




MEMORANDUM

Date: August 18, 2020

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Agenda Item Request Related to Proposed Disciplinary Action against Constable Oscar Vasquez**

Please see the attached August 17, 2020 memorandum from the Chief Civil Deputy County Attorney regarding Constable Oscar Vasquez. In addition, a July 30, 2020 letter from the State of Arizona Constable Ethics, Standards and Training Board (CESTB) regarding their findings on this matter is attached for your information.

The CESTB recommends the 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 their July 30, 2020 letter.

Arizona law indicates that the request of the CESTB regarding disciplinary matters associated with Constable Vasquez be placed on the next available Board Meeting which is September 1, 2020. By copy of this memorandum, I am asking the Clerk of the Board to do so.

CHH/anc

Attachments

c: The Honorable Bennett Bernal, Presiding Constable
The Honorable Oscar Vasquez, Constable, Precinct 4
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board of Supervisors



MEMORANDUM

PIMA COUNTY ATTORNEY'S OFFICE | CIVIL DIVISION

32 N. Stone Ave., Suite 2100

Tucson, AZ 85701

(520) 724-5700 | Fax: (520) 620-6556

To: C.H. Huckelberry, Pima County Administrator

From: Andrew L. Flagg, Chief Civil Deputy

A handwritten signature in black ink, appearing to be "A. Flagg", is written over the name "Andrew L. Flagg" in the "From" line.

Date: August 17, 2020

Subject: Constable Oscar Vasquez

Attached is a letter with enclosures from the Constable Ethics, Standards & Training Board (CESTB) regarding Constable Oscar Vasquez. The CESTB recommends that the Board of Supervisors suspend Constable Vasquez without pay for a minimum of 30 days and until he has completed the training requirements imposed by the CESTB, or until his term of office ends, whichever occurs first. Pursuant to A.R.S. § 22-137(A)(5)(f), this request should be placed on the agenda for the next available Board meeting.

Enc.



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

CESTB-2020-07-30-01
JLC

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

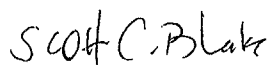
Exhibit 24: 3/12/20 letter from CESTB to Constable Vasquez, informing him of this complaint and giving him an opportunity to respond

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

State of Arizona

CONSTABLE ETHICS, STANDARDS & TRAINING
BOARD

**CODE OF CONDUCT
FOR
CONSTABLES**

August 11, 2009

CODE OF CONDUCT FOR CONSTABLES

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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.

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Revised: 8-11-09

Exhibit #1



Pima County Constables

240 N. Stone Ave., Lower Level

Tucson, AZ 85701

[520] 724-5442 Fax [520] 724-5445

www.pima.gov/depts/const.html

CNA 208-2017



Serving the Community Since 1860

May 24, 2017

Constable Ethics, Standards Training Board
PO Box 13116
Phoenix, AZ 85002

RE: Constable Oscar Vasquez

Members of the Board,

I am submitting this memorandum on behalf of Pima County Administrator, Chuck Huckelberry.

Please accept the attached four page complaint regarding the illegal use of a handicap placard by Constable Oscar Vasquez.

Respectfully,

Michael Stevenson
Presiding Constable Pima County



1054

State of Arizona
Constable Ethics, Standards & Training Board

INSTRUCTIONS

- Complete this form by typing or printing all of the requested information. Use separate forms if you are filing multiple complaints and/or filing complaints against multiple constables.
- Be as complete as possible. Include your contact information and if your complaint arises from a court case, please identify the court and the case number.
- Use the Statement of Facts form on the next page to explain in your own words the circumstances that lead to your complaint. Provide as much detail as possible.
- Sign and date the Complaint form where indicated. Keep a copy of both forms and send one complete copy to the address shown below. You may also fax or e - mail your forms.
- If your contact information should change while your complaint is active, notify the Board immediately.

COMPLAINT

Name of Constable: OSCAR VASQUEZ

Precinct/Court: Pima County Precinct 04

Is this complaint related to a lawsuit? Yes No X

If Yes, Name of Court: N/A Case Number:

Name of Case: N/A v.

Your Name: MICHAEL STEVENSON Phone: 520 724 5381

Your Address: Street: 240 N STONE LOWER LEVEL

City: TUCSON, AZ Zip Code: 85711

Signature: [Signature] Date: 5/24/17



2024

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

STATEMENT OF FACTS

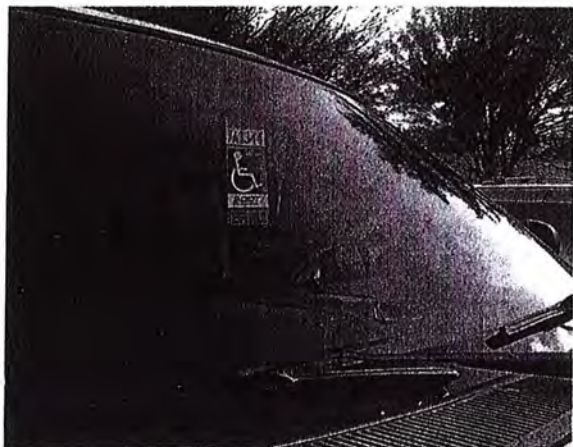
Use this form to describe in your own words the events that lead to your complaint. Although you should be brief and to the point, include all relevant information, including names, dates, times and places. You may attach additional sheets if necessary, but do not use the back of any page. You may also attach copies of any documents you feel will help explain your complaint. Please type or print legibly.

