

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

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

cestb@azcapitolconsulting.com

602-343-6280

FAX 602-712-1252

Dennis Dowling, Vice  
Chair  
Justice Court  
Yavapai County

Matt Giordano  
AZPOST

Christine Shipley,  
Secretary  
Multihousing  
Association

### Minutes of Public Meeting – October 14, 2021

A public teleconference meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on October 14, 2021 at 9:02 a.m. CESTB Board members present via teleconference were Chairman Constable Scott Blake, Matt Giordano, Constable Mike Cobb, Vice Chair Judge Dennis Dowling and Melissa Buckley. Members absent included Valerie Beckett and Christine Shipley. The following staff was present – Tracy Unmacht. Also present from the public was Brent Kusama, Nathaniel Wright, David Morgan, Patrice Goodman, Constable Melissa Wirthlin, Constable Mike Branham, Scott Davis, Jessica Boehm.

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

#### **Minutes of Previous Meetings:**

Corrections: None

Mike Cobb made a motion to approve the minutes as presented from the September 9, 2021 CESTB meeting, and Melissa Buckley seconded. The motion passed unanimously 5-0.

**Financial Report:** Staff reviewed the August financial report. Mike Cobb made a motion to approve the August financial report and Dennis Dowling seconded. The motion passed unanimously 5-0.

#### **Call to the Public:**

Nathaniel Wright explained his complaint against Constable Bernal on the agenda today. Constable Wirthlin apologized for the late submission of her response to complaint CNA272-2022.

#### **Constable Complaints:**

CNA272-2022 Wirthlin – Chairman Blake noted the constable response was received late. Dennis Dowling made a motion to accept the late constable response and Matt Giordano seconded. Motion passed unanimously with a roll call vote 5-0.

Chairman Blake reviewed the complaint in which the complainant claims the Constable didn't properly ID the defendant so the injunction against harassment he paid to have her serve was dismissed. The Constable responded that there was confusion about the name listed on the injunction, but she believed she was serving the defendant based on a photo and by the man's own admission that he was most likely the target of the injunction, but he provided a different name. The Constable stated she called the complainant to advise him the service was completed, and he responded to her that he knew she had served the defendant because his wife drove by while it was taking place.

Mike Cobb asked the complainant if he provided a photo to the constable's office of the person who was to be served and he answered in the negative. The complainant was also asked to reply to the statement made by the constable that the complainant's wife had seen the person who was served, and the complainant said no, he was the one who saw the constable at the defendant's gate. The complainant was asked if he saw the person Constable Wirthlin was speaking with and he answered in the negative. The certificate of service was completed through AZPOINT but the complainant stated he did not receive a call.

Dennis Dowling made a motion to dismiss the complaint and Melissa Buckley seconded. Discussion – Dennis Dowling made the statement that the constable did her part even though the process involved might not have been ideal for the plaintiff or defendant. Mike Cobb stated the typical process is to serve based on best description possible. Matt Giordano asked the constable to confirm that she called the complainant who states she didn't, and she stated she did and it was logged into her records. Her office phone records the date, time and number of all calls placed and those records can be produced by the constable if needed. Motion to dismiss the complaint passed unanimously with a roll call vote 5-0.

#### Initial Screening of new Constable Complaints:

Complaint received 9-20-21 Perez v Lathan – Chairman Blake reviewed the complaint in which the complainant alleges the constable did not provide requested service in a timely manner. Messages to the constable went unanswered. Mike Cobb made a motion to move forward with an investigation and request response from Constable Lathan. Matt Giordano seconded and the motion passed unanimously with a roll call vote 5-0.

Complaint received 9-21-21 Branham v Seel – Chairman Blake reviewed the complaint submitted by the Presiding Constable in Maricopa County in which an internal audit by Maricopa County of Constable Seel's performance revealed 80 pending orders of protection that had not been served over a 9 month period of time dating back to January 1, 2021. Dennis Dowling asked if we had received any complaints from those who have the protective orders and the Chair stated he was not aware of any. Mike Cobb inquired if Constable Seel had completed the refresher training the county required him to complete by October 15 per the formal improvement plan set up to mitigate his work performance. Mike Branham replied in the affirmative. Mike Cobb made a motion to move forward with an investigation and request response from Constable Seel. Matt Giordano seconded and the motion passed unanimously with a roll call vote 5-0.

Complaint received 10-7-21 Wright v Bernal – Chairman Blake reviewed the complaint in which the complainant states Constable Bernal is contacting defendants prior to serving upcoming evictions to provide them advice on how to avoid the eviction process.

Matt Giordano made a motion to move forward with an investigation and request response from Constable Bernal and Dennis Dowling seconded. Discussion – Mike Cobb pointed out the complainant indicated in his complaint he was working on more evidence. Any additional evidence submitted by the complainant must be received by October 21, 2021 and the request for response from the Constable will be sent following that. Motion passed unanimously with a roll call vote 5-0.

### **Administrative Update**

Chairman Blake announced he responded to questions about the CESTB from an AZ Republic reporter, he has received an additional question about constable complaints that he will respond to as well.

Staff reported the Organizational Training Grant Application cycle is open and the application posted on the website. Applications for the two grant cycles that will follow are prepared and will open shortly.

Staff reminded the Board the November meeting date was changed to November 18, 2021 due to Veteran's Day holiday falling on the normal meeting date.

Staff has conducted an initial training audit for calendar year 2021. As is customary, once all organizational training events have taken place, the CESTB sends courtesy letters to any constables who still need to complete training to meet statutory requirements by December 31<sup>st</sup>. Those letters will go out in the next several days.

The regular January board meeting is currently scheduled to take place at the same time as the organizational constable training event. January 20<sup>th</sup> was suggested as an alternate date. Item will be placed on next meeting agenda for decision.

**Adjournment:** Mike Cobb made a motion to adjourn the meeting and Melissa Buckley seconded. The motion passed unanimously 5-0. Meeting was adjourned at 9:45 a.m.

Dated this 18th day of November, 2021

Constable Ethics, Standards and Training Board

By The Hon. Scott Blake

*Scott C. Blake*

CESTB Chairman