



State of Arizona
Constable Ethics, Standards & Training Board

PO Box 13116 Phoenix, AZ 85002
Phone: (602) 343-6280 Fax: (602) 712-1252
cestb@azcapitolconsulting.com / <https://cestb.az.gov>

May 14, 2021

Pima County Board of Supervisors
c/o Julie Castañeda, Clerk of the Board
130 W. Congress, 1st Floor
Tucson, AZ 85701

Dear Board Members:

In July of 2020, the Constable Ethics, Standards and Training Board (CESTB) sent the enclosed letter to you requesting your assistance in mitigating what they determined to be an unacceptable pattern of behavior by Pima County Constable Oscar Vasquez.

Following an investigation and May 13, 2021 hearing for a new complaint, CNA267-2021, the CESTB found Vasquez has shown little desire to conduct himself in accordance with statutes, rules and codes of conduct. As you will see in the following exhibits, the constable was directed to serve a writ of restitution. The constable took it upon himself to delay the eviction for five days. In his response to the complaint, Vasquez explained he did so because he needed to ensure the tenant had alternative housing before evicting them. His justification was his belief that "no persons being evicted should be left without housing during the COVID-19 pandemic". In this case the court determined no CDC declaration had been provided. While the constable's empathy toward the tenant is admirable, he disobeyed a lawful order signed by the judge in this case. The CESTB determined this is a direct violation of Title 13 Chapter 14 Section R13-14-103 of the Arizona Administrative Code, Constable Code of Conduct orders A.1 & A.2.

In accordance with Title 13 Chapter 14 Section R13-14-204 of the Arizona Administrative Code, the CESTB considers the following factors when determining the appropriate discipline for any violation, and at least five of these factors were cited in this case as noted below:

1. Prior disciplinary offenses – Constable Vasquez has been disciplined by the CESTB numerous times, as previously reported to you.
2. Dishonest or self-serving motive - Constable Vasquez is following his beliefs rather than the law, and has stated he will continue to do so.
3. Pattern and frequency of misconduct – numerous prior offenses by Constable Vasquez that resulted in disciplinary action by the CESTB were cited and previously reported to you.
4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Board - Constable Vasquez has ignored directives by the CESTB in past cases.
5. Submission of false evidence, false statements, or other deceptive practices during the investigative or disciplinary process – not applicable in this case.
6. Refusal to acknowledge wrongful nature of conduct – Constable Vasquez stated he will continue to act in the same manner in the future.
7. Harm caused to a member of the public – while not applicable with this complaint, continued pattern of behavior by Constable Vasquez has the potential of doing so in the future.

The following exhibits from this case are included:

Exhibit 1: 2/9/21 complaint regarding Constable Vasquez's failure to serve a Writ of Restitution in a timely manner

Exhibit 2: Pima County Consolidated Justice Court Approval of Motion to Compel Enforcement of Eviction

Exhibit 3: 3/22/21 letter from CESTB to Constable Vasquez, informing him of this complaint and giving him an opportunity to respond

Exhibit 4: 4/28/21 Response from Constable Vasquez

Exhibit 5: 4/29/21 Statement from Community Engagement Specialist Nahrin Jabro

Exhibit 6: Draft CESTB May 13, 2021 Board Meeting Minutes (Draft minutes are scheduled to be approved in June. An audio recording of the meeting is also available at <https://cestb.az.gov/meetings>)

Exhibit 7: 5/14/21 CESTB letter urging Constable Vasquez to resign

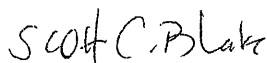
Exhibit 8: Constable Code of Conduct

Exhibit 9: AZ Administrative Code Rules TITLE 13. PUBLIC SAFETY CHAPTER 14. CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

At their May 13, 2021 meeting, the CESTB voted unanimously to urge Constable Vasquez to resign, and in absence of said resignation, request the Pima County Board of Supervisors place him on a 180-day suspension without pay. We urge you to take this action to protect the rule of law.

If you have any questions, or require any additional documentation, please feel free to contact the Board by email at cestb@azcapitolconsulting.com or (602) 343-6280.

Sincerely,



Scott Blake

Chairman

Enclosures



State of Arizona
Constable Ethics, Standards & Training Board
PO Box 13116 Phoenix, AZ 85002
Phone: (602) 343-6280 Fax: (602) 712-1252
cestb@azcapitolconsulting.com / <https://cestb.az.gov>

July 30, 2020

Pima County Board of Supervisors
c/o Julie Castañeda, Clerk of the Board
130 W. Congress, 1st Floor
Tucson, AZ 85701

Dear Board Members:

The purpose of this letter is to notify the Pima County Board of Supervisors of the outcome of the Constable Ethics, Standards and Training Board (CESTB) investigation into complaints against Pima County Constable Oscar Vasquez over a period of several years that address a variety of issues as we have outlined in detail below. In each of these cases the CESTB concluded the constable violated the Constable Code of Conduct, a copy of which is enclosed.

In accordance with Title 13 Chapter 14 Section R13-14-204 of the Arizona Administrative Code, the CESTB considers the following factors when determining the appropriate discipline for any violation: 1. Prior disciplinary offenses; 2. Dishonest or self-serving motive; 3. Pattern and frequency of misconduct; 4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Board; 5. Submission of false evidence, false statements, or other deceptive practices during the investigative or disciplinary process; 6. Refusal to acknowledge wrongful nature of conduct; and 7. Harm caused to a member of the public.

Pursuant to A.R.S. §22-137 numerous steps have been taken by the CESTB to mitigate these violations, but Vasquez has shown little desire to correct a pattern of unacceptable behavior. Given the nature of the violations, the CESTB believes Constable Vasquez poses a threat to public safety. The CESTB has exhausted all remedies available to it and consequentially recommends the Pima County Board of Supervisors place Constable Vasquez on suspension without pay for a minimum of 30 days and that the suspension remain in place until he has completed the training requirements specified in CNA245-2020 below, or his term in office expires, whichever comes first.

The CESTB evaluated the following cases in making this recommendation:

A. CNA208-2017

Exhibit 1: 5/24/17 complaint regarding Constable Vasquez's illegal use of a handicap placard

Exhibit 2: 6/2/17 complaint regarding Constable Vasquez's failure to report vehicle accident/damage

Exhibit 3: 6/9/17 complaint regarding Constable Vasquez's violation of motor vehicle laws and disregard of county vehicle operations policy

Exhibit 4: 6/22/17 letter from CESTB to Constable Vasquez, informing him of this complaint and giving him an opportunity to respond

Exhibit 5: 7/11/17 Request from constable for extension on response and 7/12/17 reply

Exhibit 6: 8/25/17 Response from Constable Vasquez admitting responsibility and stating his belief the county has reprimanded him sufficiently

Exhibit 7: 8/29/17 CESTB letter of reprimand for violating Constable Code of Ethics

B. CNA240-2019

Exhibit 8: 5/20/19 complaint which involved a confrontation between Constable Vasquez and a citizen following a driving incident

Exhibit 9: 6/19/19 letter from CESTB to Constable Vasquez, informing him of this complaint and giving him an opportunity to respond

Exhibit 10: 5/4/19 Constable response in which he denied wrongdoing

Exhibit 11: 8/23/19 CESTB letter of notice to Constable Vasquez placing him on probation for 30 days

Exhibit 12: 8/23/19 CESTB letter to Pima County Presiding Constable Mike Stevenson directing him to monitor behavior during 30-day probationary period to determine if additional training, anger management counseling or further disciplinary action is warranted. The CESTB also requested a report back at the September 18th CESTB meeting.

