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Summary of complaints to the Constable Ethics, Standards and Training Board (CESTB) Fiscal Year 2021 – June 30, 2021 Final Report

For the fiscal year period July 1, 2020 through June 30, 2021, there were a total of eighteen (18) complaints filed with the CESTB against constables for a variety of allegations. One (1) complaint was withdrawn and thirteen (13) complaints were dismissed by the Board

Complaints may be dismissed for a variety of reasons including but not limited to the following:

1. The complaint as submitted does not meet jurisdiction requirements per R13-14-201 of the AZ Administrative Code
 - a. the complaint is about an issue that occurred more than 4 years prior
 - b. the complaint is not against a constable currently in office
 - c. the complaint does not address any situation related to the performance of a constable's duties
2. The complaint has already been addressed by CESTB
3. Evidence was insufficient to show a constable failed to comply fully with A.R.S. § 22-131 or R13- 14-103

Four (4) complaints resulted in disciplinary action by being taken by the CESTB.

Those complaints were as follows:

CNA256-2021 was opened on July 21, 2020 against **Maricopa County Constable Doug Middleton**. In this case the complaint accused the constable of rude, offensive and discriminatory behavior during the execution of a service request. After reviewing all of the evidence CESTB board members concluded Constable Middleton's actions were unacceptable, citing the following Canons:

Cannon 1, Section B Constables shall maintain high standards of conduct in order to preserve public confidence in their offices.

Cannon 3, Section A Constables shall perform their duties without bias or prejudice, and shall not manifest by words or conduct bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status.

Cannon 4 Section A Constables shall maintain high professional and personal standards.

Commentary: This canon relates to all other canons and involves the manner in which a constable approaches his or her duties. One of the hallmarks of professionalism is the willingness to follow a code of conduct in professional and personal life, and the expectation that everyone in the profession will follow similar standards.

Cannon 4, Section B Constables shall act appropriately at all times, taking into account their duties and responsibilities as elected public officials.

Commentary: Election to public office is a sacred trust, and constables must follow the highest standards of conduct at all times by striving to meet and exceed the standards set forth in this code. Being elected does not give a public official the right to ignore the law or treat others with indifference or disrespect. To the contrary, a public official is the servant of those who elected them to office

Cannon 4, Section C Constables shall be courteous, patient and respectful toward those who come in contact with their offices.

Commentary: As public officials, constables must respect the feelings and opinions of others, taking into account the circumstances of a particular situation. They should be mindful of their appearance, avoid profanity and sexist remarks, and respect the rights of others. They should also act in a positive manner.

Considering the fact Constable Middleton has been cited previously for similar issues, CESTB board voted 4-1 to place the constable on probation for 30 days, issued a letter of admonishment and required the constable to attend an Anger Management course. A letter of admonishment is three steps above the minimum punishment the board can administer.

CNA259-2021 was opened on September 10, 2020 against **La Paz County Constable James Kox**. During its investigation, the CESTB determined the constable failed to appear for work for nearly 12 consecutive months. This is a clear violation of Arizona Revised Statute §22-131 A which states in part (emphasis by CESTB):

*“Constables **shall** attend the courts of justices of the peace within their precincts when required, and within their counties **shall** execute, serve and return all processes, warrants and notices directed or delivered to them by a justice of the peace of the county or by competent authority.”*

The CESTB concluded Constable Kox vacated his position, and on November 12, 2020 voted unanimously to request his immediate resignation from office. The CESTB contacted the La Paz County Board of Supervisors asking them to name a replacement.

CNA266-2021 was filed on February 11, 2021 against **Constable Brandon Giles** by the CESTB. Constables are required to complete a minimum of 16.0 training hours each calendar year. Proof of training must be submitted to the CESTB within 30 days of completion. Despite several courtesy letters sent by the CESTB to Constable Giles prior to the end of 2020 reminding him of the requirement, Giles did not submit proof of any training completed in calendar 2020. During the complaint investigation, Constable Giles provided proof he did complete the statutory requirement. The CESTB met and voted to issue the constable a warning for not submitting the appropriate proof of training in a timely manner. A written warning is the minimum punishment the board can administer.

CNA267-2021 was filed on February 29, 2021 against **Constable Oscar Vasquez**. In this case the complainant accused the constable of failing to execute a writ of restitution in a timely manner, despite the complainant’s plea to the constable that the defendants were causing problems for the complex. The CESTB concluded Constable Vasquez acted outside the law

while making a decision to delay the eviction in this case. The court order of eviction was clear, and there was no CDC declaration provided, but Constable Vasquez nevertheless defied the court's wishes.

The CESTB also considered previous infractions and numerous occasions Constable Vasquez ignored decisions and requirements by the CESTB. Consequently, they voted unanimously to urge Constable to resign will be requesting that in absence of said resignation, the Pima County Board of Supervisors place Constable Vasquez on a 180-day suspension without pay.