

From: [Rodriguez, Lisa](#)
To: [Conrad, Donald](#); [Roysden, Beau](#); [Watkins, Paul](#); [Ahler, Paul](#); [Eckert, Robert](#); [Madsen, Annalisa](#)
Cc: [Rodriguez, Lisa](#)
Subject: Bitter Smith - Letter/Attachments from Tom Ryan
Date: Wednesday, December 09, 2015 10:25:22 AM
Attachments: [Untitled.PDF - Adobe Acrobat Pro.pdf](#)

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December 3, 2015

Donald Conrad, Esq.
OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA
Phoenix Office
1275 West Washington Street
Phoenix, AZ 85007-2926

RE: Susan Bitter Smith

Dear Don:

Recently, KJZZ ran a story regarding Susan Bitter Smith and her inappropriate involvement with the Arizona Government Information Technology Agency (GITA). See link below.¹ If you will go to the link you will see documents where Comm. Bitter Smith has acknowledged the link between telecommunications and broadband. Additionally, I have printed off Will Stone's story from KJZZ.

I have enclosed my notes from a lengthy telephone call I had with Galen Updike who was the manager of GITA during the time that Susan Bitter Smith was running for office and after she ran for office and was still working on telecommunication matters. If you are interested I could have this notes dictated and provided to your office. Otherwise, I will leave it alone.

Very truly yours,

LAW OFFICE OF THOMAS M. RYAN



Thomas M. Ryan

Enclosures

¹ <http://kjzz.org/content/228342/embattled-corporation-commissioners-conflict-interest-may-extend-broadband>

①

Gov't
Tech. Agency

→ Dept of Admin

Galen Updike

Telecommunications Department Mgr

↓

2012

Broadband Department Mgr

\$82,000

(1) Best Practices

(2) Project Mgt

(3) Work w/
Communities to
Develop Best Practices

(4) Policy issues affecting
telecommunications

→ AGITA

②

Arizona Telecommunications Information Council

Chair = Al Crawford (3rd set of 6 yr)

\$ 40-50 MM - Honeywell v. ADO
tech woodpile

GO 2003-2013 - Dev'ment Mgr.

SBS

- cable ^{work} + SBS

→ fought against Gov't intervention re: AARA

- AARA fund - \$8.2 Billion fund Grants
- "Shovel Ready" Project

→ 5 States:

MS
ME
NC
AZ
IL

→ testified re AARA
funds would
be applied

- wanted state input on grants

- Mike Keating - lawyer
 - # Telecom Expert in AZ
 - Chief Consultant for G.I.T.A

↳ Gov Net
 ↳ Grant
 ↳ 107 Grant apps

↳ Gift clause
 ↳ can't spend T/Payers \$ on private matters

↳ Connect America Fund

↳ created by fees
 ↳ "Fed Universal Service" fee

SBS on behalf of SWCCA 2009-2010

↳ many letters re: project to process of AARAS
 ↳ \$100,000,000 = came to AZ

2010 - "picked the broadband winner"

12/2010 - rec'd \$7.0MM grant to do
broadband mapping & planning

→ SBS - opposed

↳ mapping
planning
grant writing

↳ 5yr (K)

1^{mm} = consulting
1^{mm} = Strategic Plan

2/2012 - SBS running

SB 1402 & SB 1403

→ Fobbed against

→ Keeling wrote it

→ Druggs sponsored it

- Susan Annabell - Cox, PIO.

SBS + SA always together

- attended every Digital Arizona Council

- "abundant digital resources"

→ moves customers to cellular + Wifi.

→ busts up the triple play

1/7/2013

Brian McNeil - Dir Dept of Admin.

SBS making recommendations & policy statements

→ to DAC

→ appeared in front of DAC

→ worked/develop SBS/SA always together

GITA / D&A

- Mike Galen
- Galen update
- M. Keeling
- SBS/SA.0

→ to review re: development Strategic Plan

→ 45 mins

→ Rpt 304 - D&A

→ @ end of mtg

→ lost 10-15 mins

→ upset re: GovNet

→

"Galen we're getting complaints re: GovNet"

"My clients are not meeting their time tables"

"Funds were suspended."

"Can you go to these customers & tell them that GovNet is a bad choice for them?"

60 = "they have separate contracts. You'll have to go to Office of Procurement!"

-GBC "You say you're not going"

602

- Mike Keeling.

2012

SB 1402 & 1403

1402 - making available to qualified providers R of L of public State Roadways to install infrastructure connected broadband connectivity

- "connectivity" =

- fiber
- copper
- wireless
- best
- best
- least

- Cox opposed

↳ this would create competitors to Cox

- Cable
- Telecom

- ~~the~~ Grant - ARA Stimulus Funds
N. Telecommunications Information Administration

- Mapping & Planning
- State Gov't was a barrier

broadening of def of transportation to include info

1403 - to create in DOA an Group to oversee / admin the info provided by Pt of Ways mapping process

- written by M.K., sponsored by Sen Bob Burns

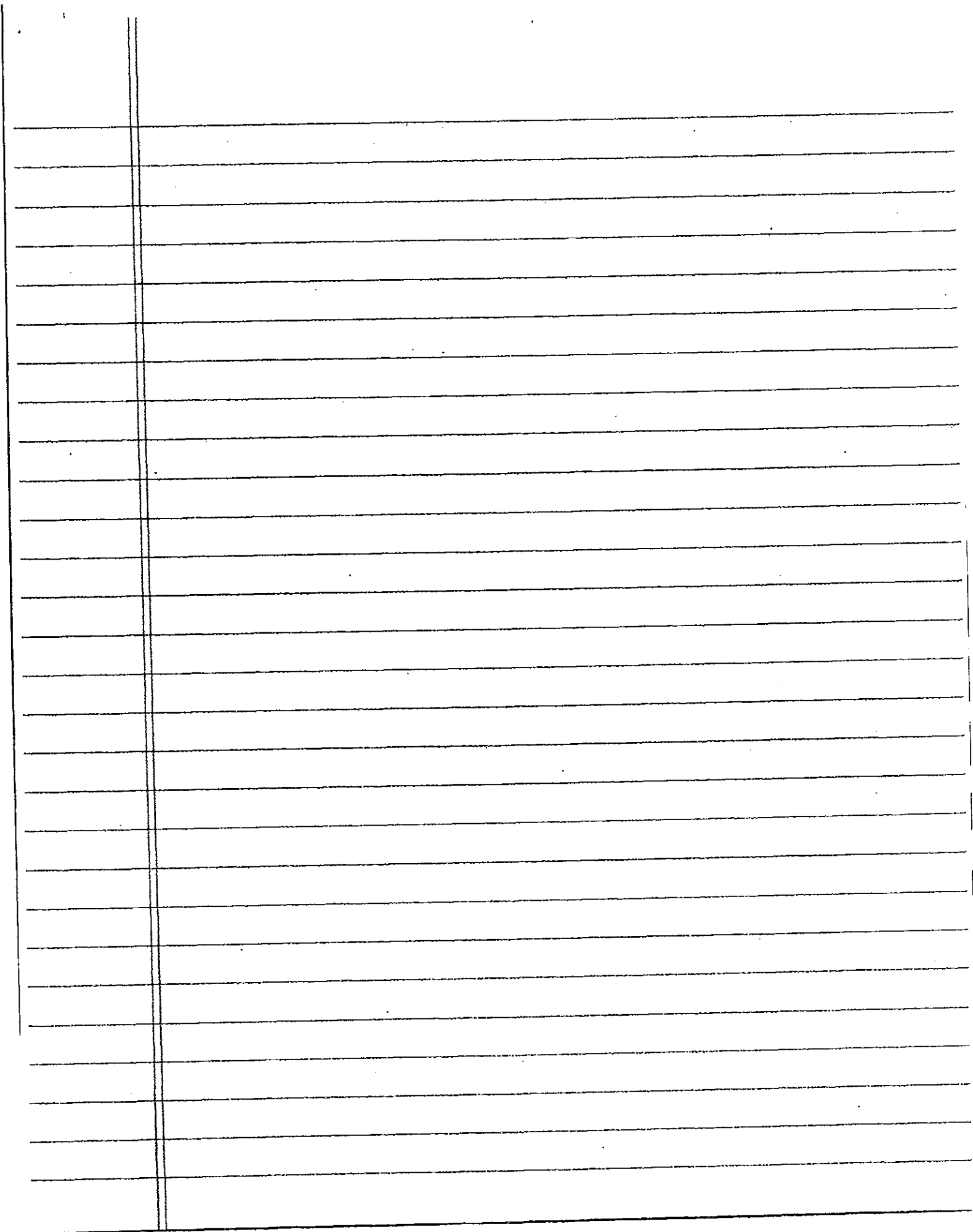
- invited cable / telecom providers
- to have input

↳ Cox opposed - "false competitive framework based on you'd \$ being used to show competitors into the marketplace!!"

The Swans

SBS	(E.D. of SWCCA)
SA	(Cox)
Mike	

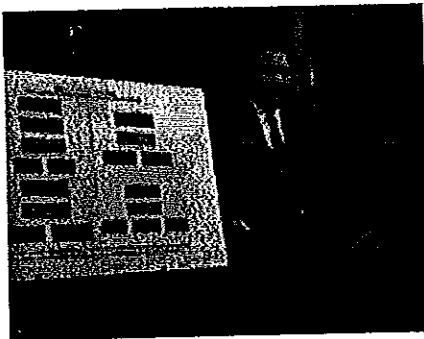
Pre-Legis Session @ DOA



kjzz.org

Embattled Corporation Commissioner's Conflict Of Interest May Extend To Broadband

By Will Stone



(Photo by Will Stone - KJZZ)

Arizona Attorney General Mark Brnovich presented a graphic detailing corporate ownership of telecom and cable television providers during a press conference announcing he had filed a lawsuit against Arizona Corporation Commission Chair Susan Bitter Smith.

One of Arizona's top regulators could soon be out of a job.

On Monday, Arizona Attorney General Mark Brnovich filed a petition with the state Supreme Court alleging that Corporation Commission Chair Susan Bitter Smith is violating state conflict of interest laws

and should be removed from office.

Bitter Smith's relationship with the telecommunications industry — part of which she regulates — have been under scrutiny in recent months after a local attorney filed a complaint with the state.

"This isn't one of these instances where this was maybe somebody skating too close to a line, or maybe somebody that had gone into a grey area. I think the law is very clear on this case," Brnovich said.

Brnovich cited a variety of ways the commissioner's regulatory powers conflict with her lobbying for the cable television industry, including broadband. Now others are raising questions about whether Bitter Smith's possible conflict of interest in that area goes deeper than previously reported.

Rural Areas Struggle With Broadband

Between 2010 and 2013, Galen Updike was wrestling with a digital dilemma. While cities enjoyed readily available high-speed internet, the same was not true for rural Arizona.

"We had really, really bad deficits in broadband in the rural areas of the country. Arizona was particularly hurt because our separation of connectivity was so much larger," Updike said.

At the time, Updike was part of a team of state employees and consultants tasked with mapping the availability of broadband, outlining the barriers to broadband in rural areas and devising

policy recommendations, among other things.

A frequent voice throughout that process, Updike said, was Susan Bitter Smith, the director of a cable industry trade group.

"The only reason for Bitter Smith to be there was to talk about telecommunications policy, broadband policy," Updike said.

In November 2012, Bitter Smith was elected to the Arizona Corporation Commission, the state's powerful regulatory body responsible for overseeing public utilities, from electricity to water to telecommunications.

While the commission does not regulate cable television or broadband, it does oversee the telephone services of companies like Cox Arizona Telecom and Suddenlink, which market and sell their products in a bundle of internet, cable and telephone.

"Nobody, but nobody, believes these corporations are separate. When you get your bill from Cox at the end of the month, all the services are bundled. It comes through your house on one line," said attorney Tom Ryan, who filed the complaint with the Arizona Attorney General's office seeking Bitter Smith's removal from the commission.

Bitter Smith has refuted Ryan's complaint, arguing her connections to the cable industry have no overlap or conflict with her regulatory responsibilities as defined by state law.

"The telephone entities of the cable world are separate corporate entities. They have separate identities; they have separate regulatory schemes; they have separate fees; they pay taxes separately," Bitter Smith said during an interview with KJZZ in mid-November.

For that reason, the commissioner said her involvement in state broadband policy on behalf of her cable association was entirely permissible. For example, Cox Communications Arizona LLC is a member of Bitter Smith's association as opposed to the telephone branch, Cox Arizona Telecom, which is regulated by Bitter Smith and her fellow commissioners and not a member of the association.

The Broadband Problem

Increasingly, broadband is a matter of survival for rural communities — from economics to education to public safety.

Just this year, the Federal Communications Commission found that 80 percent of rural Arizona lacks a connection speed that fits the federal definition of broadband. In the urban areas of the state, that number is only 10 percent.

Updike was acutely aware of this so-called "digital divide" while working on broadband and telecom issues for the state from 2003 to 2013. He is also a former Republican legislator and past president of the nonprofit Rural Telecom Congress.

A frequent challenge Updike encountered during those years, he

said, was that major cable providers had little incentive to build out broadband in the less-populous areas because the return on investment is too low. The poor connectivity in rural communities became more apparent as his team asked the public to run tests, tracking their speeds of connection.

“All the broadband providers were cherry picking — going after the high easy places to put broadband into where there’s high concentration of population dollars,” Updike said. “And basically the low population areas, the rural areas of the state of Arizona, are sucking wind. They have no possibility for it.”

Supported by federal grant dollars, Arizona’s broadband effort involved myriad working groups, overseen by the now-defunct Digital Arizona Council, consisting of representatives from educational institutions, state and local government and the cable telecommunications industry, among others. The findings and policy recommendations were intended to take the form of a weighty report, the Arizona Strategic Broadband Plan, which would serve as a roadmap for bringing broadband to more of the state’s residents and institutions.

But the contention that cable providers were not adequately meeting the needs of rural Arizona did not sit well with Bitter Smith or her association’s members.

A letter from her to the Digital Arizona Council dated Nov. 5, 2012, spelled out the objections of the “cable telecommunications” industry to the draft of the broadband plan and “a number of areas

in the document" that her association could not support. Among those, Bitter Smith took issue with the team's data, which contradicted her association's estimate that the cable industry had the "collective ability to provide broadband service to 96 percent of the state." She also criticized a proposal to establish a broadband mapping program "for which there is no documented supporting data indicating any real ongoing benefit to anyone."

In a separate letter, a Cox Communications employee, who was also on the Council, raised concerns about the plan and its focus on availability, rather than adoption. Essentially, Cox argued the state should not take such an active role in expanding broadband networks, but instead encourage more people to purchase the existing broadband offered by the cable industry.

The day after delivering her letter, Bitter Smith was elected to the Arizona Corporation Commission, which she currently chairs.

Public records indicate Bitter Smith stayed active on broadband and telecom issues, even after taking office in January 2013.

A series of emails from March 2013 show Bitter Smith arranged at least one meeting with representatives from Cox, CenturyLink, Cable ONE, AT&T and the head of the agency in charge of the broadband initiative, former Department of Administration Director Brian McNeil.

The subject line reads: "Meeting w/Susan Bitter Smith re: telecommunications." A calendar invite specifies that meeting was

held in McNeil's office on April 2, 2013.

A document with the agenda from a meeting of the state's broadband mapping team references that April 2 meeting between Bitter Smith, McNeil and lobbyists, saying "They [Cox, CenturyLink and Bitter Smith's association] presented their standard talking points about the extent of cable coverage in Arizona. They seem to object to the goals and existence of the Digital Arizona Program."

When asked by KJZZ about the reason for that meeting, Bitter Smith said it was primarily concerned with broadband deployment and data collection.

"Answering questions about how the data was collected, what are the challenges for broadband deployment ... those were, I think, the general issues that were discussed. I can't precisely tell you what everybody said in every single instance, but that was the purpose of the meeting," Bitter Smith said.

Bitter Smith said there was nothing improper about such a meeting "since there's no role of the commission in broadband deployment."

Still, the Department of Administration, which manages government procurement, earlier this year awarded contracts to companies that go before the commission, like Cox Arizona Telecom, LLC, Mercury Voice & Data, LLC d/b/a Suddenlink Communication, CenturyLink d/b/a Qwest Communications Corp, and AT&T Corp for "carrier and broadband provider services" as part of a federal program, known as E-Rate.

Updike and several sources close to the broadband initiative said Bitter Smith was a regular and influential voice during 2012 and early 2013 on broadband policy and the plan, attending meetings with various state employees and stakeholders.

"She was consistently involved and a factor throughout 2012 in opposition of the state broadband plan," Updike said.

Aaron Sandeen was the former Chief Information Officer for the State of Arizona at that time and oversaw the broadband initiative. His characterization of Bitter Smith's involvement was more tempered. He only met with Bitter Smith a couple times, he said, and always viewed her as representing the interests of the cable industry.

"She was a stakeholder providing valuable feedback. I was never aware of her status (as a candidate or commissioner) and never thought she overstepped," Sandeen said.

Bitter Smith Under Fire

Bitter Smith has long billed herself as a telecommunications expert, from the biography on the website of her small business to lobbying ads published in a trade magazine.

While in office, she has maintained her status as a registered lobbyist for Cox Communications Arizona, LCC and lobbyist/director of the industry group, the Southwest Cable Communications Association. Representatives from the cable side

of Cox and Suddenlink sit on the association's board and approve her \$150,000-plus annual salary, which she collects in addition to her state salary.

Bitter Smith and her husband also run a public affairs firm, Technical Solutions, which has had clients in the telecom industry.

These connections have faced heightened scrutiny since August when KJZZ first reported on a possible conflict of interest. Past interviews with two former commissioners, a former attorney general and legal scholars have yielded mixed opinions on the extent to which Bitter Smith's business ties put her in violation of the conflict of interest law that applies to commissioners.

The statute reads:

"A person in the employ of, or holding an official relation to a corporation or person subject to regulation by the commission, or a person owning stocks or bonds of a corporation subject to regulation, or a person who is pecuniarily interested therein, shall not be elected, appointed to, or hold the office of commissioner or be appointed or employed by the commission. If a commissioner, or appointee or employee of the commission becomes the owner of such stocks or bonds, or becomes pecuniarily interested in such a corporation involuntarily, he shall within a reasonable time divest himself of such stocks, bonds or interest. If he fails to do so, he thereby vacates his office or employment."

Since Bitter Smith took office in 2013, the commission has voted at

least seven times on matters involving companies related to members of her cable association. She has recused herself from some of those votes and participated in others. Bitter Smith has said any decision to abstain from voting was out of a desire to be transparent and for "optics sake," not because she had a legal obligation to do so.

Nonetheless, these relationships with the telecom industry, as well as the activity of her public affairs firm, struck attorney Tom Ryan as a major violation — serious enough to merit her removal from office.

Among other things, his complaint to the attorney general highlights how the various services offered by Cox cannot be entirely teased apart.

For example, a report from Cox, cited in the complaint, discusses the effectiveness of bundling telephone, internet and cable, including a substantial uptick in new telephone customers between 2006 and 2007 thanks to this marketing strategy.

GovNet Allegations

According to Updike, Bitter Smith's attempts to influence broadband policy went beyond simply providing input on the state plan.

During a meeting in early February 2013, Updike said Bitter Smith and Cox Communications lobbyist Susan Anable approached him and several others working on the plan. He said Bitter Smith

solicited their help in trying to cancel the state contract with a company called GovNet Inc., which had previously received \$39 million in federal funds to expand broadband in rural Arizona.

"(Bitter Smith) was saying that many of the customers that GovNet had made contracts with were not being fulfilled. There was a better alternative. You've got existing cable companies in the area that are having now to compete against these dollars that came in from the federal government," Updike said.

"'Can you help us get rid of GovNet's contract?' is what the request was," recounted Updike. "It took my breath away."

Bitter Smith's account of that meeting differs. She pointed out that GovNet was, at the time, under audit by the federal government.

"I don't recall saying, 'Can you cancel the contract with GovNet?' I do think, though, that it's fair to suggest that those in the room collectively were asking about the status of the contract and would it continue? And would it make sense if it's under federal review and financial audit? What were the next steps? Whether that could be translated as would you cancel it? I don't know," said Bitter Smith in response to Updike's allegations.

Bitter Smith added that Updike is a major supporter of GovNet and approaching him with such a request would not have made sense.

Among the people who were in that meeting, there are differing accounts of what was said. Some agree with Updike's account of

the GovNet conversation, but others do not.

A Cox Communications spokesperson issued a statement on behalf of Anable.

"While concerns about GovNet were well known and broadly discussed during that time frame, I was not present in any meetings where state employees were asked by anyone to cancel the State's contract with GovNet," said Anable in the statement.

Bitter Smith's opposition to GovNet can be traced back to April 2010 when she wrote a letter to the governor's office critical of awarding federal grant dollars to the company.

"Our chief concern with the following applications is that they are all proposing to build broadband transport networks and/or provide broadband services to communities/areas where Arizona's cable industry and others are already offering broadband ..." Bitter Smith wrote on behalf of her cable association.

When contacted by KJZZ, GovNet said it could not comment on the story.

Anable also pushed back against any implication that Bitter Smith was lobbying for Cox or that her involvement in the state's broadband efforts were inappropriate.

"Cox had its own representatives involved in the development of the State Broadband Plan and were not represented by Susan

Bitter Smith on this issue. Further, the State Broadband Plan was developed prior to Ms. Bitter Smith being elected to the Commission, which has no jurisdiction over broadband service," she said in the emailed statement.

Broadband And The Arizona Corporation Commission

Broadband "commonly refers to high-speed Internet access that is always on and faster than the traditional dial-up access," according to the Federal Communications Commission, which regulates internet. It can be transmitted using a variety of technologies, including Digital Subscriber Line (DSL), cable modem, fiber optic and wireless.

The Arizona Corporation Commission does not have jurisdiction over broadband, but it does oversee telecommunications that can rely on the same delivery mechanisms.

The corporation commission's website states that internet "utilizes the cellular/digital system, traditional landline service and other systems such as cable to connect digital communications."

"(Broadband and telephone) share some infrastructure at a minimum. And if they are owned by the same company, they may share more resources," said Mark Goldstein, who worked on the state broadband plan and runs the consulting company International Research Center.

"They're often carried on the same pipes, at some point the

services coalesce. They're billed under the same consumer bill," he said.

Among its goals, the state's broadband effort was aimed at improving and expanding what is known as "middle mile," the stretch of infrastructure linking a community's network to the metro areas where the major carriers are.

By building out broadband, a company might also improve the resiliency and redundancy of its telephone networks, Goldstein said.

"There is some overlap of interests. But in terms of regulatory structure, they are treated separately, and I never really encountered her [Bitter Smith] acting on behalf of telephony's specific interests. Cable interests might serve telephony's interests; better infrastructure for one is better infrastructure for another," said Goldstein.