Exhibit 13: 9/16/19 Report from Presiding Constable Stevens on continued misconduct by Constable Vasquez, including another incident in which no formal complaint was filed with the CESTB

Exhibit 14: 9/24/19 CESTB Letter of Reprimand, reprimanding Constable Vasquez for failure to mitigate previously cited inappropriate behavior.

C. CNA245-2020

Exhibit 15: 10/7/19 complaint by Presiding Constable Stevens regarding revocation of county vehicle due to repeated motor vehicle violations

Exhibit 16: 10/17/19 letter from CESTB to Constable Vasquez, informing him of this complaint and giving him an opportunity to respond

Exhibit 17: 12/10/19 Response from Constable Vasquez stating his belief this issue has been dealt with by the county and the CESTB has no jurisdiction to pursue

Exhibit 18: 12/30/19 CESTB letter of notice to Constable Vasquez placing him on probation for 180 days with requirement to complete courses in Life Skills Driver Improvement and Anger Management

Exhibit 19: 3/4/20 status update from the training provider, Wise Choice Alternatives

Exhibit 20: 5/14/20 status update and contact log from the training provider, Wise Choice Alternatives

Exhibit 21: 7/17/20 status update from the training provider, Wise Choice Alternatives

Exhibit 22: 7/24/20 CESTB letter to Constable Vasquez informing him he had not met the requirements of his 180 day probation and was being referred to the Pima County Board of Supervisors with the recommendation he be suspended without pay a minimum of 30 days and up to the time in which he completed required coursework.

D. CNA250-2020

Exhibit 23: 3/2/20 complaint about public urination

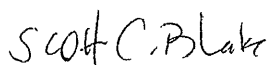
Exhibit 24: 3/12/20 letter from CESTB to Constable Vasquez, informing him of this complaint and giving him an opportunity to respond

Exhibit 25: 4/27/20 response from Constable Vasquez apologizing for the incident and stating a medical condition was the cause

Exhibit 26: 5/25/20 CESTB Letter of Reprimand

If you have any questions, please feel free to contact the Board by email at cestd@azcapitolconsulting.com or (602) 343-6280.

Sincerely,



Scott Blake
Chairman

Form submission from: Complaint Form

EX. 1

cestb@azcapitolconsulting.com <cestb@azcapitolconsulting.com>

on behalf of

Autumn Romero via Constable Ethics, Standards and Training Board <cestb@azcounties.org>

Tue 2/9/2021 3:39 PM

To: CESTB <cestb@azcapitolconsulting.com>

Submitted on Tuesday, February 9, 2021 - 3:39pm

Submitted by anonymous user: 70.184.72.153

Submitted values are:

CNA261-2021

Name of Constable: Oscar Vasquez

Precinct/Court: Pima County

Is this complaint related to a lawsuit? Yes

If Yes, Name of Court: Pima County Justice Court

Case Number: CV20-014231-EA

Name of Case: KMS Enterprises, LLC VS Santiago Pargas & Linda Tellez

Your Name: Autumn Romero

Your Phone: 5204012289

Your Address: 5225 E Pima Street

Your City State Zip: Tucson

Your Email Address: autumn@kms-rentals.com

Statement of Facts: On February 4, 2021 Constable Vasquez contacted me about the lock out for this case. I told him how important it is that we do the lock out asap as they are causing havoc on the entire property. He said to call him back in one hour on February 4th so we could meet him. I called him back, no answer and now he will not return my phone calls. The writ was sent to the constables on January 27 and it is now February 9th. I have not heard back from him and have called and left him several messages. This was 5 days ago.

Attachment 1: <https://cestb.az.gov/system/files/webform/CV20-014231-EA46.pdf>

Attachment 2:

Attachment 3:

https://cestb.az.gov/system/files/webform/CV20-014231-EA46_0.pdf

Disclaimer: By checking this box and typing my name below, I am electronically signing my complaint form.

Signature: Autumn Romero

The results of this submission may be viewed at:

<https://cestb.az.gov/node/37/submission/648>

Ex 2

CNA267-2021

PIMA COUNTY CONSOLIDATED JUSTICE COURT
240 N STONE AVENUE TUCSON, AZ 85701-1130 (520)724-3171

PLAINTIFF(S): KMS ENTERPRISES LLC VS DEFENDANT(S): PARGAS, SANTIAGO TELLEZ, LINDA	CIVIL MINUTE ENTRY PLAINTIFF'S ATTORNEY: JOSHUA MONTAGNINI, ESQ. DEFENDANT'S ATTORNEY: PRO SE	CASE NO. CV20-014231-EA Defendant's Address: PARGAS, SANTIAGO 2967 W AVENIDA DESTINO TUCSON ARIZONA 85746
--	--	--

COURT DATE: 01/21/2021 **TIME:** 02:00 PM **HEARING TYPE:** Motion to Compel Enforcement

PLAINTIFF:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input checked="" type="checkbox"/> By Counsel
DEFENDANT:	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Not Present	<input type="checkbox"/> By Counsel

The Court, being fully advised in the premises, finds Plaintiff is entitled to recover by their complaint. A Writ of Restitution (Order of Eviction) may be issued on Wednesday, January 27, 2021 and is effective immediately upon being served.

NOTICE TO DEFENDANT

Pursuant to §12-1178(E), as amended, provides that a defendant who is lawfully served with a writ of restitution and who remains in or returns to the dwelling unit or remaining on or returns to the mobile home space or the recreational vehicle space without the express permission of the owner of the property or the person with lawful control of the property commits criminal trespass in the third degree pursuant to section §13-1502.

The Court finds by a preponderance of the evidence that no CDC declaration has been provided. Plaintiff's Motion to Compel Enforcement is GRANTED.

DATED: 01/21/2021


 JUSTICE OF THE PEACE ☐ HEARING OFFICER ☐ PRO TEM

ALL PARTIES IN ANY CIVIL CASE HAVE THE RIGHT TO APPEAL BY FILING A NOTICE OF APPEAL WITH THE TRIAL COURT WITHIN (14) CALENDAR DAYS AFTER THE ENTRY OF THE ORDER, RULING, OR JUDGMENT APPEALED FROM, EXCEPT IN AN EVICTION CASE THE TIME LIMIT SHALL BE (5) CALENDAR DAYS. THERE ARE NO APPEALS FROM A SMALL CLAIMS JUDGMENT. PURSUANT TO RECORDS RETENTION AND DESTRUCTION SCHEDULE, YOUR EXHIBIT(S) WILL BE DESTROYED UPON DISMISSAL, DISPOSITION, OR FINAL APPELLATE RULING WHICHEVER COMES LATER.

