

1                   **ARIZONA INDEPENDENT REDISTRICTING COMMISSION**

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4  
5                   Thursday, May 2, 2013  
6                                   2:37 p.m.

7  
8                                   **Location**

9                                   Evans House  
10                                  1100 West Washington Street  
11                                   Phoenix, Arizona 85007

12  
13                                  Attending

14                   Colleen C. Mathis, Chair, telephonically  
15                   Jose M. Herrera, Vice Chair, telephonically  
16                                   Scott Day Freeman, Vice Chair  
17                   Linda C. McNulty, Commissioner, telephonically  
18                   Richard P. Stertz, Commissioner, telephonically

19                   Raymond F. Bladine, Executive Director  
20                   Kristina Gomez, Deputy Executive Director  
21                   Buck Forst, Information Technology Specialist  
22                   Mary O'Grady, Counsel, Osborn Maledon  
23                   Joe Kanefield, Counsel, Ballard Spahr  
24                   Beau Roysden, Ballard Spahr

25                                   (COPY)

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                                  CR No. 50637

Phoenix, Arizona  
May 2, 2013  
2:37 p.m.

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4 CHAIRWOMAN MATHIS: This meeting of the  
5 Arizona Independent Redistricting Commission will  
6 now come to order.

7 Today is May 2nd, 2013. The time is  
8 2:37 p.m. And why don't we start with the Pledge of  
9 Allegiance.

10 Vice Chair Freeman, could you lead us?

11 VICE CHAIR FREEMAN: Sure.

12 (The Pledge of Allegiance was recited.)

13 CHAIRWOMAN MATHIS: Great. Thank you.

14 We'll go ahead with roll call.

15 Vice Chair Freeman?

16 VICE CHAIR FREEMAN: Here.

17 CHAIRWOMAN MATHIS: Vice Chair Herrera?

18 Commissioner McNulty?

19 COMMISSIONER MCNULTY: Here.

20 CHAIRWOMAN MATHIS: Commissioner Stertz?

21 COMMISSIONER STERTZ: Here.

22 CHAIRWOMAN MATHIS: We have a quorum.

23 And I understand that Commissioner -- or  
24 Vice Chair Herrera will be joining us around  
25 3 o'clock. So we'll go ahead, though, and do what

1 we can in his absence.

2 Other folks in the room include our legal  
3 counsel, Joe Kanefield and Mary O'Grady.

4 We have our executive director Ray  
5 Bladine and deputy executive director, Kristina  
6 Gomez.

7 Our information technology specialist is  
8 Buck Forst. Thank you, Buck.

9 And Michelle is recording the proceedings  
10 today. So everyone be mindful, since we're on the  
11 phone.

12 I apologize for last time with me being  
13 on the cell phone. It just really didn't work well  
14 and was very hard on our recorder and everyone else.  
15 So hoping this time will be better.

16 Anybody I missed?

17 Okay. Hearing --

18 RAYMOND BLADINE: Madame Chair, I'm sorry.

19 Yes, we have Mr. Desmond here in the  
20 audience and --

21 CHAIRWOMAN MATHIS: Oh, great.

22 RAYMOND BLADINE: -- and we have Mr. Muratore,  
23 our regular, and we have --

24 MR. MURATORE: Peanut gallery.

25 RAYMOND BLADINE: Peanut gallery.

1           And we have Beau from Ballard Spahr.

2           CHAIRWOMAN MATHIS: Oh, great. Thank you.

3           I remember you told me about Beau. I  
4 apologize.

5           Okay. Well, we'll -- in looking at the  
6 agenda, item II we started to go into last time and  
7 since Commissioner Herrera isn't here to kind of  
8 talk about that, I was wondering if maybe we should  
9 start with items III and V since those are items  
10 that pertain to the executive director and the  
11 budget and things like that.

