

From: Brnovich, Mark
To: Bailey, Michael; Loomis, Buddy
Subject: Fwd: Rule 11 3rd Evaluation
Date: Friday, December 04, 2015 9:20:15 PM
Attachments: [111915 Judge Budow Ruling.pdf](#)
[ATT00001.htm](#)
[ATT00001.html](#)
[ATT00002.htm](#)
[Axelrod Scan 2.pdf](#)
[ATT00003.htm](#)
[ATT00002.html](#)
[ATT00004.htm](#)
[Huddleston CV.pdf](#)
[ATT00005.htm](#)
[ATT00003.html](#)
[ATT00006.htm](#)
[81215 Pre Evaluation W General PhD Rule 11.pdf](#)
[ATT00007.htm](#)
[ATT00004.html](#)
[ATT00008.htm](#)
[SMI PETITION.pdf](#)
[ATT00009.htm](#)
[ATT00005.html](#)
[ATT00010.htm](#)
[Liburdi Email.pdf](#)
[ATT00011.htm](#)
[ATT00006.html](#)
[ATT00012.htm](#)

We need to watch out for this guy.

Attorney General Mark Brnovich
Sent from my iPhone

Begin forwarded message:

From: Scott Axelrod <[REDACTED]@me.com>
Date: December 4, 2015 at 1:34:57 PM MST
To: Shannon Allen [REDACTED]@msn.com>
Cc: Gwen Levitt <[REDACTED]@cox.net>, <Mark.Brnovich@azag.gov>, "Montgomw@mcao.maricopa.gov" <Montgomw@mcao.maricopa.gov>, [REDACTED]@horneslaton.com>
Subject: Rule 11 3rd Evaluation

Shannon,

As of this memo I have not received a confirmation specific to the subject of this memo. Attached is a copy of Judge Budow's Ruling on 11/19/15 wth specific instruction as it relates to the participation of Dr. Gwen Levitt, D.O.

It has come to my attention that Dr. Levitt is on staff at the annex located at County Hospital which should give her easy access to my Desert Vista file which was predicated on the attached fraudulent SMI Petition. Since she is associated with Dr. Esad Boskailo who carried out the Fraud at the direction of Roberto Pulver, she should be able to gain access to the file which has been altered with restricted access for over a year and have it available for review when the date is set for the

evaluation.

I have travel plans coming up in the next couple of weeks and insist that this matter is addressed immediately in order to give ample notice to the United Health Advocate who will be attending the evaluation.

Thank you in advance for your cooperation, and as always, have a wonderful and blessed day!

Thank you,

Scott R. Axelrod

Scott Axelrod Inc.

██████████ Mobile
██████████@me.com

From: [Brnovich, Mark](#)
To: [Bailey, Michael](#); [Lopez, John](#)
Subject: Fwd: State Amicus Brief Request
Date: Wednesday, November 25, 2015 2:32:49 PM
Attachments: [image001.png](#)
[ATT00001.htm](#)
[20151125135146035_0002.pdf](#)
[ATT00002.htm](#)

Can someone review this? Why doesn't this stuff go thru SG?

Attorney General Mark Brnovich
Sent from my iPhone

Begin forwarded message:

From: Burton Leblanc <bleblanc@baronbudd.com>
Date: November 25, 2015 at 1:04:48 PM MST
To: "mark.brnovich@azag.gov" <mark.brnovich@azag.gov>
Subject: State Amicus Brief Request

Dear Attorney General Brnovich,
Please see the attached State amicus brief request from Baron & Budd.

Your help with this would be greatly appreciated.

If you have any questions, or need any other information, please feel free to contact me.

Sincerely,
Burton Leblanc

J. Burton LeBlanc
Baron & Budd, P.C. | Shareholder

225.927.5441 main
225. [REDACTED] direct
225.927.5449 fax

www.baronandbudd.com

Dallas | Austin | Los Angeles | Baton Rouge | New Orleans

Home Office:
3102 Oak Lawn Avenue
Suite 1100
Dallas, TX 75219-4281
800.222.2766
tel 214.521.3605
fax 214.520.1181

2600 CitiPlace Drive
Suite 400
Baton Rouge, LA 70808-2727
800.347.2392
tel 225.927.5441
fax 225.927.5449

November 25, 2015

Honorable Mark Brnovich
Attorney General
1275 W. Washington Street
Phoenix, Arizona 85007

Request for State amicus brief

MHN v. Zaborowski¹

Introduction

I am writing to request that the State draft and submit an amicus brief supporting the respondents in this case, in which the Supreme Court has granted certiorari. The brief would be due January 15, 2016.

Background

The case involves preemption under the Federal Arbitration Act. The petitioner, MHN, is an employer. The respondents are a class of 751 independent contractors who work for MHN by providing counseling services for soldiers on American bases. The parties' employment contract includes an arbitration clause.

As the lower courts found and MHN no longer contests, the arbitration clause contained five separate unconscionable provisions: (1) MHN has the power to select the possible arbitrators, (2) the limitations period for any claim was radically truncated to six months, (3) all claims are subject to onerous filing fees, (4) the arbitrator can choose not to award statutorily required attorney's fees or, indeed, to require workers to pay MHN's fees – even when such fee-shifting would be contrary to law, and (5) punitive damages are not allowed. Fourteen judges have considered this arbitration agreement, and every one of them has found it unconscionable.

The issue here is what to do in light of the conceded unconscionability of all these arbitration provisions. MHN argues that they should be severed and the case should proceed to arbitration. We argue that the arbitration provision is, on the whole, unconscionable and should be struck entirely. Applying California unconscionability law, the Ninth Circuit agreed with us. Thirteen of the fourteen judges to consider the arbitration provision have found that it is too one-sided to be enforced.

MHN sought Supreme Court review, arguing that California is unfairly disfavoring severability in the context of arbitration agreements. MHN argues that this rule is preempted because it discriminates against arbitration.

Our argument in the merits brief

Our brief on the merits will of course address the substance of the petitioner's claim, which lacks any merit. This is because California law does not actually discriminate against arbitration. Where, as here, a contract (whether arbitration or non-arbitration) has multiple unconscionable contract provisions, California courts have the discretion to sever those provisions or find the whole contract unenforceable.

¹ Zaborowski v. MHN, No. 14-1458 <<http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/14-1458.htm>>, <http://www.scotusblog.com/case-files/cases/mhn-government-services-inc-v-zaborowski/>

The State amicus brief and what's at stake

We nonetheless believe that the State's participation is essential to explain to the Justices that principles of severability are an essential domain of state contract law. Further, in this context, they are essential to protecting consumers and working families.

Imagine the rule that MHN advocates. Any business would include as many unconscionable provisions as it wishes in its consumer and employment agreements – inevitably, these are contracts of adhesion, so the consumer or employee would not be able to negotiate the unfairness away. The business would know that in the worst case, those provisions would be severed. But in many instances, the would-be plaintiff will not incur the cost of litigating the unconscionability question, particularly given the prospect of a meager ultimate award in arbitration. And in many instances, some of the unconscionable provisions would still be enforced against the plaintiff.

The inevitable consequence would be that those unconscionable provisions would remain in force, which would diminish substantially the ability of employees and consumers to vindicate their rights under state law. That would be true across numerous areas of the law, including worker protection, anti-discrimination, consumer protection, antitrust, and securities. Essentially, the arbitration agreement would become a tool for wiping away state law in these critical areas.

Your State participated in an important amicus brief or provided written comment under very similar circumstances.² The *AT&T Mobility LLC v. Concepcion* brief explained that the business's position was flawed because it would intrude on ordinary state contract law and would elevate arbitration to a special status above contract law. Precisely those same concerns arise in this important case. *American Express v. Italian Colors* was similarly important in noting the States' interest in antitrust enforcement by private parties, to promote fairness without burdening government enforcement agencies. The same logic applies in other areas such as civil rights and worker protection.

In sum, the States have a significant, recurring interest in defending their citizens and the integrity of state law against significant incursions by preemption under the Federal Arbitration Act.

Very Truly Yours,



J. Burton LeBlanc, IV

2

A = *AT&T Mobility LLC v. Concepcion*, 09-893 (Apr. 27, 2011)

B = *American Express Co. v. Italian Colors Restaurant*, 12-133 (June 20, 2013)

C = Comments of State Attorneys General on Mandatory Arbitration Provisions in Long-Term Care Facility Contracts
<http://www.oag.state.md.us/Press/ArbitrationProvisions.pdf>

D = CFPB Letter re Pre-Dispute Mandatory Arbitration Clauses in Consumer Agreements for Financial Products or Services

http://www.attorneygeneral.delaware.gov/documents/20141119-AGs_Ltr_to_CFPB_re_Arb_Clauses_Final.pdf

From: [Brnovich, Mark](#)
To: [Anderson, Ryan](#); [Bailey, Michael](#)
Subject: Fwd: Supreme Court argument tickets
Date: Wednesday, November 25, 2015 5:43:25 PM
Attachments: [image001.png](#)
[image001.png](#)

Since Watkins will be back for NAAG meeting, is he attending? Maybe ask bunch from fed soc? Don't u think Ryan needs to be there to handle media?

Attorney General Mark Brnovich
Sent from my iPhone

Begin forwarded message:

From: Marion Zaczekiewicz <mzaczekiewicz@supremecourt.gov>
Date: November 25, 2015 at 1:50:09 PM MST
To: "Kredit, Beth" <Beth.Kredit@azag.gov>
Cc: "Brnovich, Mark (Mark.Brnovich@azag.gov)"
<Mark.Brnovich@azag.gov>, "Gordon, Elizabeth"
<Elizabeth.Gordon@azag.gov>
Subject: RE: Supreme Court argument tickets

Looks like Attorney General Brnovich is now officially listed as one of the arguing attorneys.

We can reserve up to 8 seats (total) for his guests; please send the names of the guests once Gen. Brnovich determines.

Thanks!

From: Kredit, Beth [<mailto:Beth.Kredit@azag.gov>]
Sent: Thursday, November 12, 2015 12:03 PM
To: Marion Zaczekiewicz
Subject: RE: Supreme Court argument tickets

That's great – thank you so much!

From: Marion Zaczekiewicz [<mailto:mzaczekiewicz@supremecourt.gov>]
Sent: Thursday, November 12, 2015 10:00 AM
To: Kredit, Beth
Cc: Marion Zaczekiewicz
Subject: RE: Supreme Court argument tickets

As long as someone's arguing, they're automatically allotted a number of seats for guests, so no problem in that sense re. when we reserve (can even do the day before). If someone's not arguing, then there's nothing allotted (and you should then check with whoever will be arguing on your side); we also always have a good number of public seats (first-come, first-seated) available. Thanks.

From: Kredit, Beth [<mailto:Beth.Kredit@azag.gov>]
Sent: Thursday, November 12, 2015 11:53 AM
To: Marion Zaczekiewicz
Subject: RE: Supreme Court argument tickets

I am told that he has sent the form in, but that we were advised it won't be ruled on until November 24, 2015. Do you know if it will still be possible to get tickets after that date?

From: Marion Zaczekiewicz [<mailto:mzaczekiewicz@supremecourt.gov>]
Sent: Thursday, November 12, 2015 7:40 AM
To: Kredit, Beth
Subject: RE: Supreme Court argument tickets

We have not replied yet because, last time I checked, our Clerk's Office could not yet confirm that General Brnovich will be arguing the case. Has he sent an argument form in to our Clerk's Office? Thanks.

From: Kredit, Beth [<mailto:Beth.Kredit@azag.gov>]
Sent: Tuesday, November 10, 2015 5:46 PM
To: Marion Zaczekiewicz
Subject: Supreme Court argument tickets

I am following up to Arizona Attorney General Mark Brnovich's request for tickets for members of his staff to attend court proceedings on December 8, 2015. His e-mail request was sent on October 21, 2015. I have checked his e-mail inbox but don't see any response. I apologize if it has already been sent and I have overlooked it.

If there is anything else we need to do on our end, please let me know.

Thank you,

Beth Kredit
Executive Assistant to Attorney General Mark Brnovich
Office of the Attorney General
602-542-8005
Beth.Kredit@azag.gov





From: Brnovich, Mark
To: Bailey, Michael; Watkins, Paul
Subject: Fwd: Third Party Payment Processor Talking Points
Date: Tuesday, November 17, 2015 10:18:10 PM
Attachments: [image001.png](#)
[ATT00001.htm](#)
[Thlrd party payment processors - 11-18.docx](#)
[ATT00002.htm](#)

I may need some help from Watkins with this. I thought this was a generic speech like I did with chamber. Here's a bit about our office, big cases we are doing, etc. but this looks to be a little more on weeds.

