

Dennis Dowling,  
Chair  
Justice Court  
Yavapai County

Matt Giordano, Vice  
Chair  
AZPOST

Christine Shipley,  
Secretary  
Multihousing  
Association

Valerie Beckett  
County Administrator  
Maricopa County



STATE OF ARIZONA

## CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

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Mahogany Kennedy,  
Constable  
Maricopa County

Michael Hoggard  
Constable  
Mohave County

Melissa Buckley  
Public Member

### Minutes of Public Meeting – February 9, 2023

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on February 9, 2023 at 9:03 a.m. at the offices of Capitol Consulting 1415 N 7<sup>th</sup> Ave, Phoenix, AZ 85007. CESTB Board members attending via teleconference: Chairman Dennis Dowling, Vice Chair Matt Giordano, Constable Michael Hoggard, Constable Mahogany Kennedy and Valerie Beckett. Members absent: Secretary Christine Shipley. The following staff was present – Tracy Unmacht and investigator Steve Jacobs. Members of the public attending via teleconference – Patrice Goodman, Constable Scott Blake, Scott Davis, Deputy Constable Steve Perkins, Constable Lance Pearce, Constable Oscar Vasquez, Constable Nathan Wallace, Alice Flick, Attorney Jeffrey Rogers.

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

#### **Announcements**

None

#### **Minutes of Previous Meetings**

Corrections: None

Vice Chair Giordano made a motion to approve the January 12, 2023 meeting minutes as presented and Constable Kennedy seconded. The motion passed 4-0 with Chairman Dowling abstaining.

#### **Call to the Public**

ACA President Constable Scott Blake encouraged AZPOST to sign off on the January training event citing state statute that requires constable training be approved by AZPOST.

AZPOST Representative Matt Giordano indicated AZPOST will continue to approve constable training as long as the training is presented prior to the training occurring.

#### **Financial Report**

Staff reviewed the December financial report received from Central Services Bureau. Revenue is up over expectations by an average of \$7500 per month through December. Staff clarified expected expenditures for investigator listed in the adjustments column on the cash flow projections report is the total amount budgeted less amounts already paid through January 10. Constable Kennedy made a motion to approve the December financial report and Constable Hoggard seconded. The motion passed unanimously 4-0 with Chairman Dowling abstaining.

#### **Board Elections**

The positions of Chair, Vice Chair and Secretary are elected each year to serve a term of 1 year. Staff reviewed the elections process. Nominations were taken from the floor.

Constable Kennedy nominated Dennis Dowling to serve as Chairman. Constable Hoggard seconded the nomination. There were no additional nominations. Constable Kennedy made a motion to close nominations

and accept Dennis Dowling as chair by acclamation and Constable Hoggard seconded. Dennis Dowling was elected to the position of Chairman by acclamation.

Constable Kennedy nominated Constable Michael Hoggard to serve as Vice Chairman and Matt Giordano seconded. There were no additional nominations. Constable Kennedy made a motion to close nominations and accept Constable Hoggard as Vice Chairman by acclamation and Matt Giordano seconded. Constable Michael Hoggard was elected to the position of Vice Chairman by acclamation.

No nominations for Secretary were received, therefore the position of Secretary will be vacant for the time being.

### **Presentation, Discussion & Possible Action on Approving Cycle IV Constable Equipment Grants**

Eight (8) applications were received requesting total funding in the amount of **\$44,599.55**. Funding available for this grant cycle is \$55,000. Board members submitted their scores for the record.

- Apache County submitted a grant request in the amount of \$6,592.44 for the purchase of three ballistic vests and supporting equipment.
- Yavapai County submitted a grant request in the amount of \$1,571.37 for the purchase of taser equipment.
- Yavapai County submitted a grant request in the amount of \$1,2228.26 for the purchase of one ballistic vest.
- Pima County Constables submitted a grant request in the amount of \$6,561.62 for the purchase of five ballistic vests.
- Pima County Constables submitted a grant request in the amount of \$3,405.41 for the purchase of uniforms and miscellaneous equipment.
- Pima County Constables submitted a grant request in the amount of \$9,410.16 for the purchase of ammunition.
- Pima County Constables submitted a grant request in the amount of \$1,065.21 for the purchase of a printer.
- Santa Cruz County submitted a grant request in the amount of \$14,765.08 for the purchase of a radio.

Chairman Dowling asked if board members would like to treat all equipment grants as a consent item. Constable Hoggard requested further discussion of the application from Santa Cruz for a radio.

Constable Kennedy made a motion to approve all applications in the funding amounts requested with the exception of the grant application from Santa Cruz County for a radio. Valerie Beckett seconded. The motion passed with a roll call vote 4-0 with Chairman Dowling abstaining.

Constable Hoggard raised a question regarding the cost of a single radio being requested in the application from Santa Cruz County.

Constable Kennedy made a motion to table approval of the Santa Cruz grant application to obtain further information and Constable Hoggard seconded. The motion passed with a roll call vote 4-0 with Chairman Dowling abstaining. Staff will contact the applicant requesting his attendance at a future meeting to answer questions about the application.

### **Presentation, Discussion & Possible Action on Approving Cycle V Constable Outside Training Grants**

One application was received from the Maricopa County requesting total funding in the amount of **\$3,690** for Constable Luke Palmer to attend 2 semesters of Law Enforcement Training Academy. Funding available for this grant cycle is \$7,500. Board members submitted their scores for the record, with the exception of Valerie Beckett who abstained from grant scoring.

