

From: [Perkovich, Mark](#)
To: [Loftus, Charles](#)
Cc: [Maya, Autumn](#)
Subject: RE: G316119 Lube-2015-3455
Date: Thursday, October 29, 2015 10:55:25 AM

Thanks Charlie – I am good with the process you outlined below. I will look for anything over the \$2k amount.

Mark

From: Loftus, Charles
Sent: Thursday, October 29, 2015 8:46 AM
To: Perkovich, Mark
Cc: Maya, Autumn
Subject: FW: G316119 Lube-2015-3455

Chief,

Attached is an estimate for service for John Stevens assigned vehicle. In the past I had discretion to approve these routine repairs since I have heavy involvement with the fleet overall. I want to make certain this process is acceptable. The D service is the most elaborate service which includes transmission filter/fluid change. I recommend we proceed with this repair.

Typically I had sought permission from the Chief on repairs to SIS vehicles starting at around \$2K or if the CBA of the vehicles overall value is marginal. For vehicles assigned to other budget categories such as HCFA, Tobacco and Consumer I communicate with the Unit Chief or supervisor.

Best,

Charlie

From: Tommy Arce [<mailto:TArce@azdot.gov>]
Sent: Thursday, October 29, 2015 8:28 AM
To: Loftus, Charles
Cc: Maya, Autumn
Subject: G316119 Lube-2015-3455

Charles,

This is a 2007 Cadillac Escalade with 88,916 miles in for a D service, left rear tire light on, and charging light coming on and off. We need to replace a leaky front axle seal, reset the TPMS, replace an erratic alternator, and worn wiper blades. Attached is an estimate for labor and parts, please advise how you would like to proceed.

Note: I'm not too sure if I should send you this estimate or Autumn but the user did not have any

other name to give me and in the past I normally dealt with you. So if there's someone else I should contact please let me know.

Thanks,

Tommy Arce Sr.

Auto/ Electric/ Radio Shops Supervisor

2225 S. 22nd ave Mail drop 071R

Phoenix, AZ 85009

Office: 602-712-6802

Fax: 602-252-8858

tarce@azdot.gov



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From: Perkovich, Mark
To: Ahler, Paul; Woods, Dan
Cc: Benjamin, Dena; Anger, Nancy
Subject: RE: Criminal referral -
Date: Tuesday, October 06, 2015 10:46:13 AM

Sure thing. In fact, I spoke to Frank Arvisu briefly about this yesterday afternoon. My ambition may get the best of me, but I'd love to see SIS Criminal take a more proactive role in certain investigations. Perhaps this might be one of them, much like the auto repair investigations conducted by Frank's group.

Mark

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

From: Ahler, Paul
Sent: Tuesday, October 06, 2015 10:13 AM
To: Perkovich, Mark; Woods, Dan
Cc: Benjamin, Dena; Anger, Nancy
Subject: FW: Criminal referral -

Mark, could you have one of the investigators look at this material and see if it is something we should investigate criminally?

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

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

From: Benjamin, Dena
Sent: Friday, October 02, 2015 2:42 PM
To: Ahler, Paul
Cc: Anger, Nancy
Subject: Criminal referral -

Good afternoon Paul,

The attached memorandum describes a recovery service targeting consumers who have already been victims of telemarketing scams. Of the 5 consumers from whom we've received written complaints, 2 are seniors and 1 is a veteran who got scammed after returning from a 5 year tour of duty in Kuwait. I have the consumer complaints in my office and will be happy to send copies to whoever you designate, if you'd like to take a closer look.

Thanks,
Dena

Dena R. Benjamin, Chief Counsel
Consumer Protection and Advocacy Section Office of the Arizona Attorney General
1275 West Washington
Phoenix, Arizona 85007
(602) 542-7717
dena.benjamin@azag.gov

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From: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Cc: [Ahler, Paul](#)
Subject: RE: Bitter Smith
Date: Friday, October 02, 2015 1:13:40 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

I too would be in agreement.

From: Conrad, Donald
Sent: Friday, October 02, 2015 1:02 PM
To: Perkovich, Mark
Cc: Ahler, Paul
Subject: FW: Bitter Smith

Mark, I would like to agree with this proposal but I want to hear from you before I do so.

From: Edward F. Novak [<mailto:ENovak@Polsinelli.com>]
Sent: Friday, October 02, 2015 10:49 AM
To: Conrad, Donald; Ahler, Paul
Subject: Bitter Smith

Don and Paul.

When you make arrangements with Janice or Jodi to image the computers could that be accomplished after business hours? There would be less disruption in the work place and probably less publicity. Thank you.

Ed

Edward F. Novak
Attorney At Law

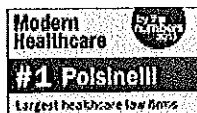
enovak@polsinelli.com

602.650.2020

One East Washington St., Suite 1200

Phoenix, AZ 85004-2568

polsinelli.com



Polsinelli PC, Polsinelli LLP in California

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From: [Perkovich, Mark](#)
To: [Rieve, Shaun](#)
Cc: [Eckert, Robert](#); [Anderson, Ryan](#)
Subject: Re: Arizona Power Authority
Date: Friday, October 30, 2015 3:42:25 PM
Attachments: [image001.png](#)

Thanks Shaun Roh has anyone from I

something up with them next week.

Maybe we can shore

Thanks-
Mark

On Oct 29, 2015, at 3:45 PM, Rieve, Shaun <Shaun.Rieve@azag.gov> wrote:

FYI

Shaun Rieve
Director of Intergovernmental Affairs



Office of Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Desk: 602-542-8351 | Cell: 602-478-6605
Shaun.Rieve@azag.gov
<http://www.azag.gov>

From: kelly.urbine@currentinsightinc.com [<mailto:kelly.urbine@currentinsightinc.com>]
Sent: Thursday, October 29, 2015 3:42 PM
To: Rieve, Shaun
Subject: Arizona Power Authority

Shaun,

I'm writing with an update on my recent problems with the Arizona Power Authority.

1. I went to the APA this morning and asked to view the file containing conflict of interest disclosures. After spending 3 hours waiting, I left that office. I was told by the interim acting director, Bob Johnson, that my request had to go through Mike McVey, the interim attorney. Mr. Johnson called Mr. McVey and sent him all the scanned documents from that file. After waiting for 3 hours, I called Mr. McVey to ask why I was not allowed access to the file, since the file's contents are required to be made available to any member of the public. He told me that I would be allowed access after he removed privileged information from the file.

2. I received messages from my municipal clients asking about a letter they received from Mr. McVey announcing that their appeals were not valid since I am not an attorney and I submitted the appeals. I was supposed to have been sent copies of these letters to the cities, but I was not. I asked McVey about this on the phone today and he accused me of "the unauthorized practice of law, according to Rule 31." The APA has prohibited my attorney from participating in the appeal or any other matter involving the APA, and I was unaware that any rules required an attorney to basically hand the APA a letter that the allocation decision was being appealed by the city. Those rules were never laid out in any correspondence concerning appeals to the agency. Additionally, I

asked McVey to send me the letters he sent to the cities immediately and he agreed to do so. He has not sent them.

My business is now suffering as a result of these actions on the part of the APA. I wonder if you can offer any advice to me. I feel as though the APA is contacting my clients without my knowledge in an attempt to discredit me. I also feel that their refusal to make available the public records in their entirety violates the state law regarding the conflict of interest matter. Incidentally, some of my municipal clients have been intimidated by Mr. McVey's letter into withdrawing their appeals. I myself wonder if the APA will attempt to have me charged with some violation under the Rule 31 that McVey cited.

I hope you will respond and offer your thoughts on the above matters. I would really appreciate the assistance of the Attorney General's office, even if it is just advisory. I believe the above actions of the APA provide more evidence that it is operating in a corrupt manner and deserves some attention from an authority with oversight.

Sincerely,

Kelly Urbine
Current Insight, Inc.
kelly.urbine@CurrentInsightInc.com
(480)

From: [Perkovich, Mark](#)
To: [Eckert, Robert](#); [Edwards, Michael](#)
Cc: [Woods, Dan](#)
Subject: Fwd: Arizona Power Authority
Date: Monday, October 05, 2015 11:38:13 AM
Attachments: [image001.png](#)
[ATT00001.htm](#)
[APA MaL.PPTX](#)
[ATT00002.htm](#)

Rob or Mike, can you provide an update regarding Shaun's inquiry? I'm not sure who/where this allegation resides, so my apologies for sending it to you both.

Begin forwarded message:

From: "Rieve, Shaun" <Shaun.Rieve@azag.gov>
Date: October 5, 2015 at 11:19:11 AM MST
To: "Perkovich, Mark" <Mark.Perkovich@azag.gov>
Subject: **Arizona Power Authority**

Hi Mark,

Please see attached a list of complaints and information that we had received regarding the Arizona Power Authority. I believe this was sent to your folks a little over a month ago and I am just trying to track it down and get a status update. I also received the letter below yesterday from an individual who is engaged with the Power Authority that highlights some of the issues. Rex Nowlan in our office has been working on this. Please let me know if you have any questions or would like any additional information.

Thank you for your help,

Shaun

Hello Shaun,

We spoke about a week ago about the Arizona Power Authority. I currently represent several Arizona municipalities who recently received Hoover power allocations from the APA. Some of those cities would like to appeal the final allocation decisions of the APA, and the deadline to appeal is October 15. As their representative, I will be handling the appeal along with an energy attorney hired by my company, Doug Fant, who was the former attorney for the APA until he was fired a few months ago. Mr. Fant believes that his dismissal was political. Among other things, he feels he was fired for advising the chairman of the APA, Steve Brophy, that Mr. Brophy disclose his substantial financial interest in the outcome of the allocations. Because of this history

of unchecked abuse of power and my affiliation with Mr. Fant, I am frankly afraid of moving forward with the appeal. The appeal process should be a routine business matter to correct inequities. Instead, many of the parties considering an appeal have withdrawn due to fear of possible negative repercussions and the hopeless aspect of dealing with this agency which has acted so unfairly to new customers throughout the entire process. My reason for writing to you now is that I have a great deal of trepidation, given the past behavior of the APA and the significant amount of power (and money) at stake.

This letter to you is to establish a record anticipating possible retribution from these powerful individuals who have taken over the Arizona Power Authority. I fear that the cities who appeal the final allocation decisions will be punished by the APA for the appeal and the revelations of APA misdeeds cited within the appeal . These cities are Payson, Sedona, Globe, Maricopa, Sierra Vista, and Buckeye. I also have a certain amount of unease about the ability of the APA to harm myself or my business as a result of my participation in this appeal. I hope that the Attorney General's Office is continuing its investigation into the activities of the APA. Please keep me informed, if possible, as I have a lot to lose depending on the outcome of your investigation.

I truly appreciate your time and dedication in attending to this matter.

Sincerely,

Kelly Urbine
Current Insight, Inc.
kelly.urbine@CurrentInsightInc.com
(480).....

Shaun Rieve
Director of Intergovernmental Affairs



From: [Perkovich, Mark](#)
To: [Maya, Autumn](#)
Subject: FW: Transfer - Offer Letter and Conditions of Employment
Date: Monday, November 30, 2015 3:55:56 PM
Attachments: [image001.png](#)
[AG Offer Letter - Internal Transfer - McClain, Mark.pdf](#)

This might help more!

From: Knebel, April
Sent: Thursday, October 08, 2015 4:51 PM
To: McClain, Mark
Cc: Human Resources; Rodriguez, Lisa; Conrad, Donald; Perkovich, Mark
Subject: Transfer - Offer Letter and Conditions of Employment

Dear Mr. McClain,

Congratulations on your new position within the Office of the Attorney General! Attached is your offer letter and conditions of employment, please sign and return to Human Resource. Human Resources will have your Position Description Questionnaire ready for signature on Monday, October 13, 2015.

If you have any questions, feel free to call us at 602-542-8056.

Thank you,

April Knebel
Human Resources



Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Desk: 602-542-8053
april.knebel@azag.gov



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
OPERATIONS DIVISION

HUMAN RESOURCES
SECTION

October 8, 2015

Mr. Mark McClain

Prescott, AZ 86304

Dear Mark,

This letter is to confirm your new job assignment as a Special Agent Supervisor, position number SAG000000298, grade 23, within the Criminal Division/Special Investigations Section of the Office of the Attorney General. Your base salary will be \$78,000.00 per year. Your starting date is 10/13/2015.

