2.

CNA190-2017 - Bernal - Constable Cobb introduced the case and reported the subcommittee findings. When serving an eviction notice, Constable Bernal made the decision to allow the tenants an extra day to vacate due to the health of one of the children in the home. Subcommittee members agreed this action was not out of line as Constables do have authority to make such judgments. However, when the constable completed the service document, he stated the "Defendant Not Home", which was not accurate. The subcommittee voted unanimously to recommend the CESTB issue a letter of warning to Constable Bernal for not properly recording the document. Constable Schmoll made a motion to accept the recommendation of the subcommittee and Constable Lester seconded. Motion passed unanimously.

Constable Logs: Two versions of the logs (electronic and one for printing) were submitted the AG's office as well as AZPOST. Both entities approved the logs. If the logs are accepted by the CESTB board, he suggests distributing the logs to constables to begin using now, with the goal of requiring their use beginning in January. Constable Schmoll made a motion to approve both versions of the logs with optional compliance occurring immediately and required compliance occurring January 1, 2017. Constable Lester seconded the motion. Motion passed unanimously.

New Constable Rules: Staff created a working document with the proposed changes provided by our representative at the Attorney General's office. Staff would like to submit a complete list of questions/comments/changes to the AG rep when he returns to work at the end of the month. Staff will send a notice to all CESTB board members, asking them to submit all of their comments by October 28th, which will be forwarded to the AG.

We also need to file various forms with the Secretary of State office, including a projected timeline for receiving public input as well as public hearing. Staff does not yet know what, if any requirements exist for public comment periods. Constable Lester made a motion to set up November 2016 meeting for final draft approval, opening public comment period following that, with public hearing scheduled for the December 2016 meeting. Constable Schmoll seconded. Discussion: the timeline is draft pending the outcome of staff guidance from the AG on the correct procedures. Motion carried unanimously.

Constable Equipment Grants – CESTB received a request to add an additional equipment grant cycle since there were only 3 applications submitted during the previous cycle. Following approvals of those applications, \$42,444 remained in the budget for that cycle. Staff reported we must allow a 6 week notice for applications, which would make November 30th the earliest possible application deadline if the board approved this action today. This would then require the applications to be reviewed at the December 21st board meeting, or an additional special meeting scheduled sometime during the first part of December to review and vote on applications. Constable Schmoll made a motion to implement an additional grant cycle for funding of up to \$40,000 in constable equipment, with an application due date of November 30th. The date to review and approve will be determined at a later time. Constable Lester seconded the motion and it pass unanimously.

Administration Report: Staff was directed to check with the AG to see if the CESTB has the ability to change the grant application to accept grants submitted after the deadline. Staff will continue to work with the AG rep on the rules process. Staff is conducting an audit of constable training records and has identified a number of constables who have not met the required hours. Staff will first verify if the individuals on the deficient list are still constables. The list will then be made available to the board prior to the November 16th meeting.

Adjournment: Constable Lester made a motion to adjourn the meeting and Constable Schmoll seconded the motion. The motion carried unanimously. Meeting was adjourned at 11:13 a.m.

Dated this 16th day of November, 2016
Constable Ethics, Standards and Training Board

By

A handwritten signature in black ink that reads "Mike Cobb". The signature is written in a cursive style with a large, prominent "M" and "C".

Chairman Mike Cobb