

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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Matt Giordano
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Christine Shipley,
Secretary
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Minutes of Public Meeting – December 9, 2021

A public teleconference meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on December 9, 2021 at 9:02 a.m. CESTB Board members present via teleconference were Chairman Constable Scott Blake, Vice Chair Judge Dennis Dowling, Matt Giordano, Constable Mike Cobb, Valerie Beckett and Christine Shipley. Members absent included Melissa Buckley. The following staff was present – Tracy Unmacht. Also present from the public was Patrice Goodman, Constable Mike Branham, Constable Doug Clark, Constable Karyn Lathan, Constable Carl Seel, Constable Kristin Randall, Constable Bennet Bernal and Scott Davis.

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

Minutes of Previous Meetings:

Corrections: None

Matt Giordano made a motion to approve the minutes as presented from the November 18, 2021 CESTB meeting, and Mike Cobb seconded. The motion passed unanimously 6-0.

Financial Report: Staff reviewed the October financial report. 80/20 splits are incorrect, staff has contacted CSB and they indicated they will make corrections in December. Staff is also checking with Yavapai and Greenlee counties about their writ fees. Christine Shipley made a motion to approve the financial report and Mike Cobb seconded. The motion passed unanimously 6-0.

Call to the Public: No public comments were received

Constable Complaints:

CNA278-2022 Lathan – Chairman Blake reviewed the complaint which claims the constable did not serve a writ in a timely fashion. Constable Lathan responded that she had medical issues and had arranged for Constable Steve Allen to handle her workload while she was out on medical leave. Mike Cobb asked Constable Lathan to clarify dates of absence, which were September 8 – September 20. Constable Lathan stated that when she returned to work, she learned Constable Nathan Wallace had instructed Constable Allen to only cover the most critical tasks during her absence, leaving some work unattended to, including the service noted in the complaint. Mike Cobb asked if she put an out of office notice on her work phone, or listened to any messages? She replied no. Mike Cobb asked Maricopa County Constable Administrator Patrice Goodman if the office was aware of the Constable's absence and she responded yes. Mike Cobb asked if there was an order to not complete her work, and Goodman said no. Mike Cobb made a motion to dismiss the complaint and Christine Shipley seconded. The motion passed unanimously with a roll call vote 6-0.

CNA279-2022 Seel - Chairman Blake reviewed the complaint submitted by Maricopa County Presiding Constable Mike Branham. The complaint stated that over 80 orders of protection assigned to Constable Seel were unserved, some over 9 months old. The county established an improvement plan for Constable Seel, and while the constable is now working to become compliant, prior to the filing of this complaint, the situation was discussed with Constable Seel on 3 different occasions without improvement. The initiation of this complaint prompted Constable Seel to finally take aggressive action. Constable Seel responded that he has been aggressively acting on the backlog. It was pointed out the method in which the system logs and assigns the orders is not very clear, however, Constable Seel did receive training on this

system. Mike Cobb asked staff to clarify the disciplinary steps the CESTB can take to mitigate a complaint. Christine Shipley asked the length of time Constable Seel has been in office. The constable replied he began ride-alongs in October 2020, was elected in November 2020, and took office on January 1, 2021. She also asked for clarification about his statement about his becoming compliant within 72 hours, even though he still has outstanding cases. What Constable Seel meant by compliant was that he became aware of how to properly use the system, transferred cases that were another constable's responsibility, reached out to plaintiffs, began aggressively serving orders, and updated everything in the system. Mike Cobb made a motion to issue a warning reminding Constable Seel his inaction was unacceptable but recognizing the Constable is working to improve. Dennis Dowling seconded. Discussion ensued. Christine Shipley pointed out orders of protection are very important to public safety. She stated her belief that it was Constable Seel's responsibility to know or seek proper training to perform this work, especially given the length of time the Constable has been in office and his exposure to the job prior to election. She would be in favor of a harsher penalty, however will vote to approve the motion on the table. She expressed her desire that the warning letter emphasize the constable must continue to improve. The motion passed unanimously with a roll call vote 6-0.

