STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
March 20, 2001
8:30 a.m.

ARIZONA INDEPENDENT REDISTRICTING COMMISSION
LISA A. NANCE, RPR
Certified Court Reporter
Certificate No. 50349
THE STATE OF ARIZONA INDEPENDENT REDISTRICTING COMMISSION convened in Public Session on March 20, 2001, at 8:30 a.m., at the Industrial Commission of Arizona, 800 West Washington, First Floor Auditorium, Phoenix, Arizona, in the presence of:

APPEARANCES:

CHAIRMAN STEVEN W. LYNN
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER JOSHUA MARK HALL
COMMISSIONER ANDI MINKOFF
COMMISSIONER DANIEL R. ELDER
BILL HERNANDEZ, Acting Executive Director
JOSEPH KANEFIELD, Assistant Attorney General
LOA M. SCHELL, Acting Secretary
LISA A. NANCE, RPR, CCR, Court Reporter

AGENDA DESIGNATED SPEAKERS:
JOSE de JESUS RIVERA
LISA HAUSER
FRANK LaSOTA
ERNEST CALDERON
DAVID CANTELME
MALENA ALBO

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AGENDA DESIGNATED SPEAKERS CONT'D:

GRADY BAILEY
ILIA TERRAZAS
ENRIQUE MEDINA OCHOA
WILLIAM HERNANDEZ

SPEAKERS FROM CALL FOR PUBLIC COMMENT:

SYLVIA LAUGHTER
JOHN MENDIBLES
DAVID P. GONZALES
JAIME A. MOLERA
DICK LANDIS
FRANCISCO X. GUTIERREZ
TODD JULIAN
JAN LEE SPROAT
NATHAN SPROUL
SANDRA D. KENNEDY

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PROCEEDINGS

CHAIRMAN LYNN: Good morning. We'll call the Independent Redistricting Commission back in session.

As is our custom and will continue to be our custom, we'll have public comment both at the beginning and at the end of our meetings. And we have several people who have requested the opportunity to speak.

I would ask, since our agenda is rather full today, that we ask our speakers to keep their comments to a reasonable time limit. I don't want to put a watch on anyone, but we'd like to keep them brief, if we could. And -- so let me -- let me take public comment, and then we'll continue with our agenda.

If you wish to speak and have not filled out a slip, do so and we'll get you in the cue.

The first request I have is from John Mendibles.

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MS. HAUSER: He just stepped outside.

CHAIRMAN LYNN: We'll get back to him.

Sylvia Laughter.

MS. LAUGHTER: Laughter.

CHAIRMAN LYNN: I knew that.

Exactly the way it's spelled.

MS. LAUGHTER: Pretty simple.

CHAIRMAN LYNN: Ms. Laughter.

MS. LAUGHTER: I didn't expect to speak so soon.

I am Representative Laughter. I represent District Three.

My district encompasses all of northern Arizona, northern parts, Holbrook, Flagstaff, and Kingman, and everything north of there up to the -- all the three borders are part of my district. And I'm Navajo.

The majority of my district encompasses the Navajo Nation. And I have also got all of the Indian tribe and Page, Arizona.

I am interested in the Redistricting Commission. I feel that it is unfortunate we didn't get the representation we needed from the

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Navajo Nation. I know there were some deadlines, and we didn't make the deadlines. And because of that, I think it's very important that we support Lisa Hauser, because I've had personal experience in having -- being represented by her last year when I was taken to court. And I have been very impressed with her because of how well she did in representing me.

I also am aware that she has worked with the Navajo Nation before. And she's also worked with the Hispanic community as well.

I think it's very important we have as fair representation with the Redistricting Commission. I know the Hispanic community has been very concerned with that as well.

I know the Navajo Nation, there are 21 tribes in the State of Arizona. We know the Hispanic community, population, is very large as well.

I think it's very important we have someone that would represent the best interests of all of the State of Arizona. And Lisa Hauser is an individual that has worked with all communities, minorities, Hispanics, Native American, and the majority community, which is the

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Anglo population, as well. And Lisa has worked with the chapters. The Navajo Nation's chapters are equivalent to the -- I guess you would call them legislative districts. We call them chapters. She's worked with them in creating a Navajo language program there.

You know, just last year the Navajo Nation worked with the Hispanic community to work to oppose the English only language. And we lost out on that. And I think it's very important that we unify our efforts and we have the kind of voice we need in the Redistricting Commission in order to accomplish some of the goals that our community is trying to reach.

We would like to have a congressional representative, if possible. I think it is time now for the native communities to be represented at the congressional level. We don't have that. We have probably one of the largest tribes, number of tribes, in the State of Arizona. And I think it's really important we have that.

I really think Lisa has the ability to see the needs as well. I think she can fairly
represent all entities, including minorities as well. I think it's vital we have that considering we don't have anybody representing us.

I don't have anything against all of you.

I think it would be a very wise move on behalf of the district to consider Lisa.

I'd be glad to take any questions.

I'm not sure how you go about this.

CHAIRMAN LYNN: We're not able to ask questions. We appreciate your comments.

MS. LAUGHTER: Thank you.

CHAIRMAN LYNN: We'll go back to John Mendibles.

Is he back with us?

Thank you.

Mr. Mendibles.

MR. MENDIBLES: Hello, ladies and gentlemen.

I want to thank you, Lisa, for giving me this opportunity to speak to you.

I'm John Mendibles. I'm the CEO and president of MGN, Michael Gabriel Nancy, Enterprises. Just the same, I'm Republican. I'm Republican. My grandfather was a District
Democrat Committeeman. We all know Mr. Barry Goldwater. Mr. Goldwater had my grandfather make that promise many years ago. When I was 18, I fulfilled that promise to my grandfather, and keep it today.

I'm an individual who has a company, a business. I'm an individual who is now running for mayoralty in a Democrat stronghold. And I'm lead. I don't think to ask or even get one opinion that redistricting is a situation that is based on partisanship, just based on that true fact.

The town I'm speaking of is east of here, Superior, Arizona. It has its own history. Me and myself -- I can say Lisa Hauser, I can say, my concerns with Lisa Hauser, she would be a great asset to this Redistricting Commission. She and herself, as far as I've seen it, has an ability to have profound thought, and work, and generate wisdom on a multicultural facet.

In my working with Lisa, it goes back to a time we're all familiar with back in the early days of Indian gaming when gaming came to be. Both sides, the State of Arizona, the Governor at that time, and the tribes went into
it. As we all remember and understand, that was a
time that had a multitude of great anger and
dismay, I mean to the point of gun point at one
certain point of that whole -- well, that whole
era. But in that, I can say this: I can say when
it came to mediation, and the assistant director
of the gaming department was Lisa Hauser, and her
worthiness, I can say she stood up to our then
Governor and told him, "This is what you have to
do. You have to provide wisdom. You have to work
with these people, these native peoples." She
provided that wisdom, championed that wisdom,
gained trust of the tribes. And that settlement
is now a fruition of the working relationship
between the tribes, Governor's Office, and the
state.

This is the individual right here,
Lisa Hauser. She did that without reservation and
without hampering to her profession.

Now, I have a prepared statement
here and I'll read it. I just want to qualify
this prepared statement with that information.

This statement is, and it reads:

Ms. Hauser is an individual of
extreme integrity. My appreciation of Ms. Hauser

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came to be during her tenure as deputy director of gaming. This was a time when Native American tribes of Arizona and the State of Arizona did not respect or trust one another. This was the infancy of Arizona Indian Gaming. Fort McDowell Tribe and the State of Arizona, if you remember, had drawn their lines in the sand. The Governor of Arizona and Fort McDowell and Apache Tribe in Arizona had exhausted all visible lines of communication. There came a time the FBI, ATF, and Federal Marshals were now visible as instruments of enforcement. As a possible type remedy, Fort McDowell Tribal Council agreed to involve the Department of Gaming as part of the mediation.

Ms. Hauser took no favorable intentions for either party, simply weighed both parties' wants, needs, offered solutions, compromises.

The ability of her to interpret one set of requests was ideal. I've witnessed Ms. Hauser's strengths to enforce agreements, negotiations, both Tribal agreements and both parties filed and affirmed commitment to each other.

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Selecting Ms. Hauser as Republican counsel would bring great counsel to the first mandate: for the people, by the people, and of the people.

This individual, this person you will select, must have vision to see past the now. This person you select must have the ability to recognize multicultural facets of our great state. I do not think, me, that Ms. Hauser is not up to this task before her.

I believe that if she is not selected, the question of fair representation is still but a question unanswered.

This Commission will be best served by the involvement of the intellect, wisdom, and profound wisdom of Ms. Hauser's persona, humanity, and being for all individuals will be greatly recognized.

With that, ladies and gentlemen, that's my statement.

I hope you do give Ms. Hauser your utmost consideration.

CHAIRMAN LYNN: Thank you,

MR. MENDIBLES: You are welcome.

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CHAIRMAN LYNN: Next, David Gonzales.

MR. GONZALES: Yes. Is this one on?

CHAIRMAN LYNN: Both are recording.

MR. GONZALES: Good morning, Chairman Lynn, Commissioners. I'm a Chairman Commander, Department of Public Safety, Chief Staff Criminal Investigation Bureau. I've been recently nominated to be the US Marshal for the District of Arizona, am awaiting confirmation.

My comments are going to be very brief.

I can't believe I came here today to come say things about a couple lawyers, especially as a police officer, but I have.

For the executive director, I would like to say that I have known Ilia Terrazas for eight years. We have worked together in valley leadership, through the Governor's Office, Juvenile Justice Commission. And she is probably one of the most ethical persons I've ever met in my career as a public servant.

I know you've seen a lot of resumes and narrowed down resumes and done a very good job and have a hard job to do.
I know Ilia as executive director would do a very, very excellent job and would not let the citizens of the state down.

Now, the other lawyer I would like to say something nice about is for Republican outside counsel for the district. I also would like to recommend Lisa Hauser.

I first met Lisa Hauser about 15 years ago. The Department sent me up to Bullhead City to be Acting City Chief of Police. The City was involved in issues, corruptive issues. Lisa being part of the Attorney General's Office Racketeering Unit came up there. We worked together closely working together on issues.

I was very impressed with how Lisa could sift through issues and get down to the bottom line, separate wheat from chaff. That's probably an attribute somebody in this job is going to need.

Also, since then I have worked with Lisa on a lot of other commissions and I've -- and also socialized with her on a couple occasions over the years. And everybody that you are going to see today that you've narrowed down are qualified. But these are a couple of individuals,
I'm referring to Lisa and Ilia, ethical, hard working, and also, which I think is very, very important for a job like this, also have interpersonal skills to effectively do this job. I think you should also consider that. I think that is also very important for this job.

Thank you very much. Thank you for allowing me to speak to you this morning.

CHAIRMAN LYNN: Thank you, Mr. Gonzales.

The next individual that asked to speak is Mr. Jaime Molera.

MR. MOLERA: Good morning, Mr. Chairman.

I, too, will be very brief.

I'm Jaime Molera, Policy Adviser, Legislative Affairs for Governor Hull.

I'm here to speak on behalf of Ilia Terrazas for executive director. I must say in full disclosure, Ilia and I grew up together in Nogales, are long-time friends.

I'm coming with mixed emotions, knowing Ilia is very qualified, very able, it's somewhat mixed emotions. I know the thanklessness of the job, that the work entails, public
pressure, scrutiny that comes with it, not only
long hours, all kinds of public exposure, name in
the paper, people criticizing you, people you
never even met or talked to.

I'm sure some of you are starting to
get used to that situation as well. Unvariably
lawsuits, the executive director will probably be
deposed. Individuals are looking at each and
every step you'll take in order to trip you up.

Unfortunately, because of this
process, there are individuals and interests out
there, I believe, seeking to undermine anything
this Commission does. So for this Commission to
be successful, I think it's imperative, I think
you all believe, it's imperative you forge
consensus as much as possible to try to bring
individuals together, not only do grip and grins,
nice speeches, really bring people together to
work through difficult issues. It's not an easy
process.

I've gone through many of those
difficult processes before working at the
Legislature. For this to be successful, and to
have an individual help you to do that, you must
have an individual to help bring that together,
not only bring lip service, but do that. I believe Ilia can be that kind of executive director for you.

One of the things I think an executive director has to do, too, has to be willing to understand that the political process must give voices not familiar with the political process or not that strong in the political process voice. That's the power of this Commission. I believe with Ilia as executive director, she can do that for you. If that happens, lawsuits coming your way will be minimized. Lawsuits on its face prove to be not very valid if you do your work and bring these kind of folks together and have a product that represents all of Arizona.

Commissioners, members, thank you very much.

CHAIRMAN LYNN: Thank you, Mr. Molera.

The next individual that asked to speak is Dick Landis. Mr. Landis.

MR. LANDIS: Mr. Chairman, Commission members, good morning. My name is Dick Landis.

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I am here to speak on behalf of Ilia Terrazas. I am a retired Captain from the Department of Public Safety. I also spent eight years as a senior executive in the US Department of Transportation in Washington, am currently CEO and president of Heavy Vehicle Electronic License Plate, Inc., and also have economic interests in the southern part of the state.

I'll also represent in comments the view of Jim, Bob, and Paul Hathaway. These three gentlemen are from a pioneer family in Santa Cruz County, community leaders for years and years, have known Ilia from about the time she was born. It has a long history there.

My wife and I first really got to know Ilia in 1990 when she came to Washington and she was beginning her career. She spent time with us in the Washington area. And it was at that point that we were really able to see that she was setting some very aggressive and very specific goals for herself and was working very hard to achieve those goals.

I think as you look at her resume, you'll see she is very goal oriented and has worked very hard to achieve those goals and is
doing well along that side.

But what I'd like to do is step aside from the resume just a second and relate an experience we have had just this last November. We, again, using the Hathaways, my in-laws were recently involved in a rezoning action in Santa Cruz County. We rezoned part of ranch land with unanimous vote with the County Board of Supervisors. Subsequent to that, 10 percent of the voters signed a petition and put it on the ballot on a referendum, a referendum issue to undo the County Board of Supervisors' rezoning. It was a major rezoning issue on rezoning.

Spanish, as you know, is a major issue in Santa Cruz County. We looked for someone to help us both in the Spanish and English community as a director for our campaign. We asked Ilia to help us.

She looked very hard at the issues related to zoning down there and the economic benefit to Santa Cruz County and finally agreed to help us as campaign manager.

She very quickly rallied troops, put together a team, and began the process of a full-blown ballot issue campaign and worked all

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facets of it, did the analysis of the voter registration, using a computer, made numerous presentations throughout the community on our behalf. She spoke on radio and television. She cut spots we used in our campaign.

And the end result is that in November, the election was a positive vote and we were able to win that election. And we really believe that we won that election because of Ilia's very hard work.

And the hard part in an issue-oriented election is that a proposition, referendum, doesn't have a personality. And you have to put a personality on the issue so people understand it. That really is the one thing that she really was able to do for us. She won the election for us. And we're just delighted that she was able to help us with that.

Let me highlight three things I think as I finish. She's a great people person. She works well with people. She listens. But more importantly, she inspires people to do good work and pay attention to those things good for everybody. She motivates and she inspires. She's a lawyer. And in her case, that's a good thing;

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because she, I think, we learned early on, wanted her law degree to give her the skills she needed to do better for her community. And that really is where she has put her skills to work.

If you look at her resume, her skills are focused on that. She's very politically savvy.

In Santa Cruz County, you all know that's predominantly Democratic. This young Republican lady was able to work effectively across the board, English, Spanish, Democratic, Republican, young, old, knew the process and worked it across the board.

Lastly, we found she's extremely loyal to the people she works with and the causes she associates with.

You have a huge, huge, very important task in front of you. That loyalty I think is absolutely critical to what you have to do.

It's without any hesitation we, I use the term "we," highly recommend Ilia Terrazas as executive director.

CHAIRMAN LYNN: Next speaker, Francisco Gutierrez. Mr. Gutierrez.

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MR. GUTIERREZ: Chairman Lynn,

members of the Commission, good morning. I'm

Francisco Gutierrez. I'm an attorney, and proud
to be one. I think the lawyer bashing has got to
an all-time high these days.

I've been in private practice now
for almost 17 years.

I moved to Arizona when I was five.

I even brought my parents with me, at the time.

I'm a former member of Los Salvo
Albos (phonetic), Spanish Bar Association, am the
current representative of the Regional Bar
Association representing Arizona and Nevada. I've
been active in the State Bar through various
committees. I've been a former member of the
Arizona Trial Lawyers Association and have been
active in numerous civic and nonprofit
associations.

I tell you these things because I
think it's provided me an opportunity to get to
know the Phoenix community very well, to get to
know people in the community working very hard for
the benefit of everyone, and also to get to know
people who are well-respected in our community.

The job of executive director is

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going to require a broad array of abilities and
talents. Ilia Terrazas has those abilities and
talents.

As a lawyer, she is familiar with
the statutes, the laws, and the regulations that
the executive director and this Commission will be
working with.

I think it is also essential for an
executive director to have a working knowledge of
the Voting Rights Act.

Ilia, through experience, is
obviously familiar with that. Her governmental
experience is extensive as well as her experience
in the private sector as a person who started her
own business. This has provided her with
extensive leadership skills.

And although she is relatively
young, I believe in this situation, that is a
definite plus; because the work of the Commission
is going to require the Commission to be creative.

It's going to require the Commission to be
innovative. And it's going to require the
Commission to think out of the box. And it's
definitely going to be a situation where the
Commission needs to not respond to: Well, that's

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I think Ilia brings with her lots of creativity. She is a very innovative individual.
I believe Ilia is more than qualified for the position. And I believe she will do a stellar job of representing all the citizens of Arizona.

CHAIRMAN LYNN: Thank you, Mr. Guitierrez.

CHAIRMAN LYNN: Representative Laughter reminds me I ask you to turn your cellphones off unless on vibrate so we don't have interruption.

The next person we have to speak is Todd Julian. Mr. Julian.

MR. JULIAN: Good morning, Commissioner Lynn and members of the Commission.
My name is Todd Julian. I appreciate the opportunity to speak with you this morning.
I'm here to enthusiastically endorse Ilia Terrazas for the position as executive director. I'm here in a personal capacity knowing Ilia as I do personally and to endorse her skills and qualifications you are already aware of and as

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many folks have already spoken to you. I echo all the comments.

She brings with her unique skills and qualities to this position. And I'm sure that she will fulfill all of those objectives.

I'm also here in a representative capacity as a lawyer and on behalf of the law firm of Burch & Cracchiolo.

It's a pleasure for me to hear so many nice comments about Ilia and also positive comments about lawyers once in a while. I'm a partner of the law firm of Burch & Cracchiolo and have been asked to come read a statement to you from our founding member, Dan Cracchiolo, who, as many of you may know, is a very active member of the community, of the Bar, a life-long Democrat, and also someone who lends his endorsement to Ilia Terrazas to this position.

Dan Cracchiolo: "Dear Chairman Lynn and Independent Redistricting Commission Members.

"As an active and life-long Democrat in Arizona, I am astutely aware of the important task you have been charged with on behalf of the citizens of Arizona. It is critical that you be facilitated with accurate and timely information,
as your deliberations will have far-reaching
effects on the political direction of our state.
"The purpose of this letter is to
recommend Ilia Terrazas for the position of
executive director to the Independent
Redistricting Commission. I have known Ilia for
several years and hold her in extremely high
regard. Ilia is active in her community as a
Hispanic, woman, and lawyer. I am confident in
her ability to facilitate your efforts in an
organized and thorough manner.
"Ilia grew up on the border in
Nogales, Arizona, and, therefore, brings a unique
perspective to the redistricting process. In
addition, she is fluent in Spanish. And although
she is an active Republican, she is also
well-respected among leaders in the Democrat
community.
"I recommend Ilia without
reservation, as I believe she is the most capable
candidate to serve as your executive director.
"If you have specific questions
about Ilia, please feel free to contact me."
That's a letter from Dan Cracchiolo.
I join him on behalf of our firm and

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as a personal acquaintance of Ilia in recommending her to you.

May I leave this with you?

CHAIRMAN LYNN: Please.

Next, Jan Lee Sproat.

Did I pronounce that correctly?

MS. SPROUT: You did.

CHAIRMAN LYNN: I'm getting better.

MS. SPROUT: Good morning, Chairman,

and members of the Redistricting Commission.

This is one of the issues on the ballot this year that really, really interested me because I feel it is really necessary.

I live in District 128. I'm Jan Lee Sproat, Executive Director of the Cystic Fibrosis Foundation for the State of Arizona.

I'm here this morning to highly recommend Ilia Terrazas as executive director.

Sometimes you've heard this morning everything Ilia accomplished in her professional life. Sometimes I think it's very, very important this morning to look at what an individual does when not on the clock. That's what I'm coming to tell you about Ilia this morning when out in the community when not doing her profession.

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I became aware of Ilia Terrazas in 1999. We were selecting AZ's Finest, an event in the valley to recognize single professionals in the community. Ilia was one of AZ's Finest. When we went to look for a chairman for this event for the year 2000, my suggestion was, "Approach Ilia for this."

When looking for a chairman, we're looking someone with leadership abilities, the high energy it takes to be a leader of a committee that puts an event together. When I saw Ilia, I saw her high energy, her ability to work with all kinds of people, all different professions. And the event that year even grew bigger than the year before.

I just want you to know it is important to look at an individual, what they do on their off hours, the differences that they make in the community and what they do to give back to the community. And Ilia is one of those type of people I believe would be perfect for this type of profession.

As said before, she is young, has high energy, is creative, innovative, looks -- is visionary, also. She had ideas for the event.

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never thought of before.
I highly, highly recommend Ilia for this position.

CHAIRMAN LYNN: Thank you,

Ms. Sproat.

I'd ask that anyone else that wishes to speak that has not filled out a form or if you filled one out and have not submitted it, do so.
The next person is Nathan Sproul.

Did I pronounce that right?

MR. SPROUL: That's closer than most people. Sproul, actually.

CHAIRMAN LYNN: Okay.

MR. SPROUL: Most people pronounce "Sproul."

I'm the Executive Director for the Arizona Republican Party.

I'm honored to have the opportunity speak to you, Chairman Lynn, and members of the Commission.

Ilia contacted me about speaking on her behalf. I thought about it and thought for hours of what to say on my way in. People touched on it.

She has legal background,

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professional background. I'm hard-pressed to
think of someone that has a more impressive resume
than hers.

The second criteria you're probably
looking at as members of the Commission: What
type of individual are we getting?

I came to know Ilia representing now
President Bush in the Hispanic campaign during the
last campaign.

My concerns last campaign were
they'd notify her and me, notify our committee,
they could do better with her than me. She was
doing too good a job. She was impressive to
people, constantly out in the community.

When Ilia asked me to speak on her
behalf, I was a little reticent to be someone
speaking on behalf of the Republican party, that
you'd maybe think Ilia is just a political hack.

If looking for a political hack, you
could have probably done better. If looking for
someone fair, open, a consensus builder, you
couldn't do better.

For an executive director on this
Commission, you couldn't do better.

It's representative, the numerous

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people she had speak on her behalf. People on
most issues disagree. On the issue of Ilia, they
can come together. That speaks to her character.
It also speaks to the fact she's someone that has
impressed just about everybody she's come in
contact with.

My father used to say, and I think
it's correct, "You are known by the company you
keep."

It's known by the people that have
spoken for her this morning, she's a known
consensus builder, known as a coalition builder,
known for fairness, integrity. That's what you
are looking for as an executive director.

Without hesitation, I recommend Ilia
Terrazas as executive director.

CHAIRMAN LYNN: The last speaker I
have a form for is Sandra Kennedy.
Again, I ask that anyone else that
wishes to speak, get a form to us as quickly as
you can.

Ms. Kennedy, thank you.

MS. KENNEDY: Good morning.

Mr. Chairman and members of the
Commission, you have a task at hand. Today I am

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glad that this task has been removed from the Legislature and placed into yours. But I would not want to be in your shoes.

It gives me great pleasure today to highly recommend Lisa Hauser for counsel.

My 12 years in the Legislature has acquainted me with members on both sides of the party lines. And I realize the importance of the upcoming redistricting. And as such, I think it is more important that you consider each proposal, their qualifications, their background, and their experience, as well as their integrity when choosing the appropriate person for that position.

Today I feel very comfortable, very confident, in giving my recommendation to attorney Hauser.

She is no stranger to redistricting. I have worked with her closely against and on, sometimes, on the same issue, and have found her to be always prepared about the issues at hand.

She has proven over the years that she can articulate the issues as well as define the legal limits in which the law applies.

As I close, if I had to put my legal -- I'm sorry, if I had to put my political

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faith in ones hands, in ones legal hands, that
person would be Lisa Hauser. Lisa Hauser is the
best person. She fills those shoes and the
qualifications that you have requested and you say
are required. She is that person.

Thank you.

CHAIRMAN LYNN: Thank you,

Ms. Kennedy.

Is there anyone else wishing to be
heard at this time in call to the public?

If not, we'll close that portion of
the agenda.

I want to close that time of the
agenda. There will be another time at the end of
this afternoon for public comment.

Next item on the agenda is the
interviews of finalists for the counsel position.

And I'll just wait as people leave.

We asked --

Mr. Huntwork.

COMMISSIONER HUNTWORK: While
they're leaving, there's a custom I would like to
do. Yesterday we went into executive session and
discussed a number of topics which included, among
other things, the narrowing down of candidates for
executive director and for legal counsel. In the
discussion of legal counsel, I'm not entirely sure
that it was, number one, an appropriate subject
for an executive session; but in any event,
Mr. Chairman, I don't feel that any of the
discussion that was had belonged in a private
meeting. And I would like to make the motion that
the records of that part of our discussion,
yesterday's meeting, be made public.

CHAIRMAN LYNN: Is there a second?
COMMISSIONER MINKOFF: Second.
CHAIRMAN LYNN: Moved and seconded
to make that portion of the executive session
yesterday regarding selection of finalists for
legal counsel public.

Discussion?
Hearing none, we'll move to a vote.
All those in favor, say "aye."
(Vote taken.)
CHAIRMAN LYNN: Opposed, say "no."
Motion carries unanimously.
We'll direct staff to make the
minutes and other records of the discussion on
legal counsel, legal counsel only, from executive
session, available.

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Phoenix, Arizona
Thank you, Mr. Huntwork.

We have a schedule that I've handed to you in terms of interviews. Obviously we're running a little behind, but we'll just press ahead and do the best we can with the schedule as we can.

You'll note one of the finalists is out of the town and not available for interview today. That's unfortunate, but we're simply going to have to take that individual's resume into account and we won't have the benefit of interviewing that particular individual.

All applicants were notified that the interviews would be held today. And they knew that that was going to be the schedule. So we'll do the best we can.

We asked yesterday, and I think most of the individuals who are involved have left the room, we asked yesterday that the candidates would, if they would, voluntarily, stay outside until we were able to call them in. Once they are interviewed, there's no reason they shouldn't be able to join the group, in fairness to the other applicants.

Is there any one applicant to be
interviewed for legal counsel who is still present with us?

Thank you. Appreciate that.

If we could have the first applicant, Mr. Jose de Jesus Rivera.

MR. RIVERA: Good morning.

CHAIRMAN LYNN: Mr. Rivera, thank you for joining us.

MR. RIVERA: Thank you for asking me.

CHAIRMAN LYNN: What we've done is as individuals created questions we'd like to ask; we'll start at one end of the panel, move down, and alternate questions. Since you are the first interview, we'll just see how that goes.

MR. RIVERA: Okay.

CHAIRMAN LYNN: What we need to do is replicate it for the rest of the interviewees today.

Mr. Huntwork, would you care to start?

COMMISSIONER HUNTWORK: I'd be happy to.

CHAIRMAN LYNN: Thank you.

COMMISSIONER HUNTWORK: Good
MR. RIVERA: Good morning, Commissioner Huntwork.

COMMISSIONER HUNTWORK: I would like to say for the record, I have been acquainted with Mr. Rivera for a number of years, both socially and, I suppose, professionally. I've met him at various Bar Association activities, if nothing else, if there's any conflict of interest of any kind.

MR. RIVERA: I think when you practice law, you have to meet everybody.

COMMISSIONER HUNTWORK: My question for you is very much a legal one, not so much a question, something you are very well aware of. I want to say this out loud and ask for your affirmation of it. But the issue, of course, is when we select a counsel, counsel will represent the entire Commission, both Republicans and Democrats on the Commission. I will call upon you just as much as any of the Democrat members of the Commission, and essentially your professional responsibility from that moment forward will be to us and helping us accomplish our goal of redistricting the state in accordance with
Proposition 106 and with no other outside
loyalties or influences. I know you've thought
that through. I simply ask you --

MR. RIVERA: I think you put it more
eloquently than I could put it.

The person you hire as counsel, be
it Republican or Democrat, is counsel for the
Commission. Advice I give you is advice for the
State of Arizona and particularly for questions
yourself.

I think you'll find as you go
through the process, once you get into the process
and addressing issues, they aren't Democratic or
Republican issues. They are constitutional
issues, Justice Department issues. And advice is
going to be given the very same here 99 percent,
almost a hundred percent of the time you're going
to get it, be it Democratic or Republican counsel.
And people you do have, clearly the clients they
have, and people they represent, are the
Commission and the public of Arizona in general.

Yes, I agree with you, Mr. Huntwork.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: As you know,
we are hiring two counsels. And if you are one of

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Phoenix, Arizona
those, the other counsel would be from a different firm. You are the only one from your firm applying. My question is since you and the other counsel would be from different firms, how do you foresee working with that other person and, in the case of differences of opinion on a particular issue, how would you resolve those differences in serving our needs?

MR. RIVERA: Well, it's -- those are kind of key questions.

Let me take -- take the last one first.

If there is conflict, the first thing you want to do is discuss it between you and the other lawyer. Sometimes what you perceive as conflicts from a distance are not really a conflict when you discuss how you reached that opinion and the manner in which you reached the opinion.

I somehow cheated, know who the other Republican counsel is you are considering. They are very honorable people. I don't see anyone from the Democrat or Republican side I'd have any problem with.

If an issue is not able to be
resolved from that perspective, there might be an occasion or two counsel are not able to resolve a question on the Democratic or Republican side. I don't think it's as big an issue as people are perceiving it to be.

I think the responsibility is to present, to counsel the Commission, give rational reasons from both sides, as objective as possible, and tell the Commission why you reached that decision, the manner you reached the decision, and possible consequences of that decision, and let the Commission make the decision.

The important aspect, once the Commission makes a decision, that's the decision for both lawyers. That's the decision you advocate and go out to communicate support.

Again, as Mr. Huntwork said, we represent the Commission, not attorneys outside.

In terms of working with other firms, having seen a number of litigations involve multidistricts, multiparty, surprisingly, lawyers handle that very well. Sometimes it's even better to have people from two different firms, bounce ideas off different persons you wouldn't have within the same firm. Whoever you
choose as both lawyers, they won't have difficulty being able to work together. The people I know you are going to be interviewing and anticipate you are going to be interviewing, they'll have a professional relationship whoever you choose.

I've worked with a couple people from the Republican sector, one specifically, Ms. Hauser, worked with her on redistricting. There weren't any disputes. I valued her opinion. I hope she valued my opinion. She's bright, concise, not elocution for somebody else, is bright, concise, knows what she is doing, has worked the process before.

Same thing with Mr. LaSota, one of the few people I can say is older than I am. He was one of my law school professors. Everybody I say -- I've worked with communications with him. He's also very bright, intelligent.