As an at-will uncovered employee, you serve at the pleasure of the Attorney General's Office. This position is a nonexempt FLSA status and will earn 1.5 overtime for hours physically worked over 40 per week.

You will need to return a signed copy of this memorandum and the attached condition of employment to the Human Resources Section. If you have any questions, or if there is anything in which we can assist you in making your transition into this position, please contact us at (602) 542-8056.

Sincerely,

Human Resources
Office of the Attorney General

Acknowledged:

Print Name

Signature

Date

From: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Subject: FW: Startling turn of events in Colorado City today.
Date: Wednesday, October 14, 2015 4:05:16 PM

For your review.

From: Michael Saltz [<mailto:MichaelS@azpost.gov>]
Sent: Wednesday, October 14, 2015 9:06 AM
To: Perkovich, Mark
Subject: FW: Startling turn of events in Colorado City today.

Hi Mark, hope all is going well.

I'm not sure if you saw this email from Isaac Wyler who does much of the UEP Trust work in Hilldale/Colorado City. This issue is concerning, but without an investigation I don't think POST can take action.

Just wanted to bring it to you and your staff's attention.

-Mike-

*Michael F Saltz
Assistant Attorney General
Arizona POST
2643 E. University Drive
Phoenix, AZ 85034
Voice: 602-774-9373
Fax: 602-244-0477*

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From: Isaac Wyler [<mailto:isacwyler@hotmail.com>]
Sent: Wednesday, October 14, 2015 1:02 AM
To: Arizona Attorney General's Office U.E.P.Trust team; Arnie Stolz; Bobela, Karen E - SOL; Brian McGrew; Bryan Bond; Chad Sampson; Charlotte Haught; Courtney Coolidge; Crockett, Jessica CRT; David Weinzweig; David Wolf; Gary France, FBI; Gary Maschner; Gzifa, Anika CRT; James Schoppman; James Schoppmann; Jesse Cuiilty; Jessica Clarke; Jon Jonathon Teital; Joni Jones; Joseph Burgess; Kirk

Torgensen; Lori Wagner; Macias, CarolynCarrie; Michael Edwards; Mike Deltenre; Mike Edwards; Paul Murphy; PJ Janik; Rich Fordham; Scott Stephenson; Sean Keveney; Sean Keveney; Steve Auld; Timna Sites; wood.mitchell@dol.gov

Subject: Startling turn of events in Colorado City today.

To those watching what is happening in Colorado City/Hildale;

Background:

Seth Cooke, Ron and Jinjer Cooke's brother, and brother-in law, had an agriculture lease agreement, along with Patrick Pipkin, from the UEPTrust, on 12 acres of land down by and along Short Creek, commonly known as the FMJ Zoo. It was properly signed by the UEPTrust's fiduciary, Bruce Wisan, and was a legal and binding contract, duly authorized by Judge Lindberg, whose court oversee's the United Effort Plan Trust.

There were people on the Zoo property without the permission of the UEPTrust, who owns the property. Consequently, Seth and Patrick legally posted the property, on all the gates and in many places on the Zoo's fences, with a "Notice to Vacate" in five days, as is done typically with commercial property in Arizona and according to the Arizona statute.

That time was legally up yesterday.

The end of the notice had this wording, "If you have any questions regarding this demand, please contact Prairie Farms LLC. We would like to talk to the occupants and see what your needs are and work something out with Prairie Farms LLC".

Sincerely,

Prairie Farms LLC 801 444 4444

Seth Cooke

Since it appeared this morning, that there were still people there who hadn't contacted them in the last 6 days, though some had left, and since they had seen someone moving a fridge into the zoo, along with other belongings of a residential nature, and putting it in the tack shed, they called the Mohave County Sheriff's Office for help in enforcing their "Notice to Vacate".

Sergeant Nelson put together a task force of three Mohave County Sheriff's officers to enforce the demand. They met with Seth and Patrick, who had Andrew Chatwin there videoing everything that went on. They had some issues that have yet to be resolved, but they are a separate incident.

The important thing, is that when the Mohave County officer's left, everything was resolved. Seth and Patrick ended up giving Verelyn Young and his crew 3 hours to remove their private property, in addition to the 5 days they had already had. The fids man , Chad Johnson, claiming to be residing in the tack shed, worked out an agreement with Seth and Patrick to live in the shed etc..

Mohave County Sheriff's Officer's then cleared everyone out that wasn't supposed to be there and left the scene as it should be, so that Seth and Patrick could lock up their gates.

About 5 hours later, I was informed by Seth Cooke, that the entire watering system for the 12 acre property had been ruined and stolen during the 3 hours they had let the fids people there remove their personal property. I informed Bruce Wisan of the fact. Since this was an actual loss to the UEPTrust, he authorized me to investigate and document the theft of the water system, and any other vandalism, and turn it into the cops. I was to press charges for the violation of Judge Lindberg's injunction order, as well as destruction and theft of the property etc.. This was about five hours after Seth and Patrick had control of their property and everyone had left. They were fixing fences and securing their property with padlocks on the gates etc..

This is where it gets rather bizarre:

I arrived and looked at a small bit of the vandalized water system with Seth Cooke, Andrew Chatwin and Patrick Pipkin. It was bad and looked like the damages were going to be in the \$1,000.00's of dollars. I then called the local police and officer D. R. Barlow was dispatched to the property to investigate the crime.

When he got there, rather than go with me and take a report of the ruined water system and stolen equipment, he told me he was going to arrest me. He said that Seth Cooke, Patrick Pipkin and Andrew Chatwin were all right to be there, but that I wasn't, and said I was trespassing. He said that Seth, Patrick and Andrew were guests of Chad Johnson, but that as "Guests", they had no right to invite me (I work for the Special Fiduciary who works for the court, essentially, the property owner) onto the property.

I called Mohave County dispatch and asked them to send at least one officer back to the property to help resolve this new conflict, instigated entirely by the Colorado City Marshal, D.R. Barlow. At the same time, this officer called his chief of police, Jerry Darger to find out what to do next.

When the Mohave County Sheriff's officer arrived (officer Portillo), he explained to the local city officer all that they had gone through this morning (he was there on the scene the entire time), but the local officer wouldn't accept the Mohave County Sheriff's Office determination that the zoo was commercial property. He wanted to keep talking to his chief

of police, Jerry Darger , to get a different determination.

As our officer turned to go talk to his sergeant, officer Nelson, who had been there the whole morning with his task force, officer D.R. called his dispatch for police backup. Our officer spun around and said something like, " You realize we are on the same side don't you"? He then called Mohave County for back up, as I understood it.

Later, officer D.R. and officer Portillo explained to each other again the way things really were. I had clearly talked to D.R. about the letters from County Attorney James Schoppman concerning commercial property, but he would have none of those letters. He didn't have any interest in what the Mohave County Sheriff's Office and it's legal counsel had determined.

Officer Portillo then said that they (the two officers), would just have to agree to disagree. He said that Mr. Wyler has every right to be here at this property and asked officer Barlow if he was going to investigate the vandalism or not and take Mr. Wyler's report. He also got his sergeant, officer Nelson, on his speaker phone, who clearly told officer Barlow that his officer was taking the correct position on this matter.

Officer Barlow began the investigation of the damaged property. On the first little pasture we documented 35 sprinklers stolen and many of the pipe stands destroyed, as well as freshly destroyed sprinklers etc.. About then, 3 Washington County deputies arrived as back up for officer Portillo and local chief of police , Jerry Darger, arrived as backup for officer Barlow.

Shortly after that, another Mohave County officer, deputy Macia , arrived as backup for officer Portillo as well. Chief Darger said he was going to uphold his city attorney, Ken Brendel's position, that not only was Isaac trespassing, now Seth, Patrick and Andrew were trespassing as well. He said if we didn't leave now, he was going to have us all arrested. Officer Portillo said that he called his officer in charge, and he had said that they were not going to stop the local cops from arresting us, but that if we were arrested, they would gather evidence and be witnesses in the case, then told the local cops that their counsel was to **not** arrest any of us.

I called Bruce Wisan, owner of the property, and the man I work for. I told him the situation and that I was willing to be arrested if the local cops pushed it that far. Bruce basically told me that this type of egregious behavior by the local cops was going to be addressed by the D.O.J. and to let the local cops run me off the property, and stop me from being able to document the vandalism damage to the UEPTrust property etc.. He said he didn't want me arrested (essentially, this was all over a tack shed that wasn't worth the wages of the officers involved in the incident that day).

I told Bruce I would leave if the local officers told me too, even though the Mohave County Sheriff's officer's were saying I had every right to be there. Officer Jerry Darger then told all of us (Seth had already gone outside the fence by then to get paperwork for the officers) to leave the property or be arrested. I took my video camera and spare batteries from Andrew and left the property as requested, even though I knew it was wrong of them to request it of me.

Then I come back to the outside of the fence and continued to ask questions and present our argument from outside of the fence. I asked D.R. if he was recording all this, because I told him that the last time I was at an arrest like this (the Emil Fischer case), they had turned **off** their recorders. I knew, because the next day, when I requested the recording from the local police department, through a "Freedom of Information Request"; They said there was no recording. This is highly irregular, because they always record my interactions with them.

DR admitted to me, in front of the Mohave County officers , that he had turned off his recorder a while ago. I then asked him to turn it back on, as this arrest unfolded. He wouldn't say he would or wouldn't. I presume he didn't, even though he walked away.

I then witnessed and videoed officer's Jerry Darger and officer Daniel Roy Barlow arrest, first Andrew Chatwin, then Patrick Pipkin, for not leaving their property. I didn't hear the officer's reading them their Miranda rights, but they may have done it in the separate police vehicles, after they were cuffed, or on the way to to what we assumed was Purgatory Jail, in Utah.

I also witnessed the Mohave County Sheriff's officer's gathering evidence and videos of the arrest etc..

These local police officers took the word of an fids man, Chad Johnson, (Andrew's brother in law), claiming to be living in the zoos tack room, who couldn't prove an occupancy agreement from the Trust to live there, couldn't prove the water, or power, was in his name, wouldn't say who authorized him to be there at all, and couldn't prove that he had any right of any kind to be there at all. Additionally, they had the word of Seth and Patrick that a fridge had been brought in the previous day at 2:30 pm, and another lady saw them bringing personal items to the tack room when she was picking her children up from school yesterday.

They took the fids mans word over someone with full documentation, and proof they were shown, of every single legal step they had gone through to be there at this time. They also went against direct admonition from the Mohave County Sheriff's officers, that

they shouldn't make this arrest.

Then I videoed local officer Curtis Cooke overseeing Streamline Automotive impounding Andrew's truck and hauling it away, to an impound yard I presume, while officer Portillo witnessed it. I also videoed Seth Cooke giving officer Cooke a key to their gate.

I later found out, through private investigator Sam Brower, that Andrew and Patrick had been booked into the Purgatory Jail, and wouldn't be able to face the judge until the next morning.

Isaac Wyler

From: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Subject: FW: PHX-#4795473-v1-P-2015-1475-OTH-Summary_Richards_Payments.XLSX
Date: Friday, December 04, 2015 11:30:37 AM
Attachments: [PHX-#4795473-v1-P-2015-1475-OTH-Summary_Richards_Payments.XLSX](#)

Don, as an update, it appears as though the Kingman case resulted in a little over \$1M of embezzled funds.