Your Name: MICHAEL STEVENSON Constable's Name: OSCAR VASQUEZ

SEE ATTACHED DOCUMENT (2 PAGES)

TOTAL 4 PAGES

During Constable training in January 2017 it was identified that Constable Vasquez was utilizing a handicap window placard to park his county assigned vehicle in handicap spaces. (see photo)



After the training Constable Vasquez was advised not to use the handicap placard for the county vehicle since the placard was not assigned to him.

I talked to Constable Vasquez in March of 2017 and questioned the handicap placard in the window of his newly assigned vehicle. Constable Vasquez stated to me that the placard was his wife's [REDACTED] and he used the vehicle to transport her occasionally. I explained to Constable Vasquez that the vehicle assigned to him was for official use only and not for personal use and that he should not be transporting his wife in the county vehicle.

On April 26th when Constable Vasquez took the vehicle to fleet for service of a flat tire the placard was hanging from the rearview mirror visible. (see photo)



4054

Again on May 8th at fleet services the placard was visibly hanging from the rear view window.



This handicap placard is not assigned to Oscar Vasquez and should not be used by Vasquez in a county vehicle.

After Oscar Vasquez was advised not to illegally use the handicap placard he continued to use the placard for handicap parking privileges.

Exhibit #2



Pima County Constables

240 N. Stone Ave., Lower Level

Tucson, AZ 85701

[520] 724-5442 Fax [520] 724-5445

www.pima.gov/depts/const.html

CNA 208-2017



Serving the Community Since 1860

June 2, 2017

Constable Ethics, Standards Training Board
PO Box 13116
Phoenix, AZ 85002

RE: Constable Oscar Vasquez

Members of the Board,

I am submitting this memorandum on behalf of Pima County Administrator, Chuck Huckelberry.

Please accept the attached three page complaint regarding the damage to vehicle and failure to report an accident/damage by Constable Oscar Vasquez.

Respectfully,

Michael Stevenson
Presiding Constable Pima County



State of Arizona
Constable Ethics, Standards & Training Board

INSTRUCTIONS

- Complete this form by typing or printing all of the requested information. Use separate forms if you are filing multiple complaints and/or filing complaints against multiple constables.
- Be as complete as possible. Include your contact information and if your complaint arises from a court case, please identify the court and the case number.
- Use the Statement of Facts form on the next page to explain in your own words the circumstances that lead to your complaint. Provide as much detail as possible.
- Sign and date the Complaint form where indicated. Keep a copy of both forms and send one complete copy to the address shown below. You may also fax or e - mail your forms.
- If your contact information should change while your complaint is active, notify the Board immediately.

COMPLAINT

Name of Constable: OSCAR VASQUEZ

Precinct/Court: Pima County JP04

Is this complaint related to a lawsuit? Yes ☐ No ☒

If Yes, Name of Court: N/A Case Number: N/A

Name of Case: N/A v.

Your Name: MICHAEL STUBBS Phone: 520 724 5442

Your Address: Street: 240 N STONE LOWER LEVEL

City: TUCSON Zip Code: 85701

Signature: [Signature] Date: 6/2/17



State of Arizona
Constable Ethics, Standards & Training Board

STATEMENT OF FACTS

Use this form to describe in your own words the events that lead to your complaint. Although you should be brief and to the point, include all relevant information, including names, dates, times and places. You may attach additional sheets if necessary, but do not use the back of any page. You may also attach copies of any documents you feel will help explain your complaint. Please type or print legibly.

Your Name: MICHAEL STEVENSON Constable's Name: OSCAR VASQUEZ

SEE ATTACHED

On 1/13/2017 Constable Oscar Vasquez informed Acting Presiding Constable Mary Dorgan that the county truck he was currently driving was too big for him and he has hit several curbs. He also said that he has a medical condition: [REDACTED] and he thought the vehicle would aggravate his condition. (Note that Constable Vasquez personal vehicle is a Chevrolet Avalanche.)

While at Fleet Services Constable Dorgan and Constable Vasquez asked if there was anything available to trade out. Mr. Samaniego the Fleet department director was not available to assign a new vehicle. Constable Vasquez mentioned that he hit the curbs in the vehicle he is assigned. Brian at Fleet Services told Constable Vasquez to be sure to report any accidents including just hitting a curb.

A smaller vehicle (Toyota Highlander Photo 1) was Identified and assigned to Constable Vasquez on March 8th 2017.

Photo 1



On 04/21/17 based on a statement from Constable Vasquez damage was sustained to the right rear of the vehicle assigned to Constable Vasquez while parked at an apartment complex during service of a paper. This damage was not reported to the Presiding Constable nor was it reported to fleet or risk management. This is a violation of county policy for failing to report damage to a county vehicle. A police report was not filed.

Constable Vasquez was instructed to report any damage to a vehicle when he requested a different vehicle in January 2017.

On April 26th 2017 when Constable Vasquez brought his vehicle in to fleet services for a tire repair the damage to the right rear was identified and questioned by fleet services. Constable Vasquez told fleet that he was rear ended. The constable's office was informed and was advised of the damage and photos were taken to document the damages. See (Photo 2, Photo 3).

The approximate cost for the repair is \$200.00

Statements to the fleet service writer and to the constable's office both Constable Mary Dorgan and Presiding Constable Michael Stevenson are in conflict with the statement given to the fleet service writer on 4/26/17.

Constable Vasquez stated to Constable Stevenson that the vehicle was parked at a complex where he was serving papers and that someone must have hit him. He did not see the damage until he was at the next location where he was going to serve papers.

Constable Vasquez failed to report the damages to the vehicle at the time of the incident, a violation of county policy significant enough to warrant an ethics complaint.