Copy mailed to ☐ Plaintiff ☐ Defendant ☐ Garnishee

DATE: _____ BY: _____



Ex. 3

**State of Arizona
Constable Ethics, Standards & Training Board**

March 12, 2021

The Hon. Oscar Vasquez, Constable
32 North Stone Avenue Suite 111
Tucson AZ 85701

Re: CNA267-2021

Dear Constable Vasquez:

The purpose of this letter is to notify you that the Constable Ethics, Standards and Training Board (CESTB) has received the enclosed complaint against you referenced by the case number above.

You are invited to respond to the complaint and give your written statement regarding the events surrounding the complaint. The Board allows you forty-five (45) days from the date of this letter to respond to the complaint. You may submit your written response by mail to PO Box 13116, Phoenix, AZ 85002 or by fax to (602) 712-1252 or by e-mail to cestb@azcapitolconsulting.com.

The CESTB Board will be meeting on May 13, 2021 at which time they will discuss this complaint and may take possible action. Any statements or evidence you give will be reviewed by the CESTB Board and taken into consideration. You are also welcome to attend this meeting, time and location can be found on our website at cestb.az.gov.

You will be informed in writing of any decision in this matter. If you have any questions, please feel free to contact the CESTB through the previously referenced email or (602) 343-6280.

Scott C. Blake

Scott Blake
Chairman

Ex. 4

Response from Constable Oscar Vasquez to CESTB Complaint CNA26¹~~4~~-2021

Oscar Vasquez <Oscar.Vasquez@pima.gov>

Wed 4/28/2021 10:55 PM

To: CESTB <cestb@azcapitolconsulting.com>

April 28, 2021

Sent via Email to: cestb@azcapitolconsulting.com
Constable Ethics Standards and Training Board

Dear Chairman Blake and Board members:

I am responding to CESTB Complaint CNA26¹~~4~~-2021 by Autumn Romero of KMS Enterprises.

On February 4th, I contacted the complainant regarding the eviction of Ms. Tellez. As a result of the current COVID-19 pandemic, I informed the complainant that I needed to ensure that Ms. Tellez had alternative housing so Ms. Tellez would not be left homeless.

On the day that the complainant contacted me via phone, I started to reach out to community housing organizations to secure alternative housing for Ms. Tellez since it's this office's policy and belief that no persons being evicted should be left without housing during this COVID-19 pandemic. My efforts were in vain as I could not reach any persons to assist in housing Ms. Tellez.

As a result, On February 8, I contacted Naharin Jabro, our office outreach specialist, to assist with housing Ms. Tellez since timing was of the essence as a result of this eviction. Naharin contacted me the following day and informed me that more time was needed to secure housing and requested two more days.

On February 11, Naharin informed me that housing was secured for Ms. Tellez. I then contacted the complainant and informed that I can proceed with the eviction and she agreed. In the early afternoon, I commenced with the eviction and it was executed and the complainant thanked me for executing it.

The complainant notes in her complaint that Ms. Tellez was causing havoc. Ms. Tellez was trying to find alternative housing for herself and she was very kind and respectful throughout the eviction process. The complainant's description of Ms. Tellez is inaccurate to say the least.

Ms. Tellez thanked Naharin and I for assisting her in this time consuming and laborious effort that had a positive outcome for all parties involved.

In conclusion, this matter took longer than it should and as a result, I have never nor will not put an evicted Pima County resident in a worse situation by making them homeless due to the current COVID-19 pandemic and housing crisis. It is morally wrong and unjust and as an elected constable, I represent the residents of Pima County.

As a result of my above response, I ask this board to dismiss this complaint accordingly.

Respectfully submitted,

Oscar Vasquez
Pima County Constable, JP-4

RE: Response from Constable Oscar Vasquez to CESTB Complaint CNA264-2021 ⁷ EX. 5

Nahrin Jabro <Nahrin.Jabro@pima.gov>

Thu 4/29/2021 11:04 AM

To: CESTB <cestb@azcapitolconsulting.com>

Good morning,

My name is Nahrin Jabro, and I am a social worker at the Pima County Constable's office, although my official position title is a "community engagement specialist." I have been hired to assist vulnerable individuals and families with avoiding homelessness and mitigating the trauma that follows an eviction.

I wanted to follow up with Oscar's response. I became aware of Ms. Tellez's eviction about one week prior to it occurring, although I was unable to immediately assist her due to the large number of individuals and families that I already had backlogged shortly after starting my position here in January of 2021. I was able to assist Ms. Tellez the day of and the day prior to the eviction, but I did ask Constable Vasquez to provide me with one more day in order to get Ms. Tellez and her family a hotel for one week, and a start on a housing program through the Salvation Army.

I apologize for the inconvenience that this caused the landlord. We are adjusting my position at this office to make me more available to tenants who are extremely vulnerable, and I learned a huge lesson from this eviction. I will make sure to communicate with the constable and the landlord immediately after receiving a referral for a family who is about to become homeless.

Thank you for this attention to this email.

Nahrin Jabro
Community Engagement Specialist
Pima County Constable's Office
240 N. Stone Ave.
Tucson, AZ 85701
Cell: (520)449-3251
Desk: (520)724-5387

Ex. 6

Scott Blake, Chair
Constable
Maricopa County

Valerie Beckett
County Administrator
Maricopa County

Melissa Buckley
Public Member

Mike Cobb
Constable
Mohave County



STATE OF ARIZONA

CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

PO Box 13116 Phoenix, AZ 85002

cestb.az.gov

cestb@azcapitolconsulting.com

602-343-6280

FAX 602-712-1252

Dennis Dowling, Vice
Chair
Justice Court
Yavapai County

Matt Giordano
AZPOST

Christine Shipley,
Secretary
Multihousing
Association

Minutes of Public Meeting – May 13, 2021

A public teleconference meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on May 13, 2021 at 9:05 a.m. CESTB Board members present via teleconference were: Chairman Constable Scott Blake, Vice Chair Judge Dennis Dowling, Melissa Buckley, Matt Giordano, Constable Mike Cobb and Christine Shipley. Members absent included Valerie Beckett. The following staff was present – Tracy Unmacht. Members of the public attending included Patrice Goodman, Scott Davis, Constable Doug Clark, Constable Oscar Vasquez and ACA President Ron Williams.

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

Minutes of Previous Meetings:

Corrections: None

Christine Shipley made a motion to approve the minutes as presented from the April 8, 2021 CESTB meeting and Melissa Buckley seconded. The motion passed unanimously 6-0.

Financial Report: Staff reviewed income, expenses, cash flow and grant spending summary. Revenue continues to be down, although has stabilized. Cash flow projections reflect the lower monthly average revenue. Staff met with CSB and they stated their intention to make the 80/20 revenue split adjustments monthly. April report reflects these adjustments for FY to date. Mike Cobb made a motion to approve the financial report and Christine Shipley seconded. The motion passed unanimously 6-0.

Call to the Public: No public comments were received.

Constable Complaints:

It should be noted that Christine Shipley left the meeting at this point.