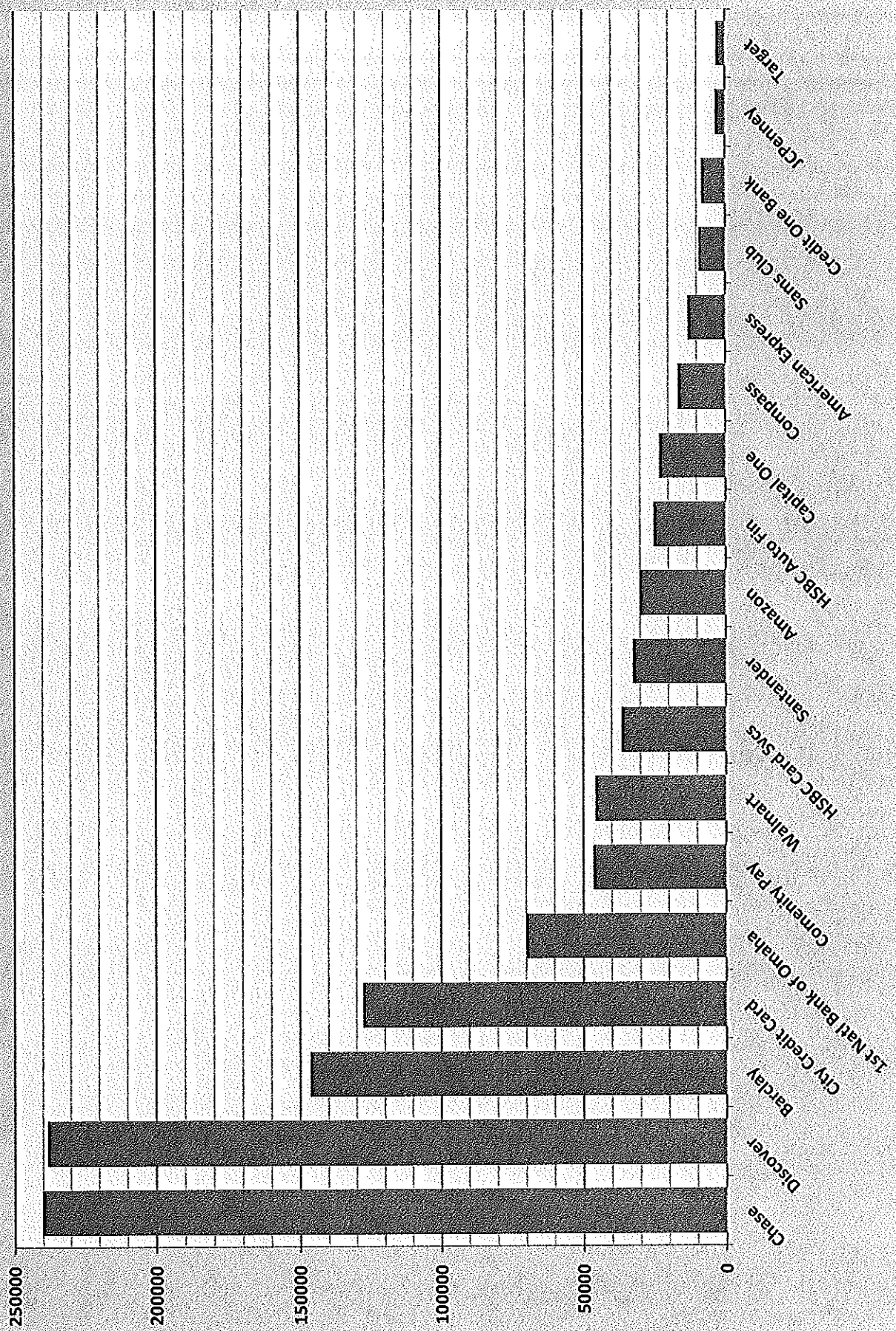
From: Ali, Dilsher
Sent: Wednesday, December 02, 2015 4:57 PM
To: Perkovich, Mark
Subject: PHX-#4795473-v1-P-2015-1475-OTH-Summary_Richards_Payments.XLSX

Hi Mark,

I summarized the data I received from the City of Kingman into the attached table and chart

<u>Diane Richards Credit Card</u>	<u>Grand Total</u>	<u>Date Range</u>
Chase	\$ 240,305.18	8/1/10 - 5/1/12
Discover	\$ 238,589.47	2/1/13 - 11/1/15
Barclay	\$ 146,436.77	1/1/14 - 10/1/15
City Credit Card	\$ 127,790.04	7/1/07 - 1/1/15
1st Natl Bank of Omaha	\$ 70,098.07	11/1/12 - 11/1/15
Comenity Pay	\$ 46,570.42	12/1/13 - 10/1/15
Walmart	\$ 45,721.84	11/1/12 - 10/1/15
HSBC Card Svcs	\$ 36,561.94	9/1/08 - 3/1/10
Santander	\$ 32,687.45	3/1/10 - 3/1/12
Amazon	\$ 30,233.71	12/1/12 - 11/1/15
HSBC Auto Fin	\$ 25,252.32	9/1/08 - 2/1/10
Capital One	\$ 23,296.75	9/1/08 - 3/1/14
Compass	\$ 16,670.75	6/1/13 - 2/1/15
American Express	\$ 13,141.94	7/1/15 - 11/1/15
Sams Club	\$ 9,321.08	5/1/13 - 10/1/15
Credit One Bank	\$ 8,283.80	9/1/08 - 2/1/10
JCPenney	\$ 3,425.86	4/1/13 - 10/1/15
Target	\$ 3,160.22	11/1/13 - 10/1/15
Grand Total	\$ 1,117,547.61	

Destination Accounts for Embezzled City Funds



From: [Perkovich, Mark](#)
To: [Davies, Georgia](#)
Cc: [Eckert, Robert](#); [Woods, Dan](#)
Subject: FW: Criminal referral -
Date: Wednesday, October 07, 2015 3:55:02 PM
Attachments: [201510021359.pdf](#)

Can you please take a look at the attached and get with civil for more information?

Thanks-
Mark

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

From: Ahler, Paul
Sent: Tuesday, October 06, 2015 10:13 AM
To: Perkovich, Mark; Woods, Dan
Cc: Benjamin, Dena; Anger, Nancy
Subject: FW: Criminal referral -

Mark, could you have one of the investigators look at this material and see if it is something we should investigate criminally?

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

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

From: Benjamin, Dena
Sent: Friday, October 02, 2015 2:42 PM
To: Ahler, Paul
Cc: Anger, Nancy
Subject: Criminal referral -

Good afternoon Paul,

The attached memorandum describes a recovery service targeting consumers who have already been victims of telemarketing scams. Of the 5 consumers from whom we've received written complaints, 2 are seniors and 1 is a veteran who got scammed after returning from a 5 year tour of duty in Kuwait. I have the consumer complaints in my office and will be happy to send copies to whoever you designate, if you'd like to take a closer look.

Thanks,
Dena

Dena R. Benjamin, Chief Counsel
Consumer Protection and Advocacy Section Office of the Arizona Attorney General
1275 West Washington
Phoenix, Arizona 85007
(602) 542-7717
dena.benjamin@azag.gov

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From: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Subject: FW: Arizona Power Authority
Date: Wednesday, October 21, 2015 10:54:00 AM
Attachments: [APA Mal.PPTX](#)
[image001.png](#)

For our afternoon discussion...

From: Rieve, Shaun
Sent: Monday, October 05, 2015 11:19 AM
To: Perkovich, Mark
Subject: Arizona Power Authority

Hi Mark,

Please see attached a list of complaints and information that we had received regarding the Arizona Power Authority. I believe this was sent to your folks a little over a month ago and I am just trying to track it down and get a status update. I also received the letter below yesterday from an individual who is engaged with the Power Authority that highlights some of the issues. Rex Nowlan in our office has been working on this. Please let me know if you have any questions or would like any additional information.

Thank you for your help,

Shaun

Hello Shaun,

We spoke about a week ago about the Arizona Power Authority. I currently represent several Arizona municipalities who recently received Hoover power allocations from the APA. Some of those cities would like to appeal the final allocation decisions of the APA, and the deadline to appeal is October 15. As their representative, I will be handling the appeal along with an energy attorney hired by my company, Doug Fant, who was the former attorney for the APA until he was fired a few months ago. Mr. Fant believes that his dismissal was political. Among other things, he feels he was fired for advising the chairman of the APA, Steve Brophy, that Mr. Brophy disclose his substantial financial interest in the outcome of the allocations. Because of this history of unchecked abuse of power and my affiliation with Mr. Fant, I am frankly afraid of moving forward with the appeal. The appeal process should be a routine business matter to correct inequities. Instead, many of the parties considering an appeal have withdrawn due to fear of possible negative repercussions and the hopeless aspect of dealing with this agency which has acted so unfairly to new customers throughout the entire process. My reason for writing to you now is that I have a great deal of trepidation, given the past behavior of the APA and the significant amount of power (and money) at stake.

This letter to you is to establish a record anticipating possible retribution from these powerful individuals who have taken over the Arizona Power Authority. I fear that the cities who appeal the final allocation decisions will be punished by the APA for the appeal and the revelations of APA misdeeds cited within the appeal. These cities are Payson, Sedona, Globe, Maricopa, Sierra Vista, and Buckeye. I also have a certain amount of unease about the ability of the APA to harm myself or my business as a result of my participation in this appeal. I hope that the Attorney General's Office is continuing its investigation into the activities of the APA. Please keep me informed, if possible, as I have a lot to lose depending on the outcome of your investigation.

I truly appreciate your time and dedication in attending to this matter.

Sincerely,

Kelly Urbine
Current Insight, Inc.
kelly.urbine@CurrentInsightInc.com
(480)

Shaun Rieve
Director of Intergovernmental Affairs



Office of Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Desk: 602-542-8351 | Cell: 602-478-6605
Shaun.Rieve@azag.gov
<http://www.azag.gov>

Allocation Process Rule violations

- Scenario 5 introduced and voted into effect on the same day, with only a few moments of consideration, after 4 were presented on previous day. Scenario 5 violated Open Meeting Law as it was not posted prior to the meeting.
- Voted on without knowledge of its content. Commissioner Walden did not even attend the meeting to vote; he was on an airplane and voted on Scenario 5 after it was emailed to him. He voted after seeing it for the first time a moment beforehand. As Chair in 2011 sworn testimony before the US House Natural Resources Committee, then Authority Chairman Walden committed the Authority to a “fair, open, and transparent process”
- Unfair and arbitrary. Capricious favoritism. No substantiation of need. Applications were inaccurate and the data within the applications was not evaluated. Some districts received allocations with no agricultural/irrigation load whatsoever. Some districts who have not used their Hoover power for years received substantial allocations.

Procedural Malfeasance

- No meeting minutes published since February 2015 but they are approved monthly
- Executive sessions are used for all decisions
- Special interest groups run meetings and comment period. Opinions are endorsed as facts by staff and commissioners.
- No parliamentary procedure in conduct of meetings
- Existing customer consultants carry out staff duties and functions such as email distribution announcements and accounting and reporting functions.
- Existing customer lawyers carry out staff duties and functions such as formulating legal policy and procedures relating to the allocation process, appeals, etc
- Confidential executive session information is shared openly with some customers
- Outside counsel not AZ law firm not licensed in Arizona
- Deadlines are not adhered to and are adjusted to convenience special interests
- Meetings are scheduled to accommodate the calendar of one specific customer's attorney (Lynch)
- Not all parties are informed of important policy discussion meetings
- Resource Exchange Program was adopted without an RFP and is operating by consultants 3.5 years beyond expiry
- Contract with SPPA approved without discussion or RFP; SPPA and APA together performing power marketing for existing customers in violation of their FERC contracts
- Acting executive director was fired under criminal suspicion
- Interim staff was hired without proper credentials, APA operations knowledge or experience
- Interim staff is dysfunctional and ignorant of scope of responsibility and accountability
- Some customers are invited to participate in APA WAPA contract negotiations while some are told they are not allowed to attend these discussions
- Inside counsel (Fant) threatened with physical harm in 2012 if he gave testimony in the IEDA case.

Conflicts of Interest

- Chairman Brophy owns business interest in ED7 which he did not disclose as required by ARS 30-103 and 38-500
 - Awarded his business \$60m estimated value in allocation process
- APA Outside Counsel, Somach, Simmons & Dunn openly and simultaneously represents CAWCD, the largest recipient/applicant of Hoover power
- Somach and Lynch (a customer's attorney) designed allocation process
- Other commissioners may be direct beneficiaries of Hoover power allocation TBD (none declared)
- New districts formed in order to receive preferential allocation under ARS title 30 may have been formed by Chairman Brophy

Regulatory Capture

- Sole sourcing and contracts between APA and consulting firm KRSA
- APA business functions such as firming purchases are conducted by KRSA without oversight
- KRSA represents almost all districts and current Hoover allottees
- Resource Exchange Program transactions are not audited, published or discussed. REP is run by KRSA. REP function was never put out for bid or RFP.
- KRSA speak as representatives of parties not under contract with them, both customers and host utilities.
- KRSA interpretation of law, legislative intent, and public policy is (inappropriately) endorsed as both factual and appropriate by commissioners and APA staff in public forum
- Current supplemental power integration practices conducted by KRSA on behalf of the APA violate FERC contracts between Districts and Host Utilities
- Commodity trading activities by KRSA in energy markets on behalf of the APA are being hidden from the SEC and other regulatory oversight
- Substantial financial harm to the public is being abetted by the APA by its endorsement of fraudulent practices such as characterizing of certain parties' merchant power as Hoover power
- APA policy is discriminatory in setting restrictive rules for certain allottees' use of Hoover power while remaining flexible in its policies for legacy customers.

