

**Minutes of Public Meeting of the
Constable Ethics, Standards and Training Board
August 28, 2017**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on August 28, 2017 at 3:01 p.m. at the DRURY INN 300 S Milton Rd, Flagstaff, AZ 86001. Present were the following members of the CESTB: Constable Mike Cobb, Sheriff Adam Shepherd, Constable Scott Tipton, Judge Barbara Brown and Christine Shipley. CESTB members absent were Constable David Lester and Valerie Beckett. The following staff was present – Tracy Unmacht. Member of the public in attendance included Pima County Presiding Constable Michael Stevenson, Maricopa County Constable Lennie McCloskey, Pinal County Constable John Acton, Navajo County Constable Phyllis Romo, Maricopa County Constable Ron Myers, Maricopa County Constables Administrator Tim Moder, Mohave County Constable Ray Cullison, Maricopa County Constable Ken Sumner, Yavapai County Constable Dennis Dowling.

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

Minutes of Previous Meetings:

Correction: CNA201-2017 vote should read “Christine Shipley made a motion to dismiss the complaint and Valerie Beckett seconded”

Constable Tipton made a motion to approve the minutes as corrected from the July 19, 2017 CESTB meeting. Christine Shipley seconded the motion. The motion passed unanimously without discussion.

Financial Report: Staff reviewed the end of FY17 and July FY 18 reports from the Department of Administration Central Services Bureau (CSB) and reported everything is up to date. Sheriff Shepherd made a motion to approve the May financial report and Christine Shipley seconded. The motion passed unanimously without further discussion.

Call to the Public: Constable Lennie McCloskey expressed concern about the restrictions/stipulations placed on the FY17 outside training grants and inquired if that would be done again for FY18 grant. Staff will place on a future agenda to discuss.

Discussion & Possible Action on request to extend contract for CNA17-508: Constable Tipton asked the reason for the request. Staff reported the clerk in charge of the grant was new and misunderstood the correct process and didn't get the equipment purchased prior to the contract deadline. Sheriff Shepherd made a motion to approve the request to extend the CNA17-508 grant contract and Constable Tipton seconded. The motion carried without discussion.

Discussion & Possible Action on request to approve Adult Protection Services Training Course offered by ACA: The ACA is presenting a course at the conference that AZPOST cannot accredit post credit hours. Per ARS 22-137, the CESTB can approve training over and above the minimum 16 hours required of all constables. Constable Tipton made a motion to approve the training course and Judge Brown seconded. The motion passed without discussion.

Constable Complaints:

Initial Screening of new Constable Complaints:

- a. Complaint Rucker v Clark 08-08-17 - Chairman Cobb reviewed the complaint. Christine Shipley made a motion to dismiss this complaint and Sheriff Shepherd seconded. The motion passed unanimously without further discussion.

- b. Complaint Rucker v Clark 08-09-17 - Chairman Cobb reviewed the complaint. Constable Tipton made a motion to dismiss this complaint and Christine Shipley seconded. The motion passed unanimously without further discussion.

CNA208-2017 Vasquez - Chairman Cobb reviewed the nature of the complaint submitted by Pima County Presiding Constable Michael Stevenson which included the following violations:

- improperly displaying a handicap placard in his county vehicle
- driving at excessive speeds on numerous occasions
- failure to report damage to his county vehicle

It was pointed out that the constable continued to speed in his vehicle even after saying he wouldn't do it again.

Constable Tipton made a motion to issue Constable Vasquez a reprimand and Sheriff Shepherd seconded.

Discussion: Pima County Presiding Constable Stevenson was asked if the county has installed a speed monitoring device on the vehicle. Stevenson indicated the constable must now use his own vehicle for transportation so they cannot do that. Constable Vasquez is also required to carry a \$1 million insurance rider listing the county as an additional insured. The motion passed unanimously.

CNA211-2017 Acton- Chairman Cobb reviewed the nature of the complaint in which alleged that Constable Acton did not process paperwork for service document causing the complainant to make a wasted trip to the court as well as delay his requested action. Constable Acton appeared at the hearing and indicated he processed the document and delivered it to the court, but when he went back, the document couldn't be found. Chairman Cobb pointed out that failure to process paperwork has been a problem for Constable Acton for some time. He has been coached and received additional training on numerous occasions but the pattern continues. This Board has already requested Constable Acton voluntarily resign from office, but to date he has not done so. Various board members questioned Constable Acton as to the steps he took to try to recover the document, what steps he's taken with the court to make sure his paperwork is in order. Constable Acton stated he requested the clerk of the court provide him with a copy of time-stamped documents once he's checked them in and was told that was too labor intensive. He did not pursue other avenues. Constable Benny Crow spent 30 days in August of 2016 shadowing Constable Acton. He stated Acton performed his duties sufficiently, however he was having difficulty with his paperwork. Constable Tipton made a motion to recommend to the Pinal County Board of Supervisors that Constable Acton be placed on a 30 day suspension without pay. Sheriff Shepherd seconded. The motion passed unanimously.

Administration Report:

The first equipment grant application package has been updated and posted to the website. Deadline for application submittal is September 11th.

Rules – Mike & Tracy teleconferenced with the Governor's office regarding our request for exception to the rules moratorium, which we have been granted. Mike & Tracy will be meeting with our rules writer in the next few weeks to finalize a first draft of the new rules.

Staff finished the FY2017 Complaint Synopsis posted to the website. It will be updated with the final two FY17 complaints closed today.

Staff completed and submitted the required budget and strategic planning reports to the Governor's office.

Governor's office finally filled the vacancy on the Board for the position of member of the public. Dan Ryan will begin to serve once paperwork is finalized and submitted to the Governor's office.

Adjournment: Constable Tipton made a motion to adjourn the meeting and Sheriff Shepherd seconded. The motion passed unanimously. Meeting was adjourned at 4:00 p.m.

Dated this 20 day of September 2017
Constable Ethics, Standards and Training Board

By

A handwritten signature in blue ink that reads "Mike Cobb". The signature is written in a cursive style with a large, stylized 'M' and 'C'.

Chairman Mike Cobb