I don't see you'll have any difficulties whoever you choose on either side of the aisle working together.

I hope that answered your question.

It was probably longer than you wanted to hear.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Good morning.
As you indicated, there are a variety of principles and constitutional issues that must govern our decisions, i.e. compactness, communities of interest, population equity, and the list seems to grow every time I read something new.

It appears to me that at times these variety of issues appear to be in conflict. At times in your role as legal counsel, how would you see yourself resolving some of those issues?

MR. RIVERA: If you looked at every concept the Supreme Court has determined on the voting rights issue, the Justice Department determined, and also the new statutes that have come in, if you look, at first reading, there is a number of potential concepts, I call more land mines than conflicts.

I think the first priority you have to look at at any point in time is the United States Supreme Court. They are the ultimate arbitrators. The job of the Commission is to get to choose what the Arizona public has chosen, make sure that conforms with United Supreme Court decisions. I don't think that's very difficult. I think the statute and the Supreme Court both

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Phoenix, Arizona
place very high value on community of interest and geographical compactness.
The difficulty you'll find is the grid system in Arizona. The geography of Arizona, not population, geography of Arizona, is unique, pockets here, pockets there, right next-door to each other, a canyon going through the middle.
But I think the advice you're supposed to get from Republican, Democrat, whatever counsel, is to help you walk through that mindfield. It can be walked.
The first thing and primary thing to look for is community of interest. Community of interest is paramount now in Supreme Court decisions in making sure people electing have a community of interest. How you define community of interest is a whole different question. It's all over the board. But one of the things I think you'll find when you go through this is you'll find more similarities of communities of interest than differences.
One of the things I've done with attorney interests, I've held mini town halls. With law enforcement in Arizona, I've covered almost every inch of Arizona, Indian country,

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Phoenix, Arizona
urban, rural. It's interesting, a sit-down hearing that is completely different than this aspect, and find out the concerns all communities have in common. The commonalty between concerns are striking as opposed to differences. You find they want better education, want better health care, want to be sure their children grow up in a safer environment as they grow up.

Public hearings are not as daunting as when you start out.

On the grid-like thing, there are great programs now available, I've been doing it to track crime, overlay crime geographical statistics, make police granting law enforcement decisions, where they can go. You can do it in 15, 20 minutes. 10 years ago when doing it, it would take all night to change one section.

The geographical, gridding aspect, will be easier. It's the job of whoever you choose to guide you through the apparent conflicts. If they do a good job, you'll do a good job. It's kind of like a cross purpose. It's our responsibility to insure that we give you legal knowledge, legal background, and also your responsibility we give you that.

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Phoenix, Arizona
COMMISSIONER HALL: Okay.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Rivera,

probably one of my, I don't know whether you call
it anxieties or frustrations, appears in our
relationship with DOJ in that it almost sounds as
though we cannot get opinions, we cannot get
readings from DOJ from the standpoint if we use
this process, somebody used in one of the earlier
statements "thinking outside the box," thinking we
have almost outside the box laid on just by virtue
of Proposition 106. We start out with a grid
system, other things. How can we introduce the
public into the process, development of maps,
development of districts?

How do you see the role of the
attorney in either trying to develop a sense of
where DOJ is coming from or developing a network
where we may not get an official opinion but get
some reading of is this going to meet muster for
prequalification of the plan?

MR. RIVERA: Having worked in the
Justice Department, attorney office, I share your
frustration with justice. It's easier if you know
somebody back there. Sometimes informal contact,
I'm not saying pick up the phone and talk about it, who has knowledge on a particular issue, that's important. The second thing important, going back to Mr. Hall's comment, and talking about obvious conflicts, the more obvious conflict you'll have at the preclearance stage from Justice Department and the Proposition 106 and the totality of circumstances is community of interest. It really is somewhat of a conflict between that.

You know, you reach it by putting -- putting your feet on the fire. You reach it by making sure that you fulfill whatever deadlines they have, in fact create deadlines for them on your behalf showing work you do.

I think what you do, don't play hide the ball, which is what this Commission is set out for. Tell them what you are doing, where you are going, valid arguments, have a strong position. We want to present that the overriding concern is Supreme Court decisions, Supreme Court overridingly, the totality of circumstances, community of interests. The Justice Department is under obligations to look at that, take that into consideration in preclearance. Have to make that

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Phoenix, Arizona
clear early.

The harder work at the beginning of the process, the more knowledge and more of a roadmap you give the Department of Justice at the very beginning, the better you'll have going down the road.

On the other hand, it's a whole new ball game back there. We don't know who will be head voting rights. Joseph Rich is acting a while. Don't know if they'll replace that person or not. People working under him have been there a while.

Provide a clear, concise roadmap.

Provide clear, concise information to meet expectations. Let them know you expect them to meet your expectations, also.

CHAIRMAN LYNN: The next one is mine. It's not legal requirements, how you approach legal issues, but it's one thing to get a resume from someone. It's another thing to know them and work with them.

I would like you to tell the Commission who you are outside of your legal resume and your experience as a lawyer.

MR. RIVERA: Who am I?

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Phoenix, Arizona
CHAIRMAN LYNN: Who are you and who you value.

MR. RIVERA: If you ask my wife, she says I don't do enough at home.

COMMISSIONER ELDER: Hey.

MR. RIVERA: I'm an immigrant. I was born in Mexico. I was born in Zacatacas Mexico. My family moved here when I was five years old. I grew up in rural Arizona. There were 15,000 people in Flagstaff, one high school.

Although not a native of Arizona, I consider myself a native of Arizona, went to school here. All my schooling has been in Arizona. I've grown up in Flagstaff. Most of my youth I went to college up at NAU. I went to law school here. The only blemish in my record, I went to two years of justice, went to the justice honors program to work on civil rights.

It's hard to separate one's legal career from personal career. I'm one of the people proud to be a lawyer.

I started off in civil rights. I think the law serves a purpose in the United States. I think some of the benefits we've had.
and some accomplishments we've had have been done through lawyers. I'm proud of that. I would hope that I live my life that way from a lawyer's perspective.

I have not only practiced law. I have taken, if you look at my resume, taken a number of cases that are pro bono.

The breadth of law I've done encompasses a number of things, not only civil rights, I'm a member of the Bar, as Mr. Huntwork says, on the Board of Governors for the Bar, Arizona Bar, have done a number of community things, community things that involve the whole spectrum, board members, Friendly House, which works with immigrants, also a board member thing, look at social ways of funding things rather than the government funding things. Law has taken a lot of time.

I have a lot of friends. My best friends are family, all over the place. My daughter is a professor at the University of Massachusetts. All the rest keep coming back to my house, but -- my kids decide what I do with my life. They really do. One of the reasons I'm going -- leaving the US Attorney's Office, one of
the reasons for going to the US Attorney's Office as opposed to an offer made by another firm, I looked at no time with any of my kids.

I have a 15-year-old son that has three years of his life left with me. I know he'll go out of state for college. I want to enjoy that.

I know a lot of people. A lot of people know me.

I think that you are put in this world to make the world a little better. I'm not saying you have to go out and build new bridges or anybody else. If you can help somebody cross that bridge, that's all you need. I think my family helps me do that. My friends go toward that goal.

It's kind of hard talking about yourself. I hope that answers your question.

CHAIRMAN LYNN: Our time is halfway through, a half hour. We'll have two questions each. Need to be fair to everyone. In choosing your next question, consider it your last.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Okay. In that light, then, throughout your career, I can see you had the opportunities to work with various
communities of interest within the State of Arizona, but especially in your recent role as US Attorney, could you -- I want you to ask you to describe your failures. Could you take a minute to describe successes in that regard?

MR. RIVERA: One of the first things I did when I became US Attorney, whenever I'd have a day or two, I'd want to go to various parts of the state, go see how the US Federal Government can help communities.

You focus on two things when a US Attorney. You focus on criminal law and the border in Arizona. There's more in the state than those two issues.

One of the things I did, I toured the whole state, toured with various people within my office, people I thought might be applicable, and created a Native American adviser. He could tell me -- she is Native American. She can tell me -- her job, I don't want trial law, her report. Didn't want to see her in the office very much. I wanted her in the community.

Then I also created an executive director. The executive director, thought one of the things we need to do is sometimes finding out
from law enforcement, reactive part of law
enforcement, proactive part of law enforcement.
To stop, proactive is cheaper, affects more people
than if you go to reactive law enforcement.
I created an executive assistant.
The executive assistant's job was be able to
coordinate with local, state, tribal law
enforcement, also coordinate with communities.
One, one of the highlights was weed
and seed sites. We have eight, two in Phoenix,
one in Tucson, one in south Tucson, one in
Sunnyslope, Flagstaff, Winslow. I tried to create
one in the Native American community. Couldn't
find anyone with interest.
What it is, a weed and seed site,
what you do, coordinate local, state, and federal
law enforcement, and prosecute crime heavily.
Look at every possible crime in there. And think
South Tucson, a classic example of this. Major
problems with youth crimes and major problems with
prostitution. I gave prostitution to the local
people. Youth, I said, "I'll take every gun case
you have." I prosecuted kids, high school,
cleaned up almost every gang gun problem there.
Normally in that situation, you walk

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away. We convinced them to take asset forfeiture
money, take money on the seed side, and did
similar to what you do: Went out, had meetings in
the community. "We have this money we'll give you
over a four-year period. You tell us how to use
it." Ideas they came out with were amazing, just
amazing. None came from the Justice Department.
Better ones come from the bottom up.

Created a GED program there, a
vocational rehab program there, a number of
community centers. Two things that amazed me the
most, some of the family people came in and said,
"You know, these cars just speed through our
neighborhood. We want speed bumps." Speed bumps.
Allocated money for speed bumps. Drive-by
shootings went down. You never would have thought
of that from law enforcement. Think law
enforcement, it's a roadblock here, roadblock
here. Couldn't speed through because of speed
bumps. That's the community, not me.
The other thing, talked to kids.
"What do you need most out of this?"
"You know, we don't have bikes."
"Let's see what we can do."
We found this one woman that ran a

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Phoenix, Arizona
bike shop. "I'll help you with this." She did.

"$20. You cannot give it to the kids. $20, they can come in, and what they do, I'll build them a bike. They'll help me build them a bike. They don't get the first bike. They get the second bike."

All kids in South Tucson, mid-age, freshman, sophomores, going into the location, build a bike, sell a bike, second bike they keep.

It's a great program. They all have bikes. It's a lot easier, places to go and things to do. It's not driven by me. It's driven by the community.

There's a lot of things I'm proud of, a lot of things I didn't do I wish I could have done.

Another thing successful, there are two federal courthouses, one in Tucson, one in Phoenix. When I first came in, I noticed we had a magistrate in Flagstaff, were not using the magistrate. 20, 30 percent of the federal crimes come from the Navajo Nation alone, more Indian tribes. And they're the largest Native American component than anywhere else.

You know what we're asking people to do, come travel eight, nine hours from Window Rock

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all the way to Phoenix for a case we're prosecuting for them.

I looked at it and thought: You know what, this is ridiculous. Do something else.

I created a Flagstaff office. For a year and a half, I fought everybody in Justice to do it. Had to go to the Attorney General specifically to do it. Got a Flagstaff office, not only the urban, for the rural community, someplace they can get to quickly. The FBI, DEA followed my advice.

Reaction time is so much quicker.

And it's a two-way road. Now they have an hour-and-a-half to hour to visit us in Flagstaff.

Something occurs on the reservation, people go out there.

The third thing they do, they see somebody, a common person, same person, as opposed to having the 120 lawyers I oversee. Instead of a different lawyer every time, it's two lawyers.

They are the first reactors out there. They see them, are more comfortable doing that; they're able to, when they see something, are not as afraid to go, to go talk to someone.

I'm sorry if I spoke too much.

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Those two things I'm really proud of, especially weed and seed sites.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Rivera, a lot of people are telling us we must be crazy to want this job and apply for it. They might say the same about you. The question I'm asking you is why did you apply to represent the Commission? What do you hope to achieve?

MR. RIVERA: Yeah, I guess in talking to my wife, my wife using that word a lot. I think people say that. On the other hand, look at the golden opportunity you have particularly and me to guide you. This is a precedent setting thing. You're not doing it because of one special interest, another special interest. People of Arizona asked you to. People of Arizona asked you to come up with something fair, equitable, and represent the people, real interests of the people of Arizona. How can you not like to go do a job like that? How can you not feel satisfaction doing a job like that?

I think 10 years ago, it was actually too short then. It was exciting, interesting. The issues were something you wanted.
to use your mind on. And you thought you were
helping people.

If you come back to Mr. Lynn's
comment, I became a lawyer because I wanted to
help people, not because I wanted to make money.
If you look at my career, that's what I've done.
It's more public interest work than I have
anything else.

How can you not want to do something
like this? You know, whatever people call you,
it's not the first time I've been in the position.
When I did the two Hannigan cases,
prosecuted the two ranchers, I was picketed by
both sides. The Hispanic people were picketing me
making not kind comments. You have an obligation,
do an obligation.
If you have an opportunity to push
the ball further down the road, how can you not
want to do it?

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Briefly convince
us of your ability to be completely independent.

MR. RIVERA: Being a Democratic
attorney in a Republican Senate, almost all law
enforcement is Republican, is a daunting task. I
worked with every one of those people. It was easy to work with them. The amazing part about it was when you look at it and you think and talk to these people in law enforcement and anyplace else you talk to, you realize their concept and goal is the same thing, to make the United States safer, help the citizens of Arizona.

If you look from that aspect, you'll see most people I dealt with as a US Attorney and people I dealt with as US Attorney were Republican. I know Governor Hull, some others that are Republican, others I never knew what they were. When I'd hire people, deal with people, that's the last consideration I have. I don't think I've made an enemy in terms of being US Attorney simply because -- have made enemies of people prosecuted, but not simply because of a Democratic or Republican position.

When I take a position as lawyer, like the one you have, one I have right now, I owe a duty to the one you serve, not to one particular party. I think I've done that.
asked us, or at least asked of me when I was interviewed for the appointment, was did I have the adequate time. And in your case I would ask that question. You know, do you have 100 to 300 hours in the next three months or whatever it might be, as well as is what we see is what we get? You are the sole person that would be representing us and be attending our meetings?

MR. RIVERA: That's probably the easy question I have. As I'm soon to be joining the ranks of the unemployed, I have all the time you want. I literally, you would be my first and only client for a substantial period of time. My time is your time. You know, what you see is what you get both from what I tell you and from the person you'll be seeing on a daily basis.

COMMISSIONER ELDER: Thank you.

CHAIRMAN LYNN: As a final question, I want to zero in on specific legal experience that you have with respect to either election law or redistricting per se. And I would like you to highlight that specific experience, not firms you've been with, not offices you've supervised, you, personally.

MR. RIVERA: I understand that.
Let me go back from younger days. I was a law clerk for the Mexican American Legal Defense Fund work. I worked on redistricting issues throughout the south working with Mexican American Legal Defense Fund work. I did that, and also some legal defense cases.

At Justice I was in special litigation which meant particular issues to litigate that were beyond the scope of whatever litigation was. I was involved with that. Nothing really involving ledge -- some people committed fraud during election, but nothing specifically on election law.

As city attorney for El Mirage, I set up elections, advice on what to do, the whole spectrum of what to do, open meeting laws, open meeting laws, how to set up elections, preclearance if moving polling places.

Board of Governor's, there were a number of issues that came up in the Board of Governor's when I was a member of the Board of Governor's concerning an issue as to whether we were really distributing the delegates to the Board of Governor's fairly. Maricopa County needed more votes than Yuma.
I asked, before I became US Attorney, for at large districts for judges in rural areas. You know, judges in rural areas are still elected, particularly in northern Arizona in at large elections rather than district elections. There's a question as to whether that's constitutional or not constitutional, because of all the issues you are looking at. I was chosen as US Attorney prior to being able to look into that.

I guess one of the most significant issues is Fair vs. Symington. I was one of the lawyers in Fair vs. Symington. I had some involvement in the Senate and the House testimony, but I was not the official lawyer for any one. The way I became a lawyer for that is somewhat funny. I got a call from Judge Muecke. "Hispanic interests are not being represented here. The issue is going to be, this is going to be one of the issues." He asked me to come in. That's how I joined that.

As one of the lead counsel for the Arizona Hispanic Chamber of Commerce, I did the discovery, presented most of the evidence at trial, did opening, did closing. I was one of the proponents.
preparing the brief to the United States Supreme
Court. That's why I can tell you, especially if
you look at that case, some of the comments made
by the judges in the opinion, you are not going to
have difficulty.

One of the things that struck me,
rereading last night the opinion, it said not that
they were impressed with experts. They were more
impressed with what the people came in and said
and the community of interests that were within
it.

When I started off, I started
telling you community of interest is paramount in
this. I think that's true in Arizona.

That decision was affirmed.

Those are the main basic cases I
have done.

Part of my job as US Attorney, I
obviously had an overall view because the US and
Attorney General's view on, and Vice Chair and
Independent Subcommittee voting issues were
paramount, and policy issues. We had to make a
decision and recommendation to the Attorney
General. Part of the things I had to do as US
Attorney General was review preclearance that came

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in and give my opinion as to whether voting rights
met with the Voting Rights Act.

CHAIRMAN LYNN: Mr. Rivera, thank
you very much for joining us today. We appreciate
that, appreciate your interest in the position.
We'd invite you either to continue to stay with
us, if you like; or if you need to be elsewhere,
we understand that as well.

MR. RIVERA: I have to go.

CHAIRMAN LYNN: I understand.

MR. RIVERA: I'm leaving April 13th.

If you decide to choose me, need me sooner, I've
spoken to people, if you need me for any time
before that. Otherwise April 13th is my last day
at the US Attorney's Office.

CHAIRMAN LYNN: Thank you.
The second candidate is Lisa Hauser.
Thank you, Mr. Rivera. Appreciate it.

Obviously in the interests of
fairness to all candidates, if the Commission
would repeat their questions.

(Recess taken.)

CHAIRMAN LYNN: I'd call the
Commission back in session.

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Second interview is Lisa Hauser.

MS. HAUSER: Good morning.

CHAIRMAN LYNN: Even though the system is not working, best you can, project a little bit.

Best you can, for people in the back, project a bit so they can have a better opportunity to hear you until we get microphones working.

We have two rounds of questions, a total of 10 questions, and it seems we can do it in a half hour. We'll start with Mr. Huntwork and work our way down the panel.

MS. HAUSER: Okay. Good morning.

COMMISSIONER HUNTWORK: I'll start you off with a lawyer's question. I know you are already aware of this and thought this through. I'm going to make a statement and give you an opportunity to affirm this is correct.

If we select you as our counsel, you will, of course, represent the entire Commission, the Democrats as well as the Republicans, and independent, get questions from all sides. Furthermore, you will represent the Commission. And your duty of loyalty will be to the Commission.

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Phoenix, Arizona
to the exclusion of any other interests as we go about our tasks of independently redistricting the State of Arizona.

As I said, I know you are aware of this and have thought it through, being in the profession that you are.

Would you affirm that for us and make any comments you care to about that?

MS. HAUSER: Sure. Absolutely.

As the Commission members know, I've represented a number of public entities and public officials in my career, democrats and Republicans alike.

All the time I represented the Secretary of State, I represented Democrats in that position, and did so from a Republican Attorney General's Office, under both Bob Corbin and Grant Woods, represented Rose Mofford, Jim Shumway, and Richard Mahoney in their official capacities. So I've had some experience balancing it out; because certainly a Democrat Secretary of State might have a different approach than a Republican Attorney General, but it was to my client that I owed my full allegiance. And I think I am very sensitive to the fact that there

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Phoenix, Arizona
could be questions raised about -- it's listed on
the list of clients that I provided, the fact that
I have done work for and in fact am currently
representing the Republican party in campaign
finance and ballot access issues. Those issues
are completely separate from redistricting.

I can tell you that in deciding to
bid on this work and having an interest along
those lines, even before you decided to put out
the RFP, I discussed that with Nathan Spraul who
spoke to you earlier today on behalf of
Ms. Terrazas.

I indicated to him it would limit my
ability to represent the party. And he was
comfortable with that. And I have had, certainly,
no communications from the party or Republican
officials saying this is how we want things to
come out.

I think my reputation is that of
somebody who is very ethical and very able to work
across party lines and represent all members of
this Commission and not just Republican interests.

And I think, the final thing I would
say in response to your question, is as an
attorney who practices election law, I represent

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Phoenix, Arizona
candidates, all persuasions.

Two of my candidate clients were here this morning, Sylvia Laughter and Ms. Kennedy. All those candidates have interest by large making sure you perform your work.

I don't know who my candidates will be in 2002. All of them, particularly legislative candidates, will have an interest in how you've done your work, that you've done it well, done it timely, and the State of Arizona has the ability to conduct elections and moves forward as it should.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I have a two-part question.

We're going to be hiring two counsel for the Commission. And I wanted to ask, first of all, how you would anticipate working with, interacting, with co-counsel, if you are selected, and how you would deal with differences of opinion on what the law requires.

MS. HAUSER: That's a good question.

I know both of the attorneys that you are interviewing for the democratic counsel position. Let me start with Ernie Calderon. I
have worked with him not so much as opposing
counsel or as co-counsel in any particular
litigation, but Ernie is someone who has been
active in a lot of different issues that I have
been involved with in the past when I was counsel
to the Governor. And Ernie would have clients
that had interests that required representation
there. And I have, I think, a good relationship
with Mr. Calderon, would have no problem working
with him.

Jose Rivera and I had the pleasure
of representing clients during the last
redistricting. At least I have more personal
experience dealing with him as co-counsel. He
represented the Hispanic community forum and other
clients, I think MLDF, Mexican American Legal
Defense Fund, in that particular matter. I was
representing the Secretary of State.

Sometimes our interests were adverse
to each other, sometimes more similar. We got
along.

I called Jose when I heard you were
going for outside counsel, knew Jose would be
going from the US Attorney's Office with the
change in administration. I certainly thought he
would be a really great candidate for you to consider. I'm happy he's on the list. I could work with either one of those gentlemen.

As far as resolving differences of opinion, I would certainly hope that with Republican and Democratic counsel, that questions from the members of the Commission would be posed to the counsel as a team, that members of the Commission wouldn't seek out one or the other and wouldn't create any kind of atmosphere of trying to pigeonhole one attorney or the other. And along those lines I think it ought to be able to or ought to be possible for counsel to come to some kind of a consensus, or combined opinion, for you on various issues.

Where counsel would disagree, I think it would be perfectly appropriate to give you, you know, our answer jointly. And in those instances where we have a slightly different take on it, to advise you of that, that my opinion would differ slightly from the Democratic counsel in this respect; and that that individual would do the same.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Let me just say

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Phoenix, Arizona
that your resume is impressive, and I -- more than I can think of.

I indicated that -- or as I've done reading, there appears to be a variety of principles, issues that must govern our issues, compactness, communities of interest, and the vocabulary seems to be growing.

It appears to me that in addition to the provisions of Proposition 106, it appears that some of these issues are in conflict, to me.

I guess my question is, you as legal counsel, how do you propose to help this Commission resolve those conflicts?

MS. HAUSER: Well, specific answers I don't think I've developed. I would certainly say that it's my understanding from the drafters of the measure that they intend the criteria to be applied in order of importance, that they are listed in order of importance. And obviously the job is going to be in taking those criteria and making sure that they blend well with the federal law that is going to apply to reviewing your decision.

For that reason, I think it's really important that one of the very top criteria is
compliance with the Constitution and the Voting Rights Act. That allows you, I think, to take into consideration communities of interest, geographic compactness, and all of those things, in the way the federal courts desire those to be taken into account.

And I think as you move down to some of the other criteria, you will find that you probably, in dealing with the federal requirements, have already addressed a number of those. As you get there, you'll say "Oh, can check that one off, because you've already taken that into account." So that was probably a very smart thing that they did.

The first issue you have to address, I think -- you've heard testimony from one of the venders, EDS, about this. The grid like system is pretty unique. And that's going -- you know, that's going to take a little bit of wrestling with, the way they put population in there. If they said "Create a grid-like pattern, adjust based on population," that would be easier than "Create a grid-like pattern based on population."

That seems to be the very first question out of the box and you're going to have to be thinking
out of the box as that's going to have to be addressed.

Tough questions are the ones that keep you going. The easy questions, you can get bored doing those after a while. This one I think would be quite interesting. And hopefully there's a way to come to a resolution there so that you are carrying out the intent of the law.

I hope that answers your question.

COMMISSIONER HALL: Thank you.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Ms. Hauser, I guess one of my frustrations is it appears we cannot get an opinion or preliminary information from DOJ as far as asking questions: Is this approach acceptable and will it be acceptable from preclearance or all the way through preclearance. And early, I think even in one of the statements, or I'd like to speak before the Commission, before we started the interviews, there was a kind of "I want to think outside the box," and you used the term "outside the box" here.

Where we have the uniqueness of 106 and grid-like patterns, where we have things we'd like to test and try to think outside the box,
involve more community, involve more people, a
traceable pattern, is there a way, how do you see
the way, if so, to involve DOJ and try to develop,
even maybe off the record, an opinion so we may
know we're going in the right direction?

MS. HAUSER: You are very correct
about one thing. Department of Justice will not
render an advisory opinion, one that precedes
actual enactment of a plan.

What is important, I think, is to
draw on the skills of people who have worked with
Department of Justice before on other submissions,
whether statutory submissions, redistricting
submissions.

DOJ will play it fairly close to the
vest when you talk with them. But we do have
records and examples of past decisions that they
have made. And from that you can glean some
information about how you ought to proceed.

But it's absolutely possible, and
I've done this in the past when I did the state's
redistricting -- when I did all the state's
preclearance submissions and had a regular
relationship with the Department of Justice and
would speak with their lawyers. And I think it's
important to kind of give them a heads up about what we're doing. You can always hope through the telephone line you can get some inkling of a reaction as to whether or not they think that that is a good or bad idea. But they, as I said, unofficially will give you no advisory opinion. But I think keeping those lines of communication open with the Department of Justice, letting them know that you are out there, you are working hard, and they can see that you have the best interests of the state at heart in compliance with the Voting Rights Act will go a long way toward helping you achieve preclearance of the plan you create.

CHAIRMAN LYNN: As Mr. Hall said earlier on, your resume is quite complete and quite impressive, but I don't want to talk about that. I want to talk about you. I want to talk about you, what you like, what you value. Give us a sense of your personality, not as an attorney, a human being, someone we're going to interact with, someone who will go through this process with us.

MS. HAUSER: My family is probably
the most important to me, obviously. I have a husband. I've been married for almost 19 years. My husband is a Maricopa County Superior Court Judge. He is currently assigned to juvenile court. They rotate around various assignments. He's done a little bit of everything, is finishing two years of juvenile, will do two years there. "Hard time" we call it. It's a very difficult but rewarding assignment. They have delinquency, half dependency, children wards of the state.

We have two children who now I think look really good in comparison to kids that come in front of him. I find myself if I get annoyed that they are doing something wrong, by the time dad gets home, nothing they did looks too bad. Nobody stole a car or anything like that. That helps.

My daughter is in high school, a 15-year-old in high school at Horizon High School. My son is 12 and attends Liberty Elementary School. Next year he'll be in middle school. They -- they're an incredibly important part of my life. And as a lot of people know, when I left the Governor's Office and started my own office, my son was at a point in

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Phoenix, Arizona
his schooling where he needed a lot of attention. He needed focus. He was starting third grade and it was suddenly: They expected him to do real work, not quite as much focus on play. So I did work out a system where I, for a great period of time, was able to split my work so that I was working from home later in the afternoons, picked him up from school.

They -- I mean the focus is certainly, primarily, on family. And fortunately we've moved past that. He's developed into a very good student. So I'm very -- I'm very proud and pleased about that.

The -- let's see, what I like to do in my spare time. I have done a lot of volunteer work with my college fraternity, training. It was a wonderful experience for me as far as a leadership kind of program for young women. And I have, over the years, stayed involved with that and held a national position recruiting volunteers to work with all of the college chapters and to run various corporations. I didn't put anything like that in the proposal. And I have regularly attended national leadership training sessions, and all of that, to assess -- I think last summer
I taught ethics to a collegiate chapter of presidents and treasurers, young women coming into contact suddenly having to handle large sums of money they previously didn't have experience handling. Spent some time in Los Angeles teaching ethics to our college chapters.

I like to read. I like to go to, you know, my son's basketball games, and that sort of thing.

That sort of sums it up as far as who I am, I think.

CHAIRMAN LYNN: I would ask, gentlemen, we can hear your conversation. It's a very tough room. If you would like to speak, please excuse yourselves. Otherwise we'd like to hear the candidate.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Ms. Hauser, from your resume, and some of your past experience with the Governor, and so on, clearly you've had an opportunity to work with many of the communities of interest in the State of Arizona. I wonder if you could take a minute to discuss some of your experiences and successes that you may have had in that regard.

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Phoenix, Arizona
MS. HAUSER: Well, certainly, you are quite right about the fact -- and the Governor is the Governor of the entire state. Although my job was not necessarily the job of policy advisers and outreach with various communities, I certainly came into contact with all of those in the process and enjoyed that quite a bit.

I think as far as I'm concerned, specifically, during the last redistricting process, the Hispanic community played a huge role, particularly as far as I was concerned, the contacts I had with them during the congressional district litigation in federal court. They will be huge players this time around as well. They have a lot to say to you. And you'll hear from them regularly.

The Native American community is a community I've worked with on a fairly regular basis, not so much in the context of redistricting, although what was called the Indian Compromise Plan had formed a basis of the congressional districts. But through my work in both elections and gaming, I have had a lot of experience working with the Indian tribes. And Representative Laughter and John Mendibles were
here speaking to that this morning.

Not knowing one of you would ask
that question, I thought it would be good for them
to share their experiences.

I had a lot of experience working
with the Navajo language program, creating a way
to comply with the minority language requirements
of the Voting Rights Act.

When dealing with an unwritten
language, there are some real, some major
challenges there.

Doing that, I learned a lot about
how the Navajo community conducts its, you know,
tribal affairs, its own business, how they relate
to each other. You had to know those things to
know how to contact them in a meaningful way if
you were coming in from the outside from county
government to try to get information across.

That information actually came in
really very handy when I represented Sylvia
Laughter this last summer. She had a petition
challenge against her because, as I think she
mentioned to you, her district comprises four
different counties. And based on how the Navajo
live on the reservation, a lot of times their
voter registration is written in such a way that it's the third house next to the second big tree. I mean it's -- they are very -- you've seen that on voter registration forms, you have alternatives for describing voter registration. That's why it's there. So for a mailing address, they'll have a post office box. And the county that their post office box is in is not always in the county they physically live.

She encountered some real difficulties with the county recorders perhaps wanting to throw off signers of her petition for not living in the county they were registered. Having some understanding of the Navajo community was essential to keeping her on the ballot.

The -- and the work I did with gaming was not always fun and games, no pun intended. It was hard work in dealing with tribes who were very suspicious of the state. And that was an experience that was pretty unique. We've come a long way since then.

But I did have an opportunity to deal with most of the tribal chairmen, certainly of the gaming tribes, and even dealt with some of the tribes, Navajo and Hopi, who chose not to go
that route ultimately.

I think I'm someone that they trust.

It took quite a while to develop that kind of trust. And they know I'm someone who will treat them with respect. And that's very important to them.