Diaz, Bethany

From: Perkovich, Mark
Sent: Thursday, December 31, 2015 9:52 AM
To: 'will@willgraven.com'
Subject: RE: Picking up the pieces

Good morning, Mr. Graven. I received both your voicemail and obviously this email. In moving forward with your cases, there are a couple of aspects that require our immediate attention. First, you may have noticed your "remoting" capabilities into the Attorney General's Office have been terminated. As such, I need to confirm whether or not you are in possession of any property belonging to the Arizona Attorney General's Office. I know laptop computers and security dongles were used to share information with defense counsel and I need to know if you were issued those as well. Second, regarding communication with the Attorney General's Office, Mr. Waters or agents within SIS will contact you in the event your assistance is required to further assist in the investigation and/or prosecution of your cases.

Many thanks-
Mark

Mark Perkovich
Chief Agent



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

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

From: will@willgraven.com [<mailto:will@willgraven.com>]
Sent: Monday, December 28, 2015 12:14 PM
To: Perkovich, Mark
Subject: Picking up the pieces

Chief Perkovich:

I would appreciate a call at your earliest convenience.

Thanking you in advance.

Sincerely,
Will Graven

Sent from my iPhone

From: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Cc: [Anderson, Ryan](#)
Subject: Accident Update
Date: Wednesday, October 28, 2015 5:12:34 PM

Buddy was westbound on I-10 when an accident occurred a short distance ahead of her. As a result of that collision, one of the vehicle's tires came off and rolled in the pathway of Buddy's vehicle. In order to avoid striking the tire, Buddy swerved into the HOV lane where she was rear-ended by another motorist. The vehicle that struck Buddy sustained major damage. While Buddy's vehicle was probably drivable, it is being towed to our shop. In speaking to Loftus, who is currently on scene, Buddy

DPS listed Buddy as vehicle #2 (typically not at fault) and did not take enforcement action as they determined it to be a secondary collision. Loftus is responding to the hospital and will provide me with updates as they become available.

Mark

Mark Perkovich

Chief Agent

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

From: [Perkovich, Mark](#)
To: [Woods, Dan](#)
Subject: Agent Assignment
Date: Thursday, December 17, 2015 1:05:02 PM

As we briefly discussed, can you please identify an agent to work a fairly significant embezzlement case with Tempe PD? I would like to get an SA and SAS identified in order to schedule an initial meeting with Tempe PD's detective staff who have been involved with this case up until now.

Thanks in advance-
Mark

Mark Perkovich
Chief Agent

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

From: [Perkovich, Mark](#)
To: [Davies, Georgia](#)
Cc: [Baer, Aaron](#); [Anderson, Ryan](#)
Subject: Allegation from Mr. Woodward
Date: Monday, October 05, 2015 8:41:09 AM

Good morning, Georgia. Last Friday, I received a complaint packet, via Aaron Baer and Ryan Anderson, from a Mr. Woodward. I have placed the packet in the folder outside your door. Can you please take a look and diagnose the allegations being made and determine if it rises to the level of opening a case?

Thanks in advance-
Mark

Mark Perkovich

Chief Agent

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

From: [Perkovich, Mark](#)
To: [Woods, Dan](#)
Subject: Case
Date: Monday, November 30, 2015 9:11:19 AM

As an FYI - this Thursday at 10:00, Don Conrad, Paul Ahler, Mary Harriss, Chuck Boyd and I, will be meeting with members of the PSPRS Board to discuss the investigation into former employee to charge. I understand the PSPRS Board is questioning the decision not to charge with a criminal offense.

Mark

Mark Perkovich
Chief Agent

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

From: [Perkovich, Mark](#)
To: [Maya, Autumn](#)
Cc: [Arvizu, Francisco](#)
Subject: Applicant Brandon Lewis
Date: Friday, December 04, 2015 3:17:24 PM

Autumn, in speaking to Frank Arvizu, CPA would like to extend a conditional offer of employment to our recent SA applicant, Brandon Lewis. In speaking further with April Knebel in HR, she stated you would be familiar with completing the request to do so. April mentioned it is a relatively simple process called "direct hire", and it entails a memorandum which includes the specific SAG number and the justification behind hiring him in this manner. If you could assist in getting HR what is needed from our end, I am hoping to get a conditional offer sent to him by the middle of next week at the latest. Please let me know if you need anything from me.

Thanks in advance-
Mark

Mark Perkovich
Chief Agent

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

From: [Perkovich, Mark](#)
To: [Maya, Autumn](#)
Subject: Applicant Files
Date: Tuesday, November 03, 2015 10:58:24 AM

Autumn, can you please bring me the applicant files for Mr. Carroll and Mr. Lewis? I'd like to review them prior to my telephone call.

Many thanks!
Mark

Mark Perkovich
Chief Agent

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

From: [Perkovich, Mark](#)
To: [Maya, Autumn](#); [Woods, Dan](#); [Edwards, Michael](#)
Subject: Applicant Lewis
Date: Thursday, November 12, 2015 5:03:12 PM

This afternoon, I had the opportunity to speak with applicant Brandon Lewis. During the phone call, I was able to explain to Brandon he was no longer being considered for the position in which he applied as he will be unable to obtain AZPOST certification without attending an academy. While disappointed, Mr. Lewis was very professional and stated he understood.

Thanks-
Mark

Mark Perkovich

Chief Agent

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

From: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Subject: Brady Folder In Hummingbird
Date: Friday, December 18, 2015 3:52:50 PM

I understand in visiting the Brady folder in Hummingbird there is little to no security to the folder. Wouldn't we want to set access for the general population to prevent prying eyes?

Thanks-
Mark

From: Perkovich, Mark
To: "kerby_rapp@tempe.gov"
Cc: Edwards, Michael; Woods, Dan
Subject: _____ Case
Date: Thursday, December 17, 2015 3:11:14 PM

Lt. Rapp,

Thanks again for reaching out to the Attorney General's Office with Sgt. Dale Hoobler and Det. John McGowan yesterday in order to discuss the _____ case. We have recently performed similar casework with Phoenix PD and it has worked out quite well. In anticipation of our meeting, I forgot to ask you for a copy of the investigation which has been completed to date. Of course, the sooner we can get this copy the better, as I'm certain it will involve some heavy reading to catch our agent(s) up on what has been done to date. We don't need a hard copy so an electronic version loaded onto a thumb drive would work best. This may even be a time saver with the new system you have. I have identified at least the supervisor who will be involved and once he has an idea as to what is left to be done he can make a better determination as to who the case agent will be on our end. The supervisor's name is Mike Edwards and he is one of the Major Fraud unit supervisors within the Special Investigations Section at the AGO. I would like for him and Dan Woods, Mike's immediate supervisor, to be involved in the first meeting. If you would like to schedule a meeting with them via Outlook, they can be reached at their respective addresses on this email. Ideally, I was hoping a first meeting could take place sometime next week before the x-mas holiday. In the meantime, if you need to reach me, feel free to do so at the contact information listed below. Please note, I have communicated our intent with _____ and he was both receptive and appreciative.

Thanks again!
Mark

Mark Perkovich
Chief Agent

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

From: [Perkovich, Mark](#)
To: [Maya, Autumn](#)
Subject: Building Access at 400 W Congress
Date: Monday, October 26, 2015 8:28:41 AM

Good morning, Autumn. I sent an email this morning to Virginia down in Tucson inquiring about building access. I wasn't sure if she would coordinate something like that or be able to point me in the right direction. Can you help from up here?

Thanks-
Mark

Mark Perkovich
Chief Agent

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

From: Perkovich, Mark
To: Maya, Autumn
Cc: Harrison, Terry
Subject: Case File
Date: Tuesday, December 01, 2015 9:07:37 AM

Autumn – this morning, I placed the Phillip Terry case file back on your desk. This case is related to a Notice of Lawsuit we received last week. As such, Terry Harrison in the Liability Management Section with the AGO may request to review the content of the file – please allow access.

Thank you-
Mark

Mark Perkovich

Chief Agent

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

From: [Perkovich, Mark](#)
To: [DL-SIS-ALL](#)
Subject: Case Management System & Current Case Opening Procedure
Date: Thursday, December 10, 2015 1:10:10 PM
Attachments: [PHX-#4801112-v1-SIS - PROCEDURE - CASE OPENING SHEETS.PDF](#)

Next Monday, December 14th, 2015, Dan Woods and I will be meeting with staff in the procurement office to take the final step in purchasing the new Case Management System. While the system isn't expected to "go live" until next Spring, I wanted to send out a reminder as to the current case opening procedure. While this process will certainly stand to change with the arrival of this new technology, please make every effort to follow the outlined procedures until then. If you have any questions or concerns about navigating this process when opening a case, please be sure to articulate your specific needs through your immediate supervisor. Supervisors, please pay particular attention to whether or not an attorney is needed at the time of case opening as well as if the incident requires an immediate response on behalf of SIS personnel. As always, if you have any questions, comments or concerns, please let me know.

Many thanks!
Mark

Mark Perkovich
Chief Agent

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

From: [Perkovich, Mark](#)
To: [Edwards, Michael](#); [Woods, Dan](#)
Subject: Case Overview and Interviews
Date: Thursday, October 01, 2015 11:13:23 AM

Please accept my apologies however I have to excuse myself from the Colorado City overview and this afternoon's interviews.

Thanks for your understanding-
Mark

From: Perkovich, Mark
To: Conrad, Donald; Ahler, Paul
Subject: Case Update
Date: Thursday, October 22, 2015 10:49:16 PM

Mike met with his appointment this evening and within the first 10 minutes of the interview her attorney ended it. I don't know the specifics, so Mike is going to brief us in detail tomorrow morning. Mike did give her notice in the event we wanted to go the subpoena route.

Have a good night-
Mark

From: [Perkovich, Mark](#)
To: [Anderson, Ryan](#)
Subject: Complaint/Allegaton
Date: Tuesday, October 06, 2015 9:50:34 AM

Ryan, last night in reviewing the complaint you dropped off, I knew it looked familiar. On 9/25, Bethany Diaz sent me an email with the same letter. As such, we have the allegation already in process.

Thanks again for the new AG lapel pin – sharp! If you have about 70 more, it would cover all of SIS.

Perk

Mark Perkovich

Chief Agent

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

From: Perkovich, Mark
To: Conrad, Donald; Ahler, Paul
Subject: Contact by Mr. Graven
Date: Tuesday, December 29, 2015 8:44:15 AM

On Sunday morning, I received a voicemail from Mr. Graven requesting a meeting with me for yesterday (12/28) while he was here in Phoenix. Yesterday around noon, I received an email message from Mr. Graven titled "Picking up the pieces", where he requested a return phone call. While I have yet to respond to either contact, I was hoping we could meet to discuss the future of the Graven investigation. I am here the rest of this week if this timeframe works for you both.

Thanks in advance-
Mark

From: [Perkovich, Mark](#)
To: [Duplissis, Steve](#)
Cc: [Maya, Autumn](#); [Loftus, Charles](#)
Subject: Current HCFA Vacancy
Date: Thursday, October 22, 2015 3:35:54 PM

Steve, I was just checking to make sure the funding for Mark McClain's old, line level position was still in-tact. Autumn had asked when we wanted to get moving on filling the HCFA vacancy assigned to Prescott and I told her I'd like to do something sooner than later as I'm sure you would too. I'm assuming the funds are there but just wanted to be 100% certain.

Thanks-
Mark

Mark Perkovich
Chief Agent

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

From: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Subject:
Date: Thursday, October 01, 2015 9:05:04 AM

This morning, I learned _____ went in for surgery earlier this week (I believe it was heart related) and he encountered some significant complications. He remains hospitalized and will require an additional surgery prior to his being stabilized. I will keep you posted on his condition.

Mark

From: [Perkovich, Mark](#)
To: [Rodriguez, Lisa](#); [Maya, Autumn](#)
Subject: ETE Access
Date: Thursday, November 19, 2015 10:33:33 AM

In working with April and Kay in HR, it was discovered I had not yet completed the supervisory ETE training. I completed this block of instruction this morning however it may not grant me access until tomorrow. I believe either or both of you are my proxy; if so, could you approve my direct reports timecards one last time?

