

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 – May 11, 2023

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on May 11, 2023 at 9:02 a.m. at the offices of Capitol Consulting 1415 N 7<sup>th</sup> Ave, Phoenix, AZ 85007. CESTB Board members attending in person: Chairman Dennis Dowling, Vice Chair Constable Michael Hoggard. CESTB Board members attending via teleconference: Matt Giordano, and Valerie Beckett. Members absent: Secretary Christine Shipley and Constable Mahogany Kennedy. The following staff was present – Tracy Unmacht and investigator Steve Jacobs. Members of the public attending in person: Constable Darlene Martinez. Members of the public attending via teleconference – Patrice Goodman, Constable Nathan Wallace, Constable Scott Blake, Jacob Emmett, Robin Hillyard, Sheri McCloskey, Danielle Morris, Constable Francisco Lopez, Lisa Hiller.

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 Hoggard made a motion to approve the April 13, 2023 meeting minutes as presented and Valerie Beckett seconded. The motion passed 3-0 with Chairman Dowling abstaining.

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

None

#### **Financial Report**

Staff reviewed the March financial report received from Central Services Bureau. 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 March 27. Several grants have been paid. Current projected ending cash is \$681,858.37. Vice Chair Hoggard made a motion to approve the March financial report and Matt Giordano seconded. The motion passed 3-0 with Chairman Dowling abstaining.

#### **Presentation and Discussion on Draft FY24 Grant Schedule**

A draft schedule of all of the grant cycles that will be offered in FY24, pending FY24 budget approval. Valerie Beckett made a motion to approve the grant schedule as presented and Vice Chair Hoggard seconded. The motion passed 3-0 with Chairman Dowling abstaining.

#### **Presentation and Discussion on Draft FY24 Budget**

An updated draft budget was provided to board members prior to the meeting for discussion purposes. Vice Chair Hoggard made a motion to approve the FY24 Budget as presented in the current draft and Valerie Beckett seconded. The motion passed with a roll call vote 3-0 with Chairman Dowling abstaining.

## **Presentation, Discussion & Possible Action on Cycle VII Organizational Constable Training Grant Application**

One application was received from the AZ Constables Association for Organizational Training requesting total funding in the amount of **\$ 124,570.33**. The event is currently scheduled to take place in July in Flagstaff to provide required continuing education to all constables and deputy. Board members submitted their scores for the record. Vice Chair Giordano recused himself from this matter.

Vice Chair Hoggard made a motion to approve the grant funding for the amount requested and Valerie Becket seconded. The motion passed 3-0.

## **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. We are awaiting reports from other agencies to conclude our investigation.

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**

CNA328-2023 Nathan Wallace v Constable Darlene Martinez

The complaint, constable response, and case review report from the investigator were circulated to the board prior to the meeting.

Vice Chair Hoggard made a motion to issue an Admonishment to Constable Martinez in the matter cautioning her from inserting herself into incidents involving family and close friends. Matt Giordano seconded. Additional Board members agreed the constable should have stepped away. The motion passed with a roll call vote 3-0 with Chairman Dowling abstaining.

CNA333-2023 Joanna Moyer v Constable Roger Curtis

The complaint, constable response, and case review report from the investigator were circulated to the board prior to the meeting. Clarification was provided by staff that no previous disciplinary action has been taken by the Board against Constable Curtis.

Vice Chair Hoggard made a motion to issue an Admonishment citing Case Notes #7 in the investigator's response review report which points out Constable Curtis failed to act in a fair and impartial way during the civil standby incident that prompted the complaint. Valerie Beckett seconded. Board members also noted derogatory comments toward the complainant made by the constable in his response to the complaint were inappropriate. The motion passed with a roll call vote 3-0 with Chairman Dowling abstaining.

CNA335-2023 CESTB v Constable Edward Huerta

The complaint was circulated to the board prior to the meeting. Note, we did not receive a response from the constable despite follow up by staff. Matt Giordano made a motion to send a letter to the constable encouraging him to retire from office citing failure to meet training requirements in 2022 as well as failing to respond to the CESTB request. Vice Chair Hoggard seconded. Staff clarified no previous disciplinary action has been taken by the CESTB against Constable Huerta and that he has been a constable for longer than 1 year. The motion passed with a roll call vote 3-0 with Chairman Dowling abstaining.

#### CNA336-2023 CESTB v Constable Mal Osgood

The complaint and constable response was circulated to the board prior to the meeting. The constable indicated there was a clerical error in providing complete records showing completion of required training for 2022. Matt Giordano made a motion to dismiss the complaint citing the fact the constable did complete required training. Valerie Beckett seconded and the motion passed with a roll call vote 3-0 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.

#### CNA339-2023 Lisa Hiller v Former Constable Kristen Randall

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. The constable named in the complaint is no longer a constable. Consequently, Vice Chair Hoggard made a motion to dismiss based on no jurisdiction and Valerie Beckett seconded. The motion passed with a roll call vote 3-0 with Chairman Dowling abstaining.

#### CNA341-2023 William Rucker v Constable Tony Martineau

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 without investigation citing Case Notes Item #1 in the investigator's initial review report which states the complainant fails to include any statute, administrative rule or policy requiring constables to complete an incident report. The dismissal was confirmed with a roll call vote 3-0 with Chairman Dowling abstaining.

#### CNA342-2023 William Rucker v Constable Lennie McCloskey

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 without investigation citing Case Notes Item #1 in the investigator's initial review report which states the complainant fails to include any statute, administrative rule or policy requiring constables to complete an incident report. The dismissal was confirmed with a roll call vote 3-0 with Chairman Dowling abstaining.

#### CNA343-2023 Scarlett St. John v Constable Francisco Lopez

The complaint and initial review report from the investigator were circulated to the board prior to the meeting. Valerie Beckett requested this complaint be moved forward into an investigation. Roll call vote confirmed the decision 3-0 with Chairman Dowling abstaining. The constable will be contacted and a request for response will be made.

#### **Discussion & Possible Action on Rules Update - Steve Jacobs**

Steve plans to have a draft prepared for the June board meeting, with a final draft ready for approval at the July board meeting.

#### **Discussion and Possible Action on Administrative Contract**

Vice Chair Hoggard reported we are currently in year 4 of a 5 year contract which can be automatically renewed each year without putting out for bid. Hoggard indicated everything is in order to make the final year renewal with no changes to fees or conditions, which will be valid through May 31, 2024. Hoggard further reported that the Board will need to take action in November to start the request for bid process prior to the May 31, 2024 contract expiration.

Vice Chair Hoggard made a motion to approve the contract renewal and Matt Giordano seconded. The motion passed with a roll call vote 3-0 with Chairman Dowling abstaining.

#### **Administrative Update**

Staff has completed the updated FY23 Complaint Summary through Q3 that is posted on the website. This will also be updated following the end of FY23 as well as a final report when all complaints opened in FY23 are closed.

Staff has also started preparing the grant applications for the updating FY24.

And staff has been updating the administrative procedures document.

**Future Agenda and Action Items:**

Possible change to July board meeting to conduct in conjunction with the Constable training event in Flagstaff in July.

**Adjournment:** Matt Giordano made a motion to adjourn the meeting and Vice Chair Hoggard seconded. The motion passed unanimously. Meeting was adjourned at 9:51 am.

Dated this 8<sup>th</sup> day of June, 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