12           Would that work for folks?

13           COMMISSIONER MCNULTY: Fine with me.

14           COMMISSIONER STERTZ: No objection.

15           VICE CHAIR FREEMAN: Fine with me.

16           CHAIRWOMAN MATHIS: Okay. Great.

17           Let's go ahead with number III, report  
18 discussion and possible action regarding the  
19 Commission's fiscal year 2013 appropriations and  
20 expenditures and budget issues for fiscal year 2014.

21           RAYMOND BLADINE: Michelle is asking me a  
22 question.

23           Oh, I picked up the wrong mic. Now I  
24 understand what I did wrong.

25           RAYMOND BLADINE: Madame Chair, I picked up

1 the mic that was supposed to go to the cell phone to  
2 pick up your voice. Sorry.

3 I thought I would ask Kristina to do a  
4 summary of where we are on the budget now and update  
5 you with the latest information on our appropriation  
6 for supplemental appropriation for this year.

7 Kristina.

8 KRISTINA GOMEZ: Thank you.

9 Madame Chair, commissioners. As you all  
10 have probably heard already, Senate Bill 1482 was  
11 passed by the legislature last Thursday and it was  
12 submitted to the governor's desk and she signed that  
13 this past Tuesday. And as of this afternoon, the  
14 appropriation has been posted. So we now have  
15 access to our supplemental appropriation.

16 The total appropriation to the Commission  
17 was \$635,000. So we're grateful that now we have  
18 money so we can now pay some bills.

19 So next week we will be working on fiscal  
20 year '14 appropriation. We'll be working on  
21 scheduling appointments with staff and with members  
22 to assess next fiscal year.

23 And, I'm sorry, Ray did you want to talk  
24 about --

25 RAYMOND BLADINE: Let's -- Madame Chair,

1 unless there's questions, I think we can -- we'll  
2 just go onto maybe do the director's report and talk  
3 about staffing.

4 I will tell you that at this point in  
5 time we've heard nothing on fiscal year '14. Our  
6 request is about 2 million and two hundred-some odd  
7 thousand. And I think the problem that everybody is  
8 reading in the paper right now, the legislature and  
9 the governor are tied up with the Medicaid bill and  
10 nothing seems to be happening on the budget.

11 But we thought next week we'll double  
12 back with, as Kristina said, the staffing and the  
13 leadership of the House and the Senate and just make  
14 sure they don't forget about us.

15 They did also, in the bill that Kristina  
16 mentioned, provided the ability for us to use '14  
17 money to pay bills in '13.

18 We are hoping that the legislature will  
19 quickly adopt a budget for '14 so we'll have some  
20 money that we can spend against, if necessary. But  
21 I think this will -- this should get us through this  
22 fiscal year, but it is a little disconcerting that  
23 we don't see movement yet on the '14 budget. But I  
24 think we're in the same position as everybody else.

25 So, Madame Chair, if there's no

1 questions, I'll ask Kristina to go ahead and talk  
2 about the other items in the executive director's  
3 report.

4 CHAIRWOMAN MATHIS: Do commissioners have any  
5 questions for Mr. Bladine or Ms. Gomez on that item?

6 Okay. I don't have any questions either  
7 but I will just commend them for their hard work.  
8 They've been going at this for a number of weeks and  
9 I just want to thank them for their diligence and  
10 persistence and I'm very grateful that they were  
11 successful in getting some funding.

12 Thank you.

13 KRISTINA GOMEZ: Thank you.

14 So the next item on the memo that went  
15 out to you on April 24th, the executive director's  
16 report, staffing.

17 We still have with us Shane Shields, Lisa  
18 Schmelling and Anna Garcia as part of our staff.

19 Every month we review the workload. We  
20 were really busy with the Harris case and helping  
21 out legal counsel to keep our costs down. So Lisa  
22 Schmelling and Shane Shields did a lot of the data  
23 collection for legal counsel.

24 But we are reviewing month by month the  
25 workload and we're also -- we've also looked at what

1 may be coming up. So as far as the workload for the  
2 Leach case and also the outcome of the District  
3 Court will affect our staffing needs here in this  
4 office.