Photo 2



Photo 3



Exhibit #3



Pima County Constables

240 N. Stone Ave., Lower Level

Tucson, AZ 85701

[520] 724-5442 Fax [520] 724-5445

www.pima.gov/depts/const.html

CNA 208-2017

Serving the Community Since 1860

June 9, 2017

Constable Ethics, Standards Training Board
PO Box 13116
Phoenix, AZ 85002

RE: Constable Oscar Vasquez

Members of the Board,

I am submitting this memorandum on behalf of Pima County Administrator, Chuck Huckelberry.

Please accept the attached complaint regarding violations of motor vehicle laws and disregard of county vehicle operations policy by Constable Oscar Vasquez.

Respectfully,

Michael Stevenson

Presiding Constable Pima County

CNA 208-2017



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

INSTRUCTIONS

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- If your contact information should change while your complaint is active, notify the Board immediately.

COMPLAINT

Name of Constable: OSCAR VASQUEZ

Precinct/Court: JP 04 PIMA COUNTY

Is this complaint related to a lawsuit? Yes No X

If Yes, Name of Court: N/A Case Number:

Name of Case: v.

Your Name: MICHAEL STEVENSON Phone: 520.878.6167

Your Address: Street: 240 N STATE Lower Level

City: Tucson Zip Code: 85701

Signature: Date: 6/9/17



State of Arizona
Constable Ethics, Standards & Training Board

STATEMENT OF FACTS

Use this form to describe in your own words the events that lead to your complaint. Although you should be brief and to the point, include all relevant information, including names, dates, times and places. You may attach additional sheets if necessary, but do not use the back of any page. You may also attach copies of any documents you feel will help explain your complaint. Please type or print legibly.

Your Name: MICHAEL STEVENSON Constable's Name: OSCAR VASQUEZ

SEE ATTACHED DOCUMENTS

7 PAGES PLUS COVER LETTER

TOTAL 8 PAGES

On May 1st at approximately 0830 hours I received a phone call from Deputy Constable George Camacho advising me that he had received an email from Pima County Risk Management that the vehicle operated by Constable Oscar Vasquez was exceeding the speed limit and reached speeds of 106 MPH on SR 85 with a maximum posted speed limit of 65 MPH. Upon arriving to the office I reviewed the report and noticed that the day prior, April 30, 2017 the vehicle speeds were reported to be up to 103 MPH while Constable Oscar Vasquez was traveling up to Phoenix on I-10 for the training class. Further review for the previous couple of days identified other occasions that the vehicle reached speeds of 69, 76, 61, 73, & 79 MPH on roadways with maximum posted speed limits ranging from 25 to 45 MPH. This also identified that the vehicle was being operated at a time of day outside of normal business hours (0800 – 1800). The vehicle was identified as being operated in the late night hours and early morning hours ranging from after 7:00 PM to 03:45 AM.

Pima County Risk Management had also notified County Administrator Chuck Huckelberry as to the hazardous vehicle operations.

Upon notification of the first incidents that occurred on April 30th, 2017 and May 1st, 2017, I attempted to contact Constable Vasquez. We eventually discussed by telephone, on May 2nd, 2017 at 1821 hours the safety concerns and the excessive speeds. I advised Constable Vasquez of the speeds his vehicle was traveling. Constable Vasquez stated he understood and that he would leave earlier so he would not be running late and that it would not happen again.

I received another report on May 3rd, 2017. At approximately 06:58 AM that the speeds exceeded the posted speed limit on SR-85 at speeds of up to 95 MPH. I attempted to contact Constable Vasquez by phone and there was no answer.

On Thursday, May 4th, at approximately 1140 AM Constable Vasquez vehicle reached speeds of 88, 98, 91 and 94 MPH again on SR-85 for a distance of more than 6 miles on a roadway with a maximum speed limit of no more than 65 MPH. Upon receiving this report I again attempted to contact Constable Vasquez and we eventually spoke by telephone conversation after the night qualification shoot at 2302 hours. We again discussed the disregard for the public's safety, his safety, and blatantly disregarding the laws of the State of Arizona. Constable Vasquez was again advised to discontinue operating the County vehicle in this manner. Constable Vasquez specifically told me that "You can count on me" and that "he would not do it anymore." I advised Constable Vasquez during the telephone call that he is risking the public's safety and that he may lose the privilege of operating a county vehicle.

This is in direct violation of Pima County Policy and the laws of the State of Arizona.

On May 5th, 2016, Mr. Huckelberry sent a memorandum to our office regarding the excessive speeding that occurs in your Pima County authorized vehicle. Mr. Huckelberry, along with Pima County Risk Management and the Pima County Attorney's office addressed several concerns regarding the use of a county vehicle. This

was a result of the reports from Risk Management of the operation of a vehicle at excessive speeds up to 106 MPH when he was assigned to training May 1 – 6, 2017 in Buckeye, AZ. At these speeds if cited it is a criminal citation (class 3 Misdemeanor).

Due to these violations I was advised by the County Administrator Mr. Chuck Huckelberry that the following restrictions on county vehicle operation be initiated until further action can be determined if any in regards to him being allowed to continue to operate a county vehicle.

As a result of the excessive amount of speeding complaints, your admission to the speeding and the data recorded by the GPS in his current vehicle, the following measures are being put into place:

1. Constable Vasquez is to only operate a County assigned vehicle during normal business hours. These hours are established by the courts as: 0800 – 1700. Monday through Friday.
2. The vehicle shall be parked at the Public Service Garage during nonworking hours.
3. Failure to comply with these directions may result in your losing **all** privileges to operate a county vehicle.
4. Constable Vasquez is required to contact Risk Management and schedule driver training within 10 days of receipt of this letter

On May 8th, 2017 I received another report of the vehicle traveling at excessive speeds (91, 80, 78, 83, 95, 84 MPH) while Oscar Vasquez was traveling back from the training in Phoenix. The vehicle eventually failed due to overheating and the engine seized. The vehicle was left in the Eloy area and later picked up by a tow truck from Pima County and returned to the fleet services yard.

