

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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Adam Shepherd
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Christine Shipley,
Secretary
Multihousing
Association

Minutes of Public Meeting – November 12, 2020

A public teleconference meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on November 12, 2020 at 9:03 a.m. CESTB Board members present via teleconference were: Chairman Scott Blake, Vice Chair Judge Dennis Dowling, Constable Mike Cobb, Sheriff Adam Shepherd and Christine Shipley. CESTB Board members absent were Melissa Buckley and Valerie Beckett. The following staff was present – Tracy Unmacht. Members of the public attending included Maricopa County Constable Administrator Patrice Goodman, Michael Madden and Constable Maria Russell.

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

Minutes of Previous Meetings:

Corrections: None

Constable Cobb made a motion to approve the minutes as presented from the October 8, 2020 CESTB meeting and Christine Shipley seconded. The motion passed 5-0.

Financial Report: Staff reviewed income, expenses and cash flow. CSB has provided reports once again in a format that allows staff to show cash flow projections for the entire fiscal year. Staff noted revenue during the first 4 months is down quite a bit over budgeted income, but it is starting to go back up. Staff will provide revised projections at the next meeting showing what cash flow will look like using average income during the first months of the year compared to budget.

Constable Cobb made a motion to approve the financial report and Sheriff Shepherd seconded. The motion passed 5-0.

Call to the Public:

No members of the public made comments.

Grant Applications for Constable Training:

One application was received from the AZ Constables Association for Organizational Training Grant requesting total funding in the amount of \$124,998.74. The training is currently scheduled to take place in January in Tubac and will include training for newly elected/appointed constables as well as continuing education. Funds available for this cycle are \$150,000. Board members submitted their scores for the record. Christine Shipley inquired as to COVID mitigation plan. Chairman Blake responded that the ACA has a contingency plan in place to conduct in-person mandatory training for new constables if the Tubac location becomes unavailable. In the event that happens, unused funds that are advanced to the ACA will be returned to the CESTB. Constable Cobb made a motion to approve the application as submitted and Judge Dowling seconded. Motion passed unanimously 4-0-1 with Chairman Blake abstaining.

Constable Complaints:

CNA256-2021 Middleton – Staff reported that Constable Middleton did not complete the registration process to complete the anger management classes as required. Chairman Blake reminded the board Constable Middleton will be retiring at the end of the year. No further discussion or action was taken.

CNA257-2021 Lester - All information received from the complainant, constable responses and witness statements were reviewed. The judge in the case reviewed the action and stated the writ was executed properly. Witness statement refutes the complainant's accusation that the constable exhibited improper behavior while conducting the eviction. Witness

corroborates Constable Lester's claim that the complainant did not provide any information related to possible COVID exemption. Judge Dowling made a motion to dismiss the complaint and Christine Shipley seconded. Motion passed unanimously with a roll call vote 5-0.

Administrative note that Judge Dowling left the meeting during discussion of the following complaint.

CNA259-2021 Kox – Chairman Blake confirmed that Constable Kox has not performed his duties for nearly a year and has made no attempt to contact the court or the county Board of Supervisors about his absence. The Chairman contacted the constable and asked him if he would be willing to resign and Constable Kox agreed. However, he has not done so. Chairman Blake further noted the constable has moved out of state. Constable Cobb made a motion to send a letter to Constable Kox asking him to resign from office. He also moved to send a letter to the LaPaz County Board of Supervisors asking them to appoint a replacement. Christine Shipley seconded and the motion passed unanimously with a roll call vote 4-0.

CNA260-2021 Ferguson – Chairman Blake introduced the complaint and discussion ensued. Constable Ferguson presented evidence, including a police report showing he performed his duties in accordance with the law. Constable Cobb made a motion to dismiss and Sheriff Shepherd seconded. The motion passed unanimously with a roll call vote 4-0.

