

From: [Conrad, Donald](#)
To: [Anderson, Ryan](#); [Bailey, Michael](#)
Subject: FW: Criminal Justice Reform Bill
Date: Tuesday, October 13, 2015 3:13:05 PM
Attachments: [10-01-15 Sentencing Reform and Corrections Act - Bill Text.pdf](#)
[Sentencing Reform and Corrections Act detailed section by section.pdf](#)
[Comments on Sentencing Reform and Corrections Act of 2015.pdf](#)

FYI

From: Hayley Zimmerman [mailto:Hayley.Zimmerman@apaac.az.gov]
Sent: Tuesday, October 13, 2015 2:58 PM
To: Hayley Zimmerman
Subject: Criminal Justice Reform Bill

Council,

On behalf of Kim MacEachern, please accept this email and attachments regarding the current bill *to reform sentencing laws and correctional institutions, and for other purposes*, in the U.S. Senate on civil forfeiture. Please note that the detailed section by section does not match up with the section numbers parsed in the bill, mainly after Title II and the CORRECTIONS Act. There were some modifications after the section by section was sent.

Thank You,

Hayley Zimmerman
Administrative Assistant
Arizona Prosecuting Attorneys' Advisory Council
1951 West Camelback Road, #202
Phoenix, AZ 85015
(602) 542- 7222 Phone
Hayley.Zimmerman@apaac.az.gov
Website: <http://apaac.az.gov>

From: [Rodriguez, Lisa](#) on behalf of [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: Dan Woods in AG 's office
Date: Tuesday, December 22, 2015 4:39:51 PM
Attachments: [image001.png](#)

From: Garcia, Mia
Sent: Tuesday, December 22, 2015 4:32 PM
To: Conrad, Donald; Ahler, Paul
Subject: FW: Dan Woods in AG 's office

From: Garcia, Mia
Sent: Tuesday, December 22, 2015 11:10 AM
To: 'Donna Rossi'
Cc: PHX Newsdesk; Anderson, Ryan
Subject: RE: Dan Woods in AG 's office

Hi Donna,

Unfortunately, the Attorney General's Office can't comment on internal personnel matters. If you'd like to file an open records request, please email to me and cc: Bethany.diaz@azag.gov. Wish I could be more helpful.

Please let me know if you need anything else.

Thanks,

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: Donna Rossi [<mailto:Donna.Rossi@cbs5az.com>]
Sent: Tuesday, December 22, 2015 9:30 AM
To: Garcia, Mia
Cc: PHX Newsdesk
Subject: Dan Woods in AG 's office

Mia,

Can you tell me the circumstances behind the termination of Dan Woods in AG Brnovich's office?

It's my understanding he may have been placed on admin during an internal investigation?

Can you give me the details ?

Can I get a copy of that investigation?

Thanks so much and happy holidays.

Donna

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From: Conrad, Donald
To: Bailey, Michael
Subject: FW: Deborah
Date: Monday, December 21, 2015 1:11:30 PM

FYI

From: Waters, Joseph
Sent: Monday, December 21, 2015 11:55 AM
To: Conrad, Donald; Ahler, Paul
Subject: FW: Deborah

Please see below.

From: Dan Woods [<mailto:dan@danwoods.net>]
Sent: Monday, December 21, 2015 10:02 AM
To: Waters, Joseph
Subject: Deborah

Joe,

As you may already know, Don placed me on admin leave on Fri. I'm writing from my personal email because I have been locked out of my work email. I'm using your work email because I am not trying to hide anything from anyone.

Will you please call Milo and let him know we need to cancel the meeting that was scheduled with Deborah this Wed? Also, you may want to let Mason and Eckstein know i am out and to contact you instead. They usually do include you but just in case... I'd hate for both Stricker and Esposito to decide to cooperate only to have the opportunity squandered because Don and Paul are pissed off at the victim.

Thanks. Sorry you were dragged into this mess.

Dan

From: Conrad, Donald
To: Rodriguez, Lisa
Subject: FW: December 16 WestlawNext Training
Date: Tuesday, December 08, 2015 9:36:48 AM

From: Dalton, Joan
Sent: Tuesday, December 08, 2015 9:26 AM
To: DL-Legal Assistants; DL-Attorneys; DL-Section Chiefs; DL-Division Chiefs
Cc: DL-Office Administrators; kay.engler@thomsonreuters.com
Subject: December 16 WestlawNext Training

OAs: Please share this announcement with your law clerks/legal interns.

(Webinar access information is presented below.)

WHO NEEDS ACCESS TO WESTLAWNEXT EXCLUDED DATABASES?? Come and find out at the December 16 WestlawNext training via webinar or classroom! Learn to use two important WestlawNext features to get the materials you need from excluded databases like ALR's, Legal Encyclopedias, Trial Court Documents, important Treatises and more. This training will include:

- Saving the *Selected Texts and Periodicals* database to your WLN favorites.
- Field and Full-Text Searches Using *Selected Texts and Periodicals* for legal encyclopedias, ALRs, and treatises
- Manipulating the *Related Documents* feature to access excluded Trial Court Documents and treatises
- Using WLN "Dockets" and "Related Documents" to access specific *Trial Court Documents*
- Limitations of WLN "Dockets" for state court documents
- PDF Icon Image Charges
- Saving *Historical Statutes* and *Historical Session Laws* to your favorites

The one hour training will take place **December 16th at 11:00 a.m.** in the Phoenix **Cap Center basement's Large Computer Training Room. A webinar will air simultaneously.** A one-hour CLE certificate will issue if 5 attorneys (4 + the trainer) attend the training.

Please register for this training by responding to this email. Indicate in your email whether you will be attending the **classroom training or the webinar.**

FOR THOSE ATTENDING THE CLASSROOM PRESENTATION: Please bring your own WestlawNext log on and password to the training so that for training purposes, you are able to use the WestlawNext plan provided by our Office and save content to your *Favorites*. (Using the training password probably won't teach you as much.)

WEBINAR INFORMATION:

Topic: Who Needs Excluded Databases?

Date: Wednesday, December 16, 2015

Time: 11:00 am, Arizona Time

Meeting number: [REDACTED]

Meeting password: [REDACTED]

Please click the link below to see more information, or to join the meeting.

[https://tlr.webex.com/tlr/j.php?MTID=\[REDACTED\]](https://tlr.webex.com/tlr/j.php?MTID=[REDACTED])

Call-in toll-free number (US/Canada): [REDACTED]

Access code: [REDACTED]

To contact Kay Engler, call 1-480-275-0875 or
send a message to this address: kay.engler@thomsonreuters.com

To add this meeting to your calendar program (for example, Microsoft Outlook or Lotus Notes), do the following:

* For all calendar programs (except Lotus Notes), click the following link, or copy the link and paste it into your Web browser:

[https://tlr.webex.com/tlr/j.php?MTID=\[REDACTED\]](https://tlr.webex.com/tlr/j.php?MTID=[REDACTED])

Thank you,

Joan
Joan Dalton
AGO Library Director
Office of the Arizona Attorney General
Solicitor General's Office
1275 W. Washington
Phoenix, AZ 85007
(602) 542-8025
joan.dalton@azag.gov

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From: Conrad, Donald
To: Rodriguez, Lisa
Subject: FW: Draft Brady policy for discussion at 10/29 Division meeting
Date: Tuesday, October 27, 2015 9:54:07 AM

Put on agenda

From: Conrad, Donald
Sent: Tuesday, October 27, 2015 9:53 AM
To: Ahler, Paul; Alleman, Paula; Dailey, Mike; Perkovich, Mark; Duplissis, Steve; Ortiz, Kim; Flores, Kirstin; Conrad, Donald
Subject: Draft Brady policy for discussion at 10/29 Division meeting

In order to provide consistency in the manner of compliance with our duties imposed pursuant to Brady/Giglio (Brady) this protocol has been drafted. This protocol replaces the Criminal Division's previous protocol found at document #71039-v4, last revised on 8/9/13. All prosecutors within the Criminal Division of the Office of the Attorney General are instructed to implement this policy in all criminal prosecutions.

-

Retention of Brady Material by the Office of the Attorney General

-

When information becomes available to any prosecutor related to conduct by a law enforcement agent that may invoke a disclosure requirement pursuant to Brady, the prosecutor in possession of that material should bring the information to the attention of his/her Section Chief who is responsible for presenting the same to the Brady Review Committee (Committee). The Committee is composed of the Criminal Division Chief and the Section Chiefs of the Criminal Division. It is chaired by the Criminal Division Chief.

Upon receipt of information that appears to be Brady impeachment material, the Committee shall supplement the information available by requesting any additional information it deems necessary from any relevant police agency or from other sources that may provide information that may assist the Committee in deciding if a Brady disclosure obligation exists.

If after a review of any relevant materials and information the Committee finds that a Brady obligation exists, the material upon which the Committee has based its decision shall be provided to the Division's chief supervising Office Administrator. It is the responsibility of the chief supervising Office Administrator to image and file the relevant materials in the HDM public folder entitled "CRM-Brady/Giglio Info."

IDENTIFICATION OF BRADY/GIGLIO INFORMATION AVAILABLE AT TIME OF CHARGING

-

To the extent that Brady information is known to trial prosecutor prior to the time of making the initial disclosures to the defense pursuant to Rule 15, Rules of Criminal Procedure, the prosecutor assigned to the prosecution shall include within the Rule 15 written disclosure statement the notice set out below. In each prosecution, prosecutors shall check the "CRM-Brady/Giglio Info" file to identify law enforcement witnesses in a case for whom a Brady entry has been created in the HDM

public folder. If, based on information available to the prosecutor, Brady material is identified, prosecutors shall include the following notice to the defense:

Materials that may be a required disclosure pursuant to *Brady v Maryland*, 373 U.S. 83 (1983) are available for inspection upon request.

IDENTIFICATION OF BRADY/GIGLIO AFTER FILING OF INITIAL RULE 15 DISCLOSURE

- For cases in which a plea offer is extended, the assigned trial prosecutor shall within 30 days of the rejection of a plea offer or a failure to accept a plea offer by a stated deadline make a written request for Brady material to any law enforcement agency who employs or has previously employed witnesses in the case who are or have been law enforcement agents. In cases for which the prosecutor has made a decision to extend no plea offer, the written request for Brady material shall be made within 30 days of the decision to make not a plea offer. In either case, the request shall be made utilizing Attachment 1 to this protocol. To the extent that materials responsive to the prosecutor's written requests may be considered Brady materials, they should be submitted to the Committee and, if deemed to be subject to mandatory disclosure by the Committee, a supplemental Rule 15 written disclosure must be made making the materials available for inspection. Disclosure to the defense should be made in the same manner as in an initial Rule 15 disclosure. Prior to making a written request for Brady material, the trial prosecutor shall make reasonable efforts to identify all prior places of employment of law enforcement agents identified as witnesses in order to be comprehensive in making inquiries about the existence of Brady material that must be disclosed.

Policy Regarding Release of Copies of Brady Materials

- Due to the sensitive nature of the contents of materials disclosed pursuant to Brady, our policy will be to make materials available for inspection by the defense but not to provide copies of the materials. If defense counsel desires a copy, the assigned prosecutor shall file a motion for a protective order limiting the distribution of the Brady material to the defense lawyer and the defendant.

Referral of Brady related Information to Law Enforcement Agencies

- Should any prosecutor within the Criminal Division observe or become aware of conduct by or information about a law enforcement officer that may constitute Brady impeachment material, the prosecutor shall provide the make known the specifics of the conduct in question or shall provide the specific information to his/her Section Chief.

Donald E. Conrad
Division Chief Counsel
Criminal Division
(602) 542-3881

From: [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: Draft Minutes of 12/10/15 Council Meeting
Date: Tuesday, December 22, 2015 8:19:28 AM
Attachments: [DRAFT Minutes of Council Mtg-121015.pdf](#)

For Ahler

From: Diana Cooney [<mailto:Diana.Cooney@apaac.az.gov>]
Sent: Monday, December 21, 2015 4:52 PM
To: Diana Cooney
Subject: Draft Minutes of 12/10/15 Council Meeting

Council,

Attached for your review are the draft minutes of APAAC's Council meeting held on December 10, 2015. The minutes are presented for your review and possible approval at the next Council meeting to be held on **Friday, January 15, 2016, at 1:00 p.m.** in the APAAC office.

Thank you,

Diana Cooney
Office Manager
AZ Prosecuting Attorneys' Advisory Council
1951 W. Camelback Road, #202
Phoenix, AZ 85015
602-542-7222 | phone
602-274-4215 | fax
Diana.Cooney@apaac.az.gov
Website: <http://apaac.az.gov>

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"Empowering Arizona's prosecutors to administer justice and contribute to public safety through training and advocacy."

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
MINUTES

December 10, 2015

The meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by the Chair, Sheila Polk, on Thursday, December 10, 2015, at 10:00 a.m. at the APAAC office located at 1951 W. Camelback Road, Suite 202, in Phoenix, Arizona.

COUNCIL MEMBERS PRESENT

Sheila Polk	APAAC Chair, Yavapai County Attorney (<i>until 11:15 a.m.</i>)
Brad Carlyon	Navajo County Attorney
Ryan Glover	Glendale City Prosecutor
Baird Greene	Tucson City Prosecutor (telephonic)
Brian McIntyre	Interim Cochise County Attorney
Bill Montgomery	Maricopa County Attorney
Derek Rapier	Greenlee County Attorney
David Rozema	Coconino County Attorney (telephonic) (<i>until 10:15 a.m.</i>)
Jon Smith	Yuma County Attorney (videoconference)
Lando Voyles	Pinal County Attorney
Michael Whiting	Apache County Attorney

COUNCIL MEMBERS PRESENT BY PROXY

John Belatti	Mesa City Prosecutor Proxy Sheila Polk (<i>until 11:15 a.m.</i>)
Mark Brnovich	Arizona Attorney General Proxy Don Conrad
David Byers	Arizona Supreme Court Administrative Director Proxy Jerry Landau (<i>until 11:22 a.m.</i>)
Vicki Hill	Acting Phoenix City Prosecutor Proxy Will Gonzalez
Barbara LaWall	Pima County Attorney Proxy Kathleen Mayer
Tobin Sidles	Oro Valley Town Prosecutor Proxy Sheila Polk (<i>until 11:15 a.m.</i>)

STAFF PRESENT

Kim MacEachern	Staff Attorney
Diana Cooney	Office Manager

GUESTS PRESENT

Teri Adam	Professional Development Director, AZ Summit Law School
Ellen Kirschbaum	Chairman, AZ Board of Executive Clemency
Alan Merritt	Incoming Tucson City Prosecutor (telephonic)
Anar Patel	APAAC Extern
P. Rob Walecki	Retired Glendale City Prosecutor

CONSENT AGENDA

Ms. Sheila Polk presented the consent agenda, including minutes from the October 23, 2015, Council meeting, for approval by the Council. Mr. Brian McIntyre made a motion, seconded by Ms. Kathleen Mayer, to approve the consent agenda. Motion carried.

ARIZONA BOARD OF EXECUTIVE CLEMENCY

Ms. Polk introduced guest, Ms. Ellen Kirschbaum, Chairman of the Arizona Board of Executive Clemency, to provide an overview of the board's duties and responsibilities. Ms. Kirschbaum stated the 5-member board appointed by the governor is statutorily empowered to make decisions regarding discretionary release of inmates, revoke parole, make clemency recommendations to the governor and conduct various hearings, including revocation, commutation, pardon, and reprieve. Presently, the board is reviewing legislation to 1) revise ARS §31-401 to compensate its members as other state employees, and 2) strike a clause in ARS §31-402 to effectively separate the roles of Chair and Executive Director. Ms. Kirschbaum encouraged Council members to contact her directly with questions or visit their website for more information.

ARIZONA SUMMIT LAW SCHOOL FELLOWSHIP PROPOSAL

Ms. Polk introduced guest, Ms. Teri Adam, Director of Professional Development at Arizona Summit Law School (ASLS), to review the fellowship proposal - presented at the previous Council meeting, suggesting that ASLS partner with APAAC to provide a third-year student with a fellowship opportunity beginning in the 2016 fall term. The proposal is similar to APAAC's existing fellowships, but without a monetary commitment and possibly a different time frame. Ms. Mayer made a motion, seconded by Mr. Lando Voyles, for APAAC staff to work with Ms. Adam to finalize the proposal details for Council consideration. Motion carried.

CHAIR'S REPORT

Ms. Polk acknowledged guest and recently retired Glendale City Prosecutor, Mr. P. Rob Walecki. Ms. Polk, on behalf of the Council, recognized Mr. Walecki's years of service with APAAC. Mr. Walecki thanked the Council and introduced the new Glendale City Prosecutor, Mr. Ryan Glover.

Ms. Polk also acknowledged Mr. Baird Greene, who announced his transition back to the Tucson City Attorney's Office's Civil Division effective December 11, 2015. Mr. Greene thanked the Council and introduced Mr. Alan Merritt, who will be the new Tucson City Prosecutor effective December 14, 2015.

Ms. Polk announced the biennial rotation, effective January 1, 2016, of APAAC Council seat from ASU Law School Dean Doug Sylvester to the University of Arizona Law School Dean Marc Miller.

EXECUTIVE DIRECTOR'S REPORT

Ms. Kim MacEachern, on behalf of Ms. Elizabeth Ortiz (who is in La Paz County Superior Court for a hearing on a conflict case), shared the Supreme Court's recent favorable Opinion in Dobson/Anderson v. Hon. McClennen, concerning use of a medical marijuana card in a DUI case. Ms. MacEachern reminded Council of APAAC's part in the mock oral argument to help prepare Mesa City Prosecutor Craig Jones before the Supreme Court. The Opinion copy was provided as an agenda attachment.

Ms. MacEachern stated that Ms. Ortiz attended the National District Attorneys' Association (NDAA) Domestic Violence Symposium in San Diego, CA, on October 28-29, 2015. A request was made for Ms. Ortiz to provide conference highlights at the next Council meeting.

Ms. MacEachern reported that Ms. Ortiz attended the NCFI Cell Phone Forensic Training in Birmingham, AL, on November 16-19, 2015. This more advanced training built upon the weeklong NCFI course Ms. Ortiz attended in March of 2015.

Ms. MacEachern announced that the State Bar recently conducted its second annual CLE Institute, which was chaired by Ms. Ortiz.

STAFF ATTORNEY'S REPORT

Ms. MacEachern provided an update on sentencing reform and stated the ACLU was taking a bigger role, referencing a recent Capitol Times article. Ms. MacEachern reported that she attended the Morrison Institute's "State of the State" symposium, in which Mr. Bill Montgomery participated to give the prosecutors' perspective.

Ms. MacEachern reminded Council that the Maricopa County Attorney's Office (MCAO) maintains and continues to update the AZSentencing.org website as a resource for both sides of the sentencing reform issue. She encouraged Council input for keeping the website current and relevant; further, that MCAO is currently pulling their data together to create a white paper for the website. Ms. MacEachern continues to work with Dr. Michael Dolny on his update to the Prisoners in Arizona report. Links to all those reports are provided on the website as a resource, as well.

Ms. MacEachern requested APAAC consider how to best coordinate the efforts of APAAC's various agency public information officers (PIO's) to share information on their respective websites and across social media. Mr. Montgomery made a motion, seconded by Mr. McIntyre, for APAAC to put together a committee of PIO's to suggest a strategy that would address the ability to provide a representative sample of who's in prison and to illustrate a detailed breakdown of actual sanctions imposed. Motion carried, with Mr. Jerry Landau abstaining.

FINANCE COMMITTEE REPORT

Mr. Derek Rapier presented APAAC's financial reports for October 2015, as previously reviewed and recommended for approval by the Finance Committee. Mr. Landau commented that the decrease in revenue is due in part to additional surcharges and

assessments that dilute the funds to be distributed. Mr. Rapier made a motion, seconded by Mr. Montgomery, to accept the financial reports. Motion carried.