So if that answers your question.

COMMISSIONER HUNTWORK: Thanks.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you, Ms. Hauser.

We've all been told that we must be crazy for wanting this job. I think I'm guilty.

Other than the fact that attorneys always need clients, why do you want this job? Why do you want this particular job?

MS. HAUSER: Well, as I've indicated to you, my practice is -- other than appeals, and I pretty much handle appeals from all practice areas, our firm is almost exclusively election oriented. This is -- this is the kind of unique experience that comes along once every 10 years.

I am prepared to decline other representations while representing this Commission, because -- first of all, I think time is going to be an

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Phoenix, Arizona
element. I'm prepared to be with you from start
to finish, to be, you know, as hands on as you
need, to be the person that you would contact, you
know, on a regular basis with, not to, you know,
pass things off to an associate or, you know, some
other functionary.

And I -- in fact, I turned down
something this week already because of this,
so hopefully it will work out. But I know it's
going to be very time consuming, having
participated in this last time. And as an
election attorney, as I said, I have an interest
on behalf of future clients in making sure this is
done well, it's done timely, and it gets
precleared so that we have as few bumps in the
road prior to the 1992 elections as possible.

There are a lot of potholes along
the way and hopefully we can, together, get over
them. But, you know, it's just an area in which I
have a great deal of interest.

I will admit to you that 10 years
ago when I was given the assignment of working on
redistricting, you know, I thought, not that I was
crazy, because I didn't much have a choice about
it at the time, but I thought it was going to be a

ATWOOD REPORTING SERVICE
Phoenix, Arizona
disaster. And I thoroughly enjoyed it, enjoyed all the people I worked with and enjoyed the subject area and certainly would enjoy working on it again.

I don't think you are all crazy. I truly don't. I think it's admirable that you decided to give time to do this. And hopefully it -- if I'm selected as your counsel, I'll make that as easy for you as possible.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I think Ms. Hauser already gave an adequate answer to my question.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: It's a short one and still short. I guess mine relates to time allocation. You somewhat answered that question saying yes, you are willing to clear the slates as to time as well as what you see is what you get; you would be the person we'd deal with and not somebody else in your office, or whatever.

I guess something I didn't ask before, I would like to find out a little about it. It appears as though the attorneys may be reasonably better qualified than other people to
write certain sections of the plan we submit to DOJ.

Is that a role you enjoy doing, writing, make sure Ts are crossed to conform to the Voter Rights Act and all other things?

MS. HAUSER: Mr. Elder, one of my favorite activities is writing. And I have, as I indicated before, a lot of experience in drafting both legislation, which is a different kind of writing all together than writing a brief for a court or whether a trial or appellate court, although I can do that as well and have done that extensively. But the technical kind of writing that is necessary for legislation, and this is a form of legislation that you'll be putting together, is something that I have a lot of experience in doing and enjoy and also the preparation of the Voting Rights Act submission itself, absolutely.

CHAIRMAN LYNN: Ms. Hauser, my second question is actually prompted by your resume. I'm asking it in fairness to all the other applicants. I'll ask it to you, ask you to please be brief in your response. We have read the resume.
The question is: Would you briefly summarize your personal, specific, history with respect to election law and redistricting? Because that, again, the applications that we received varied widely in terms of that specific experience. I know yours is considerable. If you just summarize it for us.

MS. HAUSER: I think probably the best example, I appreciate the fact the question is asked, that question on election law and redistricting. They are totally married.

At the conclusion of the redistricting trial that took place in '92 on the congressional districts, by stipulation of all the parties, Republicans and Democrats, the Indian tribes, Hispanic community, and the like, and order of the three-judge panel that heard that case, I was appointed as special counsel to the Court at the conclusion of that trial for the specific purpose of advising the Court on election -- Arizona election law and procedures so that when they issued their order, it would be an order that could be implemented and carried out by the counties.

And that probably best summarizes
the relationship and the experience I have in that particular area. It was a fascinating experience, and we had zero trouble getting that congressional plan implemented.

We did have some issues that came up with the state legislative plan and fortunately we had left a window open there with the federal court so when the legislative plan hit a bump in the road with Department of Justice, I was ready and prepared.

The material for the federal court, they could order implementation of the justice plan on an interim justice basis, conduct elections in '92, and straighten out the plan's defects after that.

So that's my answer to that question.

CHAIRMAN LYNN: I appreciate that, and appreciate you being here and applying for the position. Thank you very much.

As with all applicants, I'm inviting you to stay and listen to the other applicants, if you choose. If you have other places to go and places to be, we understand that, also.

MS. HAUSER: I pretty much cleared

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Phoenix, Arizona
my day. I thought as I'd cleared my calendar, I
wanted to stay. I wanted to see how you operate
and move along and do things.

May I make one comment? One of the
things I was concerned about is you might be taken
aback by one of the clients I represented last
election, the Political Committee Opposed to 106.

A lot of people have misgivings
taking a major job and putting it in the hands of
five private citizens. It's certainly not a thing
that clients I had were opposed to redistricting.

Redistricting is something that has to happen.

I have to say in watching all of you
that a lot of the concerns that some people had
have been allayed. One of the most important,
it's the human factor. It's important to have
people who are going to hold the position, not be
biased, not fight with each other, not, you know,
create more problems than solutions.

You know, the people have decided
this is the way to go. And certainly this
selection of this particular Commission has given
me great confidence it will work out great
confidence as well.

I was concerned you might see that
"No On 106." I would not be here in any way, shape, or form to sabotage your work at all. It's too important to myself and everyone.

CHAIRMAN LYNN: If, without objection, if we had -- We had a small break earlier. If we can work through the break, have Mr. LaSota.

Mr. LaSota, good morning. Join us at the podium.

First of all, we appreciate you being here and applying for another round of election law at its best.

MR. LaSOTA: Thank you.

CHAIRMAN LYNN: We are, based on the first couple interviews, two rounds through the panel will be the protocol this morning. We'll begin that with Mr. Huntwork at the other end of the panel. When I'm done the second time, we're all done.

MR. LaSOTA: Okay. Thank you.

COMMISSIONER HUNTWORK: Good morning.

MR. LaSOTA: Good morning.

COMMISSIONER HUNTWORK: I'm a fellow attorney. I'm going to ask you a real lawyer's

ATWOOD REPORTING SERVICE
Phoenix, Arizona
question to start off with. This is something I know you have already given consideration to, so I'm going to put it in the form of more of a statement and then give you the opportunity to respond to it.

The issue is, or opportunity, is if we select you to represent us, you will, of course, represent the entire Commission, Republicans and Democrats alike, and independents. We would all call on you equally and expect equal candor and loyalty to all members of the Commission. And perhaps most importantly, from that point on, until we were done with this process, your sole duty and loyalty as an attorney would be to the Commission and to our task to independently redistrict the State of Arizona to the exclusion of all other interests.

And again, I know you will have thought that through as an attorney and understand that that is the situation. Would you affirm that for me and make any other comment you would care to along those lines?

MR. LaSOTA: Sure, Mr. Chairman, Mr. Huntwork.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
However you set about to provide yourself with legal counsel, whether it's going to be in the form of two people, or two firms, or one firm, I don't think you can do it in the form of just one person. You have to look for someone who will convey, at least to the public, and to you, as much independence as possible and not be someone who is linked or allied with one side or another or with established politicians as opposed to aspiring, would-be politicians.

You need someone who can help you sell your product as a measure that is balanced, that is fair, and that -- who's very closely to the will of the people as expressed in the proposition, which has quite specific considerations that you folks have to take into account and names a few you can't take into account.

I think if you -- if I am selected, what I bring is sort of a bipartisanship in one person. If you are looking for -- I'm Republican, a life-long Republican. Yet a lot of people think I'm a Democrat probably because I'm a moderate Republican.

Public service, state service, has

ATWOOD REPORTING SERVICE
Phoenix, Arizona
been under the mentorship of Bruce Babbitt, not a Republican. I'm a life-long Republican but not so allied with the party one couldn't assert I can't put the party behind me and deal with the obligation to be as neutral to the task as possible in performing this role.

I've never been, you know, hugely affiliated with the Republican party, sort of a my-party-right-or-wrong basis. I think that would stand me in good stead if I were selected for this role.

You'd have my personal assurance I'd be as neutral and objective as possible as you proceed with this very difficult work.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you.

Mr. LaSota, I have a question which is really a two-part question. It deals with the fact that we're going to be engaging two counsel to work for the Commission, a Republican and a Democrat. In your situation, since one of your partners has also applied for the position, if you are selected, you may be working with someone from your own firm or you may be working with someone from another firm. And so my question is: How...
would you foresee developing a working relationship with the other counsel retained by the Commission? And in the cases of differences of opinion, how would you deal with those differences of opinion and resolve them?

MR. LaSOTA: Mr. Chairman,

Ms. Minkoff, as regarding the first part of your question, it would be wise for whoever is selected, the two parties/groups selected, to meet privately, just with the two of them, in an effort to sort of lay down some ground rules as to how they're going to get along.

I would hope that those ground rules are again aimed at again putting party differences behind them and instead are aimed at promoting the work of the Commission. I think that is best done by agreeing, among other things, that the work that is done by legal counsel is not to be discussed outside a public meeting or outside individual meetings with members of the Commission, if that's appropriate, and that they are not to take any, you know, public positions that could be construed as -- shouldn't take any public positions; because those positions might be construed as expressing an opinion on behalf of

ATWOOD REPORTING SERVICE
Phoenix, Arizona
the party they happen to be registered with.

One of the first things I think is you engage your alter ego, opposite, and come up with working rules as to how to get along as best one can. And then I think it's simply a matter of bowing to whatever -- I doubt there's any oath that is taken, but simply you have to realize that your role is to represent the Commission. And the Commission's job is to be as objective as possible. That is what the people voted for when they put in Proposition 106.

One's job is not to represent either of the respective parties or any other party but to try to follow, again, as closely as possible, those dictates in the statute, excuse me, in the Constitution. Those should be the credo by which your counsel lives.

They are not to -- in fact, I think it probably would be advisable that counsel avoid as much as possible anything that could be described as an entanglement with existing office holders or sort of professional party people less they be seen as sort of getting instructions or working on the other side of the street. I would think you would want minimalization with those
kind of people during the work of the Commission.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Good morning.

MR. LaSOTA: Good morning.

COMMISSIONER HALL: In our, in this process, our decisions must be governed by a variety of principles and constitutional issues, a few of which are compactness, population equity, communities of interest, and the list seems to grow, grid-like patterns. And at times in my mind it appears these variety of issues seems to be in conflict.

As legal counsel, how would you see your role in helping this Commission resolve these apparent conflicts?

MR. LaSOTA: You've hit on probably the most difficult job of all, Mr. Hall, Mr. Chairman.

First of all, I would really want to parse the statements. In reviewing the thing before I came here this morning, it occurred to me that you -- your point is exactly correct: How do you deal with contiguity? How do you deal with the problem of contiguity? Because everything is going to be contiguous. I don't even know what is
meant by the term "contiguity."
I think perhaps you have to come up
with kind of a pecking order. It may well be --
you can't really go to the drafters of this and
say "What did you have in mind? What is the
legislative intent?" I don't think that would be
proper. So you have to sort of get the meaning
within -- and get interpretation within the four
corners of the document.
It may well be the safest way to
proceed is look at the order in which those things
descend. It may be -- it may be a fool-hardy
example, could be kind of like looking at the Bill
of Rights saying the First Amendment is more
important than the Eighth, or Fifth, or whatever,
that there is a pecking order. Here, that may be
the only way to sort of come up with a way to have
these things blend with each other. I can't tell
you which one came first of the five, six, or
seven in there, of the sort of Deserderada
(phone) of what you are supposed to do.
Maybe that's the best approach,
whatever they mentioned first must have been
paramount in their mind. If the choice of two, in
conflict, say whichever came first is the most
important of the two.

Other than that, you can look around for definitions. You can parse this stuff and interpret it six ways from Sunday looking for definitions of what is meant by "contiguity," what is meant by "compactment," what is meant by "geopolitical interest." I think a lot of that is going to be a tail-chasing activity.

I think early on you have to deal with the fact some are more equal than others.

How you set up the pecking order, one thing occurred as I read them, given you won't get much outside help on how they rank simply say there's an order here, which occurred first in the formulation. That would be my idea of sort of coldly going into it.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: I think the statement of "can't get outside help" leads to my question.

One of my frustrations is DOJ almost appears they will not issue an opinion as to process or approach. 106 pretty well describes out-of-the-box or an outside-the-box process.

Grid-like patterns takes this out of the normal

ATWOOD REPORTING SERVICE
Phoenix, Arizona
genre in which redistricting has been done or
historically has been done across the country.

Do you believe there is a way of
involving DOJ either as, I don't know what you
call it, a side opinion or off-the-record opinion
in being able to determine applicability or the
potential prequalification approval through a
process that we may derive by thinking outside the
box and providing and working with the grid
systems and other things we may come up with. Can
you get a network? Can you ask questions of DOJ
and then provide us counsel based on their
off-the-record comments, if it be that?

MR. LaSOTA: Mr. Chairman,

Mr. Elder, I think anyone that applies for this
job has to recognize Department of Justice
involvement is an absolute, not always a
requirement at the back end, probably something
you would be well-advised to try to determine as
you go through. That provides a couple of special
challenges, it seems to me.

I'm not sure how I can -- I'm not
sure what the resolution would be. I think it's
worth getting on the table and fleshing out, in
answer to you.

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Phoenix, Arizona
First of all, a lot of the folks in key positions at Justice Department at this key stage in history will be relatively new on the job. Most key positions change over with new administration. I don't know how much institutional memory is going to exist back there.

Secondly, the fact that one party so dominates our congressional delegation, the same party that happens to dominate the executive branch, my party, there is some possibility you could be accused of sort of yielding too much or putting too much credence in what a Justice Department position might be such that the Democrat party is -- would be entitled to claim, you know, this is all sort of -- this is warped because of excessive entanglement with one party.

I would want to, I think, relatively minimize the absolute reinterpretation of the interpretation of the Justice Department as you go through your work in an effort to avoid that kind of allegation or speculation. That's not to say that you don't have to --

You obviously have to deal with them. I think it requires a level of caution, and patience, and sort of, you know, looking at things

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with a relatively jaundiced eye to make sure they aren't seen as foreordaining a result that favors one -- again, it happens to be my party, it's a fact, that's in control of the executive branch, presumably Department of Justice. And most of the congressional delegation happens to be in the hands of that party.

I can't tell you that I've had extensive experience working with Department of Justice. And I don't know, I don't know the name of a single individual who is there now or who is soon to get there.

They certainly would have to be contacted, but I would not overly rely on anything they said until it could be determined that they were giving sort of straight up, objective advice. It may be advice on this subject is primarily given from folks within the organization who are bureaucrats and who stay on the job in the civil rights division without regard to what party happens to be occupying the White House. If that is the case, one would think you could put a little more credence in them. Although sort of going the other way, my party might argue career bureaucrats in Washington tend to primarily be

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members of the other party, so better watch out what they tell you as well.

Maybe by blending what comes from career people and from what comes from folks at the top, you get what you hope to do, get a blend of advice you hope to rely on.

That's a windy answer. It's a tough situation to answer given the changeover in D.C.

CHAIRMAN LYNN: The next question is mine, Mr. LaSota. Even though I'm from Tucson, kind of one of the out counties, your reputation precedes you. It's a name I know, even though we've not met.

I've not asking about lawyer questions, first round. I've seen the resume, know what you've done in terms of being an attorney.

I want to know about you as a human being, as an individual. Tell me a little bit about who you are, what you believe in, how you come to be, what that person is.

MR. LaSOTA: There's perhaps the toughest question of all. I'm 59 years old. My entire career has been spent in Arizona. Moved

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here when I was 12. I was educated primarily in
the state. I'm a graduate of Arizona State,
undergraduate at University of Arizona Law School,
which obviously gives me a balanced bias going in,
gives me the ability to deal with situations like
this, Commission phases.

I've been married to the same fine
lady for 31 years, have three fine sons, one of
whom is a lawyer that practices with me, ASU
graduate; another son is at ASU Law School; and
I'm pleased to say, Mr. Lynn, in a deliberate
effort to pander, a U of A undergraduate.

At any rate, my reputation and my
involvement in public policy are for a long time I
started my career with the Phoenix Police
Department as a police legal adviser following
some education at Northwestern to train me to do
that.

I've always been interested in
public policy. In 1967 when I completed the
Northwestern program, not a year has gone by I
haven't been involved either as a government
official or as -- government officer, I should
say, or as someone working in the private sector
who represents government entities or represents

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Phoenix, Arizona
people with issues with government entities or
that champions causes of people with government
entities.

Public policy has been in a funny
way kind of my life's work.

I've never run for elective office
because of a couple things. First of all, you
have to have an ego -- if any of you have ever run
for public office, you know you have to have an
ego that carries you through the thick or thin
that basically convinces you you are a superior
potential office holder than the person running
against you. You don't know that when you start
out in a political campaign. I don't have that
ego that automatically leads me conclude I'm the
best possible candidate for dog catcher,
constable, or whatever you might determine.

I've simply always tried for
balance, fairness. And perhaps that's why I've
never been actively, never been actively involved
with the Republican party on a party basis. You
too often see the party-right-or-wrong kind of
thing, which I do not believe in. It's a
dangerous phenomenon. The best way to avoid that
is to avoid being enmeshed in party affairs.

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Phoenix, Arizona
On the other hand, I'm probably an economic and -- economic conservative, probably a social moderate, and a person who, I suppose I might as well throw this in, I'm a person that did vote for this proposition, believes in the work of this Commission, and hopes in its pioneer voyage it can demonstrate the wisdom of this kind of nonpolitical approach.

I have been involved in my career in a few start-up enterprises. The police legal adviser role was brand-new. When I joined Mr. Babbitt in the AG's Office in the midseventies he was really beefing up the criminal side of the office and working with a newly-created State Grand Jury. Had to do a lot of groundwork to do that. In the eighties I was one of the first commissioners of the Arizona Lottery Commission, helped found that. Later on in the eighties, helped get the Regional Public Transportation Authority of Maricopa County established, the bus company, oversee bus operations, now Rapid Rail.

I like to be in on the ground floor of novel things. This I suppose is a continuation of that.

CHAIRMAN LYNN: Certainly nothing if

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Mr. Huntwork.

COMMISSIONER HUNTWORK: You said something. Have you had significant experience working with communities of interest in the State of Arizona and, if so, would you describe that to us and what successes or failures you might have experienced?

MR. LaSOTA: Mr. Chairman,

Mr. Huntwork, I'm not sure I understand what you mean working with "communities of interest." I've certainly had involvement with, as I said, the Regional Public Transportation Authority which has a board of directors of nine or 10 mayors from across Maricopa County. I've had involvement with a few City of Phoenix committees.

All my adult life I've lived in the City of Phoenix since graduating from law school even though I grew up in Scottsdale.

I have -- currently represent Maricopa County in some legislative matters along with two or three other lobbying firms. If you mean involvement with grass-roots activities, I can't say that I've ever been thoroughly involved with that.

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Phoenix, Arizona
I suppose the closest I've come recently to grass-roots activities on a political level is involvement I had in 1998 with a group of folks who were opposed to the efforts of the then Speaker of the House to do away with the Arizona Lottery.

I had not voted for the lottery; but when I became a Commissioner, I felt it had been approved by the people, that was always very meaningful to me, and thought it deserved a good shake and a launch that kept it on the side of the angels, if you will, and was dismayed when the Speaker tried to do away with it and was successful in getting it on the ballot.

I helped organize a group of interested folks to oppose the lotteries which ranged from Heritage Foundation, Game and Fish types, to some in the Native American Indian gaming community. I'm not in any way what one would describe as a community activist and don't have particular experience in marshaling or promoting community interest in that sense.

I don't know if that responds to your question, but --

COMMISSIONER HUNTWORK: I think it
CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. LaSota,

it has been said of the members of this Commission
we must be insane to want this job. The same
thing may be said of you for applying to be our
counsel. My question is other than what you've
already told us before about your interest in
public policy, why did you apply to represent the
Commission?

MR. LaSOTA: Mr. Chairman,

Ms. Minkoff, I believe in the work it's about to
undertake.

It's hard to answer your question
without resorting to cliches, but there's the one
about all that is necessary for triumph of evil is
for good men to do nothing.

If you folks didn't volunteer, good
folks didn't volunteer to be counsel, the
likelihood counsel would end in some form of
disaster would be much higher.

The old thing of it's a dirty job,
somebody has to do it, I think what has to occur
here is it's a watershed kind of event people will
look at nationally. We're not the first in the

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Phoenix, Arizona
I think it's something Arizona will be able to point to with pride if properly conducted.

I can play a role in insuring it is properly conducted and the result measured in what is sought by Proposition 106, essentially fairness and equanimity in developing districts and elimination of raw politics from the districts will be something Arizona can point to with pride after the effort is over.

I just think good people ought to put up or shut up, ought to volunteer to be part of this. Unlike you folks, you are more noble. You get paid $30 a day.

COMMISSIONER MINKOFF: Not that much.

MR. LaSOTA: Maybe not that much. This, after all, is paying position, doesn't approach a volunteer role in its nobility.

I think someone with my background does have something to contribute to this in the form of judgment, in the form of people skills, and in the form of simply good lawyering, and someone who supported it. It would be a shame for
me not to let it be known I'd be happy to help.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: As you indicated previously, you've been a government officer or representative of government entities. Some may say you are extremely politically active or have been. Can you briefly reassure us of your ability to be completely independent?

MR. LaSOTA: Yes. I would say I've been sort of governmentally active more so than politically active.

It's difficult to -- those terms often bleed over. You would probably like to say you're performing a governmental function, not a political action. If you go to the university, what occurs is entities like this, they're in political science.

Because "political" carries the cliche of partisan, I'd like to think I'm governmentally active.

I was -- in 1975, I believe it was, when Bruce Babbitt asked me to become his chief deputy, I think one of the reasons he did that is I was a Republican and he perceived I could work well with the Republican majority in the house. I
believe that happened to be a time post-Watergate. There was a split in control of the house in the Legislature. Very quickly there became not a split. Republicans took control again. I think I was able to work well with a Democrat Attorney General and Republican Legislature in effecting good government. I felt that I neither sort of sold out the party for working for a Democrat or think that I was doing sort of the right thing at the time; and yet I didn't, I didn't embarrass Bruce Babbitt by taking partisan stands, either. I think it was a down-the-line situation. Must have been okay. He then came back to me about five years after I left the Attorney General's Office -- first then appointed me Attorney General. Must have been relatively pleased with what I had to -- with how I had served him and, to his credit, did not ask me whether I was going to run for office or not. A lot of people thought I was a safe Republican, wouldn't run for office. Probably thought I wouldn't run. To his credit, he didn't ask me whether I was going to run or not.

I then served 10 months as Attorney General. After that, in the mid eighties, he came
back to me, asked me to be chief of staff when
once again dealing with a heavily Republican
Legislature.

I think my tenure there was marked
independent by either party's line. I couldn't
have done a good job in that role unless I was
capable of divorcing myself from either party's
credos and etiology, instead, corny as it sounds,
of pumping for good government.

That's what I would like to think we
do, tenure good government. Had tenure of good
government most of the Babbitt years, anyway. I
was part of it. I don't think I could have done
it as effectively as perhaps I did if too partisan
a Republican or too much a Democrat in Republican
clothing.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: My question
relates to a question asked of us when we were
interviewed. One, do you have time within your
practice to represent, participate in the process,
really concentrate the next two to three months?
And the second part of that question is is what
you see is what you get? Will you be the person
we will be dealing with and seeing and rendering
opinions and discussions with?

MR. LaSOTA: The second part is very easy. The answer is yes. I will be the person. That's not to say that occasionally I won't have research help from people back at the office. And in fact, the way we proposed on this thing is Don Peters and I put in one proposal in part because we thought it was such a nice, good blend, Republican, Democrat, government lawyer on one hand, litigator on the other hand.

No. I would be the one you would see.

The first part of the question is a little tougher. I do have an active lobbying practice. But we have, in our firm, four other lobbyists who I think in the particular positions we find ourselves, particularly, or will find ourself by April 1st, roughly, that's -- those are things that can be handed off to other people. None of my involvements require my rapt attention. That's not to say they'll be abandoned, but we have four other active lobbyists in the firm who could pick up for me, if that were required.

So I think, yeah, you will have my undivided attention when you need it.

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Phoenix, Arizona
Mr. LaSota, is mine. Where I asked a nonlegal question the first round, now I'd bore down into your resume and ask a specific legal question this time.

I'd like you to summarize your specific experience with respect to either redistricting or election law. Not your firm's, not other people or offices you've been involved in, but your specific experience in those areas.

MR. LaSOTA: I have no experience with redistricting of any sort. I was not involved in any of the previous exercises nor have I been involved with Maricopa County in that regard.

With regard to election law, I've spent a lot of time, usually in even-numbered years, occasionally at other occasions as well, in parsing Title XVI of the -- and Title XIX, which is where one finds election law in Arizona, the XIX elections referendum, XVI for overall law and political candidacy, advised a lot of clients including candidates for Governor, candidates for Congress, the current person in leadership in the Arizona Legislature, currently.
As I said, the group successfully fended off the challenge to the lottery, a couple of groups that were promoting other ballot initiatives along the way, like the Elman Group with its effort to get approval for the Los Arcos project which involves getting a home for the Phoenix Coyotes Hockey Team, a group of independent expenditures for Scottsdale City Elections, all of which I provided myself.

I'm not a litigator, haven't tried these cases. If you look at our proposal in the response of names and cases we've been involved in, we exclusively used Don Peters' background there. He's the litigator.

People that do what I do often don't get involved in litigation. There are people closer to being men and women for all seasons than I am.

You didn't ask about this. I have a lot of experience in public records law, open meeting law; nothing with redistricting, I'm sad to say.

CHAIRMAN LYNN: That concludes our time.

Thank you very much for your

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Phoenix, Arizona
interest. Thank you for being here. I invite you
to join the audience and hear the rest of the
interviews or continue your life outside this
room, whichever is most pressing.

MR. LaSOTA: Thank you, Mr. Lynn.

CHAIRMAN LYNN: The next candidate

is Ernest Calderon.

Mr. Calderon, good morning.

Appreciate you being with us.

MR. CALDERON: My pleasure.

CHAIRMAN LYNN: Appreciate your

interest in our RFP for legal counsel.

The process this morning is two

rounds of questions from the panel in the time

allotted, and we'll begin with Mr. Huntwork.

MR. CALDERON: Excellent.

COMMISSIONER HUNTWORK: Good

morning, Mr. Calderon.

It feels awkward to call you that.

MR. CALDERON: Feel free to call me

whatever you like.

COMMISSIONER HUNTWORK: Your

application adequately disclosed and I previously
disclosed on the record our past professional
relationship. On the record, we no longer have
any conflict of interest in the meaning of the provisions that deal with that.

I'm going to start out by asking a real lawyer's question, and in fact, I'm going to do it in a way of just making a statement and ask you to confirm and respond to that, because I know this is something that you are acutely aware of and have thought through.

The point I want to make, if we were to select you, you would be representing our entire Commission, of course, the Republicans as well as the Democrats. I would be calling on you just as much, and I would be depending on your answers and information that you provide to me, just as much as the Democratic members of this Commission or the independent member. And also, as part of that same equation, from that moment, the moment we selected you on, your loyalty would be entirely to our Commission as we go into the task of independently trying to redistrict the State of Arizona to the exclusion of any other political or other affiliations of any kind.

I know -- I know you. And I know you have thought this through. But I just wanted to say that and have you affirm that to us and add

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Phoenix, Arizona
MR. CALDERON: No problem, Jim, if that's all right, members of the Commission.

Under Supreme Court Rule 42, my ethical duty is to my client. In this case my client is to this board. My personal interests, my family interests, my political interests, my church interests, any other interest doesn't enter into my representation. The ethical rules are very clear the duty is to the client.

I think if you inquire into my background, you'll find out although a registered Democrat, I'm pretty independent. I grew up in Morencie.

In Morencie, I recall Phelps Dodge often trying to tell us how to vote. My father didn't react to that very well. I was weaned on that. I don't react to being told how to vote very well.

Years later a friend called up to chastise me because I voted for the Republican party. He got the same response my father gave. I'm not particularly proud of the colorful language. I clearly said I support whoever I do whenever I want to.
You can ask any of my clients, some Republicans, Democrats, to use a phrase, some vegetarians, I'm always the board's lawyer, not an individual member of the board's lawyer; the lawyer for the entire board. I take that responsibility as very important.

When I die, I want to have "lawyer" on my tombstone. I want people to know I took care of my client.

I hope that answers.

CHAIRMAN LYNN: Speaking of vegetarians, Ms. Minkoff.

MR. CALDERON: Some of my best friends are vegetarians.

CHAIRMAN LYNN: Apparently some of our best friends are attorneys.

COMMISSIONER MINKOFF: Maybe I should reveal for the record my daughter and son-in-law are attorneys, so I don't do attorney bashing.

I actually have an attorney-type question to ask.

As you know, we're going to be hiring two counsel to represent the Commission, a Republican and Democrat. In your situation, one
of the other applicants is from your own law firm.
If you are selected, you may be working with
someone from your own firm or you may be working
with someone from a different firm. I have
actually a two-part question. Number one, what
type of working relationship would you foresee
developing with your co-counsel and, number two,
in the case of differences in opinion between the
two of you, how would you resolve those?

MR. CALDERON: Well, once again, it
goes back to the client. My duty is to the
client. If I have a disagreement with co-counsel,
we sit down, work it out. It's not the
Commission's problem. It is his or her problem.

Our job is to come to you in unison,
provide you with options. If we disagree, we can
tell you some options one person favors, some
options the other person favors. We'll have a
recommendation for you.

I don't believe in going to a client
saying you have all these options and not giving a
recommendation. I don't earn my money that way.
You pay me to give you a recommendation.

To clarify a little bit about Dave
Cantelme, we submitted jointly. You need to know
if you hire me, he will also help. When you hire
our law firm, particularly in my case, when I
signed that submittal, I signed on behalf of
Jennings, Strouss & Salmon. If I'm hit by a bus
tomorrow, Jennings, Strouss & Salmon will honor
everything I said in that proposal.

The benefit is if you want Dave
Cantelme's proposal, it's full service, 80
lawyers. If you get into complex litigation, you
cannot afford to have one, two lawyers. You need
bench strength. The March madness phrase: You
need bench strength.

Lawyers should disagree with each
other. It's expected. Lawyers should disagree in
front of each other. It's shameful, not that
there won't be energetic discussions between
myself and co-counsel; when we come to you, we'll
be in unison.

CHAIRMAN LYNN: Mr. Hall?
COMMISSIONER HALL: Still morning,

isn't it?
MR. CALDERON: Good morning.

COMMISSIONER HALL: Seems like a
week.

We are governed, our decisions must

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Phoenix, Arizona
be governed by a number of principles, constitutional issues, a variety of forces, terms such as compactness, communities of interest, grid-like patterns, population equity.

In my mind, it appears some of these items are in conflict. My question to you is how do you anticipate in your role as legal counsel this Commission helping us to resolve some of those apparent conflicts?

MR. CALDERON: I think the conflict --

There's no way to put any gloss on this. You picked a very difficult job yourselves. In one sense, the Voting Rights Act says you must protect communities of interest. On the other hand, the Supreme Court case, Gingles case, said no numerical guarantee, guarantee for anyone. On one case you have Congress saying one thing, the Supreme Court telling you something else.