CNA265-2021 Clark – Chairman Blake discussed the extensive video evidence submitted by both the complainant and Constable Clark. Dennis Dowling's overall conclusion from the video evidence was that Constable Clark did not do anything that should warrant disciplinary action, however after being assaulted by the complainant he should have taken steps to de-escalate the situation. Mike Cobb suggested given the circumstances Constable Clark handled the eviction the best he could, and did not violate any ethics or codes of conduct. Mike Cobb made a motion to dismiss the complaint and Matt Giordano seconded. The motion passed unanimously with a roll call vote, 5-0.

Christine Shipley rejoined the meeting.

CNA267-2021 Vasquez – Chairman Blake reviewed the complaint with board members in which Constable Vasquez was accused of making the decision to delay an eviction, contrary to what is expected. Dennis Dowling reiterated the eviction order was issued out of the court, the issue was heard in the court, it was decided in court, Constable Vasquez received the writ and he chose on his own not to follow the law due to his personal beliefs about evictions during the COVID pandemic. Dennis concluded this is a direct violation of R13-14-103 Code of Conduct A1. Mike Cobb pointed out that the action violated R13-14-103 Code of Conduct A2 as well. Mike also stated that a constable's personal opinions or beliefs

should not come into play while carrying out his/her duties. As elected officials, constables are required to follow rules and regulations associated with the office, and Vasquez did not do that. Christine Shipley stated her concern that in the constable's response to the complaint, he advised that he will act in the same manner if this were to occur again in the future. She went on to state that if he finds it morally unjust to be forced to remove someone when they don't have alternate accommodations, he should not remain in the position. Matt Giordano also expressed concern with Vasquez's written response stating that he is not going to follow the law in the future.

Dennis Dowling made a motion to urge the constable to resign citing the following factors as stated in AZ Administrative Code Rules R13-14-204:

- Prior disciplinary offenses – the constable has been disciplined by the CESTB numerous times
- Dishonest or self-serving motive – the constable is following his beliefs rather than the law
- Pattern and frequency of misconduct – numerous prior offenses that resulted in disciplinary action by the CESTB were cited
- Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Board – the Constable has ignored directives by the CESTB in past cases
- Refusal to acknowledge wrongful nature of conduct – the constable stated he will continue to act in the same manner in the future

Mike Cobb inquired about past sanctions by this board and staff indicated the constable has received various letters of reprimand, has been placed on probation several times, and the CESTB also requested the Pima County Board of Supervisors suspend the constable without pay for 30 days for a previous infraction.

Mike Cobb seconded the motion to urge the constable to resign with a requested amendment to include a request to the Pima County Board of Supervisors suspend the constable without pay for a minimum of 30 days. Dennis Dowling seconded the amendment. Discussion ensued. Constable Vasquez was offered an opportunity to speak and addressed the previous probationary period and stated that he completed the required training in question. He also described the homeless situation due to COVID-19 and the lack of resources for those who are evicted so finding alternate accommodations takes much longer. He stated in the case in question, justice was served; it just took longer than usual.

Dennis Dowling asked Constable Vasquez a number of questions to clarify what authority he had to determine the eviction should not take place due to COVID. The Constable answered that the reason he delayed the eviction was because the tenant didn't have a place to go, and he needed to find alternate accommodations for the tenant before he would complete the eviction.

Mike Cobb pointed out that in the case of nearly every eviction, the tenant/defendants do not typically have anywhere to go. The job of constable is to follow court orders and rules and laws of the state, and it is not the constable's choice to postpone things because of personal beliefs.

Melissa Buckley stated her appreciation of Constable Vasquez's empathizing with the tenant, however there are laws in place that govern elected officials and he did not abide by them.

Scott Blake requested an amendment to the motion to extend the request for suspension without pay to 180 days. Blake's justification was due to the serious nature of the offense given the constable decided he was not going to obey a lawful order signed by a judge. Dennis Dowling seconded the amendment.

The motion to urge the constable to retire and request the Pima County Board of Supervisors suspend Constable Vasquez without pay for 180 days passed with a roll call vote 6-0.

Initial Screening of new Constable Complaints:

Complaint received 4-11-21 Dittmar v Tipton – Chairman Blake reviewed the complaint with board members which accused the constable of taking too long to conduct lawful service. However, the timeframe listed in the complaint was within standards and therefore considered lawful service.

Dennis Dowling made a motion to dismiss the complaint and Mike Cobb seconded. Motion passed unanimously with a roll call vote 6-0.

Discussion & Possible Action on Training Non-compliance by Newly Elected Constables:

The AZ Constables Association (ACA) notified the CESTB that 3 newly elected constables missed all or a portion of statutorily required new constable training that was offered during the January training event. Following that notification, it was determined that while Constables Denice Garcia and Luke Palmer did attend the training event, they were initially reported as absent for one or more sessions because they had not signed in on the attendance sheets. Affidavits were obtained from fellow attendees who verified their attendance at said classes. The ACA verified with AZPOST that they could accept these statements as proof of training and sent amended training certification documentation to the CESTB. This documentation, if accepted by the CESTB, puts Constables Garcia and Palmer in compliance with the statutory training requirements.

Matt Giordano made a motion to accept the amended certificates for Constables Denice Garcia and Luke Palmer and Christine Shipley seconded. Motion passed unanimously with a roll call vote 6-0.

The third, Constable Kristen Randall, registered to attend the event but did not end up attending any of the classes and is now in violation of statutes. The new constable training school is specialized training that is only offered by the ACA every two years and there are not currently any alternate training classes available to Constable Randall to meet the statutory requirements. The Board discussed possible options on how to proceed.

Dennis Dowling made a motion to initiate the complaint process and as part of the investigation, obtain advice from the attorney general's office. Matt Giordano seconded. Discussion ensued. Mike Cobb pointed out that Constable Randall submitted a list of classes she was hoping would be eligible as substitute training, however ACA President Ron Williams explained the courses included in the new constable training school were specialized and there is a specific process for obtaining approval to teach the courses. Constable Randall would need to submit proof that the courses she has attended or plans to attend include the specialized subject matter specific to new constable training and that AZPOST approved those courses for the purpose of meeting the statutory requirement for new constable training.

Dennis also pointed out a provision in A.R.S. §22-131 Constables; powers and duties; prohibited acts which states in part that "constable duties may be enforced by the presiding judge of the superior court in the county, including the use of the power of contempt." Dennis amended his motion to include providing notice to the presiding judge in Pima County which may provide a resource to the CESTB for mitigating the situation. Mike seconded the amendment. The amended motion passed unanimously with a roll call vote 6-0.

Presentation, Discussion & Possible Action on Constable Training Grant:

One application was received from the AZ Constables Association for Organizational Training requesting total funding in the amount of \$111,485.74. The event is currently scheduled to take place in July in Tubac to provide required continuing education to all constables and deputy constables. Funds available for this cycle are \$125,000. Board members submitted their scores for the record.

Mike Cobb made a motion to approve the application as submitted and Matt Giordano seconded. Motion passed with a roll call vote unanimously 5-0-1 with Chairman Blake abstaining.

Presentation, Discussion & Possible Action on Equipment Grants

Seven (7) applications were received during this cycle, requesting total funds of \$43,852.81. Total funds available are \$55,000. Board members submitted their scores for the record.