Attorney General Mark Brnovich
Sent from my iPhone

Begin forwarded message:

From: "Rieve, Shaun" <Shaun.Rieve@azag.gov>
Date: November 17, 2015 at 5:20:29 PM MST
To: "Brnovich, Mark" <Mark.Brnovich@azag.gov>
Cc: "Anderson, Ryan" <Ryan.Anderson@azag.gov>, "Baer, Aaron" <Aaron.Baer@azag.gov>
Subject: **Third Party Payment Processor Talking Points**

Please find attached the talking points for tomorrow. I also included a recent press release when we obtained \$46,000 in restitution from Merchant Processing Solutions for violating the Arizona Consumer Fraud Act. Additional details of the case and the settlement are found in the talking points as well as information about this office targeting bad actors. Let me know if you have any questions or would like any additional information.

Thanks,

Shaun

<https://www.azag.gov/press-release/ag-brnovich-obtains-restitution-small-business-owners-arizona>

Shaun Rieve
Director of Intergovernmental Affairs

Third Party Payment Processors (TPPP) - November 18, 2015

Introduction – Role of AG

I know this group is committed to full compliance with state and federal consumer protection laws.

- AG enforces the Arizona Consumer Fraud Act, which generally prohibits deceptive or unfair practices in connection with sale or advertisement of merchandise.
- Our Tobacco Enforcement Unit aggressively enforces the delivery sales ban, which prohibits the on-line sale of cigarettes into Arizona.
- Our office will continue to go after and prosecute the bad actors and not honest businesses.
- We do not want to create additional burdens for businesses. If there is a small mistake lets fix it before it becomes a larger problem.

Importance of Due Diligence

Verify the legitimacy of the merchants you do business with:

- FDIC recommends monitoring the Internet and checking with BBB for higher than usual volume of consumer complaints, among other due diligence steps.
 - o In AZ, consumer complaint information is confidential.
 - o But if you send us an e-mail (PublicRecords@azag.gov), we'll provide public records, ie, consumer fraud enforcement actions taken against the company you are researching.
- I'm sure you're careful to avoid "high risk" merchants, which not coincidentally are the types of companies consumers frequently complain about:
 - o Telemarketers
 - o Collection agencies, especially complaints about "phantom debt," where consumers never owed a debt in the first place.

Consumer Fraud Cases

Payment processing issues occasionally arise in our consumer fraud cases:

- Earlier this year, we settled a case against Merchant Processing Solutions, LLC dba Payment Systems Corporation.
 - This company was not a payment processor but instead offered marketing services to third party payment processors (TPPP's). (A copy of the press release is in your folder.)

- Payment Systems misrepresented the TPPP services they were promoting:
 - They promised merchants a flat 1% transaction surcharge although the TPPP contracts provided a 2.79% surcharge for “non-qualified” credit card transactions (ie, rewards cards).
 - They overstated the amount of processing fees merchants could save.
 - They promised merchants that equipment leases could be terminated at any time, when the TPPP contracts stated otherwise.
 - Under the Assurance of Discontinuance, Payment Systems agreed to stop these practices and refrain from any other deceptive or unfair conduct.
 - Payment Systems paid \$46,000 plus up to another \$10,000 to reimburse businesses that were forced to pay higher than promised credit card processing fees.
 - We received about 25 complaints from small businesses.
 - Also required to pay \$16,500 in attorney’s fees and costs.
 - Morale: Be careful who you select to market your TPPP services.

- Payment processors (and banks) have been named as relief defendants in telemarketing and business opportunity cases.
 - We have been successful in obtaining court orders freezing reserve funds and then eventually using them to pay consumer restitution.
 - Ex: In 2013, we sued National Bankcard Monitor and other defendants for operating a telemarketing business that sold credit card debt reduction services and took money from thousands of consumers nationwide.
 - In a 2014 Consent Judgment, the relief defendant agreed to turn over about \$250k in reserve funds to State.

- In a 2014 consumer fraud action against a gun dealer who failed to deliver promised merchandise, the dealer and the payment processing company/relief defendant agreed that the State could impound the account as part of a preliminary injunction.
 - The reserve account was created for pre-payments consumers made for guns and other outdoor products.
 - Because the total amount of consumer chargeback claims could exceed the amount held in reserve, the court ordered the funds

impounded so consumers could receive at least a pro rata amount as a refund. (Copperneck Outfitters, consent judgment attached).

- We haven't sued a payment processor directly for consumer fraud, but we are keeping an eye on the CFPB's lawsuit against payment processors and others involved in an alleged robo-call phantom debt operation.

Tobacco

- As mentioned, Arizona law prohibits the on-line sale of cigarettes into Arizona. Internet sales of cigarettes may be perfectly legal in other states, but not here. TPPP's should avoid assisting companies that may be unaware of Arizona's ban.
- In addition to the Arizona ban, the federal government maintains a list of companies that are prohibited from selling tobacco products *anywhere* in the United States under the federal Prevent All Cigarette Trafficking Act (PACT Act).
 - o Arizona has taken the lead in nominating companies to the ATF non-compliant list.
 - Our Tobacco Enforcement Unit conducts undercover investigations.
 - If we find companies that sell cigarettes in Arizona on-line, we nominate them to the list.
 - Many, but not all, of these companies are overseas.
 - o For a copy of the "non-compliant" list, contact the Alcohol and Tobacco Enforcement Branch of the Bureau of Alcohol, Tobacco, Firearms and Explosives and they will provide it to you.

Conclusion

You may be in a position to see consumer fraud even before we do. We can be partners in the effort to promote ethical business practices and to stop scammers who prey on vulnerable consumers. Please report consumer fraud or other illegal conduct to my office. Thank you.

From: Brnovich, Mark
To: Piano, Vince
Cc: Conrad, Donald; Perkovich, Mark
Subject: Good job
Date: Thursday, October 22, 2015 5:18:58 PM

Vince, I didn't get a chance to thank you and the team in person, but I want you to know how much I appreciate all your hard work. Please thank everyone on the task force. Keep safe! Mark.

Attorney General Mark Brnovich
Sent from my iPhone

From: Brnovich, Mark
To: Anderson, Ryan
Subject: Is Hugh Hewitt in town on nov 14
Date: Monday, November 02, 2015 11:03:05 PM

Attorney General Mark Brnovich
Sent from my iPhone

From: Brnovich, Mark
To: Watkins, Paul; Anderson, Ryan; Garcia, Mia
Subject: lets get beau out of there
Date: Monday, November 30, 2015 10:31:16 AM

Mark Brnovich
Arizona Attorney General

From: Brnovich, Mark
To: [REDACTED]@gmail.com
Date: Tuesday, December 22, 2015 4:50:17 PM
Attachments: [BitterSmithLetter.pdf](#)
[ATT00001.txt](#)



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

December 21, 2015

Susan Bitter Smith
Chairman
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Dear Chairman Bitter Smith,

I have received your letter, dated December 17, 2015, stating that you shall resign from the Arizona Corporation Commission on Monday, January 4, 2016. Your resignation is accepted.

Thank you for your dedication and service as a member of the Arizona Corporation Commission.

I wish you the very best in all of your future endeavors.

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

From: [Brnovich, Mark](#)
To: [Bailey, Michael](#); [Anderson, Ryan](#)
Subject: Message
Date: Wednesday, October 28, 2015 3:36:55 PM

Did we get sued today over bob stump text messages? It's on going investigation.

Attorney General Mark Brnovich
Sent from my iPhone

From: Brnovich, Mark
To: Drave, Dominic; Bailey, Michael; Lopez, John
Subject: Moot q and a
Date: Friday, November 27, 2015 11:52:31 AM

Based on moot and other discussions, is anyone working on a top 25 questions that would be asked and appropriate responses.

Attorney General Mark Brnovich
Sent from my iPhone

From: [Brnovich, Mark](#)
To: [Bailey, Michael](#)
Subject: My reply bounced back
Date: Wednesday, October 14, 2015 9:34:07 AM

Which 42 signed 2014 letter why haven't more signed onto this?

Attorney General Mark Brnovich
Sent from my iPhone

From: [Brnovich, Mark](#)
To: [Bailey, Michael](#); [Medina, Rick](#); [Baer, Aaron](#); [Anderson, Ryan](#)
Subject: Our View: Can Arizona stop killing people now?
Date: Monday, October 26, 2015 11:19:20 AM

<http://www.azcentral.com/story/opinion/editorial/2015/10/26/death-penalty-thiopental-fda/74483710/?from=global&sessionKey=&autologin=>

Attorney General Mark Brnovich
Sent from my iPhone

From: Brnovich, Mark
To: Kredit, Beth; Anderson, Ryan
Cc: Medina, Rick
Subject: Please block
Date: Friday, October 16, 2015 4:00:50 PM

Entire day of Monday, November 16.

Attorney General Mark Brnovich
Sent from my iPhone

From: [Brnovich, Mark](#)
To: [Anderson, Ryan](#); [Baer, Aaron](#); [Garcia, Mia](#)
Subject: PSA
Date: Tuesday, November 10, 2015 11:37:52 PM

Maybe we can reach out to cindi McCain or someone else about cutting some human trafficking PSA.
Run around bowl games, including national championship game here.

Attorney General Mark Brnovich
Sent from my iPhone

From: [Brnovich, Mark](#)
To: [Anderson, Ryan](#); [Bailey, Michael](#)
Subject: Question
Date: Thursday, December 17, 2015 1:57:12 PM

Is buddy in today? I asked Todd where she was at and he said "I don't know".

Attorney General Mark Brnovich
Sent from my iPhone

From: [Brnovich, Mark](#)
To: [Bailey, Michael](#); [Welch, Leslie](#)
Subject: RE: ****Draft****Holiday Dress Policy
Date: Friday, December 18, 2015 9:40:10 AM
Attachments: [image001.png](#)

ok

From: Bailey, Michael
Sent: Friday, December 18, 2015 8:53 AM
To: Welch, Leslie; Brnovich, Mark
Subject: RE: ****Draft****Holiday Dress Policy

That's fine – but I will send it out in a typical mike-like way.

Michael G. Bailey
Chief Deputy / Chief of Staff
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-8080 Office
602-542-4085 Fax

michael.bailey@azag.gov

NOTICE: This email (and any attachments) may contain PRIVILEGED OR CONFIDENTIAL information and is intended only for the use of the specific individual(s) to whom it is addressed. If you have received this email in error, please immediately notify Valerie Neumann at 602-542-8017 and delete the original email. Thank you.

From: Welch, Leslie
Sent: Friday, December 18, 2015 8:48 AM
To: Bailey, Michael; Brnovich, Mark
Subject: ****Draft****Holiday Dress Policy

Hi Mark & Mike,
If you approve, I will send this out to all AGO employees.

Happy Holidays,

During the next two weeks, Monday, December 21, 2015 through December 31, 2015, our Executive Office has approved a temporary casual dress policy. Denim and tennis shoes are acceptable as long as they are clean, well-maintained, and not distracting. Casual dress is not acceptable if an employee is scheduled to be in court or attend a meeting with non-AGO Employees.

Leslie Welch

Director of Operations



Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Desk: 602-542-8046 | Cell: 602-525-0025
leslie.welch@azag.gov
<http://www.azag.gov>

From: [Brnovich, Mark](#)
To: [Garcia, Mia](#); [Anderson, Ryan](#)
Subject: RE: AG Brnovich
Date: Friday, November 06, 2015 9:52:54 AM

Ok. Great.

From: Garcia, Mia
Sent: Friday, November 06, 2015 9:26 AM
To: Brnovich, Mark; Anderson, Ryan
Subject: FW: AG Brnovich

Good Morning & Happy Friday,

We have a call-in to Steve & Nina this Tuesday at 7:40am for playback on Wednesday – Veterans Day. Are you free?

We will also secure a guest appearance for you as you drop off the letters around the 20th.

From: Murphy, Ben [<mailto:█@kmle1079.com>]
Sent: Friday, November 06, 2015 6:37 AM
To: Garcia, Mia
Subject: RE: AG Brnovich

Hi Mia!!!

So I talked to Steve and Nina and we would like Attorney General Brnovich to call in to the show on Tuesday if he could! Steve, one of our hosts – will actually be out for the day – so it will be a recorded interview.

Would he be available to call into the show at 7:40AM? We will just be talking to him about the letters and our Big Thank You Project for Veterans Day and will be playing a portion of it back Wednesday.

Please confirm when you have a minute and I will get it on our calendar! Our call in information is below...

Station: The New KMLE @ 107.9
Morning Show Name: Steve and Nina Morning Show
Hotline #: 602-452-1113
Back-Up #: 602-█
Interviewers: Chris Matthews, Nina & Lunchbox Ben
Live or Taped: Taped

Thanks so much!

Ben Murphy
Steve and Nina Morning Show Producer
The New KMLE @ 107.9
840 N Central Ave
Phoenix, AZ 85004

Direct: 602-452-1032

Cell: [REDACTED]

Fax: 602-440-6530

[REDACTED]@[kmle1079.com](mailto:[REDACTED]@kmle1079.com)

From: [Brnovich, Mark](#)
To: [Garcia, Mia](#); [Anderson, Ryan](#)
Cc: [Medina, Rick](#)
Subject: RE: Email to send out to AGO staff
Date: Monday, November 09, 2015 12:15:13 PM
Attachments: [image001.png](#)

Great. Only question, is do we need to mention reservists and guard members in first paragraph?

