

Scott Blake,
Constable
Maricopa County

Valerie Beckett
County Administrator
Maricopa County

Melissa Buckley
Public Member

Michael Hoggard
Constable
Mohave County



STATE OF ARIZONA

CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

PO Box 13116 Phoenix, AZ 85002
cestb.az.gov

cestb@azcapitolconsulting.com
602-343-6280
FAX 602-712-1252

Dennis Dowling,
Chair
Justice Court
Yavapai County

Matt Giordano, Vice
Chair
AZPOST

Christine Shipley,
Secretary
Multihousing
Association

Minutes of Public Meeting – January 20, 2022

A public teleconference meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on January 20, 2022 at 9:07 a.m. CESTB Board members present via teleconference were Chairman Constable Scott Blake, Matt Giordano, Valerie Beckett and Christine Shipley. Constable Michael Hoggard joined the meeting in progress. Members absent included Melissa Buckley and Vice Chair Judge Dennis Dowling. The following staff was present – Tracy Unmacht. Also present from the public was Patrice Goodman, Constable George Camacho, Constable Mike Cobb, Constable Nathan Wallace, Constable Bennet Bernal, Charity Isles, Mark Napier, Nathaniel Wright.

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

Minutes of Previous Meetings:

Corrections: None

Matt Giordano made a motion to approve the minutes as presented from the December 9, 2021 CESTB meeting, and Christine Shipley seconded. The motion passed unanimously 4-0.

Financial Report: Staff reviewed the December financial report. Revenues are up over budget expectations. Adjustments were made to revenue in December to correct 80/20 splits. Christine Shipley made a motion to accept the financial report and Matt Giordano seconded. The motion passed unanimously 4-0.

Constable Mike Hoggard joined the meeting.

Call to the Public: Past board member Constable Mike Cobb thanked the board for their service and stated his appreciation for all the years he served on the board.

Board Elections: The positions of Chair, Vice Chair and Secretary are elected each year in January to serve a term of 1 year. Staff reviewed the elections process. Nominations were taken from the floor.

Constable Scott Blake nominated Judge Dennis Dowling to serve as Chairman. There were no additional nominations and Chairman Blake announced nominations were closed. Judge Dennis Dowling was elected to the position of Chairman by acclamation.

Since Judge Dowling was absent, Constable Blake continued to serve as Chairman for the duration of the meeting.

Constable Blake nominated Matt Giordano to serve as Vice Chairman. There were no additional nominations and Constable Blake announced nominations were closed. Matt Giordano was elected to the position of Vice Chairman by acclamation.

Constable Blake nominated Christine Shipley to serve as Secretary. There were no additional nominations and Constable Blake announced nominations were closed. Christine Shipley was elected to the position of Secretary by acclamation.

Constable Complaints:

CNA280-2022 Bernal – At the December 9, 2021 board meeting, the board voted to postpone the hearing of this complaint since Constable Bernal’s response was not received prior to the meeting. It was noted Constable Bernal’s assistant was charged with sending the response to the CESTB and accepted full responsibility for not doing so. The response was received on December 9, 2021 and board members were provided with the response in preparation for today’s hearing. On January 16, 2022 Constable Bernal sent an additional response. Since this was well past the deadline to respond, Christine Shipley made a motion to not allow the second response. Constable Hoggard seconded. The motion passed 4-1 with Matt Giordano dissenting.

Constable Blake reviewed the complaint which claimed Constable Bernal aided a tenant prior to eviction by providing legal advice on how to fight the eviction. The complainant claims Constable Bernal habitually does not evict on the proper date, however the eviction cited in the complaint was indeed served on a timely basis. Board members determined the referral provided by Constable Bernal to the tenant was not considered legal advice.

Christine Shipley made a motion to dismiss the complaint and Matt Giordano seconded. The motion passed 4-1 with Constable Blake dissenting.