5 So we still have the same staff here with  
6 us and we will continue to monitor this month by  
7 month.

8 Facilities. We're still renting the  
9 Evans House from the Secretary of State's office.  
10 The rent for each fiscal -- for the fiscal year is  
11 \$27,000. We will continue to occupy the space until  
12 the Commission asks us to move. But we will  
13 continue to stay here until we're told otherwise.

14 Technology issues. Buck Forst is still  
15 with us and he's still recording our meetings. And  
16 streaming, we have the option to stream at any time.  
17 So if the Commission wished to start up that once  
18 again, we can do that. The cost is \$2,400.

19 And we had a question regarding the  
20 domain name. That is good until May 5th of 2014.

21 The Commission's records. We were in  
22 contact with the Arizona records and retention last  
23 year and we have also been in contact with librarian  
24 and archives and they are aware of our office and  
25 they are aware that we may need to close down at



1 some point. So we are still in communication with  
2 those two offices.

3 Strategic Telemetry log. I believe  
4 that's also in your packet as well, so that's the  
5 most updated log that we have from our mapping  
6 consultants.

7 And the hearing transcripts and minutes.  
8 Everything is posted on the website. We also have  
9 some items, too, in boxes ready to go. So when that  
10 day comes when they ask us to close down shop, we  
11 are halfway there. We are halfway ready to send  
12 some boxes. And those meeting minutes and  
13 transcripts are -- the hard copies are in those  
14 boxes presently.

15 So that is about it.

16 If you have any questions, I would be  
17 more than -- more than happy to answer them.

18 CHAIRWOMAN MATHIS: Thank you, Ms. Gomez.

19 Any questions for Ms. Gomez?

20 VICE CHAIR FREEMAN: Madame Chair, this is  
21 Scott Freeman.

22 CHAIRWOMAN MATHIS: Go ahead, Mr. Freeman.

23 VICE CHAIR FREEMAN: It's been over a week  
24 since I looked at it, but Strategic Telemetry had  
25 some bills this year, I think it was 60, \$70,000. I

1 assume that --

2 COMMISSIONER MCNULTY: Scott, you're going to  
3 have to speak into a microphone, please.

4 VICE CHAIR FREEMAN: Yeah, I'll try to speak  
5 up but I was speaking right into it.

6 COMMISSIONER MCNULTY: Much better. Thank  
7 you.

8 VICE CHAIR FREEMAN: You bet.

9 They had about 60, \$70,000 in bills. I  
10 assume that was related to the Harris trial.

11 Was that -- had that money been budgeted  
12 before? Was that anticipated?

13 KRISTINA GOMEZ: Madame Chair, Vice Chair  
14 Freeman, we did our best to estimate their costs.  
15 However, with the -- with the workload of the trial  
16 and everything being so -- everything that was  
17 expedited, it was kind -- it was difficult to come  
18 up with a good estimate.

19 We did project them to be -- I believe it  
20 was roughly 30, 35,000 and they came close to  
21 39,000. But we did our best to estimate those costs  
22 without exactly knowing how much work would be  
23 involved in this process.

24 CHAIRWOMAN MATHIS: Okay. Any other  
25 questions?

1 I have a question for Ms. Gomez, since  
2 she was involved with the Commission last time.  
3 Just curious.

4 When did they close down?

5 KRISTINA GOMEZ: Madame Chair, they closed  
6 down July of 2009. And we received word, I believe  
7 it was in June. So we had roughly a month to pack  
8 up our boxes and to shut off the lights because they  
9 wanted us gone. Just to save money, of course.

10 CHAIRWOMAN MATHIS: Okay. Yeah, so it went  
11 almost the whole decade?

12 KRISTINA GOMEZ: Yes.

13 CHAIRWOMAN MATHIS: Okay. Any other  
14 questions?

15 RAYMOND BLADINE: Madame Chair, I might just  
16 comment on the last part of our director's report on  
17 that first page under the budget.