Many thanks!
Mark

Mark Perkovich
Chief Agent

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

From: Parkovich, Mark
To: Eckart, Robert; Edwards, Michael; Sterrett, Ron; Arduin, Francisco; McClain, Mark; Gualdo, Paul
Cc: Woods, Dan; Loftus, Charles
Subject: For your consideration: AWARE Training in Tempe, AZ - December 9
Date: Monday, October 26, 2015 10:49:15 AM

NOVA



NOVA



Aware Training

**AWARE Victim Assistance Training
FREE: Cyber Safety Training
Wednesday, December 9, 2015
Tempe, AZ**

Victim advocates, law enforcement, attorneys and other allied professionals should attend this FREE victim assistance training hosted by LifeLock and The Arizona Crime Prevention Association.

Examine modern Identity Theft, the emergence of cyber crime, tactics used, & how cyber crime links to domestic abuse, elder abuse, bullying, human trafficking & stalking. Build skills for safety planning and remediation.

Training will be held:

Wednesday, December 9, 2015

Hayden Ferry: First Floor

60 E Rlo Salado Parkway

Tempe, AZ 85281

8:30am - 9:00am: Check-In

9:00am - 5:00pm: Training & Skill Building

Register today for free

There are 3 ways to register

Online: Register online by [clicking here](#)

Email: ProjectAware@trynova.org

Call: Michelle Robinson at 480-457-5114

Registration is due by December 2.
Space is limited.

Sponsored by:

NOVA

LifeLock



This training provides 6 hours of continuing education units under the National Advocate Credentialing Program (NACP).



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Click to Unsubscribe or call 703-535-6682 M-F, 9-5 EST.

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*NOVA • 510 King Street, Suite 424 • Alexandria, VA 22314
Phone: (703) 535-NOVA • FAX: (703) 535-5500 • www.trynova.org*

From: [Perkovich, Mark](#)
To: [Woods, Dan](#)
Subject: FW: Applicant Brandon Lewis
Date: Monday, December 07, 2015 12:25:05 PM

Forgot to include you on this email...

From: Perkovich, Mark
Sent: Friday, December 04, 2015 3:17 PM
To: Maya, Autumn
Cc: Arvizu, Francisco
Subject: Applicant Brandon Lewis

Autumn, in speaking to Frank Arvizu, CPA would like to extend a conditional offer of employment to our recent SA applicant, Brandon Lewis. In speaking further with April Knebel in HR, she stated you would be familiar with completing the request to do so. April mentioned it is a relatively simple process called "direct hire", and it entails a memorandum which includes the specific SAG number and the justification behind hiring him in this manner. If you could assist in getting HR what is needed from our end, I am hoping to get a conditional offer sent to him by the middle of next week at the latest. Please let me know if you need anything from me.

Thanks in advance-
Mark

Mark Perkovich

Chief Agent

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Mark.Perkovich@azag.gov
<http://www.azag.gov>

From: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Subject: FW: Assistant Chief Dan Woods
Date: Tuesday, December 22, 2015 9:52:20 AM

This was the message I sent out to SIS. I will send you a copy of a message Dan just sent to a select few in SIS from his personal Email.

From: Perkovich, Mark
Sent: Tuesday, December 22, 2015 9:16 AM
To: DL-SIS-ALL
Subject: Assistant Chief Dan Woods

This morning, Assistant Chief Dan Woods' employment with the Attorney General's Office was terminated. Amidst short notice employment changes such as this, rumors and speculation tend to follow. Out of respect for Dan and the many contributions he has made over the years to the AGO, please refrain from this behavior. As of today, all operational and administrative issues in which Dan was involved (his chain of command) should be directed through your immediate supervisor who will bring the matter directly to my attention.

Thank you-
Mark

Mark Perkovich

Chief Agent

Office of the Attorney General
Special Investigations Section
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Desk: 602.542.7944 | Cell: 480.216.0187 | Fax: 602.542.4882
Mark.Perkovich@azag.gov
<http://www.azag.gov>

From: [Perkovich, Mark](#)
To: [Maya, Autumn](#)
Subject: FW: Civil Action Relating to Case Investigation
Date: Wednesday, November 25, 2015 8:09:56 AM
Attachments: [20151124150240891.pdf](#)

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

From: MacDonald, Madison
Sent: Tuesday, November 24, 2015 5:45 PM
To: Perkovich, Mark; Woods, Dan; Eckert, Robert
Subject: Civil Action Relating to Case Investigation

All,

I received the attached Notice of Lawsuit and Request to Waive Service of a Summons relating to the case investigation.

Please advise on where to forward this information.

Sincerely,
Madison MacDonald

UNITED STATES DISTRICT COURT

for the
District of Arizona

JIMMY REITH SANDERS, et al.

Plaintiff

v.

STATE OF ARIZONA, et al

Defendant

Civil Action No. 4:15-CV-00535-TUC-JAS

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Madison McDonald, Special Agent Special Investigations Office of the Attorney General of Arizona
(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 11/20/2015

Ralph E. Ellinwood

Digitally signed by Ralph E. Ellinwood
DN: cn=Ralph E. Ellinwood, o=Attorney at Law, ou=Ellinwood and Francis, LLP, email=ree@yourbestdefense.com, c=US
Date: 2015.11.20 10:38:46 -0700

Signature of the attorney or unrepresented party

Ralph E. Ellinwood, Attorney at Law

Printed name

Ellinwood & Francis, LLP
117 W. Washington Street
Tucson, AZ 85701

Address

ree@yourbestdefense.com

E-mail address

520-882-2100

Telephone number

UNITED STATES DISTRICT COURT

for the
District of Arizona

JIMMY REITH SANDERS, et al.

Plaintiff

v.

STATE OF ARIZONA, et al.

Defendant

Civil Action No. 4:15-CV-00535-TUC-JAS

WAIVER OF THE SERVICE OF SUMMONS

To: Ralph E. Ellinwood, Attorney at Law

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 11/20/2015, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date:

Signature of the attorney or unrepresented party

Madison McDonald, Office of Attorney General of AZ

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

UNITED STATES DISTRICT COURT

for the
District of Arizona

JIMMY REITH SANDERS, et al.

Plaintiff

v.

STATE OF ARIZONA, et al.

Defendant

Civil Action No. 4:15-CV-00535-TUC-JAS

WAIVER OF THE SERVICE OF SUMMONS

To: Ralph E. Ellinwood, Attorney at Law
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 11/20/2015, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date:

Signature of the attorney or unrepresented party

Madison McDonald, Office of Attorney General of AZ
Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Arizona

JIMMY REITH SANDERS, NANCY MICHELLE SANDERS as Plaintiffs and Next Best Friends of M.N.M.W. and M.R.M.W. minors,

Plaintiff(s)

v.

STATE OF ARIZONA, FRANK CURTOLA, MADISON MCDONALD, CITY OF DOUGLAS ARIZONA, COCHISE COUNTY ARIZONA, et al.,

Defendant(s)

Civil Action No. 4:15-CV-00535-TUC-JAS

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) MADISON MCDONALD, SPECIAL AGENT SPECIAL INVESTIGATIONS OFFICE OF THE ATTORNEY GENERAL OF ARIZONA 400 W. CONGRESS SOUTH BUILDING, SUITE 315 TUCSON, ARIZONA 85701-1367

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

RALPH E. ELLINWOOD, ESQ. ELLINWOOD & FRANCIS, LLP 117 W. WASHINGTON STREET TUCSON, AZ 85701-1011

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____



ISSUED ON 3:16 pm, Nov 17, 2015 s/ Brian D. Karth, Clerk

Civil Action No. 4:15-CV-00535-TUC-JAS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

**Jimmy Reith Sanders ; Nancy
Plaintiff(s): Michelle Sanders ; M.N.M.W. ,
minor; M.R.M.W. , minor**

County of Residence: Cochise

County Where Claim For Relief Arose: Cochise

Plaintiff's Atty(s):

**Ralph E Ellinwood (Jimmy Reith Sanders)
Ellinwood & Francis, LLP
117 W. Washington Street
Tucson, Arizona 85701
520-882-2100**

**Ralph E Ellinwood (Nancy Michelle Sanders)
Ellinwood & Francis, LLP
117 W. Washington Street
Tucson, Arizona 85701
520-882-2100**

**Ralph E Ellinwood (M.N.M.W. , minor)
Ellinwood & Francis, LLP
117 W. Washington Street
Tucson, Arizona 85701
520-882-2100**

**Ralph E Ellinwood (M.R.M.W. , minor)
Ellinwood & Francis, LLP
117 W. Washington Street
Tucson, Arizona 85701**

**State of Arizona ; Frank Curtola
Defendant(s): ; Madison McDonald ; City of
Douglas Arizona ; Cochise
County Arizona**

County of Residence: Cochise

Defendant's Atty(s):

II. Basis of Jurisdiction: **3. Federal Question (U.S. not a party)**

III. Citizenship of Principal
Parties (Diversity Cases Only)

Plaintiff:-N/A
Defendant:-N/A

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **440 Other Civil Rights**

VI. Cause of Action: **42 U.S.C. Section 1983; 28 U.S.C. Section 1343; 28 U.S.C. Section
1331**

VII. Requested in Complaint

Class Action: No
Dollar Demand:
Jury Demand: Yes

VIII. This case is not related to another case.

Signature: /s/ Ralph E. Ellinwood

Date: 11/17/2015

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

1 **RALPH E. ELLINWOOD**
2 State Bar No. 3890, PCC # 16496
3 Ellinwood & Francis, LLP
4 117 West Washington Street
5 Tucson, Arizona 85701
6 (520) 882-2100 Fax: (520) 882-2026
7 ree@yourbestdefense.com

8 **RICHARD L. LOUGEE**
9 State Bar No. 012515
10 P.O. Box 43505
11 Tucson, Arizona 85733
12 Tel.: (520) 882-2080 Fax: (520) 882-3002
13 rick@lougeelaw.com

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE DISTRICT OF ARIZONA

16 **JIMMY REITH SANDERS,**
17 **NANCY MICHELLE SANDERS**
18 **as Plaintiffs and Next Best Friends**
19 **of M.N.M.W. and M.R.M.W**
20 **minors,**

Case No.

21 **Plaintiffs,**

COMPLAINT

22 **vs.**

23 **STATE OF ARIZONA,**
24 **FRANK CURTOLA, MADISON**
25 **MCDONALD, CITY OF**
DOUGLAS ARIZONA, COCHISE
COUNTY ARIZONA,
PRESENTLY OTHER
UNKNOWN LOCAL
GOVERNMENT ENTITIES,
JOHN DOES 1-10, JANE DOES 1-
10,

Defendants.

1 For their Complaint Plaintiffs allege:

2 JURISDICTION:

- 3 1. This Court has jurisdiction of this action under 42 U.S.C § 1983
4 and under 28 U.S.C. § 1343 and 28 U.S.C §1331.
- 5 2. Plaintiffs are residents of the State of Arizona and citizens of the
6 United States. Plaintiffs NANCY MICHELLE SANDERS and
7 JIMMY REITH SANDERS have sole custody of Plaintiff minor
8 children.
- 9 3. Defendants FRANK CURTOLA [Curtola] and MADISON
10 MCDONALD [McDonald] were at all times material to this
11 Complaint employees and agents of the Office of the Attorney
12 General of Arizona.
- 13 4. Defendants John Does 1-10, Jane Does 1-10 were at all times
14 material to the Complaint police officers of the City of Douglas
15 Arizona, deputies employed by the Cochise County Sheriff's
16 Office and agents of the Drug Enforcement Administration.
- 17 5. Plaintiffs sue all individual Defendants in their individual capacity.

18 GENERAL ALLEGATIONS:

19 6. On November 20, 2014 sometime shortly after 9 a.m. NANCY
20 MICHELLE SANDERS [Mrs. Sanders] took her twin two-year-old
21 grandchildren M.N.M.W. and M. R.M.W. [Children] into her room to put
22 their panties on. She heard shouting in backyard where her husband JIMMY
23 REITH SANDERS [Mr. Sanders] was working. Someone was screaming,
24 "put your fucking hands up!" She looked out the window and saw a person
25 aiming a long gun at Mr. Sanders. She then heard loud banging at the front
door and heard the security door slam open and violent beating on front
door.

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7. Mrs. Sanders told the Children to stay in her room and she ran to front door fearful and screaming "I'm opening the door." Then the door flew in and she faced three large guns and several men screaming at her to come outside. She told them there were little children in the house. The men let her get the Children who were naked and bring them outside to the street. Screaming and crying she asked them why they were here and was told they would explain later. 15-20 minutes later the men brought blankets for the Children and told her that the law enforcement officers' arrival had nothing to do with her or her husband. They then told her that they were there because of the owner of the house who they claimed was Philip Wade Terry.