After the excessive speed incidents and blowing the engine while returning from Phoenix on May 6th 2017, it was recommended by Risk Management and the Pima County Attorney's Office that the privilege of operating Pima County vehicles will be removed from Constable Oscar Vasquez and that Constable Vasquez will be required to utilize his personal vehicle (POV) and purchase a commercial policy for \$1.0M and have Pima County listed as an additional insured. Chuck Huckelberry concurred.

On May 16th I met with Oscar Vasquez and provided him with the information from Risk Management declining his operation of county owned vehicle and detailing the requirements of the insurance and the reimbursement he will receive for utilization of his POV. Constable Vasquez initialed the letter and has complied with the request from Risk Management for the insurance requirement.

Enclosures:

GPS Reports of the locations and speeds.

Additional GPS data for March April and May available upon request.

Trips Detail Report

Created May 08, 2017

From Apr 29, 2017

To May 08, 2017

Distance Unit miles

Speed Unit mph

Device	Start Date	Driving Duration	Stop Date	Miles	Stop Duration	Location	Maximum Speed
CO_113390	Apr 29, 2017 1:35:35 AM	0:23	Apr 29, 2017 1:59:12 AM	13	11:43	2633 W Kerry Dr, Tucson, AZ 85746, USA	69
CO_113390	Apr 29, 2017 1:42:17 PM	0:34	Apr 29, 2017 2:16:31 PM	20	2:39	Pima Community College (West): 2121 W Speedway Blvd, Tucson, AZ 85745, USA	76
CO_113390	Apr 29, 2017 4:56:22 PM	0:00	Apr 29, 2017 4:57:00 PM	0	0:06	Pima Community College (West): 2121 W Speedway Blvd, Tucson, AZ 85745, USA	0
CO_113390	Apr 29, 2017 5:03:38 PM	0:20	Apr 29, 2017 5:23:48 PM	8	0:03	2633 W Kerry Dr, Tucson, AZ 85746, USA	61
CO_113390	Apr 29, 2017 5:27:16 PM	0:03	Apr 29, 2017 5:31:11 PM	2	0:03	Diamond Shamrock: 2891 W Valencia Rd, Tucson, AZ 85746, USA	48
CO_113390	Apr 29, 2017 5:34:27 PM	0:01	Apr 29, 2017 5:35:35 PM	0	0:10	6351 S Cardinal Ave, Tucson, AZ 85746, USA	31
CO_113390	Apr 29, 2017 5:46:12 PM	0:22	Apr 29, 2017 6:08:28 PM	18	0:07	8914 Silver Star Dr, Tucson, AZ 85735, USA	73
CO_113390	Apr 29, 2017 6:16:07 PM	0:00	Apr 29, 2017 6:16:39 PM	0	0:05	8900-9156 Silver Star Dr, Tucson, AZ 85735, USA	12
CO_113390	Apr 29, 2017 6:22:11 PM	0:17	Apr 29, 2017 6:40:08 PM	15	0:05	Chevron: 5405 W Valencia Rd, Tucson, AZ 85757, USA	68
CO_113390	Apr 29, 2017 6:45:20 PM	0:06	Apr 29, 2017 6:52:02 PM	3	0:19	7475 S Fitzwater Ave, Tucson, AZ 85746, USA	53
CO_113390	Apr 29, 2017 7:11:28 PM	0:13	Apr 29, 2017 7:25:15 PM	7	0:12	5665 S Sunset Blvd, Tucson, AZ 85757, USA	61
CO_113390	Apr 29, 2017 7:37:26 PM	0:09	Apr 29, 2017 7:46:37 PM	5	4:28	2633 W Kerry Dr, Tucson, AZ 85746, USA	58
CO_113390	Apr 30, 2017 12:15:25 AM	0:22	Apr 30, 2017 12:37:47 AM	15	0:04	2317 N Catalina Ave, Tucson, AZ 85712, USA	79
CO_113390	Apr 30, 2017 12:41:54 AM	0:00	Apr 30, 2017 12:42:27 AM	0	1:00	4320-4338 E Grant Rd, Tucson, AZ 85712, USA	15
CO_113390	Apr 30, 2017 1:42:58 AM	0:12	Apr 30, 2017 1:55:27 AM	6	0:10	119 E Toole Ave, Tucson, AZ 85701, USA	48
CO_113390	Apr 30, 2017 2:06:15 AM	0:02	Apr 30, 2017 2:08:38 AM	0	1:00	440 N Toole Ave, Tucson, AZ 85701, USA	35