Dennis Dowling expressed some concern about several of the applications from Pima County, particularly tasers, firearms and ammunition, since there are issues with several of the constables regarding compliance issues. Chairman Blake also discussed adding contingencies to grant approvals that require training be completed prior to funding.

It should be noted Christine Shipley was no longer in attendance.

The board discussed and voted on the following:

Maricopa County Tasers \$27,120.55 – Dennis Dowling made a motion to approve the requested funding contingent upon completed taser training by all constables receiving them. Melissa Buckley seconded. Discussion included clarification by Maricopa County Constables Administrator Patrice Goodman on what the 5-year contract meant and what the warranty included. Motion passed unanimously with a roll call vote, 5-0.

Pima County Ballistic Vests \$4,039.84 – Mike Cobb made a motion to approve the requested funding and Matt Giordano seconded. Discussion – Mike Cobb reported he spoke with Pima County Presiding Constable Mike Stevenson and he indicated the majority of the equipment grants from Pima County will benefit new constables John Dorer and George Camacho, which he believes are in compliance. Motion passed unanimously with a roll call vote, 5-0.

Pima County Firearms & Ammunition \$3,622.27 – Dennis Dowling made a motion to approve the grant at 75% of requested funding, the reduction due to the compliance concerns expressed previously. Additionally, funding is contingent upon proving compliance by all constables who would receive the equipment and they are properly trained. Mike Cobb seconded. Motion passed unanimously with a roll call vote, 5-0.

It should be noted Dennis Dowling left the meeting at this time.

Pima County Printer \$949.04 – Matt Giordano made a motion to approve the requested funding and Mike Cobb seconded. Motion passed unanimously with a roll call vote, 4-0.

Pima County Tasers \$4,670.67 – Scott Blake made a motion to approve the requested funding contingent upon completed taser training by all constables receiving them and Melissa Buckley seconded. Motion passed unanimously with a roll call vote, 4-0.

Pima County Uniforms & Equipment \$2,306.54 – Chairman Blake pointed out that some of the equipment in this application is for firearm related equipment and one of the constables who would receive the equipment is currently not allowed to retain a firearm. Mike Cobb made a motion to approve the grant at 75% of requested funding, and Melissa Buckley seconded. Motion passed unanimously with a roll call vote, 4-0.

Yavapai County Ballistic Vests \$1,143.90 – Matt Giordano made a motion to approve the requested funding and Mike Cobb seconded. Motion passed unanimously with a roll call vote, 4-0.

Discussion & Possible Action on Recognition for Outgoing Board Member – this item was tabled to a future meeting.

FY22 Budget Review – staff pointed out the updated draft provided to the Board prior to the meeting reflected the removal of the 3rd equipment grant cycle per the discussion at the previous meeting. A final draft will be updated with the most current revenue information and must be approved at the June meeting.

Administrative Update

Staff met with Central Services Bureau to further discuss the 80/20 revenue split corrections. Staff also attended webinars for state FY21 closeout as well as Digital Migration. Staff will be following up with Board member Melissa Buckley whose term will expire in August of this year. Staff will be prepping for FY21 year-end closeouts for finance, grants, etc. Staff is also working on the annual complaint synopsis report.

Adjournment: Mike Cobb made a motion to adjourn the meeting and Melissa Buckley seconded. The motion passed unanimously 4-0. Meeting was adjourned at 10:54 a.m.

Dated this ____ day of _____, 2021
Constable Ethics, Standards and Training Board

By The Hon. Scott Blake

Scott C. Blake

CESTB Chairman



Ex 7

**State of Arizona
Constable Ethics, Standards & Training Board**

May 14, 2021

The Hon. Oscar Vasquez, Constable
32 North Stone Avenue Suite 111
Tucson AZ 85701

Re: CNA267-2021

Dear Constable Vasquez:

This letter will serve as official notice in the decision of the Constable Ethics, Standards and Training Board (Board) regarding the above referenced complaint against you by Ms. Autumn Romero. The Board met on May 13, 2021 to discuss the facts of the case as prepared by the complainant, the response provided by you, a statement provided by Nahrin Jabro, and review of the Constables Code of Conduct.

Board members concluded you have 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, yet you decided to defy the court's wishes.

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

The Board considers this matter closed.

If you have any questions please feel free to contact the CESTB at (602) 343-6280 or by email at cestb@azcapitolconsulting.com.

Scott Blake

A handwritten signature in black ink that reads "Scott C. Blake".

Chairman

Ex 8

State of Arizona

CONSTABLE ETHICS, STANDARDS & TRAINING
BOARD

**CODE OF CONDUCT
FOR
CONSTABLES**

August 11, 2009

CODE OF CONDUCT FOR CONSTABLES

CONTENTS

PREAMBLE	3
CANON 1 Constables shall uphold the law and maintain the integrity of the office.	4
CANON 2 Constables shall avoid impropriety and the appearance of impropriety in all their activities.	5
CANON 3 Constables shall perform their duties impartially and diligently.	7
CANON 4 Constables shall maintain high standards of professionalism and training.	9
INDEX	11

PREAMBLE

Election to the public office of constable is a sacred trust, and constables shall strive to maintain that trust. All public officials, including constables, are servants of those who elect them to office.

The Code of Conduct for Constables establishes ethical standards for Arizona constables pursuant to A.R.S. § 22-136. The code consists of broad statements called canons, specific rules set forth under each canon and commentary that provides explanation where necessary. The code is designed to give guidance to constables and confirm expectations for monitoring their conduct through appropriate political subdivisions, administrative agencies, and the Arizona Constable Ethics Committee.

Although the canons are intended to govern the conduct of constables and be binding upon them, not every transgression will result in formal action. Each incident reported to the Constable Ethics Standards & Training Board or other entity will be treated individually. A reasonable and reasoned application of this text will depend on all of the circumstances in a given situation, as well as such factors as the seriousness of the transgression, whether there is a pattern of improper activity and the effect of the improper activity on others or on the office of constable.

The code is not an exhaustive guide for the conduct of constables who should also be governed in their professional and personal lives by general ethical standards. The code is intended, however, to state basic standards, which should govern the conduct of all constables and assist constables in establishing and maintaining high standards of professional and personal conduct in carrying out their duties under A.R.S. § 22-131 *et seq.* The code is not intended to serve as a basis for civil liability or criminal prosecution except as otherwise provided by law.

CANON 1

CONSTABLES SHALL UPHOLD THE LAW AND MAINTAIN THE INTEGRITY OF THE OFFICE

A. Constables shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the office of constable.

Commentary:

As elected public officials, constables should not act in any way that would violate specific laws or the provisions of this code. Constables are put on notice that the violation of some statutes may have serious consequences that could result in criminal penalties.

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

Commentary:

Public confidence in the office of constable is maintained by the willingness of each constable to live up to this standard. When faced with conflicting loyalties, constables should seek first to maintain public trust.

C. Constables shall maintain and observe the highest standards of integrity, honesty, and truthfulness in their professional and personal dealings.

Commentary:

The fundamental attitudes and work habits of individual constables reflect on the integrity of the office and are of vital importance in maintaining the confidence of the public. Honesty and truthfulness are paramount.