CNA28-2022 Bernal - Staff reported a response from Constable Bernal, which was due on December 6th was not received. The Constable disputed that saying his assistant emailed to the CESTB office on December 4th. He checked with the assistant who indicated they used an incorrect email address when sending the response to the CESTB. Constable Bernal stated his willingness to proceed with the hearing anyway. Matt Giordano made a motion to continue this hearing until the next meeting so as to receive the constable's response and Dennis Dowling seconded. During discussion, Mike Cobb asked staff to provide any previous complaints against Constable Bernal to the board prior the next meeting. Christine Shipley also requested the original email be forwarded showing the original date of the attempted email delivery to provide evidence the response was sent prior to the deadline.

Initial Screening of new Constable Complaints:

Complaint received 11-30-21 Molnar/Carbajal v Huerta – Chairman Blake reviewed the complaint in which the complainant alleged certificate of service documents were not returned in a timely manner. Mike Cobb stated that some of the facts stated by the complainant are not correct. The service itself was served in a timely manner, there isn't a specific timeframe in which the certificate of service document must be returned, so it doesn't appear the constable did anything incorrect. Christine Shipley made a motion to dismiss the complaint and Dennis Dowling seconded. The motion passed unanimously with a roll call vote 6-0.

Presentation, Discussion & Possible Action on Acceptance of Outside Training Scott Tipton – Chairman Blake

Constable Tipton has requested the Board approve training he received from Frontsite Firearms Training Institute, which is Nevada POST certified. Staff confirmed the training hours in question are not needed for Constable Tipton to be compliant with the statutory requirements for training, he would just like them to be accepted into his training record file. Chairman Blake pointed out the Board has approved training from this provider in the past. Mike Cobb made a motion to accept the requested training records for Constable Tipton and Christine Shipley seconded. The motion passed unanimously with a roll call vote 6-0.

Presentation, Discussion & Possible Action on Pima County Grant Contract Extension Request – Chairman Blake

Pima County is requesting an extension to the contract for equipment grant CNA21-706. The grant was originally approved in May of 2021, with a contract expiration of December 31, 2021. Pima County has been able to obtain a portion of the funded equipment, but due to supply chain issues, the remainder of the equipment will not be available until early summer of 2022. Christine Shipley made a motion to extend the grant contract to June 30, 2022 and Valerie Beckett seconded. The motion passed unanimously with a roll call vote 6-0.

Administrative Update

Mike Cobb announced his resignation from the CESTB Board effective December 31, 2021. Mike's position on the board will have to be filled by a constable from a county with less than 1 million residents. This will exclude Maricopa and Pima counties. The ACA makes this appointment and will discuss at their annual meeting in January.

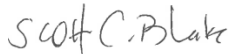
Reminder the January meeting is delayed to January 20th due to the annual training event. CESTB elections for Chair, Vice Chair, and Secretary will take place at that meeting.

Staff continues to follow up with constables who still need to complete training to meet statutory requirements by December 31st. A second courtesy letter was sent on November 18th to those constables who are not yet compliant. To date, Constables Bailey, Vasquez and Osgood have not submitted any training records. Constable Bailey was unable to attend ACA training events and is actively working on obtaining his training. Staff indicated that while Constable Vasquez is on suspension, Pima County provided an alternate mailing address and mail tracking indicates the constable has received the courtesy letter. Constable Lathan is actively working on obtaining her remaining 2 hours. Constable Sloan needs 1 additional hour.

Adjournment: Christine Shipley made a motion to adjourn the meeting and Scott Blake seconded. The motion passed unanimously 6-0. Meeting was adjourned at 10:09 a.m.

Dated this 20th day of January, 2022
Constable Ethics, Standards and Training Board

By The Hon. Scott Blake

Handwritten signature of Scott C. Blake in cursive.

CESTB Chairman