

**Minutes of Public Meeting of the
Constable Ethics, Standards and Training Board
November 18, 2015**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on November 18, 2015 at 10:02 a.m. 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 and Constable Ken Sumner. Present via teleconference were the following members of the CESTB - Constable Mike Cobb, Dan Fields, Christine Shipley and Judge Barbara Brown(joined the meeting at 10:24). The following staff was present – Tracy Unmacht. Absent were the following members of the CESTB – Sheriff John Drum, Stuart Goodman, and Constable Brandon Schmoll.

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

Minutes of Previous Meetings: Christine Shipley made a motion to approve the minutes from the October 14, 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 October 2015. Constable Sumner made a motion to approve the financial report. Christine Shipley seconded the motion. The motion carried unanimously.

Constable Complaints:

CNA123-2014 – Munoz: Constable Sumner provided a status update. Per the judge’s request to monitor the Constable’s log, a public records request has been submitted and more information will be available for evaluation soon.

CNA169-2016 - McCloskey: Constable McCloskey requested additional time to respond to the request for additional information as well as record of past meetings where his complaint was discussed. Constable Sumner made a motion to grant Constable McCloskey an extension of 1 week to respond. Constable Cobb seconded the motion and it carried unanimously. Chairman Tipton questioned whether or not the CESTB should proceed with this complaint, or if we should refer the complainant to a more appropriate agency. Consensus was the subcommittee should review the response from the constable first.

Judge Brown joined the meeting at this time (10:24).

CNA170-2016 – C. Hazlett: Per the previous Board decision, this complaint was referred to the presiding judge on October 19, 2015. We have not received a response.

CNA171-2016 – Philip: Chairman Tipton outlined the complaint to the members of the board. The complaint cited activities Constable Philip engaged in as a private citizen on her personal time and had nothing to do with her official capacity as a constable. Constable Sumner made a motion to dismiss the complaint and Judge Brown seconded the motion. The motion carried unanimously with no further discussion.

CNA174-2016 – Roberts: Chairman Tipton outlined the complaint to the members of the board. Constable Roberts attempted to assist the complainant with an issue she had with Constable Philip. When he explained the issue was outside Constable Philip’s official capacity as a constable, and there was nothing he could do, the complainant didn’t

like the answer, and continued to call his office about the issue. Constable Sumner made a motion to dismiss the complaint and Christine Shipley seconded the motion. The motion carried unanimously with no further discussion.

PRR16-011 Rucker: Christine Shipley pointed out that everything listed in this request was either already dismissed or is requesting information this board does not have. Christine Shipley made a motion to deny this request and Constable Sumner seconded. The motion carried unanimously with no further discussion.

At this time Constable Sumner took control of the meeting and Chairman Tipton left the room (10:30 a.m.).

CNA176-2016 Tipton: Constable Sumner outlined the complaint to the Board. The allegation by Mr. Rucker was that Constable Tipton was acting as an investigator without a license in reference to the Clark investigation. Constable Sumner reminded the Board about the statutes that govern the activities of this Board, which confirms the powers and duties of the board include conducting investigations. Section B-2 also gives the Board the authority to hire outside contractors to investigate. However, just because an investigator is hired, it does not prevent Board members from assisting with the investigation. All agreed Constable Tipton was performing his duty as a Board member while engaging in all of the activities specifically cited in the complaint. Constable Cobb made a motion to dismiss the complaint and Christine Shipley seconded the motion. The motion carried unanimously without further discussion.

CNA172-2016 and CNA173-2016 Tipton: Constable Sumner outlined the complaints to the board, which are the same complaint submitted by two different individuals. CNA172-2016 alleged Constable Tipton wrongly took possession of the complainant's vehicle. CNA173-2016 alleged Constable Tipton wrongly took possession of the complainant's friend's vehicle, which was stored on the complainant's property. Constable Sumner suggested that since the complainant in CNA173-2016 was not harmed in this incident and didn't accuse the constable of trespassing on his property, that the complaint be dismissed and submitted as a witness statement to CNA172-2016. Constable Cobb made the motion to proceed as suggested by Constable Sumner, and Christine Shipley seconded the motion. The motion carried unanimously without further discussion. With regards to CNA172-2016, Constable Tipton was asked by the co-owner of the vehicle in question to perform a civil standby service while her vehicle was retrieved by friends of hers. Constable Tipton performed the service, which is within his duties as a constable. Christine Shipley made a motion to dismiss the complaint and Judge Brown seconded the motion. The motion carried unanimously without further discussion.

Constable Tipton returned to the room and resumed control of the meeting (10:50 am).

Administration Report: Staff reported the new database capability to allow constables to enter their training hours is ready. She is awaiting instructions from technical staff on how the constable user information will be set up. Staff also reported to the Board that Gila County has some issues with the equipment grant contract language. It will need to be referred to our representative at the Attorney General's office. With all of the procedural changes that have taken place at the Central Services Bureau at DOA staff is updating the internal procedures manual and will forward to the board for review.

CNA131-2015 Crabtree: Constable Sumner reviewed the findings of the November 4, 2015 subcommittee meeting and reported they voted to recommend that the board dismiss the complaint. Christine Shipley made a motion to dismiss the complaint. Dan Field seconded the motion and it passed unanimously without further discussion.

CNA166-2015 – Parkison: Constable Sumner reviewed the findings of the November 4, 2015 subcommittee meeting and reported they voted to recommend that the board urge Constable Parkison retire immediately. Christine Shipley made a motion to accept the subcommittee recommendation and Dan Fields seconded the motion. The motion carried unanimously without further discussion.

Board Elections: Chairman Tipton reported on the need to elect a Chairman, Vice Chairman and Secretary. Constable Tipton nominated Constable Sumner to serve as Chairman. There being no further nominations, Constable Tipton made a motion to close nominations. Christine Shipley seconded the motion. Constable Sumner was elected unanimously.

Constable Sumner nominated Constable Tipton to serve as Vice Chair. There being no further nominations, Constable Cobb made a motion to close, and Christine Shipley seconded. Constable Tipton was elected unanimously.

Constable Sumner nominated Christine Shipley as Secretary. There being no further nominations, Constable Cobb made a motion to close, and Constable Tipton seconded. Christine Shipley was elected unanimously.

Call to the Public:

No members of the public were present.

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

Adjournment: Constable Sumner made a motion to adjourn the meeting. Constable Cobb seconded the motion. The motion carried unanimously. Meeting was adjourned at 11:10 p.m.

Dated this 16 day of December, 2015
Constable Ethics, Standards and Training Board

By



Chairman Ken Sumner