From: Garcia, Mia
Sent: Monday, November 09, 2015 11:56 AM
To: Brnovich, Mark; Anderson, Ryan
Cc: Medina, Rick
Subject: Email to send out to AGO staff

Good Afternoon,

Veterans Day is Wednesday and I hope we can all take a moment to say "thank you" to our veterans, to our active duty members, and to their families. The Attorney General's Office has teamed up with KMLE radio for a cause near and dear to my heart, sending "Thank You" letters to the troops. KMLE radio hosts Steve & Nina hope to send 20,000 handwritten "thank you" letters to the troops this holiday season. We hope our AGO team can help achieve this goal!

If you'd like to join us in brightening a soldier's holiday, please write a short, handwritten letter to our service members with a simple "thank you" for your service and sacrifice, and any other thoughts you'd like to share. **Please bring your short handwritten THANK YOU letter to the Executive Office BEFORE next Monday, November 16th.** We encourage you to ask your family members to join you in writing THANK YOU LETTERS.

Please address each letter "Dear Hero" or "To an American Hero" avoiding titles that would limit the gender or branch of service we can send the letter to.

Thank you. We appreciate everything you do!!

Here's a link to some letter writing guidelines

<http://www.packagesfromhome.org/index.php/letters/letter-writing>

Mia Garcia

Spokesperson/ Director of Media Relations



Office of Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Desk: 602-542-8019 | Cell: 602-339-5895
Mia.Garcia@azag.gov
<http://www.azag.gov>

From: [Brnovich, Mark](#)
To: [Manjencich, Zora](#)
Cc: [Bailey, Michael](#); [Johnson, John](#)
Subject: Re: JD14884
Date: Tuesday, December 08, 2015 12:29:10 PM

Thanks!!

Attorney General Mark Brnovich
Sent from my iPhone

On Dec 8, 2015, at 9:27 AM, Manjencich, Zora <Zora.Manjencich@azag.gov> wrote:

Routine motion. Clearly a new DCS case worker who sent it to THE AG instead of the AAG. We're on it and will make sure it doesn't happen again. Sorry and good luck tomorrow!

Sent from my iPhone

On Dec 7, 2015, at 10:19 PM, Brnovich, Mark
<Mark.Brnovich@azag.gov> wrote:

What's this.

Attorney General Mark Brnovich
Sent from my iPhone

Begin forwarded message:

From: "Fladell, Nancy" <NFladell@azdes.gov>
Date: December 7, 2015 at 6:00:08 PM EST
To: "Mark.Brnovich@azag.gov"
<Mark.Brnovich@azag.gov>
Subject: **JD14884**

Hello Mark –

On 12/4 you filed the **DCS's Motion for Authorization to Travel** on behalf of prospective adoptive parents and the children [REDACTED] & [REDACTED]

Within the court document, you mention still not having GAL's response.

Travel expected to commence 12/18/15.

Would like to update the placement as to the approval.

Can you please advise –

Thank you!

Nancy Fladell - DCSSIII

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From: [Brnovich, Mark](#)
To: [Culbertson, Kristin](#)
Cc: [Bailey, Michael](#)
Subject: Re: Judicial Application
Date: Friday, October 02, 2015 4:29:07 PM

Thank you for the kind note. Both mike and I believed you were a very strong candidate. Hang in there. Mark.

Attorney General Mark Brnovich
Sent from my iPhone

On Oct 2, 2015, at 1:48 PM, Culbertson, Kristin <KCulbertson@littler.com> wrote:

Mark & Mike,

I just wanted to thank you both again for your support with my judicial application and interview with the Governor. Although I was not appointed in this round, I intend to reapply as more vacancies arise. I could not have made it this far in the process without the help and support of folks like you. If there is anything I can do to assist either of you in the future, please do not hesitate to call on me.

Thank you again,
Kris

Kristin Culbertson, Shareholder
602.474.3619 direct 602. [REDACTED] mobile 602.926.8752 fax KCulbertson@littler.com
Camelback Esplanade, 2425 East Camelback Road, Suite 900 | Phoenix, AZ 85016-4242

Littler | littler.com
Employment & Labor Law Solutions Worldwide

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<image001.jpg>

From: [Brnovich, Mark](#)
To: [Perkovich, Mark](#)
Subject: RE: LOCATION CHANGE: Chief Ryff's Retirement | December 1, 2015
Date: Friday, November 13, 2015 11:36:27 AM

Got it. Thanks. I had a conflict.

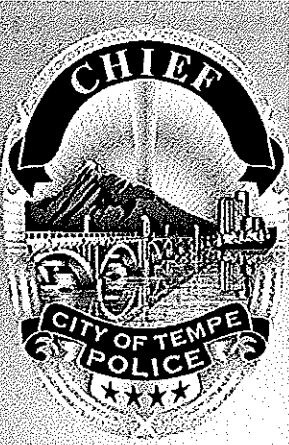
From: Perkovich, Mark
Sent: Friday, November 13, 2015 11:33 AM
To: Brnovich, Mark
Subject: FW: LOCATION CHANGE: Chief Ryff's Retirement | December 1, 2015
Importance: High

Retirement announcement and details...

From: Martinez, Darren [mailto:Darren_Martinez@tempe.gov]
Sent: Monday, November 09, 2015 11:52 AM
Subject: LOCATION CHANGE: Chief Ryff's Retirement | December 1, 2015
Importance: High

Greetings –

Please note the LOCATION CHANGE for Chief Ryff's retirement gathering on December 1st – see below. Kindly RSVP your attendance if you haven't done so already. Thank you.



36+ Years of Service

Please help us congratulate
Chief Ryff
on his **RETIREMENT!**



Tuesday, December 1, 2015
Tempe Mission Palms Hotel
60 E. Fifth Street, Tempe 85281
2:00pm - 4:00pm

Kindly **RSVP** to Darren Martínez
darren_martinez@tempe.gov

In your response, please advise if you plan to
make a formal presentation so you can be
added to the program. Thank you.

Darren Martínez

Executive Assistant

Tempe Police Department

☎ 480.350.8767 | ✉ darren_martinez@tempe.gov

From: [Brnovich, Mark](#)
To: [Garcia, Mia](#); [Anderson, Ryan](#); [Baer, Aaron](#)
Cc: [Watkins, Paul](#)
Subject: RE: Media Request on Fraud Alert
Date: Wednesday, October 07, 2015 11:47:30 AM
Attachments: [image001.png](#)

Paul?

From: Garcia, Mia
Sent: Wednesday, October 07, 2015 11:18 AM
To: Brnovich, Mark; Anderson, Ryan; Baer, Aaron
Cc: Watkins, Paul
Subject: Media Request on Fraud Alert

We got a media request asking if we are issuing the same fraud alert as the California AG.

<https://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-urges-t-mobile-customers-place-fraud-alerts>

Mia Garcia

Spokesperson/ Director of Media Relations



Office of Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Desk: 602-542-8019 | Cell: 602-339-5895
Mia.Garcia@azag.gov
<http://www.azag.gov>

From: [Brnovich, Mark](#)
To: [Lopez, John](#); [Bailey, Michael](#)
Subject: RE: Meeting with attorneys in DC
Date: Monday, November 30, 2015 11:55:23 AM

Not tomorrow. Wednesday or Thursday. If it's Wednesday, we can do it at any time.

From: Lopez, John
Sent: Monday, November 30, 2015 9:15 AM
To: Brnovich, Mark; Bailey, Michael
Subject: RE: Meeting with attorneys in DC

I arrive at 6:00 pm tomorrow.

Do you want to meet with co-counsel (for SOS) tomorrow, Wednesday or Thursday?

From: Brnovich, Mark
Sent: Monday, November 30, 2015 9:12 AM
To: Bailey, Michael
Cc: Lopez, John
Subject: RE: Meeting with attorneys in DC

Do they want to do a working dinner? What time do you guys get in?

From: Bailey, Michael
Sent: Monday, November 30, 2015 8:58 AM
To: Brnovich, Mark
Cc: Lopez, John
Subject: RE: Meeting with attorneys in DC

Yes – John is joining you for the seminar.

Michael G. Bailey
Chief Deputy / Chief of Staff
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-8080 Office
602-542-4085 Fax

michael.bailey@azag.gov

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From: Brnovich, Mark
Sent: Monday, November 30, 2015 8:57 AM
To: Bailey, Michael

Cc: Lopez, John
Subject: Re: Meeting with attorneys in DC

Maybe we can do it that night? Will John be there?

Attorney General Mark Brnovich
Sent from my iPhone

On Nov 30, 2015, at 8:56 AM, Bailey, Michael <Michael.Bailey@azag.gov> wrote:

OK – John, please go ahead and schedule something for the day before. Obviously, Dom and I won't be there until that night.

Michael G. Bailey
Chief Deputy / Chief of Staff
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-8080 Office
602-542-4085 Fax

michael.bailey@azag.gov

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From: Lopez, John
Sent: Monday, November 30, 2015 8:48 AM
To: Brnovich, Mark; Bailey, Michael
Subject: RE: Meeting with attorneys in DC

Exactly.

From: Brnovich, Mark
Sent: Monday, November 30, 2015 8:48 AM
To: Bailey, Michael
Cc: Lopez, John
Subject: Re: Meeting with attorneys in DC

It's probably better to do it day before moot. So if there's any issues we can be on same page.

Attorney General Mark Brnovich
Sent from my iPhone

On Nov 30, 2015, at 8:46 AM, Bailey, Michael <Michael.Bailey@azag.gov> wrote:

The attorneys who wrote the original draft of our brief (Torchinsky and Braden) and jointly represent the SOS with us, would like to meet while you're in DC. JL suggests the morning of the Heritage Moot (before) may be a good time. Do you have any preferences?

Michael G. Bailey

Chief Deputy / Chief of Staff
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-8080 Office
602-542-4085 Fax

michael.bailey@azag.gov

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From: Brnovich, Mark
To: Anderson, Ryan
Cc: Baer, Aaron
Subject: Re: Oped
Date: Wednesday, October 28, 2015 12:43:06 PM

The hill had something.

Attorney General Mark Brnovich
Sent from my iPhone

> On Oct 28, 2015, at 12:32 PM, Anderson, Ryan <Ryan.Anderson@azag.gov> wrote:
>
> Full story:
>
>
> Five states sue EPA over ozone standard
> By ALEX GUILLÉN
> Arizona is leading a lawsuit with Arkansas, North Dakota, Oklahoma and the New Mexico
Environmental Department against EPA in the first legal challenge by states to the agency's new ozone
standard.
> A spokesman for Arizona Attorney General Mark Brnovich said six more states may soon join the case,
though he did not specify which ones.
> The states' initial filing does not outline their objections to the lowered standard of 70 parts per
billion. But Arizona's Department of Environmental Quality previously panned the new standard as a
"major challenge" for the state because of "unique" geography, weather and sources. Of the ten
counties that monitor ozone, nine are too often in excess of the new 70 ppb standard, the DEQ said
earlier this month.
> The new ozone standard was published in the Federal Register on Monday. Murray Energy filed a
lawsuit that day. The National Association of Manufacturers told POLITICO on Tuesday that it has not
yet filed a legal challenge, but that it is keeping its options open. Environmentalists displeased with the
standard also have yet to take legal action.
>
> <https://www.politicopro.com/energy/whiteboard/2015/10/five-states-sue-epa-over-ozone-standard-062784>
>
>
>
>
> -----Original Message-----
> From: Anderson, Ryan
> Sent: Wednesday, October 28, 2015 12:31 PM
> To: Baer, Aaron; Brnovich, Mark
> Subject: RE: Oped
>
> Story is posted on Politico Pro, but that is subscription based. Just asked author for copy and paste.
>
> Here's another story referencing the story that is currently protected:
>
>
> STATES JUMP INTO OZONE FIGHT: Five states, led by Arizona, are challenging the EPA's new ozone
standard, Pro's Alex Guillén reports. The states did not outline their argument in the notice, but Arizona
Attorney General Mark Brnovich said in a statement, "We all want clean air, however, reducing the
ozone standards to 0.070 ppm will be nearly impossible for Arizona to attain ... the EPA failed to
conduct the appropriate independent scientific review and research necessary before publishing this
Rule." A spokesman for Brnovich said six more states may soon join the case, though he did not specify
which ones, Alex writes.
>

> Read more: <http://www.politico.com/tipsheets/morning-energy#ixzz3ptP8HmzP>

>

>

>

> -----Original Message-----

> From: Baer, Aaron

> Sent: Wednesday, October 28, 2015 9:53 AM

> To: Brnovich, Mark; Anderson, Ryan

> Subject: RE: Oped

>

> Ryan said he saw something refer to it, but we haven't seen in on the site yet.