With an anticipated decrease in revenue, Mr. Rapier stated that APAAC is researching potential savings in the current budget as it prepares to draft the FY17 budget. Ms. Ortiz has provided the Finance Committee with several opportunities to reduce expenses such as utilizing existing technology for trainings and Council meetings, as well as cutting non-APAAC seminar and other travel expenses.

(At 11:15 a.m., APAAC Chair, Ms. Polk notified Council she needed to attend another meeting and requested Vice Chair, Mr. Brad Carlyon, facilitate the remaining agenda.)

LEGISLATIVE POLICY COMMITTEE REPORT

Mr. Jon Smith reported the Legislative Policy Committee (LPC) made recommendations for the following proposed bills:

A. Support

1. Criminal Cleanup bill (with punctuation correction at page 3, line 11). Mr. Landau noted that legislative counsel made a subsequent technical correction; namely, changing "...the Superior Court in determining who grants restoration of civil rights" to "...a Judicial officer of the Superior Court in determining who grants restoration of civil rights." Mr. Landau made a motion, seconded by Ms. Mayer, for APAAC to support the proposed criminal cleanup bill, as corrected. Motion carried.
2. ACJC Bills:
 - a. Law Enforcement Courts Fingerprint – This bill would make the booking agency responsible for fingerprint collection, thereby consolidating the fingerprinting within the Sheriff's office with the exception of local misdemeanors. Ms. Mayer made a motion, seconded by Mr. McIntyre, for APAAC to support the proposed law enforcement courts fingerprint bill. Motion carried.

Mr. Rapier suggested the Council consider the remaining LPC-recommended "support" bills together for a vote. Ms. MacEachern provided a brief overview of each, as follows:

- b. Failure to appear; Classification – This bill combines two failure-to-appear statutes into one without making any changes to the content.
- c. Arizona Prevention Resource Center Fund Spending Flexibility – This bill would direct the drug and gang enforcement account to be used for the statistical analysis center, in addition to the Arizona youth survey; and removes other restrictions.
- d. Victim Compensation and Assistance Fund Spending Flexibility – This bill removes language constraining use of the funds, allowing for more flexibility on applying the funds to the program.

Mr. Rapier made a motion, seconded by Ms. Mayer, to accept LPC's recommendation to support proposed bills A.2.(b), (c), and (d). Motion carried.

B. Oppose

1. Draft Thorpe bill: Civil Forfeiture - This is an early draft of Sen. Thorpe's bill that makes dramatic changes to the civil forfeiture statutes. Mr. Voyles made a motion, seconded by Ms. Mayer, for APAAC to oppose this bill as well as any motion to amend the civil forfeiture statutes in this legislative session. Discussion followed. Mr. Rapier suggested amending the motion to oppose the Thorpe bill only, and asked Mr. Voyles to withdraw the second part of the motion that would oppose "any amendment to the civil forfeiture statutes." Mr. Voyles and Ms. Mayer accepted the amended motion for APAAC to oppose the Thorpe bill. Motion carried. Mr. Landau abstained.

Mr. Carlyon reminded Council members to come prepared to vote on the large number of bills to be presented in the LPC report at the next Council meeting.

BEST PRACTICES COMMITTEE REPORT

Mr. Carlyon, on behalf of Ms. Polk as proxy for Mr. Sidles, referred Council to the seminar report attachment showing APAAC sponsored trainings and their respective attendance numbers for October/November and December, 2015.

CRIMINAL JUSTICE REVIEW WORKING GROUP REPORT

Mr. Montgomery reported that APAAC's Criminal Justice Review Working Group is meeting weekly and, to date, has reviewed Title 13, through Chapter 23. The group's final work will be presented to the Council for review and further direction or action.

NACo/AACo REPORT

Mr. Carlyon reported that he and Mr. Montgomery attended the National Association of Counties' (NACo) Justice and Public Safety Committee meeting in Colorado Springs, CO, December 2-5, 2015. Ms. Sally Heyman is the new chair of the committee, which is again focusing on reforms in juvenile justice, pretrial release, and mental health. These important criminal justice issues can be impacted by proposed cost-saving policies. Mr. Carlyon encouraged Council members give prosecutors a voice by attending the upcoming NACo legislative conference in Washington, DC, on February 2-5, 2016, which is when they set their legislative policy for the upcoming session.

Mr. Carlyon announced that Mr. Voyles agreed to be the new APAAC representative to Arizona Association of Counties (AACo) and emphasized the need to voice prosecutor concerns on criminal justice issues. Mr. Carlyon reported that AACo is running some county attorney bills that may come up before APAAC's LPC for support by the Council.

Mr. Montgomery shared with Council a website from the recent NACo conference that is a helpful resource to develop effective communication strategies in the event of community disaster or bad news: www.CrisisCommunication.net.

NDAAC REPORT

Mr. Rapier reported that Ms. Ortiz attended the National District Attorney's Association (NDAA) Board Meeting in San Diego, CA. The focus was on our national image and credibility as prosecutors and law enforcement, and the issue of encryption prohibiting accessing cell phone data in criminal investigations. Mr. Rapier added that NDAA still struggles with their financial structure, including continuing problems with their past annual audits and the federal grant overseers. Mr. Rapier stated NDAA's Executive Director, Ms. Kay Chopard-Cohen, continues to provide strong leadership in their recovery.

CALL TO THE PUBLIC

Mr. Carlyon attended a stakeholders' meeting on December 9, 2015, to discuss sex offender registration. APAAC may be asked to help with legislation to make the sex offender internet registration process more well-defined. Also, the existing sex offender classification form created in 2002 needs to be updated with more current data.

NEXT COUNCIL MEETING

The next Council meeting is scheduled for Friday, January 15, 2016, at 1:00 p.m. at the APAAC office.

ADJOURNMENT

Mr. Carlyon declared the meeting adjourned at 11:41 a.m.

From: [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: Duplicate CMECF registraiton - you were previously registered as an AUSA
Date: Tuesday, October 06, 2015 1:12:47 PM

From: Beth_Stephenson@azd.uscourts.gov [mailto:Beth_Stephenson@azd.uscourts.gov] **On Behalf Of** attyadmin@azd.uscourts.gov
Sent: Tuesday, October 06, 2015 1:12 PM
To: Conrad, Donald
Cc: Rodriguez, Lisa; Martinez, Gilda
Subject: Duplicate CMECF registraiton - you were previously registered as an AUSA

You now have a new profile as an Arizona attorney general.

Your CMECF log-in ID is: [REDACTED]

Your temporary password: [REDACTED]

Your old profile has been disabled and will not longer be in use. You are now able to go ahead and e-file with the new profile associated with the Arizona Attorney General's office.

Thank you.

Beth Stephenson
Attorney Admissions Clerk
602-322-7106

From: [Conrad, Donald](#)
To: ["Rodriguez, Lisa"](#)
Subject: FW: Farewell to Dennis Carpenter
Date: Wednesday, October 21, 2015 1:38:28 PM
Attachments: [Farewell to DCarpenter.docx](#)

schedule

From: Lopez, Connie **On Behalf Of** Northup, Dawn
Sent: Wednesday, October 21, 2015 11:18 AM
To: DL-Everyone-Statewide AGO
Subject: Farewell to Dennis Carpenter

Please see attached flyer.

Wednesday, October 28, 2015

1:00 p.m. – 3:00 p.m.

Cap Center Basement

(15 South 15th Avenue)

DENNIS CARPENTER

**Please join us in saying goodbye to Dennis and
thanking him for his service to the Attorney General's
Office and the State Agencies.**

From: [Rodriguez, Lisa](#) on behalf of [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: Farewell
Date: Tuesday, December 22, 2015 11:37:07 AM

From: Perkovich, Mark
Sent: Tuesday, December 22, 2015 9:53 AM
To: Conrad, Donald
Subject: FW: Farewell

This was just received from Dan.

From: Dan Woods [<mailto:dan@danwoods.net>]
Sent: Tuesday, December 22, 2015 9:44 AM
To: Brad Russell; Loftus, Charles; IZZY FUENTES; John Walsh; Watola, Donald; JIM SCHWEGEL; JIM CONNELL; JOSE PEPPER PIMIENTA; LAUREN BUHROW; NORM PETERSON; MADISON MACDONALD; PAUL CUELLAR; BUDDY LOOMIS; Roberts, Mark; RONNIE JACKSON; TRAVIS WILLIAMS; PEGGY O'SHEA; JAMES LAMERSON; CUNNINGHAM SCOTT; GEORGIA DAVIES; LIZ LOPEZ; Frank Griffiths; FRANCISCO ARVIZU; Nebrich, Dennis; CHUCK BOYD; ANNALISA MADSEN; Perkovich, Mark
Subject: Farewell

All,

As you may have heard, Don Conrad terminated me this morning. He gave me the option to resign, but I declined. I am sorry that I was not able to deliver on all the great initiatives we started over the last few years, but I have full faith and confidence in Mark and Charlie to keep SIS on its positive trajectory. Please do your best to support them and not allow yourselves to be distracted by the false rumors and allegations that will likely surface over the next few weeks/months.

I have sincerely appreciated the opportunity to serve with all of you.

Warm Regards,

Dan
480 

From: Conrad, Donald
To: Bailey, Michael; Paul Ahler
Subject: FW: Farewell
Date: Tuesday, December 22, 2015 4:42:15 PM

From: Perkovich, Mark
Sent: Tuesday, December 22, 2015 9:53 AM
To: Conrad, Donald
Subject: FW: Farewell

This was just received from Dan.

From: Dan Woods [<mailto:dan@danwoods.net>]
Sent: Tuesday, December 22, 2015 9:44 AM
To: Brad Russell; Loftus, Charles; IZZY FUENTES; John Walsh; Watola, Donald; JIM SCHWEGEL; JIM CONNELL; JOSE PEPPER PIMIENTA; LAUREN BUHROW; NORM PETERSON; MADISON MACDONALD; PAUL CUELLAR; BUDDY LOOMIS; Roberts, Mark; RONNIE JACKSON; TRAVIS WILLIAMS; PEGGY O'SHEA; JAMES LAMERSON; CUNNINGHAM SCOTT; GEORGIA DAVIES; LIZ LOPEZ; Frank Griffiths; FRANCISCO ARVIZU; Nebrich, Dennis; CHUCK BOYD; ANNALISA MADSEN; Perkovich, Mark
Subject: Farewell

All,

As you may have heard, Don Conrad terminated me this morning. He gave me the option to resign, but I declined. I am sorry that I was not able to deliver on all the great initiatives we started over the last few years, but I have full faith and confidence in Mark and Charlie to keep SIS on its positive trajectory. Please do your best to support them and not allow yourselves to be distracted by the false rumors and allegations that will likely surface over the next few weeks/months.

I have sincerely appreciated the opportunity to serve with all of you.

Warm Regards,

Dan
480 

From: Conrad, Donald
To: Rodriguez, Lisa
Subject: FW: FIRG - Federal Asset Sharing
Date: Wednesday, December 23, 2015 9:29:49 AM

Include ahler

From: Applebee, Mary
Sent: Wednesday, December 23, 2015 9:00 AM
To: Rodriguez, Lisa
Cc: Piano, Vince; Conrad, Donald; Morgan, Lizette; Kamaleswaran, Biju; Verver, Phillip
Subject: FIRG - Federal Asset Sharing

Hello Lisa,

Can you schedule another meeting to discuss the disbursement of FIRG Federal Asset Sharing Funds? I don't think we finalized the process. We have received some funds from FIRG DAGs and if I remember correctly, our only option for distribution was to send PPD, DPS, and AGO their portions.

Thank You,

Mary Applebee
Financial & Grants Manager
Office of the Attorney General
1275 W Washington
Phoenix, Az 85007
602-542-8502

From: Conrad, Donald
To: "Perkovich, Mark"; "Ahler, Paul"; Lopez, John; "Eckert, Robert"; "Madsen, Annalisa"
Subject: FW: FOR RELEASE: Checks and Balances Project Files Lawsuit for Access to Commissioner Bob Stump's Taxpayer-Funded Phone
Date: Wednesday, October 28, 2015 2:37:16 PM
Attachments: C&BP complaint for special action 10.28.15.pdf
C&BP Media Release 10.28.15.pdf

FYI

From: Anderson, Ryan
Sent: Wednesday, October 28, 2015 12:21 PM
To: Conrad, Donald
Cc: Bailey, Michael
Subject: FW: FOR RELEASE: Checks and Balances Project Files Lawsuit for Access to Commissioner Bob Stump's Taxpayer-Funded Phone

FYI – Checks and Balances lawsuit demanding access to Stump's text messages.

From: - Capitol Media Services [<mailto:capmedia@hotmail.com>]
Sent: Wednesday, October 28, 2015 12:10 PM
To: Anderson, Ryan
Subject: FW: FOR RELEASE: Checks and Balances Project Files Lawsuit for Access to Commissioner Bob Stump's Taxpayer-Funded Phone

so i have had a public records request in for some time now for what's on stump's phone.

what's the status of my request -- and the phone itself?

thanks.

also looking for response to lawsuit.

-- howie

capmedia@hotmail.com

602 [REDACTED]

From: [REDACTED]@checksandbalancesproject.org
Date: Wed, 28 Oct 2015 14:39:35 -0400
Subject: FOR RELEASE: Checks and Balances Project Files Lawsuit for Access to Commissioner Bob Stump's Taxpayer-Funded Phone
To:

Greetings,

Minutes ago, we filed a lawsuit against the Arizona Attorney General's Office and Arizona Corporation Commission (ACC) that demands immediate access to public records on Commissioner Bob Stump's taxpayer-funded smartphone. The media release and lawsuit attached below.

Scott Peterson
Executive Director
Checks and Balances Project

703.722.6688 direct
571 [REDACTED] cell
862.243.2573 main

[REDACTED]@checksandbalancesproject.org
checksandbalancesproject.org
[@CandBP](https://twitter.com/CandBP)

From: [Rodriguez, Lisa](#) on behalf of [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: FOR RELEASE: Checks and Balances Project Files Lawsuit for Access to Commissioner Bob Stump's Taxpayer-Funded Phone
Date: Thursday, October 29, 2015 10:53:38 AM
Attachments: [C&BP complaint for special action 10.28.15.pdf](#)
[C&BP Media Release 10.28.15.pdf](#)

From: Anderson, Ryan
Sent: Wednesday, October 28, 2015 12:21 PM
To: Conrad, Donald
Cc: Bailey, Michael
Subject: FW: FOR RELEASE: Checks and Balances Project Files Lawsuit for Access to Commissioner Bob Stump's Taxpayer-Funded Phone

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[@CandBP](https://twitter.com/CandBP)

1 Daniel C. Barr (Bar No. 010419)
Alexis E. Danneman (Bar No. 030478)
2 **PERKINS COIE LLP**
2901 North Central Avenue, Suite 2000
3 Phoenix, Arizona 85012-2788
Telephone: 602.351.8000
4 Facsimile: 602.648-7000
DBarr@perkinscoie.com
5 ADanneman@perkinscoie.com
docketPHX@perkinscoie.com

6 *Attorneys for Plaintiff Scott Peterson*
7

8 ARIZONA SUPERIOR COURT
9 MARICOPA COUNTY

10 Scott Peterson, an individual, doing
business as the Checks and Balances
11 Project,

12 Plaintiff,

13 v.

14 Arizona Corporation Commission, a
political subdivision; Robert Stump, in his
15 official capacity as Arizona Corporation
Commissioner, Arizona Attorney General's
16 Office, a public body; Mark Brnovich, in
his official capacity as Attorney General of
17 the State of Arizona,

18 Defendants.

No.

COMPLAINT FOR SPECIAL ACTION

19
20 Plaintiff Scott Peterson ("Plaintiff"), doing business as the Checks and Balances Project,
21 brings this special action against Defendants Arizona Corporation Commission ("Commission"),
22 Arizona Corporation Commissioner Bob Stump ("Commissioner Stump"), the Arizona Attorney
23 General's Office, and Mark Brnovich to compel compliance with the Arizona Public Records
24 Law, A.R.S. § 39-121, *et seq.*, and alleges as follows:
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Jurisdiction and Venue

1. This Court has jurisdiction over this special action pursuant to A.R.S. § 39-121.02(A) and Rule 4(a) of the Arizona Rules of Procedure for Special Actions.

2. Venue is proper pursuant to A.R.S. § 12-401 and Rule 4(b) of the Arizona Rules of Procedure for Special Actions.

Parties

3. Plaintiff Scott Peterson is the Executive Director of the Checks and Balances Project, a watchdog project blog that is devoted in part to investigating the efforts of utilities to influence regulators on public utility commissions and stymie the growth of clean energy. In furtherance of its newsgathering mission, Plaintiff regularly requests access to the public records of federal and state government agencies and officials, and publishes relevant information contained in those records to the public.

4. Defendant Arizona Corporation Commission is a branch of the Arizona state government created by Article XV of the Arizona Constitution, a political subdivision of the State of Arizona, and a "public body" as defined by A.R.S. § 39-121.01(A)(2).

5. Defendant Bob Stump is a member of the Arizona Corporation Commission and is an "officer" as defined by A.R.S. § 39-121.01(A)(1) and acts on behalf of the Arizona Corporation Commission.

6. Defendant Arizona Attorney General's Office is a branch of the Arizona State government created by statute and is a "public body" as defined by A.R.S. § 39-121.01(A)(2).

7. Defendant Mark Brnovich is named as Defendant in this action in his official capacity as Attorney General of the State of Arizona and is an "officer" as defined by A.R.S. § 39-121.01(A)(1).

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General Allegations

A. **Plaintiff's Requests For Public Records Contained On Commissioner Stump's Cell Phone**

8. On March 11, 2015, Plaintiff requested "an opportunity to inspect or obtain copies of public records that relate to communications by [Commissioner Stump], Policy Advisor Amanda Ho, and Executive Aide Beth Soliere about solar energy or net metering in Arizona with any representatives of Arizona Public Service Company ["APS"] or Pinnacle West Capital Corporation" from the period of July 12, 2013 to March 11, 2015, including "[t]ext messages in which [Commissioner Stump] may have conducted public business with any [APS] or Pinnacle West Capital Corp. representative." [March 11, 2015 Letter from Scott Peterson to Commissioner Stump ("Exhibit A") at 1]

9. On April 8, 2015, the Commission responded to Plaintiff's request and produced some public documents, including e-mails and official telephone logs that indicated, among other things, that Commissioner Stump uses his state-issued cell phone to send and receive a large amount of text messages each month. [April 8, 2015 Letter from Bridget Humphrey to S. Peterson ("Exhibit B")]

10. As part of this response, however, the Commission noted that, as to the "request for text messages between [Commissioner Stump], Advisor Amanda Ho or Executive Assistant Beth Soliere and Pinnacle West Capital Corp/[APS] representatives concerning public business, we were unable to locate any text messages that are responsive to this request." [*Id.* at 1]

11. On April 22, 2015, after receiving this response, Plaintiff, through his attorney, requested additional information. [April 22, 2015 Letter from Daniel Barr to B. Humphrey ("Exhibit C")]

12. Specifically, in response to the Commission's representation that it was "unable to locate any text messages," Plaintiff asked the Commission to "confirm whether [it had]

1 thoroughly searched Commissioner Stump's cell phone (and the method [the Commission] used
2 to do so) to determine whether any responsive text messages are still stored on that phone." [*Id.*
3 at 1-2]

4 13. Based on the telephone logs, Plaintiff also requested "detail concerning the phone
5 numbers the text messages were sent to and the date and time they were sent." [*Id.* at 2]

6 14. On April 28, 2015, Plaintiff made an additional request for "public records that
7 relate to communications by [Commissioner Stump] or Policy Advisor Amanda Ho about solar
8 energy or net metering in Arizona with Lon Huber, former Residential Utility Consumer Office
9 (RUCO) Special Projects Advisor; and Daniel Pozefsky, RUCO Chief Counsel" from the periods
10 of July 12, 2013 to July 22, 2014 and December 22, 2014 through April 28, 2015, including text
11 messages (the "April 28 Request"). [April 28, 2015 Letter from S. Peterson to Commissioner
12 Stump ("Exhibit D") at 1]

13 15. On April 30, 2015, the Commission represented that "after Commissioner Stump's
14 search of his cell phone, Commissioner Stump reported that he did not have any texts that were
15 responsive to [the March 11, 2015] public records request." [April 30, 2015 Letter from
16 B. Humphrey to D. Barr ("Exhibit E") at 1]

17 16. Additionally, the Commission represented that "Commissioner Stump provided
18 his cell phone to Rebecca Wilder, the Commission's Public Information Officer and a Custodian
19 of the Commission's Public Records," who "reviewed Commissioner Stump's cell phone
20 messages and found no text messages between Commissioner Stump and an [APS] or Pinnacle
21 West Capital Corporation representative." [*Id.* at 1]

22 17. At the same time, the Commission also produced text message logs, detailing "the
23 phone numbers associated with texts and the date and time of the texts," "for the . . . period from
24 May 1, 2014 through March 11, 2015." [*Id.* at 1; May 7, 2015 Letter from B. Humphrey to
25 D. Barr ("Exhibit F")] The text logs showed that Commissioner Stump exchanged more than
26

1 20,000 text messages during that 10½ month period. Many were with public officials, candidates
2 for public office, or other people with business before the Commission.

