

Scott Blake, Chair
Constable
Maricopa County

Valerie Beckett
County Administrator
Maricopa County

Melissa Buckley
Public Member

Mike Cobb
Constable
Mohave County



STATE OF ARIZONA

CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

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Minutes of Public Meeting – July 21, 2020

A public teleconference meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on July 21, 2020 at 5:07 p.m. CESTB Board members present via teleconference were: Chairman Scott Blake, Vice Chair Judge Dennis Dowling, Sheriff Adam Shepherd, Constable Mike Cobb, Melissa Buckley and Valerie Beckett. CESTB Board members absent were Christine Shipley. The following staff was present – Tracy Unmacht. Members of the public attending included Maricopa County Constable Administrator Patrice Goodman, Constable Ron Williams, Constable Doug Clark, Constable Mike Branham, Constable Nathan Wallace, Constable Lennie McCloskey, Constable Mark Sinclair, Michael Madden, Jennifer Vaughn, Nerik Gadaev.

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

Minutes of Previous Meetings:

Corrections: None

Sheriff Shepherd made a motion to approve the minutes as presented from the June 11, 2020 CESTB meeting and Judge Dowling seconded. The motion passed 6-0.

Financial Report: Staff reported the June/FY-end report was incomplete and contained errors and omissions. CSB is working on corrections. An updated report will be provided and reviewed at the next meeting.

Call to the Public:

Constable Ron Williams, President of the AZ Constables Association stated the actions shown in the video evidence provided with the complaint filed against Constable Doug Middleton violated the Constable Code of Conduct and what the ACA teaches all constables.

Jennifer Vaughn made a statement condemning the actions shown in the video evidence provided with the complaint filed against Constable Doug Middleton.

Nerik Gadeav made a statement about the treatment he and his employees received from Constable Doug Middleton.

Constable Mike Branham made a statement about the efforts by Maricopa County to make sure all constables follow the Constable Code of Conduct.

Constable Complaints:

CNA245-2020 Vasquez – The 180 day probationary period this Board placed Constable Vasquez on ended June 30th and staff reported that while Vasquez registered for the required training classes, he did not complete them during that time. The training entity provided a log of the numerous contacts they made with Constable Vasquez over several months time regarding his status, and they consider him non-compliant. Constable Cobb made a motion to send a letter to the Pima County Board of Supervisors requesting they suspend Constable without pay until he completes the training. Motion died for lack of second.

Judge Dowling discussed previous offenses this Board has admonished Constable Vasquez for, and efforts by this Board and others to effectuate a change in Vasquez's behavior. At this point he has shown no desire to correct what appears to be a pattern of behavior that is not appropriate and Constable Vasquez poses a threat to public safety. Judge Dowling believes this Board has exhausted all remedies available and it should be turned over to Pima County, either referring to the County Attorney's office or the County Board of Supervisors. Constable Cobb made a motion to request the Pima County Board of Supervisors suspend Constable Vasquez without pay for or a minimum of 30 days and that the

suspension remain in place until he has completed the required course work. Melissa Buckley seconded. Constable Cobb clarified that it will ultimately be up to Pima County if they choose to suspend and for what length of time. The motion passed with a roll call vote of 6-0.

Initial Screening of new Constable Complaints:

Complaint received 6/12/20 Ebal v Constable Mark Sinclair. Staff pointed out this complaint was originally submitted to Maricopa County Sheriff's Office on April 4, 2020 but not forwarded to our office until June 12th.

Sheriff Shepherd made a motion to move forward with the complaint process and Judge Dowling seconded. The motion passed with a roll call vote, 5-1, Constable Cobb voting no.

Complaint received 7/1/20 Ramirez v Constable Joe Ferguson.

Constable Cobb made a motion to move forward with the complaint process and Melissa Buckley seconded. The motion passed with a roll call vote, 6-0.

Complaint received 7/7/20 Gadaev v Constable Doug Middleton.

Sheriff Shepherd made a motion to move forward with the complaint process and Melissa Buckley seconded. The motion passed with a roll call vote, 6-0.

Judge Dowling made a motion to hire an independent investigator to assist with the investigation and Melissa Buckley seconded. The motion passed with a roll call vote, 6-0.

Judge Dowling made a motion to urge Constable Middleton to work with the presiding constable to reassign his duties until the resolution of the complaint and Melissa Buckley seconded. Discussion: Constable Cobb believes this does not fit within our process. Valerie expressed concern that taking this action would imply this Board has already made a determination on this case. Sheriff Shepherd agreed that this Board does not have authority to make such a recommendation. Judge Dowling clarified his intent was not a pre-adjudication of what the constable may or may not have done but to verbalize a process that might help move the process forward in a positive manner. The motion failed 2-4 with a roll call vote:

Blake – no

Beckett – no

Buckley – yes

Cobb – no

Dowling – yes

Shepherd - no

Complaint received 7/13/20 Widoff v Constable David Lester.

Judge Dowling made a motion to move forward with the complaint process and Sheriff Shepherd seconded. Discussion – Constable Cobb expressed his belief that Constable Lester did not err in performing the eviction. Sheriff Shepherd believes the issue is not whether or not the eviction should have taken place, but rather to address the accusations made by the complainant on Constable Lester's activities in the home while conducting the eviction. Constable Cobb clarified that constables are authorized to enter a residence when provided with a key or the landlord lets them in if nobody answers the door. Valerie Beckett requested we hear from the witness in the case. The motion passed with a roll call vote, 5-1, with Constable Cobb voting no.

Best Practices for Evictions during COVID-19 Pandemic:

With the extension of the Governor's Order another 30 days, Chairman Blake suggested this agenda item should be tabled until the next meeting to provide the Board time to review the extension. Motion by Judge Dowling to table this item and Sheriff Shepherd seconded. Motion passed unanimously 6-0.

Approval of 5-Year Agency

Constable Cobb and Valerie Beckett will conference with staff to go over potential changes and finalize at the August meeting.

Administrative Update

With the cancellation of the July constable training event, the ACA has put in place online training for constables who need additional training to meet minimum statutory requirements. Staff forwarded a list of those constables to the ACA.

Staff continues working on revising grant applications and will have the first equipment grant application ready soon. The deadline for the first cycle is August 31. Staff inquired if the Board would like to offer a grant writing workshop, perhaps in webinar format. Staff prepared training materials several years ago and can send to the ACA for their review and possible circulation among their members in lieu of an organized workshop.

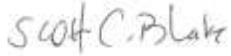
Staff will be completing all of the required budget and planning submissions to the Governor's office.

Staff is also continuing to work with Central Services Bureau to ensure all funding requests have been completed and reporting is correct and current.

Adjournment: Constable Cobb made a motion to adjourn the meeting and Sheriff Shepherd seconded. The motion passed unanimously 6-0. Meeting was adjourned at 6:35 p.m.

Dated this 13th day of August, 2020
Constable Ethics, Standards and Training Board

By The Hon. Scott Blake

Handwritten signature of Scott C. Blake in blue ink.

CESTB Chairman