CANON 2

CONSTABLES SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL THEIR ACTIVITIES

A. Constables shall not use or attempt to use their positions to secure special privileges or exemptions for themselves or any other person.

Commentary:

Constables should not provide special consideration or treatment to parties or matters, discuss the merits of cases pending in court, or give preferential treatment to persons who do business with the court. Accepting, agreeing to accept, giving or requesting a gift or favor with an understanding that any court business or process would be influenced may be bribery (A.R.S. § 13-2602 (A)(2) and A.R.S. § 13- 2606).

B. Constables shall not use public funds, property or resources for any private or personal purpose.

Commentary:

Constables should not misuse facilities or equipment, such as telephones, fax machines, photocopiers, computers or vehicles, or take supplies home for private use. Misuse of public property may lead to charges of theft or fraud (A.R.S. § 13-1802 and A.R.S. § 13-2310).

C. Constables shall not solicit or accept gifts or favors from attorneys, litigants, employees, or other persons known to do business with the court. Constables shall not request or accept any payment in addition to their regular mandated compensation for assistance rendered as part of their official duties.

Commentary:

The standard to keep in mind is that constables should always conduct themselves in a manner that inspires public confidence in the office. Examples of improper conduct include seeking a favor or receiving a gift, or the promise of one, whether it is money, services, travel, food, entertainment, or hospitality, that could be viewed a reward for past or future services. Receiving fees or compensation not provided by law in return for public services is unlawful (A.R.S. § 38-505 and A.R.S. § 38-510).

This canon does not apply to campaign contributions or assistance legally provided or received pursuant to A.R.S. § 16-901 et seq.

D. Constables shall manage personal and business matters so as to avoid situations that may lead to conflicts of interest, or the appearance of such conflicts, in the performance of their duties.

Commentary:

Every public officer has a legal obligation under A.R.S. § 38-501 et. seq. to diligently identify, disclose and avoid conflicts of interest. A potential conflict of interest exists when an official action or decision in which a constable participates may specifically benefit or harm a personal, business or employment interest of the constable, the constable's relative or the constable's close friends. In a judicial proceeding, a potential conflict of interest arises if a constable's business associate, relative or close friend is an interested party. Even if no impropriety actually occurs, a conflict of interest creates an appearance of impropriety that can seriously undermine the public's confidence and trust in the court system.

CANON 3

CONSTABLES SHALL PERFORM THEIR DUTIES IMPARTIALLY AND DILIGENTLY

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.

B. Constables shall perform their duties diligently, without regard for kinship, social or economic status, political interests, public opinion or fear of criticism or reprisal.

Commentary:

Constables should make every reasonable effort to carry out their duties diligently and promptly as required by law. Court papers should be served as quickly as practical and reasonable under the circumstances, and litigants should be notified promptly when papers cannot be served.

C. Constables shall furnish accurate, timely information and shall provide access to public records according to established procedures. Constables shall not disclose any confidential information received in the course of official duties, except as required in the performance of such duties, or use such information for personal gain or advantage.

Commentary:

A.R.S. § 11-445 (I): "Constables shall maintain a log of work related activities including a listing of all processes served and the number of processes attempted to be served by case number, the names of the plaintiffs and defendants, the names and addresses of the person to be served except as otherwise precluded by law, the date of process and the daily mileage." In addition, subsection (J) reads: "The log maintained in subsection I of this section is a public record and shall be made available by the constable at his office during regular office hours. Copies of the log shall be filed monthly with the clerk of the justice court and with the clerk of the board of supervisors." In keeping with these statutory requirements, constables must not knowingly make false entries on any records; backdate any document; falsely claim reimbursement for mileage or expenses.

Some information received by constables while performing their duties is confidential and should not be revealed. Sometimes confidential matters are revealed through innocent and casual remarks about pending or completed process that could give an individual unfair advantage. Abuse of confidential information by a constable may be unlawful (A.R.S. § 38-504B).

D. Constables may assist citizens in identifying available procedural options and in understanding and complying with court procedures; constables shall not advise a particular course of action.

Commentary:

Constables may assist citizens, consistent with their office resources, with matters within the scope of their responsibilities and knowledge. Constables should not advise citizens whether to take a particular course of action or attempt to answer questions outside their knowledge and experience.

CANON 4

CONSTABLES SHALL MAINTAIN HIGH STANDARDS OF PROFESSIONALISM AND TRAINING

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.

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.

In addition, constables should strive to maintain cordial relationships with judges and other public officials who rely on them for important services.

D. Constables shall meet or exceed all training requirements for their positions.

Commentary:

One of the key attributes of professionalism is a voluntary commitment to improve individual knowledge and skills in order to better serve the public. In Arizona, minimum training standards for constables are set forth in A.R.S. § 22-137 (D) which states:

The Arizona Peace Officer Standards and Training Board shall approve a mandatory training course for constables covering topics including civil and criminal process, conflict resolution and

firearm safety. Constables shall be required to attend the mandatory training course within six months after election. In subsequent years, constables shall annually attend at least sixteen hours of additional training approved by the Arizona Peace Officer Standards and Training Board. Copies of certificates of completion of the constable training shall be forwarded to the Constable Ethics Standards & Training Board within thirty days after completion.

These are minimum requirements, and constables who wholeheartedly endorse the concept of professionalism should strive to exceed these standards.

INDEX

Abuse of position Canon 2A
Compliance with law Canon 1A
Conflict of interest Canon 2D
Diligence Canon 3C
Education Canon 4D
Extra compensation Canon 2C
Gifts Canon 2C
Impartiality Canon 3A
Information and records Canon 3C
Integrity Canon 1C
Legal assistance Canon 3D
Prejudice Canon 3B
Professionalism Canon 4A
Public confidence Canon 1B
Public property, use of Canon 2B

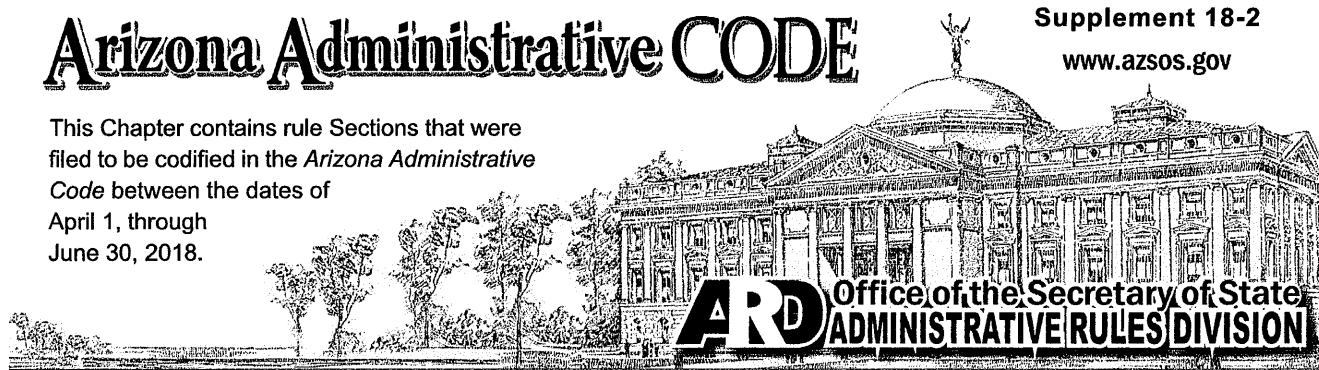
Revised: 8-11-09

Arizona Administrative CODE

Supplement 18-2

www.azsos.gov

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of April 1, through June 30, 2018.