CO_113390	Apr 30, 2017 3:09:06 AM	0:01	Apr 30, 2017 3:10:19 AM	0	0:03	119 E Toole Ave, Tucson, AZ 85701, USA	27
CO_113390	Apr 30, 2017 3:14:07 AM	0:01	Apr 30, 2017 3:15:28 AM	0	0:13	Downtown Street Parking: 32-44 N Stone Ave, Tucson, AZ 85701, USA	29
CO_113390	Apr 30, 2017 3:28:49 AM	0:16	Apr 30, 2017 3:45:40 AM	12	7:29	2633 W Kerry Dr, Tucson, AZ 85746, USA	80
CO_113390	Apr 30, 2017 11:15:36 AM	0:00	Apr 30, 2017 11:15:59 AM	0	1:43	2633 W Kerry Dr, Tucson, AZ 85746, USA	0
CO_113390	Apr 30, 2017 12:59:02 PM	0:02	Apr 30, 2017 1:01:05 PM	1	0:05	5201 S Fox Trot Dr, Tucson, AZ 85746, USA	65
CO_113390	Apr 30, 2017 1:06:14 PM	0:11	Apr 30, 2017 1:17:54 PM	6	0:05	Circle K: 2 N Freeway, Tucson, AZ 85745, USA	66
CO_113390	Apr 30, 2017 1:22:55 PM	1:42	Apr 30, 2017 3:05:11 PM	132	0:24	15575 W Roosevelt St, Goodyear, AZ 85338, USA	103
CO_113390	Apr 30, 2017 3:30:07 PM	0:10	Apr 30, 2017 3:41:04 PM	4	0:14	503 W Van Buren St, Avondale, AZ 85323, USA	79
CO_113390	Apr 30, 2017 3:55:41 PM	0:10	Apr 30, 2017 4:06:34 PM	4	0:04	15575 W Roosevelt St, Goodyear, AZ 85338, USA	70
CO_113390	Apr 30, 2017 4:11:14 PM	0:01	Apr 30, 2017 4:12:37 PM	0	5:31	15605 W Roosevelt St, Goodyear, AZ 85338, USA	9
CO_113390	Apr 30, 2017 9:44:17 PM	0:03	Apr 30, 2017 9:48:15 PM	1	0:28	15605 W Roosevelt St, Goodyear, AZ 85338, USA	33
CO_113390	Apr 30, 2017 10:16:56 PM	0:07	Apr 30, 2017 10:24:17 PM	1	0:19	Fillmore Street, Goodyear, AZ 85338, USA	48
CO_113390	Apr 30, 2017 10:43:51 PM	0:01	Apr 30, 2017 10:45:26 PM	0	0:04	752-770 N Estrella Pkwy, Goodyear, AZ 85338, USA	38
CO_113390	Apr 30, 2017 10:49:51 PM	0:00	Apr 30, 2017 10:50:30 PM	0	8:23	15575 W Roosevelt St, Goodyear, AZ 85338, USA	7
CO_113390	May 01, 2017 7:13:42 AM	0:25	May 01, 2017 7:39:16 AM	28	9:34	W Target Rd, Buckeye, AZ 85326, USA	106
CO_113390	May 01, 2017 5:13:47 PM	0:25	May 01, 2017 5:39:36 PM	26	0:03	15530-15560 W Roosevelt St, Goodyear, AZ 85338, USA	84
CO_113390	May 01, 2017 5:43:32 PM	0:03	May 01, 2017 5:46:36 PM	0	2:21	15575 W Roosevelt St, Goodyear, AZ 85338, USA	17
CO_113390	May 01, 2017 8:08:34 PM	0:01	May 01, 2017 8:09:54 PM	0	0:32	690 N Estrella Pkwy, Goodyear, AZ 85338, USA	19
CO_113390	May 01, 2017 8:41:55 PM	0:01	May 01, 2017 8:43:04 PM	0	10:22	15575 W Roosevelt St, Goodyear, AZ 85338, USA	15
CO_113390	May 02, 2017 7:05:53 AM	0:23	May 02, 2017 7:29:49 AM	26	9:24	W Target Rd, Buckeye, AZ 85326, USA	98

CO_113390	May 02, 2017 4:54:48 PM	0:38	May 02, 2017 5:32:51 PM	27	0:36	15605 W Roosevelt St, Goodyear, AZ 85338, USA	79
CO_113390	May 02, 2017 6:09:22 PM	0:02	May 02, 2017 6:12:21 PM	1	0:29	15541 W Roosevelt St, Goodyear, AZ 85338, USA	26
CO_113390	May 02, 2017 6:42:20 PM	0:04	May 02, 2017 6:47:00 PM	0	0:10	485-525 N Estrella Pkwy, Goodyear, AZ 85338, USA	39
CO_113390	May 02, 2017 6:57:05 PM	0:09	May 02, 2017 7:06:39 PM	3	0:10	397 N Litchfield Rd, Goodyear, AZ 85338, USA	72
CO_113390	May 02, 2017 7:16:52 PM	0:16	May 02, 2017 7:32:58 PM	7	0:13	803 E Van Buren St, Avondale, AZ 85323, USA	47
CO_113390	May 02, 2017 7:46:38 PM	0:08	May 02, 2017 7:54:57 PM	2	0:04	1434 N Litchfield Rd, Goodyear, AZ 85395, USA	68
CO_113390	May 02, 2017 7:59:40 PM	0:01	May 02, 2017 8:01:01 PM	0	0:02	1400 N Litchfield Rd, Goodyear, AZ 85395, USA	15
CO_113390	May 02, 2017 8:03:49 PM	0:01	May 02, 2017 8:05:46 PM	0	0:14	1475 N Litchfield Rd, Goodyear, AZ 85338, USA	23
CO_113390	May 02, 2017 8:20:40 PM	0:09	May 02, 2017 8:30:03 PM	5	10:04	15575 W Roosevelt St, Goodyear, AZ 85338, USA	64
CO_113390	May 03, 2017 6:34:31 AM	0:24	May 03, 2017 6:58:49 AM	26	10:12	W Target Rd, Buckeye, AZ 85326, USA	95
CO_113390	May 03, 2017 5:11:05 PM	0:19	May 03, 2017 5:30:31 PM	16	0:12	537 S Watson Rd, Buckeye, AZ 85326, USA	69
CO_113390	May 03, 2017 5:43:23 PM	0:11	May 03, 2017 5:54:44 PM	10	2:52	15575 W Roosevelt St, Goodyear, AZ 85338, USA	80
CO_113390	May 03, 2017 8:47:19 PM	0:05	May 03, 2017 8:52:49 PM	3	1:09	1469-1491 N Litchfield Rd, Goodyear, AZ 85395, USA	73
CO_113390	May 03, 2017 10:01:56 PM	0:06	May 03, 2017 10:08:27 PM	3	0:48	15605 W Roosevelt St, Goodyear, AZ 85338, USA	68
CO_113390	May 03, 2017 10:56:51 PM	0:04	May 03, 2017 11:01:15 PM	0	10:42	15575 W Roosevelt St, Goodyear, AZ 85338, USA	27
CO_113390	May 04, 2017 9:44:11 AM	0:03	May 04, 2017 9:48:08 AM	1	0:23	15541 W Roosevelt St, Goodyear, AZ 85338, USA	14
CO_113390	May 04, 2017 10:11:50 AM	0:06	May 04, 2017 10:18:46 AM	3	0:12	503 W Van Buren St, Avondale, AZ 85323, USA	68
CO_113390	May 04, 2017 10:31:18 AM	0:08	May 04, 2017 10:39:19 AM	2	0:22	1451 N Dysart Rd, Avondale, AZ 85323, USA	40
CO_113390	May 04, 2017 11:01:22 AM	0:04	May 04, 2017 11:05:39 AM	0	0:04	1450 N Dysart Rd, Avondale, AZ 85323, USA	23