3 18. On May 11, 2015, and in response to the April 28 Request, the Commission
4 further reported that “Commissioner Stump and Ms. Ho have searched their cell phones and
5 reported that they did not have any texts that were responsive to [the April 28 Request].” [May
6 11, 2015 Letter from B. Humphrey to S. Peterson (“Exhibit G”) at 1]

7 19. Additionally, and once again, the Commission reported that “Commissioner
8 Stump and Advisor Ho provided their cell phones to Rebecca Wilder, the Commission’s Public
9 Information Officer and a Custodian of the Commission’s Public Records,” who “reviewed their
10 cell phone text messages and found no relevant text messages between Commissioner Stump or
11 Amanda Ho and Mr. Huber or Mr. Pozefsky.” [*Id.*]

12 20. Subsequently, on May 27, 2015, through its lawyer, the Commission represented
13 that, among other things, none of the requested text messages were available through the service
14 provider. [May 27, 2015 Letter from David Cantelme to D. Barr (“Exhibit H”) at 2]

15 21. Following this, on June 2, 2015, Plaintiff, through his attorney, reminded the
16 Commission that he “is entitled to inspect and copy those text messages that have a ‘substantial
17 nexus’ with Commissioner Stump’s job as a Corporation Commissioner,” including “text
18 exchanges with constituents, lobbyists and others with business before the Corporation
19 Commission are public records.” [June 2, 2015 Letter from D. Barr to D. Cantelme (“Exhibit I”) at 2]

20
21 22. Plaintiff offered that, irrespective of whether the service provider retains the text
22 messages, “those messages are still contained on Commissioner Stump’s cell phone” and “that
23 one may non-destructively image a cell phone’s content using Oxygen Analyst 7.3,” a forensics
24 software for cell phones. Plaintiff offered to arrange for imaging of the cell phone and reminded
25 the Commission that Commissioner Stump should not, among other things “delete any texts,
26

1 photos, messages or any data in general.” [*Id.* at 2-3; *see also* June 5, 2015 Letter from D. Barr to
2 D. Cantelme (“Exhibit J”) (reminding Commission of the duty to “‘carefully secure, protect and
3 preserve’ the public records on Commissioner Stump’s phone”)]

4 23. In response, the Commission, through its attorney, admitted that “text messages
5 with the requisite nexus to Corporation Commission business are public records.” [June 15, 2015
6 Letter from D. Cantelme to D. Barr (“Exhibit K”) at 2]

7 24. But, the Commission advised Plaintiff that “the text messages in question do not
8 exist.” Commissioner Stump, the Commission recounted, “routinely deleted text messages
9 meeting the required nexus once their administrative or reference value ended” and did so “not
10 long after he received them.” [*Id.* at 2-3]

11 25. At the same time, the Commission advised Plaintiff that Commissioner Stump had
12 disposed of a state-issued iPhone 3, which was issued to him in February 2010 and he reportedly
13 used until October 2014, after which he used a state-issued iPhone 5. [*Id.* at 2] Records
14 subsequently produced by the Commission, however, indicate that Commissioner Stump used an
15 iPhone 4 from around February 2011 until October 2014, after which he used a state-issued
16 iPhone 5. [See Sept. 18, 2015 Letter from B. Humphrey to D. Barr (“Exhibit L”) (describing the
17 use of an iPhone 4 from pre-January 2013 to October 2014); *see also* Feb. 2, 2011 E-mail from
18 Peter Vazquez to Frankie Lee (“Exhibit M”) (requesting an iPhone 4 be ordered for
19 Commissioner Stump)]

20 26. In response to Plaintiff’s suggestion “that deleted text messages might be retrieved
21 by the Oxygen Analyst 7.3 program,” the Commission responded that messages on
22 Commissioner Stump’s iPhone 3 “cannot be retrieved under any circumstances, because the
23 device itself no longer exists” and that the law does not “require the Commission to go to
24 extraordinary measures to retrieve text messages hosted on the iPhone5, currently in use by
25 Commissioner Stump.” [Exhibit K at 3]

26

1 **B. The Commission and Commissioner Stump Agree to Cell Phone Analysis to**
2 **Recover Public Records**

3 27. Plaintiff, through his attorney, responded that there was no request that required
4 “the Commission or Commissioner Stump to engage in ‘extraordinary measures to re-create
5 deleted text messages.’” Instead, Plaintiff once again requested “access to inspect and copy those
6 public records that, despite Commissioner Stump’s efforts to destroy them, still exist on his
7 iPhone 5 and all other devices using the (602) 647-0433 phone number.” [June 19, 2015 Letter
8 from D. Barr to D. Cantelme (“Exhibit N”) at 2]

9 28. Specifically, Plaintiff “demand[ed] that the Commission provide it access to
10 Commissioner Stump’s iPhone 5 and any other instruments in his possession that use the (602)
11 647-0433 phone number” by June 26, 2015. [*Id.*]

12 29. The Commission, through its attorney, subsequently restated that “Commissioner
13 Stump’s position is that he has fulfilled his public record duties appropriately.” But, the
14 Commission nevertheless agreed to “retain the services of a retired Arizona judge or justice to act
15 as a mediator” and asserted that it would “deliver Commissioner Stump’s iPhone 5 to the judge or
16 justice, and w[ould] request him or her to supervise a forensic examination of the phone by a
17 properly qualified expert to see if any deleted text messages can be retrieved.” The Commission
18 also represented that it would then “determine whether any of [the text messages] constitute
19 public records.” [June 26, 2015 Letter from D. Cantelme to D. Barr (“Exhibit O”) at 1-2]

20 30. The Commission later informed Plaintiff that former Superior Court Judge
21 Stephen Scott would provide oversight of the examination, which would be conducted by “the
22 Arizona Counter-Terrorism and Information Center Computer Forensic Laboratory, Arizona
23 Department of Public Safety.” [July 2, 2015 Letter from D. Cantelme to D. Barr (“Exhibit P”) at
24 1]

25 31. However, neither the Department of Public Safety nor anyone else has examined
26 Commissioner Stump’s iPhone 5 on behalf of the Commission to date.

1
2 **C. The Arizona Attorney General's Office Seizes and Takes Possession of**
3 **Commissioner Stump's Cell Phone, and the Public Records it Contains.**

4 32. The Attorney General's Office seized Commissioner Stump's iPhone-5 on July 21,
5 2015, as part of a separate investigation of former Corporation Commissioner Gary Pierce.

6 33. Subsequently, on August 7, Plaintiff, through his attorney, wrote to both the
7 Commission and the Attorney General's Office, "provid[ing] a list of the names and phone
8 numbers of the text messages that may still be on Commissioner Stump's smartphone" and
9 requesting an opportunity "to inspect and copy those text messages to which it first requested
10 access almost five months ago." [Aug. 7, 2015 Letter from D. Barr to Paul Ahler and D.
11 Cantelme ("Exhibit Q") at 1-2] These text messages between Commissioner Stump and the 18
12 phone numbers listed in Exhibit Q are the only public records Plaintiff now seeks (the "Requested
13 Records").

14 34. Plaintiff also reminded the Commission and the Attorney General's Office that "at
15 the moment the Attorney General's Office is the 'custodian' of the public records
16 sought . . . pursuant to A.R.S. § 39-121.01(D). See *Cox Ariz. Publ'ns, Inc. v. Collins*, 175 Ariz.
17 11, 852 P.3d 1194 (1993) (where County Attorney had subpoenaed public records possessed by
18 the Phoenix Police Department)." [*Id.* at 2]

19 35. In response, the Commission, through its attorney, confirmed that "[t]he tender of
20 the iPhone to the Attorney General necessarily interrupted the Commission's efforts to perform
21 its intended forensic examination" and prevents the Commission from complying with Plaintiff's
22 public records request "until the Attorney General's Office returns the phone upon completion of
23 its examination thereof." Though, the Commission asserted that "[o]nce the Commission
24 receives the phone again, it will proceed with the examination it originally intended to have
25 completed" [Aug. 13, 2015 Letter from D. Cantelme to D. Barr ("Exhibit R") at 3-4]

26 36. While the Attorney General's Office has promised to provide the Requested

1 Records, to the extent they may still exist, contained on the cell phone to Plaintiff, almost three
2 months have expired since the Attorney General's Office seized the cell phone and it has yet to
3 provide either records or the phone for inspection.

4 **Count 1**

5 *(Violation of Arizona Public Records Law - Failure to Produce or Provide Access)*

6 37. Plaintiff re-alleges Paragraphs 1 through 36 as if fully stated herein.

7 38. The Requested Records are necessary to maintain an accurate knowledge of
8 Commissioner Stump's official activities. *See* A.R.S. § 39-121.01(B); *see also* Exhibit Q at 1-2.

9 39. The Requested Records have a "substantial nexus" with government activities,
10 *Griffis v. Pinal County*, 215 Ariz. 1, 4, 156 P.3d 418, 421 (2007), and are public records pursuant
11 to A.R.S. § 39-121, *et. seq.* and A.R.S. § 41-151.18.

12 40. The conduct of Defendants in failing to promptly produce those public records
13 requested by Plaintiff violates Arizona law, including, without limitation, A.R.S. § 39-121 and
14 A.R.S. § 39-121.02, and thereby constitutes a failure by a public body and public officials to
15 perform a duty required by law for which they have no discretion.

16 41. Defendants' refusal to produce those public records requested by Plaintiff exceeds
17 its jurisdiction or legal authority to do so, and has been done in an arbitrary and capricious
18 manner.

19 42. Plaintiff is thus entitled to special action relief pursuant to Rule 3(a)-(c) of the
20 Rules of Procedure for Special Actions.

21 43. Plaintiff has no equally plain, speedy, or adequate legal remedy from the actions
22 taken by Defendants. Plaintiff will suffer irreparable harm and damage from the ongoing
23 violation of its rights and the public breaches of law, unless the relief requested is granted by
24 means of this Special Action.

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Count 2

(Violation of Arizona Public Records Law - Failure to Preserve and Maintain Records)

44. Plaintiff re-alleges Paragraphs 1 through 43 as if fully stated herein.

45. The Requested Records are necessary to maintain an accurate knowledge of Commissioner Stump's official activities. *See* A.R.S. § 39-121.01(B).

46. The Requested Records have a "substantial nexus" with government activities, *Griffis v. Pinal County*, 215 Ariz. 1, 4, 156 P.3d 418, 421 (2007), and are public records pursuant to A.R.S. § 39-121, *et. seq.* and A.R.S. § 41-151.18.

47. Arizona law requires that "[e]ach public body shall be responsible for the preservation, maintenance and care of that body's public records, and each officer shall be responsible for the preservation, maintenance and care of that officer's public records. It shall be the duty of each such body to carefully secure, protect and preserve public records from deterioration, mutilation, loss or destruction, unless disposed of pursuant to sections 41-151.15 and 41-151.19." A.R.S. § 39-121.01(C).

48. By "routinely delet[ing] text messages" that were public records "not long after he received them," Commissioner Stump violated Arizona law, including, without limitation, A.R.S. § 39-121.01(C), and thereby constitutes a failure by a public body and public officials to perform a duty required by law for which they have no discretion. [Exhibit K at 2-3]

49. Commissioner Stump's failure to "preserv[e], maint[ain] and care" for public records, exceeds its jurisdiction or legal authority to do so, and has been done in an arbitrary and capricious manner. A.R.S. § 39-121.01(C).

50. Plaintiff is thus entitled to special action relief pursuant to Rule 3(a)-(c) of the Rules of Procedure for Special Actions.

51. Plaintiff has no equally plain, speedy, or adequate legal remedy from the actions taken by the Defendant. Plaintiff will suffer irreparable harm and damage from the ongoing

1 violation of its rights and the public breaches of law, unless the relief requested is granted by
2 means of this Special Action.

3 **Prayer for Relief**

4 **WHEREFORE**, Plaintiff respectfully prays that the Court:

- 5 a. Issue an order compelling Defendants to comply with A.R.S. § 39-121, *et seq.*, and
6 immediately provide access to (or copies of) the Requested Records and to
7 Commissioner Stump's iPhone 5, any other devices that may contain the
8 Requested Records, so Plaintiff may, under Court supervision, image the content
9 on the iPhone 5 and any other responsive devices using appropriate forensic
10 software to determine if other Requested Records are still stored on those devices;
- 11 b. Issue an order declaring that Commissioner Stump has failed to comply with his
12 mandatory duty under Arizona Public Records Law to preserve, maintain, and care
13 for the text messages at issue that are public record;
- 14 c. Award Plaintiff his taxable costs, and attorneys' fees pursuant to A.R.S. § 39-
15 121.02(B) and Rule 4(g) of the Arizona Rules of Procedure for Special Actions;
16 and
- 17 d. Grant Plaintiff such other and further relief as the Court deems just and proper in
18 these circumstances.

19 Dated: October 28, 2015

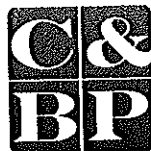
PERKINS COIE LLP

20 By: 

21 Daniel C. Barr
22 Alexis E. Danneman
23 2901 North Central Avenue, Suite 2000
24 Phoenix, Arizona 85012-2788

25 *Attorneys for Plaintiff Scott Peterson*

26



Checks and Balances Project Files Lawsuit for Access to Commissioner Bob Stump's Taxpayer-Funded Phone

October 28, 2015 – Checks and Balances Project (C&BP) announced today that it has filed a lawsuit against the Arizona Attorney General's Office and Arizona Corporation Commission (ACC) that demands immediate access to public records on Commissioner Bob Stump's taxpayer-funded smartphone. The Complaint for Special Action was filed in Maricopa County Superior Court.

"The Arizona Corporation Commission has racked up an enormous bill for taxpayers with high-priced contractors, months of delays and a series of misleading statements all to avoid answering basic questions about the conduct of Bob Stump while he was chairman. It's sad to say, but this institution cannot be trusted to tell the truth. The time for evasion, delay, and misleading the public is over," said C&BP Executive Director Scott Peterson.

"Commissioners must be impartial in their oversight and regulation of the state's business community. Yet public records demonstrate that leading up to Arizona's Republican primary election on August 26, 2014, then-Chairman Stump texted extensively with players in a dark money election scheme that may have provided the funds to elect pro-utility candidates and defeat pro-solar candidates," Peterson continued.

"The Arizona Corporation Commission needs to get out of the way and let the public see what Bob Stump was really up to," said Peterson.

Stump has waived off concerns, saying the hundreds of text messages with key players prior to the 2014 Arizona Republican primary for two open Corporation Commission seats were to arrange dates to the symphony and other appointments.

The suit comes after seven months of efforts by C&BP to access the text messages on Stump's taxpayer-funded phones and other devices. Career investigators at the Arizona Attorney General's office seized Stump's iPhone 5 on July 21 and have not released it yet or the public records on the phone. Stump said he used the iPhone 5 after he had thrown away his taxpayer-funded iPhone 3. But the Commission later revealed that Stump had an additional phone, an iPhone 4, and an email with Verizon concerning that iPhone 4 was withheld until prompting by C&BP.

Despite Commissioner Stump's efforts to delete the text messages, readily available technology may be able to recover the text messages that may still be on the phone. If those text messages still exist, Arizonans deserve to know what they say.

Says C&BP attorney Dan Barr: "It would have been far easier for Commissioner Stump to comply with his legal duties under the Public Records Law had he used his Corporation Commission email account instead of texting on his private phone and then apparently deleting many of those texts soon afterward. Nevertheless, those text messages should still be on Commissioner Stump's phone that was seized by the Attorney General's office on July 21, 2015. The Corporation Commission is the original custodian of Mr. Stump's phone. They must comply with the Public Records Law and give us access to his phone so we can extract those texts that are public records."

About Checks & Balances Project

A clean-energy public watchdog blog, C&BP asks questions of government officials, corporate managers and lobbyists who stand in the way of the growth of clean energy. Funding for C&BP comes from clean energy philanthropies and donors.

Contact: Scott Peterson at [REDACTED]@checksandbalancesproject.org or 703 [REDACTED] | Dan Barr at DBarr@perkinscoie.com or 602-351-8085.

From: Conrad, Donald
To: Rodriguez, Lisa
Subject: FW: FRIG Directive
Date: Wednesday, December 02, 2015 9:39:20 AM
Attachments: [Approved FIRG Directive #15-005 Nogales Heroin MLO - Closure .pdf](#)
[Approved Directive #15-008 Ditchoff MLO .pdf](#)

For files

From: Cardenas, Sandra
Sent: Wednesday, December 02, 2015 9:37 AM
To: 'John Maddux'; 'Mary Curfman'; 'Lucinda De Leon'; Piano, Vince; 'charles.deleon@phoenix.gov'; 'robert.conrad@phoenix.gov'; Garcia, Bobbie; Verver, Phillip; Conrad, Donald; Rodriguez, Lisa
Cc: Sterrett, Ron
Subject: FRIG Directive

Good Morning,

Attached is the approved FIRG Directive (Ditchoff) and approved FIRG Closure Directive (Nogales Heroin).

Thank you,

Sandra Cardenas
Administrative Assistant III



Office of the Attorney General – SIS/TRAC
1275 W. Washington, Phoenix, AZ 85007
Cell: 602. [REDACTED] Fax: 602.542.4882
Sandra.Cardenas@azag.gov
<http://www.azag.gov>

Financial Investigations Resource Group

CONTROL BOARD DIRECTIVE

DATE: November 10, 2015

TO: Finance Division, Arizona Attorney General's Office

FROM: FIRG Control Board

SUBJECT: FIRG Directive – 15-005 Nogales Heroin MLO

The purpose of this memorandum is to make notification to the Arizona Attorney General's Office, Finance Division, in regards to a decision made by the Financial Investigation Resource Group (FIRG) Control Board regarding the review and approval of Project Closure 15-005. The FIRG Control Board has made a copy of this project proposal, along with any applicable supporting documents, a part of the Control Board's minutes.