>

> Aaron Baer

> Policy Advisor

>

> Office of Attorney General Mark Brnovich

> 1275 W. Washington, Phoenix, AZ 85007

> Desk: 602-542-6903 | Cell: 602-540-6745

> Aaron.Baer@azag.gov

> <http://www.azag.gov>

>

>

> -----Original Message-----

> From: Brnovich, Mark

> Sent: Wednesday, October 28, 2015 9:40 AM

> To: Anderson, Ryan; Baer, Aaron

> Subject: Oped

>

> Any progress on ozone oped? Did politico get our quote?

>

> Attorney General Mark Brnovich

> Sent from my iPhone

From: [Brnovich, Mark](#)
To: [Bailey, Michael](#)
Subject: Re: Report--Arizona Department of Revenue--Sunset Factors
Date: Monday, October 05, 2015 7:20:06 AM

Ok.

Attorney General Mark Brnovich
Sent from my iPhone

On Oct 5, 2015, at 7:17 AM, Bailey, Michael <Michael.Bailey@azag.gov> wrote:

These emails - Leslie was going to stop them - I want to have here ask again if you're still getting these emails as of today.

From: Brnovich, Mark
Sent: Friday, October 02, 2015 9:59 PM
To: Bailey, Michael
Subject: Re: Report--Arizona Department of Revenue--Sunset Factors

Who?

Attorney General Mark Brnovich
Sent from my iPhone

On Oct 2, 2015, at 1:46 PM, Bailey, Michael <Michael.Bailey@azag.gov> wrote:

If they're still coming on Monday, please let me know.

Michael G. Bailey
Chief Deputy / Chief of Staff
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-8080 Office
602-542-4085 Fax

michael.bailey@azag.gov

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From: Brnovich, Mark
Sent: Thursday, October 01, 2015 8:45 PM
To: Northup, Dawn; Bailey, Michael
Subject: Fwd: Report—Arizona Department of Revenue—Sunset Factors

Attorney General Mark Brnovich
Sent from my iPhone

Begin forwarded message:

From: AZ Auditor General's Office <notices@azauditor.gov>
Date: September 30, 2015 at 10:47:39 AM MST
To: Undisclosed recipients;;
Subject: Report—Arizona Department of Revenue—Sunset Factors

ARIZONA
OFFICE OF THE
AUDITOR GENERAL

The Office's Performance Audit Division has issued the **Arizona Department of Revenue—Sunset Factors—September 2015:**

[Full Report](#) [Response](#)

This report provides information on 12 of the sunset factors the Legislature is to consider in determining whether to continue or terminate the Arizona Department of Revenue (Department). The report is the final in a series of three reports on the Department. Auditors' analysis of the sunset factors found the Department's performance satisfactory with regard to many of the factors. However, the Department should address the recommendations directed to it in the two performance audits issued as part of this sunset review (see Report Nos. 15-105 and 15-116).

If you have any questions, please contact Jeremy Weber, Performance Audit Manager, at jweber@azauditor.gov or (602) 553-0333.

Copies of all reports our Office issues are available on our Web site at <http://www.azauditor.gov/>.

Sincerely,
Arizona Office of the Auditor General

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<http://www.azauditor.gov/RSS/Feeds.htm>. Our RSS feeds generally provide both a link to our report and a brief summary.

From: [Brnovich, Mark](#)
To: [Conrad, Donald](#)
Subject: RE: Retirement
Date: Wednesday, December 23, 2015 10:49:11 AM

Ok. Thanks.

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

From: Conrad, Donald
Sent: Wednesday, December 23, 2015 10:46 AM
To: Brnovich, Mark
Subject: RE: Retirement

Mark, When I retired from the AGO before, Lisa put together a wonderful event. She invited a lot of cops I have worked with over the years. It was gratifying to me to see so many people show up to bid me farewell. Having done that once, I don't want to ask people to honor me again on my return to the stage. Besides, I might be embarrassed by the diminished attendance. I've been given the State of Arizona Gold Watch Retirement Award, although it was a dry, butter-less, cheap white cake from Fry's, so I don't think I'm entitled to another one. My plan is to attempt to speak to everyone in my Division along with other Division Chiefs and colleagues before I go so I can say my personal farewells.

But to go right to the heart of the matter, no event could be more gratifying for me than to read your email and to know that you think I deserve to be recognized. Knowing that my performance has pleased you is all I really need or want as a send-off. For you to have told me that I can stay as long as I want meant a lot too. So don't sweat it. I still hope we can again establish some semblance of the relationship we have enjoyed over the last many years after I leave.

I feel like it was a gift to me to be part of setting this place straight after all the damage Horne did to the Criminal Division. Of course, there will always be improvements to be made and mistakes to be corrected, but I say with confidence at the end of your first term, we are in one hell of a lot better place today than we were on January 5, 2015. Thanks to you for letting me be a part of making the office most dear to my heart a place that we can be proud of.

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

From: Brnovich, Mark
Sent: Monday, December 21, 2015 4:59 PM
To: Conrad, Donald
Subject: Retirement

Don, make has said you don't want a big send off or celebration during your last week. I would like to do something. You deserve it. Let me know. Mark.

Attorney General Mark Brnovich
Sent from my iPhone

From: [Brnovich, Mark](#)
To: [Bailey, Michael](#)
Cc: [Anderson, Ryan](#); [Garcia, Mia](#)
Subject: RE: Search Warrant Notification for 10/21/2015
Date: Monday, October 19, 2015 12:07:57 PM

Does this have any human trafficking implications?

From: Bailey, Michael
Sent: Monday, October 19, 2015 9:36 AM
To: Brnovich, Mark
Cc: Anderson, Ryan; Garcia, Mia
Subject: FW: Search Warrant Notification for 10/21/2015

Second search warrant fyi

Michael G. Bailey
Chief Deputy / Chief of Staff
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-8080 Office
602-542-4085 Fax

michael.bailey@azag.gov

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From: Conrad, Donald
Sent: Monday, October 19, 2015 9:16 AM
To: Bailey, Michael
Subject: FW: Search Warrant Notification for 10/21/2015

FYI

From: Perkovich, Mark
Sent: Monday, October 19, 2015 9:12 AM
To: Conrad, Donald
Subject: Search Warrant Notification for 10/21/2015

On **Wednesday, October 21st, 2015**, AGO staff assigned to the Financial Crimes Task Force will be serving a total of 6 search warrants. SA Brady Wilkins is the case agent on behalf of the AGO. The search is for the primary suspects as well as evidence related to Knowingly Operating or Maintaining a House of Prostitution, Money Laundering, Conducting an Illegal Enterprise, Forgery (AHCCCS Fraud) and Conspiracy.

Search Warrant Locations:

1. [REDACTED], Phoenix, AZ 85013
2. [REDACTED], Glendale, AZ 85308
3. [REDACTED], Phoenix, AZ 85024
4. [REDACTED], #A-101, Glendale AZ 85304
5. [REDACTED], Glendale, AZ 85301
6. [REDACTED] #B, Scottsdale, AZ 85254

Ops plans are in place for all locations to be searched.

Mark

Mark Perkovich

Chief Agent

Office of the Attorney General
Special Investigations Section
1275 W. Washington, Phoenix, AZ 85007
Desk: 602.542.7944 | Cell: 480.216.0187 | Fax: 602.542.4882
Mark.Perkovich@azag.gov
<http://www.azag.gov>

From: [Brnovich, Mark](#)
To: [Bailey, Michael](#)
Subject: RE: Supreme Court Seminar | Dec. 2-3, 2015 | Washington DC
Date: Thursday, October 22, 2015 11:22:29 AM

yes

From: Bailey, Michael
Sent: Thursday, October 22, 2015 10:22 AM
To: Brnovich, Mark
Subject: FW: Supreme Court Seminar | Dec. 2-3, 2015 | Washington DC

This is a full week before the argument. Do you want us to sign you up for it?

Michael G. Bailey
Chief Deputy / Chief of Staff
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-8080 Office
602-542-4085 Fax

michael.bailey@azag.gov

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From: Jim McPherson [<mailto:announcements@naag.org>]
Sent: Thursday, October 22, 2015 10:21 AM
To: Bailey, Michael
Subject: Supreme Court Seminar | Dec. 2-3, 2015 | Washington DC



Hyatt Regency Washington On Capitol Hill
400 New Jersey Ave NW
Washington, D.C. 20001



REMINDER: The Association's Annual Seminar On Supreme Court Practice Is Scheduled For Dec. 2-3, 2015, In Washington, D.C. The Two-Day Seminar Will Start At The U.S. Supreme Court On Wednesday, Dec. 2, Commencing At 8:30am, Continue With A Reception That Evening, And Then Conclude At The Hyatt Regency Washington On Capitol Hill, On Thursday, Dec. 3. We Expect The Thursday Session To Conclude At 4:00pm. The Seminar Will Begin With Observation Of Oral Arguments At The Court, Followed By A Discussion With The Arguing Attorneys. Panels Of Experienced Supreme Court Practitioners Will Then Address Oral Argument, Written Advocacy (Including Petitions For Writs Of Certiorari And Oppositions Thereto, Merits Briefs, And Amicus Briefs) And More.

To Access The Draft Agenda For This Program, [PLEASE CLICK HERE.](#)

U.S. Supreme Court Bar Member Information & Courtroom Seating Arrangements

The Registration Process Will Require U.S. Supreme Court Bar Members To Provide Their Legal Name, Including Middle Initial, And Birth Date. Bar Entrance Cards Will Be Verified By Court Security In Advance. No Bar Passes Will Be Obtained The Day Of The Conference. Please Note That Registrants Are Not Required To Be A U.S. Supreme Court Bar Member To Attend The Seminar.

Due To Bar Section Seating Limitations In The Court, A Portion Of The Eligible Supreme Court Bar Members Will Be Seated In The Bar Section; All Others Will Be Seated In The Area Located Immediately Behind The Bar Section. The Bar Section Seats Will Be Assigned In Order Of Online Registration Information.

HOTEL



The Special Group Rate Is \$199 Per Night Plus Tax For Single Or Double Occupancy. Rooms Are Reserved Under The Conference Block From Tuesday Through Thursday Night. The Guestroom Rate Will Be Available Three Days Prior And Post Meeting Based On Hotel Availability. Hotel Space May Be Limited; We Strongly Urge Attendees To Reserve Their Rooms Early. [Reservations May Be Made Online](#) Or By Phone: 888-421-1442 Be Sure To Mention NAAG Supreme Court Seminar. The Cut-Off For Hotel Reservations Is Tuesday, Nov. 3, 2015. After That Date, The Rooms Will Be Released To The General Public.

CONTACT

The NAAG Contact For This Meeting Is Kolenge Fonge, Supreme Court And NAGTRI

Program Specialist. She Can Be Reached At 202-326-6259 Or Kfonge@Naag.Org.



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From: [Brnovich, Mark](#)
To: [Conrad, Donald](#)
Cc: [Bailey, Michael](#)
Subject: Re: Tragic shooting
Date: Wednesday, December 02, 2015 4:45:24 PM

Thanks.

Attorney General Mark Brnovich
Sent from my iPhone

> On Dec 2, 2015, at 6:40 PM, Conrad, Donald <Donald.Conrad@azag.gov> wrote:

>

> Understood. I will address

>

> Donald Conrad

> Chief Counsel

> Criminal Division

> Arizona Attorney General's Office

> (602) 542-8495

>

>

>

>> On Dec 2, 2015, at 2:57 PM, Brnovich, Mark <Mark.Brnovich@azag.gov> wrote:

>>

>> Don, there's a terrible shooting in ca. Our thoughts and prayers are with the victims. But does this bring up two issues. Especially when I'm out of town. First, does the detail/office have a protocol etc for my family/kids if there's a lock down situation in AZ. Did they work everything out with school? Second, we need to figure out a building security plan. And what's our protocol if there's an active shooter downtown?

>>

>> Attorney General Mark Brnovich

>> Sent from my iPhone

From: [Brnovich, Mark](#)
To: [Syms, Maria](#); [Bailey, Michael](#); [Anderson, Ryan](#)
Subject: RE: Transcript of Oral Argument in NAF v. CMP
Date: Tuesday, December 22, 2015 12:26:03 PM

Thanks for the update.

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

From: Syms, Maria
Sent: Tuesday, December 22, 2015 11:43 AM
To: Brnovich, Mark; Bailey, Michael; Anderson, Ryan
Subject: Transcript of Oral Argument in NAF v. CMP

I think our argument went very well. I want to commend Beau, Matt and Evan for their great contributions to the briefing and for their and Dom's assistance with the moot. I would direct your attention to pages 5-8 and 40-42 for our argument. The judge's final comment to me was he agrees. I hope that bodes well for his order.

From: [Brnovich, Mark](#)
To: [Baer, Aaron](#)
Cc: [Bailey, Michael](#); [Anderson, Ryan](#); [Medina, Rick](#); [Lopez, John](#); [Draye, Dominic](#); [Perkins, Jennifer](#); [Garcia, Mia](#); [Rieve, Shaun](#); [McKinstry, Courtney](#)
Subject: Re: Transcript of Oral Arguments
Date: Tuesday, December 08, 2015 2:42:26 PM
Attachments: [image001.png](#)
[image001.png](#)

Yea, I was there. Thanks.