CO_113390	May 04, 2017 11:09:50 AM	0:12	May 04, 2017 11:21:55 AM	4	0:18	15575 W Roosevelt St, Goodyear, AZ 85338, USA	75
CO_113390	May 04, 2017 11:40:33 AM	0:23	May 04, 2017 12:03:41 PM	26	8:54	W Target Rd, Buckeye, AZ 85326, USA	98
CO_113390	May 04, 2017 8:58:00 PM	0:03	May 04, 2017 9:01:44 PM	1	0:13	Buckeye Hills Dr, Buckeye, AZ 85326, USA	38
CO_113390	May 04, 2017 9:14:45 PM	0:26	May 04, 2017 9:41:04 PM	27	0:23	13737 W McDowell Rd, Goodyear, AZ 85395, USA	84
CO_113390	May 04, 2017 10:04:23 PM	0:08	May 04, 2017 10:12:32 PM	4	0:01	13071-13081 W Thomas Rd, Avondale, AZ 85392, USA	52
CO_113390	May 04, 2017 10:14:18 PM	0:20	May 04, 2017 10:34:43 PM	10	0:01	577 N Estrella Pkwy, Goodyear, AZ 85338, USA	78
CO_113390	May 04, 2017 10:36:12 PM	0:07	May 04, 2017 10:43:33 PM	3	8:21	15575 W Roosevelt St, Goodyear, AZ 85338, USA	50
CO_113390	May 05, 2017 7:05:10 AM	0:24	May 05, 2017 7:29:30 AM	26	7:42	W Target Rd, Buckeye, AZ 85326, USA	84
CO_113390	May 05, 2017 3:11:55 PM	0:47	May 05, 2017 3:59:14 PM	36	0:42	1450 N Dysart Rd, Avondale, AZ 85323, USA	81
CO_113390	May 05, 2017 4:41:17 PM	0:02	May 05, 2017 4:44:02 PM	1	0:07	503 W Van Buren St, Avondale, AZ 85323, USA	40
CO_113390	May 05, 2017 4:51:40 PM	0:07	May 05, 2017 4:59:18 PM	3	0:05	15541 W Roosevelt St, Goodyear, AZ 85338, USA	53
CO_113390	May 05, 2017 5:04:53 PM	0:04	May 05, 2017 5:09:26 PM	0	3:48	15575 W Roosevelt St, Goodyear, AZ 85338, USA	11
CO_113390	May 05, 2017 8:57:29 PM	0:11	May 05, 2017 9:08:37 PM	5	0:03	27 N Dysart Rd, Avondale, AZ 85323, USA	70
CO_113390	May 05, 2017 9:12:34 PM	0:02	May 05, 2017 9:14:44 PM	0	0:28	2-98 N 6th St, Avondale, AZ 85323, USA	32
CO_113390	May 05, 2017 9:43:34 PM	0:13	May 05, 2017 9:56:55 PM	5	9:14	15605 W Roosevelt St, Goodyear, AZ 85338, USA	53
CO_113390	May 06, 2017 7:11:05 AM	0:24	May 06, 2017 7:35:06 AM	26	4:29	W Target Rd, Buckeye, AZ 85326, USA	91
CO_113390	May 06, 2017 12:04:45 PM	0:34	May 06, 2017 12:39:26 PM	28	1:14	980 N Dysart Rd, Goodyear, AZ 85395, USA	80
CO_113390	May 06, 2017 1:53:59 PM	0:10	May 06, 2017 2:04:04 PM	3	0:31	903 W Hilton Way, Avondale, AZ 85323, USA	64
CO_113390	May 06, 2017 2:36:03 PM	0:13	May 06, 2017 2:49:57 PM	8	0:58	6751 N Sunset Blvd, Glendale, AZ 85305, USA	78
CO_113390	May 06, 2017 3:48:38 PM	0:05	May 06, 2017 3:53:58 PM	0	2:45	W Coyotes Blvd, Glendale, AZ 85305, USA	17
CO_113390	May 06, 2017 6:39:00 PM	0:41	May 06, 2017 7:20:41 PM	33	0:43	216 E University Dr, Tempe, AZ 85281, USA	83
CO_113390	May 06, 2017 8:04:22 PM	0:06	May 06, 2017 8:10:52 PM	2	0:07	15 W Southern Ave, Tempe, AZ 85282, USA	48
CO_113390	May 06, 2017 8:18:16 PM	0:30	May 06, 2017 8:48:50 PM	37	0:04	I-10, Casa Grande, AZ 85194, USA	95