APPROVALS

FIRG Control Board Member	YES	NO	INITIALS	DATE
Don Conrad Arizona Attorney General's Office Fax (602) 542-7975	X		DCC	12/1/15
Robert Charlton Arizona Department of Financial Institutions Fax (602) 381-1225			RDL	12/1/2015
Robert Conrad Phoenix Police Department Fax (602) 267-1172	/		RC	12/1/15
Jennifer Pinnow Arizona Department of Public Safety Fax (602) 659-5160	/		JP	12/1/15

With the case closure being approved, the FIRG Control Board is requesting the following listed funds be returned to the FIRG account at the Attorney General's Office.

PROJECT NAME: Nogales Heroin MLO Mateo Hinjosa, et al
 FIRG PROJECT NUMBER: 15-005

Agency Name	Original Award	Reimbursement to FIRG
Arizona Attorney General's Office	\$19,596.00	\$19,653.54 (ARPB30941)
Arizona Department of Financial Institutions		
Phoenix Police Department	\$26,229.00/Encumbered	\$26,229.00/Unencumber
Arizona Department of Public Safety	\$63,412.80	\$62,740.69
TOTAL REVERSION		\$108,623.23

Financial Investigations Resource Group

CONTROL BOARD DIRECTIVE

DATE: November 10, 2015

TO: Finance Division, Arizona Attorney General's Office

FROM: FIRG Control Board

SUBJECT: FIRG Directive #15-008 – Ditchoff MLO Investigation

The purpose of this memorandum is to make notification to the Arizona Attorney General's Office, Finance Division, in regards to a decision made by the Financial Investigation Resource Group (FIRG) Control Board, after their review and approval of the project proposing funding for the Asian Human Trafficking Investigation. The FIRG Control Board has made a copy of this project proposal, along with any applicable supporting documents, a part of the Control Board's minutes.

<u>Project Name</u>	<u>Project Number</u>	<u>Amount</u>	<u>Recipients</u>
Ditchoff MLO	15-008	\$169,362.00	DPS/AGO/PPD

The FIRG Control Board hereby approves the encumbrance of the amount identified above for the project identified above.

The FIRG Control Board hereby approves the disbursement of the amount identified to the recipient(s) identified above.

FIRG Control Board Member	YES	NO	INITIALS	DATE
Don Conrad Arizona Attorney General's Office Fax (602) 542-7975	X		DCC	12/1/15
Robert Charlton Arizona Department of Financial Institutions Fax (602) 381-1225	X		RDC	12/1/2015
Robert Conrad, Lieutenant Phoenix Police Department Fax (602) 267-1172	✓		RC	12/1/15
Jennifer Pinnow, Captain Arizona Department of Public Safety Fax (602) 659-5160	X		JP	12/1/15

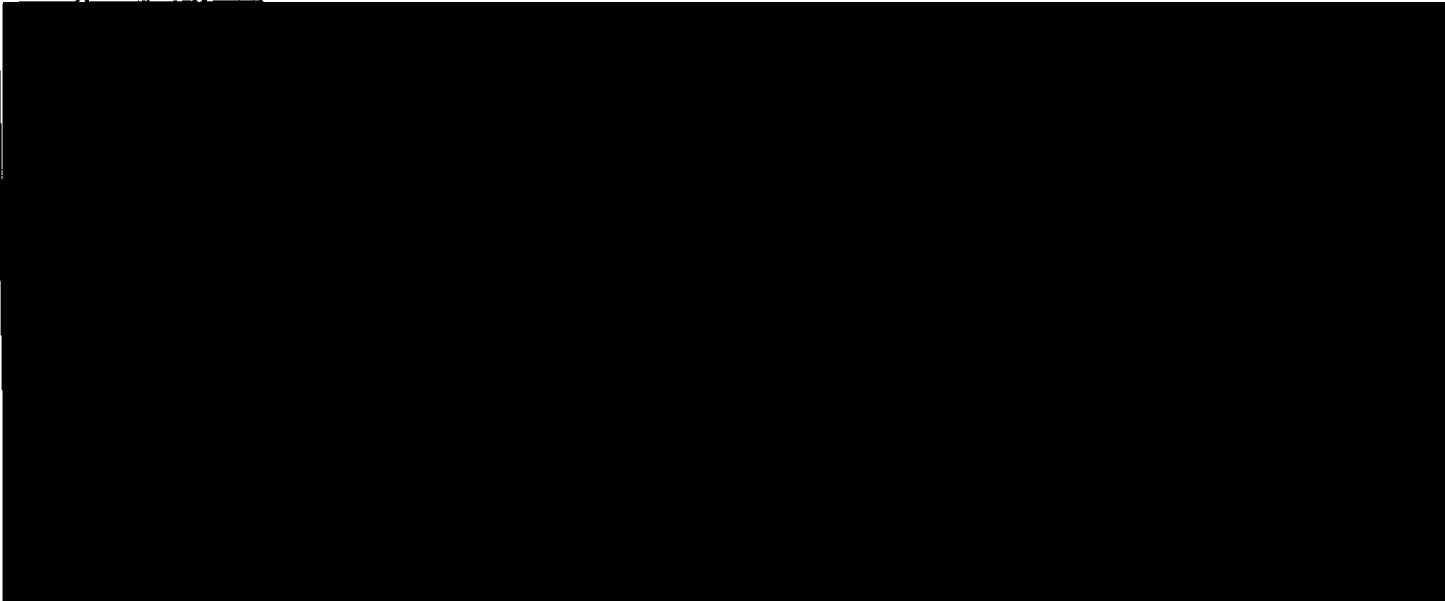
Agency Name	Encumbrance	Disbursement
Arizona Attorney General's Office		\$ 22,784.00
Phoenix Police Department	\$26,230.00	
Arizona Department of Public Safety		\$120,348.00
TOTAL		\$169,362.00

DPS ARIES DR AZ1500013377
Ditchoff MLO Investigation

Purpose:

To fund the overtime, Pen Register and ancillary costs related to the current investigation of Dean and Jennifer Ditchoff's prostitution and money laundering organization. DPS Detective James Anderson and AGO Special Agent Ron Perreira began an investigation concerning Dean Ditchoff and his wife Jennifer Ditchoff operating houses of prostitution, specifically two locations in the west valley named "Paradise Awaits". Further information indicates these subjects are storing large amounts of US currency in a concealed compartment inside their residence. During an analysis of banking documents for accounts held by Dean Ditchoff revealed anomalies consistent with human trafficking.

Budgetary Figures:



Investigative Costs:

The following calculations relate to overtime and travel expenses that might be incurred as a result of long-term surveillances in and around Phoenix.

1 - DPS SGT @ \$61.20 per overtime hour x 10 hours for 6 months. (John Maddux)	\$3,672.00
5 - DPS Detectives @ \$48.92 per overtime hour each x 10 hours for 6 months. (James Anderson, Tod Kleinman, Steve Babcock, Paul Lauko, Jim Gallagher)	\$14,676.00
<u>DPS Total:</u>	<u>\$120,348.00</u>
1 - AGO SAS @ \$60.95 per overtime hour x 10 hours for 6 months. (Ron Sterrett)	\$3,657.00
6 - AGO SAs @ \$53.13 per overtime hour each x 10 hours for 6 months. (Ron Perreira, Keith Thomas, JT Walsh, Tim Taylor, Brady Wilkins, Bruce Myers)	\$19,127.00
<u>AGO Total:</u>	<u>\$22,784.00</u>

1 – Phx PD SGT @ \$71.55 per overtime hour x 10 hours for 6 months. (Dave Otanez)	\$4,293.00
7 – Phx PD Detectives @ \$52.23 per overtime hour each x 10 hours for 6 months: (Peggy Boyle, Chad Brink, Tim Burk, Fernando Galvez, Bryan Korus, John Shallue, Warren Poole)	\$21,937.00
	<u>PPD Total: \$26,230.00</u>

Funds to be transferred to DPS	\$120,348.00
Funds to be retained by AGO	\$ 22,784.00
Funds to be encumbered by PPD	<u>\$ 26,230.00</u>
TOTAL	\$169,362.00

From: Rodriguez, Lisa on behalf of Conrad, Donald
To: Rodriguez, Lisa; Hatcher, Tammie Jo
Subject: FW: FYI
Date: Monday, November 09, 2015 8:47:27 AM

From: Alleman, Paula
Sent: Thursday, November 05, 2015 10:41 AM
To: Conrad, Donald
Subject: FYI

Don—I was walking back from court this morning and as I was crossing the street, a car hit me. I'm fine, just a little banged up. I was told that I had to call some number for State employees to report it since it happened at work which I have done. They told me I need to notify my supervisor, hence this email.

Thanks,
Paula

From: [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: Howard's party invite - 10/20 at 2:30
Date: Friday, October 09, 2015 7:40:49 AM
Attachments: [Party invite.docx](#)

Pls calendar

From: Klapper, Monica (USAAZ) [mailto:Monica.Klapper@usdoj.gov]
Sent: Thursday, October 08, 2015 4:43 PM
To: Conrad, Donald
Subject: Howard's party invite - 10/20 at 2:30

Monica B. Klapper | Assistant U.S. Attorney
Financial Crimes and Public Integrity Section
United States Attorney's Office, District of Arizona
40 N. Central Ave., Ste. 1200, Phoenix, AZ 85004
602.514.7500 | Monica.Klapper@usdoj.gov

**YOU ARE CORDIALLY INVITED TO
HOWARD SUKENIC'S FAREWELL
PARTY AT THE U.S. ATTORNEY'S
OFFICE ON OCTOBER 20, 2015.**



**Please help us celebrate Howard's appointment to the
Maricopa County Superior Court Bench.**

**The U.S. Attorney's Office is located on 40 N. Central
Avenue, Suite 1200, in Phoenix.
The celebration will begin at 2:30 p.m.**

From: Conrad, Donald
To: Rodriguez, Lisa
Subject: FW: human trafficking
Date: Wednesday, October 14, 2015 4:04:32 PM

Please try to set a meeting among Blaine, me, and the cc's to the email from Allen. Do not invite allen. We will go to them so find out where we should go to to meet.

From: Allen, Matthew C [mailto:Matthew.C.Allen@ice.dhs.gov]
Sent: Friday, October 02, 2015 9:03 AM
To: Conrad, Donald
Cc: Garcia, Louie R; McLoughlin, Eric; Weigand, Lon; Estrada, Juan C
Subject: RE: human trafficking

Don,

Thanks for following up from our discussions yesterday and this morning.

I am copying Deputy SAC Louie Garcia and ASACs Eric McLoughlin, Lon Weigand and Juan Estrada. As I mentioned earlier, I think it would be good for your team to meet with Louie and the three ASACs since each one has some level of oversight or experience in human trafficking. As I mentioned yesterday, ASAC McLoughlin came to Phoenix from the HSI office in Manila and has a lot of experience in the area of human trafficking. He was recently asked to provide training to Western Union in Colorado based on his experience in the Philippines and your folks may also benefit from talking to him. Also, to the extent that your office wants to take a financial approach to attacking human trafficking, ASAC Weigand's division oversees our money laundering program and we have some SMEs that are already assigned to the HIDTA and they could (and already do) work closely with the SWBMLA and Vince.

I invite all of you to identify on some dates that would work for a meeting. As I told Don earlier this morning, while I'm happy to be there, please don't make the meeting contingent on me.

Have a good weekend.

Matt

MATTHEW C. ALLEN
SPECIAL AGENT IN CHARGE
HSI PHOENIX
(602) 200-2222 (o)
(602) [REDACTED] (c)
matthew.c.allen@dhs.gov

From: Conrad, Donald [mailto:Donald.Conrad@azag.gov]
Sent: Friday, October 2, 2015 8:21 AM
To: 'matthew.c.allen@dhs.gov'

Cc: Gadow, Blaine
Subject: human trafficking

Matt,

As we discussed, we are interested in participating in the investigation and prosecution of human traffickers, sex, labor or otherwise. As we discussed, I'd like to set a meeting with dhs staff that focus on these issues. Please forward this email to the investigators with whom we might do business. Thanks for your help.

Donald E. Conrad
Division Chief Counsel
Criminal Division
(602) 542-3881

From: Rodriguez, Lisa on behalf of Conrad, Donald
To: Rodriguez, Lisa
Subject: FW: Important Announcement on Changes to Federal Asset Forfeiture Program
Date: Wednesday, December 23, 2015 7:22:27 AM

From: Brnovich, Mark
Sent: Tuesday, December 22, 2015 4:14 PM
To: Conrad, Donald
Subject: Fwd: Important Announcement on Changes to Federal Asset Forfeiture Program

Attorney General Mark Brnovich
Sent from my iPhone

Begin forwarded message:

From: Lyle Mann <lylem@azpost.gov>
Date: December 22, 2015 at 3:56:58 PM MST
To: "mgarcia@ak-chin.nsn.us" <mgarcia@ak-chin.nsn.us>, "jdedman@apachecounty.net" <jdedman@apachecounty.net>, "tkelly@ajcity.net" <tkelly@ajcity.net>, "dnannenga@avondale.org" <dnannenga@avondale.org>, "Mark Brnovich (mark.brnovich@azag.gov)" <mark.brnovich@azag.gov>, "mneubert@azcc.gov" <mneubert@azcc.gov>, "Mark Killian (mkillian@azda.gov)" <mkillian@azda.gov>, "Gregory McKay (desdirector@azdes.gov)" <desdirector@azdes.gov>, "cryan@azcorrections.gov" <cryan@azcorrections.gov>, Terence Azbill <tazbill@azdes.gov>, "dbergin@azgaming.gov" <dbergin@azgaming.gov>, "Andy Tobin (atobin@azinsurance.gov)" <atobin@azinsurance.gov>, "Dona Markley (dmmarkley@azdjic.gov)" <dmmarkley@azdjic.gov>, "Michael Rosenberger (michael.rosenberger@azliquor.gov)" <michael.rosenberger@azliquor.gov>, "Frank Milstead (fmilstead@azdps.gov)" <fmilstead@azdps.gov>, "nthompson@azracing.gov" <nthompson@azracing.gov>, "Robert M. Bray (RBray@azdor.gov)" <RBray@azdor.gov>, "sstanton@azdot.gov" <sstanton@azdot.gov>, "gelms@azgfd.gov" <gelms@azgfd.gov>, "jream@azstateparks.gov" <jream@azstateparks.gov>, "Michael Lloyd Thompson (Michael.L.Thompson@asu.edu)" <Michael.L.Thompson@asu.edu>, "John.Edmundson@azwestern.edu" <John.Edmundson@azwestern.edu>, "pfmoncada@cityofbenson.com" <pfmoncada@cityofbenson.com>, "Jamie.Kootswatewa@bia.gov" <Jamie.Kootswatewa@bia.gov>, "cobpolice@cityofbisbee.com" <cobpolice@cityofbisbee.com>, "Lawrence Hall (LHALL@buckeyeaz.gov)" <LHALL@buckeyeaz.gov>, "bwilliamson@bullheadcity.com" <bwilliamson@bullheadcity.com>, "lance.cencelewski@bnsf.com" <lance.cencelewski@bnsf.com>, "nancy.gardner@campverde.az.gov" <nancy.gardner@campverde.az.gov>, "Chris Vasquez (chris_vasquez@casagrandeaz.gov)" <chris_vasquez@casagrandeaz.gov>, "astein@cavecreek.org" <astein@cavecreek.org>, "luis.martinez@centralaz.edu" <luis.martinez@centralaz.edu>, "jgaylord@cap-az.com" <jgaylord@cap-az.com>, "sean.duggan@chandleraz.gov" <sean.duggan@chandleraz.gov>, "cwynn@chinoaz.net" <cwynn@chinoaz.net>, "Randy.Taylor@clarkdale.az.gov" <Randy.Taylor@clarkdale.az.gov>, "negrete@townofclifton.com" <negrete@townofclifton.com>, "mdannels@cochise.az.gov"

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<siegfriedd@cocopah.com>, "Jeremiah Darger (jerryd@toce.us)" <jerryd@toce.us>,
"James S. Malinski (jmalinski@coolidgeaz.com)" <jmalinski@coolidgeaz.com>,
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Cc: "jan@azchiefsofpolice.org" <jan@azchiefsofpolice.org>
Subject: FW: Important Announcement on Changes to Federal Asset Forfeiture Program

Seems the Federal Government forgot about the Christmas spirit. Link is to a letter from DOJ explaining the permanent reduction, or "rescission," of Asset Forfeiture Program Fund.

[http://www.ndaa.org/pdf/EQS%20deferral%20letter%20to%20state%20and%20locals%20\(FINAL\).pdf](http://www.ndaa.org/pdf/EQS%20deferral%20letter%20to%20state%20and%20locals%20(FINAL).pdf)

From: IACP [<mailto:mailing=theiacp.org@mail58.us4.mcsv.net>] **On Behalf Of** IACP
Sent: Tuesday, December 22, 2015 2:07 PM
Subject: Important Announcement on Changes to Federal Asset Forfeiture Program

Important Announcement on Changes to Federal Asset Forfeiture Program

[View this email in your browser](#)

Late yesterday afternoon, the IACP participated in a conference call with the U.S. Department of Justice (DOJ). During that call DOJ announced that, effective immediately, all new equitable sharing payments to state and local law enforcement agencies through the federal asset forfeiture program will cease for the foreseeable future. This decision was a result of the passage of the Consolidated Appropriations Act of 2016 (H.R. 2029), which was signed into law on December 18, 2015. The Consolidated Appropriations Act made major rescissions from the federal asset forfeiture fund to pay for other programs.

We want to make clear that neither the IACP, nor any of our law enforcement partners, were consulted regarding this announcement. The position of the IACP is this decision is detrimental to state, local, and tribal law enforcement agencies and the communities they serve.

We will work with DOJ, the administration, and the U.S. Congress to do what we can to address this situation.

For more details on the announcement from DOJ, please click [here](#).



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Our mailing address is:
The International Association of Chiefs of Police
44 Canal Center Plaza, Suite 200
Alexandria, VA 22314

[Add us to your address book](#)

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From: Conrad, Donald
To: Perkovich, Mark
Subject: FW: Information regarding the Controlled Equipment list pursuant to Executive Order 13688
Date: Thursday, October 08, 2015 1:47:01 PM

Do we or have we participated in this program?

From: Bailey, Michael
Sent: Thursday, October 08, 2015 12:54 PM
To: Conrad, Donald; Perkovich, Mark
Subject: FW: Information regarding the Controlled Equipment list pursuant to Executive Order 13688

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 08, 2015 11:33 AM
To: Bailey, Michael
Subject: FW: Information regarding the Controlled Equipment list pursuant to Executive Order 13688

Does someone in our office work on this? Procuring this type of equipment?

From: AFMLS.communications [mailto:AFMLS.communications@usdoj.gov]
Sent: Thursday, October 08, 2015 6:56 AM
Subject: Information regarding the Controlled Equipment list pursuant to Executive Order 13688

The information below was sent in an Equitable Sharing Wire on October 1, 2015. Because of the critical nature of the content, it is also being sent to all agency heads to ensure receipt.

On January 16, 2015, President Barack Obama issued Executive Order 13688, "Federal Support for Local Law Enforcement Equipment Acquisition," that identified and implemented actions to improve federal support for the appropriate use, acquisition, and transfer of equipment by state, local, and tribal law enforcement agencies. This order prohibits Law Enforcement Agencies (LEAs) from using federal funds to purchase military-style equipment outlined in the May 18, 2015 Equitable Sharing Wire.

Additionally, the Executive Order requires LEAs to obtain pre-approval from the funding federal agency and follow new guidelines when purchasing equipment found on the Controlled Equipment List. Effective October 1, 2015, the following equipment is subject to these requirements when using federal funds:

- Manned Aircraft, Fixed Wing and Rotary Wing
- Unmanned Aerial Vehicle
- Armored Vehicles, Wheeled
- Command and Control Vehicles
- Breaching Apparatus
- Riot Batons, Helmets, and Shields

If an LEA intends to use Department of Justice or Department of the Treasury equitable sharing funds to purchase any Controlled Equipment, the agency must submit a request to the funding federal agency for approval. Additional guidance and instructions are available on the Department of Justice and Department of the Treasury public websites.