Bitter Smith maintains the commission has no jurisdiction over broadband.

Still, a company that offers broadband, for example, might use the public telephone network and, in order to do so, needs approval from the commission.

Voice Over Internet Protocol (VoIP) — essentially broadband-based telephone — is a prominent example.

"(VoIP) is still going to utilize the telephone network," said Allen S. Hammond, professor at the Santa Clara University School of Law and director of the Broadband Institute of California.

Hammond said a user may also have access to fiber or cable, but "you'll be traveling over lines that are part of the telephone system, part of the public switched network, as well," he said.

Some companies "are regulated by Commission-approved tariffs, which set the maximum rates the companies can charge customers for VoIP and impose other conditions on operating in Arizona," according to Brnovich's petition with the Arizona Supreme Court.

Despite the regulatory separations, Hammond said from an infrastructure perspective broadband and the telephone network are "connected."

"It's unwise to think of telephone separately from video separately from other types of data because it's traveling over the same network, even though that network has various portions that are fiber optic, coaxial cable, or some hybrid mix, but they are doing the functions, and they are connecting the vast majority of people," Hammond said.

From a business standpoint, Hammond said the telephone side of a provider and the cable or broadband side cannot be easily insulated from each other, either.

"I may have to operate my various divisions consistent with the law

that governs that particular division, but it's not as if I'm not, at the end of the day, sitting down in a boardroom and understanding that I have these divisions that are all reporting in as to what they are doing," said Hammond.

The commission's regulatory authority can have other implications for broadband providers, as well. For example, in February of this year, Level 3 Communications — described as providing "high quality voice and data services to enterprise, government, wholesale and carrier customers over its IP-based network" — requested the commission exempt it from certain rules related to financing.

At times, the commission also manages transactions between public service corporations that relate to broadband. For example, the commission approved the 2011 merger of CenturyLink and Qwest Communications and, according to a press release, "as part of the approval process, the companies committed to investing a minimum of \$70 million in broadband infrastructure." Earlier this year, CenturyLink d/b/a Qwest Communications Corp filed an application with the commission seeking to classify some of its services as competitive and for the ability to adjust rates. The basis for that, cited in the filing, is the growth of the broadband market and VoIP.

Bitter Smith Response

Bitter Smith rejected the notion that these regulatory responsibilities conflict with her efforts to influence broadband on behalf of cable

companies.

She reiterated that broadband services are not within the jurisdiction of the commission and therefore no conflict exists.

When asked how VoIP was not relevant to broadband, Bitter Smith said "Voice Over Internet Protocol is not broadband, so you need to make sure that's very clear ..."

Later in the interview, she said the commission only regulates telephone entities with Certificates of Convenience & Necessity and VoIP entities do not require those.

"Anyone in that business who wants to diversify and do something differently would need to set up that separate corporate entity and come forward and get a CC&N (Certificate of Convenience & Necessity) that component would necessarily be regulated by the commission, not the other aspects of what they are doing in other realms," Bitter Smith said.

She also said the commission has no authority over rates related to broadband, how those services are dispersed or how they market them.

As recently as June, Bitter Smith has spoken publicly about broadband regulatory issues when she participated in a policy discussion hosted by the Internet Innovation Alliance, which was titled "The Role for Regulators in an Expanding Broadband Economy."

During that panel, the moderator asked Bitter Smith, "What's the role going forward for state regulators and how does state actions influence both national and global actors?"

To that, she responded she doesn't "like the word regulator" and prefers "to say policymaker. Because, as an elected official, regulator is a scary word, and sometimes becomes all too real particularly as elected officials look at the demands, the inquiries and oftentimes the requests from constituents."

"In Arizona, the commission is the entity that would deal with these issues, not the legislature ... state policymakers are very tempted to do something, to say they did something," Bitter Smith said.

She went on to articulate her views on how government should participate in broadband, some of which echoed the position of the cable industry she represents.

"I personally see a lessening role in the regulatory side from elected officials," said Bitter Smith. "And, perhaps, more an opportunity for statewide regulators or policymakers to look at adoption programs and education programs. Many of the commentary that I get as a policymaker, and that I know certainly from my background in the telecom industry, is that, as suggested, there is deployment in lots of places, even in rural America."

She concluded that existing broadband services are being "underutilized, and I think we have an opportunity in that role to move forward to do that, and it's something that could be done on a

more regional, state-by-state basis ...”

When asked about those comments, Bitter Smith said she was speaking in general about the need to jumpstart a conversation among policymakers, not specifically commissioners, and she “was talking as a citizen of the United States” when making comments about the need for more adoption of broadband, not as a commissioner.

Bitter Smith said she was a logical choice to speak on the subject because of her experience in the cable and telecom world, adding that it was very clear from her introduction that she was appearing there in both roles, as commissioner and cable industry representative.

However, Bitter Smith's introduction in the video of the discussion did not mention her current position as director of the cable association. Instead, she is described as the Chair of the Arizona Corporation Commission and “prior to her service on the commission she served as President of the Central Arizona Water Conservation District Board, Vice Mayor of the City of Scottsdale and Chairman of the Arizona Competitive Telecommunications Coalition.”

The End Of The Digital Arizona Council

After Bitter Smith was elected in November 2012, Updike said he began voicing his concerns about what he perceived as the conflict between her dual roles. Eventually, he said he was told to be quiet

about the issue.

"I was told to stop poking the bear. The bear was the combination of Cox, CenturyLink and Susan Bitter Smith," Updike said.

The other Republican candidate elected to the commission alongside Bitter Smith in 2012 was former state Senate President Bob Burns. He was also closely involved in the state's broadband planning efforts and was a member of the Council. After being elected, Burns resigned his position "in order to avoid any appearance of conflict," according to a letter filed by the commissioner.

By May 2013, the Council's public meetings began to be cancelled. The strategic broadband plan was never adopted.

That same month, Updike was notified he had lost his job with the Arizona Department of Administration.

Henry Goldberg is an independent consultant who also helped draft the state broadband plan.

"To me when you stop discussions of the plan, disband this council, which is supposed to advise the governor on digital policy," Goldberg said. "There's something inappropriate going on there. Something like this is critical for the citizens of Arizona."

Goldberg said halting the Council has stalled broadband deployment in Arizona, particularly in rural areas.

"I was saddened by the outcome," said Jodie Filardo who was on the Council and heads the Community & Economic Development Department for the Town of Clarkdale.

Without government to help level the playing field and enable more competition, Filardo said the major providers are typically not motivated to bring broadband to rural areas like hers.

"When you think about the providers being profit-oriented companies, they need a reason to listen to us. Traditionally, with deployment of any kind of telecommunications, it really is profit based," Filardo said.

She said swaths of the state are still without adequate broadband.

"If we look back to 2012 and 2013 with the demise of the DAC (Digital Arizona Council), if we had been able to maintain momentum, we would have had going on three years of progress that we have now lost," she said.

Legal Implications

Attorney Tom Ryan said the state conflict of interest laws that apply to the corporation commission took effect as soon as Bitter Smith declared her candidacy. As a result, her involvement in state broadband and telecom policy throughout much of 2012 and after was illegal, he said.

"Obviously, this is further evidence of Susan Bitter Smith's violation

of Arizona's very strict anti-conflict of interest laws that relates to corporation commissioners," Ryan asserted when presented with the new information, including her letter to the council and the email records.

He called Bitter Smith's effort to divide the telephone services of her cable members and the broadband services a "red herring."

"The idea that these can be separated, that's a great tax trick but it doesn't apply in the real world of the corporation commission's responsibilities, especially when it comes to this whole concept of conflict of interest," he said.

"There's lots of perceptions by lots of entities," said Bitter Smith about her ties to the telecom industry.

"The rules are very specific at the commission. The constitution is very specific at the commission. Commissioners are very clear about what their roles are and take it very seriously as I have," she said.

There is precedent for removing a corporation commissioner for violating conflict of interest laws. In 1999, the state Supreme Court ousted then-Commissioner Tony West for holding a securities dealer license — despite West cancelling his securities registration before actually taking office.

Complete Coverage

- Arizona AG Calls For Removal Of Corporation Commissioner Susan Bitter Smith
- Arizona Utility Regulator's Business Ties Called Into Question
- Arizona Corporation Commissioner Bitter Smith And The Debate Over Telecom
- Bitter Smith: Conflict Allegations An 'Intimidation Strategy'
- Arizona Utility Regulator Billed As Telecom Lobbyist In Advertisements
- Attorney Files Complaint Against Arizona Corporation Commissioner Susan Bitter Smith
- Nonprofit Seeking Corruption Charges Against Arizona Regulator Bitter Smith
- Watchdog Group Asks Feds To Investigate Arizona Regulator Bitter Smith
- Arizona Utility Regulator Susan Bitter Smith Faces Another Complaint
- Attorney Calls For Removal Of Arizona Corporation Commission Chair Susan Bitter Smith

From: [Rodriguez, Lisa](#)
To: [Conrad, Donald](#); [Ahler, Paul](#)
Cc: [Rodriguez, Lisa](#)
Subject: Bittersmith
Date: Friday, October 30, 2015 6:22:48 PM
Attachments: [Untitled.PDF - Adobe Acrobat Pro.pdf](#)

Gilda got this in her mailbox. I made you both copies and put them on your chair. But, FYI.



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October 28, 2015

Via United States Mail

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Re: Susan Bitter Smith

Dear Don and Paul,

On September 1, 2015 Tom Ryan filed a quo warranto complaint with the Office of The Attorney General. In it, he alleges conflicts of interest stemming from Commissioner Bitter Smith's work for the Southwest Cable Communications Association and her company, Technical Solutions. The quo warranto complaint also alleges a conflict of interest based on Commissioner Bitter Smith's lobbying work for Southwest Cable Communications Association (the "Association") of which Cox Communications Arizona LLC; a cable company is a member.

Although no formal response is required, we do so on behalf of Ms. Bitter Smith. No legal basis exists for the claim that Ms. Bitter Smith has violated any statutory or constitutional provision. The complaint should be dismissed.

The Commission does not Regulate the Cable Industry

Arizona Courts have ruled that "cable companies are not common carriers" and, thus, cable companies do not fall within the definition of a public service corporation, regulated by the Commission. See *American Cable Television v. Arizona Public Service Company and Arizona Corporation Commission*, 143 Ariz. 273, 693 P.2d 928 (App. 1983). The United States Supreme Court has also held that cable operators are not common carriers. *FCC v. Midwest Video Corp.*, 440 U.S. 689 (1979).

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51513161.7



Don Conrad
October 28, 2015
Page 2

Cable service is defined as “(A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and (B) subscriber interaction, if any, which is required for the selection or use of such video programming and other programming service.” 47 U.S.C. §522(6). A cable system is a “facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community....” 47 U.S.C. §522(7).

The term “telecommunications industry” as described by the Commission includes “local telephone service, long distance telephone service, cellular/digital telephone service, paging service, internet service and a wide array of competitive products and services.”¹ The Commission’s definition does not include cable services.

A “Telecommunications Company” is defined in Title 14, Chapter 2, Article 11 of the Arizona Administrative Code as “A public service corporation, as defined in the Arizona Constitution, Article 15 § 2, that provides telecommunications services within the state of Arizona and over which the Commission has jurisdiction.”

“Telecommunications Service” is further defined as “Any transmission of interactive switched and non-switched signs, signals, writing, images, sounds, messages, data or other information of any nature, by wire, radio, lightwave, or any other electromagnetic means (including access services), which originate and terminate in this state and are offered to or for the public, or some portion thereof, for compensation.”

Consistent with federal law, the State of Arizona enacted statutes regarding local governments’ authority to regulate cable operators in the state. See A.R.S. §9-505, et.seq. Finally, there is nothing in Title 14, Chapter 2, Article 11 granting the Corporation Commission authority to regulate the providers of cable services, an area preempted by Federal law.

Simply put, cable companies are not common carriers and thus, are not public service corporations. Cable companies are different from “telecommunications companies” providing “telecommunications services,” as defined by Arizona law.

Cox Communications Arizona and Coxcom Inc.

Cox Communications Arizona, LLC is a Delaware limited liability company. Cox Communications Arizona was formed in August 2011 by CoxCom LLC. CoxCom LLC is the

¹ http://www.azcc.gov/divisions/utilities/telecom/gen_info.asp



Don Conrad
October 28, 2015
Page 3

sole member of Cox Communications Arizona. Cable services are provided pursuant to a license issued to CoxCom LLC.

Cox Arizona Telecom LLC provides telephone services in Arizona. It is a legally separate company from both CoxCom LLC and Cox Communications Arizona LLC.

**Commissioner Bitter Smith's work in addition to her Duties as a Corporation
Commissioner**

Commissioner Bitter Smith was elected to a four year term on the Commission starting January 2013. She currently serves as its Chair and is a member of the National Association of Regulatory Commissioners (serving on its Water Committee as well as the Subcommittee on Education and Research). She is the President of the Western Conference of Public Service Commissioners.

Southwest Cable Communications Association

Commissioner Bitter Smith has served as the Executive Director of the Southwest Cable Communications Association since 1980. She does not have an employment contract with the Association. Commissioner Bitter Smith previously submitted a letter to Jodi Jerich, the Executive Director of the Commission on February 15, 2013. In that letter (attached), Commissioner Bitter Smith again disclosed her employment at the Association whose members are licensed cable television operators in Arizona and New Mexico. The disclosure was filed so that it could be made available for public inspection.

Technical Solutions

Technical Solutions is a public affairs firm, Commissioner Bitter Smith has served as Vice President of it since 1988.

History of Commissioner Bitter Smith's Lobbying Work

Initially it is important to state that Commissioner Bitter Smith is not and has never been employed by any Cox entity. Commissioner Bitter Smith is a registered lobbyist for Cox Communications Arizona, LLC and Coxcom Inc.; Southwest Cable Communications Association and Technical Solutions. (See Registrations with the Arizona Secretary of State and City of Phoenix). None of these Companies is engaged in activities regulated by the ACC.

Further, Commissioner Bitter Smith is also a registered lobbyist for the Arizona Chapter of the National Academy of Elder Law Attorneys.



Don Conrad
October 28, 2015
Page 4

Commissioner Bitter Smith's status as a lobbyist was disclosed at all times including when she was a candidate and while she has been in office to both the legal department as well as to the Executive Director of the Commission. Prior to running for the Commission she sought and received legal advice on the conflicts issues and was told there were no conflicts. No written record of the advice exists.

There has been no violation of A.R.S. § 40-101:

Commissioner Bitter Smith does not hold stock in a regulated entity, nor does she have a pecuniary interest in any regulated entity.

A.R.S. §40-101: Interest of commissioner or employee prohibited in corporation subject to regulation

A person in the employ of, or holding an official relation to a corporation or person subject to regulation by the commission, or a person owning stocks or bonds of a corporation subject to regulation, or a person who is pecuniarily interested therein, shall not be elected, appointed to, or hold the office of commissioner or be appointed or employed by the commission. If a commissioner, or appointee or employee of the commission becomes the owner of such stocks or bonds, or becomes pecuniarily interested in such a corporation involuntarily, he shall within a reasonable time divest himself of such stocks, bonds or interest. If he fails to do so, he thereby vacates his office or employment.

Prior guidance interpreting A.R.S. §40-101

Jennings v. Woods, 194 Ariz. 314 (1999): Renz Jennings, the defeated incumbent for a Corporation Commission seat sought to oust the winner of the seat, Tony West. Mr. West was a licensed securities salesman who was also employed by a registered securities dealer. The Supreme Court found that Mr. West had a conflict of interest where it was clear he worked for an entity subject to regulation by the Corporation Commission. (Reasoning that the Arizona Corporation Commission issues licenses to securities sales persons and their broker employees, and that the Corporation Commission through Title 44 of the Arizona Revised Statutes has broad regulatory authority over securities.)

Jennings v. Woods has no applicability where Commissioner Bitter Smith is not employed by any entity subject to Commission oversight. Neither Technical Solutions nor Southwest Cable Communications Association are subject to regulation by the Arizona



Don Conrad
October 28, 2015
Page 5

Corporation Commission. Further, lobbying work on behalf of the cable subsidiary of Cox Communications, (Cox Communications Arizona, LLC) does not violate A.R.S. §40-101.

The Federal Communications Act as amended 47 U.S.C. §§521 et. seq. governs the national policy concerning cable communications and preempts the state's authority to regulate cable matters. The Commission has the narrow authority to regulate the telephone business of Cox, but not its cable business. Commissioner Bitter Smith's narrow lobbying work through the Association on behalf of the cable subsidiary of Cox Communications does not create a pecuniary interest in a parent or affiliated entity which is regulated by the Commission.

Bundling of Services is a marketing device: it does not result in a comingling of legal entities

Commissioner Bitter Smith is not a Cox employee and never has been. She performs lobbying work for Cox's cable entities only. Working for one legal entity does not mean that she does work on behalf of all legal entities even where all may have a common parent.

The National Labor Relations Board has concluded where one subsidiary does not have the authority to hire, fire, or supervise the individual, that individual is not an employee of both subsidiaries or the parent. (See Local 2208, Int'l Bhd. Of Elec. Workers, 285 N.L.R.B. 834 (1987) finding that Simplex Wire and Cable, and its parent company, Tyco Laboratories were not a single employer).

While Cox may sell bundled internet/cable television/telephone services to residences and businesses in Arizona, it does so as marketing tool and as a convenience to its customers. Bundling does not nullify the legal separateness of the various subsidiaries.

Attached is an actual Cox residential customer bill statement for cable, phone and internet services. All three services are separately listed but on the same bill. Mr. Ryan's logic suggests that Cox services should be separately billed to maintain legal separation. He would have Cox send this customer three separate bills. Does that make any sense at all? Bundling for advertising or billing purposes does not blur the legal lines between subsidiaries of a corporation and Mr. Ryan has provided no legal support for his position.

Commission Bitter Smith has no pecuniary interest in a regulated entity as defined by A.R.S. §40-101

A.R.S. §40-101 does not specifically define "pecuniarily interested". A.R.S. §38-503(B) as interpreted by the Arizona Court of Appeals is instructional. §38-503(B) provides that a public officer or employee with a "substantial interest" in a decision of a public agency must



Don Conrad
October 28, 2015
Page 6

disclose the interest and refrain from participating in any manner in the decision. "Substantial interest" at the time was defined as an interest that did not fall into one of the seven categories of interests defined as "remote interests." To save the definition from being unconstitutionally vague, the court held that "the term refers to a pecuniary or propriety interest, by which a person will gain or lose something as contrasted to general sympathy, feeling or bias." *Yetman v. Naumann*, 492 P.2d 1252, 1255 (Ariz. Ct. App. 1972). The decision was subsequently codified in A.R.S. §38-502(11) ("Substantial interest" means any pecuniary or propriety interest, either direct or indirect, other than a remote interest."); *Hughes v. Jorgenson*, 50 P.3d 821, 824 (Ariz. 2002) (noting the amendment). "Pecuniary" means money; "proprietary" means ownership. *Shepherd v. Platt*, 865 P.2d 107, 109 (Ariz. Ct. App. 1993).

Commissioner Bitter Smith has no pecuniary interest in any Cox telephone subsidiary. She does no work for the telephone subsidiary. Mr. Ryan has not provided any evidence to show that Ms. Bitter Smith has a "substantial interest" in any decision of the Commission related to the telephone subsidiary.

Interest in subsidiary does not equate to interest in the parent company

Recognizing that corporate entities often comprise many separate entities including subsidiaries, the Arizona State Bar provides guidance to attorneys who work with corporations. In comment [33] to Ethical Rule 1.7 (Conflict of Interest: Current Clients), attorneys are reminded that

"A lawyer who represents a corporation or other organization does not, by virtue of that representation, necessarily represent any constituent or affiliated organization, such as a parent or subsidiary. See ER 1.13(a). Thus, the lawyer for an organization is not barred from accepting representation adverse to an affiliate in an unrelated matter..."

Mr. Ryan provides no authority to suggest that Ms. Bitter Smith should be held to some higher standard. While Commissioner Bitter Smith lobbies on behalf of the Cox Communications Arizona (a cable company), that does not make her an interested party, employee, or representative of other affiliate companies which are regulated by the Commission.

Connect America Fund

Commissioner Bitter Smith has not worked directly for Connect America, she has communicated on behalf of the Southwest Cable Communications Association members regarding broadband grants and deployment, but never for telephone matters. Commissioner Bitter Smith previously filed a notice on behalf of two of her Association members who met with

Don Conrad
October 28, 2015
Page 7

an FCC commissioner. She did not attend that meeting. The meeting related to the Rural Broadband Experiment grant. A letter is attached describing that meeting. Commissioner Bitter Smith has done no work for Connect America, lobbying or otherwise.

Commissioner Bitter Smith's Recusal Record

Commissioner Bitter Smith has historically recused herself from votes affecting the telephone side of the cable association members. While there is no conflict in voting, she does so to avoid the appearance of a conflict.

There are three inadvertent instances where Commissioner Bitter Smith and her staff failed to note her desire to recuse.

1) and 2) Tariff increases for Cox: These matters were on the consent agenda, neither Commissioner Bitter Smith nor her staff realized it in time to take it off of the consent agenda. The consent agendas are often long and contain voluminous material.

3) Mercury Voice & Data: Mercury Voice & Data is a d/b/a for Suddenlink Communications. Commissioner Bitter Smith was not aware of Mercury Voice & Data's affiliation with Suddenlink at the time of her vote. (Suddenlink Communications is a member of the Association).

Technical Solutions work for Yam Holdings:

YAM Holdings is a client of Commissioner Bitter Smith (through her company Technical Solutions). The work involved securing the entitlements for the Scottsdale National Golf Course which Yam is building. The design of the golf course calls for the relocation of an APS substation. However, all work relating to the relocation of the substation was handled in-house by APS. The contract between YAM Holdings and Technical Solutions involved work to change the entitlements on the site as well as to resolve where a maintenance building would be located. The City of Scottsdale approved the relocation of the substation consistent with the APS proposal, and not as result of any proposal of YAM. The substation has been approved by the Development Review Board while YAM's proposal has yet to go through that process. The golf course expansion still has to go through the city of Scottsdale's Development Review Process (which will determine design approvals such as paint colors and roof materials). This should occur soon with construction to begin in November or December of this year.

Commissioner Bitter Smith attended one meeting with HOA members who expressed concern about the substation location, as did Brad Larson, the APS representative responsible for the relocation. The HOA board invited YAM and APS to their normally scheduled board



Don Conrad
October 28, 2015
Page 8

meeting. Any of the required public meetings held on the two projects (substation and golf course) had separate public notices and were managed by separate development teams from YAM and APS.