Attorney General Mark Brnovich
Sent from my iPhone

On Dec 8, 2015, at 3:37 PM, Baer, Aaron <Aaron.Baer@azag.gov> wrote:

Here's the transcript from today's Oral arguments in Harris:
http://www.supremecourt.gov/oral_arguments/argument_transcripts/14-232_c0ne.pdf

Aaron Baer
Policy Advisor



Office of Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Desk: 602-542-6903 | Cell: 602-540-6745
Aaron.Baer@azag.gov
<http://www.azag.gov>

From: [Brnovich, Mark](#)
To: [Pierce, Amilyn](#); [Anderson, Ryan](#); [Medina, Rick](#); [Baer, Aaron](#)
Subject: RE: Two approaches to prohibiting smoking at Arizona's business entrances - 2015. And the results.
Date: Monday, November 23, 2015 10:20:22 AM

Ok. Thanks.

From: Pierce, Amilyn
Sent: Monday, November 23, 2015 9:56 AM
To: Brnovich, Mark; Anderson, Ryan; Medina, Rick; Baer, Aaron
Subject: RE: Two approaches to prohibiting smoking at Arizona's business entrances - 2015. And the results.

I have reached out to this gentleman. He understands the situation with the Cottonwood Walmart and was very appreciative of my email. He won't stop sending this "information" however I don't think he needs to be responded to anymore. Feel free to continue to forward these to me if you'd like me to just continue to monitor Mr Carabillo.

AP

602-542-7575

From: Brnovich, Mark
Sent: Monday, November 23, 2015 8:01 AM
To: Pierce, Amilyn; Anderson, Ryan; Medina, Rick; Baer, Aaron
Subject: Fwd: Two approaches to prohibiting smoking at Arizona's business entrances - 2015. And the results.

Attorney General Mark Brnovich
Sent from my iPhone

Begin forwarded message:

From: Louis Carabillo <[REDACTED]@gmail.com>
Date: November 23, 2015 at 4:58:36 AM MST
To: Paula Ginnett <paula.ginnett@walmart.com>, Eric Thomas <eric.thomas@azdhs.gov>, <stephen.tullos@yavapai.us>
Cc: PHILIP J CARPENTER <pcarpenter04@msn.com>, <david_schapira@tempe.gov>, <cara.christ@azdhs.gov>, <harmony.dupont@azdhs.gov>, <brigitte.dufour@azdhs.gov>, <smortenson@lungs.org>, <alyss.jensby@cancer.org>, <eableser@azleg.gov>, <kyee@azleg.gov>, <hcarter@azleg.gov>, <ahale@azleg.gov>, <jmendez@azleg.gov>, <jnorgaard@azleg.gov>, <brobson@azleg.gov>, <asherwood@azleg.gov>, <sallen@azleg.gov>, <bbarton@azleg.gov>, <dscarpinato@az.gov>, <mark.brnovich@azag.gov>, <randy.lovely@arizonarepublic.com>, <nicole.carroll@arizonarepublic.com>, Cherrill Crosby <cherrill.crosby@arizonarepublic.com>, <dennis.wagner@arizonarepublic.com>, Joanna Allhands <joanna.allhands@arizonarepublic.com>, "Sayers, Justin"

<jsayers@arizonarepublic.com>, Annie Meredith
<annie.meredith@mohavecounty.us>, <jharris@azasthma.org>,
<jspitz@tucson.com>, <kevin.dale@asu.edu>, "Kammeyer, Todd D"
<todd.kammeyer@frysfood.com>, <djoens@cottonwoodaz.gov>, Doug Bartosh
<dbartosh@cottonwoodaz.gov>, <web.bos.district3@yavapai.us>,
<rlayton@prescottaz.com>, <dengler@verdenews.com>,
<ttracey@verdenews.com>, <doug.mcmillon@walmart.com>, Pazong Yang
<pazong.yang@walmart.com>, <trevor.cuff@walmart.com>,
<stanton.glantz@ucsf.edu>, <mbsiegel@bu.edu>, "Char Day" <char.day@no-
smoke.org>, <cynthia.hallett@no-smoke.org>

**Subject: Two approaches to prohibiting smoking at Arizona's business
entrances - 2015. And the results.**

TO: Paula Ginnett, V.P., Regional General Manager, Wal-Mart Stores, Inc.;
Eric Thomas, Program Manager, Smoke-Free Arizona;
Stephen Tullos, Director, Yavapai County Community Health Services.

Ms. Ginnett, Mr. Thomas, Mr. Tullos:

*"Enclosed area includes a reasonable distance [20 feet] from any entrances,
windows and ventilation systems, so that persons entering or leaving the
building or facility shall not be subjected to breathing tobacco smoke . . ." ---
A.R.S. 36-601.01(A)(3). **Comply With the Law - What You Need to DO**
([http://www.azdhs.gov/preparedness/epidemiology-disease-control/smoke-free-
arizona/index.php#complying](http://www.azdhs.gov/preparedness/epidemiology-disease-control/smoke-free-arizona/index.php#complying)) **"Prohibit anyone including employees, vendors,
and customers from smoking inside and within 20 feet of all entrances into
your place of business."***

Earlier this year, concerned with what appeared to be a resurgence of the
problem of persons smoking at business entrances in Cottonwood, particularly at
the Wal-Mart Supercenter, and to a lesser extent at the Fry's Food & Drug, I
shared those concerns with Doug McMillon and Stephen McKinney (Please see
the attached PDF files, below, *Smoke gets in your eyes* and *It's time to draw
the line against violators*). It's important to note that Smoke-Free Arizona 4x12"
NO SMOKING INSIDE AND WITHIN 20 FEET OF THIS
ENTRANCE signs were posted, prominently, at the Main Entrances of both
stores, at the time. Prompted by the typical defense offered by persons smoking
at business entrances, since the Smoke-Free Arizona Act went into effect on
May 1, 2007, *"Where's twenty feet?"*, and the statement in *The Smoke-Free
Arizona Act Annual Report - 2015*
([http://www.azdhs.gov/documents/preparedness/epidemiology-disease-
control/smoke-free-arizona/reports/sfa-annual-report-2015.pdf](http://www.azdhs.gov/documents/preparedness/epidemiology-disease-control/smoke-free-arizona/reports/sfa-annual-report-2015.pdf)), *"Many business
proprietors have made steps to go above and beyond the requirements of the
Smoke-Free Arizona Act."*, I suggested clearly delineating the 20-foot smoke-
free buffer zone, just outside business entrances, protected under the 2007
Smoke-Free Arizona Act. Subsequent to my email-appeals, this past May, there's
been some changes made:

The Cottonwood Wal-Mart Manager initially installed additional Smoke-Free
Arizona Act 4x12" **NO SMOKING INSIDE AND WITHIN 20 FEET OF**

THIS ENTRANCE signs at their Store's two Main Entranceways (for a total of three (3) at the Store's north Main Entranceway and a total of two (2) at the Store's south Main Entranceway). And, later, four (4) large **NO SMOKING BEYOND THIS POINT** signs were posted at four points, just the other side of the Store's main north-south driveway, some 35+ feet from the Main Entranceways. The result: No apparent reduction in the high numbers of persons observed smoking at the Store's Customer Entrances (Please see the attached PDF file, below, *Time to take the bull by the horns*).

The Cottonwood Fry's Manager elected to clearly delineate the 20-foot smoke-free buffer zone, just outside their Store's Main Entranceways, with no change of the required signage already in place at the Entranceways. The result: No persons observed smoking at the Store's Customer Entrances, since the change in late June (Please see the attached PDF file, below, *The friendly Cottonwood Fry's Food & Drug*).

"The Smoke-Free Arizona Act is a joke!"

Fact: 828,685 Arizonans voted "Yes" to Prop. 201, back in 2006 (https://en.wikipedia.org/wiki/List_of_Arizona_ballot_propositions) (Scroll approx. 3/4 down the Page). Since moving to Cottonwood, back in 2010, I've heard this statement/variation on the theme from a number of conscientious Arizonans, around our State, who had taken the time and effort to answer the Smoke-Free Arizona call to report Violations of the Smoke-Free Arizona Act, only to see reoccurring Violations at the business(s) they've reported! Are they disgruntled? You bet they are. And, in large part, this continuing effort is on their behalf.

From *The Smoke-Free Arizona Act Annual Report - 2015*, Page 29,
Conclusion: *"Most of the complaints, as in years past, were regarding people smoking outside, but within 20 feet of an entrance . . ."* Despite our respective efforts to correct the most prevalent category of Smoke-Free Arizona Act Violations over the past eight years, *a failing Grade*. How do we improve (read: upgrade) the process of documenting Citizens' reports of Smoke-Free Arizona Act Violations, across our State, from the present "alleged Violation(s)" to "actual Violation(s)," that the effectiveness and efficiency of Enforcement be improved --- and smoke-free entrances/exits at businesses across our State be the result?

The case for including GPS (Global Positioning System) coordinates, when filing Smoke-Free Arizona Act complaints:

Re *Smoke-Free Arizona Phone*

Application (<https://chronicdiseaseaz.wordpress.com/2012/02/23/smoke-free-az-phone-application/>), *"This free phone App will allow Arizonans to take pictures of the violation and send it, along with GPS coordinates . . . to the ADHS*

Smoke-Free Arizona Program who will file the complaint." Photos have been admissible as evidence in court proceedings, for well over a hundred years. And, now, a new tool for establishing the validity of photographs, *Geotagged photos: a useful tool for criminological research* (<http://www.crimesciencejournal.com/content/pdf/s40163-015-0017-6.pdf>). In short: Photos so tagged and dated are clear evidence, not only that the Smoke-Free Arizona Act Violations captured, therein, actually happened, but *where* it happened. Case in point:

From: Brnovich, Mark
To: Bailey, Michael; Kredit, Beth
Subject: RE: UC Irvine flights
Date: Friday, November 13, 2015 11:55:15 AM

thanks.

From: Bailey, Michael
Sent: Friday, November 13, 2015 11:41 AM
To: Kredit, Beth
Cc: Brnovich, Mark
Subject: UC Irvine flights

Beth,

Looks like we'll do the Irvine moot at 10:30 a.m. on Tuesday the 24th. Please make a flight for Mark to Orange County on the evening of the 23rd, and then Lopez alerted me to a 225 p.m. return home on the 24th. That is a good time. Also need a hotel for the night of the 23rd in Irvine.

Thanks

Michael G. Bailey
Chief Deputy / Chief of Staff
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-8080 Office
602-542-4085 Fax

michael.bailey@azag.gov

NOTICE: This email (and any attachments) may contain PRIVILEGED OR CONFIDENTIAL information and is intended only for the use of the specific individual(s) to whom it is addressed. If you have received this email in error, please immediately notify Valerie Neumann at 602-542-8017 and delete the original email. Thank you.

From: [Brnovich, Mark](#)
To: [Medina, Rick](#); [Anderson, Ryan](#); [Garcia, Mia](#)
Subject: Redistricting returns to U.S. Supreme Court: Here's what to know
Date: Tuesday, December 08, 2015 3:53:32 PM

<http://www.azcentral.com/story/news/arizona/politics/2015/12/07/redistricting-battle-returns-us-supreme-court-what-to-know/76584438/?from=global&sessionKey=&autologin=>

Attorney General Mark Brnovich
Sent from my iPhone

From: Brnovich, Mark
To: Garcia, Mia; Bailey, Michael; Baer, Aaron
Subject: Talking points
Date: Monday, December 21, 2015 4:56:22 PM

Who's got generic talking points and accomplishments for tomorrow. Just a one pager. And then maybe some more detailed stuff if I need it.

Attorney General Mark Brnovich
Sent from my iPhone

From: Brnovich, Mark
To: DL-Everyone-Statewide AGO
Subject: Thank you to the troops
Date: Monday, November 09, 2015 12:52:49 PM
Attachments: image001.png

Good Afternoon,

Veterans Day is Wednesday and I hope we can all take a moment to say "thank you" to our veterans, to our active duty members, reservists, guard members, and to their families. The Attorney General's Office has teamed up with KMLE radio for a cause near and dear to my heart, sending "Thank You" letters to the troops. KMLE radio hosts Steve & Nina hope to send 20,000 handwritten "thank you" letters to the troops this holiday season. We hope our AGO team can help achieve this goal!

If you'd like to join us in brightening a soldier's holiday, please write a short, handwritten letter to our service members with a simple "thank you" for your service and sacrifice, and any other thoughts you'd like to share. **Please bring your short handwritten THANK YOU letter to the Executive Office BEFORE next Monday, November 16th.** We encourage you to ask your family members to join you in writing **Thank You Letters**.

Please address each letter "Dear Hero" or "To an American Hero" or "Dear Service Member" to avoid titles that would limit the gender or branch of service we can send the letter to.

Thank you. We appreciate everything you do!!

