

**Minutes of Public Meeting of the
Constable Ethics, Standards and Training Board
June 21, 2017**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on June 21, 2017 at 10: 06 a.m. at the offices of Capitol Consulting 818 North First Street Phoenix, AZ 85004. Present were the following members of the CESTB: Constable Mike Cobb, Valerie Beckett and Constable David Lester. Present via teleconference were the following members of the CESTB - Sheriff Adam Shepherd, Constable Scott Tipton and Christine Shipley. CESTB members absent were Judge Barbara Brown. The following staff was present – Tracy Unmacht. Member of the public in attendance – Scott Davis, Elvia Frausto, Katie Gerlach, and Constable Doug Clark. Member of the public present via teleconference was Kristin Cipolla with the County Supervisors Association.

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

Minutes of Previous Meetings:

Sheriff Shepherd made a motion to approve the minutes as presented from the May 17, 2017 CESTB meeting. Constable Lester seconded the motion. The motion passed unanimously without discussion.

Financial Report: Staff reviewed the May report from the Department of Administration Central Services Bureau (CSB) and reported everything is up to date. The projected expenditures in the cash flow report have been updated to include encumbered funds for grants already awarded but not yet paid. Also included in the report was a summary of grant activity to date. Valerie Beckett made a motion to approve the May financial report and Constable Lester seconded. The motion passed unanimously without further discussion.

Constable Complaints:

CNA203-2017 Middleton - Chairman Cobb reviewed the nature of the complaint. Constable Middleton performed the required duties, however, in the course of doing so, he made offensive comments to the property owner. Constable Tipton expressed concern for Constable Middleton's lack of tact and diplomacy. Constable Tipton made a motion to issue a letter of warning and Sheriff Shepherd seconded. Discussion included identifying the appropriate canons from the Constable Code of Conduct that should be cited in the letter. The motion passed unanimously.

CNA200-2017 Clark - Chairman Cobb reviewed the nature of the complaint. Constable Tipton pointed out the evidence submitted by the complainant did not support the claim that Constable Clark was working as a security guard while on duty as a constable, and suggested this case be dismissed as frivolous. Chairman Cobb expressed concern that there was a conflict in the dates referred to by Constable Clark and Constable Coplan (CNA201-2017), but the confusion appeared to be in Constable Coplan's statements, which will be addressed in the complaint against him. Constable Lester made a motion to dismiss the complaint and Constable Tipton seconded. Christine Shipley asked for clarification about the reference from the complainant to a prior request by the CESTB for Constable Clark to retire. Constable Tipton reminded the board that request was relative to the Constable's excessive driving speed on numerous occasions. Constable Clark stated he has taken measures to correct the speeding issues and has changed his driving habits. The motion passed unanimously without further discussion.

CNA201-2017 Coplan - Chairman Cobb reviewed the nature of the complaint and reiterated his previous statement about the discrepancy in Constable Coplan's response to the complaint with regards to the date and apartment number. Sheriff Shepherd made a motion to table this complaint and request clarification from Constable Coplan. Constable Lester seconded. The motion passed unanimously without further discussion. Staff was directed to open a case file and request constable response.

CNA204-2017 Tipton - Chairman Cobb reviewed the nature of the complaint and pointed out that the actions by Constable Tipton were ruled acceptable by the courts. Constable Lester made a motion to dismiss the complaint and Sheriff Shepherd seconded. The motion passed unanimously with Constable Tipton abstaining.

Update on pending complaint 5-15-17 Rucker v Clark false claims of attending college – Upon initial screening of this complaint at the May 17, 2017 meeting, the board directed staff to request additional information from the complainant regarding the specific source of the allegation. The complainant submitted a link to Constable Clark's personal Facebook page where it stated he studied at Phoenix College. Constable Lester made a motion to dismiss the complaint and Christine Shipley seconded. Constable Tipton suggested this should be pursued and easily proven either true or false. Motion resulted in a 4-1 vote. Motion to dismiss without investigation requires a unanimous vote, thus this motion failed. Staff was directed to open a case file and request constable response.

Initial Screening of new Constable Complaints:

- a. Complaint Rucker v Clark 5-17-17 – Chairman Cobb reviewed the complaint and pointed out this issue had been investigated and closed previously with CNA140-2015. Constable Tipton made a motion to dismiss and Constable Lester seconded. Motion passed unanimously.
- b. Complaint Rucker v Clark 5-22-17 - Chairman Cobb reviewed the complaint pointing out this complaint dates back to Constable Clark's activities as a member of the Maricopa County Sheriff's Posse in 1999. Valerie Beckett made a motion to dismiss this complaint since it is not under the purview of this board to address. Sheriff Shepherd seconded. Motion passed unanimously without further discussion.
- c. Complaint Pima County v Vasquez 6-1-17 – Chairman Cobb recommended combining all three complaints against Constable Vasquez and pursuing an investigation. Consensus was to proceed as such.
- d. Complaint Pima County v Vasquez 6-7-17
- e. Complaint Pima County v Vasquez 6-12-17
- f. Complaint Creason v Malles 6-12-17 - Chairman Cobb reviewed the complaint and recommended pursuing an investigation. Consensus was to proceed as such.
- g. Rucker v Myers 6-19-17 - Chairman Cobb reviewed the complaint and recommended dismissing as frivolous since this issue was addressed and closed in a previous case. Constable Tipton made a motion to dismiss the complaint and Constable Lester seconded. Motion passed unanimously without further discussion.

Request to Extend Grant Contract – Maricopa County has asked for an extension on CNA17-601 because a portion of the tuition will not be billed until FY18. Valerie Beckett made a motion to extend the contract to FY18 and Sheriff Shepherd seconded. The motion passed unanimously without discussion.

Budget: Staff provided final budget figures for the Board to review. Constable Lester made a motion to approve the FY18 Budget as presented, Valerie Beckett seconded and the motion passed unanimously without further discussion.

Administration Report:

Staff completed the audit of the FY16 grants awarded. There are 7 grants that have not yet completed and letters have been sent requesting an update.

The rules have been updated and staff will forward the most recent version to board members. Staff has finalized the request to the Governor's office for exception to rules moratorium and is working on getting it filed with the correct person.

The August CESTB Board meeting will be held during the Constable Semi-annual meeting in Flagstaff on August 29th. The meeting will take place at 5:00 pm. Board members are invited and encouraged to attend constable training on

the 29th, stay overnight on August 29th, attend constable training if desired on 30th, attend the banquet that evening, stay over on the 30th, and then can attend the final day of training or go home. Staff will be contacting each board member separately to determine if they will be attending and which nights they would like to reserve. We will be working with the ACA to have rooms and meals billed to the ACA, who will in turn request reimbursement from our admin fund (#2347) following the event. Board members attending can submit a request for reimbursement for mileage following the conference.

Call to the Public: Constable Clark made statements about the number of unfounded complaints that have been filed against him, all due to a political vendetta against him. He implored the CESTB to do anything it can to curtail the harassment he and his family have been enduring

Adjournment: Constable Lester made a motion to adjourn the meeting and Valerie Beckett seconded. The motion passed unanimously. Meeting was adjourned at 11:07 a.m.

Dated this 19 day of JULY, 2017
Constable Ethics, Standards and Training Board

By

A handwritten signature in black ink that reads "Mike Cobb". The signature is written in a cursive, slightly slanted style.

Chairman Mike Cobb