The substation itself is small enough (67,000 volts) to exempt it from regulation by the Arizona Corporation Commission. (See A.R.S. §40-360 regulating transmission lines capable of transmitting voltages of one hundred fifteen thousand volts or more)

At all times Commissioner Bitter Smith was employed by YAM Holdings, never by APS. Further, the substation at the golf course is not one that is regulated by the Arizona Corporation Commission. There is no conflict. Commissioner Bitter Smith never worked for, nor lobbied on behalf of APS on this non-regulated issue.

No issue working for two employers

Like many Arizonans, Commissioner Bitter Smith works more than one job. There is no prohibition against a full time Corporation Commissioner also working a second job. Few public service jobs are so limited, many legislators and most Corporation Commissioners past and present have held second jobs.

Commissioner Bitter Smith has not missed one meeting of Arizona Corporation Commission. Her role as Chair of the Commission does not confer additional salary or benefits, but does provide for additional responsibilities and work which Commissioner Bitter Smith has completed. Additionally, she is Chair of the Western Conference of Public Service Commissions which is a volunteer position. Never has her ability to serve the State been compromised by her secondary employment.

Conclusion

At no point has Commissioner Bitter Smith violated A.R.S. §40-101 or §38-503. Her work on behalf of Southwest Cable Communications Association and Technical Solutions was properly disclosed and well known to those working at the Commission and the general public. Commissioner Bitter Smith is a registered lobbyist for the cable subsidiary of Cox Communications; the cable industry is not regulated by the Commission. There is no pecuniary interest in the company where she holds no stock, and has no interest in other subsidiaries or companies related to Cox.

A "conflict of interest does not exist merely because a public officer acts in a way that appears to be a conflict in the eyes of the public or prosecutors. The specific terms of the statute control." *See State v. Ross*, 151 P.3d 1261, 1265 (Ariz. Ct. App. 2007). Admittedly, the work of



Don Conrad
October 28, 2015
Page 9

the Commission is not well known to members of the public. Compounding the confusion are terms like, "telecommunications company" and "telecommunication services"; terms which the public does not accurately understand. The cable industry is itself outside of the Commission's purview, preempted by federal law. No Arizona state statute or constitutional provision has been violated.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Novak", with a long horizontal flourish extending to the right.

Edward F. Novak
Melissa S. Ho

EFN:ec
Attachments

COMMISSIONERS
BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH



SUSAN BITTER SMITH
Commissioner

ARIZONA CORPORATION COMMISSION

February 15, 2013

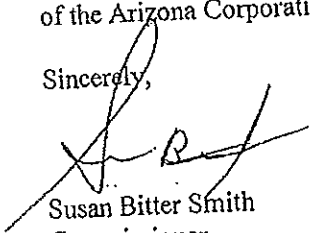
Ms. Jodi Jerich
Executive Director
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Dear Ms. Jerich,

I am currently employed as the Executive Director of the Arizona-New Mexico Cable Communications Association whose members are licensed cable television operators in the states of Arizona and New Mexico. These members are listed on the Arizona-New Mexico Cable Communications Association website and in the association's IRS Form 990 tax return which is publically filed. This employment does not and will not create any conflicts of interest as identified in A.R.S. § 38-501 et seq.

However, to ensure transparency I am asking that this disclosure be filed in the official records of the Arizona Corporation Commission where it will be available for public inspection.

Sincerely,


Susan Bitter Smith
Commissioner



September 23, 2015

Page 1 of 4

(NOT FOR PAYMENTS)
PO BOX 1259
DEPT. # 102285
OAKS, PA 19456



Contact Us
www.cox.com
623-594-1000
or
866-867-7644



Thank you for choosing Cox Communications as your telecommunications provider.

ACCOUNT SUMMARY as of Sep 23, 2015



Thank you for being a valued customer.

continued in News from Cox



Save Time! Save Money! Take control! Enroll in EasyPay - once you set it you'll never forget it. Your bill is automatically paid each month on the day it's due. Sign up today at www.cox.com/bill



TOTAL DUE BY Oct 17, 2015 \$219.50

Please check box to add optional charitable contribution (see back of stub for more information) \$1.00

TOTAL PAYMENT ENCLOSED \$ _____

COX COMMUNICATIONS
PO BOX 78071
PHOENIX AZ 85062-8071



SUMMARY OF CHARGES

Monthly Services	\$198.49
Taxes, Fees and Surcharges	21.01
NEW CHARGES	\$219.50

MONTHLY SERVICES Sep 22 - Oct 21

TV	
Cox Adv TV Ultimate - 4 Premiums and Record 6	\$104.97
<i>Includes:</i>	
Record 6 DVR Service	
Cox TV Starter	
Expanded Service	
Contour Guide	
Faith & Values Pak	
Advanced TV Service	
Movie Pak	
Sports & Information Pak	
Variety Pak	
Bonus Pak	
Cinemax	
HBO	
Showtime	
Starz	
Ultimate 6 Discount	\$-26.98
	\$77.99
Contour Record 6 Receiver	\$8.50
Contour Receiver (qty 2)	17.00
Advanced TV (qty 2)	3.60
Bundled Savings Pak	-13.70
Cox Service Protection Plan	6.99
Total TV	\$100.38

INTERNET

Monthly Services cont.
Cox High Speed Internet Preferred
Includes:

Preferred Internet Service	
Download speeds up to 50 Mbps. (DOCSIS 3.0 modem required)	
50 GB free Cloud Drive storage.	
Over 400,000 WiFi hotspots.	
Cox Security Suite Plus.	
PowerBoost (R) for large downloads:	\$64.99
Total Internet	\$64.99

TELEPHONE

Connection 60	
<i>Includes:</i>	
Connection 60	
Cox Long Distance*	
Basic Monthly Service	
Simply 5 Long Distance Plan	
Solutions Feature Package	\$31.99
Federal Excise Tax Credit	\$-0.87
Directory Listing - Non Published	2.00
Total Telephone	\$33.12
TOTAL MONTHLY SERVICES	\$198.49

TAXES, FEES AND SURCHARGES

TV Fees	
City Tax	\$0.17
License Fee	4.72
Total TV Fees	\$4.89
Telephone Taxes, Fees and Surcharges	
Taxes	
Federal Excise Tax	\$1.08



Payment options

Online: Visit www.cox.com to register for 24-hour online access or make payments to your account.
Mail: Detach this coupon and send it with your check or money order. Please include your account number on your check. Make your checks payable to Cox Communications. Allow 7 days for processing.
Phone: Call the number listed under the "Contact Us" section on the front of this bill anytime and follow the phone prompts to make a payment using your bank account or credit card.
In Person: Visit www.coxazstores.com for a list of Cox authorized Payment Centers.
Optional contribution to Cox Charities: Your \$1.00 contribution, combined with donations from other Cox customers and Cox employees, supports local youth and education programs that help ensure a brighter future for all Arizonans. For more information, please visit <http://www.cox.com/community>.





Taxes, Fees and Surcharges cont.	0.23
Telecommunication Fund for the Deaf	0.20
E911 Tax	0.20
Total Taxes	\$1.51
Fees and Surcharges	
FCC Access Charge	\$7.10
County Sales Tax	0.21
Local Telecommunications	1.57
Federal Universal Service Fund	2.50
Carrier Cost Recovery Fee	1.49
State Regulatory Assessment	0.06
State Sales Tax	1.67
State Universal Service Fund	0.01
Total Fees and Surcharges	\$14.61
Total Telephone Taxes, Fees and Surcharges	\$16.12
TOTAL TAXES, FEES AND SURCHARGES	\$21.01
TOTAL NEW CHARGES	\$219.50

NEWS FROM COX

Your bundle discount is applied to the video portion of your bill.

Save Time! Save Money! Take control! Enroll in EasyPay - once you set it you'll never forget it. Your bill is automatically paid each month on the day it's due. Visit www.cox.com/easypay123 to sign-up.

CUSTOMER INFORMATION

Billing, Payment Policies and Fees:

Cox Communications bills all customers in advance for monthly recurring charges and in arrears for non-recurring charges such as On Demand/pay-per-view and long distance. Payment in full is due to Cox by the "Due By" date indicated on your statement. If payment is not received by this date, your bill will become past due and may be subject to additional fees, such as late payment charges, electronic reactivation fees, or returned payment fees. Payment of your Cox bill confirms your subscription to services and the possession of Cox owned equipment listed on your bill.

When you provide a paper, electronic check or electronic fund transfer (EFT) as payment, you authorize Cox to process your payment as a traditional check transaction or to make a onetime EFT from your account. An EFT may debit your account as soon as the same day you make your payment. Payments returned unpaid to Cox for any reason will incur a returned payment fee of up to \$25.00, or the maximum allowed by state law. By using a credit card, debit card, paper check or an electronic check to make a payment to Cox, you agree that, if your payment is returned unpaid, you expressly authorize a one-time electronic fund transfer from your account for the amount of the payment plus any returned payment fees. If payment is not received by the "Due By" date indicated on your statement, a late payment charge of up to \$8.00 may be assessed to your account.

For more details on billing and payment policies visit www.cox.com/aboutus/policies/residential-billing-and-payment.cox or contact a customer service representative.

Closed Captioning Issues

For issues regarding closed captioning, please contact Cox customer service at the number listed at the front of this bill. If your concerns are not addressed, please contact W.F. Hoti, Closed Captioning, Cox Communications, 1400 Lake Hearn Dr. NE, Atlanta, GA 30319; Phone: 888-278-6660, Fax: 404-847-6257, Email: closedcaption@cox.com

Free Previews Coming Soon for Cox TV customers!

During the upcoming Free Preview Weekend in November, customers who subscribe to a Cox TV Economy or a Cox Advanced TV package will have free access to view several premium and Movie Pak networks including their

Customer Information cont.

OnDEMAND (channel 1) content. The previews will include STARZ and ENCORE, with access to STARZ Play and ENCORE Play online from November 23rd through November 30th.

During the free preview, these channels may contain NC-17 or R rated programming. To restrict access to this programming you can use the Parental Control feature on the Cox receiver. To request that the channels be blocked completely, please call the number on this bill to speak with a Customer Care representative.

An asterisk (*) next to a specific telephone charge on your bill indicates an unregulated charge. Failure to pay telephone charges may result in interruption of your telephone service. Your basic local telephone service will not be interrupted for failure to pay any unregulated telephone charge.

Safety Information for your Phone Service

Your telephone service, including access to E911, will operate for up to 8 hours during a power outage only if a backup battery is installed, and is fully charged. You are responsible for ordering, installing, and monitoring the status of the battery. If this modem's battery indicator shows that you need a battery or your battery needs replacing, you can purchase one by calling 1-855-324-7700 or visiting a Cox retail store. Find more information at www.cox.com/battery. To ensure that E911 dispatchers receive your correct address, the installed modem should not be moved within your home or to another address. Please notify Cox if you would like to move your telephone modem.

Cox Long Distance: If you have questions concerning rates, terms and conditions of your Cox interstate or international long distance services, please refer to the Customer Services Agreement posted on our website at <http://www.cox.com/telephone/customerservicesagreement.asp>.

Blocking 3rd Party Charges

As a Cox customer you have the ability to block 3rd party charges on your bill, such as collect and operator assisted calls. Please call Cox Customer Care at the number on this bill statement if you would like to block 3rd party charges.

Billing Dispute and Resolution: If you have any questions or disagree with any portion of your bill, please contact us at the phone number on the front of this statement no later than 60 days from the due date indicated.

TV Customers: If after contacting Cox we are unable to resolve your concern about your TV Service, you may file a complaint with your local franchising authority: City of Phoenix, 251 W. Washington, 6th Floor, Phoenix, AZ 85003

Phone Customers: If after contacting Cox we are unable to resolve your concern about your Phone Service, the service may be subject to state regulation and you may file a complaint with your states regulatory authority below.

Arizona Corporation Commission, 1200 W. Washington St, Phoenix AZ 85007.



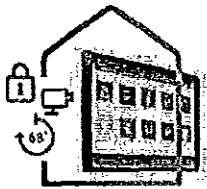


Good Night Sleep Tight

Home sweet home is now home smart home. In addition to 24/7 professional monitoring, Cox HomelifeSM alerts you to risks due to carbon monoxide, fire or flood. So while we can't say when you'll sleep through the night, we can say we can help you rest better, immediately.



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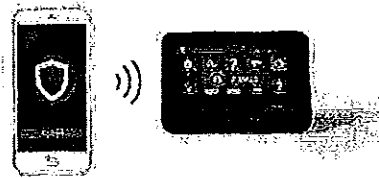
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CALL: 877-790-2004 CLICK: cox.com/homelife



*Monthly service fee as low as \$29.99/mo for Cox Homelife Essential service plan and available to residential customers with new or current subscription to one or more of Cox video, Internet and/or phone service in select Cox service areas. Offer expires 9/22/15. Free standard pro install with new installation of Homelife Preferred service plan. Certain advertised features require Preferred service plan. A high speed internet connection is required and is not included in price. Additional equipment fees may be extra. Touchscreen equipment is also required and is not included. \$3.00/mo. rental fee applies. Touchscreen remains property of Cox and must be returned to Cox upon termination of service to avoid additional charges. Applicable monthly service charges, installation, additional equipment, taxes, trip charges and other fees may apply. All prices and packages are subject to change. Month-to-month and home security service only pricing available. Subject to credit approval. Other restrictions may apply.

†Prepaid card offer available to new residential customers subscribing to Cox Homelife Preferred with a 3-year agreement and purchasing additional equipment valued at \$300 or more (initial base kit is free with 3-year agreement and does not apply toward equipment purchase). Lesser value cards with as little as \$100 additional equipment purchase. Inquire or go to www.cox.com/homelife/payout for details. Cox Visa Prepaid Cards are issued by MetaBank* Member FDIC, pursuant to a license from Visa U.S.A. Inc. Card does not have cash access and can be used at any merchants that accept Visa debit cards. Card valid through expiration date shown on front of card. Other restrictions may apply.

Local ordinances may require an alarm user permit. Las Vegas customers will incur an additional monthly verified response fee (currently \$4.00/mo.). Service provided by Cox Advanced Services: Arizona, ILC-license No. P12-1332, Arkansas, ILC-license No. E 2014 0026, California, ILC-license #7194 & Contractor's License #992992, Connecticut, ILC-license #N/A, Florida, ILC-license No. FF20001232, Georgia, ILC-license: Raymond Williams #118205807, Iowa, ILC-#1121646 & AC268, Louisiana, ILC-license #2806, Nebraska, ILC-license #26512, Nevada, ILC-license #78131, Ohio, ILC-license #53-18-1671, Oklahoma, ILC-license #2902, Rhode Island, ILC-license #9314, Topala, ILC-license No. 109, Wisconsin, ILC-license #2015-36492, Virginia, ILC-license #11-7776. © 2015 Cox Communications, Inc. All rights reserved. GC-APHI-T2 SM4FF007

From: [Rodriguez, Lisa](#)
To: [Conrad, Donald](#)
Subject: FW: Case Question- Gowan Milling
Date: Thursday, November 12, 2015 10:45:30 AM
Attachments: [GOWAN Milling turn down memo.msg](#)

FYI.

From: Martinez, Gilda
Sent: Thursday, November 12, 2015 10:43 AM
To: Rodriguez, Lisa
Cc: Giltner, Cynthia
Subject: RE: Case Question- Gowan Milling

This was reassigned to Cynthia and she submitted a memo for a turndown approval (see attached email). Thanks

I will update LF

From: Rodriguez, Lisa
Sent: Tuesday, November 10, 2015 8:39 AM
To: Martinez, Gilda
Subject: FW: Case Question- Gowan Milling

LF shows this as Macias FM1 and Rubalcava as FM2. Do you know if reassigned?

From: Conrad, Donald
Sent: Monday, November 09, 2015 10:20 AM
To: Rodriguez, Lisa
Subject: FW: Case Question- Gowan Milling

Who has this matter?

From: Rudnick, Beverly
Sent: Monday, November 09, 2015 9:49 AM
To: Conrad, Donald
Subject: RE: Case Question- Gowan Milling

No, Don, haven't heard of this case yet. Want me to check with DOI?

From: Conrad, Donald
Sent: Monday, November 09, 2015 9:38 AM
To: Rudnick, Beverly
Subject: FW: Case Question- Gowan Milling

Aren't you assigned to this case?

From: Lopez, John
Sent: Thursday, November 05, 2015 2:41 PM
To: Conrad, Donald
Subject: Case Question

Don:

Jim Burke, a former AUSA, a good friend of Howard's, and now a defense attorney, called me yesterday asking for advice about how to find out the status of a criminal investigation in which he represents a Yuma-based company, Gowan Milling. I advised that he should speak directly to the assigned AAG. Apparently, he's done that, but is still looking for additional information. Of course, I defer to you about whether you want to discuss the matter with Jim. If you want to speak with him, his number is 602

As an aside, Jim didn't tell me anything about the case, nor is it any of my business. Essentially, I just told him that he should work his way up the chain if he has concerns or questions about the matter. I told him I would pass the message along to you.

Thanks,
John

John R. Lopez IV
Solicitor General
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-8986 (Office)
602-542-8308 (Fax)

Diaz, Bethany

From: Giltner, Cynthia
Sent: Thursday, October 01, 2015 11:10 AM
To: Martinez, Gilda
Subject: GOWAN Milling turn down memo
Attachments: PHX-4693334.DOC.DRF

Gilda,

I spoke with Paul about turning down this case, and he asked me to write a memo detailing the reasons why. I have attached that memo and will give him the hard copy. (I have saved it in Legal Files too.)

Would you please prepare the turn-down paperwork? After the turn down is approved, I will call ADEQ and discuss it with them. Thank you.

Cynthia Giltner
(fka Cynthia Giltner Spitler)

Assistant Attorney General

Criminal Division

Fraud & Special Prosecutions Section



Office of the Arizona Attorney General Mark Brnovich

1275 W. Washington, Phoenix, AZ 85007

Direct Line: (602) 542-8527

Fax: (602) 542-5997

<http://www.azag.gov>

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From: [Rodriguez, Lisa](#)
To: [Formanek, Anne](#); [Dailey, Mike](#); [Garcia, Bobbie](#)
Cc: [Loftus, Charles](#); [Perkovich, Mark](#); [Rodriguez, Lisa](#); [Peterson, Norman](#)
Subject: FW: Cases submitted to AGO for criminal prosecution from DPS HIT Squad 2015
Date: Wednesday, December 23, 2015 10:56:19 AM
Attachments: [PHX DPS HIT SQUAD CASES SUBMITTED TO PHX AGO.doc](#)
[DPS I-10 Shooter time entry.docx](#)

All – I met with Don today and this spreadsheet does not address the Forfeiture cases/amounts. Looks like this spreadsheet was pulled from Maride as the Drug Section Submittal record. He wants it updated to include the pending forfeiture involved. He would like it asap. Thanks. Lisa

From: Loftus, Charles
Sent: Saturday, December 12, 2015 1:01 PM
To: Rodriguez, Lisa
Cc: Dailey, Mike; Perkovich, Mark; Garcia, Bobbie
Subject: Fwd: Cases submitted to AGO for criminal prosecution from DPS HIT Squad 2015

Fyi

Sent from my Droid

----- Original message -----

From: "Peterson, Norman"
Date: 12/11/2015 15:28 (GMT-07:00)
To: "Loftus, Charles"
Subject: Cases submitted to AGO for criminal prosecution from DPS HIT Squad 2015

Charlie,

Here is a list of the cases that were submitted through the AG's Office for prosecution in 2015 and also time frame of I-10 shooter investigation.