TITLE 13. PUBLIC SAFETY

CHAPTER 14. CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

<u>R13-14-101.</u>	<u>Definitions</u>	<u>2</u>	<u>R13-14-204.</u>	<u>Disciplinary Action</u>	<u>3</u>
<u>R13-14-102.</u>	<u>Conduct of the Board</u>	<u>2</u>	<u>R13-14-205.</u>	<u>Review or Rehearing of Decision</u>	<u>3</u>
<u>R13-14-103.</u>	<u>Constable Code of Conduct</u>	<u>2</u>	<u>R13-14-301.</u>	<u>Request for Grant Applications</u>	<u>4</u>
<u>R13-14-201.</u>	<u>Filing a Complaint; Jurisdiction</u>	<u>2</u>	<u>R13-14-302.</u>	<u>Evaluation of Grant Applications</u>	<u>4</u>
<u>R13-14-202.</u>	<u>Complaint Processing</u>	<u>3</u>			
<u>R13-14-203.</u>	<u>Hearing Procedures</u>	<u>3</u>			

Questions about these rules? Contact:

Name: Tracy Unmacht
Address: 818 N. First St.
Phoenix, AZ 85004
and
P.O. Box 13116
Phoenix, AZ 85002
Telephone: (602) 343-6280
Fax: (602) 712-1252
E-mail: cestb@azcapitolconsulting.com
Website: www.cestb.az.gov

This Chapter in supplement 18-2 is new.

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “Rule” means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.



Arizona
Secretary
of State

Digitally signed by
Arizona Secretary
of State
Date: 2018.09.28
13:51:16 -07'00'

Arizona Administrative Code

Title 13, Ch. 14

Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 13. PUBLIC SAFETY

CHAPTER 14. CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of Sections R13-14-101 through R13-14-103, made by final rulemaking effective June 30, 2018 (Supp. 18-1).

Section

R13-14-101.	Definitions	2
R13-14-102.	Conduct of the Board	2
R13-14-103.	Constable Code of Conduct	2

ARTICLE 2. COMPLAINTS; HEARINGS; DISCIPLINARY ACTION

Article 2, consisting of Sections R13-14-201 through R13-14-205, made by final rulemaking effective June 30, 2018 (Supp. 18-1).

Section

R13-14-201.	Filing a Complaint; Jurisdiction	2
R13-14-202.	Complaint Processing	3
R13-14-203.	Hearing Procedures	3
R13-14-204.	Disciplinary Action	3
R13-14-205.	Review or Rehearing of Decision	3

ARTICLE 3. TRAINING AND EQUIPMENT PROGRAM GRANTS

Article 3, consisting of Sections R13-14-301 and R13-14-302, made by final rulemaking effective June 30, 2018 (Supp. 18-1).

Section

R13-14-301.	Request for Grant Applications	4
R13-14-302.	Evaluation of Grant Applications	4

Constable Ethics, Standards and Training Board

ARTICLE 1. GENERAL PROVISIONS**R13-14-101. Definitions**

In this Chapter, unless the context requires otherwise:

"Board" means the Constable Ethics, Standards, and Training Board established under A.R.S. § 22-136(A).

"Complainant" means a person, other than the Board, that files a complaint regarding a constable.

"Constable" means an individual elected under A.R.S. § 22-102 and any deputy constable appointed, employed, or authorized by the county board of supervisors.

"Party" has the meaning specified at A.R.S. § 41-1001.

"Person" has the meaning specified at A.R.S. § 1-215.

"Respondent" means a constable against whom a complaint is filed.

Historical Note

New Section made by final rulemaking at 24 A.A.R. 1518, effective June 30, 2018 (Supp. 18-2).

R13-14-102. Conduct of the Board

- A. Board members shall elect the officers specified under A.R.S. § 22-136(B) annually. An individual elected as an officer may serve successive terms without limit.
- B. The Board shall comply with A.R.S. Title 38, Chapter 3, Article 3.1 regarding open meetings. A person that wishes to have an item placed on the agenda of the Board for discussion and action shall submit the item in writing to the Board at least 48 hours before the Board meeting.
- C. A Board member present at a Board meeting in real time by telephone or other electronic means is present for the purpose of determining a quorum.
- D. Board members shall comply with A.R.S. Title 38, Chapter 3, Article 8 regarding conflicts of interest.

Historical Note

New Section made by final rulemaking at 24 A.A.R. 1518, effective June 30, 2018 (Supp. 18-2).

R13-14-103. Constable Code of Conduct

- A. A constable shall:
 1. Comply with all federal, state, and local law;
 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;
 4. Avoid a conflict of interest, including the appearance of a conflict of interest, in the performance of constable duties;
 5. Perform constable duties without:
 - a. Bias or prejudice; and
 - b. Regard for kinship, social or economic status, political interests, public opinion, or fear of criticism or reprisal;
 6. Maintain accurate public information regarding the performance of the constable's duties including the daily activity log required under A.R.S. § 11-445;
 7. Provide complete and accurate answers to questions regarding court and other procedures available to an individual who comes in contact with the constable's office;
 8. Act at all times in a manner appropriate for an elected public official;
 9. Be courteous, patient, and respectful toward all individuals who come in contact with the constable's office;
 10. Inform an individual who asks for legal advice that as a matter of law, a constable is not allowed to give legal

advice while performing the constable's official duties; and

11. Comply with all training requirements relating to being a constable.
- B. A constable shall not:
 1. Use or attempt to use the constable position to obtain a privilege or exemption for the constable or any other person;
 2. Use public funds, property, or other resources for a private or personal purpose;
 3. Solicit or accept a gift or favor from any person known to do business with an Arizona justice court;
 4. Solicit or accept payment other than mandated compensation for providing assistance that is part of an official duty;
 5. Use words or engage in other conduct that a reasonable person would believe reflects bias or prejudice based on race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status;
 6. Disclose confidential information received in the course of performing an official duty unless disclosure is required by law; or
 7. Use information received in the course of performing an official duty for personal gain or advantage.

Historical Note

New Section made by final rulemaking at 24 A.A.R. 1518, effective June 30, 2018 (Supp. 18-2).