Here's a link to some letter writing guidelines

<http://www.packagesfromhome.org/index.php/letters/letter-writing>

Mark Brnovich



From: [Brnovich, Mark](#)
To: [Bailey, Michael](#); [Kredit, Beth](#)
Subject: Tix
Date: Friday, November 27, 2015 3:27:44 PM

I didn't need a copy of my ticket. I just wanted to know if it was booked. Because I wanted to pay for it with my own card and wanted the later direct flight. But if it was Booked, then it didn't matter.

Attorney General Mark Brnovich
Sent from my iPhone

From: [Brnovich, Mark](#)
To: [Anderson, Ryan](#); [Watkins, Paul](#); [Bailey, Michael](#)
Subject: Today's WSJ
Date: Wednesday, December 30, 2015 5:09:28 PM
Attachments: [ATT00001.txt](#)

Did you see this story. Anything we can do here?

From: Brnovich, Mark
To: Lopez, John; Bailey, Michael; Draye, Dominic
Subject: Tooth Issue
Date: Monday, November 23, 2015 7:58:49 AM

I hope this all works out. I had a crown crack in my mouth on Friday night. Doc could get me in this pm, but I'm delaying it until Wednesday am. Otherwise, I would have to miss the OC.

Attorney General Mark Brnovich
Sent from my iPhone

From: Brnovich, Mark
To: Balley, Michael
Subject: University of Missouri president quits after faculty walks out
Date: Monday, November 09, 2015 12:05:05 PM

I thought you would be interested in this story I found on MSN: University of Missouri president quits after faculty walks out <http://a.msn.com/01/en-us/CC947h?ocid=se>

From: Brnovich, Mark
To: Anderson, Ryan; Garcia, Mia; Baer, Aaron; Medina, Rick
Subject: VM
Date: Monday, November 23, 2015 2:16:05 PM

Got a text and VM for Ira story running this Sunday.

Attorney General Mark Brnovich
Sent from my iPhone

From: Brnovich, Mark
To: Bailey, Michael
Subject: where are you?
Date: Thursday, October 01, 2015 1:14:25 PM

Mark Brnovich
Arizona Attorney General

From: [Brnovich, Mark](#)
To: [DL-Everyone-Statewide AGO](#)
Subject: Winter Newsletter
Date: Tuesday, December 15, 2015 3:21:22 PM
Attachments: [Winter Newsletter.pdf](#)
[Image001.png](#)

Attached you will find our latest newsletter – thank you to everyone who contributed articles and news items!

Mark



Winter Edition

THE OPENING STATEMENT

Staff Newsletter
Arizona Attorney General's Office



Attorney General
Mark Brnovich



MANAGING
ACCOUNTABILITY &
PERFORMANCE

For a greater state of success!

Make a note that the 2015 Employee Performance Appraisals must be turned in to Human Resources by February 5, 2015!

Please contact HR with any questions.

Awards Ceremonies

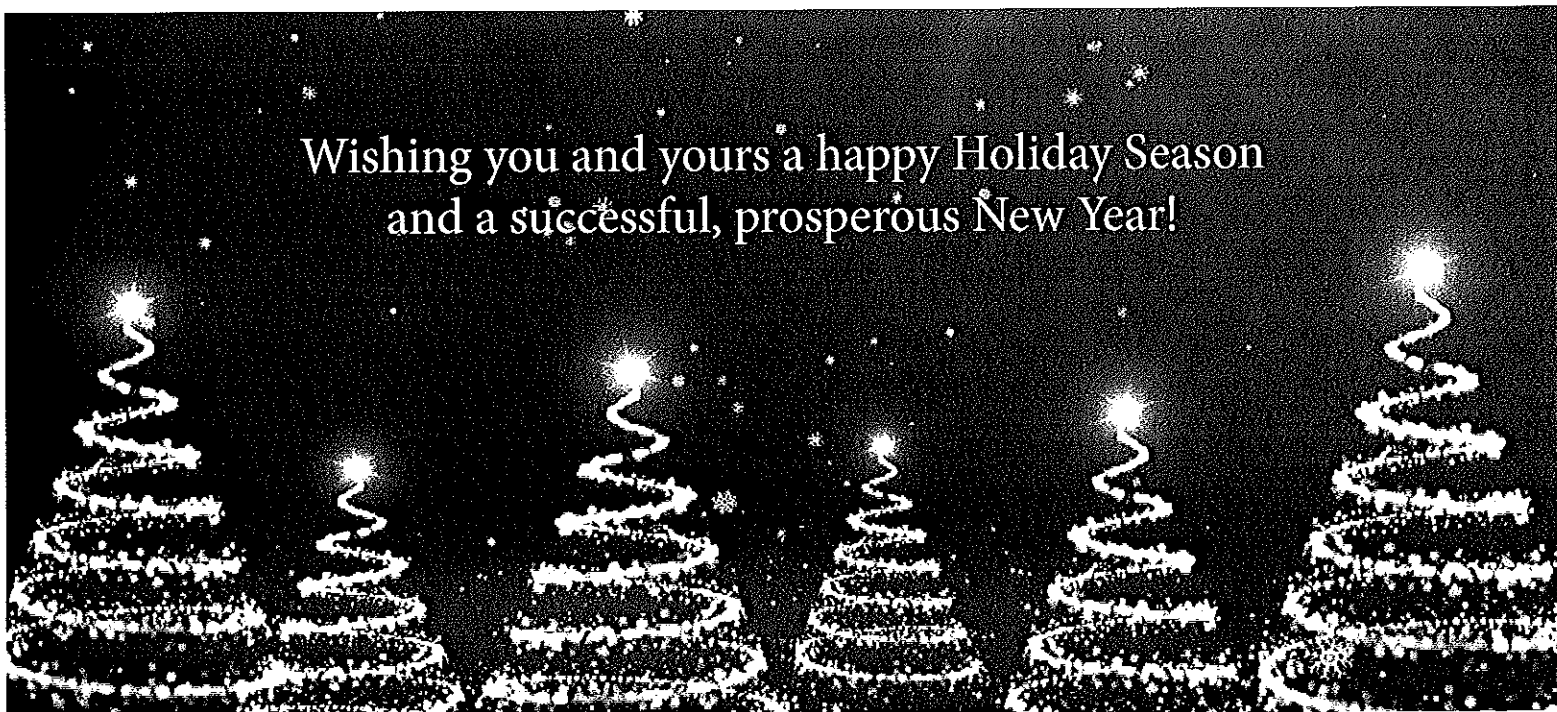
We are in the process of planning the Employee Awards Ceremonies in the Phoenix and Tucson Offices.

Look for more information in the coming weeks!

In This Issue:

- Travel Tips
- Employee Spotlight
- Phoenix Garage Update
- Division News
- Call for Reader Feedback

Wishing you and yours a happy Holiday Season
and a successful, prosperous New Year!



A Message From the Attorney General

Fiat Justitia [fee-aht yoo-stee-tee-ah]

Maybe you have noticed the small words in the crossguard of the sword in our new Attorney General logo and wondered what they mean. Fiat Justitia is Latin for "Let Justice Be Done". This phrase has a great deal of meaning for us here in the state's highest law enforcement agency. Whatever the project or the outcome of a case, we should always strive to ensure that justice has been done. While private law firms may measure success by other means, we are held to a higher standard. Win or lose; trial, plea agreement or settlement; successful lawsuit or case dismissed...if justice has been done, we have succeeded in our endeavors.

With that in mind, new signs are popping up all over the Law Center Building and the Capital Center which focus on the concept of 'justice'. We have gathered quotes from a wide variety of sources that will provide daily reminders of our solemn commitment. Be on the lookout for them; there will be more to come. I would invite all of you, if you encounter a thought or quote on justice, to submit them for possible publication in future newsletters.

I hope you all have a Happy Merry Everything with your families during the holiday season. As we start the new year let us all renew our commitment to the administration of justice.

Attorney General
Mark Brnovich

Thank you to all who contributed items for this issue of
The Opening Statement.

The newsletter will be issued each quarter, so be sure to email
your newsworthy items to Newsletter@azag.gov – and don't
forget to include photographs!

Your participation and assistance are greatly appreciated.

News & Updates:

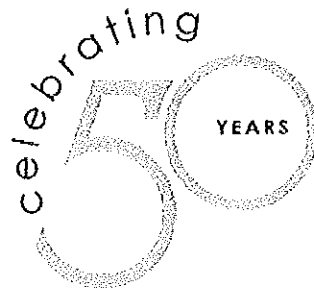


Thank you all for participating in this year's food drive! Because of your generosity, we donated 1,150 pounds of food, which is the equivalent to 1,150 meals for needy Arizonans!



On October 30th Sandi Novak, a Legal Assistant Project Specialist in the Natural Resources Section, retired from the office after over 25 years of service. With diversity in mind she set about gaining knowledge from a wide variety of areas and worked in the Licensing Enforcement Section, Consumer Protection Section, Liability Management Section, Protective Services Section and finally, the Natural Resources Section. We are sad to see such a wonderful paralegal – and person – leave our employ. Sandi will surely be missed and hard to replace.



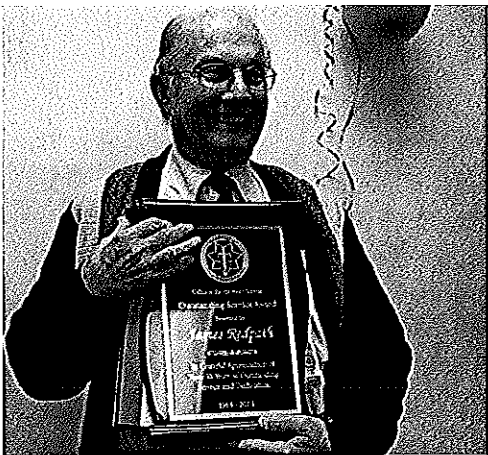


11/29/1965 - 11/29/2015

Congratulations to Jim Redpath who recently celebrated his 50th Anniversary with the AG's Office!

Jim joined the Transportation Section on 11/29/1965 - Darrell Smith was the Attorney General and William Eubank was the Chief Assistant. At the time, there were only 22 Assistant Attorneys General and 9 Special Assistant Attorneys General. He has, thus far, served with 12 different Attorneys General.

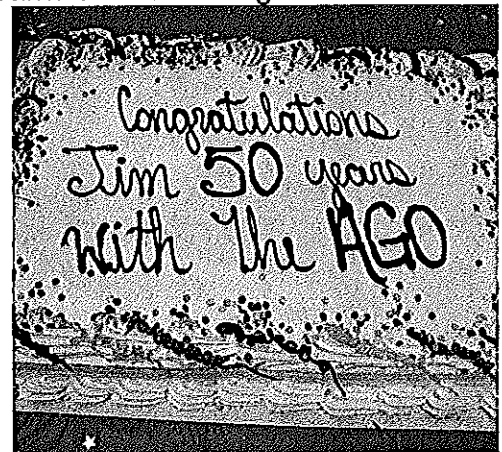
Most of Jim's career has been spent as a trial attorney, and most of his trials have involved eminent domain actions on behalf of ADOT. As a senior litigation attorney, Jim's efforts have been exemplary. Past evaluations and letters of commendation describe him as having "a well-deserved reputation as a thoroughly tenacious trial attorney", indicate his "dedication and professionalism" are reflected in "flawless" courtroom presentation, and recognize him as a valued "trial coach" for newer attorneys.



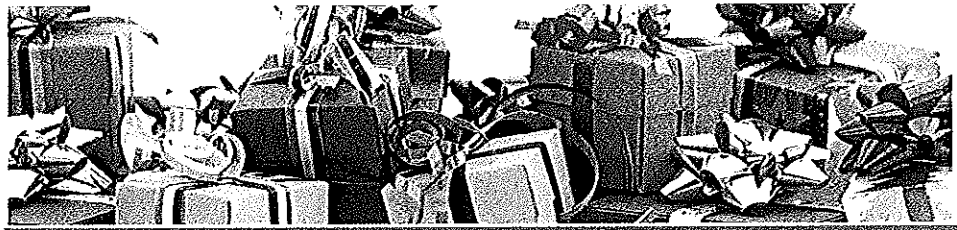
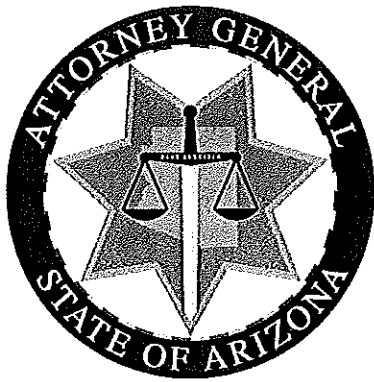
In the 1990's, 9 eminent domain actions were filed to acquire a portion of the property ultimately developed as Arrowhead Ranch. Jim led litigation teams to outstanding victories in both of the "Arrowhead Ranch" eminent domain trials. The owners, including the Hunt family which tried to corner the world silver market, intended to recover more

than \$100 million above the states appraisals. Instead, after 2 of 9 scheduled trials had concluded, the owners owed the state money because the verdicts were less than the State's initial bond deposits. These verdicts resulted in settlement of 7 remaining and

related cases, saving the State millions of dollars. The cases were both complex and time consuming. One involved over 100 motions in limine, more than 14,000 pages of deposition testimony, and culminated in a 3 month trial. In 1994, the Arrowhead Ranch trial team received both the Attorney General's Office Litigator of the Year Award, and the ADOT Director's Meritorious Achievement Award.



