

**Minutes of Public Meeting of the  
Constable Ethics, Standards and Training Board  
August 19, 2015**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on August 19, 2015 at 10:05 am 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 Scott Tipton, Judge Gerald Williams, Constable Ken Sumner and. Present via teleconference were the following members of the CESTB - Constable Mike Cobb, Constable Brandon Schmoll, Stuart Goodman, Christine Shipley and Dan Field. The following staff was present – Tracy Unmacht. Absent were the following members of the CESTB – Sheriff John Drum. Member of the public present via teleconference was Kristin Cipolla with the County Supervisors Association.

The following matters were discussed, considered and decided at the meeting:

**Minutes of Previous Meetings:** Judge Williams made a motion to approve the minutes from the July 15, 2015 CESTB meeting. Constable Sumner seconded the motion. The motion carried unanimously.

**Financial Report:** Chairman Tipton presented the financial report prepared by the Department of Administration for the month ending July 2015. Staff reported we only received the cash flow reports again this month. The State transitioned to a new financial system on July 1 and there were some issues that DOA is working through. Staff is pressing for detailed Revenue and Expense reports and will forward to the Board when received. Constable Sumner made a motion to approve the financial report. Constable Schmoll seconded the motion. The motion carried unanimously.

**FY16 Grant Program:**

Chairman Tipton detailed the one training grant application received by the deadline and scores were recorded. Judge Williams made a motion to approve the constable training grant received by the Arizona Constables Association in the amount of \$83,509.80. Constable Schmoll seconded the motion. The motion carried unanimously.

Constable Sumner inquired if a 3<sup>rd</sup> outside training grant could be added to the budget. Staff pointed out that the FY2016 budget approved a total disbursement figure for all grants combined in the amount of \$335,000. Suggested expenditures for those grants included funds for 3 separate training grants, so the 3<sup>rd</sup> outside training grant is already accounted for in the budget.

Staff reported a problem with the requirements in the Equipment Grant application. The instructions state that the applicant must submit 2 completed signed copies of the contract. However, it was pointed out that the contract cannot be signed by a county/applicant until a grant is approved. Simple language change to request a proposed contract be completed and submitted with signatures coming upon approval is all that is required. Staff will update the application and re-post to the website.

**Constable Complaints:**

Constable Sumner reported that the rural subcommittee met on July 21, 2015 to review a number of complaints and he shared the findings and recommendations from the committee for each of the following complaints:

**CNA166-2015 – Parkison:** Constable Sumner outlined the complaint to the members of the board. Constable Parkison attended the subcommittee meeting and provided an update to the process of evaluating and mitigating the problem created by his record keeping errors. All funds from November 2014 forward have been deposited and cleared. The constable has been working with the county finance director and will be working with a CPA to determine what can be done to process undeposited funds from prior to November 2014. The Constable also stated he has been receiving training to make sure the situation does not happen again. He has accepted all responsibility including the possibility of having to repay any funds that aren't recoverable. The subcommittee voted to recommend to the CESTB board that the Board continue to monitor the process before making any decisions on possible action against Constable Parkison. Judge Williams made a motion to accept the subcommittee recommendation. Christine Shipley seconded the motion. The motion carried unanimously.

**CNA165-2015 – McManaway:** Constable Sumner explained the original request for response letter to Constable McManaway was sent to an incorrect address, so the deadline for response was extended. The Constable has submitted his response and the subcommittee will discuss at a future meeting.

**CNA147-2015 – Curtis:** Constable Sumner outlined the complaint to the members of the board. Constable Curtis did not provide any training records for 2014 and did not respond to the complaint. The subcommittee voted to recommend to the CESTB board that a warning be issued to Constable Curtis for not meeting training requirements in 2014. The vote was split with 1 opposed. Judge Williams inquired why only a warning was recommended when the other subcommittee set a matrix for dealing with the training issues. Response was the committee had no proof the constable received the letter and wanted to start with a warning first. Chairman Tipton interjected that at the beginning of the training audit, he received a phone call from Constable Curtis when he received his letter of notice, so we know he was aware of it and still did not respond to the complaint.

Constable Schmoll made a motion to accept the subcommittee recommendation of issuing a warning to Constable Curtis. Motion died for lack of 2<sup>nd</sup>.

Constable Sumner made a motion to issue a reprimand to Constable Curtis. Judge Williams seconded the motion. Motion failed due to a tie vote.

Constable Cobb made a motion to issue an admonishment to Constable Curtis. Christine Shipley seconded the motion. Motion carried with 2 opposed.

**CNA163-2015 – Brown:** Constable Sumner outlined the complaint to the members of the board. The subcommittee determined Constable Brown took the necessary steps to determine he was serving the correct person, and voted to recommend dismissal of the complaint. Constable Schmoll made a motion to dismiss the complaint. Constable Cobb seconded the motion. The motion carried unanimously.

**CNA167-2015 – Acton:** This complaint was submitted by the City of Apache Junction. With pending criminal charges, the CESTB will not take any action until that issue is resolved. A letter will be sent to the City of Apache Junction informing them of this position.

**CNA164-2015 – Acton:** Chairman Tipton reported that Acton's attorney contacted him requesting an extension on the time to reply. The Chair allowed them until August 17<sup>th</sup>. Staff reported the response was received and will be forwarded to the subcommittee.

**CNA142-2015 – Myers:** In March the board voted to send the complaint back to the complainant asking for specific allegations against a specific constable. A letter of request was sent to the complainant on March 27<sup>th</sup>. Over four months have passed with no reply from the complainant. Constable Sumner made a motion to dismiss this complaint. Constable Schmoll seconded the motion. The motion carried unanimously.

**CNA160-2015 - Munoz:** Staff sent a follow up letter to the complainant via certified mail, which was delivered on July 20<sup>th</sup>. No response has been received to date. We will continue to wait for response.

**CNA145-2015 – Clark, CNA146-2015 – Clark, CNA155-2015 – Clark, CNA157-2015 - Clark:** Constable Tipton reported a private investigator has been hired. He hopes to be able to present the investigator's findings at the September board meeting.

**Request from Norman Jason Brown to Seal Case Information:** Constable Tipton reported that Mr. Brown is requesting information contained in a response from Constable Doug Clark to complaint CNA141-2015 should be sealed, redacted or access restricted. Personal information can be redacted for public records requests but the board questioned the extent of their authority to do anything beyond that. Chair will confer with our representative at the Attorney General's office for guidance.

**Administration Report:** FY2015 complaint synopsis report is nearly complete and will be forwarded to the Board. Staff provided an update to the process to add database capability to the website that would allow each constable to set up a login to record their training hours. Tech staff presented a draft and staff requested revisions, which are pending. Staff continues to work with Department of Administration Central Services Bureau to receive timely financial reports and updates to any required forms due to new state finance system.

**Call to the Public:**

No public comments were made.

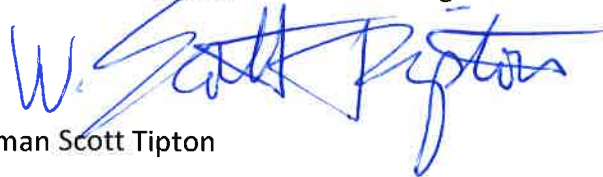
The next Board meeting is scheduled for Wednesday September 16, 2015 at 10:00 am

**Adjournment:** Constable Schmoll made a motion to adjourn the meeting. Constable Sumner seconded the motion. The motion carried unanimously. Meeting was adjourned at 11:00 am.

Dated this 14 day of October, 2015

Constable Ethics, Standards and Training Board

By



Chairman Scott Tipton