CNA261-2021 Russell - Chairman Blake introduced the complaint and discussion ensued. Staff informed board members that the complainant was asked to cite specific cases in which Constable Russell did not perform her duties but the request went unanswered. Constable Cobb pointed out that the complainant indicated Constable Russell had ceased all evictions during COVID, however, Constable Russell provided evidence to the contrary. Christine Shipley made a motion to dismiss the complaint and Constable Cobb seconded. Sheriff Shepherd asked for clarification of the process constables are to follow when COVID related eviction exemptions are involved. Motion carried unanimously with a roll call vote 4-0.

Initial Screening of new Constable Complaints:

Administrative note that Judge Dowling rejoined the meeting during discussion of the following complaint.

Complaint received 10-26-20 Rucker/Brown v Clark/Coplan. Board members reviewed this complaint as well as related information from previous complaint cases CNA200-2017, CNA201-2017 and CNA224-2018. Sheriff Shepherd commented that he could not see anything new to consider. Christine Shipley stated this new complaint was a regurgitation of previous complaints already addressed and decisions issued by this board. She also stated that if it is unclear what the new complaint is, the Board has the prerogative to request the complainant provide clarification. Constable Cobb agreed the issues have been addressed by the board previously. Chairman Blake pointed out the timeframe for this complaint doesn't meet jurisdiction requirements according Title 13, Chapter 14 Article 2 of the Arizona Administrative Code. Staff read the code entry which defines jurisdiction for the board to investigate a complaint that a constable failed to comply with statutes and rules within the last 4 years. Constable Cobb stated his belief that it isn't clear this rule should be applied to this complaint because the complaint does reference something that took place in 2017. Christine Shipley made a motion to dismiss based on the fact that decisions have been rendered for this issue in prior actions and Chairman Blake seconded. During additional discussion, Constable Cobb noted for the record that the complainant's statement "The volunteer chairman Mr. Cobb has verbally stated to William Rucker that he would dismiss any complaints because William Rucker was the only one making the complaint(s)" was false. Constable Cobb told Mr. Rucker the CESTB would only entertain valid complaints. Also discussed the current status of Constable Coplan's position. Maricopa County Constable Administrator Patrice Goodman informed the board that he is currently serving in a limited capacity due to health concerns. Motion to dismiss passed with a roll call vote 4-0-1 with Judge Dowling abstaining because he was not present during some of the discussion.

Complaint received 11-3-20 Rucker v Clark. The allegation dates back to an incident already addressed by this board, and that took place in 2013 & 2014. New information that was provided by the complainant was dated June 2016. Constable Cobb pointed out this does not meet jurisdiction requirements. Judge Dowling made a motion to dismiss and Sheriff Shepherd seconded. The motion passed unanimously with a roll call vote 5-0.

Discussion and Possible action on Legislation to Clarify Training Requirements: The board received advice from legal counsel to seek legislative clarification of how training can be applied to required annual training hours. Sheriff Shepherd made a motion to seek a change to language in statute stating AZPOST certified as well as CESTB certified

training courses can apply to minimum annual training requirements. Judge Dowling seconded and the motion passed unanimously with a roll call vote 5-0. Constable Cobb and Chairman Blake will follow up.

Administrative Update

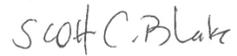
Staff reported that nearly half the constables and deputy constables who had not yet met minimum training requirements in October have now completed their training. Staff will send a second round of courtesy letters reminding constables they have until December 31 to complete their training.

Staff reminded the board that elections for chair, vice chair and secretary will take place at the January meeting. The topic of nominations will be added to the December meeting agenda.

Adjournment: Constable Cobb made a motion to adjourn the meeting and Sheriff Shepherd seconded. The motion passed unanimously 5-0. Meeting was adjourned at 10:05 a.m.

Dated this 14th day of January, 2021
Constable Ethics, Standards and Training Board

By The Hon. Scott Blake



CESTB Chairman