My job is to help clarify the path or pattern for you to take. I hope the first cut you take at redistricting is not the last cut. I hope what we really will be doing is rolling up our sleeves -- I say "we." You would be doing...
most of the work. I'd be there for whatever legal research you need -- we collectively as a team putting together a tremendous amount of work refining, refining whatever you come up with in order to meet the federal standards under the Federal Voting Rights Act, meet the federal standards under Arizona and US case law.

My job is to help you find solutions.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: My frustration is it appears DOJ will not offer an opinion prior to actual presubmittal, a preclearance submittal.

Do you see any way or any process or any approach that would allow us to either get an off-the-record or preliminary opinion of saying yes, we're going in the right direction?

In 106 we've been given a grid-like process that is not normal or common to the other 49 states which also puts us outside the box. If we looked at other ways of being creative, to being able to address all the issues we have, we may also be outside the box. And I'd hate to be submitting something that has absolutely no chance of preclearance because of DOJ.
Is there a process or way you could help facilitate this?

MR. CALDERON: In 12 years of representing entities, I've never had Department of Justice deny preclearance to any of my clients, ever. It doesn't mean I've not had spirited discussions with Department of Justice in how we insure our submittal was supplemented in a way their comfort factors were taken care of.

I have to be real honest with you, Mr. Elder: I'm uncomfortable with good-old-boy behind-scenes communications with Department of Justice. I think it's just a seed that will grow you a tumbleweed down the road, come back to bite you, particularly with a lawsuit.

When I work with Department of Justice, as I do a dozen times a year for a dozen submissions, it's aboveboard, straight across, no advisory opinions, look into good discussions, what they're looking for.

For example, I represent a public entity that's been in a particular polling place for the last 30 years. Well, they're remodeling the church hall where the community of interest has always gone to vote. Department of Justice
will notice that and say, "Why did you move the polling place five blocks elsewhere?" And in this case maybe there's no bus service for that five blocks. It's my job to help communicate to them there really wasn't any sort of ill-motivation; we just couldn't get the church hall. They were working on it. If that means work with county people, state people, to help that, it's my job to arrange that.

CHAIRMAN LYNN: Mr. Calderon, I'll ask an unlawyer-like question, nothing to do with your resume.

I'd like to know about you, get a sense of who you are, how you come to believe what you believe, what you like to do.

It's a very open-ended question.

Tell me what you like.

MR. CALDERON: At the risk of boring you, I'll try to give you the picture.

I was born and raised in Morencie, Arizona. My mother was a short-order cook, had a high school education. My father was a copper minor, had an eighth grade education. I grew up in Duncan, Arizona, 23 miles down the road. Our family settled in Silver City, New Mexico, in
1821. We have some roots that go back.

We have always -- I was always raised with the concept that voting was one of the wonderful things about this country. I would accompany my parents to the polls when they would vote. In Morencie it was wonderful. I wish Norman Rockwell had been there. We'd have lines stretch through for blocks. Goldwater, L.B.J., arguing in line.

Voting has been very important.

I grew up in segregated housing in Morencie. My dad was part of the strike of 1947 when the guys came back from World War II and helped strike the race-based wage. I've been denied service in places because I'm Mexican American. My parents have, too.

The last thing I'll do is represent a client that intentionally harms any person's ability to have access to the polls. On the other hand, I think a balance has to be drawn between protecting people's rights and placing other people above the rights of the whole community.

I remember there was a tennis match between Arthur Ash, the late Arthur Nash, who I really admire, playing between Ilia Nastasie Nasty

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Phoenix, Arizona
Throughout the tennis match, Nastasie was using the N word whenever he hit the ball to Mr. Ash. The crowd was incensed. The judge was incensed.

A ball went over the line. The ball was in the line. The ball was called outside the line to give Ash the point because he did not like Nastasie. Arthur Ash said, "No, that was in. He scored the point. I'm going to beat him fair and square." And he did.

That's the way I looked at life. We want to recognize the injustices that have occurred in the past, but we want to give people the opportunity to succeed on their own as well. And they will. They will. I have no question about it.

I hope that answers.

CHAIRMAN LYNN: Thank you, Mr. Calderon.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, that's a good segue, really, for the next question I want to ask you.

Could you describe for us your activities or experiences in working with

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Phoenix, Arizona
communities of interest in the State of Arizona, successes that you may have had?

MR. CALDERON: I love Arizona. I love the diversity we have. Every president election since 1976, I've worked on the Navajo reservation, exotic places like White Stone, Key Stone, Window Rock, which was really nice, had a pay phone in the bathroom.

I truly enjoy working with the Navajo people. I was involved in a case, a very important case here in Phoenix, Bencomo vs. Phoenix Union High School District. That's where Danny Ortega represented Julietta Bencomo and shifted the governing board to seven people. I listed him as a reference. We work well together. Did we agree on everything? No, we didn't agree on everything.

Percy Julian representing the NAACP, I represented City of Madison. I remember going to the City of Madison, having screaming matches. At the end, we protected those communities of interest they were advocating and did so with honor for the board and without admission of discrimination.

There was no, in my case, no overt...
intention or discrimination. Remedied it. Shook hands. Everybody was pleased. Shook hands, were pleased about it.

Politically I've been camping with all sorts of folks. Chief Zlacket said I'm not really a Democrat; I'm really a Republican. I went on to tell him he's not really a Republican; he's really a Democrat.

A lot of people don't know where I really fall on issues. The only way I can help somebody, whether helping somebody to vote or providing advice to a board, is get to know them and understand them. And that's how I look at -- that's why Arizona is so beautiful. You get to meet a lot of nice people. If I keep my mouth shut, listen enough, I learn a lot.

I hope that answers the question.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you.

Julietta Bencomo, an incredible woman. We worked on the Phoenix Union Task Force before zoning.

MR. CALDERON: I told Danny in choosing her for the people, the only people that trumped her, maybe Moses. It's hard to trump
COMMISSIONER MINKOFF: My question to ask is relating to your application. We've all been told more than once we're probably crazy for wanting to be on this Commission. And other than the fact that lawyers need clients, they may say the same of you for wanting to be our counsel. My question is why did you apply for this position?

MR. CALDERON: Because I believe in possibilities. I believe that you can restructure and redistrict this state in a way that the communities of interest will be protected, in ways that those people who are skeptical of this Commission will have nothing to say but: Well, I didn't think they could do it but they did. I think you can create a legacy that will go far beyond what some judge decides today, a judge decides tomorrow. You can create a legacy, make Arizona a stellar example of how you can have a fair, level playing field for anybody running for office. I believe in that possibility. It will take a lot of hard work and sweat to do it. It can be done. I want to help.

CHAIRMAN LYNN: Mr. Hall?
COMMISSIONER HALL: This isn't a question. At some point I'd like to have a full copy of this article. Is that all right?

MR. CALDERON: Mr. Cantelme brought that up. We brought some copies just in case. Actually I brought one, if you don't mind.

COMMISSIONER HALL: Thank you. I appreciate it.

If you can just take a minute, you've done a lot of that already, briefly assure the counsel of your ability to maintain and be totally independent.

MR. CALDERON: My duty and loyalty is to my client. The ethical rules say that I cannot in any way abandon --

By the way, I want to apologize to you. You are fumbling with the form. Our machine that binds it broke at 2:45 before the deadline. We clipped it and --

COMMISSIONER HALL: Makes it easier for staff to copy.

MR. CALDERON: The ethical rules makes it clear and simple. A lawyer provides advice independent. To make it simple, ER 1.7, the conflict of interest statute, if I have a

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conflict with a client, ulterior motive, or
something influencing me, I can't shoot straight
with me. When that happens, I have to withdraw.

Before I submitted this thing, I
knew I'd have to provide as independent a thing as
I can give you.

My friend, Jim Huntwork, my advise
is independent advice. My friend Danny Ortega
might disagree. It's my independence.

I want "lawyer" on my tombstone, not
"disbarred lawyer," not "disbarred lawyer," or
"former lawyer," or "defrocked lawyer." I want
"lawyer."

COMMISSIONER ELDER: You mentioned
your firm is 80 strong or better. My question is:
What you see is what you get? Do you have the
time to commit personally to the Commission?

MR. CALDERON: Absolutely. We've
got the time. And more importantly, we have the
desire, as well.

Any of my public clients know, you
can check with any of them, you will find me and
David, or David and me, whoever you want to match
us up with. The beautiful thing, pick me, David
comes with me. Pick David, I come with David.
You get the package.

We have depth to provide the legal advice you need. You might need me in a meeting with you for several days and simultaneously need to be undertaking legal research, perhaps get hit with lawsuits right and left. I can't be in two places at the same time. If you as the client need me there, you could be reassured I have a commensurate number of people there simultaneously coming to us with reports we need.

You do get what we offer, period.

CHAIRMAN LYNN: The last question is mine, Mr. Calderon. I want to now drill into that resume and specifically ask in terms of legal experience and background for not your firm and not organizations with whom you have been associated in the past but you personally, your experience either in election law or redistricting per se.

MR. CALDERON: I've been involved in a variety of election cases relative to -- I had an unusual case years ago. I actually sued to remove my client from the ballot. Usually you do it the other way around.

We had a person indicate, the county
school superintendent, she did not want to run for

election. The name ended up on the ballot. Ended

up having to sue the county. Won the case. Big

notices were posted all over the polling places,

"Do not vote for Madam X," we'll call her. She

ended up being the top vote getter.

Ended up represented individuals

sued, represented entities, public school

districts, counties, school districts, et cetera,
sued, those sort of things. Have been involved in

many voting rights cases, voting rights

submissions.

I think it's pretty much in my

resume.

Am I hitting the topic?

CHAIRMAN LYN: Uh-huh.

MR. CALDERON: I've not been

involved in any redistricting legislation or any

redistricting involving that. I did vote in that

legislation involved with that but have not been

involved in litigation involved in that.

CHAIRMAN LYN: Mr. Calderon, we'd

like to thank you, one, for your interest and,
two, for coming.

I'd like to ask if Joe Heinton is

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still a principal in the firm.

MR. CALDERON: Joe isn't. We lost some good ones.

CHAIRMAN LYNN: I brought that up. He's a high school friend of mine.

MR. CALDERON: Both Joe and his brother were with the firm. Wonderful lawyers.

CHAIRMAN LYNN: Was going to say hello.

MR. CALDERON: If I run into Joe, I'll pass it along.

CHAIRMAN LYNN: You are free to stay with us as we continue the process with your associate.

MR. CALDERON: Partner.

CHAIRMAN LYNN: If you need to absent yourself, we understand.

MR. CALDERON: He's my ride.

CHAIRMAN LYNN: Take a seat and we'll talk to Mr. Cantelme.

Mr. Cantelme, thank you very much. We appreciate your interest and application for the position as counsel.

The drill is two rounds of questions from the panel starting with Mr. Huntwork. We'll

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ask him to begin.

COMMISSIONER HUNTWORK: Good morning.

MR. CANTELME: How are you, Mr. Huntwork.

COMMISSIONER HUNTWORK: I'm going to start with a real lawyer question. Let me do this by making a statement and then asking you to affirm what I've said in response to it, if you care to.

The point I want to make, I know you've thought this through carefully; it bears saying out loud: If we were to select you as our lawyer, you would represent the entire Commission.

MR. CANTELME: Yes, sir.

COMMISSIONER HUNTWORK: Democrats as well as Republicans. Democratic colleagues would call on you, depend, rely on answers just as much as Republican members of the Commission would do. Perhaps most importantly, your client would be this independent Commission --

MR. CANTELME: Yes, sir.

COMMISSIONER HUNTWORK: -- as we go about the task of trying to redistrict the State of Arizona so that your duty, like ours, would be
to exclude all other considerations or loyalties or associations and focus on that task to the exclusion of everything else.

I say that as I know as an attorney you will have thought this through. I do think it bears stating out loud.

Would you comment on that.

MR. CANTELME: Mr. Huntwork and members of the committee, I'd have no problem doing that. I honestly believe the way this Commission was structured, you were chosen, four of you, as members of a particular party. Now as members of the Commission, you are in essence commissioners for your client, if you will, which is the State of Arizona. My client, if I were selected, would be the entire Commission.

I think it is incumbent on the Commission and counsel for the Commission to really be strictly nonpartisan and to follow the criteria laid out in the initiative. And those criteria taken from the Arizona Fair Representative Case are pretty clear, as I see it. Parties and party registration is not to be taken into consideration.

That's how I would approach the job.

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CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman,

erriring on the side of full disclosure, I feel I

should state for the record Mr. Cantelme in a

prior firm was a partner and my daughter was a

very junior associate in that firm.

MR. CANTELME: A very good one.

COMMISSIONER MINKOFF: She is no

longer with the firm. He's no longer with the

firm. I thought I should disclose that.

CHAIRMAN LYNN: Thank you,

Ms. Minkoff.

COMMISSIONER MINKOFF: My question

is with regard to the fact we're going to be

engaging two counsel, Republican, Democrat. In

your case, one is a partner of yours. In your

case, the other counsel may be your partner or may

be from another firm. And I have kind of a

two-part question. Number one is I want you to

address the issue of the kind of working

relationship you would see developing with your

co-counsel and, secondly, where there are

disagreements and where there are differences of

opinion, how you would deal with those in bringing

them to the Commission.

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MR. CANTELME: In working with co-counsel, we both have the same client. So it really would be no different with associated counsel, should be no different than working with associated counsel for a private client.

In my experience, I've been experienced with many cases with associated counsel. You divide the experience. One may have strengths in one area, others have strengths in another area. And you try to concentrate there.

If, to get to the root of the question, if there should be a disagreement between the two lawyers on how to proceed, and the law, actually, is fairly well settled in this area, shouldn't be many disagreements, particularly with respect to equal protection clauses, the fair way to do it, each lawyer presents what his advice is, a very candid, up-front way: I see it this way. I see it that way. You are the client and ultimately the client makes the decision, albeit with advice from counsel.

Before you get to that, I think it's important to develop a good working relationship, develop confidence in co-counsel. And if you do,
these problems shouldn't come up.
You've been, from what I can see,
interviewing very good, very able lawyers on both
sides, Democrat and Republican lawyers on both
sides. It shouldn't come up, I don't think. I
hope not.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Hello. Good
morning.

Your partner gave me a copy of your
article I asked for. It's very good.
Your article is speaking to my
question. Because our decisions, as you well
know, must be governed by a variety of principles
or constitutional issues. And in my mind, it
appears that those, many of those, or some of
those, are in conflict, one with another. And in
your role as legal counsel to this Commission, how
would you propose to help us to resolve those
apparent conflicts?

MR. CANTELME: Well, the criteria is
really ranked. And I think that is your guide to
it.

First and foremost, of course, you
have to follow the federal constitution in terms

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of equal protection, the one-person-one-vote rule
and Voting Rights Act.

I think the area I would expect the
most difficulty is really the Voting Rights Act.
Because the one person one vote has been litigated
now for 35 years. And law there is pretty well
developed.

Essentially for congressional
districts, you have to have nearly identical in
population. For legislative you have some leeway
which allows you to take in community of interest
and other considerations.

Again, it's pretty well-established.
You can only go five percent up, five percent
below, and shouldn't go the whole five percent if
you can avoid it.

The Voting Rights Act is where, in
nearly every instance, since adopted, Arizona has
failed. When I say that, I'll give an example.
In 1972, in the Klahr vs. Williams case, for
whatever reason, the Legislature cut the Navajo
Reservation in half. To quote Judge Craig, who I
clerked for one time, "The Indians were done in."
That's his language from his opinion.

Rather than learning the lesson, in
1982, this time it was the San Carlos that was divided. That again resulted in the plan not being precleared and the legislative plan gunned down.

1990, lawsuit, settlement. Settlement was reached and the lawsuit resolved. The point is I think it's very critical to respect the voting rights principles 100 percent as literally as you can.

I strongly advise, just if I may, gratuitously at this point, you'd do well to consult with the tribes, find out what their interests are both legislatively and congressionally. Beyond that you have a roadmap in the initiative with respect to county lines, with respect to cities, to the extent you have a city big enough to include more than one particular district.

For example, City of Phoenix, that's kind of a happy coincidence Phoenix has nearly enough population to make eight districts, legislative districts, that is. You could divide those all within City of Phoenix and respect criteria laid out in the initiative.

To the extent there is a conflict,
Mr. Hall, I believe they are ranked in the initiative and in the case from which they were drawn. And whatever is ranked higher is what you obviously place higher.

COMMISSIONER HALL: Thank you.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: One of my frustrations is with DOJ and their reluctance to grant an opinion. We've been given Proposition 106 which is somewhat outside the box as far as the grid-like process to commence with. There may be other areas where we need to creatively be able to involve communities of interest or various other aspects.

Do you see any potential or way that we could either get an opinion from DOJ or an off-the-record opinion that yes, this process may very well meet preclearance criteria before we go down that route?

MR. CANTELME: Not anything official. I might be able, if you have some contacts in Department of Justice, to obtain a little friendly advice.

Preclearance, as I understand it, is a pretty formal process. I wish I could get a
preclearance opinion in advance, could follow it and avoid problems. What we're left with is to follow Supreme Court cases. There are a lot of cases in the last 10 years. Follow those cases. I don't think you can get an advisory opinion in advance. I don't think there's any reason why you can't ask for it. To my knowledge, there's no rule that prohibits it. But as my mom used to say, "Asking and getting are two different things."

CHAIRMAN LYNN: A wise woman she was.

MR. CANTELME: She was indeed.

CHAIRMAN LYNN: The next question is mine. I want to ask a question which doesn't have to do with lawyering or anything else. My question for you is very general, broad, open for you to answer any way you choose. I'd like to know who you are, what you believe in, the sum total of your life experiences that bring you to us today. Take some reasonable amount of time and tell me all those things.

MR. CANTELME: I'll begin at the beginning.

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I born in Phoenix. One side of my family is fifth generation Arizona, long roots in Arizona. My dad's side came to Arizona, like so many, in World War II, was stationed out here, got married, and moved out here for the rest of his life.

I come from a family of fire fighters. I'm the only one who wasn't. That's because I failed the test and went on to law school instead.

I went to St. Mary's High School, Glendale Community for two years, Harvard to finish, Stanford for Law School, clerked with Judge Craig, went to Lewis & Roca where I stayed for 15 years, and then decided I would go into business.

And I was in business for four years in the custom home building business and decided that although I represented many people in the area, they knew how to do it better than I did. Came back to what I could do and knew better than anything in my life. Came back to this area.

I was on the Democratic team. John Frank was the head of it. John had been on every redistricting case up to this current cycle. I
had experience that way.

I was interested, kept folders on many cases, had built up a huge binder of cases, which led me to write the article I had written there before the Commission was adopted, wrote that in 1999. It was just being talked about. I had an interest in the area all along.

My interest coincidentally was in the way the initiative was drafted, was communities of interest. I saw that in 1980 if we had followed that then, it would have avoided some problems that existed. Of course, at that time the Legislature was doing redistricting. And it's never been able to do it right yet. Each time it's tried, it's failed and always resulted in a court lawsuit.

If they had followed, really, the ranking in the initiative, federal Constitution first, one person one vote, and voting rights, which is in the act, not Constitution, federal, and when past that, communities of interest, counties, cities, smaller areas, and you'll stay out of trouble. I really believe that. And you'll have a much fairer representation, because you are representing people as they live and work.
and what their interests are.

Also, an interesting thing about it, if you do it that way, it's not really a criterion for the Commission, but it's fair to political parties as well. The fact is they'll get what they deserve, registration strengths indicate. Resulting strengths, some Republican, some Democrat, some naturally swing.

The key is to get a fair number of swing districts then inculcate more interest in the populous for running.

People don't run, don't have competitive races because the districts are one way or the other.

I think that would produce a better Legislature if you did it that way.

That's a little bit of me and my philosophy.

CHAIRMAN LYNN: Thank you.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Could you give us, have you had the opportunity either professionally or on your own time, so to speak, to work with communities of interest in the State of Arizona and, if so, could you tell us what some
of your successes have been?

MR. CANTELME: Well, I've been involved in a lot of the nonprofit sector. I was first involved -- well, to even go back before that I had been a Democrat at one time in my life and elected in 1972 at the age of 17 as a delegate to the State Democratic Convention. Had an interest in public service for many years.

In terms of nonprofits or public service, in the 1980s I was involved in Community Council. In the early 1990s, became it's president and led into the merger with what had then been the Phoenix Forum that Mayor Goddard had started to address public issues. We merged our two entities. The purpose of Community Council was to try to lead various community groups together to pool the resources so there wasn't so much duplication and thereby ineffectiveness. We were able to do that, merging in particular with the Phoenix Interest Forum.

I've been involved in the arts. I was on the Arizona Opera Board for a number of years. I was on the and am currently president of the St. Mary's Scholarship Award Committee, have taken an interest in education recently, am
currently president of the Deer Valley High School School District.

We tried something as a district, starting nonprofit corporation charter schools as an alternative within our district. We're not meeting the needs that existed but are not being fulfilled. We're now using that, I think, with some success in the district.

I've been involved for many years in various community efforts.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Cantelme, people have told us we must be crazy to want to do this job. And probably some people have told you, or if they haven't they will, you must be crazy for wanting to represent the Commission.

So other than the fact that lawyers always need clients, can you tell me what made you decide you wanted to submit this application to represent the Commission?

MR. CANTELME: Sure. I appreciate the question.

I've had interest in this area since I got involved in the 1980 case or 1981 case. I'm convinced a successful result from this Commission

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can have very widespread influence on the political scene in Arizona. If you create good, well-balanced districts, you are fulfilling, I think, what Madison said long ago of having interests represented in the political process. And if you let whatever those interests are come to the fore and compete at the Legislature, I think the result will be good public policy. What has frustrated those interests I think is dividing those interests in ways that don't really make sense, don't follow a community of interest, that really in all honestly have been drawn for the benefit of the incumbents. If you have good, solid districts, it's going engender participation from potential candidates that you wouldn't have gotten. If you have well-drawn districts, you'll have better Legislature, not to criticize folks down the street. I'm sure they do they best they can. Bring to the fore people that sit out of the process. The point I want to make is what first occurred in the 1965 original Klahr case. Look back, see the influence one case had in all

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redistricting cases after.

For example, districts created in that 1965 case led to a Republican majority in the House for the first time in the history of Arizona. And it's never been other than a Republican majority since.

I'm a Republican, like to see Republicans win. But it's not good for a state to have one party, in my opinion, dominate so much. And on the Senate side, there have been three elections in which Democrats had majority, but only three out of 17 or 18, however many it's been, since 1965.

So you can see the influence that one case had over the entire process. And the unfortunate problem, I think, is in the '65 case, the real breaking of the rural commonness that existed in the Legislature since statehood and the interest there on the part of the existing Legislature, you know, to preserve what you have.

This Commission can break that. It can make a very forward looking plan that I think will have an effect on Arizona thereafter.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: You've pretty
much answered -- I had a question with respect to
insuring maintenance of independence. You pretty
much answered that.

Would you have anything to add --

MR. CANTELME: Preserving
independence.

COMMISSIONER HALL: Your
independence as counsel to the Commission.

MR. CANTELME: As counsel to the
Commission you'd have my oath, as you would from
any lawyer, to advise you on what the law is.
That's of course first a lawyer's duty. What you
really want from a lawyer is to give you the law,
whether you like it or not, pro one side or the
other. Deal with it, one side or the other.

You've seen my article, heard my
philosophy on it. It lends itself to that
independence.

What, as a citizen as opposed to
counsel, what I'd like to see from this process is
a good, solid result that can stand the test of
decades, really. That's in a sense what you are
building. What you do here will have an influence
on the next Commission, set precedence on how you
operate this Commission which will be looked at by

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posterity for many years to come.

And your work product, simply
districts you draw, will have influence for years
to come.

This is my home, where my roots are.

I want to see a good product. I have that
interest as well as a professional interest.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mine relates as
well as potential candidates or volunteers as the
case may be for the Commission. And it relates to
time. You know, one is is what we see is what we
get? Are you the person that we are going to be
dealing with if so selected? And, second, do you
have the time to commit both in meetings as well
in preparation of submittal documents?

MR. CANTELME: What you see is what
you get. If you choose me, you'll have my
undivided attention and the full commitment. At
the same time, by a happy coincidence, I came back
to Jennings, Strouss & Salmon March 1. You'd have
not only my heart but my head as well.

CHAIRMAN LYNN: The last question,

Mr. Cantelme, is mine. It has to do specifically
with your legal experience, yours in particular,
not firms you've been involved with, not organizations to whom you supplied counsel, you specifically.

Would you outline any other experience you have in election law and/or redistricting concerns, other than which you've already talked about, your association with John Frank and Lewis and Roca years ago, I take it part of that specific subresume. Would you elaborate on it?

MR. CANTELME: Yes. My experience is directly the 1981 case, peripherally the '91 case, which was really Janet Napolitano's case. I was there as a sounding board. These cases only come around once every 10 years. There are not many years to have direct experience with it. But beyond that, you've seen my article, seen my depth of knowledge. I won't elaborate on that.

I think one of the most important things for this Commission is to observe the open meeting laws strictly. I know you will. I know that's your intent. That's where boards, commissions, get in a great deal of trouble.

I serve on a school board. I have experience in that respect both as a lawyer having

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advised school boards for many years on open
meeting law, now having to live it, having had to
observe it.

The reason I say open meetings are
so important, one of the criteria under recent
cases, the Supreme Court, that court looks at in
terms of voting rights, any insidious intent to
discriminate.

If you follow the open meetings law
directly, you'll have a record of all
deliberations. And that record is what will
prevent you from, A, getting into court or, B, if
you get into court, succeeding, winning your case.

I have experience in open meetings
on both ends of it. Those are two ends of it,
existing law, civil rights, voting rights, one
person one vote, and open meetings, public
records.

CHAIRMAN LYNN: Mr. Cantelme, thank
you very much for your interest and submissions.

If you have extra copies of the full
article, we could save trees by passing those out.

MR. CANTELME: I do.

COMMISSIONER MINKOFF: I have one.

COMMISSIONER HALL: It's excellent.

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MR. CANTELME: Thank you very much.

CHAIRMAN LYNN: I want to thank all candidates for the legal positions we have, legal positions. I know some have gone.

It's very clear to me, it's the prerogative of the Chair to say however it happened, whether it's such a small specialty within the legal profession, or whether we were just very fortunate, I think we have a very rich, very rich pool of applicants for our positions.

I know from my standpoint, it will be quite difficult to make judgments between and among the applicants.

So to all of you and to those of you not with us at this point, I really am very appreciative of your interest. I think -- I'm not sure we could make a mistake in terms of selection. I think we'll do very well regardless of the combination.

Thank you all for being here.

What's the pleasure of the Commission?

What's the pleasure of the Commission, deliberate on the issue of legal counsel? We said we'd do it in conjunction with

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lunch. Take five minutes, arrange for -- have
Bill arrange for food to be brought in, or some
other way to deal with that? Based on our earlier
issue with respect to deliberation on this
particular selection, do that deliberation in open
session and do it after the five-minute or so
recess, if that's acceptable to the Commission?
COMMISSIONER HUNTWORK: I promise
not talk with my mouth full.
(Recess taken.)
CHAIRMAN LYNN: We have everybody we
need to be back in session. Let's reconvene,
subject to a break when we get the food which I
understand we really can't do in here according to
our hosts.
Since the discussion needs to be in
open session --
Mr. Elder.
COMMISSIONER ELDER: I want to ask a
question of Mr. Kanefield.
Is there anything we have to be
aware of in this process either because of state
contracts or something we have to do?
MR. KANEFIELD: Not that I'm aware
of.

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COMMISSIONER ELDER: Didn't want to get down a road or byway we shouldn't have.

CHAIRMAN LYNN: We don't have the procurement people here.

MR. KANEFIELD: Those questions would be best addressed of them.

COMMISSIONER MINKOFF: We have evaluation reports. I don't have the slightest idea how to fill them out. I need advice on that as well.

CHAIRMAN LYNN: Before we make any --

COMMISSIONER HALL: Do we have to do these as well?

COMMISSIONER MINKOFF: I think we do.

COMMISSIONER MINKOFF: Initials after everybody's name and --

CHAIRMAN LYNN: That's just the law firm they represent.

COMMISSIONER MINKOFF: Represent law firms with a lot of common initials.

COMMISSIONER ELDER: Law firms have common initials.

CHAIRMAN LYNN: Mr. Hall.

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COMMISSIONER HALL: Mr. Chairman, I was going to make a recommendation, maybe, to see if, if anyone was in agreement of maybe who we'd want to eliminate before we get to finalists or what is the feeling about that?

CHAIRMAN LYNN: Whatever your pleasure is. If you want to just begin to discuss relative strengths and weaknesses, if you want to try to eliminate. I'm open to any process you'd like. I think we have questions about procurement and the actual end of the process. What we ought to do at this point is perhaps just talk about our impressions and what we felt and at the point where we need some clarification about forms and other have-tos, we'll ask the procurement people before we make any errors in that regard.

I think we could at least begin the discussion and make use of the time.

COMMISSIONER MINKOFF: How do we do that since we don't know how to proceed, really? I want to be in compliance with procurement procedures.

CHAIRMAN LYNN: I don't think there's any problem giving the impression with what you heard. That's part of the process.
regardless. Maybe what we need to do at some point in expressing opinions, some heard them, take a moment, do our own individual scoring, if we choose to do the scoring, so we have that as part of the record.

Would anyone like to be heard in general discussion about the presentations?

COMMISSIONER ELDER: I'll start just because you started at that end with the questions. We'll start at this end and move down.

I suppose the two Democratic counsel I'd like to start with, and two quotes I really enjoyed, I gleaned out of their presentation, one by Mr. Rivera was "You don't need to build the bridge as much as helping somebody cross the bridge." That has some imagery that is just wonderful. And Mr. Calderon, "I believe in possibilities." Both of those, you know, have images, have a sense of where we're going and what we need to do. So, with that said, on the Democratic counsel position, that's a real tossup. That's a hard one for me.

I think the answers given to my questions about entanglement in relation to DOJ is valid all the way through. Kind of devil's
advocate, also not so, how do we go down the road, get opinions so we don't go down the wrong trail further than we need to before we get pulled back to where we have a defensible process as well as defensible prequalification submittal.
I think either one of those are excellent. I don't know how to make a choice between those two.
When we look at Republican, they were probably more substantive in experience with the possible exception of Mr. LaSota.
Mr. LaSota answered, you know, the entanglement issue in the question but didn't really have much experience in the redistricting or the voter rights, to a great extent. So if I was to rank Republicans, I'd put him on the bottom of the three. But Lisa Hauser and David Cantelme, Lisa seemed to have, or Ms. Hauser, seemed to have more hands-on experience, recent redistricting law and voter rights. But then David Cantelme had seemingly a lot of research and a lot of research over a longer period of time.
I don't have a whole lot of difference between those two as one to whatever you want to call it.

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Let me bail out at that point and pass it on down the line somewhere.

COMMISSIONER HALL: Mr. Chairman, I evaluated these proposals individually and in my own private quarters based upon what I had in writing then and not considering party affiliation, just simply assessing what I saw before me based upon what I perceived to be the needs of this Commission and what skills and experience these individuals have. And then subsequent to the interviews, I have resituated or almost essentially reaffirmed what I initially thought but resituated a little bit. Would it be appropriate to share my order?