Jim has been involved in at least 23 reported decisions! He was TRN's Assistant Chief Counsel from 1976 - 1986, and Chief Counsel from 1986 - 1991. Described as a "tireless public servant", Jim has received commendations from both clients and opposing counsel.



Circle of Hope Holiday Program 2015

Since 1977, the Sojourner Center has provided shelter and support services to thousands of women and children affected by domestic violence, and has since become one of the largest domestic violence shelters in the US. When fleeing abuse, a survivor often has to leave behind their home and most, if not all, of their possessions.

Our office is partnering with the Sojourner Center during this Holiday Season to help women and children at the Center replace their stressful and fearful holiday memories with new ones full of hope and joy. Below are the wish lists:

Wish Lists for Families in Transition:

These are families who are moving into the Center's transitional apartments or are moving on to permanent housing. Help them make their house a home:

- Appliances/Small Electronics
- Housewares/Decor Items
- Towels/Linens/Bedding

Wish Lists for Children:

Ages 0-5:

- Stuffed Animals/Pajamas
- Educational/Skill Building Toys
- Trucks/Cars
- Dolls/Multicultural Dolls

Ages 6-12:

- Board Games/Puzzles
- Educational Toys/Science Kits
- Art Supplies/Craft Kits

Wish Lists for Women:

- Jewelry/Watches/Accessories
- Curling Irons/Hair Dryers
- Robes/Slippers/Loungewear
- Make-up/Bath & Body Kits
- Manicure/Pedicure Kits

Wish Lists for Teens:

- Mp3 Players/Radios/Headphones
- Bikes/Sporting Goods (please no baseball/softball bats)
- Make-up/Bath & Body Kits
- Cologne/Perfume
- Arts Supplies

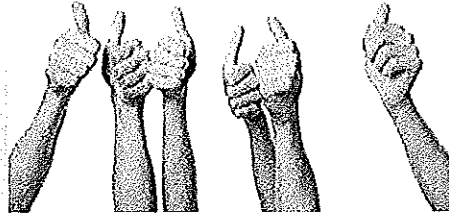
****Special Note: Please avoid violent toys such as guns and other weapons, including Nerf or foam weapons, combat/military and fighting themes.**

We will be collecting these items through December 18th

You can bring your donated items to Jelena Momich or Paula Daniels

If you have any questions, or need assistance delivering larger items, please contact Jelena Momich at 602.542.8004 or jelena.momich@azag.gov

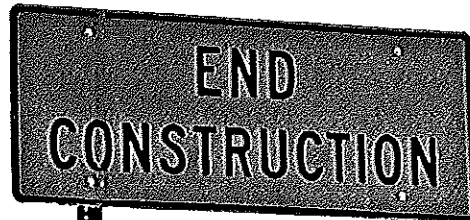
Employee Recognition



This section features employees that have been recognized for their outstanding work. Supervisors, remember to submit your nominations to Valerie Neumann!

- In October, Dennis Carpenter presented Sexual Harassment Training to the Division One Court of Appeals' Judges and Staff. It was well received and his time and effort were appreciated.
- Congratulations to Lisa Hemann for her victory over Anthony-Eric Emerson. Emerson sued Judges Jeanette Garcia (former LMS attorney) and Karen O'Connor, who presided over criminal proceedings in which he was convicted of various crimes. He alleged that they had directed deputy sheriffs to use excessive force in getting Emerson's fingerprints on the sentencing orders (which is required by the rules of criminal procedure). In October, the court of appeals affirmed the judgment in the judges' favor, holding that they had absolute judicial immunity. Kudos to Lisa for her appellate victory, and thanks to Deb Anderson for her help on the appeal!

Operations Division

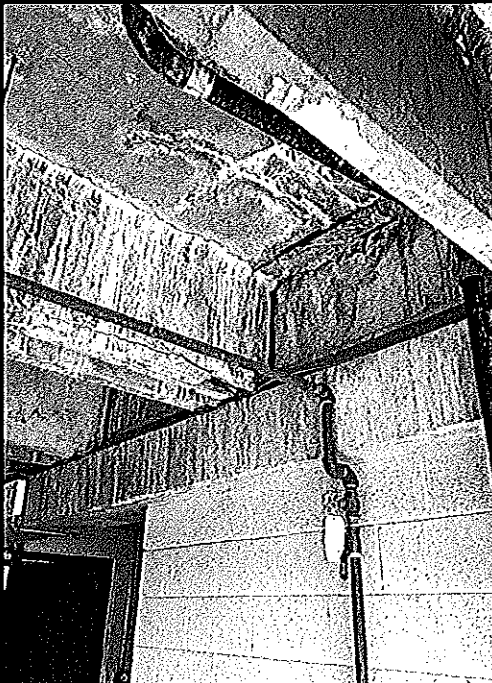


Back in July, ADOA notified our office that repairs to the upper deck of the Cap Center Parking Garage were necessary and could not be delayed.

The damage was caused by the old, leaking cooling towers. Over time, the chemicals caused the cement to severely erode.

ADDA originally told us that the project would take 3 weeks or less to complete; however, it ultimately took two months during the hottest time of the year.

Thank you for your patience during the Phoenix garage repairs and also thank you to our Facilities Team for coordinating the work, finding alternate parking sites and shuttle services for our employees!



Operations Division



When planning your travel, be sure to use the following tips from our Travel Coordinator!

- Always reference **SharePoint** for the most recently updated travel forms.
- The GAO509 Out-of-State Travel Approval Request form and supporting documentation must be submitted and approved prior to all out-of-state trips, even if the AGO is not paying for the travel expenses.
- When combining business and personal travel, if the cost is increased due to the personal time, then the traveler is responsible for the increase and must pay for the entire trip using their personal finances, and then be reimbursed by the AGO for the business portion of the fare after completion of the trip. Reference SAAM 5070 "Special Travel Circumstances and Issues" for more information on combining business and personal travel.
- GAO has issued new meal and lodging rates effective for travel after 10/1/15, which can be found on GAO's website: <https://gao.az.gov/travel/welcome-gao-travel> (Always reference GAO's website/ State of Arizona Travel Policy for the most up-to-date travel related information).
- Mileage should be rounded to the nearest tenth of a mile using the 5/4 rounding method. Reference SAAM 5015 "Travel by Individually Operated Motor Vehicle" for more information regarding mileage reimbursement.
- If you need to request a higher lodging rate than is allowed by the State of Arizona Travel Policy, you will need to submit the Excess Lodging Approval Request form and supporting documentation. For all other exceptions to Policy, you will need to submit the Travel Exception Form and supporting documentation. Both of these forms are available on SharePoint, and should be submitted and approved prior to travel taking place.
- Travel claims should be submitted within 5 business days after the return of travel and no less frequently than once each pay period.
- When attaching receipts to your travel claim, if a receipt is smaller than a normal piece of paper, tape the receipt to an 8 ½" x 11" piece of paper.
- Original receipts are required for all expenses, with the exception of meals. Meal receipts are strongly encouraged to be submitted, but they are not required for meal reimbursements.
- On your travel claim, you should enter the amount spent on the travel expense up to, not exceeding, the allowable reimbursement amount for each travel expense.
- Please contact Accounting at **602-542-4349** or Accounting@azag.gov if you have any questions. We're happy to help!

Operations Division

Operations "Food Fight"

Operations was a house divided. For two weeks, teams participated in a food drive to benefit St. Mary's Food Bank. The team that donated the most would forever be known as the "Food Drive Champs", and the losing team would provide a potluck lunch.

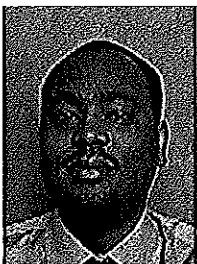


After 4 large boxes were filled - each holding up to 150 pounds of food - the judges determined that the teams were tied (because they did not want to count that much food!).

Congratulations to the 2015 Food Drive Champs!

Budget & Finance Section

Josh McCombs was promoted from a Fiscal Service Specialist to an Accountant I in Payroll/Travel. Congratulations Josh!



Theo Oriabure joined our the team as the new General Ledger Supervisor. Welcome Theo!

Operations Division

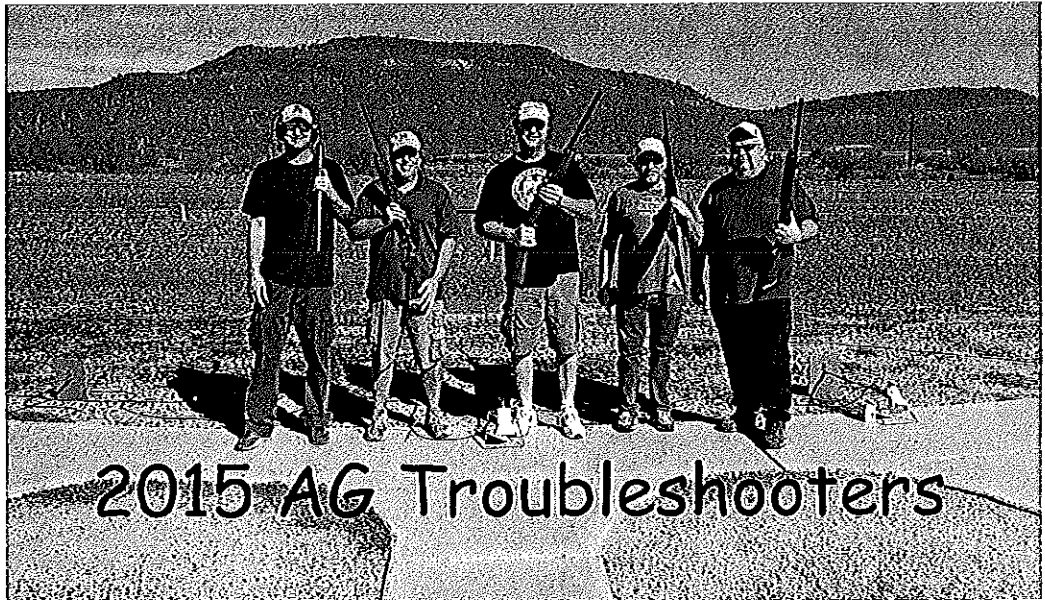
Information Services Section

Aaron Knoll joined the Phoenix office as the new Applications Developer. Welcome to the AG's Office!



Members from ISS take part in the Clay Target Shoot

Derek Hoogendoorn only missed 13 clay targets and led the AG troubleshooters (Information Services) to 30 place over all. Each year the Arizona Department of Agriculture, Arizona Game & Fish Department and the Arizona Department of Transportation host a clay target shoot at the Ben Avery Clay Target Center. The event beneficiaries this year will be the Special Olympics and Wildlife for Tomorrow. The good news for the SIS agents who did not enter a team, because it looks like these IT guys can shoot clay-targets as well as they shoot trouble.



Shooters (left to right) Kevin Elverum, Ken Holtkamp, John Abretske, Mark Ojanen, Derek Hoogendoorn.

Criminal Division

Border Crimes Section

Lindsay St. John has joined the BCS Section. Lindsay was a prosecutor working at the Pima County Attorney's Office since 2006 where she handled complex felonies. Welcome Lindsay!



Marie Karmes was promoted to Legal Assistant in BCS! Congrats Marie!

Section Chief Kim Ortiz was recognized by the Federal Bureau of Investigation, Phoenix Division, for her "professional excellence, outstanding leadership, contributions and successes in prosecuting fraud schemes in Arizona." In one case, Herbert Ivan Kay was convicted on two counts of Fraudulent Schemes following a lengthy investigation. Over the course of 13 years, Kay built a Ponzi-type scheme in which he infused business LLCs with new investor money, and then used that money to help pay for the pre-existing business debts and obligations. Many of Kay's failed enterprises hinged on false misrepresentations and material omissions made to new investors. Kay was sentenced to five years in prison, followed by a consecutive term of probation and was ordered him to pay over \$8 million dollars in restitution to victims. In the second case, Michael Allen Fricker, a principal of Salt River Solar & Wind,



LLC (SRSW), was convicted on Fraudulent Schemes and Conducting a Criminal Enterprise following another lengthy investigation. SRSW's business model relied on grant programs and incentives from Tucson Electric Power (TEP) for solar and other renewable energy project developers to receive a direct federal grant in lieu of an investment tax credit. TEP's rebate program offered a cash incentive for consumers to install renewable energy – specifically solar panel systems. After SRSW installed the solar panel system, TEP would inspect the system, and then issue the rebate check to SRSW. However, in several instances, SRSW failed to reimburse customers as agreed, even though TEP had issued the rebate incentive checks to SRSW. The TEP program is now defunct, due largely to fraudulent practices like those of SRSW. In May, 2015, Fricker was sentenced to five years in prison, followed by a consecutive term of probation, and was ordered him to pay \$1 million dollars in restitution to his victims.