Norman Peterson
Special Agent

Office of the Attorney General – SIS
1275 W. Washington, Phoenix, AZ 85007
Desk: I Cell: I Fax: 602.223.2332
[@azag.gov](mailto:azag@azag.gov)
<http://www.azag.gov>

Tuesday	09/01/2015				18.00			18.00	Reports, asst. w/110 shooting intel, brief w/HCFA, surveill
09/12/2015				8.00				8.00	AZ1500010815 I-10 TIPS Follow up
09/14/2015				7.00				7.00	I-10 TIPS, 202 Road rage follow up
09/15/2015				15.00				15.00	XRY Cellphone Training, I-10 TIPS, 202 roadrage follow up
09/16/2015	5:00 PM	7:00 PM	2.00	10.00				12.00	XRY Cellphone Training, I-10 TIPS, 202 roadrage follow up
09/17/2015	8:00 AM	4:00 PM	8.00					8.00	Mtg AGO, Vehicle maint, 202 road rage follow up
09/18/2015	7:59 AM	11:59 PM	16.00					16.00	Call out assist w/I-10 shooter leads-surv@pawn shop
09/21/2015				10.00				10.00	Call out-Follow up I-10 shooter/Pawn shop surv video
09/23/2015				10.00				10.00	Rpts to AGO, cellphone downloads, follow up w/I-10 Inv.
09/25/2015	6:00 AM	4:00 PM	10.00					10.00	I-10 Inv. Follow up, assist AZDPS HP
09/26/2015				8.00				8.00	AZ1500011584, follow up I-10 shooter, Int. w/other family
09/27/2015									
09/28/2015				8.00				8.00	follow up I-10 shooter, interviews
09/29/2015				10.00				10.00	follow up I-10 shooter, interviews
10/05/2015				10.00				10.00	AZ1500011584, follow up I-10 shooter, Int. w/other family
10/08/2015				10.00				10.00	AZ1500011584, follow up I-10 shooter, supplements
10/14/2015				10.00				10.00	Surveillance, follow up on I-10 case
10/15/2015				10.00				10.00	Follow up on I-10 case, supplements, night shoot
10/16/2015				10.00				10.00	Followup on Cell tower warrant, supplements

AZ DPS HIT SQUAD 2015 CASE SUBMITTALS

Date Submitted	Case Type: Meth (HIDTA) Meth (Provisional) Type/Amt. of Drugs	Detective Name/ Agency	DR#	Defendants Name(s)	OCI # CRP # LF#	Atty	In Custody/ Basket	Complaint/Grand Jury	Date Filed	Dispo. Sheet Req. & Initials
1/07/15	Marijuana 2 lbs	Det. J. Warren AZ DPS	AZ1500000141	Parker, Skyy Christopher	P0022015	KM	IN CUSTODY	CR2015-000901 76 SGJ 56	1/12/15	X MDJ
1/21/15	Marijuana 39.5 lbs	Det. McGuffin AZ DPS	AZ1500000689	Tuduri Pineda, Jose	P0022015 000095	KM	IN CUSTODY	CR2015-102979 76 SGJ 78	1/26/15	X MDJ
1/26/15	Meth 5 lbs	Det. J. Warren AZ DPS	AZ1500000882	Mesa, Silvero Estrada	P0022015 000115	PA KM	IN CUSTODY	CR2015-103634 633 SGJ 198 County GJ	2/02/15	X MDJ
2/03/15	Money Laundering \$17,079.36	Det. B. Kenney AZ DPS	2015-005264	Paira, Oscar Ruben	P0022015 000181	KM	IN CUSTODY	CR2015-105167 631 GJ 423	2/10/15	X MDJ
2/11/15	Cocaine 5.2 oz Weapons	Det. B. Kenney AZ DPS	AZ1500001631	Van Pham, Jeremiah Martinez, Angelica Mendieta, Iram Alonso	P0022015 000221	KM	IN CUSTODY	CR2015-106622 76 SGJ 100	2/18/15	X MDJ
2/17/15	Meth 44 lbs	Det. N. Peterson AZ DPS	AZ1500001908	Taha, Ata Hamed	P0022015 000236	NS	IN CUSTODY	CR2015-107633 76 SGJ 104	2/24/15	X MDJ
3/04/15	Marijuana 16'16 lbs	Det. M. Clark AZ DPS	AZ1500002622	Fripp, Nathaniel Eugene	P0022015 000344	KM	IN CUSTODY	CR2015-110368 76 SGJ 123	3/09/15	X MDJ
3/17/15	Meth 2 lbs.	Det McGuffin DPS	AZ1500003203	Ramirez-Gonzalez, Christian aka Ramirez-Gonzales, Christian	P0022015 000390	LB	IN CUSTODY	CR2015-112376 76 SGJ 139	3/23/15	X RW
3/25/15	Meth 15.25 lbs	Det. S. McGuffin AZ DPS	AZ1500003595	Carrillo, Juan Ignacio	P0022015 000460	NS	IN CUSTODY	CR2015-113685 76 SGJ 152	3/30/15	X MDJ

4/07/15	Marijuana 40 lbs	Det. B. Kenney AZ DPS	AZ1500004086	Mendoza-Navarez, Jose	P0022015 000525	KM	IN CUSTODY	CR2015-115421 76 SGJ 167	4/13/15	X MDJ
4/24/15	Meth 3.1 lbs Cocaine 58 grams	Det. N. Peterson AZ DPS	AZ1500004835	Beltran-Lugo, Ruben Miramontes, Jose Octavio Guerrero, Manuel Gregory Beltran-Lugo, Jose Manuel	P0022015 000624	JC	IN CUSTODY	CR2015-118675 76 SGJ 186	5/04/15	X MDJ
4/27/15	Marijuana 210.3	Det. Z. Mauzy AZ DPS	AZ15-009965	Estrada-Zambrano, Reynaldo Garcia-Corales, Angel Lopez-Reyes, Jose	P0022015 000629	KM	IN CUSTODY	CR2015-118837 76 SGJ 187	5/04/15	X MDJ
4/28/15	Marijuana 1 lb Cocaine 1 oz Heroin .6 oz	Det. J. Warren AZ DPS	AZ1500003832	Ollervides-Garcia, Eugenio	P0022015 000657	NS	IN CUSTODY	CR2015-119233 76 SGJ 189	5/04/15	X MDJ
5/12/15	Meth 17.25	Det. M. Clark AZ DPS	AZ1500005543	Castillo, Francisco Baldomero Tarin Gonzales, Anthony J.	P0022015 000719	KM	IN CUSTODY	CR2015-120982	TURNDOWN 5/13/15	
5/21/15	Heroin 6.2 grams	Det McGuffin DPS	Az1500003557	Cosmescu, Sean Claudio	P0022015 000828	NS	BASKET	TURNDOWN 8/03/15		
6/08/15	Cocaine 19.5 lbs Heroin 2.2 lbs	Det. J. Warren AZ DPS	AZ1500006769	Starks, Devonte Jemell	P0022015 000897	PA	IN CUSTODY	CR2015-126049 646 GJ 216	6/15/15	X MDJ
6/09/15	Meth 1 lb	Det. B. Kenney AZ DPS	AZ1500006784	Maier, Joseph Robert Jess, Teresa Ann Portlock, Tyrell (NF on this one) Plummer, Amber Deann	P0022015 000915	PA	IN CUSTODY	CR2015-126187 646 GJ 217	6/15/15	X MDJ
6/09/15	Money Laundering \$25K	Det. M. Clark AZ DPS	AZ150000	Cardenas, Lamberto Romero-Ojeda, Martin Norberto	P0022015 000895	MC	IN-CUSTODY BASKET	CR2015-126372 FURTHERED e-mail to agent for additional info		
7/06/15	Marijuana 296 lbs Heroin 2.7 lbs	Det. J. Oestmann/Det. N. Peterson AZ DPS	AZ1500007798	Bumpass, Quincy C. Adams, Sr., Marlon L.	P0022015 001078	KM	IN CUSTODY	CR2015-130318 77 SGJ	7/13/15	X MDJ
7/14/15	Money Laundering \$428,981	Det. P. Moore AZ DPS	AZ1500008317	Reyes, Jr., Juan	P0022015 000893	MC	IN-CUSTODY BASKET	CR2015-132298 77-SGJ-57		X MDJ
7/16/15	Meth 17.3 lbs	Det. J. Oestmann AZ DPS	AZ1500008464	Vega Cazarez, Efrain	P0022015 001145	PA	IN CUSTODY	CR2015-132873 77 SGJ 58	7/27/15	X MDJ
7/22/15	Marijuana 203 lbs.	Det. BJ Kenney DPS	AZ1500008711	Zavala, Raul Vazquez-Elezuqui, Jesus Alonzo Vazquez-Rios, Raul Flores, Manuel Jesus	P0022015 001175	KM	IN CUSTODY	CR2015-133805 77 SGJ 64	7/27/15	X MDJ

8/31/15	Money Laundering	Det. N. Peterson, AZ DPS	AZ1500010678	Lopez-Limon, Blaz Miguel	P0022015 001434	NS	IN CUSTODY	CR2015-140485 650 GJ 175	9/03/15	X MDJ
9/1/15	Spice 503 grams	Det. J. Olney AZ DPS	AZ1500010732	Jones, Seth David	P0022015 001447	NS	IN CUSTODY	CR2015-140771 77 SGJ 138	9/09/15	X MDJ
9/03/15	Money Laundering \$40,859	Det. J. Oestmann AZ DPS	AZ1500010901	Valensia, Carlos Humberto Avelar-Ocampo, Francisco	P0022015 001471	MC	IN-CUSTODY BASKET	CR2015-144334 77-SGJ		
10/23/15	Marijuana 58.9	Det. N. Peterson AZ DPS	AZ15000	Christian, Sean Damion	P0022015 001841	NS	IN CUSTODY	CR2015-149248 77 SGJ 212	11/02/15	X MDJ
10/28/15	Marijuana 148 lbs	Det. J. Oestmann AZ DPS	AZ1500012922	Gliszczynski, Zachary R.	P0022015 001868	PA	IN CUSTODY	CR2015-149896 77 SGJ 223	11/09/15	X MDJ
10/30/15	Marijuana 2lbs Marijuana Wax 124 grams	Det. John Olney AZ DPS	AZ1500013062	Schmidlin, Nicholas	P0022015 001870	NS	IN CUSTODY	CR2015-150185 77 SGJ 224	11/09/15	X MDJ
11/3/15	Heroin 10 lbs. and 4 oz.	Det. R. Campbell AZ DPS	AZ1500013199	Leal Zavala, Jesus Alberto Leal Zavala, Meliton	P0022015 001888	JC	IN CUSTODY	CR2015-150743 77 SGJ 226	11/09/15	X MDJ
11/06/15	Marijuana 601 lbs Hi-grade MJ 35 lbs Marijuana Wax 6.4 ounces	Det. R. Campbell AZ DPS	AZ1500013375	White, Wesley Jr.	P0022015 001901	NS	IN CUSTODY	CR2015-151203 77 SGJ 231	11/16/15	X MDJ
11/18/15	Marijuana 470 lb	Det. M. Clark AZ DPS	AZ1500013722	Osuna Aguilar, Lot Palafox Sosa, Guillermo Diaz Torres, Jose	P0022015 001995	NS	IN CUSTODY	CR2015-152782 77 SGJ 243	11/30/15	X MDJ
12/03/15	Marijuana 115 lbs.	Det. B. Kenney AZ DPS	AZ1500001631	Osoorio-Gomez, Roberto C.	P0022015 002084	NS	IN CUSTODY	CR2015-155002 78 SGJ		X MDJ
12/08/15	Marijuana 150 lbs	Det. B. Kenney AZ DPS	AZ1500014738	Gonzalez, Hector Joaquin Gutierrez-Martinez, Cesar Alex Fajurdo-Lopez, Jose A.	P0022015 002116	MC	IN CUSTODY	CR2015-155619 78 SGJ		X MDJ

As of 12/11/2015

From: Rodriguez, Lisa
To: Conrad, Donald
Subject: FW: - Request for Non FMLA LWOP for Reduced Schedule
Date: Friday, October 02, 2015 7:06:34 AM

FYI.

From: Hatcher, TammieJo
Sent: Thursday, October 01, 2015 5:59 PM
To: Rodriguez, Lisa
Subject: - Request for Non FMLA LWOP for Reduced Schedule

Lisa,

On Monday, I will talk to and send an email to _____ outlining her Non FMLA LWOP for reduced schedule. It will include:

1. Reduced Schedule:
 - Duration: 10/6/15 – 10/27/15
 - Number of Hours Per Day: 4 hours per day
 - Work Schedule: 9am – 1pm
 - All appointments and physical therapy must be handled before or after the work schedule.
2. Return to Work: 10/28/15, return to Full Time Regular Work Schedule (8 hours, Monday – Friday)

Please let me know if Don has any concerns.

Thanks!

TJ

Human Resources - tjh



Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Phone: 602-542-8056
Fax: 602-542-8000
HumanResources@azag.gov
<http://www.azag.gov>

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From: [Rodriguez, Lisa](#)
To: [Perkovich, Mark](#); [Maya, Autumn](#)
Subject: FW: Lagging Case Report SIS Tucson
Date: Monday, November 09, 2015 3:11:11 PM
Attachments: [20151109145850581.pdf](#)

FYI. If any of these are still lagging in January, they will need to be added to SIS' portion of the report.

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

From: Hill, Virginia
Sent: Monday, November 09, 2015 3:10 PM
To: Rodriguez, Lisa
Cc: Maya, Autumn
Subject: Lagging Case Report SIS Tucson

Hi Lisa,

The last Lagging Care Report Wes did was January - March 2015. I went over the list and updated the status of the cases. I'm checking for Evidence on the ones ready to close, and then I'll be closing them out.

I hope this helps.

Virginia

From: [Rodriguez, Lisa](#)
To: [Perkovich, Mark](#)
Subject: FW: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials
Date: Friday, October 09, 2015 7:51:36 AM
Attachments: [FW 3-Day Fraudulent Document Recognition .msg](#)
[Module Descriptions-2015.doc](#)

FYI. More info.

From: Helen Castillo [<mailto:HCastillo@azdot.gov>]
Sent: Thursday, October 08, 2015 4:12 PM
To: Conrad, Donald; Rodriguez, Lisa; Jameson, William
Cc: Guille, Misty
Subject: RE: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials

Good afternoon,

This is Helen Castillo from ADOT/MVD Fraudulent Document Recognition Learning Center.

We are providing a 3-Day Fraudulent Document Recognition Course October 27, thru 29th, for Attorney General Office and law-enforcement officers. This training will strengthen ones knowledge about valid documents and skills needed to identify counterfeit or altered documents.

Note: Currently, FDR must combine law enforcement and civilian (consist of MVD/Third Party) employees to take this course. Please take advantage of this AG and LE enrollment. As we no longer offer Law enforcement classes only.

Location:

2739 E. Washington St.
Phoenix, Arizona 85034

Class Starts:

7:30 am and Ends 4:30 pm

Fee:

No fee for this training.

To register:

To enroll, and/or enroll your employees', please contact Helen Castillo by October 20, 2015 at hcastillo@azdot.gov

If you have a question or concern, feel free to contact me,
Helen Castillo
602-712-6674
Fraudulent Document Recognition Trainer

From: Helen Castillo
Sent: Thursday, October 08, 2015 9:52 AM
To: 'Guille, Misty'
Cc: Conrad, Donald; Rodriguez, Lisa; Jameson, William
Subject: RE: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials

Good morning Misty,

I hope your day is going well.

Thank you for redirecting me to the appropriate division. In-addition, thank you for inhibiting the defense attorney's from disclosure of the fraudulent document recognition manual contents. As you know it is a matter of national security.

Respectfully submitted,
Helen Castillo
Fraudulent Document Recognition Trainer

From: Guille, Misty [<mailto:Misty.Guille@azag.gov>]
Sent: Wednesday, October 07, 2015 5:01 PM
To: Helen Castillo
Cc: Conrad, Donald; Rodriguez, Lisa; Jameson, William
Subject: RE: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials

Hi, Helen,

I am one of the MVD attorneys and I have advised ADOT a couple of times in the past when attorneys sought disclosure of MVD's fraudulent documents handbook (I forget the precise name) and training materials. I work in the Transportation Section of the AG's office, which handles ADOT's advice work and civil court matters (and occasionally a motion to quash a subpoena in a criminal matter). If you wanted someone from the AG's office to get the training, I think that would more appropriately go to our Criminal Division. Their Division Chief Counsel is listed as Donald E. Conrad and their Division Legal Administrator is listed as Lisa Rodriguez, both of whom I'm copying on this email. I'm also copying my boss, Bill Jameson, just in case he thinks this might be relevant to our section.

Sincerely,
Misty

Misty D. Guille
Assistant Attorney General
Arizona Attorney General's Office, Transportation Section
Direct: (602) 542-8856
Main: (602) 542-1680
Fax: (602) 542-3646
Email: Misty.Guille@azag.gov

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From: Helen Castillo [<mailto:HCastillo@azdot.gov>]
Sent: Wednesday, October 07, 2015 4:36 PM
To: ylopez@avondale.org; David Lugo; bdziadur@azcorrections.gov; barmstrong@azdes.gov; idespain@azdps.gov; adam.geremia@phoenix.gov; cpaz@buckeyeaz.gov; Steve.Ganis@campverde.az.gov; bgragg@casagrandeaz.gov; Tanya.Keeton@chandleraz.gov; rmartinez@coolidgeaz.com; Bennett.Mormino2@va.gov; mkuhlt@cottonwoodaz.gov; dheutt@cityofelmirage.org; denise.dunham@gilbertaz.gov; MMalinski@GLENDALEAZ.com; jmerc@goodyearaz.gov; jdestefano@marana.com; ehuff@cvaz.org; Kempley, Kathleen; WHall@dot.gov; dwayne.young@mesaaz.gov; mhorn@paradisevalleyaz.gov; David.foulke@peoriaaz.gov; terry.rutan.1@us.af.mil; michael.b.kirby5.mil@mail.mil; henry.barraza.mil@mail.mil; Paul K. Deem Jr.; dave.fuller@prescott-az.gov; Norman.Drury@va.gov; Guille, Misty; J_Cosme@mcso.maricopa.gov; tom.gonzales@tucsonaz.gov; kevin.lane@tonation-nsn.gov; ogaytan@tollesonaz.org; kim.davies@surpriseaz.gov; Mckessym@mcao.maricopa.gov; Robin.Rodriguez@azdhs.gov; mike_pierce@tempe.gov; LWilcoxson@sedona.gov; troy.smith@clarkdale.az.gov; Samantha.J.Jones@ice.dhs.gov; james.stevenson@gric.nsn.us; Alexander.Hottya@dhs.gov
Cc: Clinton Daly
Subject: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials

Hello everyone,

This is Helen Castillo from ADOT/MVD Fraudulent Document Recognition Learning Center.

ADOT/MVD is holding a Seminar on Security Features on DL/ID. We would like to invite a Document Crimes Examiner to attend this 4-hour course. If a document crimes examiner is not available, please send a candidate of your choice to represent your department.

Date October 28, 2015 and Start time: 9:00 a.m. and Ends: 1:00 p.m.

To enroll your employee:

There is no cost for this training, but seats are limited and by invitation only. Please RSVP, contact Helen Castillo by October 16, 2015 at hcastillo@azdot.gov. A confirmation letter will be provided. If you have a question or concern, feel free to contact me.

Have your employee register today!

Thank you for your continuous support,
Helen Castillo
Fraudulent Document Recognition Officer II
2839 E. Washington St.
Phoenix, Arizona 85034

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Diaz, Bethany

From: Helen Castillo <HCastillo@azdot.gov>
Sent: Wednesday, October 07, 2015 2:38 PM
To: michael.b.kirby5.mil@mail.mil
Subject: FW: 3-Day Fraudulent Document Recognition

Good afternoon,

This is Helen Castillo from ADOT/MVD Fraudulent Document Recognition Learning Center.

We are providing a 3-Day Fraudulent Document Recognition Course October 27, thru 29th, for sworn law-enforcement officers. This training will strengthen ones knowledge about valid documents and skills needed to identify counterfeit or altered documents.

Note: Please take advantage of this LE only enrollment. Currently, FDR must combine law enforcement and civilian (MVD/Third Party) employees to take this course. We no longer offer Law enforcement classes only.

Location:
2739 E. Washington St.
Phoenix, Arizona 85034

Class Starts:
7:30 am and Ends 4:30 pm

Fee:
No fee for this training.

To register:
To enroll, and/or enroll your employees', please contact Helen Castillo by October 20, 2015 at hcastillo@azdot.gov

If you have a question or concern, feel free to contact me,
Helen Castillo

From: Rodriguez, Lisa
To: Conrad, Donald; Ahler, Paul
Cc: Martinez, Gilda
Subject: FW: SGJ Time Request
Date: Tuesday, November 03, 2015 11:13:05 AM

FYI. No need to involve the big guns.

From: Rodriguez, Lisa
Sent: Tuesday, November 03, 2015 11:08 AM
To: Martinez, Gilda; Rivas, Dominique; Bojorquez, Daniela
Cc: Morrow, Nanette; Jimenez, Martita; Harriss, Mary; Klingerman, Nicholas
Subject: RE: SGJ Time Request

Nick called. This will be worked out in the next couple of days. They are filing a motion to continue Nannette's Cochise hearing on the 17th. Either they will set this case for the 17th or 23rd (if we have in custodies) or a date in December. Once they figure it out, Dani will be in touch with Dom.

From: Martinez, Gilda
Sent: Monday, November 02, 2015 5:10 PM
To: Rivas, Dominique; Bojorquez, Daniela
Cc: Morrow, Nanette; Jimenez, Martita; Harriss, Mary; Rodriguez, Lisa
Subject: RE: SGJ Time Request

Dani, I discussed this issue with Lisa. We will review this matter with Don and Paul. We do not schedule for the third day until the first two days are accommodated because 1) SG Jurors do not appreciate being away from their homes wasting a day in the middle of the schedule and 2) the State through the Maricopa County Superior Court pays the jurors per diem each day. In addition they also must schedule and pay hotels if necessary. I believe there are five out of county jurors on this panel.

In the past, AAGs have arranged their schedule or facilitated another AAG to present the case. While opening up November 23rd is an option, the schedule must accommodate all or no in-custodies. Therefore, we must be flexible with the schedule. I will let you know tomorrow what Don and Paul decide. Thank you. Gilda

From: Rivas, Dominique
Sent: Monday, November 02, 2015 4:46 PM
To: Bojorquez, Daniela
Cc: Martinez, Gilda; Morrow, Nanette; Jimenez, Martita; Harriss, Mary
Subject: RE: SGJ Time Request

Mary, please advise.

From: Rivas, Dominique
Sent: Monday, November 02, 2015 4:38 PM
To: Bojorquez, Daniela
Cc: Martinez, Gilda; Morrow, Nanette; Jimenez, Martita

Subject: RE: SGJ Time Request

I know Dani, I am sorry but I have to follow policy. Nanette always has the option of calling the GJ supervisor and getting permission for whatever it is she needs and I will happily comply. Is there any way she is available this coming up Monday? Either way please let me know what is decided.

From: Bojorquez, Daniela
Sent: Monday, November 02, 2015 4:35 PM
To: Rivas, Dominique
Cc: Martinez, Gilda; Morrow, Nanette; Jimenez, Martita
Subject: RE: SGJ Time Request

Good afternoon Dominique,

Thank you for your email. I'm well aware of the policy. Unfortunately, Nanette has several scheduling conflicts and is unable to present to the Grand Jury on November 16th and 17th. On those days, she has multiple hearings in different counties (Pima and Cochise) that can't be moved. While we are fully aware of the policy involving the three designated grand jury dates, the distance between Tucson, Cochise, and Phoenix make it impossible to schedule the SGJ on November 16th or 17th. That's why we were asking for November 18th.

Because November 18th is not available, our intentions are now to present to the SGJ on November 23rd. I understand that Mondays are reserved for In-Custody matters, but we are running out of options and this case has to be presented to the SGJ before December.

Thank you for your help,
Daniela Bojorquez
Legal Secretary II to Nanette Morrow
Criminal Division / Border Crimes Enforcement Section



Office of the Arizona Attorney General Mark Brnovich
400 W. Congress Street, Ste S-315, Tucson AZ 85701
Direct: (520) 628-6651
Main: (520) 628-6504
Fax: (520) 209-4326
Daniela.Bojorquez@azag.gov
<http://www.azag.gov>

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From: Rivas, Dominique
Sent: Monday, November 02, 2015 3:50 PM

To: Bojorquez, Daniela
Cc: Martinez, Gilda; Morrow, Nanette
Subject: RE: SGJ Time Request

Good Afternoon,

I advise asking about the policy involving our (3) designated Grand Jury dates. The schedule for the Grand Jury (3) day Wednesday doesn't open up until Monday and Tuesday are filled. Monday and Tuesday aren't even close to being filled yet, so please consider either of the first 2 days because Wednesday will most likely be canceled. Please refer too or read the Grand Jury Policy that is in place to help guide you or see Martita if you have any questions.

Thank you,

Dominique Rivas
State Grand Jury Secretary
Criminal Division/ Fraud & Special Prosecution Section



Office of the Arizona Attorney General Mark Brnovich
1275 W. Washington, Phoenix, AZ 85007
Desk: (602) 542-8411
Fax: (602) 542-599
dominique.rivas@azag.gov
<http://www.azag.gov>

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From: Bojorquez, Daniela
Sent: Monday, November 02, 2015 3:46 PM
To: Rivas, Dominique
Cc: Martinez, Gilda; Morrow, Nanette
Subject: RE: SGJ Time Request

Good afternoon Dominique,

Nanette has a hearing on November 17th in the morning at the Cochise County Superior Court. Would it be possible to do the SGJ on November 18?

Thank you,
Dani

From: Rivas, Dominique
Sent: Thursday, October 29, 2015 3:52 PM
To: Bojorquez, Daniela

Cc: Martinez, Gilda
Subject: RE: SGJ Time Request

77 SGJ 222

I'll try for that time but we don't have Monday filled yet. I'll keep you posted.