CHAIRMAN LYNN: Happy to have it.

COMMISSIONER HALL: This doesn't consider again party affiliation. Evaluating my opinion based on what I see, without question the most qualified individual for our counsel position is Ms. Hauser. Her resume speaks of itself. And I think her interview only simply reinforced that opinion. Then I felt like that secondly, I felt like Mr. Calderon was second. Then I had placed Mr. Rivera and then Mr. Cantelme and then
Mr. LaSota and then Mr. Peters. So that was just kind of how I came into this based on what I had reviewed initially. And that's what my current opinion states with respect to what I heard on the interview.

CHAIRMAN LYNN: Thank you.

Ms. Minkoff, Mr. Huntwork, either one.

COMMISSIONER MINKOFF: Well, I'm really sorry Mr. Peters wasn't here for interview. Because I looked at all these resumes beforehand and thought that I knew who I liked best; and then I heard our interviews today and I really learned a lot more about these candidates than I had known just from reading the resumes. So my opinions changed.

I didn't do it the way that Mr. Hall did it. I took them by party, because that's who we are looking to hire. And I believe that Mr. Rivera and Mr. Calderon are both very credible attorneys. I like their philosophy. I like their approach. I like their dreaming dreams kind of, which is what I think we are doing.

And Mr. Calderon mentioned he had no direct experience with redistricting. Mr. Rivera
has a little bit of redistricting experience. And certainly working in the United States Attorney's Office gave experience with it. That to me was the tie breaker, two capable, credible candidates.

In the experience area, Mr. Rivera scored higher. So he would be my recommendation.

In terms of the three Republican candidates, while I think Mr. LaSota is a fine attorney and incredibly well prepared and had a wonderful presentation, he has a lack of redistricting experience. Based on the fact we have other attorneys that have redistricting experience it caused me to rank him lower than the other two.

And the other two, once again, Mr. Cantelme's vision just captivated me. I really liked his sense of mission in terms of what we're trying to achieve.

Once again, looking at experience, I think Ms. Hauser has probably more experience than the other five candidates put together. So based on that, she would be my first choose.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: You know, I think we have a difficult choice, because we are
choosing among such outstanding applicants. This
is, you know, an embarrassment of riches. And
that's what makes it so difficult. But even so, I
felt in my own mind, at least, there were two
candidates who stood out based on experience, and
specifically Ms. Hauser and Mr. Rivera.

This is not to suggest that there is
anything lacking in any of the other candidates
who would do an outstanding job for us. And I
could enthusiastically support anyone any of the
other members selected.

I did feel on experience those were
the two outstanding selections. And possibly had
we done, you know, a search of the state and been
able to pick out and group two people that might
be most ideal for the situation, it might have
been those two. I'm very grateful for the fact
that they've applied. Obviously I feel fairly, in
my own mind at least, fairly strongly, that would
be the right two.

CHAIRMAN LYNN: Let me share my
thoughts and add to the discussion.
I think we're very fortunate to have
an outstanding group of attorneys from which to
choose. There are compensating balances in each

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choice. There's certainly more experience in the specific area of the law that we'll be dealing with in some candidates as opposed to others.

There was, I think, a refreshing unanimity in terms of philosophy among all candidates in terms of what the job entails and in terms of what their responsibility would be to us and by extension to the people of Arizona.

In terms of individual choices, I, too, recognize that Ms. Hauser possesses the most experience in the specific area that we're dealing with. And that reason alone makes her an outstanding candidate, along with all the other things that are a part of her resume for one of the two positions.

The Democratic counsel, if you will, is for me a tougher decision. And what I'm weighing, quite honestly, is Mr. Rivera's association and history with the Department of Justice, which I think could be invaluable, with Mr. Calderon's personal and firm support as the other co-counsel. That is to say if we were to hire Mr. Calderon, by extension, as he and Mr. Cantelme both said, we get two, plus 78 others, apparently, but we get the firm as a part
of that hire. That's impressive and gives me a fair degree of comfort that whatever area of the law we get into, the resources will be there. So that for me is a tough choice.

I think I could be very happy with either Mr. Rivera or Mr. Calderon on that side of the equation.

I certainly could be happy with either Ms. Hauser or Mr. Cantelme on the other side of the equation.

But on balance, the strength of the resume goes to Ms. Hauser. And she would probably be my first choice on the Republican side.

So, Mr. Hall?

COMMISSIONER HALL: I guess the question here is in the event that we were of the opinion, unanimous opinion, on one counsel member, would it be appropriate to make a decision on that one counsel member and then to ask that person's opinion on the other counsel member?

No?

MR. ADLER: Offhand, I'd say no. I'd have to research. I don't know if there's any law against it. They are candidates for -- they are candidates for a position, a contract with the

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state. I don't think it would be appropriate to ask a competitor.

COMMISSIONER HALL: What I'm saying is we agree to offer, to hire, one person to be counsel. So effectively at that time would they not be employed by us?

MR. ADLER: They would be contracted by you.

COMMISSIONER HALL: Okay.

Contracted by us. Then at that time would we not be able to ask that person their opinion relative to any matter?

MR. ADLER: That would be a major change from the process you've chosen to use at this time. I think a disappointed offeror could possibility protest and might prevail on those grounds.

CHAIRMAN LYNN: In effect, I want to go back to the record, let's make some assumptions in the scenario. These assumptions might be erroneous, but in the form of discussion, if there's some unanimity with Ms. Hauser's candidacy, and there seems to be, in her presentation before the Commission, unless I misheard her, she made specific reference to both

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Mr. Calderon and Mr. Rivera and said she could
work equally well with either of the two of them.
That's my recollection of what she said to us.
I'm not sure it would be appropriate to ask her at
any point to make a further distinction where
she's made that position quite clear.
So, I think we may have the
answer -- or an answer to that issue.
COMMISSIONER HALL:  It is an answer.
You are right.
COMMISSIONER MINKOFF:  It puts her
in a very uncomfortable position, also, making a
choice between colleagues.
COMMISSIONER HALL:  Wouldn't be the
first time we'd put her in an uncomfortable
position.
COMMISSIONER HALL:  Mr. Huntwork, I
want to ask you your opinion. I agree your
question, to quote Mr. Calderon, bench strength,
versus my term, political swish, something
Mr. Rivera would bring to the table. He knows
people at the Department of Justice. While that
might be changing rapidly, not to undermine his
legal ability, my question to you as an attorney,
what is your opinion on that matter? What would

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be best for this Commission?

COMMISSIONER HUNTWORK: Bench strength is important in a certain context. If we're hiring a firm to also litigate for us, the example Mr. Calderon gave, then it would be an important consideration. I'm not sure that we are. That would be a decision we would make later. And it would depend on a lot of factors including the extent to which the attorney representing us would or might be a witness in the subsequent proceeding. And that's an issue we would explore when the time came and a decision we would really make when the time came.

I don't believe that we're going to get sued prior to then other than, for example, breach of a procedural rule or an open meeting law requirement, which we will certainly be doing our best to avoid. And I hope we will succeed. I certainly expect we would succeed.

So I think the key is that the question that Commissioner Elder asked everyone, and that is what is your time, what is your availability, I do think we're hiring, at this point, essentially an individual. Some bench strength, some back-up --
COMMISSIONER HALL: We're going to get two for one, as Mr. Lynn indicated.

COMMISSIONER MINKOFF: With paying by the hour, as a practicality.

COMMISSIONER HALL: Two minds are better than one, or 50 are better than two.

COMMISSIONER HUNTWORK: I don't think -- I think the issue of bench strength to support litigation, for example, is pretty much irrelevant.

I was very impressed with the combination of Mr. Calderon and Cantelme. I obviously was very impressed with them. But in my own mind, personally, I was just that much more impressed just with Mr. Rivera.

He is leaving his role as US Attorney and is available to take on our Commission as his next primary responsibility. I would be very honored to have him as my attorney. That's how I feel about it.

You asked for my opinion. You got it.

COMMISSIONER ELDER: Really, as making notes and went further and further into the group presentations, writing down differences, the
only difference between Mr. Rivera and Calderon,
in answer to my question, Mr. Rivera says "We
don't want to hide the ball from DOJ" and
Mr. Calderon said, "We have to watch out very
carefully for that entanglement. It might be
perceived as having some sort of effect on how we
redistrict and how we develop the process."

That's a tough one for me. I've
always been very open with my clients and always
gone out in front and asked questions. They don't
have to answer me. At least I've asked the
question. So I tend to like the response of
Mr. Rivera from that standpoint. And that would
probably be where my difference is, also.

COMMISSIONER MINKOFF: I had a
couple of thoughts. Number one, I think clearly
we're not hiring a litigator at this point.
Hopefully we'll never hire a litigator. That's my
goal. If we do need support in court, then I
think we'll have a conversation with him, who is
the best counsel to represent us. Talents I'm
looking for now are an attorney to do the job
right to either avoid litigation or create a
product that would prevail in litigation
regardless of who litigates it.

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I think that Mr. Rivera's contacts with the Justice Department, knowledge of how DOJ operates, could be very, very useful.

And the other thing is that while Mr. Calderon has a very impressive resume and a lot of experience, and experience in election laws, he specifically stated he has no experience in redistricting cases.

And while Mr. Rivera does not have extensive experience, he was involved in the 1992 case involving redistricting. So he does have that little leg up.

It's a relatively close call. I really feel he'd be my choice.

CHAIRMAN LYNN: Yes, John?

MR. ADLER: Just a point of technical clarification, if I may address the Commission. In making -- a rule of thumb in public procurement is that you put forth your requirements and you rate those offerors as they comply or don't comply with those requirements. Set ground rules up front and document what you call for in the RFP.

In that document we did emphasize two areas, one was individual qualifications, and
also one was experience of counsel.

The areas you wanted to emphasize are those areas of experience with election law, Justice Department, federal court issues. You did not address litigation. So that really was not included as evaluation criteria. And you did really focus on individuals.

CHAIRMAN LYNN: You say "did."

MR. ADLER: Did focus in scope of work on individuals and in evaluation of criteria. I suggest you keep it within those confines.

The alternative, or the argument I would make as a lawyer who is not selected based on that, if selection is made outside that criteria, would be that I could do that, too; you just didn't give me a chance. We always have to be careful of that.

CHAIRMAN LYNN: While we have you explaining things, let's take the opportunity before we continue discussion to ask a series of questions about procedure, about how we go from here.

MR. ADLER: Would you like me up there?

CHAIRMAN LYNN: It doesn't matter.

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As long as Lisa can hear you, it's fine.

You've given us a scoring sheet, an evaluation report. So that's a series of questions about that report. Is it a suggestion? Is it a requirement? Do we have latitude? How would you like us to use this and what is the rationale for using it?

MR. ADLER: What we gave you is a tool. You do not have to use it. We are making our notes. And we will use the notes that are taken here to be the supporting documentation in the procurement file. That basically was just for your information or your convenience in noting a preference.

CHAIRMAN LYNN: No requirement for individuals or collective scoring with a specific point figure for each of the criteria?

MR. ADLER: No, sir.

CHAIRMAN LYNN: Back to the point. The RFP stressed two areas stressed here. Much of our discussion has centered on those two points.

Next, how do we proceed to actually make the decision and move forward to securing contractual relationships with the attorneys that we've selected?
MR. ADLER: The cleanest process I could recommend is that you have a motion, second it, and vote.

CHAIRMAN LYNN: On each individual.

COMMISSIONER HUNTWORK: Two motions.

MR. ADLER: That can be two motions, yes.

MR. ADLER: And that could be the decision of the evaluation committee.

I've been following along with your evaluation, questions, closely. They seem to be appropriate. For the evaluation you're conducting, the discussion you're having now is very healthy. And certainly again it falls within this. And certainly again it appears you've come close to making a decision based on the decision, evaluation criteria in the RFP.

Information in the RFP is what I'm trying to make you focused on a bit.

CHAIRMAN LYNN: I appreciate that.

Anything else you or Mr. Kanefield would like us to know before we move ahead, finish discussion, come to closure?

MR. ADLER: The only thing I'll tell you, once you've made a decision, you have to go
back to the original meeting. What we've done here is done under the, what we call a determination, that competition under the normal procurement process is somewhat impracticable. You are meeting in public and making a selection as a Commission. We are going to take what you tell us at this Commission meeting and, for instance, if you say you vote to pick attorney A and attorney B, we will go back to those lawyers and negotiate a contract and you are off and running. I don't imagine it would take more than a couple days.

CHAIRMAN LYNN: Okay.

Mr. Kanefield? Nothing?

All right, then, to the Commission. Any other questions you would like to ask procurement folks before we move ahead?

Mr. Huntwork?

COMMISSIONER HUNTWORK: The scoring sheet handout has rates on it. It's my understanding, under the open meeting law, that we could discuss the terms of the contract in executive session. I hesitate to make a more definite statement about the rates, because that's what we would talk about in executive session, if
anybody cared to do that.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: I had a similar question.

CHAIRMAN LYNN: With respect to that?

COMMISSIONER MINKOFF: With respect to that, yeah.

Are these rates, that's what we pay if we hire these people or do you negotiate different compensation schedules?

MR. ADLER: We will negotiate with them. There are certain terms and conditions. I believe the request for proposal contained probably all the mandatory legal requirements of a state contract. So there will not be much to discuss there. The -- we can discuss fees.

I might add that the fees appear to be fairly close to reasonable. They are reasonable.

CHAIRMAN LYNN: I certainly thought they were, within the definition of reasonable.

COMMISSIONER MINKOFF: Less than I thought they'd be.

COMMISSIONER ELDER: Then we saw on

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this one rate, are there different rates for
clerical, administrative assistant. Is that
something that would come down the line?

One of the things I perceive as
needing assistance on, just because I don't like
to write that well, I would really, really like to
have the assistance of an attorney to review or
write specific sections. I assume it's not all
being done by an attorney on a laptop and handed
to us to process. There should be some rates they
can bill not at their principal rate.

MR. ADLER: We have some rates we'd
attempt to negotiate in their rates.

COMMISSIONER ELDER: As long as
there's something in the contract.

CHAIRMAN LYNN: The purpose of that
comment, what needs to purposely concur, make sure
we're not paying the same rate for all members of
the firm, clerical, paralegal, support, as well as
what the principal in the firm submitted. I don't
know if this is a blended rate or the individual
submitting.

MR. ADLER: It's the rate for the
individual lawyer.

CHAIRMAN LYNN: We'd like rates

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commensurate with skills and ability and relative
value.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Those were
the points I was wondering if we should try to
discuss in executive discretion. You covered
them.

CHAIRMAN LYNN: Well, in that case,
the Chair would entertain -- let me say this:
I think we have raised most if not
all of the salient points about the candidates who
appeared before us. I think there's an area of
agreement. But I'm -- again, I also try to seek a
consensus. I think we should try to come as close
to unanimity on all issues as we can. With that
in mind, I'd be happy to reopen for additional
discussion so we might achieve that. I would also
at any point take a motion for one or the other of
the positions we have in front of us with the idea
I hope it could be as close to a unanimous vote as
we can muster.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman,
I think we have achieved consensus certainly on
the issue of Republican counsel.
I would like to move we authorize negotiations to develop a contract with Lisa Hauser to be the Republican counsel for the Commission.

CHAIRMAN LYNN: Second?
COMMISSIONER ELDER: Second.
CHAIRMAN LYNN: Mr. Huntwork.
COMMISSIONER HUNTWORK: Point of order. I'd like to suggest or request we employ Ms. Hauser who is Republican as counsel, not as Republican counsel.
COMMISSIONER MINKOFF: Better wording.
CHAIRMAN LYNN: Employing Ms. Hauser who happens to be Republican.
COMMISSIONER MINKOFF: The maker of the motion is more than happy with the suggested wording.
CHAIRMAN LYNN: As is the second?
COMMISSIONER ELDER: As is the second, yes.
CHAIRMAN LYNN: Discussion on the motion?
Hearing none.
Mr. Hall?
COMMISSIONER HALL: I'm waiting to say "aye."

CHAIRMAN LYNN: Okay. I'll give you a chance.

All those in favor of the motion, which is to retain Lisa Hauser as one of our two co-counsel, signify by saying "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

It is unanimous. We have done a monumental thing. We have begun to have staff. And this is good.

COMMISSIONER MINKOFF: Would you get busy, please.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, I would like to, barring a wordage issue, propose we acquire the services of Mr. Jose Rivera as counsel, or co-counsel I guess is the correct term, for the Commission.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: I'll second it.

CHAIRMAN LYNN: Discussion?

Hearing none, all those in favor of

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requesting staff to negotiate a contract with Jose de Jesus Rivera as counsel for the Commission, say "aye."

(Vote taken.)

CHAIRMAN LYNN: The Chair votes "aye."

Opposed, say "no."

Motion also carried.

COMMISSIONER ELDER: We have 25 minutes.

CHAIRMAN LYNN: 25 minutes to get fresh air.

Anything else you need from the Commission at this point to begin to negotiate those two contracts?

MR. ADLER: I assume we're empowered to negotiate this contract. Do we need any approvals from the Commission?

CHAIRMAN LYNN: Without objection, let us ask the procurement folks to negotiate the contract along the guidelines of the RFP; if issues come up either brand-new or somehow you don't feel you have direction from us, to bring that back to us for resolution. I think we've been very clear about what we need and they should...
be allowed to do what is needed.

COMMISSIONER MINKOFF: Mr. Chairman,

I suggest they should bring them back to you,

unless you feel it's a matter of such importance

the entire Commission would have to weigh in on

it, that we authorize you to make any decisions

that need to be made.

COMMISSIONER ELDER: The Chairman

may sign the ISA, or whatever it is we have to

sign.

CHAIRMAN LYNN: It would actually be

a contract.

MR. ADLER: We sign on your behalf.

COMMISSIONER MINKOFF: If there's

something you don't feel comfortable signing,

bring it back to us. If it's something you feel

is --

CHAIRMAN LYNN: At this point, the

issues, other than -- other salary issues with

respect to other support services, I mean the

scope of services are very clear in the RFP. I

don't expect any divergence from that.

Mr. Hall?

COMMISSIONER HALL: I just wanted to

say that I -- Ms. Hauser has been here, for

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example, at the last two meetings, three meetings.
I've been longing to pick her brain. So I -- so I
would like maybe as a future agenda item, I'd
really like to have an opportunity to have counsel
make a presentation to this Commission and say:
Hey, folks, here's where we are.
For example, in interview today, I
learned a ton.
I think they can do a lot to educate
us and bring us up to speed on a number of a
issues.

CHAIRMAN LYNN: Let's hold that
point until we get to that point on the agenda,
future agendas. It's an appropriate point.
Anything else with respect to
selection of legal counsel?
If not, you have your marching
orders.
We will take a 20-minutes recess and
be back here at 1:30 to see if we can have the
same kind of success with executive director.
Stand in recess.
(Recess taken.)
CHAIRMAN LYNN: I'll call the
Commission back into session.

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The afternoon session consists of consideration of executive director candidates. All five candidates have been called and are here. I'll note none are in the room at the moment complying with our voluntary restriction they remain outside until they have been interviewed. You have in front of you score sheets that have been provided by the Department of Administration. In discussion with the department, I have learned a couple of things. First, they are here for our convenience. You need not use them if you wish not to. They may help you in scoring candidates, but they are not necessary. They are not required.

COMMISSIONER MINKOFF: Oh, these forms?

CHAIRMAN LYNN: These forms. Uh-huh. In fact, so long as the decisions we make are related to job duties and responsibilities, we are free to make any decision we choose at the end of the process.

So, unless there is anything from any member of the Commission.

COMMISSIONER MINKOFF: I have a question.
CHAIRMAN LYNN: Please.

COMMISSIONER MINKOFF: The professionals that are here with us, I'm not sure it will come up, I have a whole list of questions here. I'm apparently going to get to ask two of them. But one of the questions I thought about --

CHAIRMAN LYNN: Ms. Albo, if you'd absent yourself a second.

Thank you very much.

COMMISSIONER MINKOFF: -- is with political activities, involvement of an applicant, how that would impact his or her work.

Is that prohibited or an acceptable question? And if it's questionable, I won't ask it.

MS. BRONSON: Christine Bronson, B-R-O-N-S-O-N.

It's probably not an advisable question to ask. There are, in the statute, prohibited activities of state employees. I don't have them with me. They are spelled out in statute. I'm sorry, they're only for covered employees. Uncovered are excluded.

COMMISSIONER MINKOFF: If any question --

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COMMISSIONER HUNTWORK: I was planning to ask that question. I think it's a very important question to ask. I will not ask it if it's clearly wrong, but I want to ask the question.

CHAIRMAN LYNN: I'm sorry, would you say it again?

COMMISSIONER HUNTWORK: I want, myself or someone, to be asking the question of what overtly political activities our executive director has been involved in.

COMMISSIONER MINKOFF: How that might impact.

COMMISSIONER HUNTWORK: From a partisan nature.

I don't know I want to ask how it impacts. I want to know. The public will know. The public will know. Will it impact, the perception, how -- what we're doing? What activities have you done? How can you convince me you'll be impartial in performance of your duties? It does come down to performance of duties.

CHAIRMAN LYNN: Is there a way, Christine, Claudia, to way ask the question in a broader way to elicit the same response that might
not be so objectionable in terms of specificity of
political activities?

Is there anything in your background
or any activity you've been involved in in any way
that would inhibit your perception of
independence? I'm throwing words around.

MS. BRONSON: Or interfere with
performance of duties.

MS. SMITH: There you can.

CHAIRMAN LYNN: Would that get to --
COMMISSIONER MINKOFF: May or may
not. I don't know.

Is there a way we can ask them to
focus specifically on political activities,
political or otherwise?

CHAIRMAN LYNN: Relating to
political or otherwise, I don't know whether it's
a fair question to ask anyone, about political
activity. I guess it is, I guess, okay, anything
in your background with respect to activity,
political activity, that would inhibit your
ability to provide services under the job
description in an independent manner.

MS. BRONSON: Impartial, impartial
manner.
CHAIRMAN LYNN: Impartial manner.

MS. BRONSON: I think that question would be all right.

COMMISSIONER HUNTWORK: Mr. Chairman, this is not exactly what I want to know.

CHAIRMAN LYNN: Okay.

COMMISSIONER HUNTWORK: The exact thing I would want to know is whether there is anything, I'd want to know anything that would create a public perception a person might be partisan one way or the other; I suppose is there anything that might overcome the perception, too, give the opportunity.

It is clear from the public comment that we have received, press coverage, and so on, that this is perceived as, at least symbolically, more than just a ministerial job. The person we select as executive director will symbolize a lot of things to a lot of people. I want to know what that symbol is going to be, if I can get that information without violating the law.

CHAIRMAN LYNN: I got it.

COMMISSIONER HALL: At the risk of sounding like a judge, you are asking them to comment on public perception.

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CHAIRMAN LYNN: Asking them to speculate.

COMMISSIONER HALL: Yeah. Calls for speculation, Your Honor.

COMMISSIONER MINKOFF: This isn't a courtroom.

COMMISSIONER HUNTWORK: If I can -- the question I would ask is similar to the question that we were forced to answer in applying for this Commission: What political activity have you been involved in?

CHAIRMAN LYNN: And would it create, in the minds of the public -- I'm just wordsmithing, Jim, to give you a question acceptable and that answers the question you are trying to have answered.

If somehow we related that public perception back to the ability to perform the task, does that, does that help your objection to the question?

MS. BRONSON: Yes, it does. It does need to be tied back into how well they could perform the position and execute their position.

CHAIRMAN LYNN: Jim, do you think you could formulate that question that way so it

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relates it back, gets you the answer you are looking for?

COMMISSIONER MINKOFF: As long as --

COMMISSIONER HUNTWORK: I suppose the way I'd ask the question then would be: Our executive director will have to work with everybody throughout the State of Arizona, of all political parties, all communities of interest. And the question is: Is there anything in your background of a partisan political nature, or otherwise, partisan nature, that would preclude you from -- not preclude you, but might interfere with your ability to gain the trust --

CHAIRMAN LYNN: Or to be perceived as -- that's the public piece.

COMMISSIONER HUNTWORK: Right.

 Might cause you to be --

MS. BRONSON: In the execution of your duties as executive director.

COMMISSIONER HUNTWORK: Is this something we should wait for our Attorney General representatives to get back here with us so we can ask?

CHAIRMAN LYNN: I think if Christine and Claudia are comfortable with it, I'm prepared

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to go with it. It's a critical piece, since not
hiring two, hiring one. Obviously individuals
we're talking to will have had whatever experience
in the political arena, volunteers or whatever.
Should we know that? It's a very reasonable thing
to assess.

Based on your experience, if you
think the relationship back to job duties and
performance is enough to qualify the question, we
should move ahead with it.

Are you okay with where we are, Jim?
COMMISSIONER HUNTWORK: Yes.
CHAIRMAN LYNN: Any other questions
of Christine or Claudia before we move ahead?
Christine, may I ask you to ask the
first applicant to join us?
MS. BRONSON: Sure.
COMMISSIONER HUNTWORK: I might
request I not be the first questioner.
CHAIRMAN LYNN: I was going to say
why don't we go the other direction.
Can I start?
COMMISSIONER HALL: Sure.
COMMISSIONER MINKOFF: Josh, always
in the middle.

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COMMISSIONER HALL: What?

CHAIRMAN LYNN: Ms. Albo, good afternoon.

MS. ALBO: Good afternoon.

CHAIRMAN LYNN: Thank you for your interest in the position and ability to be with us today.

I'll let you get comfortable.

We're going to ask you a series of questions. I can't tell you how many. You are the first one. However many we get through is however many we get through. I have the first one.

I'd like to start with this: If you would tell us, based on not only what you read in the job description but whatever thought you've given to this position, what you think this job entails and how you think you are best qualified to perform those tasks.

MS. ALBO: All right, Mr. Chairman, members of the Committee, I'm Malena Albo and pleased to be here on this hot day.

With respect to the job I believe is required, I think, first of all, it's going to be a 24-hour-seven-day-a-week job, going to the

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The position needs to have specific skills in terms of technical knowledge of redistricting and elections. Absolutely critical are communication skills, communication in terms of not just written, not just internet, not just verbal and presentations, in terms of reaching out and reaching out to all different areas of the state, all different areas of interest of the state.

We have a beautiful state geography, opinions, peoples, cultures. And it will be a better product if we include everybody out there in outreach, in development of this product.

The position needs to have knowledge of the state procurement process and the state -- I'm trying to think of another word to say instead of handcuffs -- opportunities the state provides, knowing procurement law, procurement processes, accounting, government accounting, public meeting law, how to establish public meetings, notice,
public notice. I'm missing some, could go on and on.

Do I get special credit because I get to be first?

CHAIRMAN LYNN: You get to be first. That in and of itself is special credit.

Thank you.

Mr. Elder.

COMMISSIONER ELDER: Ms. Albo, going further into public outreach you mentioned in your role as executive director, how do you feel the executive director's office should function in relation to public outreach? How far should you go? What are the components, as you see them, of public outreach?

MS. ALBO: Mr. Chairman, Mr. Elder, outreach, you can't do enough outreach. I don't think there's a quota, a -- a ceiling on that. I think the role, though, is one of mutual agreement in terms of how much the staff go out or how much Commissioners go out. But in terms of setting up public meetings, in terms of going out and about setting up, it's most critical to do a time line goal. Here's who we plan to address. Here's how we plan to address. Get
input, on how we plan to get there by this date; that's a little ambitious; or hit this little area or this population a little more; and give staff the blessing. And they run with it.

Did that answer?

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Good evening.

Is it evening yet?

CHAIRMAN LYNN: Not yet.

COMMISSIONER MINKOFF: Just seems like it.

CHAIRMAN LYNN: Always evening in here.

COMMISSIONER ELDER: There's sun.

COMMISSIONER HALL: My question focuses around communication. Let me lay a premise.

What I want you to do is answer how you anticipate the flow of communication. I see this person as a gatekeeper of a tremendous amount of information and communique. You indicated communicating with legal counsel, state, Department of Administration, physical facilities, not to mention the public, and each member of this Commission, not to mention staff. And there is
just -- plus anyone else, communities of interest, people that will want to call in to pressure you a little bit, or whatever.

What I want you to do is give me a picture of your vision of how you in this position would manage a tremendous amount of input and be able to do so in a way most effective.

MS. ALBO: Thank you, Mr. Chairman, Mr. Hall.

Managing a large amount of data and communicating with various stakeholders and numerous stakeholders is not anything new to me. In my role at DES during the time of welfare reform, Congress was planning welfare reform, thinking toward this process one day and the next day a whole different plan. What we did under my leadership: Here's what we're considering, the intended, unintended consequences. What are your thoughts there?

In terms of managing communication with the Commission and different stakeholders and different members, it would be of multimodal communication, e-mail, telephone calls, setting up processes when inquiries come out, here's information that goes out. I certainly think

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briefings for public and stakeholders on a regular basis, weekly basis, "Here is information from this week," managing the different media in terms -- by "media," I mean print or information media, not other TV, or press, or what have you. But they also will be a factor. But setting up those processes, a process where everybody knows what the process is, knows how communication will flow, when it will flow, that it comes through the executive director, or staff, and goes to you all and everybody has the same information.

I think consistency is absolutely important in information, accuracy in information. There needs to be checks and balances in terms of what information is given out to anybody outside of the office, and that includes Commission members where accuracy and quality are taken into consideration.

CHAIRMAN LYNN: Ms. Minkoff.
COMMISSIONER MINKOFF: I had all great questions. Three were just asked.

COMMISSIONER HALL: Great minds think alike, Andi.

COMMISSIONER MINKOFF: Ms. Albo, thank you for coming. Good to meet you.
I'm sure you are aware interest has been expressed about the lack of minority representation on the Commission and by the Commission on minority concerns that will result from our work.

Can you address to me the variety of steps you'd take to address that?

MS. ALBO: Mr. Chairman,

Ms. Minkoff, open flow of information, outreach to different, various community groups, stakeholders, cultural, tribal individuals, and the folks that traditionally think they are underrepresented in processes such as this, providing that open door, open dialogue, and aggressive approach to outreaching and communicating with them, understanding that everybody understands and gets information in a different fashion -- for some, reading reports, it's easier to do; others, some are better at chart reading. Some are better at chart reading and dialogue.

It's applying multiple approaches to communicating and involving individuals in terms of knowing what the time line for the plan is, knowing what the plan is, knowing where and how they can have input, knowing how they can have

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Phoenix, Arizona
access to information, knowing where they can input, have any input into the plan, so that everybody knows the same rules and everybody is playing by those same rules and you are consistent with that. I think that will go a long way.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I have a lengthy question which I have written down. And before you answer it, I want to give our consultants and counsel the opportunity to object to any part of this question.

MS. ALBO: Want me to step out?

COMMISSIONER HUNTWORK: No, not quite that.

MS. ALBO: Can I object?

CHAIRMAN LYNN: Don't get testy with us, Ms. Albo. It's a long day.

MS. ALBO: Not a good sign.

COMMISSIONER HUNTWORK: With handwriting like this, I could have been a doctor. We feel that our executive director will need to be able to work with people of all communities of interest and all political affiliations throughout our state. Have you been involved in any activities of a partisan nature,
whether political or otherwise, that might
alienate any group you might need to work with in
order to do your job effectively or if it became
generally known might otherwise interfere with
performance of your work?

