

Dennis Dowling,
Chair
Justice Court
Yavapai County

Matt Giordano
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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Michael Hoggard,
Vice Chair
Constable
Mohave County

Mahogany Kennedy,
Constable
Maricopa County

Vacant
Public Member

Minutes of Public Meeting – March 9, 2023

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on March 9, 2023 at 9:02 a.m. at the offices of Capitol Consulting 1415 N 7th Ave, Phoenix, AZ 85007. CESTB Board members attending via teleconference: Chairman Dennis Dowling, Vice Chair Constable Michael Hoggard, Matt Giordano, 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, Deputy Constable Ramsen Isaac, Constable Eddie Huerta, Constable Nathan Wallace, Jacob Emmett, Antonia Ferral, Terry Johnson, Vanessa Gilbert.

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

Announcements

None

Minutes of Previous Meetings

Corrections: None

Constable Kennedy made a motion to approve the February 9, 2023 meeting minutes as presented and Vice Chair Hoggard seconded. The motion passed 4-0 with Chairman Dowling abstaining.

Call to the Public

Terry Johnson discussed details of an issue with a neighbor resulting in a harassment injunction that he claims Constable David Lester would not serve.

Antonia Ferral corroborated Terry Johnson's claim of harassment.

Constable Nathan Wallace thanked the board for their service.

Financial Report

Staff reviewed the January financial report received from Central Services Bureau. Revenue is up over expectations by an average of \$7500 per month through January. 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 February 25. Matt Giordano made a motion to approve the January financial report and Vice Chair Hoggard seconded. The motion passed unanimously 4-0 with Chairman Dowling abstaining.

Presentation and Discussion on Draft FY24 Budget

A draft budget was provided to board members prior to the meeting for discussion purposes. Chairman Dowling spoke with AZ Constables Association board members about some improvements to training and the grant program which may require more funds budgeted for grant. The board discussed typical carryover fund balances from year to year, which has been on the upswing due to lack of applications, specifically for equipment and outside training. Organizational training grants have consistently been funded. Future discussions and ultimate approval of the FY24 may involve changes to grant funding cycles going forward.

Presentation, Discussion & Possible Action on Management Company Contract

Current management contract will expire in May and must be put out for bid. Vice Chair Hoggard volunteered to work through the procurement process.

Presentation, Discussion & Possible Action on Santa Cruz County Equipment Grant

The grant application submitted by Santa Cruz County requesting funding in the amount of \$14,765.08 for the purchase of a radio was discussed at the February 9, 2023 meeting and tabled as board members had questions about the cost. Staff contacted the applicant requesting his attendance at this meeting. Constable Huerta explained he inquired about joining onto the Sheriff's Department's plan, which they agreed to do but they didn't have an extra radio he could use. Further they are in the process of trying to upgrade their system. If Constable Huerta purchased an older model of radio that would work with their system, as soon as they upgrade his radio would no longer work with their system. Constable Huerta's only option was to contact Motorola on his own but they would not offer any discounts, thus the high cost. Constable Huerta did explain if he purchased the radio, once the Sheriff's Department upgraded their system, he would be able to have his radio added to their plan. He further explained given their geographic location close to the border, reception can be a problem, making the radios important for safety reasons.

Valerie Beckett made a motion to approve full funding of the application and Vice Chair Hoggard seconded. Discussion - board members acknowledged there seems to be issues with the procurement process that should be addressed, but safety is of concern. The motion passed unanimously 4-0 with Chairman Dowling abstaining.

Status Update on Ongoing Constable Complaint Investigations

Chairman Dowling reported the following complaints are still under investigation and not ready to present to the board for discussion or possible action:

1. CNA302-2023 William Rucker v Constable Doug Clark
2. CNA304-2023 William Rucker v Deputy Constable Steve Perkins
3. CNA307-2023 William Rucker v Constable Doug Clark
4. CNA309-2023 William Rucker v Deputy Constable Steve Perkins
5. CNA312-2023 William Rucker v Constable Doug Clark
6. CNA317-2023 William Rucker v Constable Doug Clark
7. CNA319-2023 William Rucker v Constable Doug Clark
8. CNA320-2023 William Rucker v Constable Doug Clark
9. CNA321-2023 William Rucker v Constable Doug Clark
10. CNA324-2023 William Rucker v Constable Doug Clark

Discussion & Possible Action on Constable Complaints

CNA325-2023 Adrienne Pineda v Deputy Constable Ramsen Issac

The complaint, constable response, and case review report from the investigator were circulated to the board prior to the meeting. Matt Giordano made a motion to dismiss the complaint. Constable Kennedy seconded and the motion passed unanimously 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.

CNA331-2023 Rebecca Dowty v Constable Oscar Vasquez

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. Vice Chair Hoggard pointed out that the complainant had withdrawn the complaint and made a motion to dismiss. Board members were polled, and all agreed the complaint should be dismissed.

CNA332-2023 Terry Johnson v Constable David Lester

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. Matt Giordano requested the complaint be moved forward to an investigation and also directed the complainant Terry Johnson to provide written documentation of details he explained during the call to the public which were not included in the original complaint sent to the CESTB. A roll call vote resulted in unanimous agreement to move the complaint forward with Chairman Dowling abstaining.

CNA333-2023 Joanna Moyer v Constable Roger Curtis

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. Vice Chair Hoggard requested the complaint be moved forward to an investigation. A roll call vote resulted in unanimous agreement to move the complaint forward with Chairman Dowling abstaining.

CNA334-2023 William Rucker v Deputy Constable Ron Myers

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. Vice Chair Hoggard made a motion to dismiss. A roll call vote resulted in unanimous agreement to dismiss the complaint with Chairman Dowling abstaining.

Discussion & Possible Action on 2022 Training Deficiencies

This item was tabled in February to obtain more information. An updated report was circulated to the board prior to the meeting.

Maricopa Constable Byron Rhymes - Discussion ensued regarding the fact that Constable Rhymes was compliant with the number of hours required, however, submitted the certificates long after 30-day required response time. Staff requested an explanation on why the training records were delinquent, particularly after 2 courtesy letters were sent but received no response. Matt Giordano Chairman requested issuing a written reprimand for not following procedure. Chairman Dowling tabled this item.

Coconino Deputy Constable Danny Thomas - staff reported Thomas is now serving as a constable. The constable did complete the training as required, but his office was under the impression given a recent communication from AZPOST that they no longer needed to submit the training records to CESTB. No action was taken.

Pima Constables Jose Gonzalez and Esther Gonzalez - following the February meeting staff was able to ascertain both constables resigned in 2022. No action taken.

Santa Cruz Constable Ed Huerta - completed 15.5 hours, short of the 16 hours required. Matt Giordano requested a complaint investigation be opened. A roll call vote resulted in unanimous agreement to move the complaint forward with Chairman Dowling abstaining.

Pinal County Constable Mal Osgood - completed 15.25 hours, short of the 16 hours required. Vice Chair Hoggard requested a complaint investigation be opened. A roll call vote resulted in unanimous agreement to move the complaint forward with Chairman Dowling abstaining.

Discussion & Possible Action on Rules Update

This item was tabled.

Administrative Update

Staff has filled several public records requests. Staff has been working on required surveys from AZDOA and those will be completed soon.

Future Agenda and Action Items:

None

Adjournment: Vice Chair Hoggard made a motion to adjourn the meeting and Constable Kennedy seconded. The motion passed unanimously. Meeting was adjourned at 10:04 am.

Dated this 13th day of April, 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