

**State of Arizona**  
**CONSTABLE ETHICS,**  
**STANDARDS & TRAINING BOARD**

**MINUTES**

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*October 19, 2016*

A subcommittee meeting of the Constable Ethics, Standards and Training Board (CESTB) was called to order by Constable David Lester at 9:37 a.m. on October 19, 2016. The meeting was held in the Capitol Consulting office located at 818 North First Street, Phoenix AZ 85004. Members participating were Constable Mike Cobb, Constable David Lester. Members participating via teleconference included Constable Brandon Schmoll. Also present was staff Tracy Unmacht. There were no members of the public present.

**Call to the Public**

No statements were made.

The following matters were discussed, considered and decided at the meeting:

**Discussion & Possible Recommendation for Open Investigation**

**CNA188-2017 – Acton:** Constable Lester introduced the case to the subcommittee. The Pinal County Presiding Superior Court Judge copied the CESTB on a Notice of Possible Disciplinary Sanctions and corresponding documentation citing a large volume of record keeping infractions by Constable Acton, and the CESTB decided to open a case file and review in subcommittee. The subcommittee discussed the fact that it was open to interpretation as to whether or not this was a formal complaint by Pinal County, or just notification to the CESTB since the board had ruled on a previous complaint that was being considered in the Judge's review. It was pointed out that most of the documentation in the case preceded the December 2015 ruling by the CESTB on a previous complaint regarding the Constable's lack of following proper and timely procedures. Constable Schmoll raised concerns about the CESTB addressing it since the Judge has already implement disciplinary action against Constable Acton for the infractions. Constable Cobb pointed out that the case materials showed a continued problem with Constable Acton's ability to perform the job and the CESTB could also issue sanctions. He also reported that Constable Acton did not answer the CESTB request for response. Constable Schmoll made a motion to recommend the CESTB board dismiss the case since the constable has already been reprimanded by the presiding judge. Constable Cobb seconded. Motion passed 2-1.

**CNA189-2017 – Acton:** Constable Lester introduced the case to the subcommittee, which accused Constable Acton of failing to serve in a timely fashion. It was noted that Constable Acton did not answer the CESTB request for response to the complaint. Constable Schmoll made a motion to recommend the CESTB board issue a warning and Constable Lester seconded. Motion passed 2-1. Following the motion passing, Constable Schmoll asked to revisit and amended his motion to recommend the CESTB issue a Reprimand instead. Constable Lester seconded and the motion carried 2-1.

**CNA190-2017 – Bernal:** Constable Lester introduced the case to the subcommittee. When serving an eviction notice, Constable Bernal made the decision to allow the tenants an extra day to vacate due to the health of one of the children in the home. Subcommittee members agreed this action was not out of line as Constables do have authority to make such judgments. However, when the constable completed the service document, he stated the "Defendant Not Home", which was not accurate. Constable Schmoll made a motion to recommend the CESTB board issue a warning for not recording the service document properly and Constable Lester seconded. Motion passed unanimously.

**Adjournment**

There being no further business the subcommittee adjourned at 10:11 a.m.