8. They then brought her 73-year-old husband out of the house in handcuffs.

After a while the officers finally let her and the Children sit in a car after searching it. She repeatedly asked the officers "why are you here?" Each person said this has nothing to do with you, including the attorney general's agents.

9. Agents from the Arizona Attorney General's [AG] office, Drug Enforcement Administration [DEA], Cochise County Sheriff's Deputies [CCSO] and Douglas police officers held Mr. Sanders at gun point in the backyard at his home at

10. He was handcuffed and taken to the front yard for interrogation. After sometime the handcuffed were removed but not before all of Mr. Sanders' neighbors saw him handcuffed with the DEA and AG agents all in well-marked jackets and Douglas police officers and CCSO deputies all in their uniforms.

1 11. The agents continually told Mr. and Mrs. Sanders that this raid
2 and forcible entry in their home was not about them, but was about the
3 owner of their home. They both asked if that was about Barney Green Lee,
4 the actual owner, and were told no it was about Phillip Terry and his wife.
5 Mr. and Mrs. Sanders told the agents that Phillip Terry and his wife did not
6 own the house. The agents gave them a copy of the search warrant #2014-
7 013134 for the persons of Phillip wade Terry and Amelia Cornejo Terry
8 with their home, Douglas Arizona listed as item #5.
9 Public records in Cochise County showed that these people did not own or
10 occupy the Sanders' home. In fact they had not lived in the home as tenants
11 for 51 months as of November 20, 2014. The Sanders rented this home on
12 October 2013.

13 12. Even after Mr. and Mrs. Sanders told special agent supervisor
14 Curatola, that the house was owned by Barney Green Lee, he insisted they
15 leave the premises for about five hours while they searched the property. Mr.
16 and Mrs. Sanders and the Children went to Armory Park a few blocks west
17 of their home.

18 13. Around 1:45 p.m. Curatola came to the park and told them they
19 could return to their home. Before the agents let them go to the park, they
20 searched their 2003 Chevrolet Tahoe and took their cell phones so they
21 could download the information on the phones.

22 14. When they returned to their home there were still a few agents in
23 the yard so they parked down the street and walked to the house because
24 they did not want the Children to be more traumatized as the Children were
25 very upset crying and screaming.

 15. When Mr. Sanders returned, the agents gave him a list of the items
they had taken, which included both Mr. and Mrs. Sanders' computers, flash

1 drives, check book and unknown other property not listed on the evidence
2 receipt. Also taken were Mrs. Sanders' kindle-fire and the entire Sanders'
3 personal back up pictures of the Children.

4 16. On Friday November 21, 2014 Mr. Sanders called the AG's
5 office and talked to agent Buddy Loomis #406. Mr. Sanders requested the
6 return of all the property seized from his home. Agent Loomis told Mr.
7 Sanders to hire a lawyer.

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COUNT ONE

DEPRIVATION OF PLAINTIFFS LIBERTY AND SEIZURE OF THEIR
PERSONS AND PROPERTY UNDER COLOR OF LAW AND
WITHOUT DUE PROCESS OF LAW

17. Plaintiffs re-allege paragraphs 1-16 and incorporate them by
reference.

18. This action is brought pursuant to 42 U.S.C § 1983 and under
28 U.S.C. § 1343 and 28 U.S.C §1331.

19. Plaintiffs were deprived of their rights, privileges and
immunities guaranteed by the Fourth, Fifth and Fourteenth Amendments to
the Constitution of the United States. At all times material to this Complaint
Defendants acted under color of law being the statutes and rules of the State
of Arizona and ordinances of the City of Douglas Arizona and custom and
usage of said State and City.

20. Defendants Cochise County Arizona and City of Douglas
Arizona, a Municipal Corporation organized under the laws of the State of
Arizona, are local government entities. These Defendants knew or with
reasonable diligence should have known that the targets of the search

1 warrant had no connection to Plaintiffs' home and thus should not have
2 allowed their respective law enforcement employees to participate.

3 21. Defendants' illegal search and abuse of Plaintiffs, committed
4 intentionally, either with or without malice, deprived Plaintiffs of their right
5 to be free of unreasonable searches and seizures as guaranteed the Fourth
6 and Fourteenth Amendments to the Constitution of the United States and
7 protected under 42 U.S.C § 1983, causing them damages.

8 COUNT TWO
9 ASSAULT

10 22. Plaintiffs re-allege paragraphs 1-21 and incorporate them by
11 reference.

12 23. On November 20, 2014 unknown persons [John and Jane Does]
13 and Curtola and McDonald assaulted Mr. and Mrs. Sanders by intentionally
14 causing them to have apprehension of an immediate harm and offensive
15 contact and actually causing them to have apprehension of an immediate
16 harmful or offensive contact by pointing firearms at them and shouting
17 orders and threats at them, thereby causing them damages.

18 COUNT THREE
19 BATTERY

20 24. Plaintiffs re-allege paragraphs 1-23 and incorporate them by
21 reference.

22 25. On November 20, 2014 unknown persons [John and Jane Does 1-
23 10] and Curtola and McDonald intentionally committed Battery on Mr.
24 Sanders by handcuffing him causing a harmful and/or offensive contact
25 thereby causing him damages.

COUNT FOUR
FALSE IMPRISONMENT

1 26. Plaintiffs re-allege paragraphs 1-25 and incorporate them by
2 reference.

3 27. On November 20, 2014 Defendants Curatola and McDonald
4 instigated and participated with unknown persons [Defendants John and Jane
5 Does 1-10] and acted intentionally to restrain all Plaintiffs to an area within
6 their control. These Defendants acted without lawful authority and without
7 consent. These Defendants' acts resulted in the direct restraint of Plaintiffs'
8 liberty or freedom of movement by actual force and from fear of force.
9 Defendants' acts would have caused a reasonably prudent person in the same
10 situation as Plaintiffs to believe that he/her was restrained. Plaintiffs were
11 aware of and were harmed by the restraint causing them damages.

12 COUNT FIVE
13 INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

14 28. Plaintiffs re-allege paragraphs 1-27 and incorporate them by
15 reference.

16 29. On November 20, 2014 Defendants Curatola and McDonald
17 instigated and participated with unknown persons [John and Jane Does 1-10]
18 to intentionally inflict emotional distress on all Plaintiffs. These Defendants'
19 conduct was extreme and outrageous and was intentional and/or reckless and
20 thereby caused Plaintiffs severe emotional distress and thus causing them
21 damages.

22 COUNT SIX
23 AIDING AND ABETTING TORTIOUS CONDUCT

24 30. Plaintiffs re-allege paragraphs 1-29 and incorporate them by
25 reference.

1 31. On November 20, 2014 Defendants Curatola and McDonald aided
2 and abetted the John and Jane Does 1-10 Defendants and that Defendants
3 Curatola and McDonald are therefore liable for the consequences of John
4 and Jane Doe Defendants' conduct.

5 32. Defendants Curatola and McDonald caused to be executed a
6 search warrant on a home they knew or should have known was not
7 connected to the targets of the search warrant. Defendants John and Jane
8 Does therefore engaged in conduct for which they would be liable to
9 Plaintiffs. Defendants Curatola and McDonald were aware that Defendants
10 John and Jane Does 1-10 were going to engage in the conduct described
11 above and they provided substantial assistance and encouragement to
12 Defendants John and Jane Does 1-10 with the intent of promoting that
13 conduct.

14 COUNT SEVEN
15 NEGLIGENCE

16 33. Plaintiffs re-allege paragraphs 1-32 and incorporate them by
17 reference.

18 34. Defendants Curatola and McDonald and John and/or Jane Does 1-
19 10 were negligent in that they prepared and executed a search warrant on
20 Plaintiffs' home knowing or with due diligence would have known that the
21 targets of their investigation had no actual or temporal relationship to
22 Plaintiffs' home. Even after being told these facts, these Defendants
23 continued to search and seize Plaintiffs persons and property. As a result
24 Plaintiffs suffered damages.

25 COUNT EIGHT
DEPRIVATION OF RIGHT TO PRIVACY

1 35. Plaintiffs re-allege paragraphs 1-34 and incorporate them by
2 reference.

3 36. Plaintiffs Mr. and Mrs. Sanders were guaranteed a Right to
4 Privacy by Article 2 § 8 of the Constitution of the State of Arizona.

5 37. Defendants intentionally violated Plaintiffs rights to privacy by
6 invading their home without authority of law. They further violated those
7 rights by seizing Plaintiffs' personal property especially their computers and
8 computer devices containing personal and business information and then
9 searching and permanently seizing all this property and personal information
10 without authority of law violating Plaintiffs' rights to privacy. Defendants
11 thereby caused Plaintiffs damages.

12 38. Plaintiffs demand a trial by jury.

13 DEMAND FOR JUDGMENT:

14 Wherefore Plaintiffs demand judgment against Defendants jointly and
15 severally:

- 16 1. For compensatory damages in an amount to be determined by the
17 court.
- 18 2. For punitive damages in an amount to be determined by the court.
- 19 3. For such other relief that is just and equitable.

20 RESPECTFULLY SUBMITTED this 10th day of November, 2015.

21
22 By: /s/ Ralph E. Ellinwood
23 Ralph E. Ellinwood
24 *Attorney for Plaintiffs*

By: /s/ Richard L. Lougee
Richard L. Lougee
Attorney for Plaintiffs

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VERIFICATION

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23 STATE OF ARIZONA)

) ss.

24 COUNTY OF PIMA)

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I, JIMMY REITH SANDERS, being first duly sworn deposes and

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says that:

1. I am a Plaintiff in the above-titled cause of action.
2. I have read the foregoing COMPLAINT and the information stated therein is true and correct to my best information and belief.

Jimmy Reith Sanders
 JIMMY REITH SANDERS

SUBSCRIBED AND SWORN before me this 29th day of October, 2015, by JIMMY REITH SANDERS.



Alicia Critchley
 Notary Public

My Commission Expires: March 7, 2017

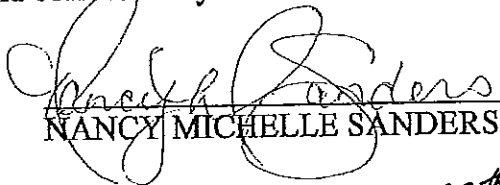
VERIFICATION

STATE OF ARIZONA)
) ss.
 COUNTY OF PIMA)

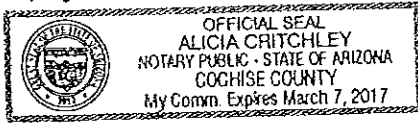
I, NANCY MICHELLE SANDERS, being first duly sworn deposes and says that:

1 1. I am a Plaintiff in the above-titled cause of action.

2 2. I have read the foregoing COMPLAINT and the information stated
3 therein is true and correct to my best information and belief.

4 
NANCY MICHELLE SANDERS

5
6 **SUBSCRIBED AND SWORN** before me this 29th day of October,
7 2015, by NANCY MICHELLE SANDERS.



9 
Notary Public

10 My Commission Expires: March 7, 2017

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19 **VERIFICATION**

20
21 STATE OF ARIZONA)
22) ss.
23 COUNTY OF PIMA)

24 I, JIMMY REITH SANDERS as best friend of minor children
25 plaintiffs, being first duly sworn deposes and says that:

1. I am a Plaintiff in the above-titled cause of action.

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2. I am the best friend of minor children plaintiffs.

3. I have read the foregoing COMPLAINT and the information stated therein is true and correct to my best information and belief.

Jimmy Reith Sanders
 JIMMY REITH SANDERS as best friend of minor children plaintiffs

SUBSCRIBED AND SWORN before me this 29th day of October, 2015, by JIMMY REITH SANDERS as best friend of minor children plaintiffs.



Alicia Critchley
 Notary Public

My Commission Expires: March 7, 2017

VERIFICATION

STATE OF ARIZONA)
) ss.
 COUNTY OF PIMA)

I, NANCY MICHELLE SANDERS, as best friend of minor children plaintiffs, being first duly sworn deposes and says that:

3. I am a Plaintiff in the above-titled cause of action.

4. I am the best friend of minor children plaintiffs.

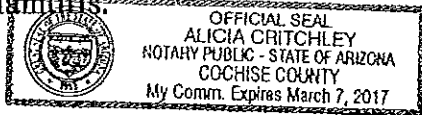
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5. I have read the foregoing COMPLAINT and the information stated therein is true and correct to my best information and belief.

