

**Minutes of Public Meeting of the  
Constable Ethics, Standards and Training Board  
July 19, 2017**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on July 19, 2017 at 10:02 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 and Valerie Beckett. Present via teleconference were the following members of the CESTB - Constable Scott Tipton, Judge Barbara Brown and Christine Shipley. CESTB members absent were Constable David Lester and Sheriff Adam Shepherd. The following staff was present – Tracy Unmacht. Member of the public in attendance – Scott Davis, Constable Doug Clark and Tim Moder.

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

**Minutes of Previous Meetings:**

Judge Brown made a motion to approve the minutes as presented from the June 21, 2017 CESTB meeting. Constable Tipton seconded the motion. The motion passed unanimously without discussion.

**Financial Report:** We have not yet received the financial report from the Department of Administration Central Services Bureau (CSB).

**Call to the Public:**

**Grant Application for Organizational Training:** One application was received for Organizational Training from the AZ Constables Association requesting funding in the amount of \$89,081.04. Board members submitted their scores for the record. Judge Brown made a motion to approve full funding of the grant application from the AZ Constables Association and Constable Tipton seconded. The motion carried without discussion.

**Constable Complaints:**

**Initial Screening of new Constable Complaints:**

- a. Complaint Coulter v Acton 06-21-17 – Chairman Cobb reviewed the complaint all agreed to move forward with an investigation of the complaint.
- b. Complaint Rucker v Clark 07-17-17 - Chairman Cobb reviewed the complaint, which was the same complaint previously dismissed (CNA200-2017) regarding the allegation the constable misused county resources. The complainant used the constable's response to that complaint as a basis to submit. Constable Tipton made a motion to dismiss this complaint and Christine Shipley seconded. The motion passed unanimously without further discussion.

**CNA196-2017 Duarte** - Chairman Cobb reviewed the nature of the complaint. Constable Duarte was called upon to clear a property where a Writ of Restitution had previously been served. Constable Duarte stated that she attempted to make arrangements but admitted she may not have followed up and apologized. Constable Tipton made a motion to issue a letter of warning and Judge Brown seconded. The motion passed unanimously without further discussion.

**CNA197-2017 Acton**- Chairman Cobb reviewed the nature of the complaint in which Constable Acton failed to serve a Writ of Restitution. The Constable responded to the complaint that he had not handled this type of document before and sought guidance from several sources. But he did not take proper steps to make sure it was completed. Board members discussed requiring the constable to receive additional training or mentoring, however both of

these measures have taken place numerous times with little improvement. Citing a pattern of failing to perform his duties based on previous complaints, Constable Tipton made a motion to issue a letter urging Constable Acton resign and Christine Shipley seconded. The motion passed unanimously without further discussion.

**CNA201-2017 Coplan** – Chairman Cobb reviewed Constable Coplan’s response to the CESTB request to clarify a discrepancy in details he submitted in his first response. The Constable referred to an incorrect case in his initial response, however, his subsequent response shows he served the writ as required. Christine Shipley Tipton made a motion to dismiss the complaint and Valerie Beckett seconded. The motion passed unanimously without further discussion.

**CNA205-2017 Clark** - Chairman Cobb reviewed the complaint and constable response. Constable Clark produced records that verified the claim on his Facebook page of attending college. Constable Tipton made a motion to dismiss the complaint and Judge Brown seconded. The motion passed unanimously without further discussion.

**CNA209-2017 Malles** - Chairman Cobb reviewed the nature of the complaint in which Constable Malles failed to serve a Writ of Restitution. The constable didn’t clearly articulate in his response why he didn’t serve the writ. He referenced wanting to see a post judgment agreement prior to executing the writ. The Board agreed this was not his duty, he is only to serve the document issued by the court. Constable Tipton made a motion to issue a letter of admonishment citing previous complaints addressed by this board. Christine Shipley seconded. The motion passed unanimously without further discussion.

**Administration Report:**

The date of August CESTB Board meeting in Flagstaff was changed to August 28<sup>th</sup> at 3:00 pm. Staff has corresponded with board members regarding lodging requirements and passed them along to the ACA. For those who will not be able to attend in person, teleconferencing ability will be available.

Staff prepared the FY2017 Complaint Synopsis pending outcome of the complaints heard today. Staff will update and send to the Board prior to posting to the website.

We are still awaiting an answer from the Governor’s office regarding our request for an exception from the moratorium on rules. Arizona Rules, LLC has prepared an initial draft. Chairman Cobb and staff will be meeting with the contractor to review. Any updates will then be forwarded to the Board as well as our representative at the Attorney General’s office.

Staff has been in contact with the Governor’s office regarding the vacancy on the Board. Two individuals have gone through the interview process. A decision and appointment is expected by the end of the month.

**Adjournment:** Valerie Beckett made a motion to adjourn the meeting and Judge Brown seconded. The motion passed unanimously. Meeting was adjourned at 10:47 a.m.

Dated this 28 day of AUG., 2017  
Constable Ethics, Standards and Training Board

By



Chairman Mike Cobb