LEAs shall not obligate or spend any federal equitable sharing funds for a Controlled Equipment purchase until approval has been granted by the funding federal agency. The Asset Forfeiture and Money Laundering Section and the Treasury Executive Office for Asset Forfeiture will review requests and notify agencies when the request has been approved or denied. Any questions should be directed to afmls.aca@usdoj.gov or treas.aca@treasury.gov.

From: [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: Inn of Court membership
Date: Monday, October 26, 2015 7:32:40 AM

Have we ever paid this expense?

From: Ortiz, Kim
Sent: Friday, October 23, 2015 11:27 AM
To: Conrad, Donald
Subject: Inn of Court membership

I recently was invited to join the Morris K Udall Inn of Court. Membership is \$350 per year for 5 years. Kellie Johnson told me PCAO pays her dues and I wondered whether you would approve the membership expense for me to attend?

From: [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: Inn of Court membership
Date: Monday, October 26, 2015 10:48:40 AM

I want to pay it. Ignore my other email.

From: Ortiz, Kim
Sent: Friday, October 23, 2015 11:27 AM
To: Conrad, Donald
Subject: Inn of Court membership

I recently was invited to join the Morris K Udall Inn of Court. Membership is \$350 per year for 5 years. Kellie Johnson told me PCAO pays her dues and I wondered whether you would approve the membership expense for me to attend?

From: Conrad, Donald
To: Rodriguez, Lisa
Subject: FW: Introduction Meeting / AZAG and IRS-CI
Date: Tuesday, October 06, 2015 7:58:49 AM

Set and include ahler

From: Nevarez Ismael J [mailto:Ismael.Nevarez@ci.irs.gov]
Sent: Monday, October 05, 2015 11:39 AM
To: Conrad, Donald
Cc: Perkovich, Mark; Ahler, Paul; Stiften Karl A; Jenkins Cory J
Subject: RE: Introduction Meeting / AZAG and IRS-CI

Don

Thank you for the kind offer which, I accept. For scheduling the meeting, my schedule presently permits the following options:

- October 14 and 15th
- October 22nd
- October 17-29th

Ismael Nevarez Jr.
Special Agent in Charge
IRS - Criminal Investigation
Phoenix Field Office
4041 N. Central Ave., Suite 1806
Phoenix, AZ 85012-5000
(602) 636-9723 – Office #
(202) [REDACTED] – Cell

From: Conrad, Donald [mailto:Donald.Conrad@azag.gov]
Sent: Friday, October 02, 2015 9:03 AM
To: Nevarez Ismael J
Cc: Perkovich, Mark; Ahler, Paul
Subject: Introduction meeting

Ismael,

I'm happy that I was seated next to you yesterday at HIDTA as it gave me the opportunity to make your acquaintance. As I told you, we have a working relationship as we have a TFO assigned to the SABR group. I'd like to meet with you to explain our capacities, if your time permits. Shall we work out a place and time?

Donald E. Conrad
Division Chief Counsel
Criminal Division
(602) 542-3881

From: Conrad, Donald
To: Rodriguez, Lisa
Subject: FW: Introduction Meeting / AZAG and IRS-CI
Date: Tuesday, October 06, 2015 7:59:03 AM

Perkovich too

From: Nevarez Ismael J [mailto:Ismael.Nevarez@ci.irs.gov]
Sent: Monday, October 05, 2015 11:39 AM
To: Conrad, Donald
Cc: Perkovich, Mark; Ahler, Paul; Stiften Karl A; Jenkins Cory J
Subject: RE: Introduction Meeting / AZAG and IRS-CI

Don

Thank you for the kind offer which, I accept. For scheduling the meeting, my schedule presently permits the following options:

- October 14 and 15th
- October 22nd
- October 17-29th

Ismael Nevarez Jr.
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4041 N. Central Ave., Suite 1806
Phoenix, AZ 85012-5000
(602) 636-9723 – Office #
(202) [REDACTED] Cell

From: Conrad, Donald [mailto:Donald.Conrad@azag.gov]
Sent: Friday, October 02, 2015 9:03 AM
To: Nevarez Ismael J
Cc: Perkovich, Mark; Ahler, Paul
Subject: Introduction meeting

Ismael,

I'm happy that I was seated next to you yesterday at HIDTA as it gave me the opportunity to make your acquaintance. As I told you, we have a working relationship as we have a TFO assigned to the SABR group. I'd like to meet with you to explain our capacities, if your time permits. Shall we work out a place and time?

Donald E. Conrad
Division Chief Counsel
Criminal Division
(602) 542-3881

From: [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: ISS has received UPS OR FedX envelope addressed to you
Date: Friday, December 11, 2015 1:18:43 PM

Why would a package go to Cap Center? Who is our runner to get it? Don't you go.

From: Case, Brenda
Sent: Thursday, December 10, 2015 3:39 PM
To: Conrad, Donald
Subject: ISS has received UPS OR FedX envelope addressed to you

ISS has received UPS OR FedX envelope addressed to you.

The AGO Package pickup location is located in ISS at the Capital Center Building in the basement 15 S. 15th Ave.

Please Pickup your Packages at your earliest convenience.

Thank you,
Brenda Case
Office Administrator
Assistant CLE Coordinator



Office of the Arizona Attorney General Mark Brnovich
Information Services Section
Desk: (602) 542-7973
Fax: (602) 542-8078
brenda.case@azag.gov

From: [Rodriguez, Lisa](#) on behalf of [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: Izzy Fuentes
Date: Thursday, October 01, 2015 4:15:02 PM

From: Perkovich, Mark
Sent: Thursday, October 01, 2015 4:01 PM
To: Conrad, Donald
Subject: RE: Izzy Fuentes

I spoke with Frank Arvizu today and told him that while it appears Izzy will move back to HCFA, sometime in the future, I assured him it would coincide with a strong transfer plan being put in place meaning not overnight.

From: Conrad, Donald
Sent: Thursday, October 01, 2015 8:36 AM
To: Perkovich, Mark
Subject: Izzy Fuentes

Mark, Please confirm with Izzy that he wants to move to HCFA. Once that is confirmed I'll approach Paul Watkins.

Donald E. Conrad
Division Chief Counsel
Criminal Division
(602) 542-3881

From: [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: John R. Justice Student Loan Repayment Program
Date: Monday, October 26, 2015 7:28:15 AM
Attachments: [image001.png](#)

Pls distribute to all crim lawyers

From: Bailey, Michael
Sent: Friday, October 23, 2015 11:14 AM
To: Conrad, Donald
Subject: FW: John R. Justice Student Loan Repayment Program

Just making double sure you saw this.

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: Gee, Kay
Sent: Friday, October 23, 2015 11:00 AM
To: DL-Attorneys
Cc: Human Resources; Welch, Leslie
Subject: John R. Justice Student Loan Repayment Program

Good morning,

We would like to pass along information for the John R. Justice Student Loan Repayment Program available to qualified prosecutors and public defenders. The Administrative Office of the Courts announced the approval of Arizona's application for funding through the John R. Justice Program. Prosecutors and public defenders are encouraged to apply as soon as possible, applications must be postmarked by **Friday, October 30, 2015**. Please review the links below regarding the application process, required material and the eligibility requirements.

[Arizona Judicial Branch JRJ Program Information](#)

Eligibility Requirements

Human Resources will assist with completing the Employment Verification form for interested applicants. Please send us the signed form as soon as possible.

Thank you,

Kay Gee

Human Resources Section



Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Desk: 602-364-0680
kay.gee@azag.gov

From: Conrad, Donald
To: Rodriguez, Lisa
Subject: FW: John R. Justice Student Loan Repayment Program
Date: Monday, October 26, 2015 8:57:05 AM
Attachments: [Image001.png](#)

We need to establish a procedure to make applicants aware of this reimbursement mechanism. Let's talk but I think we should print enough materials to pass out in our application packet so they will be informed of the possibility.

From: Bailey, Michael
Sent: Friday, October 23, 2015 11:14 AM
To: Conrad, Donald
Subject: FW: John R. Justice Student Loan Repayment Program

Just making double sure you saw this.

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: Gee, Kay
Sent: Friday, October 23, 2015 11:00 AM
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Cc: Human Resources; Welch, Leslie
Subject: John R. Justice Student Loan Repayment Program

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Arizona Judicial Branch JRJ Program Information

Eligibility Requirements

Human Resources will assist with completing the Employment Verification form for interested applicants. Please send us the signed form as soon as possible.

Thank you,

Kay Gee

Human Resources Section



Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Desk: 602-364-0680
kay.gee@azag.gov

From: [Rodriguez, Lisa](#) on behalf of [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: KJZZ Article
Date: Friday, December 04, 2015 2:35:42 PM

From: Watkins, Paul
Sent: Friday, December 04, 2015 1:55 PM
To: Conrad, Donald
Subject: KJZZ Article

Don,

Hope you are doing well. Wanted to forward along public information we had received that may be relevant to your criminal investigation.

Additionally, it looks like we will attempt to speak to a source next week who may have more information on broadband lobbying and that may also be relevant and something you'd be welcome to attend or send a representative.

Best,

<http://kjzz.org/content/228342/embattled-corporation-commissioners-conflict-interest-may-extend-broadband>

http://kjzz.org/sites/default/files/Public_Records_Emails.pdf

Paul Watkins
Division Chief
Civil Litigation
Office of the Attorney General
Tel: (602) 542-8958
Fax: (602) 542-4377

paul.watkins@azag.gov

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From: [Conrad, Donald](#)
To: [Perkovich, Mark](#)
Subject: FW: Major fraud, over 500 victims, see police contact 57 times this summer, see 200 complaints on YELP
Date: Monday, December 14, 2015 1:16:27 PM

This looks like something for duty to look at.

From: Bailey, Michael
Sent: Monday, December 14, 2015 1:10 PM
To: Conrad, Donald
Subject: FW: Major fraud, over 500 victims, see police contact 57 times this summer, see 200 complaints on YELP

I think Mark meant to copy you on this rather than Don Lawrence.

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, December 14, 2015 11:21 AM
To: Pierce, Amilyn; Bailey, Michael; Lawrence, Don
Subject: FW: Major fraud, over 500 victims, see police contact 57 times this summer, see 200 complaints on YELP

Can someone follow up? Thanks.

From: DH [mailto:██████████@gmail.com]
Sent: Monday, December 14, 2015 2:48 AM
To: Brnovich, Mark
Subject: Major fraud, over 500 victims, see police contact 57 times this summer, see 200 complaints on YELP

Mr Brnovich,

Please send an investigator. At my office I have proof this business is scamming thousands of tourist while renting Jet Skis.

Better Business Bureau investigated them and found fraud this past summer.

Business is



Bullhead City AZ

Thank you,



From: [Conrad, Donald](#)
To: [Bailey, Michael](#)
Subject: FW: Media Form Letter
Date: Monday, November 16, 2015 9:47:34 AM
Attachments: [Media Form Letter for 12-16-15.pdf](#)

FYI

From: Perkovich, Mark
Sent: Monday, November 16, 2015 9:36 AM
To: Conrad, Donald
Subject: FW: Media Form Letter

Don, this morning, Dan received the below email from Mr. Graven. Dan has not, nor will he respond to Mr. Graven at my direction. I have requested any future meeting/communication with Mr. Graven be exclusively in support of pending prosecution. The remaining portion of this case involves potential criminal acts committed by various people associated with the City of Victorville, California. Joe Waters has Dan's investigative report outlining the facts and circumstances involved. We should probably meet to discuss the direction in moving forward.

Thanks-
Mark

From: Woods, Dan
Sent: Monday, November 16, 2015 8:54 AM
To: Perkovich, Mark
Subject: FW: Media Form Letter

FYI, sir.

From: will@willgraven.com [<mailto:will@willgraven.com>]
Sent: Monday, November 16, 2015 8:45 AM
To: Woods, Dan
Subject: Media Form Letter

Dan,

Good morning.

Attached, you will please find a form letter that I used this morning to write each of the same parties that I sent a copy of the Snell & Wilmer video to this past week.

As you will note in my form letter, I have offered to begin interviews this coming Thursday morning.

I am hopeful, that by Thursday morning, Attorney General Brnovich will have decided to correct Don Conrad's erroneous, and questionable behavior in not Indicting Snell and three or four of it attorneys, and hear from him (AG Brnovich) that he will be indicting Snell et al, and/or that they (Snell) wish to negotiate a settlement that may keep them from being Indicted, or at least minimize their criminal consequences.

I am sending this to you now in an effort to be open, and to make certain your leadership

knows that I will not stop until Justice prevails in my cases.

Thank you for your time and efforts in this matter.

Sincerely,
Will

Will Graven



Flagstaff, AZ 86001

Mobile Phone: [Redacted]

Email: wil@willgraven.com

November 16, 2015

Ms. Smith
ACME Media
123 Main Street
Phoenix, AZ _____
Tucson, AZ _____

Ms. Smith:

Re: The Attorney General's Office reversing previous approval (which came under AG Tom Horne) to Indict Snell & Wilmer and certain of their attorneys

Good morning.

Yes, I am the one that sent you the anonymous materials for the *State of Arizona v. Snell & Wilmer* (Yes, I am Snell & Wilmer's victim).

I will be in Phoenix this next Thursday the 19th, for interviews regarding this matter.

I can verify, and add to, what I have already sent you.

Should you wish to speak, please use the above contact information.

Thank you for your interest, time, and efforts, to make certain the public knows how our Attorney General, or at least his Chief Prosecutor Don Conrad for Special Investigations, is running his Section, and failing to protect the people of Arizona, playing favorites with the legal community (e.g., Snell & Wilmer), by not indicting and prosecuting them...is there any question why our Courts are full of fraud by attorneys?

Sincerely,

Will Graven

PS I wonder who Governor Ducey's Chief Outside Legal Counsel is? And from which law firm Governor Ducey has called upon for the most important positions in his Government? (e.g., his General Counsel, and the Director of State Elections)

W

From: [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: Meeting Notice
Date: Wednesday, November 04, 2015 8:21:45 AM

Pls calendar

From: McLendon, Marna
Sent: Tuesday, November 03, 2015 4:29 PM
To: katherine.puzauskas@asu.edu; gary.kula@phoenix.gov; davidnewman@chandleraz.gov; kproctor@azdps.gov; srex@azdps.gov; sbutler@azdps.gov; myerss002@superiorcourt.maricopa.gov; gatesp@superiorcourt.maricopa.gov; Bailey, Michael; Brnovich, Mark; mmusson@azcorrections.gov; michael.oconnor@pcao.pima.gov; nancy.crump@phoenix.gov; nwade@mail.maricopa.gov; mpeoples@azcjc.gov; Ahler, Paul; penny.cramer@co.yavapai.az.us; pstevenson@azcjc.gov; richard.kastigar@sheriff.pima.gov; dlevey@pomc.org; rita.dyas@chandleraz.gov; david.theel@sheriff.pima.gov; rreinstein@courtsaz.gov; douglas.wilkey@asu.edu; sbales@courtsaz.gov; sheila.polk@co.yavapai.az.us; elizabeth.ortiz@apaac.az.gov; spopke@co.maricopa.gov; fred.ruhland@mesaaz.gov; sgarrett@scottsdaleaz.gov; snarveson@strandlabs.com; markey.iltc@gmail.com; tagan@mail.maricopa.gov; jody.wolf@phoneix.gov; tgriffith@azdps.gov; jrblackburn@azjc.gov; eliasonj@mcao.maricopa.gov; Todd, John; vfigarelli@azdps.gov; kathleen.mayer@pcao.pima.gov; kimberly.kobojek@asu.edu; kcattani@appeals; kalish@mcao.maricopa.gov; kimberly.meza@mesaaz.gov; matthew.binford@usdoj.gov; kcamo@scottsdaleaz.gov; sheraon.sexton@usdoj.gov; laherf@email.edu; luis.martinez@centralaz.edu; McLendon, Marna; sean.duggan@chandleraz.gov; frank.powell@tucsonaz.gov; mark.huntzinger@tucson.gov; Vidal, Daniel; Conrad, Donald
Subject: Meeting Notice

The next meeting of the Attorney General's Forensic Science Advisory Committee will be held on **Thursday, November 19th** at the **Cap Center Building Basement, Meeting Room B, from 10:00 - 12:30**. The address is 15 S. 15th Ave. and is across 14th Avenue from the main building for the Attorney General, the Law Building. Because parking is very limited in that area now with the parking garage closed at the Cap Center, you may want to park in the garage where we have been parking for meetings located at ACJC. Also, there is a good bit of non-metered parking on Washington and Jefferson one block east of the Law Building.

Subject to change, the Agenda will be as follows:

Forensic Science Academy - Jody Wolf
OSAC Report - Ron Reinstein and Kris Cano
National Forensic Science Commission - Jody Wolf
Sexual Assault Kit Updates - Kris Cano, Ron Reinstein, Jim Markey and Jon Eliason
Mixed Interpretations and Probabilistic Biological Modeling - Vince Figarelli
Data Base Upload - Vince Figarelli and Jody Wolf
Legislative Agenda - Ron Reinstein

If you have additional items for the agenda, please let me know. I will be serving as coordinator and administrative support to the Committee.

Also, if you feel that you no longer wish to be included in these emails and/or are no longer serving on the Committee, please advise. We are in the process of bringing our lists and mailing current.

Looking forward to seeing everyone!

Marna McLendon

AZ Attorney General's Office

From: [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: Memo Re: Suggested Update to FRS Case Intake, Review, Selection and Approval Process and Guidelines
Date: Friday, November 20, 2015 4:07:46 PM
Attachments: [PHX-#4659501-v7-FRS Memo - Case Intake Selection .docx](#)
[2010 FRS Policies and Procedures Manual - Charging Criteria.pdf](#)

Pls set meeting with Mike to discuss this policy. Mike please prepare to identify for me the changes you have made to our existing policy.

From: Dailey, Mike
Sent: Tuesday, November 10, 2015 6:03 PM
To: Conrad, Donald
Cc: Rodriguez, Lisa; Garcia, Bobbie
Subject: Memo Re: Suggested Update to FRS Case Intake, Review, Selection and Approval Process and Guidelines

Don, attached for your review is a memo (MS Word Format) that proposes an updated FRS Case Intake, Review, Selection and Approval Process. Please let me know if you would like to meet to discuss the memo or if you desire any changes.

Once finalized, it will serve to replace the FRS Case Charging Criteria contained in the 2010 FRS Policies and Procedures Manual (PPM). I've attached the relevant portions of the 2010 PPM to this email in PDF format for your easy comparison/reference. Note that the 2010 PPM includes criteria such as whether the enterprise gain exceeds \$1M. I did not include that within my memo, as we could set those thresholds if necessary on an LEA or case-by-case basis like I did in the 4-9-15 limitation letter to Apache Cty.- ACCENT (assets totaling \$200,000, and AGO CRM prosecution).

Thank you.

Sincerely,

Mike Dailey
Chief Counsel
Financial Remedies Section
Criminal Division
Arizona Attorney General's Office
1275 West Washington
Phoenix, Arizona 85007
(602) 542-7955

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From: Dailey, Mike
Sent: Friday, November 06, 2015 1:29 PM
To: Conrad, Donald
Subject: Updated FRS Case Review and Selection Guidance - Provide to you on or before Wedn. Nov. 11

Don, I have completed a draft memo that will serve as an update (overlay) to the 2010 FRS Policies and Procedures Manual until the PPM can be more fully edited and updated.