18 We did show you, as best we could, an  
19 estimate of what we had thought attorney fees might  
20 be as compared to what they actually ended up to be.

21 One of the things that threw everything  
22 off of our budget, of course, was once the District  
23 Court said that there was not legislative immunity  
24 and that all of the commissioners would be subject  
25 to testifying, our legal costs went up extremely

1 high, both for individual attorneys and also for our  
2 Commission attorneys who had to respond and work  
3 with an additional workload caused by that.

4 We should be able to, as we've talked  
5 about, finish out this year utilizing the funds made  
6 available and also the funds from '14.

7 I have been reviewing the invoices from  
8 the attorneys, particularly looking at March 19th  
9 on. Because at that point, we had asked all of the  
10 attorneys to please stop work on the Leach case and  
11 also to clear any additional work with our two  
12 Commission attorneys and give us -- and also give us  
13 an estimated budget.

14 So I have reviewed the invoices I have to  
15 date, which are -- one is from John Munger, Brian  
16 Bergin and Michael Mandell.

17 I have yet to receive -- I think I heard  
18 today that we received a bill from Paul Charlton,  
19 and I will do the same thing, reviewing them against  
20 the scope of work and also against the estimates  
21 they provided for the work beyond the 19th.

22 And as I pointed out in the memo to you  
23 dated May 1st, I have asked for more information  
24 from Michael Mandell about his bill because it was  
25 more than he had estimated. And similarly I have

1 asked questions of Mr. Munger about some of his  
2 items. And also indicated that at this time, any  
3 additional work on Leach is not authorized, so I  
4 could not pay that part.

5           However, I would imagine that if the  
6 Commission were to approve additional individual  
7 consult after and for Leach, then some of those  
8 items could be resubmitted.

9           My memory is that out of his last  
10 invoice, about I think \$3,000 or so, 3500, was  
11 related -- was related to Leach.

12           So we will now start paying off the  
13 attorneys that have some invoices and try to get  
14 caught up to date.

15           With that, I'm available for any  
16 questions.

17           CHAIRWOMAN MATHIS: Are there any questions  
18 for Mr. Bladine?

19           Okay. I'm not hearing any.

20           I will just note that, yeah, I have  
21 seen -- the press has covered some of the  
22 information regarding individual attorney  
23 expenditures and it's definitely ballooning rapidly.

24           And I saw also the letter from  
25 Mr. Bladine dated May 1st. I think it went to all

1 commissioners. It should have. We're all on the  
2 letter.

3 And, yeah, I guess I'm a little concerned  
4 about some of the things -- my name happened to jump  
5 out, but there is expenditures to investigate me and  
6 I don't know -- it says it's not part of the scope  
7 of work, but I found that a little interesting.

8 So I'm curious going forward how that's  
9 going to be addressed or handled.

10 But I don't know if anybody here can  
11 respond to that since I don't know if that's  
12 something Commission counsel can comment on or not.

13 MARY O'GRADY: Madame Chair, this is Mary.

14 I think the process that is being used is  
15 the one that should be used prospectively where if  
16 Ray, when he's reviewing the bills, has concerns  
17 about scope of work, that he follows up with -- with  
18 the lawyer submitting the bills and gets the  
19 justification to determine whether it's appropriate  
20 for payment.

21 And to the extent Commission counsel can  
22 help in terms of categories of expenditures, that  
23 makes sense.

24 But definitely -- and also trying to do  
25 some up-front budgeting as well going forward.

1 CHAIRWOMAN MATHIS: Well, I guess I would,  
2 just for the record, state that they don't seem  
3 appropriate, those expenditures, to investigate the  
4 chair, from my perspective. Probably doesn't  
5 surprise anyone.

6 But since that's how it's worded in the  
7 letter on May 1st, do not seem appropriate, that's  
8 what I'll -- I'll also sign onto as well.