From: Bojorquez, Daniela
Sent: Thursday, October 29, 2015 2:44 PM
To: Rivas, Dominique
Cc: Martinez, Gilda; Morrow, Nanette
Subject: SGJ Time Request

Grand Jury time for **Basket**

- Attorney Name: **Nanette Morrow**
- Legal Files #: **T002-2015-000151**
- Suspect(s) Name(s):
 - **Timothy Brackett (001)**
 - DOB: _____
 - SSN: _____
 - **Theresa Brackett (002)**
 - DOB: _____
 - SSN: _____
- County: **Pima**
- Agent: **Scott Shafer**
- Agency: **DEA**
- How much time is needed? **One Hour**
- What date are you requesting? **November 17 or November 18**
- What time are you requesting? **10:00am**

Has the Case Charging Approval been signed? (attach copy of signed CCA) **Yes**

- Is the Discovery done? **Yes**

Thank you,
Daniela Bojorquez
Legal Secretary II to Renee Bennett and Nanette Morrow
Criminal Division / Border Crimes Enforcement Section



Office of the Arizona Attorney General Mark Brnovich
400 W. Congress Street, Ste S-315, Tucson AZ 85701
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From: [Rodriguez, Lisa](#)
To: [Ahler, Paul](#); [Conrad, Donald](#); [Eckert, Robert](#); [Madsen, Annalisa](#); [Roysden, Beau](#); [Watkins, Paul](#)
Cc: [Rodriguez, Lisa](#)
Subject: FW: Susan Bitter Smith
Date: Thursday, November 12, 2015 8:28:37 AM
Attachments: [image001.png](#)
[Waiver of Attorney Client Privilege-c.pdf](#)

FYI.

From: Mark Dawson [<mailto:MDawson@Polsinelli.com>]
Sent: Wednesday, November 11, 2015 2:35 PM
To: Rodriguez, Lisa
Cc: Edward F. Novak
Subject: Susan Bitter Smith

Lisa,

Please find attached our client's Waiver of Attorney Client Privilege (Bates numbered BITTER_SMITH_000465).

Mark

Mark Dawson

Paralegal

mdawson@polsinelli.com

602.650.2034

One East Washington St., Suite 1200
Phoenix, AZ 85004-2568

polsinelli.com




Polsinelli PC, Polsinelli LLP in California

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WAIVER OF ATTORNEY CLIENT PRIVILEGE

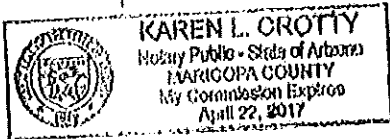
I, Susan Bitter Smith, waive the attorney client privilege related to advice provided to me by Randall C. Nelson of Osborn Maledon. This advice was provided in 2012 during the period of time when I was running for a seat on the Arizona Corporation Commission.

This Waiver is limited to the time frame and scope set forth above. This Waiver is being provided to the Arizona Attorney General's Office for its exclusive use only.


Susan Bitter Smith


Notary

11-10-15
Date



From: Rodriguez, Lisa
To: Conrad, Donald
Subject: PHX-#710349-v4-BRADY_POLICY_PROTOCOL
Date: Wednesday, October 14, 2015 8:30:41 AM
Attachments: PHX-#710349-v4-BRADY_POLICY_PROTOCOL.doc



OFFICE OF ATTORNEY GENERAL TOM HORNE

CRIMINAL DIVISION

MEMORANDUM

TO: All CRM Attorneys, Paralegals and Investigative Personnel
FROM: Andrew Pacheco, Criminal Division Chief Counsel
DATE: August 9, 2013
RE: *BRADY/GIGLIO* PROTOCOL RE: POTENTIAL IMPEACHMENT INFORMATION
RELATING TO LAW ENFORCEMENT AGENCY EMPLOYEES

This Memorandum will provide the legal background and the protocol that must be followed in all trial matters conducted by Criminal Division attorneys to insure that our *Brady/Giglio* obligations are fulfilled.

I. PREFACE

The State's duty to disclose "*Brady*" material in a criminal case is summarized in *Stickler v. Green*, 527 U.S. 263, 280-281 (1999), as follows:

In *Brady* [*v. Maryland*, 373 U.S. 83 (1963)], this Court held "that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." 373 U.S. at 87. We have since held that the duty to disclose such evidence is applicable even though there has been no request by the accused, *United States v. Agurs*, 427 U.S. 97, 107 (1976), and that the duty encompasses impeachment evidence as well as exculpatory evidence, *United States v. Bagley*, 473 U.S. 667, 676 (1985). Such evidence is material "if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different." *Id.* at 682; *Kyles v. Whitley*, 514 U.S. 419, 433-434 (1995). Moreover, the rule encompasses evidence "known only to police investigators and not to the prosecutor." *Id.* at 438. In order to comply with *Brady*, therefore, "the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in this case, including the police." *Kyles*, 514 U.S., at 437.

In *Giglio v. United States*, 405 U.S. 150, 155 (1972), the Court held that a prosecutor's promise of immunity to a key witness was attributable to the government even though the prosecutor who tried the case was unaware of the promise, and it held that failure to disclose the promise to defendant violated due process and required a new trial because evidence of the promise was relevant to the credibility of this key witness. The Court also stated:

Moreover, whether the nondisclosure was a result of negligence or design, it is the responsibility of the prosecutor. The prosecutor's office is an entity and as such it is the spokesman for the Government. A promise made by one attorney must be attributed, for these purposes, to the Government. . . . To the extent this places a burden on the large prosecution offices, procedures and regulations can be established to carry that burden and to insure communication of all relevant information on each case to every lawyer who deals with it.
Id. at 154. (Internal citations omitted.)

The purpose of this *Brady/Giglio* Protocol ("the Protocol") is to insure that prosecutors learn of all relevant impeachment information relating to law enforcement agency employees, while protecting legitimate privacy rights of those employees.

The Protocol does not replace the obligation of law enforcement agency employees to inform prosecutors with whom they work of potential impeachment information prior to providing a sworn statement or testimony in any investigation or case. In most cases in which law enforcement agency employees may be affiants or witnesses, it is expected that the prosecutor will be able to obtain all potential impeachment information directly from those employees during the normal course of investigations and/or preparation for hearings or trials.

The exact parameters of potential impeachment information are not easily determined. Potential impeachment information, however, has been generally defined as impeaching information that is material to the defense. This information may include but is not strictly limited to: (a) specific instances of conduct of a witness for the purpose of attacking the witness' credibility or character for truthfulness; (b) evidence in the form of opinion or reputation as to a witness' character for truthfulness; (c) prior inconsistent statements; and (d) information that may be used to suggest that a witness is biased.

**II. PROCEDURES FOR REQUESTING POTENTIAL IMPEACHMENT INFORMATION FROM LAW
ENFORCEMENT AGENCIES RELATING TO THEIR EMPLOYEES
("THE PROTOCOL")**

1. INITIATION OF REQUEST TO LAW ENFORCEMENT AGENCY:

When a prosecutor ("the Trial Prosecutor") in a criminal case or investigation determines it is necessary to request potential impeachment information from a law enforcement agency ("the Employing Agency") relating to an employee of that agency identified as an expected witness ("the Employee"), the Trial Prosecutor shall initiate a written request ("the Request") to the Employing Agency in a timely fashion to permit sufficient time for processing of the Request. The Request shall generally be made no less than 30 days prior to the scheduled trial date or evidentiary hearing date in which the Employee will be a witness. The Trial Prosecutor can delegate the preparation of the Request to his/her paralegal, but the Trial Prosecutor must review and sign the Request. The Request should identify the Employee(s) and the Employing Agency, including the duty station(s) of the Employee(s). The Request should also indicate the nature of the prosecution, the charges pending, any anticipated defenses, and the nature of the anticipated testimony of the Employee. (A model form of the Request is attached to this Memorandum as Attachment 1, which can also be found in the HDM public folder entitled "CRM – BRADY/GIGLIO INFO.")

After reviewing the Request to ensure that it provides adequate notice to the Employing Agency, the Trial Prosecutor shall forward the Request to the person designated by the Employing Agency as the person designated by the Employing Agency ("the Employing Agency Official") for receipt and processing of *Brady/Giglio* requests regarding the Employee(s) of the respective Employing Agency. The Trial Prosecutor should be prepared to advise the relevant Employing Agency Official about controlling case law and other relevant authorities regarding the definition and disclosure of impeachment information.

2. AGENCY REVIEW AND DISCLOSURE:

On receiving the Request, the Employing Agency Official shall conduct a review, in accordance with its agency plan, for potential impeachment information regarding the Employee. The Employing Agency Official shall advise the Trial Prosecutor in writing of: (a) any finding of misconduct that reflects upon the truthfulness or possible bias of the employee, including a finding of

lack of candor during an administrative inquiry; (b) any past or pending criminal charge brought against the employee; and, (c) any credible allegation of misconduct that reflects upon the truthfulness or possible bias of the employee that is the subject of a pending investigation. Sample responses to the Request are contained in Attachment 2 to this Memorandum.

3. ALLEGATIONS THAT ARE UNSUBSTANTIATED, NOT CREDIBLE, OR HAVE RESULTED IN EXONERATION:

Allegations that are unsubstantiated, not credible, or have resulted in exoneration of an Employee generally are not considered to be potential impeachment information. Upon request, however, such information that reflects upon the truthfulness or bias of the Employee, to the extent it is maintained by the Employing Agency, will be provided to the Trial Prosecutor under the following circumstances: (a) when the Trial Prosecutor advises that it is required by controlling case law; or, (b) when, on or after the effective date of this policy: (i) the allegation was made by a federal, state or local prosecutor or judge; or (ii) the allegation received publicity; or, (c) when the Trial Prosecutor and the Employing Agency Official agree that such disclosure is appropriate, based upon exceptional circumstances involving the nature of the case or the role of the Employee; or, (d) when disclosure is otherwise deemed appropriate by the Employing Agency. The Employing Agency is responsible for advising the Trial Prosecutor, to the extent determined, whether an allegation is unsubstantiated, not credible, or resulted in exoneration.

4. RECORD RETENTION AND REVIEW OF IMPEACHMENT MATERIAL BY THE ATTORNEY GENERAL'S OFFICE:

Special care should be taken to protect the confidentiality of such information and the privacy interests and reputations of the Employee(s). While keeping this in mind, it remains necessary that the AGO maintain *Brady/Giglio* information received from an Employing Agency, rather than returning it to the Employing Agency. Retention of such information is necessary, because once the AGO has received such information, it remains on notice of the existence of such information. If such Employee's information was not maintained by the AGO, it may be forgotten in a subsequent trial in which the Employee is a witness. If a subsequent trial occurred involving the same Employee, and if the Trial Prosecutor inadvertently failed to make the request required by the Protocol or if the Employing Agency did not respond or inadvertently omitted the Employee's information, the AGO would still be charged with such knowledge, and a failure to disclose that information may result in a

Brady/Giglio violation. In order to avoid such a violation, an electronic record system that will be accessible by all Sections of the Criminal Division shall be maintained by the Chief Counsel of the Criminal Division or his/her designee, which shall contain all potential impeachment information received from an Employing Agency (“the *Brady/Giglio* Records”) in a read-only format to avoid any inadvertent modifications.

The information contained in the *Brady/Giglio* Records shall remain confidential. The Trial Prosecutor, contemporaneously with the sending of the Request to the Employing Agency as described above, shall review all material in the *Brady/Giglio* Records to determine if the employee in the Trial Prosecutor’s current proceeding is mentioned therein. If so, the Trial Prosecutor shall disclose such material in the manner provided in this Protocol.

5. CONSULTATION WITH THE EMPLOYING AGENCY PRIOR TO DISCLOSURE TO THE COURT OR DEFENSE COUNSEL:

Upon the Trial Prosecutor’s receipt and review of the Employing Agency’s response and/or the *Brady/Giglio* Records, if disclosure of certain information appears warranted, the Trial Prosecutor shall notify the Employing Agency Official of the proposed disclosure, and will permit the Employing Agency to express its views on whether some or all of the information should be disclosed to the court or defense counsel. This decision may be made in consultation with the Trial Prosecutor’s immediate supervisor. Contemporaneously with the notification to the Employee Agency Official, the Trial Prosecutor shall submit the information to the AGO *Brady/Giglio* Committee. Upon receipt of the Employee Agency Official’s response, the Trial Prosecutor shall provide that response to the AGO *Brady/Giglio* Committee. The ultimate decision on what information should be disclosed, and the method of disclosure, shall be made by the AGO *Brady/Giglio* Committee. Disclosure to the court or defense counsel shall not take place until after the Employing Agency has expressed its views to the Trial Prosecutor, or has had adequate time to do so.

6. THE AGO BRADY/GIGLIO COMMITTEE

Before any potential impeachment information is included in the *Brady/Giglio* Records, it shall be reviewed by the AGO *Brady/Giglio* Committee (the “Committee”) to determine if such information should be so included. The Committee shall be composed of the Criminal Division

Chief Counsel, who shall serve as the Committee Chair, the Chief Counsels of the Fraud & Special Prosecutions Section, the Drug Enforcement & Racketeering Section, the Health Care Fraud & Abuse Section, the Financial Remedies Section, the Border Crimes Enforcement Section, and the Chief Special Agent of the Special Investigations Section. A quorum of five members is required to hold a meeting. A vote of 2/3 majority of those members in attendance at a meeting shall be required to include such information in the *Brady/Giglio* Records. The Trial Prosecutor shall be allowed to attend the meeting to provide input and answer questions. The Criminal Division Chief Counsel may also designate other personnel to serve on the Committee, either as a standing member or on a case-by-case basis. Upon the requisite vote by the Committee, the Criminal Division Chief Counsel or designee shall be the only person authorized to add or remove potential impeachment information in the *Brady/Giglio* Records. The Criminal Division Chief Counsel may designate a staff person or attorney to assist in the inclusion or removal of such information.

At the conclusion of the Trial Prosecutor's case, the Trial Prosecutor may keep motions, responses, legal memoranda, court orders, and internal office memoranda or correspondence regarding the *Brady/Giglio* disclosure in the relevant criminal case file(s). If the Trial Prosecutor, in consultation with his/her immediate supervisor, deems that any of the foregoing pleadings, orders, correspondence or memoranda may be relevant to the Employee's impeachment information, such material shall be submitted to the Committee for its determination if such information should be included in the *Brady/Giglio* Records along with the Employing Agency's response.

7. PROTECTIVE PROCEDURES FOR DISCLOSURE OF POTENTIAL IMPEACHMENT MATERIAL:

Consideration should be given, when appropriate, to seeking an *ex parte in camera* review and decision by the court regarding whether the potential impeachment information must be disclosed to defense counsel, and to seeking protective orders to limit the use and further dissemination of potential impeachment information by defense counsel.

8. COPIES OF DISCLOSURES TO AGENCY:

When potential impeachment information of an Employee has been disclosed to a court or defense counsel, the information disclosed, along with any judicial rulings and related pleadings, shall be provided by the Trial Prosecutor to the Employing Agency Official.

9. REFERRAL OF POTENTIAL IMPEACHMENT INFORMATION TO EMPLOYING AGENCY

When the Trial Prosecutor has observed or become aware of potential impeachment information by a law enforcement officer, whether or not in conjunction with the Trial prosecutor's case, the Trial Prosecutor shall provide such information to the Committee. The Committee shall determine by a 2/3 majority vote of the members in attendance at a meeting, provided a quorum exists, whether the potential impeachment information is of such a nature that it should be referred to the Employee's Employing Agency for that Employing Agency to conduct an internal investigation of the potential impeachment information. If the Committee determines it should be referred, then the potential impeachment information shall be provided to the Employing Agency with an explanatory cover letter, and shall be included in the *Brady/Giglio* Records. If the Committee finds no basis to refer the information, then it shall maintain a record of the vote, but it shall not retain the information.

10. POST-TRIAL DISCLOSURE OF IMPEACHMENT INFORMATION

If the trial prosecutor or anyone else in the AGO obtains post-conviction or post-disposition information about an Employee's potential *Brady/Giglio* impeachment that was known to the Employing Agency and should have been, but was not, disclosed to the Trial Prosecutor prior to such conviction or disposition, the Trial Prosecutor shall submit such information to the Committee, which shall determine by a 2/3 majority vote of the members in attendance at a meeting, provided a quorum exists, if it should be disclosed in the same manner as provided by the Protocol, **only if all of the following factors are involved:**

- a. The punishment resulted from a trial or other evidentiary hearing in which the Employee testified;
- b. The defendant's sentence has not been concluded or terminated; and
- c. If the defendant's sentence has been concluded, the defendant still has pending appellate or post-conviction relief proceedings.

**III. POTENTIAL IMPEACHMENT INFORMATION RELATING TO
LAW ENFORCEMENT INVESTIGATIVE PERSONNEL OF THE
ARIZONA ATTORNEY GENERAL'S OFFICE SPECIAL INVESTIGATIONS SECTION**

A. PREFACE

The following procedures must be followed by investigative personnel of the AGO Special Investigations Section ("SIS") in disclosing to the trial prosecutor potential impeachment information relating to investigative personnel of the Arizona Attorney General's Office who are expected to be witnesses in a criminal case. The purpose of this Policy is to ensure that prosecutors receive sufficient information to meet their obligations under *Brady v. Maryland* and *Giglio v. United States* regarding potential impeachment information regarding in-house investigative personnel, while protecting the legitimate privacy rights of those investigative personnel.

The following Policy does not replace the obligation of all investigative personnel of the AGO SIS to inform prosecutors with whom they work of potential impeachment information prior to providing a sworn statement or testimony in any investigation or case. In most cases in which investigative personnel may be witnesses, it is expected that the prosecutor will be able to obtain all potential impeachment information directly from the investigative personnel during the normal course of investigations and/or preparation for hearings or trials.

**B. PROCEDURE FOR DISCLOSING POTENTIAL IMPEACHMENT INFORMATION RELATING TO
INVESTIGATIVE PERSONNEL OF THE ARIZONA ATTORNEY GENERAL'S OFFICE**

1. The Arizona Attorney General's Office SIS shall abide by the Protocol in Section II of this Memorandum in responding to the Trial Prosecutor.
2. The Arizona Attorney General's SIS "Agency Official" for purposes of the Protocol is the SIS Chief Special Agent. The Agency Official shall consult periodically with the Chief Counsel of the Criminal Division about relevant case law and developments regarding the definition or disclosure of impeachment information.
3. On receipt of a written request from the Trial Prosecutor, the Agency Official shall conduct a review or take such action as provided in its Professional Standards Policy, and in accordance with controlling *Brady/Giglio* authorities, and will respond in accordance with the Protocol.

IV. ELECTRONIC STORAGE OF *BRADY-GIGLIO* INFORMATION

Information received by the Arizona Attorney General's Office pursuant to this policy will be stored and retained in accordance with these procedures.

Brady-Giglio information will only be stored and retained on the authority of the Criminal Division Chief Counsel or designee, if any. Criminal Division attorneys, paralegals and legal secretaries will not be permitted to store and retain *Brady-Giglio* information, unless they have been so designated by the Criminal Division Chief Counsel.

The storage and retention of *Brady-Giglio* information will be made in the Public Folder named: "CRM – BRADY/GIGLIO INFO."

Within the CRM – BRADY/GIGLIO INFO folder are sub-folders with agency names. The appropriate agency-named folder will be selected, and information concerning the affected law enforcement agency employee will be placed in an appropriately named sub-folder within the agency folder.

It will be the responsibility of the person storing the information to ensure that the proper agency folder has been selected or in the case of information received for an agency not yet listed, the responsibility will include the creation of a new agency folder.

The name for the employee folder will be in the format, "Last Name First Initial Serial Number". (For example, "FRIDAY J 12345."). Information that contains the officer's last name, first initial and agency serial number will be sufficient to identify that officer to the exclusion of all others that may be contained in other employee folders within the same agency folder.

Upon first receipt of *Brady-Giglio* information, it will be the responsibility of the person storing the information to make an indexing entry in the "BRADY-GIGLIO MASTER LIST." This file is an EXCEL spreadsheet that is to be used as a quick reference list when searching for *Brady-Giglio* information. This EXCEL spreadsheet is located in the Public Folder named "CRM – BRADY/GIGLIO INFO."

Information that must be entered in the BRADY-GIGLIO MASTER LIST includes:

- Agency
- Last Name
- First Name
- Middle Name
- Serial Number
- Court Case Number
- AGO Case Number
- Prosecutor

The Public Folder named “CRM – BRADY/GIGLIO INFO” including all sub-folders and files contained therein will be maintained with “READ ONLY” permissions for CRM Division employees. Only the CRM Division Chief and CRM Section Chiefs, if so designated by the Criminal Division Chief Counsel, and their respective designees, if any, will be given “READ-WRITE” permissions to these folders and files.

V. PROCEDURE FOR REMOVING INFORMATION FROM THE *BRADY/GIGLIO* RECORDS

The Brady Committee shall have the authority to remove information from the *Brady/Giglio* Records if it determines by a 2/3 majority vote of the members in attendance at a meeting, provided a quorum exists, that the reason for placing the officer in the *Brady/Giglio* Records is no longer accurate or necessary, or for any other reason that it deems is a satisfactory basis to justify removal. The review can be initiated at the request of a Committee member, by the affected officer or by the affected officer’s agency. It is at the discretion of the Committee whether a request will be heard or voted upon. If the Committee votes to remove the information, the Criminal Division Chief Counsel or designee shall be responsible for removal of such information from the *Brady/Giglio* Records.

cc: Rick Bistrow, Chief Deputy Attorney General
Robert Ellman, Solicitor General
Lisa Rodriguez, Criminal Division Office Administrator

Office of the Attorney General
State of Arizona

Tom Horne
Attorney General

ATTACHMENT 1

[DATE]

[NAME & ADDRESS]

Re: *State v. [DEFENDANT]*, CR [CASE NO.]

Dear [ADDRESSEE]:

This office represents the State in the above-named case, which is set for trial on [TRIAL DATE] before Judge [JUDGE'S NAME] in [COURT NAME]. Pursuant to our obligations under *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972), we request a review of your agency files for potential impeachment information regarding the following employees, who are expected to testify in the above-named case:

1. [NAME]
2. [NAME]

For your assistance in reviewing these records, the defendant has been charged with [OFFENSES] in violation of [STATUTES]. This case involves [BRIEF OVERVIEW OF CASE, EXPLAINING ABOVE-NAMED EMPLOYEES' INVOLVEMENT].