CO_113390	May 06, 2017 8:53:31 PM	0:12	May 06, 2017 9:06:01 PM	14	0:00	2693-2705 N Toltec Rd, Eloy, AZ 85131, USA	84
CO_113390	May 06, 2017 9:06:43 PM	0:00	May 06, 2017 9:07:12 PM	0	0:31	1849 N Toltec Rd, Eloy, AZ 85131, USA	9
CO_113390	May 06, 2017 9:38:59 PM	0:07	May 06, 2017 9:46:48 PM	6	0:04	I-10, Eloy, AZ 85131, USA	76
CO_113390	May 06, 2017 9:51:27 PM	0:25	May 06, 2017 10:17:16 PM	21	19:52	I-10, Marana, AZ 85653, USA	58
CO_113390	May 07, 2017 6:09:19 PM	0:04	May 07, 2017 6:13:26 PM	2	0:05	E Pinal Airpark Rd & I-10, Marana, AZ 85653, USA	76
CO_113390	May 07, 2017 6:18:42 PM	0:21	May 07, 2017 6:40:01 PM	24	0:12	Gas Station: 1421-1423 W Grant Rd, Tucson, AZ 85745, USA	76
CO_113390	May 07, 2017 6:52:37 PM	0:12	May 07, 2017 7:04:59 PM	5	0:06	1291 S Mission Rd, Tucson, AZ 85713, USA	76
CO_113390	May 07, 2017 7:11:51 PM	0:00	May 07, 2017 7:12:03 PM	0	13:04	1291 S Mission Rd, Tucson, AZ 85713, USA	1
CO_113390	May 08, 2017 8:16:43 AM	0:00	May 08, 2017 8:17:04 AM	0	1:01	1291 S Mission Rd, Tucson, AZ 85713, USA	4

Exhibit #4



State of Arizona
Constable Ethics, Standards & Training Board

June 22, 2017

The Hon. Oscar Vasquez
Pima County Constables
240 N Stone Ave, Lower Level
Tuscon, AZ 85701

Re: CNA208-2017

Dear Constable Vasquez:

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

You are invited to respond in writing to the complaint and give your written statement regarding the events surrounding the complaint. The Board allows you twenty (20) 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 July 19, 2017 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.

Sincerely,

A handwritten signature in black ink that reads "Michael R. Cobb".

Mike Cobb
Chairman

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

Exhibit #5

[Print](#) | [Close Window](#)

Subject: RE: CNA208-2017
From: cestb@azcapitolconsulting.com
Date: Wed, Jul 12, 2017 6:35 am
To: roundtop@cox.net

CNA 208-2017

Mr. Plowman, sorry I missed you yesterday. Our condolences to Constable Vasquez on the loss of his wife. The CESTB will extend the period for response an additional 30 days and we will move the hearing of this complaint to the August 28th board meeting. It will take place in Flagstaff due to the constable training being held there that week. Time of the meeting will be 3:00 pm at the Drury Inn.

I'll be in a meeting all morning today, but if you need to speak to me further, please call me after noon.

Tracy Unmacht
CESTB Administrator
602-343-6280

----- Original Message -----

Subject: CNA208-2017
From: <roundtop@cox.net>
Date: Tue, July 11, 2017 4:28 pm
To: cestb@azcapitolconsulting.com

To Whom it May Concern:

Pima County Constable Hon. Oscar Vasquez showed me the certified letter you sent to him on June 23, 2017. That letter requires a response to allegations made against him 20 days from the date of the letter. The letter is dated June 22, 2017. I called your office at approximately 4:00 pm on July 11, 2017. I called to ask for an extension of time to respond to the letter of June 22. Constable Vasquez reports that his wife died on the morning of July 6, 2017 and that services for her are to be held on July 13, 2017. It is his desire to address the allegations against him, but he has been unable to prepare his response due to the death of his wife of 28 years. Please contact me when you receive this message.

Leo M Plowman Jr.
Attorney at Law
PO Box 1199
Green Valley, AZ 85622
520-954-5942

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Exhibit #6

8-25-17

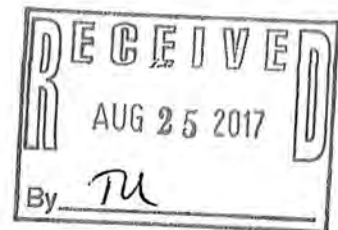
To: CESTB Board, (662) 712-1252

From: Oscar Vasquez, (520) 312-1116

Re: See Enclosed

Pages: 3

CNA 208-2017



Late - this was
due 8-13-17

Michael Cobb
Chairman
State of Arizona Constable Ethics, Standards & Training Board
Po Box 13116
Phoenix, AZ 85002

Sent by e mail and telefax on August 25, 2017

Re: CNA208-2017

Dear Mr. Cobb,

Below you will find my response the above referenced complaint.

Use of disability placard

My wife, [REDACTED], passed away on July 6, 2017 from [REDACTED]. As her caretaker and spouse, I was responsible for her care and affairs.

Due to her disability, my wife could not drive nor walk independently. As a result, a disability placard was issued for my wife. I would drive her to her appointments, to social outings, and to visit family members. I only parked in a disabled parking spot when she was with me.

At the noted dates in Constable Stevenson's complaint, I used the disability placard in my county vehicle while transporting my wife, with the exception of the January 2017 constable training in Tubac. At such event, my usage was not appropriate. And I was counseled.

The other dates in the complaint are justified and proper since I was doing my job prior to and after taking my wife to medical appointments. This incidental personal use is normal and accepted practice by all county elected officials.