9 VICE CHAIR FREEMAN: Madame Chair, this is  
10 Scott Freeman.

11 CHAIRWOMAN MATHIS: Go ahead, Mr. Freeman.

12 VICE CHAIR FREEMAN: Question for counsel.

13 A bill from an attorney often contains  
14 attorney/client privileged information in it. How  
15 is that privilege being protected by the Commission  
16 when individual commissioner's counsel send in these  
17 bills?

18 Sounds like -- I mean, is Mr. Bergin's  
19 bill to me, are they going to be discussed in  
20 Commission hearings? I mean, I know there's  
21 attorney/client information in there that should not  
22 be disclosed unless I agree to waive it.

23 RAYMOND BLADINE: Madame Chair, I'm going to  
24 let the attorneys answer. But we have treated the  
25 bills as not -- is client/attorney privilege.

1           In responding to both Mr. Mandell and  
2 Mr. Bergin, I did not send them copies of the  
3 invoice. I did summarize or I lifted specific items  
4 that I was concerned about.

5           I didn't know how else really to  
6 communicate it, but I think that at this point --  
7 and I didn't -- in the case of -- in the case of  
8 Mr. Freeman, all I did was summarize in his case  
9 that the bill was \$791 more than was estimated. And  
10 since I did not see that as material, I didn't  
11 submit any additional information and I simply asked  
12 -- well, I didn't actually even ask Mr. Bergin  
13 because I thought it fell within the scope of work.  
14 I looked at the dates of which he provided the  
15 activity after the 19th and the amount was fine.

16           In the case of Michael Mandell, his bill  
17 was not in dollar amounts but was in hours and I  
18 sent him a memo asking him to explain the difference  
19 in hours from his estimate, which was approximately  
20 the high end, 25 and I think he submitted 36 hours.  
21 But again, I didn't -- I didn't provide any of his  
22 invoice.

23           And in the case of Mr. Munger, I wrote  
24 him a letter and had an attachment with those  
25 specific items on the March 18th bill that I was



1 raising issue as to whether they were appropriate  
2 and asked for more information.

3 I, again, will let the attorneys answer,  
4 but I have tried to be careful to provide an  
5 administrative review of the expenses without  
6 disclosing any information.

7 And if I erred in that, I would certainly  
8 change it. And the reason I provided the memo to  
9 all of you was not to provide you copies of the  
10 invoices, but rather to try to explain that in this  
11 -- in these cases, there were some significant  
12 charges that I was raising -- raising questions  
13 about.

14 I would also tell you that I talked both  
15 to Mr. Mandell and Mr. Munger about the invoices so  
16 that we can continue to communicate.

17 And I guess with that, I'll let the  
18 attorneys try to address the issue of the legality,  
19 but I have been trying to make sure that I do my  
20 best and not disclose things I shouldn't.

21 JOE KANEFIELD: Madame Chair, members of the  
22 Commission, we have talked with Ray about the issue  
23 that Commissioner Freeman raises and we think that  
24 the procedure that Ray is following is appropriate  
25 to protect the privilege for each of the individual

1 commissioners and their counsel.

2 CHAIRWOMAN MATHIS: Okay. Thank you.

3 Any other comments or questions?

4 Okay. Well, hearing none, was -- that  
5 was also item V, right, Mr. Bladine?

6 RAYMOND BLADINE: I'm looking for my agenda.

7 CHAIRWOMAN MATHIS: Or did you have something  
8 additional?

9 RAYMOND BLADINE: No, that is item V. So  
10 we've done really item III and item V.

11 CHAIRWOMAN MATHIS: And it's 3:01 p.m. and no  
12 sign of Mr. Herrera, I take it?

13 RAYMOND BLADINE: Haven't heard anything at  
14 our end.

15 CHAIRWOMAN MATHIS: I'm just looking.

16 We have public comment. I don't know if  
17 anybody wants to say anything in the public.

18 Is there any request to speak forms?

19 RAYMOND BLADINE: No request to speak form and  
20 our one member of the public shook his head no.

21 CHAIRWOMAN MATHIS: Okay.

22 RAYMOND BLADINE: Unless Willie is part of the  
23 public. He didn't shake his head.

24 Wow, now we've got another item done.

25 CHAIRWOMAN MATHIS: Great. Yeah, we're done

1 with III, V and VI, so we've got II and IV.