As you know, the *Brady/Giglio* line of cases requires that the government disclose material information that may be helpful to the defense, including information that affects the credibility of government witnesses. Accordingly, please review the personnel and related administrative files of the above-named employees for information showing any bias, prejudice, coercive behavior, lack of credibility, dishonesty or other material impeachment evidence and any disciplinary sanctions imposed on the above witness(es) based on any of the aforementioned activity. Following the review, please mail, e-mail or fax a written response to the undersigned no later than two weeks before the trial date, even if the review yields no *Brady/Giglio* information.

Thank you for your assistance. If you have any questions, please call.

Sincerely,
[TRIAL PROSECUTOR]
Assistant Attorney General
Criminal Division

ATTACHMENT 2

OFFICE OF THE ARIZONA ATTORNEY GENERAL

Sample Responses to Brady/Giglio Requests

1. No Brady/Giglio Information Found:

To: [TRIAL PROSECUTOR]
Assistant Attorney General
Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007-2926

From: [EMPLOYING AGENCY]

Re: State v. [DEFENDANT], CR [CASE NO.],
Brady/Giglio Information Request

We have reviewed the personnel and related administrative files of [NAMES] and have determined that they contain no impeachment information that is subject to disclosure under *Brady v. Maryland*, 373 U.S. 83 (1963) or *Giglio v. United States*, 405 U.S. 150 (1972).

If you have any questions concerning this matter, please contact [AGENCY OFFICIAL].

2. Some Brady/Giglio Information Found:

We have reviewed the personnel and related administrative files of employees [NAMES].

We have found the following impeachment information that may be subject to disclosure under *Brady v. Maryland*, 373 U.S. 83 (1963) or *Giglio v. United States*, 405 U.S. 150 (1972):

[SPECIFY THE INFORMATION]

If you have any questions concerning this matter, please contact [AGENCY OFFICIAL].

From: Rodriguez, Lisa
To: Conrad, Donald
Subject: RE: 12 News
Date: Monday, November 02, 2015 2:25:08 PM

Got it. Did you respond to them or want me to?

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

From: Conrad, Donald
Sent: Monday, November 02, 2015 2:19 PM
To: Rodriguez, Lisa
Subject: RE: 12 News

We never release calls intercepted pursuant to a wire tap. Never. It's against federal law.

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

From: Rodriguez, Lisa
Sent: Monday, November 02, 2015 1:58 PM
To: Conrad, Donald
Cc: Rodriguez, Lisa
Subject: RE: 12 News

This was former AAG Lindsay Coates' case. Looks like there are still two outstanding SGJ warrants. Would you want to release the wiretap calls?

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

From: Diaz, Bethany
Sent: Monday, November 02, 2015 1:53 PM
To: Rodriguez, Lisa
Subject: RE: 12 News

Hi Lisa,

Please see below.

Thanks!
Bethany

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

From: Garcia, Mia
Sent: Monday, November 02, 2015 1:51 PM
To: Conrad, Donald; Diaz, Bethany
Subject: FW: 12 News

This is an old money laundering case that reporter claims resulted in successful prosecution...want to make sure that is the case

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

From: Kennedy, Kevin [<mailto:kekennedy@12NEWS.COM>]
Sent: Monday, November 02, 2015 9:56 AM
To: Garcia, Mia
Subject: 12 News

Hello,

This is A public records request for any and all documents and photographs associated with case CR 2013-001179. 12News would also like any audio transmissions that are associated with this investigation. That includes intercepted wiretaps . 12News will pay for any reasonable fees associated with this request.

Thanks,

Kevin Kennedy
602-

Sent from my iPhone

From: [Rodriguez, Lisa](#)
To: [Conrad, Donald](#)
Subject: RE: Arpaio, et al. adv. Melendres, et al.-Response to District Court
Date: Thursday, October 08, 2015 2:21:44 PM

Don - We lodged it under seal and emailed it only to the judge. From what the confirmation slips shows is that the mailing list sees that we filed something but does not get the attachment. Jill confirmed on Tuesday that she got the email but could not get the actual document. Lisa

Lisa Rodriguez
Legal Administrator
Criminal Division
(602) 542-8488
lisa.rodriguez@azag.gov

From: Jill Laforanara [JLaforanara@iafratelaw.com]
Sent: Thursday, October 08, 2015 1:40 PM
To: Conrad, Donald
Cc: Michele Iafrate; Rodriguez, Lisa
Subject: Arpaio, et al. adv. Melendres, et al.-Response to District Court

Dear Mr. Conrad:

Would you please confirm for Michele that the Response that you filed under seal was only provided to the Judge.

Thank you.

Jill Laforanara, Legal Assistant to
Michele M. Iafrate
IAFRATE & ASSOCIATES
649 N. 2nd Avenue
Phoenix, Arizona 85003
(602) 234-9775
Fax: (602) 254-9733

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From: Rodriguez, Lisa
To: Conrad, Donald
Subject: RE: Case Question- Gowan Milling
Date: Thursday, November 12, 2015 10:36:57 AM

Assigned to Cynthia Giltner.

From: Rodriguez, Lisa
Sent: Tuesday, November 10, 2015 8:50 AM
To: Conrad, Donald
Subject: RE: Case Question- Gowan Milling

Per LF, this was assigned to Macias (AAG) and Rubalcava (SA). I'm having Gilda check on it.

From: Conrad, Donald
Sent: Monday, November 09, 2015 10:20 AM
To: Rodriguez, Lisa
Subject: FW: Case Question- Gowan Milling

Who has this matter?

From: Rudnick, Beverly
Sent: Monday, November 09, 2015 9:49 AM
To: Conrad, Donald
Subject: RE: Case Question- Gowan Milling

No, Don, haven't heard of this case yet. Want me to check with DOI?

From: Conrad, Donald
Sent: Monday, November 09, 2015 9:38 AM
To: Rudnick, Beverly
Subject: FW: Case Question- Gowan Milling

Aren't you assigned to this case?

From: Lopez, John
Sent: Thursday, November 05, 2015 2:41 PM
To: Conrad, Donald
Subject: Case Question

Don:

Jim Burke, a former AUSA, a good friend of Howard's, and now a defense attorney, called me yesterday asking for advice about how to find out the status of a criminal investigation in which he represents a Yuma-based company, Gowan Milling. I advised that he should speak directly to the assigned AAG. Apparently, he's done that, but is still looking for additional information. Of course, I defer to you about whether you want to discuss the matter with Jim. If you want to speak with him, his number is 602.

As an aside, Jim didn't tell me anything about the case, nor is it any of my business. Essentially, I just

told him that he should work his way up the chain if he has concerns or questions about the matter.
I told him I would pass the message along to you.

Thanks,
John

John R. Lopez IV
Solicitor General
Office of the Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007
602-542-8986 (Office)
602-542-8308 (Fax)

From: [Rodriguez, Lisa](#)
To: [Loftus, Charles](#)
Cc: [Dailey, Mike](#); [Perkovich, Mark](#); [Garcia, Bobbie](#)
Subject: RE: Cases submitted to AGO for criminal prosecution from DPS HIT Squad 2015
Date: Saturday, December 12, 2015 2:24:21 PM

Thanks Charlie. I'm not sure why the I-10 shooter info is being submitted, as that reflects time and not cases, but I will give it all to Don. Please let Norm know that we appreciate his help.

Lisa Rodriguez
Legal Administrator
Criminal Division
(602) 542-8488
lisa.rodriquez@azag.gov

From: Loftus, Charles
Sent: Saturday, December 12, 2015 1:00 PM
To: Rodriguez, Lisa
Cc: Dailey, Mike; Perkovich, Mark; Garcia, Bobbie
Subject: Fwd: Cases submitted to AGO for criminal prosecution from DPS HIT Squad 2015

Fyi

Sent from my Droid

----- Original message -----

From: "Peterson, Norman"
Date: 12/11/2015 15:28 (GMT-07:00)
To: "Loftus, Charles"
Subject: Cases submitted to AGO for criminal prosecution from DPS HIT Squad 2015

Charlie,

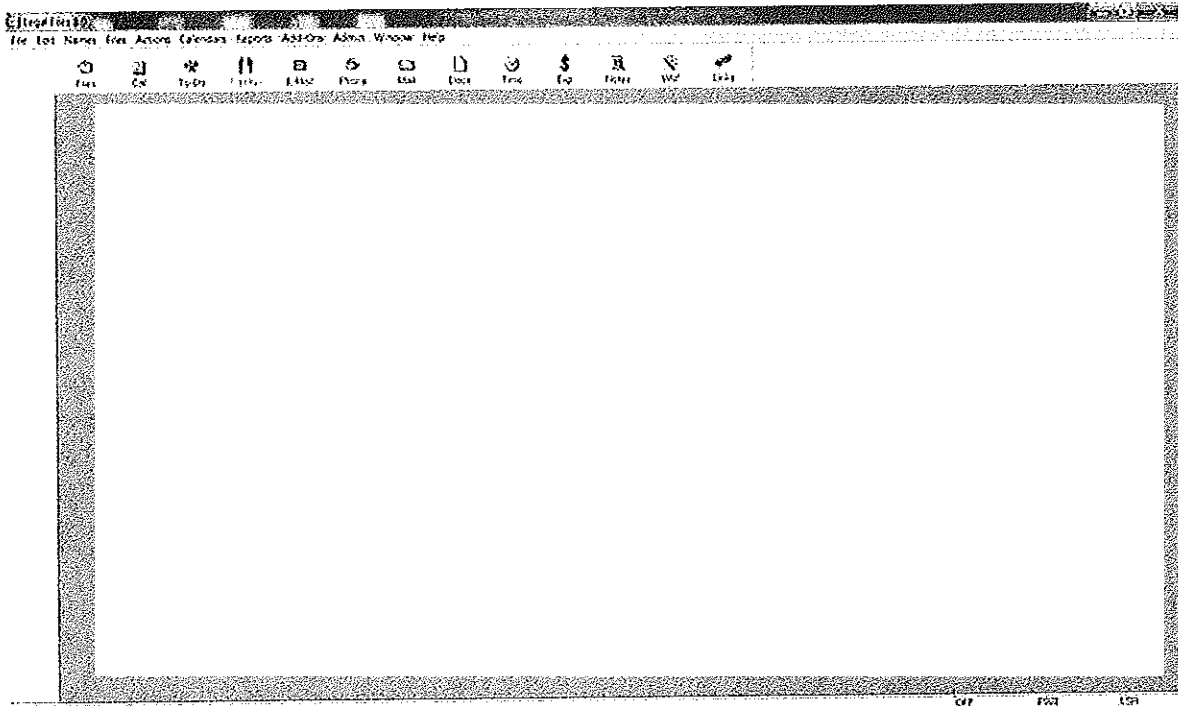
Here is a list of the cases that were submitted through the AG's Office for prosecution in 2015 and also time frame of I-10 shooter investigation.

Norman Peterson
Special Agent

Office of the Attorney General – SIS
1275 W. Washington, Phoenix, AZ 85007
Desk: _____ I Cell: _____ I Fax: 602.223.2332
@azag.gov
<http://www.azag.gov>

From: [Rodriguez, Lisa](#)
To: [Diaz, Bethany](#); [Benjamin, Dena](#); [Davenport, Diane](#); [Conrad, Donald](#); [Teller, John](#)
Cc: [Garcia, Mia](#); [Anderson, Ryan](#); [Northup, Dawn](#); [Rodriguez, Lisa](#)
Subject: RE: FOIA request
Date: Thursday, December 10, 2015 11:01:37 AM
Attachments: [image002.png](#)

This is the only thing in LF for Giving Tree. Looks like a _____ case. I don't see anything in LF for the other two businesses.



From: Diaz, Bethany
Sent: Thursday, December 10, 2015 10:16 AM
To: Benjamin, Dena; Davenport, Diane; Conrad, Donald; Rodriguez, Lisa; Teller, John
Cc: Garcia, Mia; Anderson, Ryan; Northup, Dawn
Subject: FW: FOIA request

Good morning,

Please see the below public records request- it appears to cross several divisions, so please let me know if I need to send to anyone else.
Please provide me with any responsive records, legally redacted where necessary, and I will release them collectively.

If you do not have any responsive records, please let me know.
Jerry, I wasn't sure if this would also include your section, but it sounded like it might apply so wanted to include you in the event it does.

Thank you,

Bethany Diaz
Deputy Public Information Officer
Office of the Arizona Attorney General
1275 W. Washington Street

Phoenix, AZ 85007
602-542-7806 Office

From: Garcia, Mia
Sent: Thursday, December 10, 2015 10:05 AM
To: Diaz, Bethany; Anderson, Ryan
Subject: FW: FOIA request

From: Bregel, Emily [mailto:ebregel@tucson.com]
Sent: Thursday, December 10, 2015 10:02 AM
To: Garcia, Mia
Subject: FOIA request

Thanks again, Mia – below is the official records request.

- Emily, 520-573-4233

Arizona Daily Star

4850 S. Park Avenue
Tucson, Arizona 85714
Telephone: (520) 573-4197 Fax: (520) 573-4107

FROM: Emily Bregel, reporter, Arizona Daily Star

TO: Mia Garcia, Arizona Attorney General's office

DATE: Thursday, Dec. 10, 2015

I hereby request under ARS 39-121 through 39-121.03, the Arizona Public Records Law, that the following records be made available to me:

- Any **complaints** lodged with the Arizona AG office involving nonprofit The Giving Tree, also known as The Giving Tree Outreach Program (which shut down in 2012), and **any documentation of any related investigation or enforcement action.**
- Any **complaints** lodged with the Arizona AG office involving nonprofit Cross Country Outreach, or its affiliated thrift store Shop-4-A-Cause at 5140 E. Speedway Blvd. in Tucson, or its affiliated shelter Grace Home at 4734 E. Andrew St., and **any documentation of any related investigation or enforcement action.**
- A numerical **count** of how many complaints (if any) the Arizona AG office has received involving any of the above entities.

This request is for the non-commercial purpose of gathering the news. Copies of the foregoing documents will not be used for a commercial purpose.

State law provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. If you deny all or any part of this request, please provide a written statement of exactly what is being denied and the specific statutory exemption.

Please provide the requested documents to me by **Friday, Dec. 11, 2015.**

If you have any questions, please contact me right away. Thank you in advance for your cooperation.

Sincerely,
Emily Bregel
Arizona Daily Star

--

Emily Bregel
Reporter
Arizona Daily Star
Desk: 520-573-4233
Mobile: 410-
Twitter: @EmilyBregel

From: [Rodriguez, Lisa](#)
To: [Conrad, Donald](#)
Subject: RE: Katy McCarty Warrants - Nashville Media Request
Date: Monday, November 02, 2015 10:31:11 AM

In LF we have a dependency case only for a Katy McCarty – DOB: SSN: ,

I checked IA Online, and there is nothing in there for her.

I googled this story:

<http://www.dailymail.co.uk/news/article-3294546/5-day-manhunt-intensifies-Kentucky-fugitive.html>

From: Conrad, Donald
Sent: Monday, November 02, 2015 9:45 AM
To: Rodriguez, Lisa
Subject: FW: Katy McCarty Warrants - Nashville Media Request

Pla check legal files for this person.

From: Garcia, Mia
Sent: Monday, November 02, 2015 9:43 AM
To: Conrad, Donald
Subject: FW: Katy McCarty Warrants - Nashville Media Request

Good Morning,

I don't believe we are involved but thought I would forward this to you – just in case.

Thanks!

From: Pumbo, John [<mailto:JPumbo@wkrn.com>]
Sent: Thursday, October 29, 2015 1:44 PM
To: Garcia, Mia
Subject: Katy McCarty Warrants - Nashville Media Request

Hi Mia,

I am a producer/reporter in Nashville at WKRN working on the story here about the arrest of Katy McCarty in a manhunt last week. We're trying to get specifics about the active warrants (conspiracy to commit murder) out of Arizona. Our affiliate in Phoenix could not help us and I couldn't find anything specific. I'm wondering if your office may be able to help.

She's female white Age 35. Thanks so much

-JOHN POLUMBO

WKRN-TV - AM Executive Producer

From: [Rodriguez, Lisa](#)
To: [Conrad, Donald](#)
Subject: RE: MOORE, HOMER BERNARD CR2014-001587
Date: Tuesday, October 27, 2015 8:30:12 AM

I have asked Maride to check the DRG records and find it.

From: Conrad, Donald
Sent: Monday, October 26, 2015 7:32 AM
To: Rodriguez, Lisa
Subject: FW: MOORE, HOMER BERNARD CR2014-001587

Please get someone to pull these

From: Giaquinto Louis [<mailto:giaquinl@mcao.maricopa.gov>]
Sent: Friday, October 23, 2015 5:12 PM
To: Conrad, Donald
Subject: FW: MOORE, HOMER BERNARD CR2014-001587

Good Evening Don,

I hope things are going well. Can your office assist me with Mr. Taradash's latest request? Please let me know. Thank you.

Have a great weekend.

From: John Taradash - PDX [<mailto:taradash@mail.maricopa.gov>]
Sent: Monday, October 19, 2015 1:06 PM
To: Giaquinto Louis
Cc: Sammons Christopher; Guenther Jennifer
Subject: MOORE, HOMER BERNARD CR2014-001587

Louis, per today's hearing, would you please disclose the two signed orders from the relevant wiretap from *State v. Papa, et al.*(CWT 211). They are:

- The signed order from the Fourth Affidavit. This affidavit shows it was "subscribed and sworn on this 26th day of January, 2000."
- The signed order from the fifth amended affidavit. This affidavit shows it was "subscribed and sworn on this 8th day of February, 2000."

Although we have the affidavits we do not have the signed orders from them. Let me know if you need anything.

Thank you,

John Taradash
Attorney at Law

Law Office of the Public Defender
620 West Jackson Street, Suite 4015
Phoenix Arizona 85003
ph. 602.506.7711 ext 55984
fax 602.372.8916



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From: Rodriguez, Lisa
To: "Giaquinto Louis"
Cc: Rodriguez, Lisa; Conrad, Donald
Subject: RE: MOORE, HOMER BERNARD CR2014-001587
Date: Tuesday, November 03, 2015 9:30:30 AM
Attachments: Untitled.PDF - Adobe Acrobat Pro.pdf

Lou – Maride was able to locate the two orders you need. See attached. Lisa

From: Giaquinto Louis [mailto:giaquinl@mcao.maricopa.gov]
Sent: Tuesday, October 27, 2015 10:09 AM
To: Rodriguez, Lisa
Subject: RE: MOORE, HOMER BERNARD CR2014-001587

Thank you.

From: Rodriguez, Lisa [mailto:Lisa.Rodriguez@azag.gov]
Sent: Tuesday, October 27, 2015 8:45 AM
To: Giaquinto Louis
Subject: RE: MOORE, HOMER BERNARD CR2014-001587

I have asked Maride to try to locate these in archives. I'll let you know what we come up with.

From: Giaquinto Louis [mailto:giaquinl@mcao.maricopa.gov]
Sent: Monday, October 26, 2015 12:19 PM
To: Conrad, Donald
Cc: Rodriguez, Lisa
Subject: RE: MOORE, HOMER BERNARD CR2014-001587

Thank you both.

Sent with Good (www.good.com)

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

From: Conrad, Donald [Donald.Conrad@azag.gov]
Sent: Monday, October 26, 2015 07:32 AM US Mountain Standard Time
To: Giaquinto Louis
Cc: Rodriguez, Lisa
Subject: RE: MOORE, HOMER BERNARD CR2014-001587

Lou, I asked Lisa to pull them. We'll get back to you.

From: Giaquinto Louis [mailto:giaquinl@mcao.maricopa.gov]
Sent: Friday, October 23, 2015 5:12 PM
To: Conrad, Donald
Subject: FW: MOORE, HOMER BERNARD CR2014-001587

Good Evening Don,

I hope things are going well. Can your office assist me with Mr. Taradash's latest request? Please let me know. Thank you.

Have a great weekend.

From: John Taradash - PDX [<mailto:taradash@mail.maricopa.gov>]

Sent: Monday, October 19, 2015 1:06 PM

To: Giaquinto Louis

Cc: Sammons Christopher; Guenther Jennifer

Subject: MOORE, HOMER BERNARD CR2014-001587

Louis, per today's hearing, would you please disclose the two signed orders from the relevant wiretap from [REDACTED] They are:

- The signed order from the Fourth Affidavit. This affidavit shows it was "subscribed and sworn on this 26th day of January, 2000."
- The signed order from the fifth amended affidavit. This affidavit shows it was "subscribed and sworn on this 8th day of February, 2000."

Although we have the affidavits we do not have the signed orders from them. Let me know if you need anything.

Thank you,

John Taradash

Attorney at Law

Law Office of the Public Defender

620 West Jackson Street, Suite 4015

Phoenix Arizona 85003

ph. 602.506.7711 ext 55984

fax 602.372.8916



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From: [Rodriguez, Lisa](#)
To: [Conrad, Donald](#)
Subject: RE: Need to Prepare a Report/List of All Cases Involving 2 Agents
Date: Thursday, December 10, 2015 12:40:30 PM

I told Annie to run a report of all hit squad cases for 2015 which includes those two agents. She doesn't listen. Low they are wondering why you want to know. Also rumor is you are questioning the OT time for them because the OT was high as they were pulled by DPS to be on the serial shooter case.

Lisa Rodriguez
Legal Administrator
Criminal Division
(602) 542-8488
lisa.rodriguez@azag.gov

From: Conrad, Donald
Sent: Thursday, December 10, 2015 12:28 PM
To: Rodriguez, Lisa
Subject: RE: Need to Prepare a Report/List of All Cases Involving 2 Agents

I agree with Charlie. I'm intereste3d in the all the cases we get from those hit squads and not just those involving our two agents. Their participation on the hit squads fosters the submittal of cases from those squads even when they don't participate directly.

From: Rodriguez, Lisa
Sent: Thursday, December 10, 2015 8:34 AM
To: Conrad, Donald
Subject: FW: Need to Prepare a Report/List of All Cases Involving 2 Agents

I asked Anne in FRS for a report of Olney/Peterson cases ...

From: Garcia, Bobbie
Sent: Thursday, December 10, 2015 7:53 AM
To: Rodriguez, Lisa
Subject: FW: Need to Prepare a Report/List of All Cases Involving 2 Agents

FYI -

From: Loftus, Charles
Sent: Thursday, December 10, 2015 7:52 AM
To: Dailey, Mike; Garcia, Bobbie; Womack, Stephen; Baldner, Victoria; Rothblum, Eric; Hughes, Kenneth; Sargeant IV, William; Nelson, Katrin; Rankin, Thomas; Claxton, Naomi
Cc: Perkovich, Mark; Sterrett, Ron; Olney, Jon; Peterson, Norman
Subject: RE: Need to Prepare a Report/List of All Cases Involving 2 Agents

All,

The HIT Squad uses a task force model, I would suggest that all HIT Squad cases have contributions from Agents Olney and Peterson. All cases from the hit squad that involve Spanish speakers use Norman as he is the only Spanish speaker on the squad. I'm afraid just listing the "case agent" is horribly inaccurate to reflect their involvement or contribution to the HIT squad cases.