CHAIRMAN LYNN: Mr. Kanefield?
MR. KANEFIELD: No objection.
CHAIRMAN LYNN: We heard from --
COMMISSIONER HUNTWORK: Real short objection.
COMMISSIONER HALL: Could you have made the question longer?
MS. ALBO: No, sir. Thanks.
COMMISSIONER ELDER: See if he could do it twice.
CHAIRMAN LYNN: He wrote it down.
He'll have to do it five times.
MS. ALBO: Mr. Chairman,
Mr. Huntwork, I've worked on partisan campaigns.
I've unfortunately been for all political parties
in the state. I've been an equal opportunity offender. And also been a proponent of Prop 106.
I'm an independent currently registered as Democrat to lazy to register,
reregister.

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Phoenix, Arizona
I'm sure, knowing the nature of these positions, somebody can find something somewhere. I did speed. Cameras did catch me and I wasn't wearing my seat belt. And I did lie on the weight on my driver's license. I was too little. Just kidding.

COMMISSIONER HUNTWORK: Okay. Thank you.

CHAIRMAN LYNN: Ms. Albo, the next question is in what areas does your experience and your education fall short for this position and what would you do about that?

MS. ALBO: Mr. Chairman, members of the Commission, clearly the knowledge of voting and redistricting is a big gap for me. I do not have any knowledge of redistricting or the laws other than reading Prop 106. I do not have any knowledge.

What I've already started to do is develop briefings with some individuals on both sides of the political aisle, both attorneys as well as independent interest groups out there who have a lot of knowledge nationwide on redistricting on voter rights and a lot of those issues. And so it's a combination of reading,
personal interviews, and intensive study sessions
with the laws applying.

CHAIRMAN LYNN: Thank you.
CHAIRMAN LYNN: Mr. Elder.
COMMISSIONER ELDER: One of the end
products or work products that we're going to have
to come up with is a document that will be sent to
Department of Justice.

What experience have you had with
preparing similar documents from the standpoint of
processing, editing, reviewing, publication,
physical publication of documents?

MS. ALBO: Mr. Chairman, Mr. Elder,
members of the Commission, a lot. In -- the short
answer. I'll expand and give you the specifics.

With welfare reform, the state had
to present a plan to the federal government for
approval. And in terms of my direct
responsibility, it was getting public input into
what the plan should look like, should be, in
terms of providing regulations, editing, the spin
of the document, communicating of that document
after created to stakeholders, too, so there's
input into that plan. That's one plan. And it
was approved.
In fact, our part on the native American piece in terms of our state plan and our state law, just a little bragging rights here, it is a model for the country and is used because of our proactive and progressive approach with the tribes in Arizona. And that directly was my responsibility.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: What personal attribute or characteristic do you feel is your greatest strength and with that, how do you anticipate utilizing that so it would help you in your function in this capacity?

MS. ALBO: Mr. Chairman, Mr. Hall, members of the Commission, that's a hard question to ask, especially during Lent; but I believe leadership would encompass a lot of the individual characteristics. To say my individual leadership capacity, that would be the ability to see a vision, to motivate a number of individuals to a common goal, setting that goal, and to get a lot of buy-in towards that so you have a lot of folks marching in the same direction, everybody knows their goals, knows what they need in order to get there.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
204

COMMISSIONER HALL: Thank you.

MS. ALBO: Let me go on.

No.

COMMISSIONER MINKOFF: Do you want to?

MS. ALBO: No. I can't talk about myself. I have a hard time.

CHAIRMAN LYNN: I don't think the Commission has disposition for sins of pridefulness or others you alluded to, we just don't. There's lots of things we can do. That isn't any of them.

COMMISSIONER MINKOFF: We'll work on that.

Ms. Albo, you currently have a position you've held for a number of years that to the best of my knowledge is not in everybody's gun sites. This one is. Can you tell me what motivated you to apply to be the executive director of the Commission?

MS. ALBO: Mr. Chairman,

Ms. Minkoff, members of the Commission, currently I am working for myself. I am definitely out of the eyesight and gun sites. However, for the past five years I would say, I would say as assistant

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Phoenix, Arizona
director at DES during welfare reform, I was
definitely in the gun sites of a number of
individuals, and, thereby, preparing me for this.

Actually, there's a number of folks
that were unhappy with services, whether your
er elder care, or legislators not happy with response
to one of their constituents.

The motivating factor here is, first
of all, the historic nature of what this
Commission can do, the impact that it will have,
long-term impact on Arizonans, and hopefully a
positive impact, which I believe it will be, and
to play a direct role and direct part impacting
that direction and final outcome. That's what
attracted me.

COMMISSIONER MINKOFF: Can I ask a
follow-up question?

CHAIRMAN LYNN: Sure.

COMMISSIONER MINKOFF: I wanted to
know. I thought you were still with DES. Can you
tell me why you left that position?

MS. ALBO: Mr. Chairman,

Ms. Minkoff, members of Commission, I promised one
year when recruited to go over there. After five
years I said, "I would like a change in
opportunity for some other skill building."

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Do you have any experience starting a business or an agency from scratch, including designing a business plan, staff requirements, equipment requirements, procuring, hiring, the administrative process?

MS. ALBO: Mr. Chairman,

Mr. Huntwork, members of the Commission, right now in my capacity working for myself, that is what I'm doing with some Native American tribes nationwide, establishing business plans, writing marketing plans. Right now at this exact moment, that's currently what I'm doing.

When I worked at United Way about six years ago, in the previous nine years before that, I was there for nine years, we helped nonprofits set up their business plan, marketing plan, and put together a board and taught it from A to Z, how to run a nonprofit, start a nonprofit; what you need to do in order to operate effectively within rules, laws nationwide and statewide laws, and established the Nonprofit Exchange Center, now called the Nonprofit Exchange Center at ASU.
CHAIRMAN LYNN: We've gone through two rounds. My fear is we won't have time to get through a third round with each candidate.

Is there any question any individual member Commission is dying to have answered?

COMMISSIONER MINKOFF: A technical one and also comment. When interviewing attorneys we were hard-pressed to finish two rounds of questions in a half hour, and this is amazing. I guess attorneys really do talk longer than other people.

CHAIRMAN LYNN: It's fortunate then the bids were not by the word, by the hour. They can speak as rapidly as they care to.

COMMISSIONER MINKOFF: I have one additional question. We are going to be hiring technical consultants who are going to do things absolutely beyond my scope of comprehension. Can you describe any prior experience you have working with technical consultants and how you expect to work with technical consultants we engage?

MS. ALBO: Mr. Chairman, Ms. Minkoff, I've worked with computer consultants. It's mind-boggling, establishing computer programs. I shouldn't say new, computer
programs for elderly, a 1-800 hot line for elder
abuse. And in fact working with them, working
with individuals who have a technical knowledge
where you don't, it's easier where you talk on the
results' plane and big picture. I'm great at:

Draw me a picture of how that will look; working
down from that, starting from a common definition
base and sharing that information with others.

CHAIRMAN LYNN: Anyone else wish to
add one question? If not, let me ask one very
brief one at the end that would be:

Should you be selected, how quickly
could you start? How much of your time could you
devote to this job immediately?

MS. ALBO: Mr. Chairman, members of
the Commission, I'd leave for Seattle on Sunday,
return Wednesday night, could start Thursday.

CHAIRMAN LYNN: Full time is the
implication.

MS. ALBO: Yes, sir.

CHAIRMAN LYNN: Ms. Albo, thank you
very much for your interest and appearance here
today. You are free to join the audience if you
wish to and are certainly free to do other things
if you have other plans. And we appreciate you

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being with us today. We'll be in touch as soon as
the process is completed.

MS. ALBO: Thank you.

CHAIRMAN LYNN: Again, for the other
rounds, we'll do two rounds and the two extra
questions, just to be consistent.

May we have Mr. Bailey.

If Mr. Bailey is not here, we'll
wait.

Mr. Bailey, if you'll join us right
down here at the podium. Good afternoon.

MR. BAILEY: Good afternoon.

CHAIRMAN LYNN: Thank you very much
for your interest in the position and ability to
join us for this interview.

MR. BAILEY: Thank you for inviting
me.

CHAIRMAN LYNN: The procedure is
we'll go through the panel a couple times with a
couple extra questions and in turn ask you a
couple questions. We have as much as a half hour,
whatever you wish to share.

MR. BAILEY: Okay.

CHAIRMAN LYNN: First my question.

Could you tell us, not necessarily based on the
job description you saw, based on that and your
own impressions, what you think this job entails
and how you feel you are best qualified to do it?

MR. BAILEY: I think based on the
job description, what I've seen, what I've read in
the paper, this job is pretty much to first of all
set up the office, run the office, manage the
office, and also set up the process by which the
Redistricting Committee submits its preclearance
to the Department of Justice or either the
Attorney General.

I think the other portion of it is
to make sure that you kind of think ahead in terms
of what is coming down the pike with regard to
information that is going to be requested by not
only the Commission members by also by the
community and also by the other entities in
Washington and also here in Phoenix.

CHAIRMAN LYNN: Thank you.

MR. BAILEY: The last thing though
there is I understand you have a six, seven
million dollar budget. I think someone is going
to have to be on roller skates to manage to get
this done. That's not a whole lot of money.

Someone will have to make sure they're very frugal
with the dollars given to the Commission.

CHAIRMAN LYNN: Thank you,

Mr. Bailey.

Mr. Elder.

COMMISSIONER ELDER: One of the goals of the Commission, one of my goals, is fairly extensive public outreach. There are going to be citizens calling in asking for information, information we're wanting to have disseminated to stakeholders around the community and the state. How do you view the executive director's decision role in outreach?

MR. BAILEY: I view the executive director's role, first of all, as anticipating which questions are asked of which communities. Putting together a frequently asked questions sheet, maybe setting up a small call center, if money allows for calls, a website to answer questions; in addition to that, working as many community-based organizations as possible to get as much input as possible from organizations as identified as wanting that information.

In addition to that, I think to a smaller degree, the executive director might wind up being, per se, kind of a spokesperson. They...
would be the person probably more available to
attend different kinds of meetings and dinners
more so than Commission members. You folks are
volunteers, have your own lives, jobs it's harder
to fit into schedules than the executive director.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Good afternoon.

MR. BAILEY: Good afternoon.

COMMISSIONER HALL: We all know
there's going to be a massive amount of
information. And, therefore, the flow of
communication is critical. In other words, you
know, to communicate with the consultant, with
staff, with counsel, with each member of this
Commission, with the public, and a variety of
other people, specifically, just off the top of
your head, or maybe you've thought about this,
what kind of process or model, communication
model, can you foresee in handling or managing all
that information and flow of information?

MR. BAILEY: I think, first of all,
you have to hire professional staff with that kind
of experience who have before dealt with a lot of
communication information. Set up the vehicles I
talked about before, website, phone lines,
recorded phone lines to answer people's questions.

They don't necessarily have to talk to a live body.

One other thing we could potentially do, set up meetings, editorial boards, whether large papers, small papers, around the valley.

Also a way to involve community and gain notoriety, bringing some kind of ambassadors around through part of the process, not necessarily a voting part of the process, people we gather input from in other organizations outside.

As part of my previous responsibility I worked for Qwest Communications here in the valley. Part of my responsibility, I ran a marketing department over a 14-state region.

One of the things we wanted to make sure was the message we put out was consistent, whether put out in the state of Washington or whether put out in the state of New Mexico.

I think that's key, also, messages that go out of the redistricting committee are consistent and no one in one part of the state hear something different than they're hearing in a different part of the state.

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CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Bailey,

thank you for being with us.

MR. BAILEY: Thank you very much.

COMMISSIONER MINKOFF: I'm sure you are aware of the concerns about lack of minority representation on the Commission. If you became executive director of the Commission, what steps would you take to arrest these concerns?

MR. BAILEY: Being a minority, I think some of the things I'd do involve organizations like the Black Chamber of Commerce, Hispanic Chamber of Commerce, NAACP. Even though they seem like organizations that don't have anything to do with redistricting, they are community people, capable. And it's important every aspect of the community is heard from.

Those kind of organizations, in addition to other types of organizations well-known in the community and not so well-known in the community, have the ability to provide information to the Redistricting Commission as we move on this quest.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Bailey.

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Phoenix, Arizona
MR. BAILEY: Yes, sir.

COMMISSIONER HUNTWORK: I'll read this question. I apologize. I want it exactly right.

We feel our executive director will need to be able to work with people of all communities of interest and all political affiliations throughout our state. Have you been involved in any activities of a partisan nature, whether political or otherwise, that might alienate any group that you will need to be able to work with in order to do your job effectively or if it became generally known might otherwise interfere with the performance of your work?

MR. BAILEY: No, I don't think that's the case. I do have a couple things I'd like to put on the table.

I've been in Phoenix four-and-a-half years. Prior to that I lived in Chicago, from 1990 to 1992, as indicated in my resume cover letter. I was chairman, finance committee finance chairman. It might appear as a Democratic appointee, but it was bipartisan. I was in charge of a three-and-a-half billion dollar market, 350 skills and negotiated 350 unions that represented...
the employees. And I never heard any kind of
issues in terms of things that would cause me not
be able to do that job.
               I would think the same thing would
be here, would be in place here. I'm currently
treasurer of the Greater Phoenix Black Chamber of
Commerce. I'm a board member for the Phoenix
Chamber of Commerce. I'm on the Urban League
Board of Directors. I'm active with my son's
little league team. I do a lot in the community
to make sure things I do are community based and
make sure I'm community involved.
               The last thing is if you want to
check my voting record, I'm listed as independent.
I'm not Republican or Democrat, though in the past
I was a registered Democrat.
               I think that over the years my
thinking has moved more toward center. I don't
consider myself either at this point. I don't
know if that hurts or helps me. That is in fact
what the case is.
               COMMISSIONER HUNTWORK: Thank you.
CHAIRMAN LYNN: Mr. Bailey, in what
areas does your experience fall short with respect
to this job? And assuming there are those

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shortfalls, what would you do about them?

MR. BAILEY: I think only the shortfall, based on the job description, is I'm not bilingual. I think what I'd do first is start taking Spanish lessons in Arizona; second of all, I'd find somebody to work on staff who is bilingual.

CHAIRMAN LYNN: Thank you.

Mr. Elder.

COMMISSIONER ELDER: One of the things the Commission is going to have to do is prepare a document that goes to DOJ as far as prequalification of the plan and ultimate plan. What experience do you have in development of documents of a same or similar type, processing, editing, really putting together the whole animal?

MR. BAILEY: In terms of putting together documents, getting to preclearance with Department of Justice, I have no experience. I have years of experience in market analysis, determine what products should be sold at a profitable rate various segments of population, various consumer parts of not only Qwest but at Bank of America and also Ameritec back in Chicago. Worked at Citibank, same thing, same kind of skill
Know what kind of information you're looking for, be able to analyze the information and present it in a fashion people can understand in laymen's terms.

I think I do have experience doing that.

Back in Chicago I was part of an organization called KOCO, Kenwood Oakland Community Organization, followed redistricting back in Chicago and gave input in terms of where we felt the district lines should fall. I was not heavily involved in that, but I was one of the people that looked at the final product to make sure it was coherent, understandable, and made sense.

And in addition to that, part of my formal training is I have a Master's Degree in Business Administration from University of Chicago which is heavily, heavily finance and analytical. And I think that gives me also some skills to give information, dissect it, and put together a plan that makes sense for preclearance.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: What personal attribute or characteristic do you feel is your
greatest strength and how would you utilize that
in performing the duties of this position?

MR. BAILEY: I think I have two
great lengths. First of all, team building. I'm
one that believes in a teamworking together for a
team goal and every if member of the team
understands not only their role, everybody else's
role, in case there's any overlap.

And another strength, fiscal
management. Live within your means. If you have
to make a decision, tough decision, that helps the
bottom line, helps reach the objective from a
financial perspective, since our funds are
limited, I think that is a skill that will serve
me well in this position.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Bailey,
other than liking to be in everybody's gun sites
for the next several months, can you tell me why
you decided to apply for this position?

MR. BAILEY: Seems like reading this
and talking to a couple people around the valley,
this is called a thankless job. I've been in such
jobs before, the situation with the board of
education in Chicago, school reform was just being
enacted. I said before 650 schools, 650,000 employees. Drop-out rates decreased instead of increasing and drop-out in terms of student attendance. It was viewed as a thankless job. I thought that job a huge contribution on my part and anyone else's part that stepped to the plate to be part of the process.

It's much easier to change a process or direct a process from inside than to stand on the outside and throw stones.

I think even though a thankless job, I think when it's over, even though no one wants to thank me, I'll be able to look myself in the mirror and thank myself for a job well done.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, Mr. Bailey, my next question may already have been answered many times. I suppose I'll go ahead and ask it anyway just for the sake of consistency.

Do you have any experience starting a business or governmental agency from scratch including creating an initial business plan, designing, hiring staff, procuring any equipment, and administering the start-up process?

MR. BAILEY: Yes, I do. Not in a
formal sense of like the dot coms out there; but
every position I've held, pretty much in my life,
has been a position I technically didn't have the
on paper background for.

US West, or Qwest, when I was hired
into that position, hired me because of my
telecommunication experience and also because I
worked in real estate in Chicago.

In terms of paper, had I worked in
the position, covered 14 states? No. Only had
five people on staff. I expanded to 60 people.

That, to me, was start up.

Bank of America, prior to Qwest I
was in charge of all of Bank of America's
unsecured lines of credit worldwide. Did I start
the business? No. I didn't start the business.
I grew the business from a very small part of Bank
of America's credit card portfolio to the point.

N B.A. wanted to buy Bank of America for $1.70.

It expanded to City of Arora, Colorado, and
entailed growing an operation in Spokane,
Washington. And there were tough decisions to be
made by the right people for right decisions.

Part of the problem a lot of people
have in start-ups is there's usually talent or

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Phoenix, Arizona
there's a lack of good talent and people just grab anybody. I am one that would rather wait to get the right person and do the job myself, stay up at night and go in early in the morning, and develop a person to ultimately develop into my position. That's how I've been successful.

A couple more examples I didn't have on paper my qualifications.
I think if you have a general sense of business, you have pretty good common sense and good work ethics, you can do almost anything.

COMMISSIONER HUNTWORK: Thank you.
CHAIRMAN LYNN: Ms. Minkoff.
COMMISSIONER MINKOFF: Mr. Bailey, we're going to be contracting with one or more technical consultants to assist us in the work of Commission, managing data, drawing lines, and so on. Can you describe any experience, prior experience you have working with technical consultants and how you expect to interface with technical consultants that would be assisting us?
MR. BAILEY: Technical consultants, what is your definition so I understand?
COMMISSIONER MINKOFF: I'm learning myself. People take a mountain of census data
provided to us, previous data of voting patterns
in Arizona, previous district lines, the
demographic characteristics of those districts, et
cetera, and with the requirements of the Voting
Rights Act and Prop 106, put all of that into the
computer and use it under the direction from the
Commission to design districts for us. And
they're going to be doing a lot of the work
directed by us and our staff. I wanted to know
how you would see participating in that process.

MR. BAILEY: I'm glad I asked you
that process. I was thinking when you said
"technical," I thought you meant more
telecommunications, that technical dot comp.
Listening, it sounds like the kind of process you
go through in doing direct mail. In direct mail,
you look at having a two percent response as
something really great. What you do, take a lot
of previous information in terms of previous
direct mail pieces you've sent out, and there may
to be two million people, look at what has been
positive in terms of response, look what has been
negative in terms of response, massage
information, make decisions on how to target in
terms of the future. I think the process in terms

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Phoenix, Arizona
of makeup of districts, voting history of districts, turn-out of districts, the demographics of different districts, would pretty much be the same kind of skill set as direct mail.

I don't necessarily have experience looking at information within a district. I do have experience analyzing information. I think it gets you to the same kind of outcome.

In addition to that, you don't do all that kind of stuff in-house. You hire consultants. You hire -- you hire, if you don't have a lot of money, you find college students that want to do internships to collect data and give it to somebody else who synthesizes information for you and save money doing it that way.

CHAIRMAN LYNN: Mr. Bailey, the last question is mine.

If you were selected by the Commission to be executive director, when could you start and devote your full attention to the job?

MR. BAILEY: I could probably start next week and devote full attention to the job. I shouldn't say that. My kids are on spring break.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
next week.

The week after I could devote full time.

CHAIRMAN LYNN: Mr. Bailey, thank you for your interest, appearance. We're happy to have you stay and listen to other interviews if you care to. If you have to be elsewhere, need to excuse yourself, that's fine, too.

MR. BAILEY: Can I ask a question?

What is the process moving forward?

CHAIRMAN LYNN: In terms of selection, that once interviews are completed today, the panel will deliberate immediately thereafter. Our intention is to make a selection today and to have the Department of Administration work out details with the individual selected to begin work as soon as possible.

MR. BAILEY: Okay. Thank you very much.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I had a question related to the response to Mr. Bailey's question.

After we have all the interviews and we have our discussion and we make a decision, I
have been advised by Department of Administration
that it's important that we do our own due
diligence about the person we select to make sure,
to quote Mr. Alder, what we see is what we're
getting. How does that factor into the process?

If we decide we want candidate X,
don't we have an obligation to do further
checking, check the person's references, check
employment history as presented in the
application, that it's accurate, the same kind of
thing any entity would do in checking an
application?

CHAIRMAN LYNN: Let me ask Christine
or Claudia to answer that.

MS. BRONSON: Generally when you
hire a new employee, you conduct reference checks,
references provided to you, or contact former
employers to check employment history. I know due
to time constraints, that's a consideration for
you.

CHAIRMAN LYNN: The question would
be, I'm going to value your answer very much, the
question would be, my experience suggests, when
you do a reference check, one does not list
references unless they're going to be positive
references. If you do an employment check, because of labor law, the only thing you'll get is verification of employment: Employee was employed from X to Y and in that position, won't give any other information that is particularly useful.

My sense is that --

And the other issue is one of timing. If we get to the place today where we said you're the individual and say subject to those kind of checks to at least validate the veracity of the resume we saw that person should be hired and begin work, I don't know what else we could do in a timely fashion, short of meeting again if for some reason the person didn't check out.

MS. BRONSON: And the problem with a conditional type offer, under those circumstances, you can make a conditional offer pending background investigation or preplacement physical, but you should not make a conditional offer pending reference checks.

I don't know how you would like to proceed as far as conducting any reference checks or if you feel comfortable with the information you have.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Is it typical for there to be a probation time for employees?

MS. BRONSON: The position you're interviewing for is uncovered, not covered. They serve at your pleasure, can be dismissed for any reason, no reason, but not a bad reason.

COMMISSIONER HALL: In the event we're able to identify a fact or deep concern, we have the ability to say: Hey, we're going to do something different. It would set us back --

COMMISSIONER HUNTWORK: I'd assume we'd want consent to do a background check. Did we ask for that?

MS. BRONSON: No.

COMMISSIONER HUNTWORK: Can we do that?

MS. BRONSON: I don't know you need one. Background check involves DPS, fingerprints, and so forth. Generally that's done if an individual has contact with children, or in an education type setting, or position, possibly. That question has not come up. Reference checks did come up.

CHAIRMAN LYNN: Ms. Hauser, want to
be heard?

MS. HAUSER: In connection with FBI background checks, only certain statutory agencies have the right to get fingerprint background checks. You can't get that. It would jeopardize the State's ability overall to get FBI records. I mean, regular references and those kind of checks are possible, but not FBI, not using fingerprints.

COMMISSIONER MINKOFF: What would you recommend?

MS. BRONSON: Generally, for any position, I recommend reference checks. Again, the issue is time constraints.

COMMISSIONER MINKOFF: Any risk other than we might get an employee we're not happy with if we don't conduct reference checks?

MS. BRONSON: Only Chairman Lynn's statement about getting -- what kind of information you do get. Generally employers release dates of employment. They generally won't release the reason for separation. The only time there's additional information, if there's a circumstance that any former employer would be some liability to the employer who is posing the question or conducting the reference checking.
where they need to give you that information.

But generally, you are correct, as far as information you receive.

It's a good way to validate employment history.

We also say, too, for former State -- State employees, if you -- because this is a State position, you would be able to, for former State employees, verify or check their personnel files.

CHAIRMAN LYNN: The only other question ever asked and sometimes answered, not often, ask the question whether the individual is eligible for rehire, if in fact they've left the position. And that is something that many, many employers will not answer. Some do. Most don't.

Mr. Hall.

COMMISSIONER HALL: I was going to say, I suggest when we go to the determination phase of our process, that we could probably specifically address the specific person that is chosen and try to answer some of these questions, if that's okay with Ms. Minkoff.

COMMISSIONER MINKOFF: Of the two people we've spoken with so far, neither one of
them wants to start work tomorrow, which does give us, I would think, once we decide on somebody, if all of them -- all we do is verify information on the resume, employment history, that they worked where said they worked when they worked. That can be done in a day or so.

CHAIRMAN LYNN: That's something we can do regardless, indicate to the department, verify employment history as stated and, in short, any inconsistency with what is presented in the resume; then go ahead and hire the individual.

But --

Would that take care of your concern?

COMMISSIONER MINKOFF: My concern is really a procedural one rather than a personnel one. I'm prepared to make a decision today. I want to make sure that the decision we're making is going to be a valid decision in terms of the procedures the State has for hiring people.

MS. BRONSON: Again, that's our recommendation. Certainly you don't need to conduct the reference checks. It's just we do recommend it.

CHAIRMAN LYNN: Any other comments

ATWOOD REPORTING SERVICE
Phoenix, Arizona
on this issue?

Then, if we may, may we see Ms. Terrazas.

MS. HAUSER: One other comment, Mr. Chairman. There may be a difference between taking a vote today and extending an offer of employment. You might draw that distinction. I think that's correct. You don't extend an offer subject to a reference check. You can, I think --

CHAIRMAN LYNN: We could vote today to direct the department to, first --

MS. HAUSER: Right.

CHAIRMAN LYNN: -- undergo a reference check, to the extent that's feasible to do. And, pending that check, then extend an offer of employment unless there were an anomaly between what was presented and information received.

MS. HAUSER: I think that is correct. The vote today would not itself be an extension of an offer. Yeah.

CHAIRMAN LYNN: And that's fine with the department, I'm sure.

MS. BRONSON: Yes.

CHAIRMAN LYNN: Authorization to hire if no discrepancy between what we've been
presented and what we're able to glean with a reference check.

MS. BRONSON: Yes.

COMMISSIONER HALL: Then address compensation, the variety of contingencies we'd authorize them to go with, I presume.

CHAIRMAN LYNN: Them and others, perhaps.

There's the issue of compensation.

You may wish to be represented by the Chair or others in that discussion. And that's your prerogative as well.

Okay. All set?

May we have Ms. Terrazas, please.

Ms. Terrazas, if you'd join us at the podium.

MS. TERRAZAS: Good afternoon, gentlemen, Commissioners.

CHAIRMAN LYNN: Thank you for your interest in the position and your ability to be with us and interest in being with us.

MS. TERRAZAS: Thank you for the opportunity.

CHAIRMAN LYNN: Let me outline the process. We have about a dozen questions. We'll
go through the panel twice and have two extra
questions. We'll give you the time you need to
respond to those. It's been running about a half
hour per candidate. We think that will work with
you as well.

MS. TERRAZAS: Very well. Thank
you.

CHAIRMAN LYNN: The first question
is mine. Let me begin by asking you to tell the
Commission what you think this job entails. I
don't want you just to stick to the job
description you were handed but I want you to
expand on that with respect to the things you
perceive that the job really needs in terms of
being done correctly. Then would you tell us how
you are, in your opinion, the most qualified to
serve in that capacity.

MS. TERRAZAS: The first part of the
question, what I believe the job entails, how I am
qualified to serve in this capacity.

CHAIRMAN LYNN: Please.

MS. TERRAZAS: I believe the job at
hand is a unique challenge that you have before
you. It is a challenge to be equitable and to
analyze data that is new to the State and be
presented before you. So it requires analysis and organization and knowledge of a particular process and of the laws, applicable laws. I believe, also, that it entails experience with dealing with the complexities that are involved in an issue as controversial as this particular one and also experience in the particular deliberation process that is involved, especially in this particular setting, in a Commission setting; and third, I believe that the job involves its knowledge and experience and an ability to understand -- an understanding of your community overall and the community one represents and the Commission represents or that the executive director is going to facility the Commission to represent.

Those are the three components I believe this particular job entails. And how I believe I qualify, I meet each of those requirements, as far as knowledge of the particular laws that are required or laws we need to comply with, I have a legal background. And that legal background will assist me in quickly understanding the laws, the public laws, 94-191, that's the law, I believe.

We need to hone in on and understand

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Phoenix, Arizona
the specific technical requirements under that
law. I have knowledge of the process to
assimilate information. I have knowledge of the
effects involved in the redistricting process as
far as the -- a political astuteness of knowledge
as far as it applies to being politically astute
and knowledge in a broad -- in a broad sense, as
well.

As far as the experience, I have
experience with working with commissions such as
yourselves. I have experience -- I have both
administrative experience and substantive
experience with bodies such as yourselves. I can
go into that with further questions you might
have. I won't go, take too much time there.

As far as knowledge of the
community, I have a good sense of the community,
statewide community, both multi-ethnic familiarity
with the community as well as bipartisan
familiarity and knowledge of the community.

I hope that answered your question,
Mr. Chairman.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: You made a
reference, "sense of community." My question
relates to that to a great extent.

I would like your perspective on what role the executive director might play in public outreach, involvement of public in the process.

MS. TERRAZAS: I believe the executive director is for all intents and purposes there to make your jobs easier, to take the brunt of what is going on out there in the community and to bridge communications with the community and have the relationship throughout the State of Arizona, to be able to target the communities for an all-inclusive process.

The executive director should be able to identify and communicate to each of you, the Commissioners, those opportunities and those communities that ought to be included in the process that we are overlooking in a particular community. That's one key role that I believe the executive director plays.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Good afternoon. I want to focus more on the administrative end of the job function.

As Mr. Elder indicated, there's
communication with the community, but there's
communication that this person would have to
manage internally from a variety of sources,
consultant, by Commission members, the press,
legal counsel, Attorney General's Office, and I
think the list is -- seems to me to be endless.

Specifically, I wondered if you
could, maybe off the top of your head, give me a
model of how you would perceive or you would feel
would be the best way to manage that variety of
sources of information and manage that
communication.

MS. TERRAZAS: Excuse me for not
having followed procedure, Chairman Lynn,
Commissioner Hall.

CHAIRMAN LYNN: It's really okay.

MS. TERRAZAS: How would I manage
the communications.

My day-to-day activities running a
consulting and public relations company, I manage
communications for clients. I'm extremely
organized, have not only a ridiculous data base of
people in the community to offer up to people I
work with and clients, other people.

I believe access is extremely

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Phoenix, Arizona
important at all levels, that communication is
something that has always been very important to
me since I was very young. I remember being able
to pick up the phone and have access.
Communication and enabling
communication are extremely important both ways.
So when it comes to everyday
functions of everyday administrative functions
entailed in the Redistricting Commission, starting
with something as simple as a contact list every
single person has at their disposal and always
updated extremely -- I can't tell you how many
times I need just to look at a contact list for a
particular project and always know it's there.
Then -- that's a very basic level.
Logistics, keeping things updated,
making sure we're equipped with the right
information.
Very important are perceptions in
the community that this is a professional
Commission, not a hokey operation going on up in
Phoenix, that we actually know what we're doing,
professional, communicate to the right people, to
the right e-mail addresses, things along those
lines.