Failure to report accident/vehicle damage

A few days before April 21, 2017, I served eviction papers at Tierra Palms Apartments in Tucson. I got out of my car and reentered it from the drivers' side door. I never noticed any damage. About 45 minutes later, while serving a forcible detainer at a location in Northwest Pima County, I noticed that the rear right corner of my vehicle bumper was dented. I suspected that the damage must have occurred at Tierra Palms Apartments by being rear ended while the vehicle was stationary at the apartments. Upon realizing this, I went back and asked the property manager of the Tierra Palms Apartments if they had security cameras in the parking lot and they said that they did not. Because I was not in an actual accident and the damage was minor, I just figured that I would report it the next time I was at Fleet Services when I came in for a slow tire leak. I understand that I should have reported it immediately even though the damage was minor.

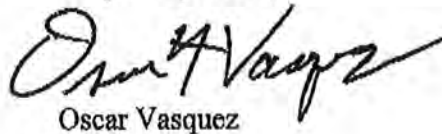
Excessive Speed/Use of a County Car

Regarding these charges, I was following the flow of traffic and I am responsible for the speed and I take full responsibility for my actions. I do not believe my actions had anything to do with the vehicle's engine damage.

Conclusion

I have now been denied the use of a county vehicle for one year and required to get a one million dollar insurance policy. I believe that this is more than enough punishment for my mistakes. Given this punishment, I hereby request that the Board dismiss these complaints. Should you have any further questions, please feel free to contact me.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Oscar Vasquez", with a stylized flourish at the end.

Oscar Vasquez

Exhibit #7



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

August 29, 2017

The Hon. Oscar Vasquez
Pima County Constables
240 N Stone Ave, Lower Level
Tucson, AZ 85701

Dear Constable Vasquez:

The purpose of this letter is to notify you that the Constable Ethics, Standards and Training Board (Board) subcommittee and full Board reviewed the above referenced complaint against you at their August 28, 2017 meeting.

The Board reviewed the facts in this case which documented numerous occasions of speeding, illegally displaying a handicap placard, and not reporting vehicle damage. The Board determined the infractions were serious and after being advised by your superiors to discontinue the behavior, you continued to do so. This is clearly a violation of the Code of Conduct for Constables.

Consequently the Board voted unanimously to issue you a letter of reprimand. A written reprimand is two steps above the minimum punishment the board can administer.

A copy of the Code of Conduct for Constable is enclosed for your reference.

This Letter of Reprimand will be placed in your file and will be made available to the public as required by Arizona law.

Sincerely,

A handwritten signature in cursive script that reads "Michael R. Cobb".

Mike Cobb
Chairman

Exhibit #8



CNA 240-2019

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

INSTRUCTIONS

- Complete this form by typing or printing all of the requested information. Use separate forms if you are filing multiple complaints and/or filing complaints against multiple constables.
- Be as complete as possible. Include your contact information and if your complaint arises from a court case, please identify the court and the case number.
- Use the Statement of Facts form on the next page to explain in your own words the circumstances that lead to your complaint. Provide as much detail as possible.
- Sign and date the Complaint form where indicated. Keep a copy of both forms and send one complete copy to the address shown below. You may also fax or e-mail your forms.
- If your contact information should change while your complaint is active, notify the Board immediately.

COMPLAINT

Name of Constable: Oscar Vasquez

Precinct/Court: Justice Precint #4

Is this complaint related to a lawsuit? Yes _____ No x

If Yes, Name of Court: _____ Case Number: _____

Name of Case: _____ v. _____

Your Name: Michael Rios Phone: [REDACTED]

Your Address: Street: [REDACTED]

City: Tucson Zip Code: 85746

Signature: Michael Rios Date: May 20, 2019



State of Arizona
Constable Ethics, Standards & Training Board

STATEMENT OF FACTS

Use this form to describe in your own words the events that lead to your complaint. Although you should be brief and to the point, include all relevant information, including names, dates, times and places. You may attach additional sheets if necessary, but do not use the back of any page. You may also attach copies of any documents you feel will help explain your complaint. Please type or print legibly.

Your Name: Michael Rios

Constable's Name: Oscar Vasquez

The following events took place on May 17, 2019 at approximately 2:10 pm. I had just picked up my children from school and was on my way back home. I stopped at the intersection of Nebraska and Cardinal and noticed a white Pima County truck approaching the same intersection travelling on Cardinal. I already entered the intersection continuing my drive on Nebraska before this truck completed its stop. As I got perpendicular to the truck, it began to enter the intersection causing me to veer to the left to avoid a collision. I continued my drive up Nebraska when I noticed that the truck was now following me. I arrived at my home and was surprised to see that the truck was now parked at the entrance of my driveway. As I opened my door, I could hear a male voice yelling, "Do you know what you did?" Mr. Vasquez had entered my property without permission and was approaching me in an aggressive manner, and yelled again, "Do you know what you did? You just made a California Rolling Stop and I almost plowed into you!" At this time, my children were exiting the vehicle. Mr. Vasquez then made a comment to the effect that I should know better and care more about the safety of my children. I then made a simple comment of, "We disagree with what just happened." Mr. Vasquez then threatened me saying he would give me a ticket the next time it happened. This is the time that I noticed it said Constable on his badge.

The way I see the actions of Mr. Vasquez, they all go against the Code of Conduct of a Pima County Constable and are completely ILLEGAL! I felt he made an attempt to intimidate me, he trespassed, and acted in a way as to make me believe he was an actual policer who had the authority to follow me and issue me a traffic ticket. My children were scared by his yelling and aggressive demeanor. I would expect swift disciplinary action to the fullest extent of the County's capabilities.

Please reach out to me to keep me updated of the status of this complaint.