Nancy Michelle Sanders

NANCY MICHELLE SANDERS as best friend of minor children plaintiffs.

SUBSCRIBED AND SWORN before me this 29th day of October, 2015, by NANCY MICHELLE SANDERS as best friend of minor children plaintiffs.



Alicia Critchley
Notary Public

My Commission Expires: March 7, 2017

file:///D:/Dropbox (Ellinwood & Francis)/Rick and Ralph Shared Cases/SANDERS/Plaintiff Pleadings/2015.10.16COMPLAINT

From: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Subject: FW: Colorado City Marshal's did it again.
Date: Monday, October 19, 2015 9:58:41 AM

I received this email this morning. I wasn't sure if you had seen it or not.

From: Edwards, Michael
Sent: Monday, October 19, 2015 9:50 AM
To: Perkovich, Mark; Woods, Dan
Subject: FW: Colorado City Marshal's did it again.

From: Isaac Wyler [mailto:_____@hotmail.com]
Sent: Sunday, October 18, 2015 10:31 PM
To: Crime Fraud & Victim Resource Center; Arnie Stolz; Richards, Bill; Bill Walker; Bobela, Karen E - SOL; Brian McGrew; Bruce Wisan; Bryan Bond; Chad Sampson; Haught, Charlotte; Coolidge, Courtney; Crockett, Jessica CRT; Weinzweig, David; David Wolf; Gary France, FBI; Gary Maschner; Gzifa, Anika CRT; James Schoppman; James Schoppmann; Cully, Jesse; Jessica Clarke; Jon Jonathon Teital; Joni Jones; Joseph Burgess; Kirk Torgensen; Macias, CarolynCarrie; Edwards, Michael; Mike Deltenre; Mike Edwards; Paul Murphy; PJ Janik; Rich Fordham; Kane, Sandra; Scott Stephenson; Sean Keveney; Sean Keveney; Steve Auld; Timna Sites; wood.mitchell@dol.gov
Subject: Colorado City Marshal's did it again.

To those watching what is happening here in Colorado City / Hildale:

The Colorado City Marshal's arrested Andrew Chatwin and Patrick Pipkin a second time at the UEPTrust Zoo on Saturday afternoon. They are still in the Purgatory Jail, in Hurricane, Utah. The local marshals threatened to arrest me, driving me off of the property, because I was documenting the destruction of the UEPTrust's property, then they threatened to arrest the members of the press that showed up to document and video what was happening.

This all occurred after flds church members made a coordinated move on the UEPTrust zoo and descended on it enmasse, going through "No trespassing" signs, cutting locks on gates and cutting holes in the chain link big enough to drive pickups trucks through in private back yards etc.. All with the permission of the local police department.

They overwhelmed the on duty County Sheriffs officer dispatched to help Patrick. He called for back up from County dispatch and they finally got it stopped when Mohave County officer Jeff Davis arrived and took control.

Then when local police back up arrived, they took control back again and the local marshal's arrested Patrick and Andrew again for trespassing on the zoo, over the lease Seth Cooke and Patrick Pipkin got from the UEPTrust.

The Mohave County officers made videos, as well as three of us making videos for the

UEPTrust . It is pretty well documented.

For details, contact UEPTrust attorney, and Andrew and Patrick's legal council, Bill Walker
at 520-

Isaac Wyler

From: [Perkovich, Mark](#)
To: [Woods, Dan](#)
Subject: FW: Conflict Matter re Todd House, Pinal County Board of Supervisors
Date: Thursday, October 01, 2015 4:23:44 PM
Attachments: [\[Untitled\].pdf](#)
[\[Untitled\].pdf](#)

Dan, can you please ensure the appropriate case assignment is made?

Thanks-
Mark

From: Conrad, Donald
Sent: Thursday, October 01, 2015 4:17 PM
To: Perkovich, Mark
Subject: FW: Conflict Matter re Todd House, Pinal County Board of Supervisors

Please assign

From: Bailey, Michael
Sent: Thursday, October 01, 2015 1:42 PM
To: Conrad, Donald
Subject: FW: Conflict Matter re Todd House, Pinal County Board of Supervisors

Let's open this up. Thx.

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

michael.bailey@azag.gov

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

From: David Rodriguez [<mailto:David.Rodriguez@pinalcountyaz.gov>]
Sent: Thursday, October 01, 2015 1:29 PM
To: Bailey, Michael
Subject: Conflict Matter re Todd House, Pinal County Board of Supervisors

Mike,

Please find attached a letter requesting assumption of this matter and ceding jurisdiction. Also attached is a copy of the "news article". Please advise if you have a conflict in investigating this

matter.

Please let me know if you or Don have any other questions.

Thanks, David

From: [Perkovich, Mark](#)
To: [Eckert, Robert](#)
Cc: [Woods, Dan](#)
Subject: FW: Conflict Matter re Todd House, Pinal County Board of Supervisors
Date: Monday, October 05, 2015 10:18:46 AM
Attachments: [\[Untitled\].pdf](#)
[\[Untitled\].pdf](#)

Per your request.

Mark



OFFICE OF THE PINAL COUNTY ATTORNEY

M. LANDO VOYLES
PINAL COUNTY ATTORNEY

October 1, 2015

Michael Bailey
Chief Deputy
Office of the Attorney General
1275 W. Washington St.
Phoenix, Arizona 85007-2926

RE: Investigation into News Article about Pinal County Board Supervisor Todd House

Dear Mr. Bailey,

The Pinal County Attorney's Office requests that the Attorney General's Office assume prosecutorial responsibility for the above-referenced matter. Pinal County Manager, Greg Stanley, has requested that allegations raised in a recent news article concerning a sitting board member be looked into. (The news article is attached)

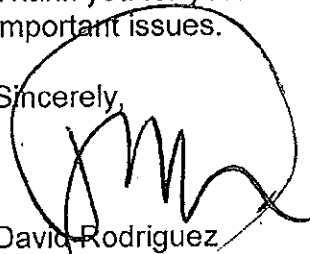
In view of a potential conflict of interest, since our office advises the Pinal County Board of Supervisors on an ongoing basis, we are asking for your assumption of our powers and duties in this matter.

The Pinal County Attorney's Office hereby authorizes the Attorney General's Office to assume investigative and prosecutorial responsibility for the above-referenced matter.

Please advise us as to the disposition of this matter once it is concluded. If you have any questions, please do not hesitate to contact me directly.

Thank you for your assistance. It is a pleasure to work with your office on this and other important issues.

Sincerely,


David Rodriguez
Chief Deputy
Pinal County Attorney's Office
(520) 866-5568

Sent via email and U.S. mail

page A-2
Awareness Day
Sept. 23
GOLD!
 see page A-5

APACHE JUNCTION
Gold Country
 Superstition Mountain Country
 On The World Wide Web
 075 S. Idaho Rd. Suite 102, Apache Junction, Az. 85119 • (480) 982-6397

see page A-12
PROSPECTOR IV ROLLS TO 3-0

serving
 Northern
 Pinal County
ARIZONA
50¢
 E-Mail: ajnews@ajnews.com

Hours County Assistant Resigns— Cites he News: ‘Stress & Unofficial’ Work day-Friday 11M-4PM

Inserts

Salgreens
 Tucson, Arizona

ICE DEPOT
 Helping Care of Owners

Life News

minute reamer



By Bill Van Nimwegen
The News

Lora Highstreet, assistant to Pinal County Supervisor Todd House, resigned last month citing stress and too much time attending to “unofficial” tasks that House and his wife assigned to her.

In an email to House announcing her resignation, Highstreet said what began as her helping with a personal matter grew into her being treated “as a personal assistant for you and Tuni (House’s wife) working on things [that] are not official county business.”

Tuni House runs Paws 4 Life, a non-profit organization that trains service dogs and handlers.—Todd House serves as

you things have escalated from helping on a personal matter to being a personal assistant for you and Tuni working on things that are not official county business. I don’t understand what you guys did to plan vacations or doctor appointments before I started. I don’t feel that downloading Paws pics and sending email and invitations are county business. There are several reasons for my resignation that I will prepare in a resignation letter. The stress and unhappiness is actually making me sick. Please do not call or show up at my house this I would like some quiet time to try and get healthier.

Lora

Highstreet began working as executive assistant for House after his election to Pinal County Supervisor, District 5 in November 2012. In February 2014, Highstreet was one of three Board of Supervisors executive assistants to receive a job reclassification to Assistant to the Board of Supervisor, Grade 129 and a pay raise. At a time when the Board of Supervisors (BOS) faced a \$9 million deficit and only OK’d 2.5% merit increases for other County employees, House had Highstreet’s position reclassified, circumventing the county’s human resources department recommendation. Her salary was bumped 28%—from \$46,985 per year to \$57,242.

At the February 5, 2014, BOS meeting, House de-



Supervisor Todd House

fended the reclassification for Highstreet saying that the five districts have very different needs and require a different skill set from their assistants. Supervisors Steve Miller of Casa Grande and Pete Rios of Dudleyville strongly opposed the move and voted against the pay increases.

When reached for comment, Supervisor House said “I can’t really comment on an employer/employee relationship. All I can say is that she resigned, she was a good worker.”

There is currently no indication from the Board of Supervisors regarding an official inquiry into the circumstances of Highstreet’s resignation.

From: Perkovich, Mark
To: Woods, Dan; Loftus, Charles
Subject: FW: Digital currency class
Date: Wednesday, December 09, 2015 3:18:01 PM
Attachments: Digital Currency Training Program 1.27.16-1.28.16 TucsonPD.PDF

Have you guys seen this training? I'm not sure if we ever encountered a case which involved "bitcoin", or something similar, but if we haven't it may be a matter of time. Do we have anyone that would benefit from attending?

Mark

Attached you'll find the flyer for training workshop in January at the Tucson PD. This course is geared toward criminal investigators. Units that might find value - ECU, Fraud, Narcotics, Diversion, Money Laundering, Organized Crime & Intelligence

Online web form - <http://www.digitalcurrencycouncil.com/events/miramar>



January 27-28, 2016

Bitcoin Level 1 & Level 2 Law Enforcement course

Hosted by the Tucson Police Department & the Digital Currency Council

COST \$400 before November 30th, \$495 after November 30th

LOCATION Operations Divisions West, Westside Police Service Center,
1310 W. Miracle Mile, Tucson AZ 85705

COURSE OVERVIEW This course is designed to teach criminal investigators how to effectively track, monitor and analyze the flow of illicit digital currency funds. The focus will be on cryptocurrencies (like bitcoin) and the underlying blockchain technology. Students will gain a cross-domain understanding of Bitcoin as a technology, financial asset, and ecosystem at sufficient depth to identify sophisticated ways to track fund-flows, generate leads, and potentially identify targets.

INSTRUCTORS

DAVID BERGER, Founder & Chairman

B.A. Cum Laude in Political Science, Emory University; J. D., NYU School of Law

DANIEL McARDLE, Founder & Director of Curriculum

B.A. in Computer Science & Economics, Brown University

RSVP at www.digitalcurrencycouncil.com/events/tucson

PAYMENT OPTIONS

Credit card: digitalcurrencycouncil.com/events/tucson. **Check or money order:** payable to Digital Currency Council, Inc. Mail to Digital Currency Council, 636 Avenue of the Americas, 6th Floor, New York, NY 10011

Course Agenda

Day 1: General Competency Training

Module 1: Bitcoin Origins & Technical Underpinnings

Module 2: Properties & Monetary Implications

Module 3: Practical Use

Module 4: Ecosystem

Module 5: Accounting & Finance

Module 6: Regulatory & Legal

Day 2: Law Enforcement Training

Module 1: Bitcoin Key Storage and Encryption

Module 2: Probabilistic Network- Layer Deanonimization

Module 3: Individual Transaction Construction & Analysis

Module 4: Transaction Chains, "Taint," and Mixing/Tumbling Services

Module 5: Mapping External Address Data to Blockchain Analysis

Module 6: The Alt-coin Ecosystem & Its Relationship to Bitcoin



ABOUT THE INSTRUCTORS

DAVID BERGER, Founder & Chairman

B.A. Cum Laude in Political Science, Emory University
J.D., NYU School of Law

David Berger began his career at the US Department of Justice before spending five years as a practicing attorney, where he focused much of his time on corporate and congressional investigations. He has also served as Head of Asia Pacific for SecondMarket and CEO Americas for Campden Wealth and the Institute for Private Investors.