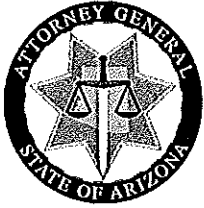
I had promised to get the draft memo to you today, but I would like a few more days to think about it, and incorporate some feedback I recently received from FRS Staff and Charlie.

Though I can give you a draft today, I would like to wait until next Wednesday the 11th to do so. Thank you and please let me know if you have any questions.

Sincerely,

Mike Dailey
Chief Counsel
Financial Remedies Section
Criminal Division
Arizona Attorney General's Office
1275 West Washington
Phoenix, Arizona 85007
(602) 542-7955

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OFFICE OF ATTORNEY GENERAL MARK BRNOVICH

CRIMINAL, FINANCIAL REMEDIES SECTION

MEMORANDUM

TO: Donald E. Conrad, Criminal Division Chief
FROM: Mike Dailey, FRS Section Chief
DATE: November 11, 2015
RE: Suggested Update to FRS Case Intake, Review, Selection and Approval Process and Guidelines

For your consideration, this memo suggests an updated:

- (a) Protocol for the submission of cases to the Financial Remedies Section ("FRS") for review and approval; and
- (b) Non-exclusive list of factors and priorities to be considered by the Criminal Division ("CRM") and FRS Chief Counsels when determining whether FRS will agree to:
 - (1) Provide investigation assistance;
 - (2) Pursue a seizure warrant;
 - (3) Open a civil asset forfeiture case; and,
 - (3) Initiate forfeiture proceedings by preparing and filing a Notice of Pending Forfeiture or Verified Complaint.¹

A guiding principle underlying the FRS case intake and selection process is indicated in the following decision:

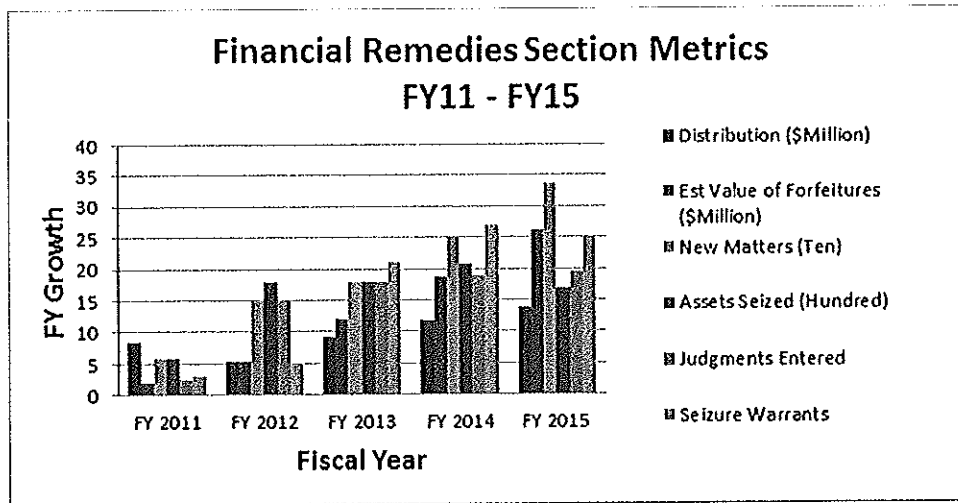
[T]he purposes of these statutes . . . include removing the economic incentive to engage in racketeering, reducing the financial ability of racketeers to continue to engage in crime, preventing unfair business competition by persons with access to crime proceeds, compensating victims of racketeering, and reimbursing the State for the costs of prosecution.

State ex rel. Napolitano v. Gravano, 204 Ariz. 106, 113, 60 P.3d 246, 253 (App. 2002).

FRS Workload and Resources

The following data demonstrates that the FRS workload has trended upwards over the last several years:

¹ Unless modified, this memo would update the "FRS Charging Criteria" section of the 2010 FRS Policies and Procedures Manual regarding FRS case "Eligibility" and "Prioritization."



Despite this increased FRS workload and related constitutional challenges to Arizona’s civil asset forfeiture laws, FRS staff levels have remained static. As a result, FRS must be selective in the type and number of cases it obligates itself to review, help investigate and prosecute.

Case Submittal Process

Official Form: *Request for Forfeiture Evaluation and Services* (HB-PHX#4693396)

Intake Contact: Special Agents (“SAs”) and law enforcement agencies or task forces (“LEAs”) should prepare a *Request for Forfeiture Evaluation and Services* (“Submittal Form”) for either: (a) investigation purposes; or (b) civil forfeiture litigation, and submit it along with supporting documentation to each of the following persons:

1. Chief Counsel
Financial Remedies Section
Criminal Division
2. Assistant Special Agent in Charge (FRS)
Special Investigations Section
Criminal Division
3. Office Administrator
Financial Remedies Section
Criminal Division²

² LEA’s may submit a matter to FRS for review using the LEA’s own form only if the LEA’s form: (a) includes all of the information requested in the FRS Submittal Form; and (b) is substantially similar to the FRS Submittal Form, such that FRS can conduct a meaningful and informed review of the matter early on. However, routine use of the FRS Submittal Form is to be encouraged.

FRS Staff should direct LEA requests for forfeiture services to the FRS Chief Counsel and Assistant Special Agent in Charge ("ASAC").

Factors & Priorities for FRS Case Selection

Because FRS cases are often complex and involve extensive financial analysis and multiple personal defendants, and pieces of real and personal property that must be managed, preserved, liquidated and distributed, FRS must be selective in the cases it obligates itself to investigate and prosecute. This is especially evident given the large volume of matters that FRS is asked to review and handle.

In light of existing and anticipated resources, the following non-exclusive list of factors and priorities will be considered to determine whether FRS will provide assistance to a LEA, and ultimately whether FRS will investigate, open and prosecute a forfeiture case:

1. Priority shall be given to investigations giving rise to actual or likely AGO CRM prosecution.
2. FRS cases often involve individual victims (*e.g.*, investment fraud or theft), and State and Federal Agency victims (*e.g.*, public assistance fraud). Some victims may have the resources to protect themselves and to remedy the racketeering conduct that has caused them damage (*e.g.*, large corporation). Priority shall be given to those cases involving Arizona victims who do not have the resources to protect themselves, or to pursue remedies on their own.
3. FRS does not have the resources to pursue a forfeiture case in all matters involving a victim. Priority shall be given to those matters involving numerous Arizona victims, large total damages and substantial negative economic impact.
4. Whether practical alternatives to forfeiture exist. For example, in some matters in which the suspects and property owners have been criminally charged or arrested, the criminal prosecutor could seek and procure a criminal restitution lien to prevent the dissipation of assets to be distributed to victims.
5. FRS shall take into consideration whether a case has been previously turned down for criminal or forfeiture prosecution by another agency.
6. Whether the use of state forfeiture powers is appropriate under the totality of the circumstances and furthers the interests of justice.

Managing LEA Expectations

An initial contact and related request for FRS advice, assistance or services is often made under intense time constraints. Though time may be of the essence, clear communication at this stage of the forfeiture process is crucial. At the time of initial LEA contact and throughout the case submittal process, it is incumbent on FRS Staff, the ASAC and FRS SAs to manage the expectations of case agents and lead LEA forfeiture supervisors. Staff should not "overpromise" what FRS may be able to do in a given case including, without limitation, whether

FRS will "open" or pursue a forfeiture case in the first instance, and whether and to what extent assets may be seized and ultimately forfeited.

Because FRS receives referrals from CRM Prosecutors in the Fraud and Special Prosecution ("FSP"), Drug and Racketeering ("Drug"), and Health Care Fraud and Abuse Sections ("HCFA"), it is equally important to convey to the FSP, Drug and HCFA Prosecutors and SAs that they also need to manage the expectations of their LEA partners and case agents regarding the forgoing.

Unrealistic expectations and/or miscommunication may occur with respect to the following issues:

1. Timing (how quickly a seizure warrant can be obtained (if at all), statutory deadlines, case resolution, *etc.*). Officers must understand that seizure warrants require a substantial amount of time and effort to procure and execute, and plan accordingly. Officers must understand the definition of "seized for forfeiture" and the need to timely initiate a forfeiture action once property has been "seized for forfeiture."
2. The need for continued investigation and follow-up on a variety of issues. Without limitation, the need for continued officer investigation is often important in cases involving business entities and large amounts of financial records and information.
3. Whether an asset may be "frozen," or seized for forfeiture without first procuring a seizure warrant (*i.e.*, substitute assets). Unsupported or unreasonable *assumptions* must be avoided.
4. The estimated value and the existence or non-existence of liens with respect to assets or property. A cost-benefit analysis should be used to determine whether an asset should be seized for forfeiture, despite the fact the seizure may be authorized by law.
5. The actual, "straw" or hidden ownership interests in assets or property.
6. The release or return of property to claimants, owners or lien holders.
7. Success rates and, for instance, whether a seized asset may ultimately be put into use by the LEA.³

Approvals

All cases must be approved by both the FRS and Criminal Division Chief Counsels (the "Approval(s)") in writing, in part via the FRS "Case Opening Sheet."

Even under instance time constraints, SAs and FRS Prosecutors should seek verbal or email approval from the FRS Chief Counsel or ASAC as soon as practical under the circumstances

³ LEAs may request that forfeited property be "put into use" for law enforcement purposes by completing and submitting an "Asset Requisition Form." (HB-PHX#4659427). Once received, FRS can determine whether the request complies with applicable law regarding permissible uses and disposition of forfeited property.

before: (a) FRS substantially reviews a matter; and (b) the FRS Chief Counsel will assign a matter to an FRS Prosecutor for review and analysis. Typical examples of time sensitive matters where verbal or email approval may be appropriate include an initial FRS contact by an LEA: (a) during a road-side seizure of illegal drugs, and possibly other items contained in a suspect's vehicle; and (b) upon the LEA's discovery of information indicating that substantial assets are at immediate risk of being diverted or dissipated to avoid LEA detection or seizure (e.g., large pending bank withdraw or transfer, although a review of related financial records has not been conducted).

In investigative stage, time sensitive matters, the SA or FRS Prosecutor should seek formal written Approval as soon as possible. Absent time sensitive investigative matters or other extraordinary circumstances, written Approvals should be obtained by SAs and FRS Prosecutors prior to: (a) FRS review of any matter; or (b) assignment of the matter to a FRS Prosecutor for review and analysis.

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III. FRS Charging Criteria

The following charging criteria will be applied to all FRS litigation, whether generated internally or externally, with exceptions to be determined by the Section Chief:

7.1 Eligibility

7.1-1 The case involves a group with the structure and continuity that qualifies as an "enterprise" for purposes of racketeering or an ongoing fraud.

7.1-2 The enterprise involved encompasses five or more individuals or businesses associated together for the purpose of racketeering related offenses, including money laundering, or includes an individual that is a key personnel asset of the relevant criminal network, or the crime involves a substantial ongoing fraud.

7.1-3 The enterprise involves racketeering at a rate in excess of \$1,000,000 yearly or has laundered money in excess of \$1,000,000.

7.1-4 The criminal participants have identifiable assets acquired through the proceeds of racketeering or used to facilitate the operation of the enterprise, and such assets have a gross fair market value in excess of \$250,000 or are key assets of the relevant network.

7.1-5 The group's base of operation or impact is located within the jurisdiction.

7.1-6 The case retains prosecution potential after consideration of practical and legal issues such as age, availability of evidence and witnesses and necessary resources.

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7.2 Prioritization

7.2-1 Among eligible cases, priority will be given to cases:

- 7.2-1.1 Involving money laundering.
- 7.2-1.2 Involving corruption or attempts to corrupt law enforcement, judicial or commercial institutions.
- 7.2-1.3 Involving people identified as key personnel assets, particularly financial facilitators of smuggling operations.
- 7.2-1.4 Involving violence or the threat of violence against law enforcement, witnesses or participating members of the target group.
- 7.2-1.5 Involving importation of drugs or humans into the jurisdiction at a high level.
- 7.2-1.6 Promising significant advances in the accurate assessment of the nature of racketeering networks operating within the jurisdiction.
- 7.2-1.7 Involving physical assets identified as key assets, particularly assets necessary for money laundering and provision of smuggling equipment, supplies and locations.
- 7.2-1.8 Presenting opportunities to promote law enforcement cooperation.
- 7.2-1.9 Presenting opportunities to develop or transfer technical expertise.
- 7.2-1.10 Presenting opportunities to establish favorable legal

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precedent.

7.2-2 List of factors to be considered

The following list of factors and circumstances should be considered in deciding whether to authorize the filing of a forfeiture cause of action.

7.2-2.1 The economic impact of the enterprise, offense or scheme alleged:

- (1) the degree to which the unlawful conduct negatively affected either other legitimate businesses in the same or similar industry or a compelling state interest; see *Arizona ex rel. Corbin v. Pickrell*, 136 Ariz. 589, 667 P.2d 1304 (1983);
- (2) potential for additional economic disruption or corruption of other assets that is created by the misuse of the assets in question;
- (3) the indirect deterrent effect a forfeiture would have upon other interest holders similarly situated who might contemplate use of their assets to facilitate the predicate offenses;
- (4) potential direct deterrent effect of removing the particular asset from its possible repeated misuse;
- (5) the impact of the enterprise, offense or scheme alleged on foreign, interstate or intrastate commerce;
- (6) potential of the contemplated forfeiture for disruption of illegitimate enterprises or industries, particularly for interruption of essential links in a chain of illicit commercial relationships, that may result in the destruction of the supply or demand for criminal proceeds;
- (7) the total number of victims and the number that are in state residents;

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- (8) the amount of economic loss to the victims or the state; and
- (9) the likelihood that the discovery process in the case will lead to further disclosure of misuse of assets for criminal purposes.

7.2-2.2 Whether the use of state forfeiture powers is appropriate as against this enterprise, offense or scheme:

- (1) probable cost of the action to the state, both in money and in resources;
- (2) probable financial benefit to the state from the actions;
- (3) probable direct cost of the action to legitimate commerce;
- (4) potential for disruption of legitimate commercial relationships or practices;
- (5) whether other state powers such as license revocation, regulatory action, dissolution, or other public or private civil causes of action may vindicate the public's interest in the prevention of future conduct or reimbursement for past losses.

7.2-2.3 Whether the facts provide practicable alternatives to forfeiture in asserting the state's interest in freeing commercial activity from the presence of particular assets or economic power dedicated to criminal purposes.

7.3 Goals and Objectives of Forfeiture Cases

The cardinal goal of the Section is to protect legitimate commerce in the broadest

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meaning of that term, from the effects of racketeering conduct. Forfeiture's goals are economic. It is not a tool for punishing wrongdoers. Past conduct of the interest holder may be relevant to assess his or her claim to exemption based on one of the statutory exemptions, but is otherwise not relevant.

The particularized goals of the FRS are:

7.3-1 Goal To assess accurately and describe the economic nature of each significant racketeering network operating within the jurisdiction, including the financial facilitators.

7.3-1.1 Objectives

- (1) Fully employ all available means of gathering relevant information, including grand jury investigation, civil discovery, electronic surveillance, financial transaction reporting forms, law enforcement sources, and social science research.
- (2) Assemble the information for use in establishing probable cause, as courtroom evidence, and for strategic planning purposes.
- (3) Analyze the information for its significance.
- (4) Upgrade the assessments continually, based on new data and changes in circumstances.

7.3-2 Goal To formulate effective strategies of control, considering law enforcement priorities and resources.

7.3 2.1 Objectives

- (1) Identify each component of each network, and isolate key components.

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- (2) Consider the potential vulnerability of each component and the likely result of each possible law enforcement strategy.
- (3) Identify key links between components.
- (4) Consider each link's vulnerabilities and the likely result of each possible attack on that link.
- (5) Identify key physical and personal assets within each racketeering network by type and, if possible, rank by priority the network's assets for corruptive potential and economic subversion.
- (6) Consider each key asset type's vulnerability to removal and the effects that such removal would have on the net assets of the network.

7.3-3 Goal To defend core governmental functions from subversion by force, fear, or corruption.

7.3-3.1 Objectives

- (1) Accurately assess and describe the potentially violent and corruptive components of each racketeering network.
- (2) Place a priority on key individuals within these components and on any racketeering enterprise of which they are a part.

7.3-4 Goal To resist subversion caused by racketeering proceeds of the economy as a whole and the values it represents.

7.3-4.1 Objectives

- (1) Accurately assess and describe the money laundering components of each racketeering network.

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(2) Establish effective cooperation with financial institutions on the issue of suspicious financial activity.

(3) Establish comprehensive training programs for investigators and prosecutors in detecting money laundering, including asset location, proceeds tracing, and net worth analysis.

(4) Place a priority on detection of money laundering, concentrating on smuggling enterprises in proportion to the amount of money diverted from legitimate commerce.

7.3- 5 Goal To eliminate key physical and personal assets from racketeering networks in order to reduce the total power of each network.

7.3- 5.1 Objectives

(1) Remove physical assets, especially cash, through forfeiture, civil remedies, and fines.

(2) Remove key personal assets by cooperating with criminal prosecution targeting people involved in violent enforcement of racketeering network loyalty, corruption, and money laundering.

(3) Eliminate the effectiveness of network members by forcing them to testify under use immunity, whether after or in lieu of criminal prosecution.

7.3-6 Goal To establish effective procedures for the location, seizure, maintenance, and disposition of racketeering related assets.

7.3-6.1 Objectives

(1) Advocate improvements to effective state legislation on forfeiture.

(2) Establish comprehensive training programs in asset management.

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(3) Establish agreements for cooperative asset sharing among law enforcement agencies in racketeering network investigations and prosecutors.

(4) Establish written processing forms for asset sharing among participating agencies.

(5) Write guidelines for forfeiture cases, clearly establishing the remedial, nonpunitive objectives of forfeiture to destroy racketeering networks economically.

7.3-7 Goal To establish and put into use objective criteria to measure the reduction of net assets of the racketeering networks affecting the jurisdiction.

7.-7.1 Objectives

(1) Select specific economic and social indicators of network activity, such as money transmitter money flows and overdose hospitalizations.

(2) Select and target particular types of forfeiture and civil cases for priority, based on the analysis of key assets.

(3) Maintain inventory of network economic strength and changes in net racketeering assets over time.

(4) Apply objective criteria to strategies, adjusting strategies as necessary.

7.3-8 Goal To work toward maximum coordination among all agencies and levels of government involved in racketeering related law enforcement.

7.3-8.1 Objectives

(1) Conduct regular meetings for members of agencies with which the team is working.

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- (2) Encourage coordination of team cases and projects with all agencies and levels of government by functioning as an informal clearinghouse of opportunities and resources.
- (3) Provide open, rapid, and well regulated financial support for cases and projects by using team-generated funds for overtime pay, a revolving fund, and coordination with other revolving funds and funding sources, pursuant to statute.
- (4) Develop efficient property management and share investigative assets through an experienced and knowledgeable asset management and technical assistance component.
- (5) Raise professionalism by developing internal guidelines and training on issues of racketeering related law enforcement. Increase acceptance of such standards by seeking the views of the entire law enforcement community and working to accommodate divergent views.
- (6) Provide computerized data on a case by case basis and also on a cumulative basis to share with all agencies.
- (7) Set up long term constructive relationships with law enforcement agencies by judicious use of written cooperative investigatory agreements that anticipate and avoid potential disagreements and provide for legal distribution of assets.

7.4 Circumstances in which forfeiture is appropriate

7.4-1 Background

Although the moral and psychological roots of forfeiture may be the early English tradition of deodands, *Calero Toledo v. Pearson Yacht Leasing Co.*, 416 U.S. 663, 680 83 (1974), under which the instrument of death replaced the slayer's kin as the object of vengeance, the statutory antecedents of the legislative policies expressed in Chapter 39 are statutory

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forfeitures, in particular the Navigation Acts. The Navigation Acts required that shipping had to be in English built, owned, and manned vessels, and provided that violations would result in the forfeiture of both the ships and their cargos. They were a form of financial disincentive for otherwise profitable activity that damaged legitimate commerce, i.e., the people as a common commercial unit the commonwealth. These actions could be brought either in personam or in rem, were tried by the court without a jury, and overlapped with parallel criminal sanctions for the same conduct.