Initial Screening of new Constable Complaints:

Complaint received 12-16-21 Napier v Camacho – Chairman Blake reviewed the complaint in which Constable Camacho is accused of making death threats to a former constable during an encounter at a bar. The police department was summoned but no arrests were made or citations issued. It was noted the constable was not on duty or in uniform at the time of the incident, however if the allegations are true, the actions violate the Code of Conduct for Constables. Matt Giordano made a motion to move forward with the complaint process and Christine Shipley seconded. The motion passed unanimously with a roll call vote 5-0. A request for response will be sent to Constable Camacho and a hearing scheduled following the 45 day response period.

Complaint received 01-07-22 Lowry v Standsberry – Chairman Blake reviewed the complaint which centers around a rent dispute at a property Constable Standsberry manages. The complainant claims the constable acted unprofessionally and threatened eviction. Matt Giordano inquired about statutes surrounding outside employment by constables. Staff clarified the only restriction per statutes is a sitting constable cannot act as a private process server.

Matt Giordano made a motion to dismiss the complaint since it involved a situation outside the constable’s duties. Constable Hoggard seconded. The motion passed unanimously with a roll call vote 5-0.

Complaint received 01-11-2022 Isles v Wallace – Chairman Blake reviewed the complaint in which the complainant alleges Constable Wallace exhibited threatening behavior while serving a writ which the complainant claims was not legal. She stated that the constable was not willing to review the documentation which showed the eviction should not take place.

Board members asked the complainant for clarification of the date of eviction and the date the stay was granted. She responded the appeal was filed on January 6th and the hearing took place on January 10th and the stay was filed on January 11th. The writ was issued on January 7th. She claims that the justice court and the constable were aware of the appeal on January 6th but the writ was issued and served anyway. She also claims that once the appeal was filed the case was no longer in the jurisdiction of the justice court and she tried to explain that to the constable, who refused to accept her explanation. Constable Blake asked if she had a supersedeas bond and she stated that the eviction was overturned effective January 6, 2022 because she overpaid. She also stressed that regardless of the legality of the eviction, the Constable did not act professionally during the encounter, and she has ring video showing it. Chairman Blake stated documentation and ring video evidence was not submitted with the complaint.

Matt Giordano made a motion to move forward with the complaint process and requested the complainant provide additional evidence within 1 week. Christine Shipley seconded. The motion passed unanimously with a roll call vote 5-0. Request for response from the constable will be sent once the complainant has submitted additional evidence, and a hearing will be scheduled following the 45 day response period.

Presentation, Discussion & Possible Action on Recognition Plaque for outgoing Board Member Cobb – Constable Blake

Matt Giordano made a motion to move forward with obtaining a recognition plaque for Constable Mike Cobb at a cost not to exceed \$75 and Mike Hoggard seconded. The motion passed unanimously vote 5-0.

Administrative Update:

Staff reported just 2 constables have not yet submitted proof of training to meet statutory requirements for 2021. Deadline to complete training was December 31, and constables have 30 days to submit records. Constable Vasquez did not submit any training records, and Constable Sloan needs 1 additional hour.

Application deadline for the next equipment and outside training cycles is January 31st. Board will review applications for possible funding at the February board meeting.

Staff updated the board on Yavapai County's lack of submitting any writ fees this fiscal year. In 2020 the county had determined one of the justice courts had improperly reported fees to the treasurer, resulting in an overpayment of writ fees to the CESTB. The fund has now reached a positive balance and the first payment was made in December 2021. Staff will verify receipt of the payment with Central Services Bureau.

Staff reported being contacted by the Arizona Department Emergency and Military Affairs (DEMA) regarding a 2013 Executive Order requiring state agencies and boards to develop a Continuity of Operation and Government Plan (COOP). Staff did not find any record the CESTB had been contacted or made aware of the need to develop a COOP plan. DEMA is currently conducting a survey and staff will complete for the agency. DEMA is also planning future workshops to assist agencies with the development of a COOP. Staff will continue to follow up and report back to the board.

Adjournment: Christine Shipley made a motion to adjourn the meeting and Matt Giordano seconded. The motion passed unanimously 5-0. Meeting was adjourned at 10:07 a.m.

Dated this 10th day of February, 2022
Constable Ethics, Standards and Training Board

By The Hon. Dennis Dowling



CESTB Chairman