At the DCC, David Berger is responsible for leading our client-focused training programs, as well as establishing the strategic direction of the organization.

DANIEL McARDLE, Founder & Director of Curriculum

B.A. in Computer Science & Economics, Brown University

Dan McArdle has deep experience quickly understanding, utilizing, and implementing cutting-edge technology. As a very early adopter of Bitcoin and Blockchain technology, Dan has been considering the applicability of data science to its use for over 4 years and is respected as an expert and thought leader in the digital currency ecosystem.

At the DCC, Dan is responsible for creating and maintaining the training curriculum. His expertise in technology and economics allows him to engage a network of experts across a variety of specialty areas, ensuring the DCC curriculum is up-to-date, accurate, and clear.

ABOUT THE DCC

The Digital Currency Council is the trusted name in professional training on Bitcoin and its related technologies.

The Digital Currency Professional Training Course Imparts a broad understanding sufficient for issue spotting. The Digital Currency for Law Enforcement Course is highly tailored to facilitate specific investigations.

Whether seeking general understanding of law-enforcement-related topics, or specific deep expertise in one domain, the Digital Currency Council creates a tailored program resulting in actionable insights and skills for the law enforcement professional.

QUESTIONS?

Miriam PD, Brent Steffan
Direct: 954.602.4087 F: 954.602.4703
bsteffan@mirampd.org

DCC, Brigham Coombs
Direct: 305.300.7307
bcoombs@digitalcurrencycouncil.com

From: [Perkovich, Mark](#)
To: [Woods, Dan](#)
Subject: FW: Follow-Up to Meeting
Date: Friday, November 06, 2015 3:45:52 PM

FYI...

From: McLoughlin, Eric [mailto:Eric.McLoughlin@ice.dhs.gov]
Sent: Friday, November 06, 2015 3:39 PM
To: Piano, Vince
Cc: Conrad, Donald; Perkovich, Mark; Gadow, Blaine
Subject: RE: Follow-Up to Meeting

Vince,

As a follow-up to Wednesday's meeting, I have reached out to our HSI attaché office in the Philippines and requested they provide us intelligence copies of their investigative leads that they are identifying with Philippine law enforcement regarding human trafficking/child exploitation investigations.

I also reached out to our headquarters compliance enforcement program to discuss what options are available in tailoring the data sets (visa type, gender, age range, etc.) to examine certain subsets of individuals entering the United States who may be victims or perpetrators of these types of crimes.

If we can identify the data sets we would like to examine, our HQ can start to focus on those subjects and provide us with that information. I'm looking forward to working with your team on this project.

Thank you.

Eric

Eric D. McLoughlin
Assistant Special Agent in Charge
Homeland Security Investigations
Phoenix, Arizona
602-640-2035 ext. 4101
602- *Mobile*
Eric.McLoughlin@ice.dhs.gov

From: [Perkovich, Mark](#)
To: [Woods, Dan](#)
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 3:57:34 PM
Attachments: [C&BP complaint for special action 10.28.15.pdf](#)
[C&BP Media Release 10.28.15.pdf](#)

Dan, I didn't see your name as a recipient on this email but you should have been.

From: Conrad, Donald
Sent: Wednesday, October 28, 2015 2:37 PM
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

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-

From: scott@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. cell
862.243.2573 main

scott@checksandbalancesproject.org
checksandbalancesproject.org
[@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 COPE LLP

20 By: 

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

Attorneys for Plaintiff Scott Peterson



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 scott@checksandbalancesproject.org or 703
DBarr@perkinscoie.com or 602-

| Dan Barr at

From: [Perkovich, Mark](#)
To: [Conrad, Donald](#); [Ahler, Paul](#)
Subject: FW: Graven - Dubree meeting, follow-up
Date: Tuesday, December 29, 2015 10:59:47 AM

Additional issues related to the Graven matter...

From: Buhrow, Lauren
Sent: Tuesday, December 29, 2015 10:54 AM
To: Waters, Joseph
Cc: Eckert, Robert; Perkovich, Mark
Subject: Graven - Dubree meeting, follow-up

Hi Joe,

Deborah Dubree just called asking 3 things in follow-up to my encounter with her. I informed Rob, because I am not the primary case agent and have been instructed to take no action on these cases, and he suggested I send this email to inform you.

She was under the impression that the meeting she scheduled with Dan, for which I interacted with her in Dan's absence, was a meeting with Dan, Dubree and Will. She wanted to accomplish, and is still asking about, the following:

1. They were going to go over a notebook Dubree provided to Dan. She wants to confirm we still have her notebook now that Dan is gone.
2. She wanted the opportunity to ask Graven not to proceed with the story with in the media, and is asking me to contact him to convey this (which I have not and will not do without direction).
3. She wants to reschedule the meeting.

Sincerely,

Lauren

Lauren Buhrow
Special Agent

Office of the Attorney General – SIS
1275 W. Washington, Phoenix, AZ 85007
Desk: 602.542-8054 | Cell: 602-568-7572 | Fax: 602.542.4882
Lauren.Buhrow@azag.gov
<http://www.azag.gov>

From: [Perkovich, Mark](#)
To: [Loftus, Charles](#); [Woods, Dan](#)
Subject: FW: JTTF Meeting Tues. 12/15/2015 at 2:00 pm Phoenix FBI Office
Date: Friday, December 04, 2015 11:18:33 AM

I believe both of you have the required clearance to attend. If so, please consider attending.

From: Hillman, Maureen A. (PX) (FBI) [<mailto:Maureen.Hillman@ic.fbi.gov>]
Sent: Wednesday, November 25, 2015 12:49 PM
To: Alan Rodbell; Allen, Matthew C; Atteberry, Thomas G. (ATF); Bill Montgomery; Coleman, Douglas W. (DEA); Craig Hamic ; Cristina Beloud; Curry, Erica C. (DEA); Darren Martinez; Dave Harvey; Debora Black (dblack@glendaleaz.com); Emily Gebo; Frank Milstead; Heather Froese; Howard Purcell; Jason Burns; Jeannette Barber; Jerry Agnew; Joe Arpalo; Joe Yahner; John Kramar; John M. Ramirez; John Meza; Jose Salinas; Leah Sanchez; Luz Galarza; Brnovich, Mark; Mark Murray; Perkovich, Mark; Matt Lively; Michael McGuire; Michael Thompson; Orose, Michael; Orrantia, Gilbert; Paul Babeu; Pimsner, David (USAAZ); Rick St. John; Robert Lee; Roy Minter; Sarah E. Cummings; Scheps, Steve (USAAZ); Sean Duggan; Tim Chung; Tom Ryff; William K. Brooks
Cc: Steffen, Elizabeth A. (PX) (FBI); Brown, Gretchen A. (PX) (FBI)
Subject: JTTF Meeting Tues. 12/15/2015 at 2:00 pm Phoenix FBI Office

Hello:

A JTTF Executive Committee meeting has been scheduled for Tues. 12/15/2015 at 2:00 pm in Phoenix, AZ (please arrive by 1:45).

The Phoenix JTTF will provide updates on the Paris attacks and also will discuss current threat streams related to the upcoming holidays and potential relevance to the State of Arizona.

Phoenix attendees will meet at the FBI office, 21711 N. 7th St., Phoenix. Flagstaff attendees can attend at the Flagstaff FBI office, 5900 S. Pulliam.

This meeting is intended for heads of agencies who participate on the JTTF; if the agency head is unable to attend, they may send a designated alternate.

Phoenix participants are requested to only RSVP to Betsey Steffen at Elizabeth.Steffen@ic.fbi.gov by 12/11/2015.

Prior to the meeting, each attendee must have at least a current SECRET clearance and must ensure that their clearance has been passed to FBI Headquarters/Security Division within the past year.

If you plan to attend, please do not reply to this message, but rather RSVP to Betsey Steffen noted above. Your agency's participation in the Arizona JTTF and your continued support to the Executive Committee are appreciated.

Thank You

From: [Perkovich, Mark](#)
To: [Woods, Dan](#)
Subject: FW: Major fraud, over 500 victims, see police contact 57 times this summer, see 200 complaints on YELP
Date: Monday, December 14, 2015 3:38:43 PM

Dan, can you have the Duty Agent review?

Thanks-
Mark

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

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

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

From: Brnovich, Mark
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:DH@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,

Dean Holloway

From: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Subject: FW: Media Form Letter
Date: Monday, November 16, 2015 9:36:01 AM
Attachments: [Media Form Letter for 12-16-15.pdf](#)

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:
Email: will@willgraven.com

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

November 16, 2015

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: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Subject: FW: Melissa Coe and settlement conference 1:30 PM today
Date: Thursday, December 17, 2015 1:02:18 PM

As an FYI...

From: Edwards, Michael
Sent: Thursday, December 17, 2015 11:17 AM
To: Woods, Dan
Cc: O'Shea, Peggy
Subject: Melissa Coe and settlement conference 1:30 PM today

In the Melissa Coe case, a new victim has been identified this week. (He lost \$7,500 and a forgery was committed.) The crime took place after we did search warrants on Melissa Coe and prior to her indictment.

The prosecutor, Cynthia Giltner, is attempting to have Melissa Coe sign the plea agreement today. This plea agreement would allow Melissa Coe to remain out of custody until early January when she surrenders for prison.

It is our plan that if Melissa Coe does not sign the plea agreement then we would conduct a probable cause arrest at the court for 1 count of forgery, possibly one count of theft. Melissa Coe would then be booked. Cynthia Giltner is aware and would not use any threat of arrest to get Melissa Coe to sign the plea agreement. Cynthia Giltner has been advised of our plan to conduct the arrest and has agreed to get a direct complaint filed.

This memo is for you to provide any notifications that need to be made prior to the settlement conference.

From: [Perkovich, Mark](#)
To: [Woods, Dan](#)
Subject: FW: Moving Pimienta to Tucson SIS
Date: Thursday, December 10, 2015 12:41:16 PM

Just keeping you in the loop. Deep down, Pimienta had wanted to take a SA position in Tucson but felt obligated to stay in HCFA given the fact Carroll had just arrived. As such, we offered him an investigator position and he was thrilled with the opportunity.

From: Loftus, Charles
Sent: Thursday, December 10, 2015 12:16 PM
To: Cuellar, Paul
Cc: McClain, Mark; Maya, Autumn; Perkovich, Mark; Duplissis, Steve
Subject: Moving Pimienta to Tucson SIS

Paul,

Please work with Autumn to get Jose moved into the Kessler position number. This is the first step for other staff movement - it should not be delayed. Please keep me in the loop and let me know what you need me to do to facilitate the move on paper.

Jose will be keeping the present HCFA cases assigned to him.

Thanks,

Charlie

Charles Loftus Ph.D.

Assistant Chief Special Agent

Office of the Attorney General – Special Investigations Section
1275 W. Washington, Phoenix, AZ 85007
Desk: 602.542.7946 | Cell: 602.763.0768 | Fax: 602.542.4882
Charles.Loftus@azag.gov
<http://www.azag.gov>
Malum est impugnetur

From: [Perkovich, Mark](#)
To: [Maya, Autumn](#)
Subject: FW:
Date: Wednesday, November 25, 2015 8:11:38 AM

From: Rodriguez, Lisa
Sent: Tuesday, November 24, 2015 3:57 PM
To: Perkovich, Mark
Subject: RE:

It's the PSPRS matter that was investigated by Boyd and turn downed by Harriss. Don said for you to be at the meeting too. Cunningham is pushing us to re-open it. Supposed to provide more details at the meeting.

From: Perkovich, Mark
Sent: Tuesday, November 24, 2015 3:53 PM
To: Rodriguez, Lisa
Subject:

Hi Lisa, I saw you scheduled a couple of meetings reference someone by the name of
Can you give me a little more detail as to who this is?

Mark Perkovich
Chief Agent

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

From: [Perkovich, Mark](#)
To: [Conrad, Donald](#)
Subject: FW: P-2013-2537-LTR-Case Decline Letter
Date: Wednesday, October 07, 2015 10:55:44 AM
Attachments: [PHX-4676455.docx.DRE](#)

Don, this was the letter we discussed about sending to Michael Bailey - the attorney for the City of Glendale. We also discussed this coming from an attorney within CRM.

From: Eckert, Robert
Sent: Wednesday, October 07, 2015 10:06 AM
To: Perkovich, Mark
Subject: P-2013-2537-LTR-Case Decline Letter

Chief,

Case decline letter regarding COG.

Rob