ARTICLE 2. COMPLAINTS; HEARINGS; DISCIPLINARY ACTION**R13-14-201. Filing a Complaint; Jurisdiction**

- A. A person may submit to the Board a written complaint regarding a constable using the complaint form on the Board's website. A written complaint may be submitted in person at the Board office or by U.S. Postal Service or e-mail. The complainant shall include in the complaint facts that allege the constable failed to comply fully with A.R.S. § 22-131 or R13-14-103 within the last four years. The complainant may attach to the complaint form any documents or other evidence relevant to the complaint.
- B. At the monthly Board meeting following receipt of a written complaint under subsection (A), the Board shall review the complaint to determine whether the complaint is within the Board's jurisdiction.
 1. The Board shall find a complaint is within the Board's jurisdiction if the complaint meets the standards in subsection (A). If the Board determines the complaint is within the Board's jurisdiction, the Board shall process the complaint as described in R13-14-202.
 2. The Board shall find a complaint is not within the Board's jurisdiction if the complaint does not meet the standards in subsection (A). Following the meeting at which the Board determines the complaint is not within the Board's jurisdiction, the Board shall provide notice to the person that submitted the complaint and the constable who was the subject of the complaint.
- C. If the Board obtains information the Board believes may indicate a constable failed to comply fully with A.R.S. § 22-131 or R13-14-103 within the last four years, the Board may initiate a complaint against the constable. If the Board initiates a complaint against a constable, the Board shall process the complaint as described in R13-14-202.

Constable Ethics, Standards and Training Board

Historical Note

New Section made by final rulemaking at 24 A.A.R.
1518, effective June 30, 2018 (Supp. 18-2).

R13-14-202. Complaint Processing

- A. Following the meeting at which the Board determines a complaint is within the Board's jurisdiction, as described under R13-14-201, the Board shall send notice to the respondent and:
1. A copy of the complaint received, including any documents or other evidence attached to the complaint form; and
 2. A request that the respondent submit a written response to the allegations in the complaint within 45 days after the date on the notice.
- B. After receiving the written response or 45 days after providing notice under subsection (A), the Board shall review the respondent's written response and conduct any investigation the Board determines is necessary.
- C. The Board shall schedule the complaint for hearing at the Board's second meeting following the meeting referenced in subsection (A).
- D. Before allowing review of the complaint investigative file, the Board may redact confidential information.

Historical Note

New Section made by final rulemaking at 24 A.A.R.
1518, effective June 30, 2018 (Supp. 18-2).

R13-14-203. Hearing Procedures

- A. Except as modified by this Chapter, the Board shall conduct a hearing regarding a complaint according to the procedures at A.R.S. Title 41, Chapter 6, Article 10 and the rules of the Office of Administrative Hearings at 2 A.A.C. 19.
- B. If the Board finds after a hearing that a complainant is a vexatious litigant, as defined at A.R.S. § 12-3201, the Board may take the same action with regard to the complainant as the Superior Court would be allowed to take under A.R.S. § 12-3201.

Historical Note

New Section made by final rulemaking at 24 A.A.R.
1518, effective June 30, 2018 (Supp. 18-2).

R13-14-204. Disciplinary Action

If the Board determines disciplinary action under A.R.S. § 22-137(A)(5) is warranted, the Board shall consider factors including, but not limited to, the following when determining the appropriate discipline:

1. Prior disciplinary offenses;
2. Dishonest or self-serving motive;
3. Pattern and frequency of misconduct;
4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Board;
5. Submission of false evidence, false statements, or other deceptive practices during the investigative or disciplinary process;
6. Refusal to acknowledge wrongful nature of conduct; and
7. Harm caused to a member of the public.

Historical Note

New Section made by final rulemaking at 24 A.A.R.
1518, effective June 30, 2018 (Supp. 18-2).

R13-14-205. Review or Rehearing of Decision

- A. A party aggrieved by a Board order or decision may:
1. Seek judicial review of the order or decision under A.R.S. § 12-904; or

2. Except as provided in subsection (G), file a written motion for review or rehearing with the Board not later than 30 days after service of the order or decision. For purposes of this subsection, service is complete on personal service or five days after the date the Board order or decision was mailed to the party's last known address.
- B. A motion for rehearing or review may be amended at any time before it is ruled on by the Board. A party may file a response within 15 days after service of the motion or amended motion by any other party. The Board may require written briefs regarding the issues raised in the motion and may provide for oral argument.
- C. The Board may grant rehearing or review of a Board order or decision for any of the following causes materially affecting the moving party's rights:
1. An irregularity in the administrative proceedings of the Board or the prevailing party or any order or abuse of discretion that caused the moving party to be deprived of a fair hearing;
 2. Misconduct of the Board or the prevailing party;
 3. An accident or surprise that could not be prevented by ordinary prudence;
 4. Newly discovered material evidence that could not with reasonable diligence be discovered and produced at the original hearing;
 5. An error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the case; or
 6. The order or decision is not justified by the evidence or is contrary to law.
- D. The Board may affirm or modify a Board order or decision or grant a rehearing or review to all or any of the parties, on all or part of the issues, for any of the reasons specified in subsection (C). An order granting a rehearing or review shall specify the grounds on which the rehearing or review is granted, and the rehearing or review shall cover only the matters specified.
- E. Not later than 30 days after a Board order or decision is rendered, the Board may on its own initiative order a rehearing or review of its order or decision for any reason specified in subsection (C). After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion.
- F. When a motion for rehearing or review is based on affidavits, the party shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board for good cause or by written agreement of all parties may extend the period for service of opposing affidavits to a total of 20 days. Reply affidavits are permitted.
- G. If the Board finds that the immediate effectiveness of a Board order or decision is necessary to preserve public peace, health, or safety and that a rehearing or review of the Board order or decision is impracticable, unnecessary, or contrary to the public interest, the Board order or decision may be issued as a final order or decision without an opportunity for a rehearing or review. If a Board order or decision is issued as a final order or decision without an opportunity for rehearing or review, any application for judicial review of the order or decision shall be made within the time permitted for final orders or decisions.
- H. A complainant:
1. Is not a party to:
 - a. A Board administrative action, decision, or proceeding; or
 - b. A court proceeding for judicial review of a Board decision under A.R.S. §§ 12-901 through 12-914; and

Constable Ethics, Standards and Training Board

2. Is not entitled to seek rehearing or review of a Board action or decision under this Section.

Historical Note

New Section made by final rulemaking at 24 A.A.R. 1518, effective June 30, 2018 (Supp. 18-2).

ARTICLE 3. TRAINING AND EQUIPMENT PROGRAM GRANTS**R13-14-301. Request for Grant Applications**

- A. As required under A.R.S. § 22-138, the Board makes grants for constable training and support and equipment.
- B. The Board shall issue requests for grant applications that meet the standards required under A.R.S. § 41-2702.
- C. The Board shall post the requests for grant applications on the Board's website at least six weeks before grant applications are due. The Board shall send written notice of the online availability of the requests for grant applications to all constables and any person that has submitted a written request to receive the notice.

Historical Note

New Section made by final rulemaking at 24 A.A.R. 1518, effective June 30, 2018 (Supp. 18-2).

R13-14-302. Evaluation of Grant Applications

- A. Members of the Board shall review and evaluate each grant application in a manner consistent with A.R.S. § 41-2702. The Board shall base the Board's decision regarding an application only on the criteria specified in the request for grant applications.
- B. The Board shall vote on each application and award grants at a public meeting.

Historical Note

New Section made by final rulemaking at 24 A.A.R. 1518, effective June 30, 2018 (Supp. 18-2).