Ms. Beckett also asked for clarification if all other constables in Maricopa were afforded the same opportunity to submit a similar application for this advanced specialized training. Maricopa County Constable Administrator Patrice Goodman stated all constables are provided with grant application information and have an opportunity to apply.

Matt Giordano made a motion to deny the application citing the advanced level of training and Constable Hoggard seconded. The motion passed with a roll call vote 3-0 with Chairman Dowling and Valerie Beckett abstaining.

### **Discussion & Possible Action on Constable Complaints**

Chairman Dowling announced the following complaints will be tabled to a future meeting. Investigator Steve Jacobs is still waiting on a report from MCSO to finalize his investigation.

CNA302-2023 William Rucker v Constable Doug Clark  
CNA304-2023 William Rucker v Deputy Constable Steve Perkins  
CNA307-2023 William Rucker v Constable Doug Clark  
CNA309-2023 William Rucker v Deputy Constable Steve Perkins  
CNA312-2023 William Rucker v Constable Doug Clark  
CNA317-2023 William Rucker v Constable Doug Clark  
CNA319-2023 William Rucker v Constable Doug Clark  
CNA320-2023 William Rucker v Constable Doug Clark  
CNA321-2023 William Rucker v Constable Doug Clark  
CNA324-2023 William Rucker v Constable Doug Clark

CNA322-2023 Alice Flick v Constable Oscar Vasquez  
Constable Kennedy made a motion to table this complaint and Constable Hoggard Seconded. During discussion it was determined Constable Kennedy was confused as to which case was being discussed and she withdrew her motion.

Staff reviewed all remedies available to the Board for mitigating constable complaints.

Matt Giordano made a motion to issue a letter of admonishment cautioning the constable to be more careful with the information he publishes on social media. Constable Hoggard seconded and the motion passed with a roll call vote 4-0 with Chairman Dowling abstaining.

Initial Screening of new Constable Complaints:

Chairman Dowling reminded board members that during initial screening, opening an investigation into any complaint requires only one board member requesting to do so. Dismissal without investigation requires unanimous approval.

CNA326-2023 Danielle Starr v Constable Byron Rhymes

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. Constable Hoggard requested this complaint be moved forward with an investigation into the matter and Matt Giordano seconded. The motion passed with a roll call vote 4-0 with Chairman Dowling abstaining.

CNA327-2023 Danielle Starr v Constable Byron Rhymes

The complaint and initial review report from the investigator were circulated to the board prior to the meeting.

Constable Hoggard requested this complaint be moved forward with an investigation into the matter and Matt Giordano seconded. The motion passed with a roll call vote 4-0 with Chairman Dowling abstaining.

**CNA328-2023 Nathan Wallace v Constable Darlene Martinez**

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. Constable Hoggard requested this complaint be moved forward with an investigation into the matter and Valerie Beckett seconded. The motion passed with a roll call vote 4-0 with Chairman Dowling abstaining.

**CNA329-2023 Takarus Andrus v Constable Jon Curtis**

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. Constable Hoggard requested this complaint be moved forward with an investigation into the matter and Matt Giordano seconded. The motion passed with a roll call vote 4-0 with Chairman Dowling abstaining.

**CNA330-2023 Donald Hutchison v Constable Byron Rhymes**

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. Constable Hoggard requested this complaint be moved forward with an investigation into the matter and Matt Giordano seconded. The motion passed with a roll call vote 4-0 with Chairman Dowling abstaining.

**Discussion & Possible Action on 2022 Training Deficiencies**

Staff reported on the of constables who did not submit proof of meeting the statutory training requirements of 16 hours in 2022, which included:

- Maricopa County Constable Ken Allen 0
- Pima County Constable Esther Gonzalez 0
- Pima County Constable Jose Gonzalez 0
- Santa Cruz County Constable Ed Huerta 15.5
- Pinal County Constable Mal Osgood 15.25
- Maricopa County Constable Byron Rhymes 4
- Coconino County Deputy Constable Danny Thomas 10

Board members raised questions on the status on several constables on the list. Constable Hoggard made a motion to table this agenda item to obtain additional information. Constable Kennedy seconded. The motion passed with a roll call vote 4-0 with Chairman Dowling abstaining.

**Discussion & Possible Action on Rules Update**

Matt Giordano reported he would like to meet with Ben Norris of the AZ Attorney General's office before making any recommendations for rule changes. Constable Hoggard made a motion to authorize Matt Giordano to meet with the Attorney General to move forward with rule changes. Constable Kennedy seconded and the motion passed with a roll call vote 4-0 with Chairman Dowling abstaining.

**Administrative Update**

Staff reported there are currently no public records requests. Staff received a resignation letter from public board member Melissa Buckley effective immediately. Staff clarified the now vacant board position is appointed by the Governor's office and the process for filling that position. Staff will be working on completing all the necessary internal surveys through the Department of Administration.

**Future Agenda and Action Items:**

Draft budget will be presented to the board at the March meeting. Staff will use past experience in creating the draft and encourages board members to present additional proposed changes that can be incorporated into the draft. Budget will be addressed at each meeting and final approval will take place at the June meeting.

**Adjournment:** Matt Giordano made a motion to adjourn the meeting and Constable Kennedy seconded. The motion passed unanimously. Meeting was adjourned at 10:03 am.

Dated this 9<sup>th</sup> day of March, 2023  
Constable Ethics, Standards and Training Board

By Dennis Dowling

A handwritten signature in black ink, appearing to read 'D. Dowling', written in a cursive style.

CESTB Chairman