The social conduct discouraged by Chapter 39 forfeiture is the corruption of assets of economic power for criminal uses. The dual goals are interrelated. First, compensation of the social costs associated with illegal industries in amounts equal to the empowerment of the conduct allowed or the misallocation of property; second, the deprivation of the illegal business of the property necessary to continue its operations; and third, the creation of economic risk and therefore disincentive to all who might otherwise view criminal conduct as an attractive profit seeking activity.

Chapter 39 demonstrates its economic thrust by creating exceptions to forfeiture based entirely on considerations relating to minimizing disruption of legitimate commercial economic activity. For example, bona fide purchasers are exempt, but innocent transferees who did not give valuable consideration are not. Secured interest holders are protected, but spouses holding community property interests are not. Forfeiture recognizes no degrees of crimes or distinctions based on degrees of involvement. The "worst" people's interests are treated the same as the "best", once they fail to show complete exemption based on commercial necessity. There are no recidivist provisions, and no consideration of the personal life or characteristics of the interest holder. The court has no discretion to mitigate or aggravate the forfeiture.

Forfeiture is a purely remedial economic remedy, which must guide all applications. As stated in A.R.S. § 13-2314(L): "A civil action authorized by this Section, including proceedings pursuant to Chapter 39 of this title, is remedial and not punitive." Use of forfeiture as a punitive, rather than remedial, sanction is contrary to the statute.

Forfeiture is a power reserved for use by the government for governmental purposes. It is not properly employed as a means of transferring ownership of property to one citizen

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from another, even if one of them is the victim of the other. It is true that A.R.S. § 13-2314(D) and (G), the AZRAC forfeiture provisions, create a preference for victims by acknowledging that forfeiture may be ordered "to the extent that forfeiture is not inconsistent with protecting the rights of any person who sustained injury to his person, business or property by the racketeering conduct," a policy statement that is made to apply to all racketeering remedies though § A.R.S. § 13-2314(B). A.R.S. § 13-2314 does not, however, envision the use of forfeiture as a substitute for in personam remedies redressing a victim's damage, even though A.R.S. §§ 13-4301(2) and 13-4311(I),(J), and (N) allow injured persons to assert requests for compensation from forfeited property. Victims have standing when the property is proceeds of an offense against them, *Matter of 1978 Dodge Trans-Van, Etc.*, 129 Ariz. 362, 631 P.2d 144 (App. 1981). A policy of using forfeiture to redress debts directly would be unwise in that it would create an expectation of payment to all sorts of creditors of owners whose property is seized for forfeiture. It would also create enormous danger of collusive judgments or other alleged debts. Forfeiture's historical and philosophical antecedent, deodands, provides the explanation for the evolution of the traditional view that forfeited property is not subject to action by creditors. Deodands literally means "given to God". The item was sold to buy masses. Later, the idea of buying masses in support of the church was transferred to contributing to the support of the secular government. The use of forfeiture to obtain disputed property from one citizen and transfer it to another would therefore not be consistent with the history of forfeiture, or with sound policy. The statutory right of an injured person to look to the proceeds of the very item that caused their economic loss is consistent with the deodand tradition, viewing the injured person as having a superior right to compensation to that of the public at large. It does not support payment of general creditors.

The various issues and exemptions involved in forfeiture are reducible to two questions. First, has some asset or interest been substantially connected by use or acquisition to economic activity harmful to the legitimate economy? Second, would rededication of that property interest be so disruptive of commercial relationships as to outweigh the over all cardinal goal of freeing legitimate commerce from such interests?

The primary goal of all financial law enforcement is to free legitimate commerce from the effects of misallocation of resources due to fraud, force or traffic in harmful products. All

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case selection, charging decisions and litigation strategies are made with the long term benefit of that decision on healthy commerce in mind.

7.4-2 Election of Procedural Avenues

The following three lists of factors each relate to one of the three procedural avenues available for consideration:

7.4-2.1 In rem

In rem forfeiture enjoys distinct procedural advantages. It is the forfeiture procedure of choice and will be employed in all cases unless there are substantial reasons for selection of another procedure.

In rem forfeiture may occasionally be sought at the same time as in personam criminal forfeiture of the same interests, and may be joined with an in personam civil action seeking forfeiture of the same interests and/or other civil remedies.

Factors indicating the use of in rem forfeiture alone include:

- (1) The recovery anticipated would not be cost effective in a more expensive procedure;
- (2) Speed is desirable, as where the defendant property is subject to depreciation or waste;
- (3) There is substantial chance of flight by claimants, making an in absentia in personam proceeding unlikely or impossible;
- (4) Saving expenses of third parties is particularly important, as where the interest held by exempt persons is relatively large;
- (5) Little or no discovery is wanted by the state.

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7.4-2.2 In personam Civil

The primary advantages of in personam civil forfeiture proceedings are the extensive discovery and the breadth and flexibility of the available remedies. Where in personam civil cases are appropriate, joinder of related in rem forfeitures is routine.

Factors indicating the selection of forfeiture in an in personam civil action include:

- (1) The necessity for in personam remedies, such as temporary restraining orders and preliminary injunctions, to preserve the forfeitable property;
- (2) The necessity to look to substitute assets to fully compensate the state's damages, including empowerment and misallocation measures of damage.
- (3) The need for extensive further discovery after the initial filing of the case;
- (4) Likelihood that further forfeitable assets will be discovered during the course of the action, making liens on an in personam basis advisable at the outset; ▸
- (5) The assertion of vicarious liability;
- (6) Numerous defendants or witnesses making lengthy proceedings necessary in any event.
- (7) Inability to obtain in rem territorial jurisdiction of the property, requiring in personam jurisdiction to acquire in rem jurisdiction.

7.4-2.3 Criminal

The primary advantage of seeking forfeiture in a criminal case is efficiency. A.R.S. § 13-4301, et seq., replaces forfeiture statutes whose predecessors have been described as punitive and quasi criminal repeatedly by Arizona courts. The clear

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legislative intent of Chapter 39, however, is to create a civil, non punitive remedy, as evidenced by A.R.S. § 13-2314(N) and several portions of Chapter 39 itself. It is critical for the continued viability of civil forfeiture that this distinction be understood and preserved by the courts. *State ex rel. Goddard v. Gravano*, 210 Ariz. 101, 108 P.3d 251 (App. 2005). Forfeiture remains remedial even when sought in a criminal proceeding. The forfeiture order at the conclusion of a criminal case should be viewed as instant recognition of the collateral estoppel effect of any criminal conviction on any civil action involving the same parties. The effect is to make a separate remedial proceeding relating to the defendant's interest unnecessary, not to add punishment to the criminal case. The efficiency advantage is particularly significant where the costs of a separate action are high. It is negated when separate action is needed or desirable anyway.

Forfeiture may be sought in a criminal case where the facts indicate:

- (1) Absence of nondefendant claimants that would necessitate separate litigation of their interests;
- (2) High likelihood that the case will be completely concluded by the criminal action because the elements of the crime alleged prove the forfeiture;
- (3) Absence of need for in personam remedies against nondefendants;
- (4) Compatibility of forfeiture with other aspects of the case, e.g., the forfeiture will not make the case overly complex or cumbersome, or will enhance jury understanding of the state's position by making the profitability of the offense involved an issue;
- (5) Importance of procedural efficiency in light of the size and complexity of the case and potential recovery the case is either too factually complicated, too remote in location, too small, etc., to make a separate civil case worthwhile.

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7.4-2.4 Combinations

Generally, the following combinations will best serve the interests of the state:

- (1) In rem actions will be filed in all forfeiture cases unless forfeiture is sought in a criminal case and efficiency precludes the filing of both;
- (2) In personam civil forfeiture will be filed only in those unusual instances when an in personam civil action is appropriate in any event. In most such actions, an in rem count will be joined, if possible, as an alternate claim for relief;
- (3) Where both in rem civil and criminal prosecution are contemplated, the criminal action will be filed simultaneously with or following the in rem forfeiture relating to the same property;
- (4) In personam civil and in personam criminal forfeiture will not normally be sought of the same property in the same or a related case.

From: [Conrad, Donald](#)
To: [Bailey, Michael](#)
Subject: FW: My cover note
Date: Friday, November 13, 2015 1:28:05 PM

FYI

From: Perkovich, Mark
Sent: Friday, November 13, 2015 11:44 AM
To: Conrad, Donald
Subject: FW: My cover note

Please see the mail exchange below between Dan and Mr. Graven. I also have one of the packets Mr. Graven sent out to multiple recipients if you're interested in reviewing it.

Mark

From: Woods, Dan
Sent: Friday, November 13, 2015 10:13 AM
To: Perkovich, Mark
Subject: Fwd: My cover note

I think the last ten years has caused Will to lose his ability to be rational. I'm not sure what to do at this point...

----- Original message -----
From: "Woods, Dan" <Dan.Woods@azag.gov>
Date: 11/13/2015 10:08 AM (GMT-07:00)
To: "'will@willgraven.com'" <will@willgraven.com>
Subject: RE: My cover note

Will,

You are wrong on almost every one of your claims. Don Conrad and Paul Ahler did not block anything. Don Conrad did not walk out of any presentation. There is no conspiracy to protect the Attorney General's Office. This is a complex case with a lot of facts – people will not always agree on the path forward. All you have done by sending this letter is undermine your own credibility.

Dan Woods
Assistant Chief Special Agent
Criminal Division
Arizona Attorney General's Office
1275 West Washington Street
Phoenix, Arizona 85007
Office: 602-542-8059
Cell: 602-[REDACTED]

From: will@willgraven.com [<mailto:will@willgraven.com>]
Sent: Friday, November 13, 2015 8:30 AM

To: Woods, Dan
Subject: My cover note

SA Woods:

Good morning.

Yes, against your explicit instructions and my agreeing to not use such, I made copies of the Snell & Wilmer video/PowerPoint and sent the copies to several parties that I thought could put a stop to Don Conrad's (and Paul Ahler's) personal agenda(s) at the Attorney General Office.

Conrad and Ahler have said "Fuck Justice, and fuck Graven and his family and friends, we must protect mine/ours first."

I will not accept Justice being the personal playground of these two corrupt officials.

Conrad came to replace Andrew Pacheco early this year. Ever since then, my receiving Justice has suffered. (I know this by comments from multiple parties in your office, and certain parties that have left your office, over the months.)

I will no longer accept my getting fucked for Don Conrad's personal interpretation/usage of Justice, nor what his mood may be, or his inability to change his mind when new evidence is presented.

Sincerely,
Will Graven

PS Attached is the cover note that was stapled to the printed Recommended Charges pages, which were folded in half, with a memory stick placed in between the folded pages, and mailed.

W

From: [Conrad, Donald](#)
To: ["Rodriguez, Lisa"](#)
Subject: FW: NAAG Negotiations Training
Date: Thursday, December 03, 2015 1:29:24 PM
Attachments: [Agenda Negotiations Skills.docx](#)
[image001.png](#)

Send to Division chiefs

From: Neumann, Valerie
Sent: Thursday, December 03, 2015 12:24 PM
To: Northup, Dawn; Watkins, Paul; Johnson, John; Lopez, John; Conrad, Donald
Subject: NAAG Negotiations Training

Division Chiefs,

NAAG is scheduled to hold a two day Negotiation Skills Training Tuesday, January 26, 2016 and Wednesday, January 27, 2016 here in the CAP Center basement. We have 32 spots available for those interested in refining their negotiation skills. Participants should bring a brown bag lunch, as the schedule includes a "working lunch" both days. Please see the attached draft agenda for more details.

Please send your ranked nominations to me by December 13, 2015.

Thank you,

Valerie Neumann
Executive Assistant to Chief Deputy Michael Bailey
Office of the Arizona Attorney General
1275 W. Washington St.
Phoenix, AZ 85007
602-542-8017 Office
valerie.neumann@azag.gov





**NATIONAL ATTORNEYS GENERAL
TRAINING & RESEARCH INSTITUTE**
THE TRAINING & RESEARCH ARM OF THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Negotiation Skills

Office of the Arizona Attorney General
January 26-27, 2016

AGENDA

Tuesday, January 26, 2016

8:00 a.m. – 9:00 a.m.

Registration

9:00 a.m. – 9:15 a.m.

Welcome and Introductions

9:15 a.m. – 9:30 a.m.

Training Overview and Group Assignments

9:30 a.m. – 10:45 a.m.

Oil Pricing Exercise

10:45 a.m. – 11:00 a.m.

Break

11:00 a.m. – 12:00 p.m.

Effective Negotiations

12:00 p.m. – 1:00 p.m.

Working Lunch, Prepare for Negotiation: The Axis Affair

1:00 p.m. – 2:00 p.m.

Working Negotiation

2:00 p.m. – 2:15 p.m.

Break

2:15 p.m. – 3:00 p.m.

Discuss Outcomes from Negotiation: The Axis Affair

3:00 p.m. – 4:00 p.m.

Lecture: The Importance of Preparation as a Negotiator

4:00 p.m. – 5:00 p.m.

**Wrap Up and Preparation for tomorrow: NATAGA v.
Electronic Strategy Solutions; RAND v. Dept. of Health and
Human Services et. al**
Program Participants

Wednesday, January 27, 2016

9:00 a.m. – 10:00 a.m.

Negotiations Begin: NATAGA v. Electronic Strategy Solutions
Program Participants

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 10:45 a.m.

Group Reports

10:45 a.m. – 11:45 a.m.

Lecture: The Ethics of Negotiation

11:45 p.m. – 12:30 p.m.

Working Lunch

12:30 p.m. – 1:30 p.m.

Final Negotiation: RAND.v. Dept. of Health and Human Services et. al

1:30 p.m. – 2:00 p.m.

Group Report: Discuss Outcomes and Negotiation

2:00 p.m.

Program Adjourns

DRAFT

From: [Rodriguez, Lisa](#) on behalf of [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: NADDI Investigator of the Year Award
Date: Thursday, October 15, 2015 11:05:11 AM
Attachments: [image003.png](#)
[26th Annual Conference draft Oct 13.doc](#)

From: Duplissis, Steve
Sent: Thursday, October 15, 2015 11:02 AM
To: Conrad, Donald
Cc: Ahler, Paul; Loftus, Charles; Woods, Dan; McClain, Mark; Schwegel, James; Perkovich, Mark
Subject: FW: NADDI Investigator of the Year Award
Importance: High

Sir,

HCF's SA Williams has been selected as the 2015 NADDI Investigator of the Year. This is another fine example of the outstanding work we are getting from the SIS Section.

Please see the email below.

Steve

Steven J. Duplissis, J.D.
Section Chief Counsel
Health Care Fraud and Abuse Section
Criminal Division
Office of the Attorney General
(602) 542-3881



From: Charlie Cichon [mailto:[\[REDACTED\]@naddi.org](#)]
Sent: Thursday, October 15, 2015 10:41 AM
To: Williams, Travis
Cc: [\[REDACTED\]@naddi.org](#); Anne Louise Smith
Subject: NADDI Annual Conference
Importance: High

Travis:
The National Association of Drug Diversion Investigators (NADDI) has selected you as our

2015 NADDI Investigator of the Year.

NADDI would be honored if you could join us during opening ceremonies of our 26th Annual Conference on Tuesday, November 17th to accept the award.

The Investigator of the Year award includes round trip airfare / lodging – 4 nights at the conference hotel / and a complimentary registration to the annual conference.

Please let me know as soon as possible if you are able to accept the award and join us in Orlando November 17th through the 20th for our conference.

I'll send you additional information about travel, lodging and registration. A copy of the agenda is also attached.

If you have any questions, I can be reached today or tomorrow at my home/office 410- [REDACTED] or anytime on my cell 443- [REDACTED]

Lisa and I, together with the entire executive board are looking forward to seeing you in Orlando.

Best Regards
Charlie

Charlie Cichon
Executive Director
National Association of Drug Diversion Investigators
NADDI
www.naddi.org





**NATIONAL ASSOCIATION OF DRUG DIVERSION INVESTIGATORS
26th ANNUAL EDUCATIONAL TRAINING CONFERENCE
WYNHDAM ORLANDO RESORT INTERNATIONAL DRIVE**

MONDAY, NOVEMBER 16, 2015

- 12:00 p.m. NADDI BOARD OF DIRECTORS - STATE CHAPTER PRESIDENTS LUNCHEON
AND ANNUAL BOARD MEETING - Oleander
- 4:00-6:00 p.m. EARLY REGISTRATION
Wyndham Lobby
- 7:30 p.m. MONDAY NIGHT FOOTBALL WELCOME RECEPTION
Houston Texans at Cincinnati Bengals

TUESDAY, NOVEMBER 17, 2015

- 7:30 a.m. COFFEE SERVICE -- Sponsored by NADDI
Palms Ballroom Foyer - Exhibits Open
- REGISTRATION
Palms Ballroom Foyer

OPTIONAL PRE-CONFERENCE: BASIC DIVERSION PROGRAM

- 8:00 a.m. **PRESCRIPTION DRUG ABUSE AND DIVERSION
THE SCOPE OF THE PROBLEM 2015**
Lisa McElhaney, NADDI President
- 9:00 a.m. BREAK
- 9:15 a.m. **CURRENT PHARMACEUTICAL DRUGS - ABUSE TRENDS**
Marc Gonzalez, PharmD.
NADDI Associate Education & Training Coordinator
- 10:15 a.m. BREAK
- 10:30 a.m. **DOCTOR SHOPPERS & FORGED PRESCRIPTIONS**
Ernie Kirchin, Security Manager, Moses Cone Hospital
NADDI Education & Training Coordinator
- 11:30am LUNCH ON YOUR OWN

- 1:00 p.m. **OPENING GENERAL SESSION - WELCOMING REMARKS
NADDI LIFETIME ACHIEVEMENT AWARD**
- 2:30 p.m. **PM BREAK – Sponsored by NADDI
Palms Foyer Lobby - Exhibits Open**
- 3:00 p.m. **A DELICATE BALANCE – THE CHALLENGE of TREATING PAIN –
and STOPPING PRESCRIPTION DRUG ABUSE in AMERICA**
- TREATING PAIN, COMBATING ABUSE**
J. David Haddox, DDS, MD
Vice President, Health Policy, Purdue Pharma L.P.
- A PHYSICIAN’S PERSPECTIVE of Rx OPIOIDS & PAIN MANAGEMENT**
Gerald M. Aronoff, MD
Medical Director, Carolina Pain Associates, P.A.
North American Pain & Disabilities Group
- 4:30 p.m. **INTRODUCTION OF EXECUTIVE BOARD AND CHAPTER PRESIDENTS**
- 5:30 p.m. **HOSPITALITY NETWORKING**
Location TBA

WEDNESDAY, NOVEMBER 18, 2015

- 7:30 a.m. **COFFEE SERVICE – Sponsored by Dunn Meadow Pharmacy
Palms Ballroom Foyer – Exhibits Open**
- 8:30 a.m. **MISSISSIPPI DRUG COURTS
WORKING WITH LAW ENFORCEMENT AND THE COMMUNITY**
Marcus Ellis, Coordinator
8th Judicial District Drug Court
- 9:30 a.m. **BREAK – Exhibits Open**
- 10:00 a.m. **PERSONAL STORIES of ADDICTION**
Erin - Breaking the Stigma - An Honor Roll Heroin Addict
The Matthew Lowry Story - From Special Agent to Addict
Captain Daniel Alioto
Commander St. Mary’s County Sheriff’s Office Vice Narcotics
- NOON **NETWORKING LUNCHEON**
- 1:00 p.m. **STATE & FEDERAL Rx DRUG PROSECUTIONS
A PROSECUTORS PERSPECTIVE**
Roger West, Assistant United States Attorney
Eastern District of Kentucky
- 2:30 p.m. **PM BREAK – Sponsored by Orexo US, Inc
Palms Ballroom Foyer Exhibits Open**

3:00 p.m. **OPIOIDS and ABUSE DETERRENT PROPERTIES (OADP)
EMERGING TECHNOLOGIES as
PART of FEDERAL DRUG CONTROL STRATEGY**
J. David Haddox, DDS, MD
Vice President, Health Policy, Purdue Pharma L.P.