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Phoenix, Arizona
It's extremely important for me to maintain a professional image for my clients, you, the Commission.

Then on another level, communications, like I spoke to Mr. Elder's question, identifying opportunities or gaps in our communications process and communicating those to the Commission and seeking your direction as far as how to proceed to communicate given those gaps.

I hope that answers your question.

Thank you.

CHAIRMAN LYNN: Mrs. Minkoff.

COMMISSIONER MINKOFF: Ms. Terrazas, thank you for joining us this afternoon.

I have a question about public perception. I'm sure you are aware of the concerns over the lack of minority representation on the Commission and concerns about the product that the Commission is going to be developing, that various people have.

If you were the executive director, what steps would you take to address these concerns?

MS. TERRAZAS: Chairman Lynn, Commissioner Minkoff, what steps would I take to
insure we are representing the diverse community
that we have to serve? One is I believe that I am
an ambassador to several communities. Hiring or
choosing to put me in the position executive
director I think will resound to several
communities that you indeed do believe in and
recognize that I as a woman, Hispanic, Republican
with excellent relations to the Democrat
community, working experience in the Native
American communities, you're putting me in that
post demonstrates your ability to recognize an
individual who can serve as ambassador for several
communities in the state.

In addition, my relationships
throughout the state will assist me to facilitate
your communications to those diverse populations
throughout the State of Arizona and, of course,
with your guidance and with my input, together we
can make sure that the state understands the
impartial process that we are engaged in and the
inclusive process that we are engaged in.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I apologize
in advance. I'm going to read this question
verbatim. We feel that our executive director

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Phoenix, Arizona
will need to be able to work with people of all communities of interest and all political affiliations throughout our state.

Have you been involved in any activities of a partisan nature, whether political or otherwise, that might alienate any group that you will need to be able to work with in order to do your job effectively, or if it became generally known, might otherwise interfere with the performance of your work.

MS. TERRAZAS: Chairman Lynn, Commissioner Huntwork, I absolutely have been involved with -- words, not questions, have to forgive me. I think that the issue is whether it might have an impeding effect on my work with the Commission. There -- it's not a secret I ran Arizona Hispanics for Bush for the state. I'm proud to be a Republican in the state. The reason I've been successful in my efforts, I've been been able to reach across party lines. I sound like the president.

And I believe that is what made -- it's interesting. I do things because they come natural to me. I've had successes so far because it's been because these fields come natural to me.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
To reach across, be personable, understands there are opportunities in adverse situations or when there is in diverse situations understanding there are opportunities. I believe the fact that I have been successful as a Republican chairing Arizona Hispanics for Bush, working for Governor Symington, maintaining, having the successes you heard about for example this morning with primarily a Democrat County, Santa Cruz County, on an election where everybody down there is Hispanic and Democrat. They're my family. I think -- I don't believe it's tainted my ability, has impeded my ability to serve this Commission in an impartial manner.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: Ms. Terrazas, in what areas does your experience and resume fall short with respect to this position and what would you do about that?

MS. TERRAZAS: Mr. Chairman, I'm going to answer the second part of your question first. I am doing what I believe I fall short in, and that is actual experience in the redistricting process; and, therefore, that's why I am here. I believe that I don't have experience in

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Phoenix, Arizona
redistricting.

I have a passion for issues like this that affect my state. I care a great deal about my state. I believe that what I lack in experience is specific to what this position requires. And, therefore, I am here to delve into that. And I know -- I know I'm capable of grasping and assimilating information necessary immediately.

As we know, we're under some strict time lines. That's what I feel again. I lack experience in the redistricting process, per se. I'm here to take care of that gap in my resume.

CHAIRMAN LYNN: Thank you.

Mr. Elder.

COMMISSIONER ELDER: Yes. A little thing here, question, what experience do you have, well, let's start off in a different matter. Work product, end product in the redistricting plan, submit to DOJ for prequalification, the whole process, what experience do you have in product preparation of a major document like that publication pack through editing review and directing the work that needs to be done to produce a document such as that?
MS. TERRAZAS: Although I may not have specific experience with submitting a document to Department of Justice for its review, I am versed in the workings, the legal workings of our state. And I am familiar and knowledgeable in what it takes to research and to comb through a statute, any kind of public law that we may need to comply with and make sure that we are within those guidelines.

Now, as far as actually having to submit documents that are under some sense, some sort of review, I have had occasion to submit, to work with several procurement contracts to the state where we have to comply with certain -- with certain -- well, of course, with state law, and oftentimes are under scrutiny, given our fiscal parameters. So I'm detail oriented. And given my legal skills, I feel I can gear up quickly to be able to submit documents such as those.

Someone -- my mom says I'm quite the stickler for, even when I write a personal letter to someone, if there's some grammatical error, I have to adjust it. The fact I'm detail oriented, a little anal, will assist me in assisting the Commission in producing the best product we
possibly can for Department of Justice.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: In addition to your resume, which is outstanding, I might add, what do you feel is your greatest personal attribute or -- greatest strength, personal characteristic or attribute you have? How do you feel that will most benefit you if you are to be chosen for this position?

MS. TERRAZAS: Starts with a capital G. I'm grounded.

I recognize the opportunities I've had and the tremendous support in the community that I've been able to generate is really a grace. And I'm very fortunate. I'm very, very sure of the fact of who I am.

I feel grounded is probably the greatest attribute I have. I don't get beyond the matter at hand.

I believe that I take things one at a time, one item at a time, do them well, thoroughly, and complete them. I'm usually trying to stay focused on the matter at hand, not look too far ahead, be cognizant of time lines.

I think grounded is important,
uniquely important in this particular position.

There will be a lot of eyes, national eyes, on us.
The press will be looking onto us. There's an
opportunity for an executive director to kind of
exploit that position. Frankly, I think you need
someone grounded that will just do the job that
needs to be done. I believe I am grounded.

CHAIRMAN LYNN: Mrs. Minkoff.
COMMISSIONER MINKOFF: Still
writing.

Ms. Terrazas, other than liking to
be in somebody's gun sites, can you tell me why
you decided this was a job you wanted to apply
for?

MS. TERRAZAS: With adversity comes
opportunity. That's what I found.

Not many -- not every time by
choice. I worked for a Governor where -- I worked
for a Governor at one point that did not have many
friends in certain parts of the state. I was sent
out there to make friends.

I'm familiar with this environment.

I worked for a corporation that didn't enjoy the
greatest reputation, but I was tasked and charged
to go out there and befriend and educate and
garner an understanding of why and who we are of
corporate citizens as a member of the
gubernatorial staff. I've had successes
befriending folks on behalf of who and what I am.

Here I am. I feel I'm the one for
the job.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Do you have
any experience starting a business or agency from
 scratch, including creating an initial business
plan and designing a staff, equipment needs, and
so on, and administering that program?

MS. TERRAZAS: Yes, I do,
Mr. Huntwork. I have, I can't tell you how many
times I've been in that situation, how
nerve-racking it can be, and especially for the
Commissioners, or for the board of directors, or
for the family who wants to run the campaign.
Everyone is stressing out about all those
administrative issues. Really, I'm here to be the
life saver. I won't sleep at night. I get this
crazy rush off that.

I started my own business a year
ago, submitted my own business plan a year ago,
was successful in getting financing; ran a
campaign in Southern Arizona with no maps, no idea
what the constituency looked like. I had to
program a fax machine to have broadcast fax
capabilities, find a computer, find a document
that seemed endlessly lost keeping someone from a
heart attack.

I've been through those pressing
situations. I can handle those situations well.
I've been given those facilities, have been
blessed with those traits and qualities.

CHAIRMAN LYNN: Mrs. Minkoff.

COMMISSIONER MINKOFF: Ms. Terrazas,
one of the next decisions we're going to have to
make is a decision to higher technical
consultants, redistricting consultants to help us
manage the data that we have in terms of growth
behavior in the state and also that provided by
the Census Bureau. Describe your prior experience
working with technical consultants, how you expect
to work with them in this position.

MS. TERRAZAS: My experience working
with technical consultants is minimal, to be
honest.

I do embrace the opportunity to
learn going into the 21st century. I've embraced

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Phoenix, Arizona
languages of technical --

Let me start again.

It is limited. How might I work

with technical managers? With an open mind and a

lot of time on my hands to focus on what they need

and make sure I --

I can imagine a day when we have to

meet several deadlines, pull a meeting together,
pull out agendas, make sure everyone is informed,
and I have a meeting with one of the technical
managers to talk about something extremely
important about managing a particular set of data
that is coming through.

I have a good, I have a skill to

compartmentalize what I'm doing. I know I pride
myself on this skill.

We're working on these things, on
time, have so long to spend meeting a time line,
spend that time. What a technical manager will
educate us on, what he'll do to facilitate with us
on, I'm open to learn, facilitate information, ask
several questions, and never be shy about asking
questions.

I hope that answers your question.

CHAIRMAN LYNN: Ms. Terrazas, the

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Phoenix, Arizona
last question is mine. I'll ask it in the context of a previous answer and also part of your resume. Since May of 2000 you've been involved in a new business venture. You have a consulting business with clients. We're not here to talk about becoming one of your clients. We're here to talk about you becoming a full-time staff person for the Commission.

When could you start and devote a hundred percent of your time to this job?

MS. TERRAZAS: Tomorrow.

I am very cognizant of the fact you know I started a business a year ago. But I have clients that are aware of my problem.

The process I'm undergoing right now, they're well-aware of the fact certain relationships may come to an end. They recognize the significance and importance of this particular task that we have at hand. And, in addition, they understand why, how this is a passion of mine to be involved in a process like this. But second, I also have several subcontractors. And I can easily turn those things over and oftentimes have for other clients.

So there would not be an issue of

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Phoenix, Arizona
starting a week or two weeks from now. I could
start tomorrow if I needed to.

CHAIRMAN LYNN: I want to be clear
with that question. From the time you start, our
expectation is you would be, whatever clientele
you had before would no longer be your clients.

MS. TERRAZAS: Correct.

CHAIRMAN LYNN: We would be your
only employer.

MS. TERRAZAS: You would be my only
employer. My company will continue to have
clients. And the vice president of the company
would take over.

CHAIRMAN LYNN: I just want to make
that clear.

MS. TERRAZAS: Thank you.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: As a follow-up,
will you still be a stockholder in that company?

MS. TERRAZAS: Yes. It's not a
public company.

COMMISSIONER HALL: No, but
corporation, correct?

MS. TERRAZAS: Correct.

COMMISSIONER HALL: Are you a

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Phoenix, Arizona
1 hundred percent stockholder?
2
3        MS. TERRAZAS: No.
4
5        COMMISSIONER HALL: Maybe that's not
6 an appropriate question.
7
8        CHAIRMAN LYNN: The issue goes to --
9 we're hiring someone in whom we're going to place
10 a tremendous amount of responsibility, in whom we
11 want to work full time with no diversion of
12 thought, no competition for your --
13
14        MS. TERRAZAS: This becomes the top
15 priority. I've already, in anticipation of this
16 application, have put the wheels in motion to make
17 sure everything is taken care of on the other end
18 as far as the company goes. And it's being
19 controlled by a whole other person. And I will
20 not have oversight whatsoever of oversight of that
21 company if I'm to serve as your executive
22 director.
23
24        COMMISSIONER HALL: So, just as
25 follow-up, Mr. Huntwork asked you a question
26 relative to potential conflict or -- I don't have
27 the question before me.
28
29        Do you perceive any clients
30 currently served by your company would be --
31
32        CHAIRMAN LYNN: Present a problem?
COMMISSIONER HALL: -- a problem of impartiality under the auspices of Mr. Huntwork's question?

MS. TERRAZAS: I don't believe so.

If necessary to disclose them, I will do so.

COMMISSIONER MINKOFF: No one currently a client will be impacted by the results of redistricting?

MS. TERRAZAS: Not at all.

CHAIRMAN LYNN: Ms. Terrazas, thank you again for being with us and your interest in the position. I invite you to stay with us in the audience or, if you prefer, have other matters that may take you away from this location, that's perfectly fine.

MS. TERRAZAS: Thank you, Chairman Lynn and Commissioners. Congratulations on this very important task.

CHAIRMAN LYNN: We'll stand in recess for 15 minutes.

(Recess taken.)

The Commission will come back to session.

May we have Enrique Medina Ochoa, please.

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Phoenix, Arizona
Good afternoon.

MR. OCHOA: Good afternoon.

CHAIRMAN LYNN: I appreciate your being with us and your interest in the position.

The procedure will be as follows: We'll ask a series of questions. We'll go down the panel a couple times and ask a couple extra questions. Take whatever time you need to respond.

MR. OCHOA: Great. Thank you.

CHAIRMAN LYNN: The first question is mine. Let me begin by asking if you'd tell us, not just based on the job description, but based on the totality of your understanding of the task of the executive director of the Commission, what you think the job entails and how you think you are most qualified or well-qualified to perform that function.

MR. OCHOA: Okay. I think the position requires a person who has a general understanding of what the Commission is all about, what the purpose is, what the philosophy behind it was. I notice according to the job description there was a lot of emphasis on understanding of operational systems, operational systems of state government. I gave that some importance, didn't
I think that most important, to be honest with you, in regard to the executive director position. Instead I thought it important we should focus more on the philosophy behind what the Redistricting Commission is trying to do: Trying to make things fair, make things equitable as far as realignment of districts for the State of Arizona. I thought also you need somebody who has an understanding of the political process within the state. In general as well as academically helps.

And then also, I think, personally, and I commend you all for the evidence you've shown in your previous meetings of working together, I think you all seem to be collaborating in the short period of time very well. I was pleased by that. I was pleased by the fact it seems as though the philosophy of this Commission is to be very open, to be open. And I appreciate the fact that even these interviews are being held in open process.

But it seems as though everybody has a desire to get the word out, to get out information regarding what redistricting is all

ATWOOD REPORTING SERVICE
Phoenix, Arizona
about throughout the state, whether it be in person, whether it be using the media, whether it be using the electronic media, via web pages, and so forth. But I really appreciated that on a personal basis because I do believe information and knowledge means power. And also, if you have an informed populous, I think they're going to participate in the system and process more so than if they don't know about it, of course.

From that perspective, I think that a person who has management skills, a person who has the proper education, experience, a person who has, also, problem-solving skills, interpersonal skills, many of the skills that I have accumulated, as I mentioned, I know I don't possess all of them as I would like to, but none the less, I think that is the kind of individual that the Commission needs to direct this office.

I have worked with the US Census for the past couple of years and have accumulated a lot of technical knowledge about the process. And I think that is an additional factor that should be thrown into the equation of who you are going to hire for executive director.

CHAIRMAN LYNN: Thank you,
Mr. Ochoa.

Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Ochoa, you alluded to "get the word out." My question relates fairly much to that.

What do you feel the executive director's role in relation to public outreach should be and could be to that?

MR. OCHOA: The executive director could be support of the Commission. Whatever the Commission desires as policy, I think that's what has to be implemented.

The idea of disseminating information throughout the state is something that can be done in a lot of ways. That is to say the executive director can participate. The commissioners can participate, if they so desire. The executive director, if the Commissioner's desire that individual to participate in getting the word out, or if they want him to be a technician of sorts to make sure those things happen.

I would recommend on a personal basis that maybe consideration be given to outsourcing that particular venture.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
I have personal knowledge, I have, I think my resume will show that, you know, I headed a couple of media companies, communication companies, that have worked throughout the state, one on a political campaign. But the point is this: There are companies out there that can really help us do the job well. That might be a consideration.

If it is desire of the Commission to have somebody in-house, a communication expert, I think that is also a workable solution.

These are, again, are suggestions.

The idea is you do have to have somebody with a good understanding of media and the communication network throughout the state, people that cannot only -- are not only knowledgeable about media itself, meaning radio, television, newspapers, but also people who can do the outreach by going and organizing meetings in various communities that will take into account those communities generally, not participating in these kind of political processes to make outreach efforts, to involve them in some way and, of course, in our state, which is very diverse, we have to take into account language considerations.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
as well, not only Spanish, Native American
languages up north, the northern part. A lot of
people speak Asian languages, and people need to
be addressed in that way.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: With respect to
communication internally, externally, you alluded
to external communications, internally
communicating with staff, legal counsel, DOA,
Attorney Generals, five commissioners,
consultants, the list seems to be endless. I
wonder if you could articulate with me a
communication model, if you will, how you would
see the person in this position managing all this
information and appropriately directing the flow
of communication?

MR. OCHOA: You know, communication
depends on people. Management, management is a
process that deals with people. My, my experience
has shown me that the simplest way to get things
done is best, the simpler the better. Sometimes
you get into situations where there is excessive
communication via paperwork, and that develops
sometimes resistance from employees. It becomes a
burdensome management information system. I
believe in quality management. I think that even though you have heard a long time ago I studied management administration theories, and so forth, and have gone through various names, management by objectives, at that time, now they call it strategic management planning, and a lot of other terms; but I think they all really deal with the development of a working mission, working goals and objectives. They deal with development of clear and measurable statements of what needs to be done.

I think that that also requires, by the way, the development of a team, of a team that is informed and maybe even involved with the commissioners, with the executive director, with the staff in terms of developing the approach and the methodology to do that.

So what I would say to that, and all of that addresses really becoming a leader to -- in order to motivate people to do and to reach those goals that you want to accomplish.

Internally in regards to media, it would depend a lot, of course, on the kind of staff we would have. I think the director, executive director, cannot deal with everybody in

ATWOOD REPORTING SERVICE
Phoenix, Arizona
the way that this -- as fast as this is moving. I
don't think that he's going to able to deal with
everybody. But if clear goals and clear roles are
defined for the people that are working for this
agency, then I think assignments will be able to
be managed.

And so the people, other people will
have to take on some of that burden. And I say
that as a -- as something that is going to be
needed.

Because you all, I'm sure, have jobs
or are doing this on a voluntary basis. You are
to be commended on the great job you are doing.

I recall being involved in a couple
issue-oriented processes. You can't talk to
everybody, can't be with everyone, can't be at one
radio station, another radio station, can't meet
with one person there, another important person
there. Have to be organized and use a lot of time
management skills.

Delegation, I guess, is one way of
doing it.

In general, that's the kind of
philosophy concept I'd espouse, developing a team
to help me reaching goals, objectives articulated

ATWOOD REPORTING SERVICE
Phoenix, Arizona
by the team.

CHAIRMAN LYNN: Mrs. Minkoff.

COMMISSIONER MINKOFF: Thank you for being with us today.

MR. OCHOA: Thank you.

COMMISSIONER MINKOFF: I'm sure you are aware of concerns expressed about lack of minority representation on the Commission. If you were the executive director of the Commission, what steps would you take to address these concerns?

MR. OCHOA: You know I'm kind of fortunate to be in this position again, not only because you are allowing me the opportunity to possibly allow cultivation of fruit I've been working on for the last couple years, that be the Census, but reality is in regards to a media campaign we developed, I was in charge of that for three states. The focus of our population was the hard to enumerate population. That is the way we entitled it. In general, I meant minorities. We developed outreach effort and communication effort, I'd all organizations, minority organizations in different areas we were working in. In this case it happened to be throughout the

ATWOOD REPORTING SERVICE
Phoenix, Arizona
state. We supplemented that with media. But what we did is we tried to meet and we tried to share with these individuals who were leaders in their community or just community participants that there was a benefit in participating at that time in the census. Now that has to be extended, what kind of benefit are they going to receive for participating in this particular process.

We were successful, I think, because we went out of our way to do outreach, community effort. We tried to be in every community. We went out to the churches. We went out to the business communities. We went out to the nonprofit corporations. We went out to all those areas we could identify that there had been previously a lack of participation in the census. And so that even led us to meeting with groups, you know, block groups, neighborhood councils, and other individuals. So I wasn't present at all of them. I could tell you we had a lot of staff, over 10,000 people employed by the Census. We had a lot of community involvement in that effort.

I would try duplicate in any way possible an effort similar to that so we could get

ATWOOD REPORTING SERVICE
Phoenix, Arizona
CHAIRMAN LYNN: Huntwork.

COMMISSIONER HUNTWORK: Mr. Ochoa, I apologize in advance. I'm going to read this question so it is verbatim and exactly the same as we've asked other applicants.

We feel that our executive director will need to be able to work with people of all communities of interest and all political affiliations throughout our state.

Have you been involved in any activities of a partisan nature, whether political or otherwise, that might alienate any group that you will need to be able to work with in order to do your job effectively or if it became generally known might otherwise interfere with the performance of your work?

MR. OCHOA: The only political process that I alluded to a little bit earlier that was partisan in nature that I have participated in was, in the last 15 years that I can remember, is the Eddie Basha campaign when he was running for Governor. I participated in that campaign. I helped in terms of getting out the Hispanic vote.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
There was a media component. He was one of the first candidates that spent money on Spanish media. He spoke Spanish. It was easier for us to do that. That would make it somewhat partisan in favor of the Democratic party.

Eddie, on the other hand, has also been known to vote for Republican candidates. So he, I guess, was -- is probably an individual I could probably relate to as closest to me in terms of philosophy.

I try to -- I've been involved with a lot of issues and trying to resolve issues that affect our communities, immigration issues, health issues.

Back in the seventies I was involved in an organized effort that arose through the Arizona Cost Containment System to address health care cost need, education issues as well.

Generally I've been issue oriented. My resume I think has individuals that reflect both parties, various ethnic groups.

I did that for that purpose.

Many of the things I had been involved with had -- have been nonpartisan in nature. I'll even give you a couple examples as
well I'm proud of that involve people I'm very concerned about, whether Democrat or Republican, Legislators.

I was instrumental in bringing some very important people from Mexico to address historical, a couple historical occasions, to the Legislature. One was the candidate for the Presidency of Mexico, you've all heard of him, the first one in history of Mexico assassinated, by the name of Jesus Hernando de Lasasago; Governor of the State of Sonora, Hernando Palorez. All of those, I had an interest in developing international relationships between Arizona and Mexico, Mexico and the United States, a lot for personal reasons, some for professional reasons. Those, as you know, even though I started under a Democratic Governor, I wound up going through Republican Governors, nurtured those relationships as well.

CHAIRMAN LYNN: Mr. Ochoa, in what areas does your experience in your resume fall short in terms of the job description? And if those short comings exist, what are you planning or do you plan to do about them?

MR. OCHOA: Toward the latter part
of the letter I wrote you, I put on I have a good understanding of the open meeting law. I have very good understanding of the open meeting law.

The general understanding of lobbying reporting laws, and general state accounting proceedings. I asked Mr. Bill Hernandez if he wanted to apply for a job. I'm more than happy to keep him on board.

CHAIRMAN LYNN: Thank you.

Mr. Elder.

COMMISSIONER ELDER: I'll get another question. One of the ends of our work product is to prepare a work document to be submitted to DOJ for review and hopefully the preclearance process.

What is your experience in preparation of documents similar to this? And that would include editing, review, publication, all the things it takes to get it off and sent off.

MR. OCHOA: I was fortunate in the 1990s to be involved, '91, '92, to be involved in the process of questioning the validity of the redistricting process. At that time the vice president of the Hispanic Chamber, we were

ATWOOD REPORTING SERVICE
Phoenix, Arizona
concerned about the impact political redistricting would have on minority business throughout the state and asked to be involved in various committees in various ways. And various meetings took place in our community to address that issue. That included community meetings that were organized to receive the Mexican American Legal Defense Fund, for example. When they came, what they asked us to get involved with was a challenge to the redistricting process.

The particular issue at that time was that they, Hispanic Legislators and the community in general, wanted a majority minority district in the northeast part of the state. That didn't happen. There was a brief that was prepared, you probably heard a little bit about it in the morning.

Jose Rivera was one involved in preparing that brief to the Supreme Court to see if they'd hear arguments and be involved in hearing it, redistricting it. It didn't happen. I went through that. They put it here. Organized in our community, in Phoenix, Tucson, some in the Yuma area, took an interest in those. I was raised in Yuma, graduated from Yuma.
High. Had to, as a graduate, go over there and visit my mother who was a teacher there whenever I could. Also Tucson, have a lot of friends, took advantage.

Various issues. I mention in a letter, we were addressing various issues, addressing gerrymandering and various issues. We didn't -- the issue of language came about, but I was primarily concerned about trying to make a majority minority district on the northeast side of the state.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: What would you say is your greatest personal strength or attribute and how do you anticipate that would most effectively serve this Commission if you were to serve this Commission?

MR. OCHOA: Those kind of questions are hard to answer, because I'm so modest.

I tend to be modest, honestly.

Probably, I would say -- I would say communication, interpersonal relationships. I have a -- I like to work with people. I like to work with people a lot. I like to work with projects, with issues that in some way or another
improve our lot as social beings. And I think
that what happens --

I think I'm on the tail end of a
generation that still feels that they have a
social responsibility. I don't mean to be
overcritical of our system or our youth, but it
seems that has gone a little by the wayside.

So that behind, perhaps my way of
thinking, I tend to get involved with a lot of
issues that have social value. And so that in
itself requires a lot of interpersonal
relationships, interpersonal skills.

I think in the resume the way that I
phrased it was, let me see what I had put on
there, that I have the ability to work with
multi-disciplinary professionals. What I meant
there, what I meant meant by that particular
phrase, was I feel comfortable talking to people
with very little education, income, or any other
factor of that nature as well as with those people
on other end of the spectrum, that have it all or
have a lot.

I've been very fortunate. You know,
raised in Yuma, in a -- in an environment that was
peculiar. I'll even share astory with you. I

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Phoenix, Arizona
think I as 39 when I received a plaque from the
Yuma County Education Association. On the black
it says, basically, "Congratulations, or in
appreciation for the fact" -- and it said, "To
Enrique Medina, the first Hispanic boy from Yuma
County to attend Stanford University."
I didn't think I was a boy at 39,
but maybe it had a different significance in our
state. What can I say?
I've been fortunate to have good
education, the ability to communicate with people,
desire to do so, and to try to improve our
situation. And that's probably my strongest.
COMMISSIONER HALL: Thank you.
CHAIRMAN LYNN: Before we go too
much further, I want to make sure we're not making
a social faux pas. I understand the naming --
protocol in terms of Hispanic naming. If we are
to address you as Mr. Medina, I'll do it. If
Ochoa is your mother's maiden name, I'll
understand that. I need to know which it is, what
you prefer.
MR. OCHOA: I'll tell you what,
probably like Ms. Minkoff, Mrs. Minkoff being
called Andi, I'm multicultural. In Latin American

ATWOOD REPORTING SERVICE
Phoenix, Arizona
countries, the father's name is second and last name is the mother's name. Except in my situation, my father died very young and I was adopted. So then I adopted my step-father's name Ochoa. My mother's name is Medina. Second name is Ochoa, which coincides more with the system here. I've been somewhat assimilated into the mainstream of America.

CHAIRMAN LYNN: I simply wanted to be respectful of any or all of that. If I may then address you as Enrique, I'll be happy to do so.

COMMISSIONER MINKOFF: I'll say "Enrique."

I forgot, I just wanted to state for the record, let everyone know, Mr. Medina, Mr. Ochoa, Enrique's application, letter addressed to me, I want to let the Commission know how that happened.

I had no knowledge or contact with Enrique prior to this process. However, I was called by a member of the Legislature I met during my selection process. He felt Enrique would make a good candidate for executive director, asked me if I'd meet with him. And I did that. The letter

ATWOOD REPORTING SERVICE
Phoenix, Arizona
resulted.

MR. OCHOA: If I may add something, Ms. Minkoff.

COMMISSIONER MINKOFF: Andi.

MR. OCHOA: I've been privy to two or three occasions she's been out there promoting and drumming up competition for me. I have to acknowledge that.

COMMISSIONER MINKOFF: Trouble is my middle name.

CHAIRMAN LYNN: Mrs. Minkoff.

COMMISSIONER MINKOFF: Given all that background, Enrique, I wanted to ask you, other than liking every interest group and individual in the state to have you in their gun sites, why did you decide you want to apply for this position?

MR. OCHOA: I decided to apply for the position after participating in the redistricting process in '90, the '95 Special Census that took place in Phoenix, and in Maricopa County. The 2000 Census, which was in the form of actual employment, I realized the importance that the numbers, the census numbers have, the importance that the apportionment and
redistricting process has on our lives.

This, I think, is one of the most important processes and decision-making processes that is going to take place for our community, definitely for the next 10 years. There is no doubt about it. I do have a social conscious. I do feel I have a social responsibility. Do I have the qualifications academically, experiencewise, and many other ways? When I was asked if I was interested in applying for the position, I said, "Gladly." I had already, very honestly, considered communicating with the Commission. I didn't know which way you were going to go. It was a thought only. It didn't go any further. I didn't know how to get a hold of everybody or anybody in particular. It's even a little difficult, even at this time.

So that was -- but the motivating factor was probably the opportunity, again, to continue cultivating some of those seeds, some of those fruits that we worked on.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: You have a wonderful resume with a lot of detail on it. One thing I can't tell from it, let me just ask you...
this question: Do you have any experience
starting a business or a governmental committee or
agency from scratch, including creating a business
plan, defining staffing, procurement needs, and
staffing it?

MR. OCHOA: Yes, sir. I'm fortunate
to have that kind of experience. My first job,
one of the first jobs I had, was to start up an
operation entitled "Extended Educational Center"
for Western College in Yuma, Arizona, I was
director of the Extended Educational Center at
that time. 12 full-time employees, 180 part-time
instructors by the time I finished that job. I'm
saying that because when I first started that
project, there were 250 people enrolled. When I
finished, we had 5,000.

Immediately after that I was coming
back to Phoenix. Chicanos Por Las Casas received
a grant from the Department of Energy for a
million plus and asked me if I would start up that
project in Summerton. Chicanos Por Las Casas was
started in Summerton. It was a project, really
neat combination, addressed educational training
needs, some community concerns, and addressed the
solar retrofitting of solar panels and retrofitted

ATWOOD REPORTING SERVICE
Phoenix, Arizona
water heaters. The idea was to save energy. For that I hired a counselor, an accountant, three or four trainers, and we also, even though they were students, we also paid the students to participate in that project. I didn't really consider them employees, to be honest with you, considered them more students. And stipends went to them. Even though on an hourly basis, still seemed as students.

Later on, later on I did start up other operations, one particular one I still own, Translation Services of Arizona. I had to develop various plans, business plans, and various, go through RFPs, RFQs, all those things you do, go through as a small business person. I was successful in getting a lot of them.

I'll share a story as well, not all positive. I received, one of the bigger contracts I received initially, 50,000 from Maricopa County. And then as year went by, they called us to do maybe $4,700 worth of work. So I thought that was kind of an interesting ratio, $50,000, but less than $5,000 worth of work. That kind of gave me a little heads up on how reporting can sometimes be misleading.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
The other thing, later on, of course, also applied and became preferred vendors for Bank of America nationally, not me personally, other people do that kind of work.

Also was involved in starting an operation called Megahertz and another one Media Cam, a Hispanic communication company. That was done prior to a lot of the communication companies now existing here in our state.

The reason that I tried -- and I'll tell you another one not a success. Those are successful ones. I'll share one not successful.