Charlie

From: Dailey, Mike

Sent: Wednesday, December 09, 2015 5:11 PM

To: Loftus, Charles; Garcia, Bobbie; Womack, Stephen; Baldner, Victoria; Rothblum, Eric; Hughes, Kenneth; Sargeant IV, William; Nelson, Katrin; Rankin, Thomas; Claxton, Naomi
Subject: Need to Prepare a Report/List of All Cases Involving 2 Agents

All, I just learned that Lisa Rodriguez need us to generate a list of all opened and closed cases, whether investigative or prosecuted, involving the following two DPS HIT Squad Special Agents:

Norman (Norm) Peterson

Jon Olney

We need to get that upstairs tomorrow if possible, and because I do not believe we natively track Case or Investigating Agent name data on Legal Files, please review your case files at your earliest convenience to generate your own list of cases involving these two officers, so that can be compiled and given to Lisa and Don. Thank you.

Sincerely,

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

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From: Rodriguez, Lisa
To: Conrad, Donald
Subject: RE: Need to Prepare a Report/List of All Cases Involving 2 Agents
Date: Thursday, December 10, 2015 1:04:34 PM

That's not me being an idiot!!! That's a typo!!!!

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

From: Conrad, Donald
Sent: Thursday, December 10, 2015 12:42 PM
To: Rodriguez, Lisa
Subject: RE: Need to Prepare a Report/List of All Cases Involving 2 Agents

Stop using idiot abbreviations with me like "low" I'm not into trying to figure out what they mean.

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

From: Rodriguez, Lisa
Sent: Thursday, December 10, 2015 12:40 PM
To: Conrad, Donald
Subject: RE: Need to Prepare a Report/List of All Cases Involving 2 Agents

I told Annie to run a report of all hit squad cases for 2015 which includes those two agents. She doesn't listen. Low they are wondering why you want to know. Also rumor is you are questioning the OT time for them because the OT was high as they were pulled by DPS to be on the serial shooter case.

Lisa Rodriguez
Legal Administrator
Criminal Division
(602) 542-8488
lisa.rodriguez@azag.gov

From: Conrad, Donald
Sent: Thursday, December 10, 2015 12:28 PM
To: Rodriguez, Lisa
Subject: RE: Need to Prepare a Report/List of All Cases Involving 2 Agents

I agree with Charlie. I'm intereste3d in the all the cases we get from those hit squads and not just those involving our two agents. Their participation on the hit squads fosters the submittal of cases from those squads even when they don't participate directly.

From: Rodriguez, Lisa
Sent: Thursday, December 10, 2015 8:34 AM
To: Conrad, Donald
Subject: FW: Need to Prepare a Report/List of All Cases Involving 2 Agents

I asked Anne in FRS for a report of Olney/Peterson cases ...

From: Garcia, Bobbie
Sent: Thursday, December 10, 2015 7:53 AM
To: Rodriguez, Lisa
Subject: FW: Need to Prepare a Report/List of All Cases Involving 2 Agents

FYI -

From: Loftus, Charles

Sent: Thursday, December 10, 2015 7:52 AM
To: Dailey, Mike; Garcia, Bobbie; Womack, Stephen; Baldner, Victoria; Rothblum, Eric; Hughes, Kenneth; Sargeant IV, William; Nelson, Katrin; Rankin, Thomas; Claxton, Naomi
Cc: Perkovich, Mark; Sterrett, Ron; Olney, Jon; Peterson, Norman
Subject: RE: Need to Prepare a Report/List of All Cases Involving 2 Agents

All,

The HIT Squad uses a task force model, I would suggest that all HIT Squad cases have contributions from Agents Olney and Peterson. All cases from the hit squad that involve Spanish speakers use Norman as he is the only Spanish speaker on the squad. I'm afraid just listing the "case agent" is horribly inaccurate to reflect their involvement or contribution to the HIT squad cases.

Charlie

From: Dailey, Mike
Sent: Wednesday, December 09, 2015 5:11 PM
To: Loftus, Charles; Garcia, Bobbie; Womack, Stephen; Baldner, Victoria; Rothblum, Eric; Hughes, Kenneth; Sargeant IV, William; Nelson, Katrin; Rankin, Thomas; Claxton, Naomi
Subject: Need to Prepare a Report/List of All Cases Involving 2 Agents

All, I just learned that Lisa Rodriguez need us to generate a list of all opened and closed cases, whether investigative or prosecuted, involving the following two DPS HIT Squad Special Agents:

Norman (Norm) Peterson

Jon Olney

We need to get that upstairs tomorrow if possible, and because I do not believe we natively track Case or Investigating Agent name data on Legal Files, please review your case files at your earliest convenience to generate your own list of cases involving these two officers, so that can be compiled and given to Lisa and Don. Thank you.

Sincerely,

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

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From: [Rodriguez, Lisa](#)
To: [Maya, Autumn](#)
Subject: RE: [REDACTED] 5-OTH-SIS CASE OPENING
Date: Friday, October 30, 2015 7:32:03 AM
Attachments: [REDACTED].zip

Thanks. Please ensure everyone is on the same page, even Tucson. I need Tucson's as well. We need to get a handle on this.

From: Maya, Autumn
Sent: Thursday, October 29, 2015 2:53 PM
To: Rodriguez, Lisa
Subject: RE: P [REDACTED] 11-SIS CASE OPENING

Katie uploaded it so I will remind her she needs to make you a copy, Thanks

From: Rodriguez, Lisa
Sent: Thursday, October 29, 2015 2:51 PM
To: Maya, Autumn
Subject: FW: P [REDACTED] 11-SIS CASE OPENING
Importance: High

I see that the COS was uploaded into LF; however, I don't have this copy in my stack to audit. I want to ensure you and your staff are still following the protocol we set up. This case is going to FSP/Metz; however, at the time you received this signed back, you did not know that. Please ensure you, Katie and/or Shaylin are continuing to give me all Case Opening Sheets, Case Closing Sheets and Case Modifications. Don has a slight edit to our protocol and I hope to have it complete by next week. Lisa

The screenshot shows the 'Legal Files 8.0' application window. The 'Document Selection - Reyes, Adan [FILE]' dialog is open, displaying various search filters. The 'Created By' filter is set to 'All', and the 'Status' is 'All'. The 'Type' filter is set to 'All'. Below the filters is a table with columns: Created, Modified, Ver, Doc #, Document Name, Reference, Created By, To/From, Classification, and Type. The table contains two rows of data:

Created	Modified	Ver	Doc #	Document Name	Reference	Created By	To/From	Classification	Type
10/26/2015	10/26/2015	1		[REDACTED]		Green-Wolfe, Kate			
9/23/2015	9/23/2015	1		[REDACTED]		Cardenas, Sandra			

From: Maya, Autumn
Sent: Tuesday, October 27, 2015 1:47 PM
To: Martinez, Glida
Cc: Shelli, Shaylin
Subject: RE: P [REDACTED] 5-OTH-SIS CASE OPENING

Yes it is uploaded in LF and I believe Shaylin notified the agent and Supervisor as well.

From: Martinez, Glida
Sent: Tuesday, October 27, 2015 1:24 PM
To: Maya, Autumn, Cardenas, Sandra
Subject: RE: P [REDACTED] 5-OTH-SIS CASE OPENING

Was this SIS opening ever located

From: Maya, Autumn
Sent: Monday, October 19, 2015 10:30 AM
To: Martinez, Glida; Cardenas, Sandra
Cc: Aher, Paul
Subject: RE: P [REDACTED] 10TH-SIS CASE OPENING

I do not remember receiving it back, I will have to check into.

From: Martinez, Glida
Sent: Monday, October 19, 2015 10:24 AM
To: Cardenas, Sandra; Maya, Autumn
Cc: Aher, Paul
Subject: RE: P [REDACTED] 11-SIS CASE OPENING

What is the status of this opening. Did it get approved by SIS?

From: Cardenas, Sandra
Sent: Wednesday, September 23, 2015 9:28 AM
To: Maya, Autumn
Cc: Martinez, Glida; Conrad, Donald; Rodriguez, Lisa; Sterrett, Ron; Woods, Dan
Subject: P [REDACTED] 11-SIS CASE OPENING

Good Morning,

Attached is a new case that needs to be approved by D. Woods and/or M. Perkovich and D. Conrad.

When the case is approved and an attorney is assigned; can you email Ron Sterrett and I the approved case opening, please.

Thank you,
Sandra Cardenas

Law Enforcement Administrative Assistant III
Office of the Attorney General - SIS/TRAC
1275 W. Washington, Phoenix, AZ 85007
Cell: 602.926.3860 | Fax: 602.542.4882
Sandra.Cardenas@azag.gov
<http://www.azag.gov>

From: [Rodriguez, Lisa](#)
To: [Conrad, Donald](#)
Subject: RE: Response of the State of Arizona to the Court's Inquiry re: criminal investigation
Date: Tuesday, October 06, 2015 11:38:01 AM

Okay. I need to call back after 1pm if you do not get an email with your password/login.

From: Conrad, Donald
Sent: Tuesday, October 06, 2015 11:12 AM
To: Rodriguez, Lisa
Subject: Response of the State of Arizona to the Court's Inquiry re: criminal investigation

LISA< PUT INS PROPER FORM< ASK TO BE SEALED> FIX the SECTION references in the text. I don't know how to make the sign for secton. We want to file this today.

Were the AGO to receive a public records request under Arizona law regarding this investigation, the AGO would make no disclosure in order to protect the integrity of the investigation. Only under those circumstances set out in A.R.S. *SECTION* 13-2812 would the State ever consider disclosing the materials obtained via grand jury subpoena.

For the reasons set out in this Response, the State requests that this Court keep in place its order preventing the public disclosure of materials that relate to the State's investigation of and other investigators.

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

From: [Rodriguez, Lisa](#)
To: "[Helen Castillo](#)"; [Guille, Misty](#)
Cc: [Conrad, Donald](#); [Jameson, William](#)
Subject: RE: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials
Date: Thursday, October 08, 2015 10:00:54 AM

I have forwarded your message to Chief Agent Mark Perkovich. Thank you.

From: Helen Castillo [<mailto:HCastillo@azdot.gov>]
Sent: Thursday, October 08, 2015 9:52 AM
To: Guille, Misty
Cc: Conrad, Donald; Rodriguez, Lisa; Jameson, William
Subject: RE: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials

Good morning Misty,

I hope your day is going well.

Thank you for redirecting me to the appropriate division. In-addition, thank you for inhibiting the defense attorney's from disclosure of the fraudulent document recognition manual contents. As you know it is a matter of national security.

Respectfully submitted,
Helen Castillo
Fraudulent Document Recognition Trainer

From: Guille, Misty [<mailto:Misty.Guille@azag.gov>]
Sent: Wednesday, October 07, 2015 5:01 PM
To: Helen Castillo
Cc: Conrad, Donald; Rodriguez, Lisa; Jameson, William
Subject: RE: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials

Hi, Helen,

I am one of the MVD attorneys and I have advised ADOT a couple of times in the past when attorneys sought disclosure of MVD's fraudulent documents handbook (I forget the precise name) and training materials. I work in the Transportation Section of the AG's office, which handles ADOT's advice work and civil court matters (and occasionally a motion to quash a subpoena in a criminal matter). If you wanted someone from the AG's office to get the training, I think that would more appropriately go to our Criminal Division. Their Division Chief Counsel is listed as Donald E. Conrad and their Division Legal Administrator is listed as Lisa Rodriguez, both of whom I'm copying on this email. I'm also copying my boss, Bill Jameson, just in case he thinks this might be relevant to our section.

Sincerely,
Misty

Misty D. Guille
Assistant Attorney General
Arizona Attorney General's Office, Transportation Section
Direct: (602) 542-8856
Main: (602) 542-1680
Fax: (602) 542-3646
Email: Misty.Guille@azag.gov

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From: Helen Castillo [<mailto:HCastillo@azdot.gov>]
Sent: Wednesday, October 07, 2015 4:36 PM
To: ylopez@avondale.org; David Lugo; bdziadur@azcorrections.gov; barmstrong@azdes.gov; idespain@azdps.gov; adam.geremia@phoenix.gov; cpaz@buckeyeaz.gov; Steve.Ganis@campverde.az.gov; bgragg@casagrandeaz.gov; Tanya.Keeton@chandleraz.gov; rmartinez@coolidgeaz.com; Bennett.Mormino2@va.gov; mkuhlt@cottonwoodaz.gov; dheuett@cityofelmirage.org; denise.dunham@gilbertaz.gov; MMalinski@GLENDALEAZ.com; jmercyc@goodyearaz.gov; jdestefano@marana.com; ehuff@cvaz.org; Kempley, Kathleen; WHall@dot.gov; dwayne.young@mesaaz.gov; mhorn@paradisevalleyaz.gov; David.foulke@peoriaaz.gov; terry.rutan.1@us.af.mil; michael.b.kirby5.mil@mail.mil; henry.barraza.mil@mail.mil; Paul K. Deem Jr.; dave.fuller@prescott-az.gov; Norman.Drury@va.gov; Guille, Misty; J.Cosme@mcso.maricopa.gov; tom.gonzales@tucsonaz.gov; kevin.lane@tonation-nsn.gov; ogaytan@tollesonaz.org; kim.davies@surpriseaz.gov; Mckessym@mcao.maricopa.gov; Robin.Rodriguez@azdhs.gov; mike.pierce@tempe.gov; LWilcoxson@sedona.gov; troy.smith@clarkdale.az.gov; Samantha.J.Jones@ice.dhs.gov; james.stevenson@gric.nsn.us; Alexander.Hottya@dhs.gov
Cc: Clinton Daly
Subject: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials

Hello everyone,

This is Helen Castillo from ADOT/MVD Fraudulent Document Recognition Learning Center.

ADOT/MVD is holding a Seminar on Security Features on DL/ID. We would like to invite a Document Crimes Examiner to attend this 4-hour course. If a document crimes examiner is not available, please send a candidate of your choice to represent your department.

Date October 28, 2015 and Start time: 9:00 a.m. and Ends: 1:00 p.m.

To enroll your employee:

There is no cost for this training, but seats are limited and by invitation only. Please RSVP, contact Helen Castillo by October 16, 2015 at hcastillo@azdot.gov. A confirmation letter will be provided. If you have a question or concern, feel free to contact me.

Have your employee register today!

Thank you for your continuous support,
Helen Castillo
Fraudulent Document Recognition Officer II

2839 E. Washington St.
Phoenix, Arizona 85034

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From: [Rodriguez, Lisa](#)
To: [Helen Castillo](#); [Conrad, Donald](#); [Jameson, William](#)
Cc: [Guille, Misty](#)
Subject: RE: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials
Date: Thursday, October 08, 2015 6:53:36 PM

Lisa Rodriguez
Legal Administrator
Criminal Division
(602) 542-8488
lisa.rodriguez@azag.gov

From: Helen Castillo [HCastillo@azdot.gov]
Sent: Thursday, October 08, 2015 4:11 PM
To: Conrad, Donald; Rodriguez, Lisa; Jameson, William
Cc: Guille, Misty
Subject: RE: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials

Good afternoon,

This is Helen Castillo from ADOT/MVD Fraudulent Document Recognition Learning Center.

We are providing a 3-Day Fraudulent Document Recognition Course October 27, thru 29th, for Attorney General Office and law-enforcement officers. This training will strengthen ones knowledge about valid documents and skills needed to identify counterfeit or altered documents.

Note: Currently, FDR must combine law enforcement and civilian (consist of MVD/Third Party) employees to take this course. Please take advantage of this AG and LE enrollment. As we no-longer offer Law enforcement classes only.

Location:
2739 E. Washington St.
Phoenix, Arizona 85034

Class Starts:

7:30 am and Ends 4:30 pm

Fee:

No fee for this training.

To register:
To enroll, and/or enroll your employees', please contact Helen Castillo by October 20, 2015 at hcastillo@azdot.gov <<mailto:hcastillo@azdot.gov>>

If you have a question or concern, feel free to contact me,
Helen Castillo
602-712-6674
Fraudulent Document Recognition Trainer

From: Helen Castillo
Sent: Thursday, October 08, 2015 9:52 AM
To: 'Guille, Misty'
Cc: Conrad, Donald; Rodriguez, Lisa; Jameson, William
Subject: RE: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials

Good morning Misty,

I hope your day is going well.

Thank you for redirecting me to the appropriate division. In-addition, thank you for inhibiting the defense attorney's from disclosure of the fraudulent document recognition manual contents. As you know it is a matter of national security.

Respectfully submitted,
Helen Castillo
Fraudulent Document Recognition Trainer

From: Guille, Misty [<mailto:Misty.Guille@azag.gov>]
Sent: Wednesday, October 07, 2015 5:01 PM
To: Helen Castillo
Cc: Conrad, Donald; Rodriguez, Lisa; Jameson, William
Subject: RE: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials

Hi, Helen,

I am one of the MVD attorneys and I have advised ADOT a couple of times in the past when attorneys sought disclosure of MVD's fraudulent documents handbook (I forget the precise name) and training materials. I work in the Transportation Section of the AG's office, which handles ADOT's advice work and civil court matters (and occasionally a motion to quash a subpoena in a criminal matter). If you wanted someone from the AG's office to get the training, I think that would more appropriately go to our Criminal Division. Their Division Chief Counsel is listed as Donald E. Conrad and their Division Legal Administrator is listed as Lisa Rodriguez, both of whom I'm copying on this email. I'm also copying my boss, Bill Jameson, just in case he thinks this might be relevant to our section.

Sincerely,
Misty

Misty D. Guille
Assistant Attorney General
Arizona Attorney General's Office, Transportation Section
Direct: (602) 542-8856
Main: (602) 542-1680
Fax: (602) 542-3646
Email: Misty.Guille@azag.gov <<mailto:Misty.Guille@azag.gov>>

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From: Helen Castillo [<mailto:HCastillo@azdot.gov>]

Sent: Wednesday, October 07, 2015 4:36 PM

To: vlopez@avondale.org<<mailto:vlopez@avondale.org>>; David Lugo;
bdziadur@azcorrections.gov<<mailto:bdziadur@azcorrections.gov>>;
barmstrong@azdes.gov<<mailto:barmstrong@azdes.gov>>;
jdespain@azdps.gov<<mailto:jdespain@azdps.gov>>;
adam.geremia@phoenix.gov<<mailto:adam.geremia@phoenix.gov>>;
cpaz@buckeyeaz.gov<<mailto:cpaz@buckeyeaz.gov>>;
Steve.Ganis@campverde.az.gov<<mailto:Steve.Ganis@campverde.az.gov>>;
bgragg@casagrandeaz.gov<<mailto:bgragg@casagrandeaz.gov>>;
Tanya.Keeton@chandleraz.gov<<mailto:Tanya.Keeton@chandleraz.gov>>;
rmartinez@coolidgeaz.com<<mailto:rmartinez@coolidgeaz.com>>;
Bennett.Mormino2@va.gov<<mailto:Bennett.Mormino2@va.gov>>;
mkuhlt@cottonwoodaz.gov<<mailto:mkuhlt@cottonwoodaz.gov>>;
dheuett@cityofelmirage.org<<mailto:dheuett@cityofelmirage.org>>;
denise.dunham@gilbertaz.gov<<mailto:denise.dunham@gilbertaz.gov>>;
MMalinski@GLENDALEAZ.com<<mailto:MMalinski@GLENDALEAZ.com>>;
jmercy@goodyearaz.gov<<mailto:jmercy@goodyearaz.gov>>;
jdestefano@marana.com<<mailto:jdestefano@marana.com>>; ehuff@cvaz.org<<mailto:ehuff@cvaz.org>>;
Kempsey, Kathleen; WHall@dot.gov<<mailto:WHall@dot.gov>>;
dwayne.young@mesaaz.gov<<mailto:dwayne.young@mesaaz.gov>>;
mhorn@paradisevalleyaz.gov<<mailto:mhorn@paradisevalleyaz.gov>>;
David.foulke@peoriaaz.gov<<mailto:David.foulke@peoriaaz.gov>>;
terry.rutan.1@us.af.mil<<mailto:terry.rutan.1@us.af.mil>>;
michael.b.kirby5.mil@mail.mil<<mailto:michael.b.kirby5.mil@mail.mil>>;
henry.barraza.mil@mail.mil<<mailto:henry.barraza.mil@mail.mil>>; Paul K. Deem Jr.;
dave.fuller@prescott-az.gov<<mailto:dave.fuller@prescott-az.gov>>;
Norman.Drury@va.gov<<mailto:Norman.Drury@va.gov>>; Guille, Misty;
J_Cosme@mcs.maricopa.gov<mailto:J_Cosme@mcs.maricopa.gov>;
tom.gonzales@tucsonaz.gov<<mailto:tom.gonzales@tucsonaz.gov>>; kevin.lane@tonation-
nsn.gov<<mailto:kevin.lane@tonation-nsn.gov>>;
ogaytan@tollesonaz.org<<mailto:ogaytan@tollesonaz.org>>;
kim.davies@surpriseaz.gov<<mailto:kim.davies@surpriseaz.gov>>;
Mckessym@mcao.maricopa.gov<<mailto:Mckessym@mcao.maricopa.gov>>;
Robin.Rodriguez@azdhs.gov<<mailto:Robin.Rodriguez@azdhs.gov>>;
mike_pierce@tempe.gov<mailto:mike_pierce@tempe.gov>;
LWilcoxson@sedona.gov<<mailto:LWilcoxson@sedona.gov>>;
troy.smith@clarkdale.az.gov<<mailto:troy.smith@clarkdale.az.gov>>;
Samantha.J.Jones@ice.dhs.gov<<mailto:Samantha.J.Jones@ice.dhs.gov>>;
james.stevenson@gric.nsn.us<<mailto:james.stevenson@gric.nsn.us>>;
Alexander.Hottya@dhs.gov<<mailto:Alexander.Hottya@dhs.gov>>
Cc: Clinton Daly
Subject: Seminar - Security features On Recent Polymer/Teslin Driver's License Credentials

Hello everyone,

This is Helen Castillo from ADOT/MVD Fraudulent Document Recognition Learning Center.

ADOT/MVD is holding a Seminar on Security Features on DL/ID. We would like to invite a Document Crimes Examiner to attend this 4-hour course. If a document crimes examiner is not available, please send a candidate of your choice to represent your department.

Date October 28, 2015 and Start time: 9:00 a.m. and Ends: 1:00 p.m.

To enroll your employee:

There is no cost for this training, but seats are limited and by invitation only. Please RSVP, contact Helen Castillo by October 16, 2015 at hcastillo@azdot.gov A confirmation letter will be provided. If you have a question or concern, feel free to contact me.