4:00 p.m. **NADDI BUSINESS MEETING**

5:30 p.m. **NETWORKING HOSPITALITY**
Location TBA

THURSDAY, NOVEMBER 19, 2015

7:30 a.m. **COFFEE SERVICE – Sponsored by Dynalabs LLC**
Palms Ballroom Foyer – Exhibits Open

8:30 a.m. **INVESTIGATIVE RESEARCH METHODS USING ADVANCED INTERNET
PROFILING & IMTELLIGENCE GATHERING THROUGH ONLINE
RESOURCES**
Michele Stuart, President, JAG Investigations

10:00 a.m. **BREAK – Exhibits Open**

10:30 a.m. **INVESTIGATIVE RESEARCH METHODS USING ADVANCED INTERNET
PROFILING & IMTELLIGENCE GATHERING THROUGH ONLINE
RESOURCES - CONTINUED**
Michele Stuart, President, JAG Investigations

NOON **NETWORKING LUNCHEON**

1:00 p.m. **REAL TIME TRACKING AND BLOCKING OF METH PRECURSORS
THE NATIONAL PRECURSOR LOG EXCHANGE (NPLeX)**
Krista McCormick, Appriss
Scott Kendall, Auburn (AL) Police Department

2:00 p.m. **PM BREAK – Sponsored by Collegium Pharmaceuticals, Inc**
Palms Ballroom Foyer - Exhibits Open

2:30 p.m. **DRUG DIVERSION FROM THE HEALTHCARE WORKPLACE
A MULTI-VICTIM CRIME**
Keith H. Berge, MD
Mayo Clinic, Rochester, MN

4:00 p.m. **BREAK – Exhibits Open**

4:30 p.m. **OVERDOSE PREVENTION STRATEGIES and GOOD SAMARITAN ISSUES**
Lisa McElhaney, NADDI President

5:30 p.m. **NETWORKING HOSPITALITY**
Location TBA

FRIDAY, NOVEMBER 20, 2015

- 7:30 a.m. **COFFEE SERVICE - Sponsored by Verde Technologies**
Palms Ballroom Foyer
- 8:30 a.m. **THE VENTURA MODEL – AN INTERAGENCY TASK FORCE WITH AN
ESTABLISHED INNOVATIVE MULTI-DISCIPLINARY APPROACH TO
ABUSE, DEMAND AND DEATH REDUCTION**
Sgt. Victor Fazio, Ventura County Sheriff's Office
NADDI California Chapter President
- 9:30 am Break
- 9:45 a.m. **FLORIDA Rx DIVERSION CASE STUDIES**
Dan Zsido, Pinellas County Sheriff's Office
NADDI Florida Chapter President
Donny Kennard, Sarasota County Sheriff's Office,
NADDI Florida Chapter VP
- 10:45 a.m. Break
- 11:00a.m. **PRESCRIPTION DRUG DISPOSAL
DETERRA DRUG DEACTIVATION SYSTEM**
Chief Bob Reynolds
Eden Prairie Police Department (MN)

CLOSING REMARKS

From: [Conrad, Donald](#)
To: [Rodriguez, Lisa](#)
Subject: FW: NADDI Investigator of the Year Award
Date: Thursday, October 15, 2015 1:28:26 PM
Attachments: [image002.png](#)

For newsletter

From: Perkovich, Mark
Sent: Thursday, October 15, 2015 12:14 PM
To: Duplissis, Steve; Conrad, Donald
Cc: Ahler, Paul; Loftus, Charles; Woods, Dan; McClain, Mark; Schwegel, James
Subject: RE: NADDI Investigator of the Year Award

Hi Steve, I see Travis wasn't listed on your email, has he been informed? In my opinion, this would be a great press release. It would not only raise awareness of the crimes being investigated by the AGO but the outstanding work of SA Williams in doing so.

Many thanks!
Mark

From: Duplissis, Steve
Sent: Thursday, October 15, 2015 11:02 AM
To: Conrad, Donald
Cc: Ahler, Paul; Loftus, Charles; Woods, Dan; McClain, Mark; Schwegel, James; Perkovich, Mark
Subject: FW: NADDI Investigator of the Year Award
Importance: High

Sir,

HCF's SA Williams has been selected as the 2015 NADDI Investigator of the Year. This is another fine example of the outstanding work we are getting from the SIS Section.

Please see the email below.

Steve

Steven J. Duplissis, J.D.
Section Chief Counsel
Health Care Fraud and Abuse Section
Criminal Division
Office of the Attorney General
(602) 542-3881



From: Charlie Cichon [mailto: [REDACTED]@naddi.org]
Sent: Thursday, October 15, 2015 10:41 AM
To: Williams, Travis
Cc: [REDACTED]@naddi.org; Anne Louise Smith
Subject: NADDI Annual Conference
Importance: High

Travis:

The National Association of Drug Diversion Investigators (NADDI) has selected you as our 2015 NADDI Investigator of the Year.

NADDI would be honored if you could join us during opening ceremonies of our 26th Annual Conference on Tuesday, November 17th to accept the award.

The Investigator of the Year award includes round trip airfare / lodging – 4 nights at the conference hotel / and a complimentary registration to the annual conference.

Please let me know as soon as possible if you are able to accept the award and join us in Orlando November 17th through the 20th for our conference.

I'll send you additional information about travel, lodging and registration. A copy of the agenda is also attached.

If you have any questions, I can be reached today or tomorrow at my home/office 410-[REDACTED] or anytime on my cell 443-[REDACTED]

Lisa and I, together with the entire executive board are looking forward to seeing you in Orlando.

Best Regards
Charlie

Charlie Cichon
Executive Director
National Association of Drug Diversion Investigators
NADDI
www.naddi.org



From: Conrad, Donald
To: Rodriguez, Lisa
Subject: FW: New Employee Confirmation- Reyna Celis
Date: Monday, November 16, 2015 4:27:41 PM
Attachments: image001.png
Condition of Employment Uncovered_PersReform_hired on&after 09-29-12 (Sept2013).docx

Do you know why I always get these things? Since we are just starting with KG, I'm inclined to tell her to stop sending to me.

From: Gee, Kay
Sent: Monday, November 16, 2015 4:27 PM
To: Dailey, Mike
Cc: Human Resources; Conrad, Donald; Rodriguez, Lisa; Garcia, Bobbie
Subject: New Employee Confirmation- Reyna Celis

Mike,

Human Resources has made the conditional employment offer and the offer has been accepted by Reyna Celis for SAG000000673 – Senior Paralegal. Ms. Celis' start date will be 11/23/2015 and she will attend New Employee Orientation with Human Resources at 8:30AM. Please submit the Network Security Form to ISS for processing. See below for the New Employee training schedule:

Day One	
8:30 am – 11am	HR/New Employee Training <ul style="list-style-type: none">• Security Badge, I-9 processing, Agency Overview, Policies & Procedures, Office Information and Paperwork.• Conditions of Employment, Position Description, MAP, Benefits, Employee Training Programs and Payroll
2pm – 4pm	Outlook /Hummingbird Training (2-3pm Outlook; 3-4pm Hummingbird) <ul style="list-style-type: none">• After training, new hires are release back to their section OA's and CFP satellite office employees are done for the day.

Day Two	
8am – 12pm	Legal Files Training

**If your New Employee/Intern will not need Hummingbird or Legal Files Training, please inform HR prior to the start date.*

Please remember, the status of this position is Uncovered, Non-Exempt and the

corresponding condition of employment is attached for your review.

Thank you,

Kay Gee

Human Resources Section



Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Desk: 602-364-0680
kay.gee@azag.gov

**OFFICE OF THE ATTORNEY GENERAL
AT- WILL UNCOVERED EMPLOYEE**

**CONDITIONS OF EMPLOYMENT
EMPLOYEES HIRED ON AND AFTER 09/29/12**

As an at-will uncovered employee you serve at the pleasure of the agency director and/or assistant director and can be dismissed at any time without cause or right of appeal. The State Personnel Rules provide a guideline for all uncovered employees. Also, as an at-will uncovered employee, the following conditions of employment apply to you:

1. Standards of Conduct

A state employee shall at all times:

- Comply with federal and state laws and rules, and agency policies and directives
- Maintain high standards of honesty, integrity, and impartiality, free from personal considerations, or favoritism
- Be courteous, considerate, and prompt in interactions with and serving the public and other employees
- Conduct himself or herself in a manner that will not bring discredit or embarrassment to the state

A state employee shall not:

- Use his or her official position for personal gain, or attempt to use, or use, confidential information for personal advantage
 - Permit himself or herself to be placed under any kind of personal obligation that could lead a person to expect official favors
 - Perform an act in a private capacity that may be construed to be an official act
 - Accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment, or loan that is, or may appear to be, designed to influence the employee's official conduct. This provision shall not prohibit acceptance by an employee of food, refreshments, or unsolicited advertising or promotional material of nominal value
 - Directly or indirectly use or allow the use of state equipment or property of any kind, including equipment and property leased to the state, for other than official activities unless authorized by written agency policy or as otherwise allowed by these rules
 - Inhibit a state employee from joining or refraining from joining an employee organization
 - Take disciplinary or punitive action against another employee that impedes or interferes with that employee's exercise of any right granted under the law or these rules
- 2. Hours of Work:** The agency shall determine the hours of employment for each employee. An employee may be required to work overtime to accomplish the work of the Office of the Attorney General. If you are required to work more than 40 hours in a week, and are non-exempt from the provisions of the Fair Labor Standards Act (FLSA), you will receive, for each hour over 40 worked, either 1½ times your regular rate of pay in cash, or 1½ hours of compensatory leave. Human Resources will let you know if you fall within this category.
- 3. Outside Employment:** A state employee may seek employment and engage in a variety of activities outside of the employee's work for the state. However, the employee shall not engage in other employment or other activity that is not compatible with the full and proper discharge of the duties and responsibilities of state employment, or that tends to impair the employee's capacity to perform the employee's duties and responsibilities in an acceptable manner. An employee who desires to engage in other employment or currently is engaged in outside employment will notify the employee's supervisor and complete the appropriate notification forms found at <https://sharepoint.azag.gov>. The agency will review outside employment notifications for approval.
- 4. Disclosure of Conflicts of Interests:** Employees shall disclose actual or potential conflicts of interest related to outside employment activities or any other reason as soon as the employee becomes aware of the conflict by completing the Conflict of Interest Disclosure form found at <https://sharepoint.azag.gov>. The agency will determine if a conflict or potential conflict exists.
- 5. Political Activities:** State law restricts political activities for uncovered employees.
- 6. Alcohol and Drug Free Workplace:** State agencies shall prohibit the manufacture, distribution, dispensation, possession or use of alcohol, illegal drugs, unauthorized drugs, inhalants, or other unauthorized controlled substances during an employee's working hours or while on state premises or worksites, including state vehicles and property leased to the state. A state employee shall not be impaired by alcohol or drugs while on duty.
- 7. Retirement:** Employees must participate in the Arizona State Retirement System (ASRS) or Public Safety Retirement System (PSPRS), dependent upon the classification of the employee's position. Retirement deductions may vary

from year to year and there is an initial 27 week waiting period for ASRS (with the exception of current ASRS members). A.R.S. § 38-711(23)(b) defines a member of Arizona State Retirement System (ASRS) as a.) someone who is engaged to work at least twenty weeks in each fiscal year and at least twenty hours each week (referred to as the 20/20), b.) Have been hired with the intention to work in a capacity that meets 20/20. For new employees that meet this definition, ASRS membership and contribution is required. Contact Human Resources if you have any questions regarding this information. Special Agents make application to participate in PSPRS unless the employee has retired from PSPRS. There is no waiting period for PSPRS. If an employee in a Special Agent position has retired from PSPRS, the employee will be required to participate in ASRS per A.R.S. § 38-727(2).

BENEFITS

Health:

Uncovered employees who work 20 hours or more per week are eligible to participate in the State’s health, dental, life and disability income insurance programs. There is no waiting period to receive ADOA administered benefits. New employees have 31 days from their date of hire to elect benefits. Benefits become effective the first of the pay period following receipt of a completed benefit enrollment form. For employees who are state agency transfers (that do not have a break in service) and are already participating in the State’s health, dental, life and disability income insurance programs, your current elections and premium deductions will continue without interruption.

Leave:

Provisions for leave time are outlined in the State Personnel Rules, Article 6. Uncovered employees are eligible to accrue and carry over annual and sick leave, as follows:

1. Annual leave

<u>Credited State Service</u>	<u>Hours Per Month</u>	<u>Hours Per Pay Period</u>
Fewer than 3 years	~ 8.5	4.00
3 years but fewer than 9 years	~ 12	5.54
9 years or more	~ 14	6.47

**Annual Leave is pro-rated for less than full time employees*

Annual leave accumulated in excess of 320 hours as of the end of each calendar year shall be forfeited, unless an exception is authorized by the Director of the Arizona Department of Administration.

2. Sick Leave: Sick leave for uncovered employees shall be earned at the rate of 3.70 hours per pay period, and the amount of leave carried over from year to year shall be unlimited. Sick leave is pro-rated for less than full time employees.

Uncovered employees do not have the right of appeal to the State Personnel Board if disciplined or dismissed.

I have received, read, understand and agree to abide by these conditions of employment and benefits associated with my status as an at-will uncovered employee. I understand that this list is not inclusive and that my conditions of employment also include compliance with the laws and personnel rules of the State of Arizona, and the regulations and operating procedures of the Office of the Attorney General by which I am employed. I understand this document does not add anything to or take anything away from the State Personnel Rules. In case of a conflict between this document and the State Personnel Rules, the State Personnel Rules control.

I understand that this information regarding my employment may in the future change in accordance with legislative enactments, changes in the personnel rules and/or management decisions. I understand that these changes can occur without my consent.

Employee Name (printed)

Employee Signature/Date

From: Conrad, Donald
To: Bailey, Michael
Subject: FW: Notice of Search Warrant
Date: Thursday, October 01, 2015 7:44:12 AM

From: Perkovich, Mark
Sent: Wednesday, September 30, 2015 4:17 PM
To: Conrad, Donald
Subject: Notice of Search Warrant

At 0830 tomorrow morning, Judge Scott McCoy will be signing a search warrant for Agent Williams (HCFA). Upon signature, an office building located at [REDACTED] Phoenix, reference the VEIT investigation, will be searched for evidence.

Mark Perkovich
Chief Agent

Office of the Attorney General
Special Investigations Section
1275 W. Washington, Phoenix, AZ 85007
Desk: 602.542.7944 | Cell: 480. [REDACTED] Fax: 602.542.4882
Mark.Perkovich@azag.gov
<http://www.azag.gov>

From: Conrad, Donald
To: "Bailey, Michael"
Cc: Ahler, Paul
Subject: FW: NY Times debates "Will Crime Rise If More People Are Kept Out of Prison?"
Date: Thursday, October 29, 2015 1:23:30 PM

FYI. I have asked Lisa to set a meeting among you, Paul and me to discuss mandatory sentencing. It's come up at the committee at APAAC attended by Paul and we need some direction about positions to take. Apparently an attack on mandatory sentencing is in the wind.

From: Hayley Zimmerman [mailto:Hayley.Zimmerman@apaac.az.gov]
Sent: Thursday, October 29, 2015 1:17 PM
To: Hayley Zimmerman
Subject: NY Times debates "Will Crime Rise If More People Are Kept Out of Prison?"

Good Afternoon Council,

On behalf of Kim MacEachern, kindly see the attached link.

http://sentencing.typepad.com/sentencing_law_and_policy/2015/10/ny-times-debates-will-crime-rise-if-more-people-are-kept-out-of-prison.html

Thank You,

Hayley Zimmerman
Administrative Assistant
Arizona Prosecuting Attorneys' Advisory Council
1951 West Camelback Road, #202
Phoenix, AZ 85015
(602) 542- 7222 Phone
Hayley.Zimmerman@apaac.az.gov
Website: <http://apaac.az.gov>

From: [Conrad, Donald](#)
To: "[Rodriguez, Lisa](#)"
Subject: FW: Office Space Planning
Date: Friday, October 16, 2015 1:28:01 PM
Attachments: [image001.png](#)

We should provide a tabulation of offices we need for categories of FTEs e.g. lawyers, paralegals, secretaries, investigators. I'm sure I left out some. Will you come up with current needs for offices please?

From: Welch, Leslie
Sent: Friday, October 16, 2015 1:16 PM
To: DL-Division Chiefs
Cc: Neumann, Valerie
Subject: Office Space Planning

Hello Division Chiefs,

We need to meet next week to briefly discuss your office space needs in preparation for the relocation project. As you know, we are considering a building located at 2005 N. Central. Since that building has less square footage than the Law Building, we need to assess the number of hard wall offices, modular cubes, specialty rooms (i.e. evidence or WAR rooms), and filing space to plan for. This will be an evolving process over time, so consider this round one.

Please be prepared to share your office space requirements. Valerie will be sending a meeting invite for Tuesday or Wednesday. Let me know if you have any questions.

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: Conrad, Donald
To: Rodriguez, Lisa
Subject: FW: Open Source Training
Date: Monday, October 19, 2015 2:20:25 PM
Attachments: Open Source Training Flyer.ppt

I want to go to this

From: Ahler, Paul
Sent: Monday, October 19, 2015 2:08 PM
To: Ahler, Paul; Blake, Scott; Giltner, Cynthia; Hames, Brett; Harriss, Mary; Hogan, Michelle; Kvesic, Andy; Lawson, Todd; Metz, Kalon; Powell, Michael; Quigley, Maura; Rudnick, Beverly; Waters, Joseph
Cc: Martinez, Gilda; Conrad, Donald; Perkovich, Mark
Subject: FW: Open Source Training

I have heard that this presentation is very good. She made a similar presentation to Investigations last week.

Paul W Ahler
Section Chief, Fraud and Public Corruption
Attorney General's Office
1275 West Washington
Phoenix, AZ 85007
602 542-8507

From: Martinez, Gilda
Sent: Monday, October 19, 2015 12:23 PM
To: Ahler, Paul
Subject: FW: Open Source Training

Would you like me to send this to the section or only AAGs? Thx

From: Cardenas, Sandra
Sent: Monday, October 19, 2015 12:21 PM
To: Maya, Autumn; Martinez, Gilda; Juarez, Maride
Cc: John Maddux
Subject: Open Source Training

Please forward to your staff.

Thank you,

Sandra Cardenas

Law Enforcement Administrative Assistant III

Office of the Attorney General – SIS/TRAC
1275 W. Washington, Phoenix, AZ 85007
Cell: 602.826.3860 | Fax: 602.542.4882
Sandra.Cardenas@azag.gov
<http://www.azag.gov>

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- ▶ Computer Safety And Much More

Details

- ▶ Date: November 5, 2015
- ▶ Time: 0800-1600
- ▶ Location: Mesa Public Safety Training Facility at 3260 N 40th St, Mesa, AZ
- ▶ RSVP ASAP to Sandra Cardenas At 602-826-3860 or sandra.cardenas@azag.gov