I do have some vision and do have ability to see where things are going at times, not always correctly, but at least to have some idea. I had been involved in developing a committee to address antismoking or -- address the tobacco problem in the state for Hispanics with American Cancer Society and others. That's when initial coalitions starting to take place that gave rise to the referendum that gave rise to all the money received at the Department of Health Services. There was a lot of focus on advertising by companies in the Hispanic community in terms of getting them to buy tobacco.
I thought it would be a good idea to form a company in our state to do the opposite, teach people, called Camacho Sol la Medina. Frank Camacho was hired with the new company there, put finally after 12 years in a six figure income, and continues there as an anchor, has been there 12, 14 years. And Heidi Fogelsong was going to get involved. So, subsequently, it never came about.

So here we are.

That's my experience with start-up operations.

I was a representative of the regional office in Denver when I first came on. Had one office started for Census and then started another four offices for Maricopa County, two for Tucson, one for Yuma, one for Flagstaff. Had to be involved in developing job descriptions for executive directors and other positions, other management positions there.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: Mrs. Minkoff.

COMMISSIONER MINKOFF: As I believe you are aware, we're going to be hiring technical consultants to work with the Redistricting Commission, helping us to design the maps and draw

ATWOOD REPORTING SERVICE
Phoenix, Arizona
the lines and develop the districts that would be
a part of the final plan. Can you describe your
prior experience working with technical
consultants and how you would expect to interface
with them through the executive director of the
Commission?

MR. OCHOA: All right. For some of
the companies that I've mentioned to you, we had
to work with consultants to develop communication
programs or also do various aspects of jobs we
were given, sometimes when given a two three
hundred thousand dollar job, you have to outsource
because you can't do everything. A lot of jobs in
media require a lot of attention, whether editing,
slicing, or creating products, producing various
type of work. And so for that, what I was in
charge of was making sure that that was done
properly.

And what I can say to that that
maybe goes in line -- and, by the way, with a
translation company, we had to hire a lot of -- at
various times had a lot of work and it piles up
and so we had to hire outside help.

In this -- within the Census, we did
some of that, but not whole lot. Not a whole lot.

ATWOOD REPORTING SERVICE
Phoenix, Arizona
We had to do that for the production of Navajo materials, and that is to say somebody who could speak Navajo; because they don't have a written language, and then also had to do it for some of the Asian languages, had to hire them to produce spots for a couple of the radio shows they have, and also printed material for newspapers and newsletters they have in various languages, Korean, Vietnamese, various languages that exist here, they use here in our state.

But maybe I should address with you in terms of what I think in terms of contract management is this. I think it's very similar to general management. You have to develop a mission, establish goals. You have to make those goals clear. The fact they have to be very measurable I think is of utmost importance. A lot of people get into contract management and use boilerplate type contracts where, you know, they just follow procedures. But I think that contract management requires you to be a little bit more precise in the establishment of those measurements, because you have less control over the people.

With the people that work for you,

ATWOOD REPORTING SERVICE
Phoenix, Arizona
immediately there, you can talk to, supervise, and deal with that. But when they are contract individuals, you have less control. So you have to define time lines and you have to define measurable outcomes so that you can then see what kind of progress is being made, what kind of issues are arising. It will also show you what kind of support they may need or you may need in order to get them to do what you need for them to do.

CHAIRMAN LYNN: Enrique, the last question is mine. Before I ask it, I still want to know, generally, in the community, are you known as Enrique Medina or Enrique Ochoa or Enrique Medina Ochoa?

MR. OCHOA: If you call, I answer to both names. I'm probably known as Enrique. The same thing happens, it's not a criticism on the system, the reality is sometimes people use one name and sometimes another; sometimes Enrique Medina Ochoa, sometimes Ochoa. They do that a lot with names not Anglo names.

CHAIRMAN LYNN: Okay. You don't have a preference.

MR. OCHOA: After a while, you learn
that if they say one name or the other, if they
call you, even negative names, that you have to
kind of see what is really behind it.

COMMISSIONER MINKOFF: Wait. I
won't let it go now, not yet.

What does your driver's license say
now?

MR. OCHOA: Enrique Medina Ochoa,
comas in between each.

If you call me "Enrique," I promise
to answer.

CHAIRMAN LYNN: If referring to you,
a position in the press, I call you Mr. Fill in
the blank at our office.

MR. OCHOA: You probably, I think,
to go along, call me by my last name. That would
be Mr. Ochoa.

CHAIRMAN LYNN: Thank you.

MR. OCHOA: Mucho gracias.

CHAIRMAN LYNN: Good. Now a frame
of reference. I'm in good shape.

You mentioned you have an ongoing
business, translation business.

MR. OCHOA: Right.

CHAIRMAN LYNN: The last question is

ATWOOD REPORTING SERVICE
Phoenix, Arizona
related to that in particular.

MR. OCHOA: Okay.

CHAIRMAN LYNN: When could you start this job if successful in getting the position, and by starting the job, I mean devote 100 percent of your attention to this job as opposed to any other endeavor you may have?

MR. OCHOA: When I was working with the Census, basically I put aside any connection I had with the translation company. And I have a gentleman that I hired 15 years ago. He just finished his doctorate two years ago in Spanish literature. He's probably more able to run it than I am. I ask him send me a little golf money once in a while is the bottom line.

Other, in regards to being able to start, I'd probably be able to start tomorrow after calling my wife and making sure she was comfortable with that and she would allow me to start work tomorrow.

COMMISSIONER ELDER: Good answer.

CHAIRMAN LYNN: Safe answer.

CHAIRMAN LYNN: Mr. Ochoa, thank you very much, number one, for your interest in the position, number two, for joining us this
afternoon.

I ask that you --

You are welcome to stay through the end of the process if you would like. If you have other things to do and other concerns for your time, you are free to go at this point.

MR. OCHOA: I definitely appreciate your time. And again, I realize that it takes a lot of time away from your daily activities. I commend all of you and I thank you all for taking the time to interview us all.

CHAIRMAN LYNN: Thank you.

And may we have Mr. Hernandez.

CHAIRMAN LYNN: Mr. Hernandez.

MR. HERNANDEZ: Mr. Lynn.

CHAIRMAN LYNN: We want to thank you for expressing an interest to continue in the interim capacity in which you've been operating in the last couple weeks. In any case, we appreciate your help in the last several weeks, whatever the outcome of this process.

MR. HERNANDEZ: Uh-huh.

CHAIRMAN LYNN: Appreciate you being with us here today.

We should disclose for the record

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Phoenix, Arizona
all of us know you and have known you for two
weeks.

MR. HERNANDEZ: Two weeks. Two
intense weeks, I might add, Mr. Chairman.

COMMISSIONER MINKOFF: Maybe I
should disclose he bought me two cups of coffee.
I'm financially beholding. I promise to pay him
back.

CHAIRMAN LYNN: The other thing I
should indicate for the record, Mr. Hernandez has
no prior information about questions being asked
by virtue of his interim position, questions
developed by Commissioners themselves, and
questions asked when he has been out of the room.

We have a dozen questions to ask.

I'll start first.

Tell us what you think this job
entails. Don't stick to the job description.
Expand on what you think the job really is going
to consist of once someone is in the job
permanently and then tell us why you think you are
the most qualified to hold that position.

MR. HERNANDEZ: Okay. Well, I must
start by saying this Commission is at a unique
point in time in Arizona history. You have a

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great opportunity to rise above the normal
day-to-day challenges and misgivings about
redistricting and rise above it and make 5.2
million Arizonans the winners, true winners.
There are a lot of states were watching how this
state conducts itself, how the process works.
That to me is quite exciting to be a part of.

In terms of what the job, how I perceive the job, I think the initiative indicated
five commissioners. The work at hand is to draw
maps and do the best job you can to draw maps that
allow as even a playing field as possible. The
job and role of executive director, in my opinion,
what I would recommend, is to handle the
day-to-day administrative tasks, to set up the
meetings, to facilitate public comment, let you
guys know what people are thinking out there, and
really just handle, handle the consultants, handle
travel, all those incidental things that get in
the way of doing the true work at hand which is
drawing maps.

My job is to try to isolate you from
mundane things that take you away from the real
job.

As far as I see myself, I have a

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long history with the Department of Administration. And a lot of tasks at hand are fairly similar and fairly familiar to me. One of my operations in the past has been to work with a lot of the small boards and commissions, so I have a lot of history and know the issues and problems that small agencies have in getting started, complying with the administrative requirements. And -- so in that regard, I think I'm a pretty good candidate.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: You made the comment "facilitate public comment." One of the issues, one of the things we really want to do is make sure that we have a good process of public outreach.

MR. HERNANDEZ: Uh-huh.

COMMISSIONER ELDER: How do you view the executive director's role facilitating or implementing public outreach?

MR. HERNANDEZ: One of the goals I had in mind, I'm hesitant to say this, it could be part of the request, one of the goals I wanted and had foreseen was to have an interactive website so the public can log on, look at draft maps, look at
where we are in the process, and give their input.  
That's -- it's so important to have buy-in to what  
we're trying to do here.  
And my role is to -- one of my roles  
would be to acknowledge every person who calls,  
has bothered to call, anybody who has written a  
letter, anybody who has attended a meeting.  
Everybody deserves a chance to be heard. And part  
of my job is to make sure everybody gets, in fact,  
contact.  
I don't think that with your  
schedules and your current professions and  
everything else -- you are busy people as it is,  
and you need help. I think I can do that.  
CHAIRMAN LYNN: Mr. Hall?  
COMMISSIONER HALL: As you already  
know, there's a variety of communication that must  
occur.  
MR. HERNANDEZ: Uh-huh.  
COMMISSIONER HALL: I think my  
sense, and probably yours and anyone's, it will  
increase in intensity. To communicate with five  
commissioners, legal counsel, DOA, state,  
consultants that we'll be adding, in addition to  
what Mr. Elder alluded to, what I'd like to you do

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is describe for me, specifically describe how you
would see a communication model or how in the role
as executive director you would facilitate that in
an effective manner.

MR. HERNANDEZ: Well, as I mentioned
a moment ago, the website would be a critical
part, pure telephone, voice message would be a
critical part. Public meetings when we're
advertising draft maps.

There are many mechanisms for
information flow.

And I -- I've always been innately
sensitive to the fact that the general public
should be heard. And I think I'm fairly -- my
sensitivity to that puts me a leg up on a lot of
other folks that could be candidates for this job.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr.

Hernandez, first of all, thank you for being with
us not just for this half hour but for the last
couple of weeks.

I'm sure you are aware of the
concerns expressed of the lack of minority
representation on the Commission. If you were to
be selected for this position, what steps could

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you, would you take to address those concerns?

MR. HERNANDEZ: Well, there are a
number of community groups out there locally,
Tucson, probably in rural Arizona as well. I
think we should make a concerted effort, whether
I'm here or not, I think the Commissioners, and
whatever executive director selected should make a
conscerted effort to reach out to community groups,
go visit the chambers, black chamber, go visit
CPLC, Chicanos Por La Casa, go visit Friendly
House, give a presentation. Let them know what we
are. Let them know what we're thinking. As I
said earlier, take feedback.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: I apologize
in advance, but I'm going to read you a question
verbatim so it's exactly the same as we have asked
all the other applicants.

We feel that our executive director
will need to be able to work with people in all
communities of interest and all political
affiliations throughout our state. Have you been
involved in any activities of a partisan nature,
whether political or otherwise, that might
alienate any group that you will need to be able

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to work with in order to do your job effectively
or if it became generally known might otherwise
interfere with the performance of your work?

MR. HERNANDEZ: Well, one quality
I've had since my youth was that I've always
tended to be a nonpartisan individual. My family
is life-long Democrats, without question; but I
grew up in Tucson, Arizona. Anybody from Tucson
will remember there was a famous Republican in
Maricopa named Lou Murphy. I grew up voting, my
family voted for Lou Murphy. We were Democrats.
At a young age I saw vote the
person, not straight party. I've continued that
history throughout my life.

As a young man I worked for Governor
Bruce Babbitt. Later on, I supported many
Republican candidates. I'd be surprised if
anybody said I was terribly partisan one way or
the other.

CHAIRMAN LYNN: Mr. Hernandez, if
you could identify any areas in your experience or
resume where you think they are weak or falls
short of the requirements of this particular job
and then spend a little time talking about what
you would do about that, these shortcomings or

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weaknesses.

MR. HERNANDEZ: I would say one definite shortcoming is I, once I make a commitment to my bosses about a task, and you guys are expecting that, I am one of those strange guys that stays there all night until the task is completed, at the expense of my family, probably. But I follow through on tasks, stay as late as I need to do on Saturday, et cetera. The unfortunate and down side is I expect the same of subordinate staff. That's a definite shortcoming, you make demands on some of your colleagues to exit the same level of commitment you have to whatever organization you are working for.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: A little bit more of a thinking question.

One of our work products is to prepare the document that ends up going to DOJ for review, declare approvals, various parts of the state for comment prior to that. What experience have you had in preparation of documents such as this?

MR. HERNANDEZ: A document of this magnitude, probably not much. It's different.
doing a few grant proposals, federal grant proposals, and doing a task of the magnitude of what we're trying to do here.


CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: What would you say is your strongest personal attribute or characteristic and how would you say that would most benefit your function in this capacity?

MR. HERNANDEZ: Well, I was blessed with really good parents. They taught me right from wrong. And I'd say personal integrity is what I have. I do what I say I'm going to do.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Hernandez, you've been with DOA for a number of years, have a good job, secure job. This job is in everybody's gun sites. Why did you decide to apply?

MR. HERNANDEZ: It's quite innocent. I received a call from the director a few weeks back, March 2nd. He asked if I'd be willing to help out a new Commission. Because of my
excitement with small boards, Commissions, I
innocently said, "Sure." He said -- I asked,
"When would this commence?" He said, "In about 45
minutes."

So my interest, I came into this
quite innocently, quite naively, and was pretty
overwhelmed by the pent up administrative demands
Commission had. I sat innocently in the audience
and took a beating.

As I worked with each of you and I
watched this task more intensely, and I see what
our goals are, this is something I would like to
be a part of.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Just making
a note here.

CHAIRMAN LYNN: Take your time.

COMMISSIONER HUNTWORK: Do you have
any experience starting a business or an agency,
you know, Commission, from scratch, including
creating an initial business plan, the staffing,
plan, equipment, and so on, and then carrying
through with procurement and administration?

MR. HERNANDEZ: Well, in private
life I was charged with building a campaign

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organization in rural northwest Iowa, did not know a sole. And you literally moved there, set up shop, and figure out who the leaders are and go after supporters. That was tough. So that was great experience. Also just in government, there have been new assignments, like fleets, and boards, and commissions where it was quite foreign to me and I jumped in and figured it out. And over the years I've had really good reviews overall at an agency level.

So I -- there's nothing more boring than talking about yourself. I really don't like talking about myself.

We've had some really good success, I must say.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. ernandez, you know we're going to be, you know because you sat through the presentation, we're going to be hiring technical consultants to assist the Commission in drawing its lines and creating its maps. Can you describe prior experience working with technical consultants and how you would expect to interface with them if you were the executive director?
MR. HERNANDEZ: Over the years, some of my other areas I control, we've hired, I've hired national fleet consultants to come in, take a look at our operation, so I worked very intensely with that. And that was a -- that was a unique experience. You got an outsider telling you how they think the world should be. And it's an art, because there's a lot of give and take. But ultimately, the results we had were quite good.

CHAIRMAN LYNN: Mr. Hernandez, the last question is mine. I suspect I know the answer to this. I'll ask it anyway. Should you be successful in getting this position on a full-time -- temporary full-time basis, because obviously it's a temporary position, but it is full time while it lasts, how quickly could you start and how fully could you devote your energies here as opposed to any of your other duties?

MR. HERNANDEZ: Well, time is of the essence here. As far as I'm concerned, this Commission cannot get started with the process of drawing lines and testing the maps against the guidelines in the initiative, we can't get started...
fast enough. There's a ton of work. There's a phenomenal amount of work to be done here.

Part of the charge of the job, in spite of what Ms. Minkoff described as scrutiny and rock throwing, part of the charge of the job is being faced with a task of that magnitude. I'm not the kind that backs down from that sort of thing.

CHAIRMAN LYNN: Specifically you have responsibilities from the Department of Administration. You are on loan to the Commission. If you are successful in getting the job officially, how quickly could you discharge your other duties, get them off your plate so you could devote a hundred percent of your time here?

MR. HERNANDEZ: Mr. Chairman, I think that that could be done within just a few days. We've already made moves now, because in the last couple weeks you guys have kept me fairly busy and hopping. And we've made internal moves now to make sure we don't go backwards in various areas I run.

I'd say a matter of a few days.

I do need to add I need to talk to my director and let him know. I'm not sure he's
aware I was even applying on a full-time basis.

CHAIRMAN LYNN: Mr. Hernandez, thank you very much. As with all the candidates, we thank all of them for their interest and willingness to appear.

That concludes the interview portion of what we're doing.

MR. HERNANDEZ: All right.

CHAIRMAN LYNN: We thank you very much.

Now let me ask the Commission what their pleasure is with regard to deliberations on selection of executive director in terms of whether or not you wish, under the rules, to go into executive session.

I believe, Mr. Kanefield, that is permissible in this part of the process?

MR. KANEFIELD: Yes.

CHAIRMAN LYNN: For the purpose of discussing personnel issues, we have that ability. I want to ask your thoughts on that.

Ms. Minkoff.

COMMISSIONER MINKOFF: I'd prefer to do it in executive session.

CHAIRMAN LYNN: May I have a motion?
COMMISSIONER MINKOFF: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: It's been moved and seconded.

Discussion?

Hearing none, all those in favor of going into executive session to discuss personnel matters of executive director, signify by saying "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

"Ayes" have it.

Again, in terms of timing, ladies and gentlemen, I don't know how long it will take. If you would like to wait, you're certainly welcome to wait outside. We'll take whatever time is necessary to take to make our discussion portion and come back to actually deal with the issue.

Thank you.

(Whereupon, the Commission convened in Executive Session.)

(Whereupon, the Commission reconvened in Open Session at approximately

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CHAIRMAN LYNN: All right. We will reconvene the open session of the Commission. Let me make a couple of quick statements. First of all, I want to indicate that the lengthy executive session was indicative of there being a number of very strong candidates with a number of attributes that we tried to fully assess and to take the measure of in our discussions. I also want to mention that once the vote is taken, Ms. Minkoff has a previous engagement which she will be leaving to attend and her departure should not be taken as anything other than having a previous engagement and -- having a previous engagement.

COMMISSIONER MINKOFF: I signed on for better, for worse, maybe for lunch, but not for dinner.

CHAIRMAN LYNN: I'd also like to ask the Commission, because of what we're about to do, I want everyone to understand the discussion in executive session is just that, discussion. We don't have a decision in mind. What you are going to see is a difficult process played out to
Any candidate that receives three affirmative votes for their candidacy once that vote is taken will be selected. In order to make sure we have an accurate voting record, I would suggest, without objection, once a candidate's name has been placed in nomination, that we in effect take a roll call vote on each one so we know what we have at the end of that roll call without objection.

COMMISSIONER MINKOFF: Okay.

CHAIRMAN LYNN: The last thing I will say, and then we'll get to it, I want to be sure everyone knows what we're voting on. At this point we will be voting on the candidate to whom the position will be offered subject to a reference and employment verification performed by the Department of Administration. So --

COMMISSIONER HALL: And salary.

CHAIRMAN LYNN: And a salary negotiation, an acceptable salary negotiation. So members of the press, understand that whereas we have made a referral to the Department of Administration, we have not technically hired anyone until that is completed.

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and the negotiation is subsequently completed. I just want to make that clear.

Any motion made for any candidate would need to have that language embedded in it, if you will, and not necessarily read, but it's understood that that is the case.

The Chair would entertain an affirmative motion.

COMMISSIONER HALL: Before that, Mr. Chairman, I just want to also say that and make it clear that, you know, we -- we've had a rather vigorous discussion and that I think that it's evident that this Commission has evaluated the applicants with a rather deep level of detail, if you will, or intimacy. And I think that's important for the record, to be noted on the record.

CHAIRMAN LYNN: Thank you, Mr. Hall. Any other comments, I'll offer to Commissioners, before we go to an affirmative motion, if they wish to make one.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I would like to make a motion. If no one else has anything to say, I'll do that.
Before I say anything, I would like to echo your comment. We interviewed five outstanding candidates. And the task we have is to try to select the one that most fully and completely reflects the needs of the Commission as we see it. So it's a difficult, a difficult choice in that respect.

The motion I would like to make is that we select William Hernandez as our executive director.

CHAIRMAN LYNN: Is there a second?

Hearing none, the motion dies for lack of a second.

Is there an affirmative motion?

COMMISSIONER HALL: I'd like to make a motion that we hire, subject to the contingencies that you have referenced, Mr. Enrique Medina Ochoa.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: I'll second that.

CHAIRMAN LYNN: Is there discussion?

Hearing no public discussion, I would ask for a roll call.

Mr. Huntwork?
COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Yes.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Yes.

CHAIRMAN LYNN: The Chair votes yes.

It's the unanimous recommendation

that the Department of Administration first

perform the necessary checks on Mr. Enrique Medina

Ochoa and that subsequent to that we enter into a

negotiation on salary and benefits; that with the

successful completion of those processes, that we

would engage Mr. Ochoa's services as executive
director.

Without objection to deal with the

salary portion of the negotiations, if the

Commission would like, I would be happy to serve

as your representative in that regard. There is a

posted limit on the position, so you understand

the upper set limit of what could be negotiated.

But I'd be happy to do that unless someone else

would like to take that responsibility.

COMMISSIONER MINKOFF: Good
heaven's, no.

Need a motion?

CHAIRMAN LYNN: No. But without objection?

COMMISSIONER HALL: Are you saying we need to set a cap?

CHAIRMAN LYNN: A cap has been set.

Negotiations take place up to the cap. My responsibility will be to see those take place.

COMMISSIONER HALL: Are you sure you'll be aggressive?

CHAIRMAN LYNN: Yes, Mr. Hall, I'll be aggressive.

COMMISSIONER ELDER: I'd like, this is still open for discussion, I'd agree to have you do that. I would like to have you negotiate a, I guess I'd call it, a tiered structure, the tiered structure being we'll have a very intense maybe five, six, eight months. We may very well have a need for a part-time director subsequent to that time for the next four months while we may be doing outside, you know, here's what happened, here's what we went to DOJ with. And I'd like to have somebody that would be there to be able to coordinate and do that type of thing, maybe that
we could extend the contract, you know, with mutual agreement to give us that flexibility to have that outreach for the public after we've done the best job we can. Hopefully the courts will agree.

CHAIRMAN LYNN: Part-time basis.

COMMISSIONER ELDER: Part-time basis.

COMMISSIONER HALL: Would it be appropriate, for the benefit of Mr. Ochoa, at least, to set a minimum time frame? You know, I mean he has to -- a life to live.

CHAIRMAN LYNN: Might I suggest this: We know there's a certain amount of work to be done up to a certain point. Let's negotiate that right now. And that's all that was in the announcement to begin with. And then let's subsequently discuss with the executive director once hired any sort of ongoing responsibilities and compensation beyond what we know we need.

COMMISSIONER ELDER: That would be fine. Without objection, you are --

CHAIRMAN LYNN: Without objection I'm it.

COMMISSIONER MINKOFF: Without
objection, can I leave?

CHAIRMAN LYNN: Thank you,

Ms. Minkoff, for staying.

COMMISSIONER MINKOFF: As long as I can leave.

COMMISSIONER ELDER: I imagined that is what it was.

CHAIRMAN LYNN: Item 14 is a discussion of additional staffing requirements. It's on the agenda simply as an item in case there is something to be discussed under this item. My suggestion would be upon rapid, I think, completion of tasks the department will be undertaking, let's say, in the next couple days, if, after Mr. Ochoa communicating with his wife about the efficacy of taking this job on, that we would rapidly conclude that portion of the deliberations. And I would suggest that we rely in part on Mr. Ochoa and discussion with the Commission about further staffing at this point.

Any other comment?

Mr. Elder?

COMMISSIONER ELDER: I'm not clear.

You say in discussion with the Commission we talk with Mr. Ochoa as individuals or are we going to
have another meeting to discuss with Mr. Ochoa the
form, function, direction we want to go with --

CHAIRMAN LYNN: I'd like to do the
reverse, have Mr. Ochoa tell us how he sees
staffing from his perspective.

COMMISSIONER HALL: Individually.

CHAIRMAN LYNN: Individually for
now. We know we have another meeting coming up.

We know the next item, early April, is considering
technical consultants. It's probably appropriate
at that same time to hear from Mr. Ochoa about his
staffing plan and how he proposes to achieve that.

COMMISSIONER HALL: Prior to that
time, without objection, I suggest he may want to
contact each Commissioner individually and --

CHAIRMAN LYNN: It's perfectly
acceptable to do that as well.

COMMISSIONER HALL: Okay.

CHAIRMAN LYNN: Any further
discussion under item 14, additional staffing
requirements, at this time?

Hearing none, we'll move to item 15,
which is again public comment.

Is there any member of the public
wishing to be heard at this time in matters either

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currently or prospectively before the Commission?

Seeing no one seeking recognition,

I'll move to item 16, agenda item and dates for

future meetings.

I believe that there was some
discussion earlier about, again, depending on the
agenda, for -- or time frame for the consultant,
technical consultant, that the proposals from
consultants would be in on April 2nd; that there
was a previous agreement that we could meet in the
morning. And my understanding from Ms. Minkoff,
prior to her departure, is that she would need to
be finished by early afternoon, 1:00 or 1:30 at
the latest.

So my suggestion would be that we
attempt to next meet the morning of April 5th.
And I think we should start as early as feasible,
which seems to be about 8:30, the same time we
started today, with the idea we'd then hear
consultants and make some other decisions in about
a half-day meeting.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman,

I can certainly meet earlier than that if those of
you from out of town have to come in the night
before anyway in order to meet at that time. We could certainly start earlier.

CHAIRMAN LYNN: Name a time. 8:00 o'clock is fine with me. Earlier might not be --

COMMISSIONER HUNTWORK: Even 7:00?

CHAIRMAN LYNN: We don't have a place yet.

MR. HERNANDEZ: You do have a place arranged.

CHAIRMAN LYNN: For the 5th?

MR. HERNANDEZ: I arranged for the Governor's conference room, second floor conference room, for the 5th or 6th. The 5th is better, because Mr. Adler is not available on the 6th.

CHAIRMAN LYNN: The 5th is the appropriate date.

MR. HERNANDEZ: Okay.

CHAIRMAN LYNN: What time does that building open?

MR. HERNANDEZ: That building is open by 6:30.

COMMISSIONER HALL: The address of that?

MR. HERNANDEZ: 1700 West

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Washington, the Governor's Office.

CHAIRMAN LYNN: Same one the Secretary of State's Office was in, second floor.

MS. SCHELL: The executive tower.

CHAIRMAN LYNN: I can't speak for Ms. Minkoff, but as she was wanting to leave early, she must be willing, by implication, to start earlier.

COMMISSIONER HUNTWORK: Start earlier.

COMMISSIONER ELDER: Will we interview consultants.

CHAIRMAN LYNN: Might have other items to take, first deal with other items. By then all the business with Mr. Ochoa will be completed. We'll be able to hear from him about staffing requirements, other things, construct the agenda to accommodate outside consultants in for interviews.

7:00 is not too early for me, either, so I'm -- I mean you -- just pick a time. I'm happy to go with what you want to do.

Mr. Huntwork suggests 7:00. That's fine with me.

Joshua, are you awake?

Let's split and say 7:30.

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COMMISSIONER HUNTWORK: Sold.

CHAIRMAN LYNN: 7:30 on the 5th.

Our next meeting is 7:30 on the 5th, 1700 West Washington, Second Floor Conference Room.

Item 17, mercifully, after a two-day agenda, the Commission will stand adjourned until 7:30 April 5th.

MS. HAUSER: May I ask a quick question, Mr. Chairman?

CHAIRMAN LYNN: We were close to done, Ms. Hauser.

MS. HAUSER: Is there anything to be done from counsel, assuming we have contracts set by then, prior to or for the next meeting?

CHAIRMAN LYNN: I think my preference would be once the process is completed with Mr. Ochoa, both counsel meet with Mr. Ochoa at his convenience to discuss the relationship, if you will, and how office space and other issues will be dealt with, to the extent you will need office space in the complex where we're now located, and those kind of mechanical things.

Beyond that, I can't think of anything yet but --

Mr. Hall?

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COMMISSIONER HALL: I would -- weeks ago, we had a time line presented to us by -- prepared by the Attorney General's Office. I don't know, Mrs. Hauser, if you've seen a copy of that.

MS. HAUSER: Yes.

COMMISSIONER HALL: I would like her or them to make that -- to flush that out and to -- and, as appropriate, provide more detail and, in essence, say, make a presentation to this Commission, educate us: Here is the general time line. Here are the facts. Here are land mines. Here's my experience.

I just really think that we, especially given Mrs. Hauser's experience previously, that would be beneficial to the Commission.

CHAIRMAN LYNN: The only wild card from my standpoint is how much time the consultants need for their work. We won't know until we engage them. Start to finish, from a DOJ review standpoint, that's certainly something we can take another look at.

COMMISSIONER HALL: Maybe the details of how you see the -- you see it flowing.
I mean -- I think we can push consultants. Didn't we in the RFP?

CHAIRMAN LYNN: There's only so much they can do in a certain amount of time. That's the part of the process I want to allow enough time for. That's the part that will give us --

COMMISSIONER HALL: The meat.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Just for discussion right now, one of the things I'd almost like to have Ms. Hauser to do would be to give us a historical perspective of challenges that have occurred in the State of Arizona from like '90 to current. You know, what was the issue, how was it resolved, what were the pitfalls or what were mistakes that were made and here's how I recommend I make sure we don't fall into those same situations.

CHAIRMAN LYNN: From Ms. Hauser and Mr. Rivera?

COMMISSIONER ELDER: I'm sorry, "counsel" in quotes.

MS. HAUSER: I'll call him.

COMMISSIONER HALL: Did you read the article by Mr. --

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MS. HAUSER: No.

COMMISSIONER HALL: By Cantelme.

CHAIRMAN LYNN: We need to get you a copy of that.

COMMISSIONER HALL: I'm curious of your opinion of that. That's related to what Mr. Elder just said.

MS. HAUSER: Sure.

CHAIRMAN LYNN: We'll make sure you get a copy of that.

Anything else for the agenda?

Is that a hand?

COMMISSIONER HUNTWORK: It's sort of a hand.

Once again, we're going to distribute the agenda and have an opportunity to reflect on that?

CHAIRMAN LYNN: Exactly.

COMMISSIONER HALL: Are you bringing EDC back?

CHAIRMAN LYNN: Depends on whether they submit.

COMMISSIONER HALL: Assuming they submit, are you bringing them back?

CHAIRMAN LYNN: I think we have to.
Our procurement people aren't here. The same people that dealt with us on legal will deal with us on this. I think we have to bring them back.

COMMISSIONER HALL: Okay. I'd really like to stay longer, but without objection --

CHAIRMAN LYNN: I understand that. Mr. Elder.

COMMISSIONER ELDER: Do we need a motion for adjournment?

CHAIRMAN LYNN: Not if on the agenda, and it is. Let me get to it.

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: Thank you all very much for your diligence.

(Whereupon, the hearing concluded at approximately 6:43 p.m.)

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ATWOOD REPORTING SERVICE
Phoenix, Arizona
STATE OF ARIZONA  
COUNTY OF MARICOPA  

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 317 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 26th day of March, 2001.

LISA A. NANCE, RPR  
Certified Court Reporter  
Certificate Number 50349

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Phoenix, Arizona