Have your employee register today!

Thank you for your continuous support,
Helen Castillo
Fraudulent Document Recognition Officer II
2839 E. Washington St.
Phoenix, Arizona 85034

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From: Rodriguez, Lisa
To: Perkovich, Mark
Cc: Maya, Autumn; Rodriguez, Lisa; Conrad, Donald
Subject: RE: subpoena requests
Date: Thursday, December 03, 2015 8:59:03 AM

I'm here today and available. I don't understand what you mean, as from what I know, the SAS did not discuss this with the Section Chief for AAG case assignment. Also, at this time, we were in the middle of disimpanelment and impanelment of the new SGJ. We have notified the SAs since November 1st that no subpoenas can be issued during the timeframe from disimpanelment to impanelment, unless a special circumstance. This case was not brought through the proper procedure as outlines in the SIS Case Opening Sheet Protocol that was drafted. The next date a SGJ subpoena can be issued is December 7th once the new SGJ is impaneled. Happy to help finalize these issues so that we can get the word out and, even, possibly have a meeting/training with all SAs. Lisa

From: Perkovich, Mark
Sent: Thursday, December 03, 2015 6:21 AM
To: Rodriguez, Lisa
Cc: Maya, Autumn
Subject: Re: subpoena requests

I'm available between 11:00-2:00 today or after 3:00 to sit down and discuss. This COS was hand carried, should have had an attorney assigned immediately as we knew, day one, subpoenas were needed. To still not have subpoenas out on this case is frustrating at best especially considering the identity of the victim. I am here all day tomorrow as well.

Mark

On Dec 2, 2015, at 2:05 PM, Rodriguez, Lisa <Lisa.Rodriguez@azag.gov> wrote:

This is one of the reasons we need to finalize our COS process.

From: Griffiths, Frank
Sent: Wednesday, December 02, 2015 1:50 PM
To: Martinez, Gilda
Cc: Ahler, Paul; Rodriguez, Lisa
Subject: RE: subpoena requests

Ok. My mistake. It was my understanding that Joe had been assigned. Not sure why I thought that. Won't happen again.

Frank Griffiths
Special Agent

<image003.jpg>	Office of the Attorney General – SIS 1275 W. Washington, Phoenix, AZ 85007
Desk:	I Cell: I Fax: 602.542.4882
	@azag.gov

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

From: Martinez, Gilda
Sent: Wednesday, December 02, 2015 1:46 PM
To: Griffiths, Frank
Cc: Ahler, Paul; Rodriguez, Lisa
Subject: FW: subpoena requests

Frank this case was assigned to Joe yesterday. Paul was not aware of the case and SIS had not submitted an AAG assignment request to him prior to your email to Joe.

Please ensure you follow the correct FSP procedure when requesting an AAG assignment. Thx

From: Martinez, Gilda
Sent: Wednesday, November 18, 2015 10:23 AM
To: Ahler, Paul
Cc: Waters, Joseph
Subject: FW: subpoena requests

Paul, did they request and AAG assignment? Did you assign this matter to Joe? This is the first I see this SIS opening. If it's a yes on both I will ensure it is opened on our side and a FSP COS submitted. Thx

Thx

From: Waters, Joseph
Sent: Wednesday, November 18, 2015 10:18 AM
To: Martinez, Gilda
Subject: FW: subpoena requests

Did you receive this case opening yet from SIS?

From: Griffiths, Frank
Sent: Wednesday, November 18, 2015 10:15 AM
To: Waters, Joseph
Subject: subpoena requests

Joe,

I attached two subpoena requests for P-2015-1857. This is related to the extortion/threats email received by Deputy Chief of Staff Michael Bailey.

Frank Griffiths

Special Agent

<image005.jpg>

Office of the Attorney General – SIS
1275 W. Washington, Phoenix, AZ 85007
Desk: _____ | Cell: _____ | Fax: 602.542.4882

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

From: [Rodriguez, Lisa](#)
To: [Maya, Autumn](#)
Cc: [Eckert, Robert](#); [Rodriguez, Lisa](#)
Subject: RE: Task Force
Date: Tuesday, November 17, 2015 1:20:22 PM
Attachments: [image001.png](#)

Autumn – Please prepare the NWS Request giving them access to HDM – SIS USERS, internet and an email address. They will not need LF. Please return the forms to me. Lisa

Rob – I have confirmed with Don that complete access to the AGO for these PPD officers is okay.
Lisa

From: Maya, Autumn
Sent: Monday, November 09, 2015 1:59 PM
To: Rodriguez, Lisa
Subject: RE: Task Force

I guess in there and we will kick them out of there.

From: Rodriguez, Lisa
Sent: Monday, November 09, 2015 1:42 PM
To: Maya, Autumn
Subject: RE: Task Force

No, I'll deal with this tomorrow. Where are you putting Brower's replacement?

From: Maya, Autumn
Sent: Monday, November 09, 2015 1:02 PM
To: Rodriguez, Lisa
Subject: FW: Task Force

There are now two Phoenix Police people that will need access Det. Jennifer Moore and Det. Brandy Carter.

We will place them in 2207 (Dee Ann Brower's old office), where they will be working about 10 hours a week.

Do you need anything additional from me on this?

From: Eckert, Robert
Sent: Monday, November 02, 2015 3:21 PM
To: MacDonald, Madison; Maya, Autumn
Subject: FW: Task Force

FYI...

From: Eckert, Robert
Sent: Wednesday, October 28, 2015 3:11 PM
To: Perkovich, Mark; Woods, Dan
Subject: FW: Task Force

Chief,

Since there's been approval to move forward with this, we should probably credential Detective Moore from an AGO standpoint in order for her to be able access the building and create and save work in Hummingbird. I don't know what that process would be, but if we're able to do it for our interns, I imagine we can probably do it for LE personnel, maybe similar to HIDTA.

Additionally, if she's going to dedicate time here, I will also work on finding a suitable workspace for her to be able to spend some time here.

Any thoughts?

Rob

From: Eckert, Robert
Sent: Wednesday, October 28, 2015 2:34 PM
To: 'Brian J Issitt'
Cc: Jennifer D Moore; Lawrence D Hein; Perkovich, Mark
Subject: RE: Task Force

Hey Brian,

Confirmation received and acknowledged and you're most welcome for the support. I'll wait to hear from Jennifer and then go from there in order to coordinate.

Kindest Regards,

Robert "Rob" Eckert
Special Agent Supervisor -- Major Fraud Unit 1



Office of the Attorney General
Criminal Division / Special Investigations Section
1275 W. Washington, Phoenix, AZ 85007
Desk: | Cell: | Fax: 602.542.4882
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From: Brian J Issitt [<mailto:Brian.Issitt@phoenix.gov>]
Sent: Wednesday, October 28, 2015 1:45 PM
To: Eckert, Robert
Cc: Jennifer D Moore; Lawrence D Hein
Subject: Re: Task Force

Hi Rob,

I have received confirmation from my chain that Jennifer can participate in this investigation. She will coordinate with you on what you need on a week-to-week basis.

Thank you again for supporting us with this issue...we greatly appreciate it!

Brian

Sergeant Brian Issitt #7475

Phoenix Police Department

Homeland Defense Bureau

Intelligence Officer Program

(602) 644-5852 - Office

(602) 319-8561 - City Cell

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Like us on facebook- www.facebook.com/phoenixazpolice

From: Eckert, Robert <Robert.Eckert@azag.gov>

Sent: Thursday, October 22, 2015 14:26

To: Brian J Issitt

Cc: Jennifer D Moore

Subject: RE: Task Force

Hey Brian,

Thank you for the email and let me see if I can address some of your questions. Some of this information will be fluid as there have been upper level talks with respect to creating an Attorney General Fraud Taskforce. This matter happened to come at time where it plays right into those talks. However, for the Peake matter specifically, I would imagine upfront, 5-10 hours a week would be spot-on. Contact with alleged victims and document gathering would be the most labor intensive aspect. Issuing SGJ subpoenas is not a cumbersome process and once issued, it would be a waiting game. If the PC was really strong for a SW, that could potentially ramp things up a little. Once financial records come in, we would have to determine our next approach; e.g. forensic analysis, agent/officer review and capture of information, etc. What determines that approach will be the amount records and whether or not those monies are comingled with other funds; however, if we can see a straight theft of monies, it will be much easier to process.

Complex fraud cases such as these, on a good day, can take approximately 6 months or so from start to finish, but that's assuming all stars in the universe align correctly. If a forensic analysis is required of the financial records, that would delay any prosecution. The alternative would be to identify the low hanging fruit and pursue that, if possible, but it may not be.

I hope this helps. Please let me know if you have any further questions I can answer. As soon as I have additional information, I'll reach back out.

Rob

Kindest Regards,

Robert "Rob" Eckert
Special Agent Supervisor – Major Fraud Unit 1



Office of the Attorney General
Criminal Division / Special Investigations Section
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From: Brian J Issitt [<mailto:Brian.Issitt@phoenix.gov>]
Sent: Thursday, October 22, 2015 8:56 AM
To: Eckert, Robert
Subject: Task Force

Hi Rob,

What I really need to know so I can communicate with my Commander is how much time commitment per week will be expected out of Jen and how long do you anticipate this investigation lasting?

From our meeting it appeared that the time per week would not be that significant (perhaps 5-10 hours a week?), but I didn't want to speculate about that if it was going to be more. Also, he was wondering about an expected time frame for the investigation.

Any insight you can provide me will be helpful in getting the go-ahead from my side of things.

Brian

Sergeant Brian Issitt #7475

Phoenix Police Department
Homeland Defense Bureau
Intelligence Officer Program
(602) 644-5852 - Office
(602) 319-8561 - City Cell

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Subscribe to us on YouTube- www.youtube.com/phxpd

Follow us on Twitter- www.twitter.com/phoenixpolice
Like us on facebook- www.facebook.com/phoenixazpolice

From: Jennifer D Moore
Sent: Wednesday, October 21, 2015 16:01
To: Eckert, Robert
Cc: Brian J Issitt; Brandy N Carter
Subject:

Hi Rob,
My boss is wondering what kind of hours a week you were thinking you may need our help with- 10 hours a week; 40 hours etc. Approximate, just so we can somewhat gauge how much time will be taken away from our primary duties. Hope your doing well and hopefully we will have an answer soon so we can get this going.

Jen

Jen Moore #8790
Phoenix Police Department
Homeland Defense Bureau
Phoenix Intelligence Center
jennifer.moore@phoenix.gov
P. 602-495-5008

PRIDE
Protection | Respect | Integrity | Dedication | Excellence

From: [Rodriguez, Lisa](#)
To: [Perkovich, Mark](#)
Cc: [Conrad, Donald](#); [Maya, Autumn](#); [Rodriguez, Lisa](#)
Subject: RE: Tucson UC Files
Date: Wednesday, October 14, 2015 9:27:32 AM
Attachments: [Untitled.PDF - Adobe Acrobat Pro.pdf](#)
[Untitled.PDF - Adobe Acrobat Pro.pdf](#)

Hi Mark. Please see attached memos re: uncashed checks in T002-2013-000380 and T002-2014-000325. I will give you the files. Also, there are a lot of LF issues that need to be cleared up. So, once you or Charlie have completed the review of the receipts and missing information per the ten Memos, etc., please return the files to Autumn so that she and I can ensure all LF issues are rectified as well. Let me know if you have any questions. Lisa

From: Perkovich, Mark
Sent: Wednesday, October 14, 2015 8:08 AM
To: Rodriguez, Lisa
Cc: Conrad, Donald
Subject: RE: Tucson

Good morning, Lisa. I'm not familiar with the checks you mentioned in your email, can you explain?

Thanks-
Mark

From: Rodriguez, Lisa
Sent: Tuesday, October 13, 2015 9:36 AM
To: Perkovich, Mark
Cc: Conrad, Donald
Subject: RE: Tucson

Sounds good. I'll return the files to you. However, I do believe we should obtain the checks that are in the safe and set to expire. We need to get them back to FSS so the funds don't go to unclaimed property at DOR.

From: Perkovich, Mark
Sent: Tuesday, October 13, 2015 9:32 AM
To: Rodriguez, Lisa
Subject: Re: Tucson

Good morning, Lisa. I don't see the need for you to take the trip. I am in Tucson all day today and Charlie is down here on Friday. I have your emails you sent to Dison so we are good there.

Thanks-
Mark

On Oct 13, 2015, at 7:50 AM, Rodriguez, Lisa <Lisa.Rodriguez@azag.gov> wrote:

I need to know if I am going tomorrow or not asap. Or, if you want my files to send

someone else, please let me know.

Lisa Rodriguez
Legal Administrator
Arizona Attorney General's Office
Criminal Division
(602) 542-8488
lisa.rodriquez@azag.gov

From: [Rodriguez, Lisa](#)
To: [Conrad, Donald](#)
Cc: [Rodriguez, Lisa](#)
Subject: RE: Vacant FRS AAG Position# SAG000000204 - My Initial 3 Candidates and Interview Panel
Date: Thursday, December 17, 2015 8:26:21 AM
Attachments: [image001.png](#)

Technically, we have Johnson's position SAG907, which was pulled due to financial restraints. You didn't want to fill as it would be RICO funds.

So, if that is still the plan, you only have Katrin's position to fill, which is RICO as well.

From: Conrad, Donald
Sent: Thursday, December 17, 2015 7:47 AM
To: Rodriguez, Lisa
Subject: FW: Vacant FRS AAG Position# SAG000000204 - My Initial 3 Candidates and Interview Panel

Do I have a spot for Katrin's position and one more for Dailey?

From: Dailey, Mike
Sent: Wednesday, December 16, 2015 5:17 PM
To: Conrad, Donald
Cc: Rodriguez, Lisa; Garcia, Bobbie
Subject: Vacant FRS AAG Position# SAG000000204 - My Initial 3 Candidates and Interview Panel

Don, based on my review of the attached resumes, I recommend interviewing 3 candidates for Katrin's position: (1) Nicholas Podsiadlik; (2) Kellen R. Marlow; and (3) Michael Z. Rassas.

I previously interviewed Nick Podsiadlik (2011) on March 20, 2014. At that time, a decision had already been made to hire Steve Womack, who was then on the FRS short list for hire having been edged out by Ken Hughes for a vacant FRS position in the fall of 2013. I really liked Nick and wanted to make him an offer. He has outstanding credentials with a 2011 law degree from the U. of Mich. and a 9th COA Clerkship for Judge Schroeder. I thought at the time that he is used to the grind of private practice, and hard work. A major concern about pursuing Nick in 2014 was whether we could afford to hire him from Perkins Coie. Nick assured me at the time that money was not a major concern, and I think he eliminated those concerns by subsequently going to work for the Public Defender's Office. He now has civil & criminal experience. I have not yet called him for a pre-screen interview.

Kellon (2010) is the Deputy County Prosecutor with La Paz that we discussed a few times this year. Kellon has both criminal and forfeiture experience and like Ken Hughes before him, Kellon has been attending Arizona Forfeiture Association meetings.

My 3rd choice Michael Rassas (2004) who looks like a good fit on paper; and I liked his writing style/sample.

I've attached the resumes of these 3 candidates in a single PDF for your easy reference.

I need to put together an interview panel and have previously relied on Steve D. If not Steve D., what do you think about me, Paul Ahler and an FRS attorney for this interview panel? Please let me know if you know of someone who would be a good fit for FRS. Thank you. Mike

From: Gee, Kay
Sent: Tuesday, December 15, 2015 9:59 AM
To: Dailey, Mike
Cc: Human Resources; Garcia, Bobbie; Conrad, Donald; Rodriguez, Lisa
Subject: Hire List and Hire Packet Information to Interview and Hire Position# SAG000000204

Mike,

Enclosed is the hire list and information to interview and hire for Assistant Attorney General, position number SAG000000204.

IMPORTANT REMINDERS

- Attorney applicants are required to submit a writing sample with their resume/application profile at <http://www.hr.az.gov/AZStateJobs/>.
- Human Resources will submit all received attorney applicants. Resumes will not be screened out, however, pre-screening information is documented in the AAG hire list. Please review the following findings: AZ State Bar Status, Bar Discipline, Writing Sample.
- If you do not find the right candidates for your Assistant Attorney General position, please let us know, we would be happy to re-advertise the position.

The status of this position is uncovered political appointee, and the corresponding conditions of employment is attached for your review. You should never have prospective candidates sign this form, as it may be considered an offer of employment; instead, use this document as a discussion point during the interview process. Documentation is required by you to justify the person selected for hire, detailing out how the candidate meets the knowledge, skills and abilities for this position.

ATTACHMENTS

- **Hire List** – Excel document containing all applicants who applied for this position. Please complete and sign this document, and return it to Human Resources with your hire packet.
- **Applicant Resumes and Applicant Writing Samples**- condensed into one PDF file

- Hire Packet Selection Instructions & Checklist
- Personnel Requisitions & Hiring Guideline & Procedure
- AGO Application of Employment
- Application for Employment Supplement
- Conditions of Employment
- Benefits Brochure
- Pre-Employment Inquiries
- Attorney Recruitment Information
- Interview Scoring Form
- Candidate Selection Form
- Memo – Request to Hire
- Reference Check Forms (State and Non-State)

During all phases of the selection process, individuals with a disability may request a reasonable accommodation, such as a sign language interpreter. To request this, please contact the Human Resources office. Requests should be made as early as possible to allow time to arrange the accommodation.

Please do not hesitate to contact Human Resources should you have any questions or concerns.

Thank you,

Kay Gee

Human Resources Section



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

From: [Rodriguez, Lisa](#)
To: ddavenport@azauditor.gov
Cc: [Rodriguez, Lisa](#); [Conrad, Donald](#)
Subject: Request
Date: Friday, December 11, 2015 4:03:11 PM
Attachments: [Untitled.PDF - Adobe Acrobat Pro.pdf](#)

Ms. Davenport – Please see the attached request. Thank you. Lisa

Lisa Rodriguez
Legal Administrator
Arizona Attorney General's Office
Criminal Division
(602) 542-8488
lisa.rodriquez@azag.gov



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL

December 9, 2015

Debra K. Davenport
Auditor General
Office of the Auditor General
2910 N. 44th Street
Suite 410
Phoenix, Arizona 85018

Re: Valley Metro CEO Steven Banta

Dear Auditor General Davenport:

The purpose of this letter is to request that the Office of the Auditor General provide investigative assistance to my office in the matter of Valley Metro CEO Steven Banta. I have opened an investigation to determine if any laws were broken by Mr. Banta. While I have assigned an investigator to this matter, I ask that your staff assist in the review of expenditures from Valley Metro by Mr. Banta.

Please let me know if you are willing to provide assistance to this office for this investigation.

Sincerely,

A handwritten signature in black ink that reads "Mark Brnovich" followed by a long, sweeping horizontal line.

Mark Brnovich
Attorney General

MB:lsr

#4800528

From: [Rodriguez, Lisa](#)
To: [Conrad, Donald](#)
Subject: RICO FUNDS - 2012-2017
Date: Monday, November 16, 2015 11:01:08 AM
Attachments: [PHX-#4766506-v1-CRM - RICO PROJECTIONS 2012-2017.docx](#)

You wanted to send this to Bailey.

RICO FUNDS 2012-2017

PCA 90000/ ARAR30959

Criminal Phoenix

Type	Fiscal Year 2012	2013	2014	2015	2016	Grand Total
Forfeitures	\$ 3,235,381.18	\$ 1,416,742.89	\$ 2,462,232.65	\$ 2,612,307.04	\$ 420,149.82	\$ 10,146,813.58
Interest Income	\$ 14,045.45	\$ 38,120.89	\$ 72,076.37	\$ 48,656.05	\$	\$ 172,898.76
Other Fines, & Penalties	\$ 524,336.23	\$ 284,996.19	\$ 396,344.41	\$ 112,018.40	\$	\$ 1,317,695.23
Southwest Border Patrol Initiative	\$ 816,862.42	\$ 49,557.31	\$ 294,302.96	\$ 70,098.48	\$	\$ 1,230,821.17
Alliance Backfill	\$ 239,863.83	\$ 185,890.09	\$ 253,255.73	\$ 81,170.00	\$	\$ 760,179.65
Grand Total	\$ 4,830,489.11	\$ 1,975,307.37	\$ 3,478,212.12	\$ 2,924,249.97	\$ 420,149.82	\$ 13,628,408.39

PCA 97000 / ARAR30960

Criminal Tucson

Row Labels	Fiscal Year 2012	2013	2014	2015	2016	Grand Total
Forfeitures	\$ 453,441.30	\$ 559,504.52	\$ 822,464.17	\$ 924,475.16	\$ 40,168.88	\$ 2,800,054.03
Interest Income	\$ 27,932.72	\$ 26,531.84	\$ 28,923.26	\$ 24,052.42	\$	\$ 107,440.24
Other Fines, & Penalties	\$ 88,788.74	\$ 72.22	\$ 10,924.01	\$ 100,518.37	\$	\$ 200,303.34
Grand Total	\$ 570,162.76	\$ 586,108.58	\$ 862,311.44	\$ 1,049,045.95	\$ 40,168.88	\$ 3,107,797.61

PCA 90000/97000 –Criminal All

Type	Fiscal Year 2012	2013	2014	2015	2016	Grand Total
Forfeitures	\$ 3,688,822.48	\$ 1,976,247.41	\$ 3,284,696.82	\$ 3,536,782.20	\$ 460,318.70	\$ 12,486,548.91
Interest Income	\$ 41,978.17	\$ 64,652.73	\$ 100,999.63	\$ 72,708.47	\$	\$ 238,360.83
Other Fines, & Penalties	\$ 613,124.97	\$ 285,068.41	\$ 407,268.42	\$ 212,536.77	\$	\$ 904,873.60
Southwest Border Patrol Initiative	\$ 816,862.42	\$ 49,557.31	\$ 294,302.96	\$ 70,098.48	\$	\$ 413,958.75
Alliance Backfill	\$ 239,863.83	\$ 185,890.09	\$ 253,255.73	\$ 81,170.00	\$	\$ 520,315.82
Grand Total	\$ 5,400,651.87	\$ 2,561,415.95	\$ 4,340,523.56	\$ 3,973,295.92	\$ 460,318.70	\$ 14,564,057.91

Projections for FY2016 and FY2017:

FRS currently has 451 open cases in various stages of litigation. A number of these cases will potentially result in additional distributions for calendar year 2015, but on average there are approximately 290 distributions completed within a year, resulting in approximately \$3,121,000 being distributed to the AG's RICO account. If this trend were to continue, 2016 could see 300 distributions, resulting in \$3.5 million to the AG RICO account; however, the projections for 2017 could potentially level out as the number of older cases continue to diminish. A safe projection for 2017, if we continue to open cases at the current rate, would be within \$3 million and potentially \$3.25 million.