Drug & Racketeering Section

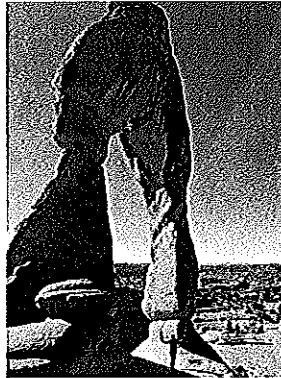
While the DRG Section has been very busy with complex drug investigations, including in-custody cases, some staff members snuck off to take awesome vacations!



Nick Saccone recently vacationed at the Olympic National Park. Breathtaking views!

Criminal Division

Ginamarie Saris road-tripped through Utah's Mighty 5 National Parks. Gina is pictured in front of the Arches in Moab, Utah. Fun!



Where's Gina?

Fraud & Special Prosecution's Section:



Shawn Steinberg has joined the FSP Section. Shawn has been a prosecutor working at the Maricopa County Attorney's Office since 1999 where she handled a wide-range of felonies. Welcome Shawn!

The Fraud and Special Prosecutions Section has established a new relationship with the Department of Public Safety's Career Criminal Unit. The mission of the Career Criminal Unit is to pro-actively target and investigate those persons who have demonstrated prolific violent criminal tendencies and blatant disregard for the law as a group or as individuals. The Unit's investigative focus is on those individuals who engage in organized criminal activity and those individuals who have demonstrated overt violent criminal proclivities. Brett Harames and Shawn Steinberg will be working closely with this Unit.



Special Investigations Section:

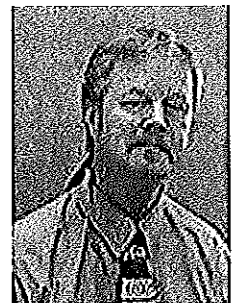
In November, Special Agent Travis Williams was honored by the National Association of Drug

Diversions Investigators (NADDI) as the 2015 Investigator of the Year. In presenting this award, the National President of NADDI remarked on Travis' "acumen in working drug related health care fraud cases with the dedication and patience to the long term investigative practices that is needed to bring these cases to prosecution." Travis had been nominated for the national award by the President of the Arizona chapter of NADDI who knew of his outstanding work since joining the AGO in July, 2013. Travis earning this award is a testament to the hard work and dedication he has exhibited on large fraud cases such as the Dr. Edward Sayegh case. Congrats Travis!



NADDI Representatives with SA Williams (center)

In October, Mark McClain was promoted to Special Agent Supervisor of SIS, Health Care Fraud and Abuse Unit. Mark joined the AGO in 2012 and, up until his promotion, served as a Special Agent in the Prescott office. Mark is known for his dedication and his ability to be a team player and persevere during challenging times. His presence amongst co-workers, attorneys and leadership, is greatly appreciated and his promotion is well deserved. Congratulations Mark!



A special thanks to SA Ron Davis who was instrumental in managing the HCFA Unit until SAS McClain was promoted. SIS appreciates Ron taking on the Acting Supervisor role to assist SAS McClain with a smooth seamless transition into his leadership role. Thank you Ron!

Criminal Division

Financial Remedies Section:

FRS is pleased to announce the addition of three new employees who started in November.

Alzira Lopes joined the Phoenix office as a Legal Secretary. She has extensive experience with complex litigation



Elizabeth (Liz) Amarillas was promoted to a Legal Secretary in FRS! Congrats Liz!

Reyna Celis joined the Tucson office as a Senior Paralegal. Prior to joining the AGO, Reyna worked for the Pima County Public Defender's Office.



Welcome to the FRS team!

On December 11, 2015, Katrin Nelson will conclude her lengthy career with the AGO. Katrin began work as an AAG for the Arizona Healthcare Cost Containment System Fraud Unit in 1985 to 1986, and for the RICO Section of the Financial Fraud Division from 1986 to 1988. Katrin also worked for several years as a City of Phoenix prosecutor and as the Acting Director of the Civil Rico Drug Enforcement Project of the National Association of Attorneys General in Washington, D.C. Katrin rejoined FRS in May 1990 where she has worked on wide range of racketeering matters. Good luck Katrin!



In October, FRS worked closely with the SGO to intervene in and defend a pending federal lawsuit that challenges the constitutionality of Arizona forfeiture laws. Though the matter is pending, the SGO and FRS prepared and filed a detailed motion to dismiss the claims in the federal lawsuit this fall.

Kenneth Hughes recently participated in a multi-agency investigation of two Valley smoke shops suspected of selling the dangerous drug "spice." The investigation was conducted by the Mesa Police Department with the assistance of the AGO, Department of Public Safety, Drug Enforcement Administration and Scottsdale Police Department. Tens of thousands of individually-packaged hits of spice were seized, in addition to over \$850,000 of suspected drug proceeds. A forfeiture action is pending.

Eric Rothblum supported a lengthy financial crimes investigation into a suspected \$4 million prostitution ring. The ring operated under the guise of massage parlors throughout the Phoenix area. Pursuant to service of a seizure warrant secured by FRS, and coordinated to coincide with service of search warrants and arrests, the State seized real estate, bank accounts, vehicles, jewelry and other luxury items believed to be instruments or proceeds of prostitution. Criminal charges are pending and the criminal case is being prosecuted by Kalon Metz in FSP. The investigation was conducted in conjunction with FSP, SIS and the Arizona Financial Crimes Task Force.

Healthcare Fraud & Abuse Section:

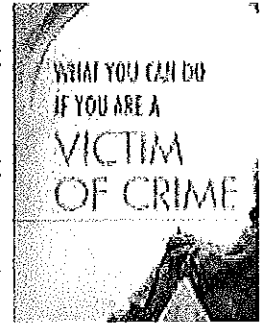
Faisal Ullah obtained a 4-year prison sentence in September against Edward Sayegh, M.D. Sayegh was also ordered to pay \$42,920 in restitution. This was a multi-agency investigation with SIS, led by SA Travis Williams, and the United States Drug Enforcement Administration.

Criminal Division

The positive impact of stopping the distribution of prescription pain medicine that had funneled through the Phoenix medical office of Dr. Sayegh is significant. The estimated street value of the prescription pain pills being improperly distributed had a street value of five million dollars. Great job!

Jesse Delaney obtained a 5-year prison sentence in November against Marcus Brent who pled guilty to Theft/Financial Exploitation of a Vulnerable Adult. Also, co-defendant, Griselda Railey was sentenced to three years of probation following her guilty plea. This case involved a mentally confused 84 year old Tucson woman who was financially exploited out of \$64,000 by the defendants who developed a relationship to assist her with her activities of daily living. Both defendants have been ordered to pay restitution to the victim. The investigation was led by SIS SA Jose Pimienta. Congrats!

family or friends, we will encounter crime victims in our everyday lives and knowing the appropriate rights and resources available is critical. To exercise your victims' rights, you must first know what the rights are. People are generally more familiar with rights of the defendant, but what about the victims? This workshop is designed to provide the AGO community with a basic understanding of victims' rights in Arizona. Come and learn the rights that are afforded to victims at every stage of the criminal justice process, who should provide those rights and how victims exercise those rights. We encourage everyone to attend, especially employees that are responsible for the provision of victims' rights in their current role at the AGO.



Office of Victim Services Section:

Albert Fimbres began work as a Victims' Rights Advocate in the Tucson office in September. He previously worked at the Pima County Adult Probation where he coordinated with probationers on a daily basis as a Surveillance Officer and a Community Restitution Specialist.



CLE Opportunity:

What: Victims' Rights through the Criminal Justice System

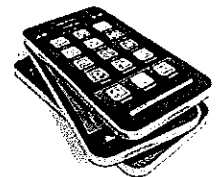
When: December 11th at 10:00am

Where: Cap Center Basement

People from all backgrounds are victimized every year. Whether it is ourselves, our co-workers,

Cell Phone/Tablet Drive:

Thank you to those who donated cell phones and tablets in recognition of Domestic Violence Awareness Month in October. Boxes for donations will remain in the break rooms throughout the year, so please continue to make donations as you upgrade your phones or tablets for the holidays. Cell phones are recycled through Shelter Alliance and the funds received are used to assist victims participating in the Arizona Coalition for Victim Services Relocation Program. This program provides transportation, gas cards etc. to help ensure the safety of a domestic violence victim in need of relocating. As a reminder, your donations are tax deductible and are much appreciated!



Solicitor General's Office

The Solicitor General's Office enjoyed a busy final quarter of 2015, which included a trip to the United States Supreme Court for one of our election cases. On December 8, 2015, the Attorney General argued on behalf of our client, the Secretary of State, who took the position that Arizona's Independent Redistricting Commission violated the Equal Protection Clause of the U.S. Constitution in drawing



ARIZONA ATTORNEY GENERAL MARK BIRNOVICH
HARRIS v. ARIZONA INDEPENDENT REDISTRICTING COMM.
12-8-15

district boundaries that intentionally underpopulated minority "ability to elect" districts. Members of the SGO that participated in assisting the AG with his preparation for the historic argument included SG John Lopez, Deputy SG Dominic Draye, Chief of the Election Law team Paula Bickett, and Election Team members Jim Driscoll-MacEachron and Kara Karlson. Congrats to the team!

The Federalism Unit within the SGO has also been quite busy. In the final quarter of 2015, the Unit filed a challenge to recent changes to federal regulations governing ozone levels. Arizona now leads a coalition of states seeking to invalidate the new regulations on the grounds that federal regulators exceeded their authority and failed to take into account mandated considerations in adopting these changes. The Unit is also leading Arizona's participation in the multistate coalitions asking the courts to



check other instances of federal regulatory overreach, including federal rules defining the "Waters of the United States" and enacting the Clean Power Plan.

Civil Litigation Division

Division News & Highlights

On November 2, 2015, Keena Patel and Theresa Rassas from the Civil Rights Division held orientation for our new volunteer mediators in Phoenix. The mediators will serve to resolve allegations of civil rights violations in a free and confidential setting. Those mediators also serve our local justice and juvenile courts.

On November 4, 2015, the Arizona Civil Rights Advisory Board held their first meeting since its new members were appointed by Governor Ducey. At the meeting, the Board stated its goals of helping to gather statistics in the area of civil rights, comparing federal and state civil rights protections for the purpose of considering legislative recommendations, and investigating our state's efforts to end human trafficking. This board is served by administrative staff Tina Rohe, legal counsel Jennifer Larson, and executive director Theresa Rassas.

On November 6, 2015, Assistant Attorneys General Jennifer Larson and Theresa Rassas volunteered with the CourtWorks program for the Kids In Court program. During this event, lower-income eighth graders participated in a mock trial at the Sandra Day O'Connor Courthouse. This program is managed by Ninth Circuit Judge Mary Murguia.

Consumer Protection & Advocacy Section

On November 18, AGO staff from the Consumer Complaint and Information Unit, Outreach Division, and Special Investigations Section participated in a telethon hosted by Univision, Arizona's Spanish language TV station. TV viewers were invited to call and speak with AGO consumer protection representatives. Over 100 consumers called

in, reporting a variety of concerns relating to mortgage fraud, car complaints, and title loans, among others. CIC Manager Tammy Miller trained and led the team, while phones were answered by Francisco Jimenez, Diana Wilkerson, Mila Makal, Teresita Ramirez, Zulma Luque, Tixoc Munoz, Lucia Arteaga and Elizabeth Lopez. Kudos to all!

Division of Civil Rights Section

On November 18, 2015, the Arizona Attorney General's Office filed suit in a sex discrimination case. A former employer from a local business alleges she had no choice but to quit her job when the owner of the company touched her daily on her arms, legs, lower back, and neck. The Civil Rights Section's investigation revealed that the two female employees who worked before and after the complaining employee faced the same work environment, pervasive with unwelcome sexual acts and words. The case has been filed in Superior Court (State of Arizona v. Sit Well Upholstery, LLC; CV2015-013089).

Congratulations to Administrative Assistant Karla Duarte, who gave birth to a baby girl. Kareli Arlette Dominguez was born on Monday Nov 30th at 2:43 PM, weighing 4lbs 11 oz. Mom, Dad Irvin, and big brother is Irvin Antonito are doing great.



From: Brnovich, Mark
To: Rieve, Shaun; Anderson, Ryan
Subject: Yellow sheet
Date: Tuesday, December 29, 2015 6:55:50 PM

Can u send me yellow sheet.

Attorney General Mark Brnovich
Sent from my iPhone

From: Brnovich, Mark
To: McKinstry, Courtney; Anderson, Ryan; Rieve, Shaun
Subject: Yellow sheet?
Date: Wednesday, December 23, 2015 4:58:59 PM

Attorney General Mark Brnovich
Sent from my iPhone