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**CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD**

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**Summary of complaints to the Constable Ethics, Standards and Training Board (CESTB)  
Fiscal Year 2023  
Status Report 3/31/23**

For the fiscal year period July 1, 2022 through March 31, 2023 a total of forty-four (44) complaints were filed with the CESTB against constables for a variety of allegations. Two (2) complaints were withdrawn by the complainants, four (14) complaints were dismissed by the Board and three (3) cases were closed due to the constable leaving office prior to completion of investigation. The remaining cases are pending as of the date of this report.

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

Complaints that resulted in disciplinary action by being taken by the CESTB were as follows:

**CNA305-2023** was opened on August 22, 2022 against **Maricopa County Constable Doug Clark** by the Maricopa County Presiding Constable. The complaint detailed allegations that the constable used unreasonable force when he pointed his weapon at a subject who was exhibiting passive resistance during an eviction process. The complainant further alleged the constable failed to report or document a use of force incident as required by Maricopa County Policy and Procedures and provided false information to the Constable Ethics, Standards and Training Board about the incident.

Board members unanimously voted to place the constable on 30 days probation and asked him to resign his position. The constable resigned prior to the end of the 30-day probationary period and the case was consequently closed.

**CNA306-2023** was opened on August 28, 2022 against **Yavapai County Constable Mike Harris** by the Yavapai County Presiding Constable. The complaint detailed allegations of non-feasance by the constable's failure to process and serve orders of protection in a timely manner.

After considering all the facts in this case the Board determined Constable Harris failed to process and/or serve protection orders in a timely manner, which is in violation of A.R.S. § 22-131.A.

Of further concern was Constable Harris's statement in his response to the complaint that he is a "part time" constable citing his other responsibilities as a firefighter. Board members agreed using that as justification for not completing the duties of his position as constable is not acceptable and in violation of Administrative Rules and the Code of Conduct for Constables.

Consequently, they voted to issue a Letter of Reprimand and placed Constable Harris on 30 days probation effective as of the date of this letter. A written reprimand is two steps above the minimum disciplinary action the board can administer.

The constable resigned prior to the end of the 30-day probationary period and the case was consequently closed.

**CNA322-2023** was opened on November 17, 2022 against **Pima County Constable Oscar Vasquez**. The complaint alleged the constable used Facebook Messenger to the complainant unwanted and inappropriate images.

After considering all the facts in this case the Board determined Constable Vasquez violated the following rules and canons.

Arizona Administrative Code Title 13, Chapter 14 Section 103.A states:

A constable shall:

2. Act in a manner that promotes public confidence in the constable's office;
3. Be honest and conscientious in all professional and personal interactions;
8. Act at all times in a manner appropriate for an elected public official;

Canon 4 A & B of the Code of Conduct for Constables also includes similar expectations as quoted below:

**CANON 4**

**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.

**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.

Consequently they voted to issue a letter of admonishment to Constable Vasquez.

This letter of admonishment is 3 steps above the minimum disciplinary action the board can

administer.