2           Yeah, it seemed like II, they are kind of  
3 important topics and I would presume that  
4 Mr. Herrera would want to be a part of them, but I  
5 guess we can just -- we can either recess or we can  
6 just go ahead and start talking and if he's coming.

7           Maybe if someone wants to check in with  
8 him and see if he's on his way or close.

9           RAYMOND BLADINE: Madame Chair, Attorney  
10 Kanefield is suggesting we could do item IV, too,  
11 and have that off the agenda, which was advice,  
12 direction to counsel on our budget.

13           CHAIRWOMAN MATHIS: Oh, okay. Great.

14           RAYMOND BLADINE: I'll now turn it over to  
15 Mr. Kanefield, since it was his idea.

16           JOE KANEFIELD: Madame Chair, I believe this  
17 item was put on the agenda in the event that there  
18 were any issues with respect to the Commission's  
19 request for a supplemental appropriation from the  
20 Arizona legislature.

21           But as we know now, the legislature has  
22 come through with the supplemental appropriations as  
23 requested -- summarized by Kristina earlier.

24           So I don't think there's any legal action  
25 to consider at this point.

1 CHAIRWOMAN MATHIS: Okay. Great.

2 Any questions for Mr. Kanefield?

3 Okay. We've gotten through the agenda,  
4 except for number II.

5 RAYMOND BLADINE: Madame Chair, we did just  
6 text Commissioner Herrera to see if we could get any  
7 ideas to timing but have not heard back.

8 CHAIRWOMAN MATHIS: Okay. Thank you.

9 Okay. Well, item II, legal advice,  
10 direction to counsel, discussion and possible action  
11 regarding Harris versus IRC; counsel for individual  
12 commissioners and ongoing lawsuits and Commissioner  
13 Stertz's request for separate counsel; Leach versus  
14 IRC; State Legislature versus IRC; and finally,  
15 access to Commission documents including documents  
16 subject to attorney/client privilege or work product  
17 protection and the executive session transcripts.  
18 The commission may vote to go into executive  
19 session, which would not be open to the public for  
20 the purpose of obtaining legal advice and providing  
21 direction to counsel.

22 COMMISSIONER MCNULTY: Madame Chair, I move  
23 that we go into executive session for this  
24 discussion. I think we need to hear from our  
25 attorneys in executive session.

1 CHAIRWOMAN MATHIS: Is there a second?

2 Okay. I'm not hearing --

3 COMMISSIONER MCNULTY: Not hearing a second, I  
4 would request that we recess until Mr. Herrera is  
5 available.

6 CHAIRWOMAN MATHIS: Okay. Any other comments  
7 from other commissioners?

8 COMMISSIONER STERTZ: Madame Chair.

9 CHAIRWOMAN MATHIS: Mr. Stertz.

10 COMMISSIONER STERTZ: This is a question for  
11 legal counsel.

12 Do you feel that there is anything  
13 regarding the discussion of the Leach case that  
14 needs to be said in executive or can you bring us up  
15 to speed on that in public session?

16 MARY O'GRADY: Commissioner Stertz, Madame  
17 Chair, the only additional update from last session  
18 is that we did serve our initial disclosures  
19 yesterday. And then anything else we would  
20 recommend that we discuss in executive session.

21 CHAIRWOMAN MATHIS: Okay. Any other comments  
22 or questions?

23 Okay. Well, I agree with Ms. McNulty,  
24 that we wait until Mr. Herrera comes.

25 And it's now 3:06 p.m. So if we could

1 enter into recess and hopefully we'll be back  
2 shortly.

3 COMMISSIONER STERTZ: Madame Chair.

4 CHAIRWOMAN MATHIS: Mr. Stertz.

5 COMMISSIONER STERTZ: Would you please give me  
6 a call when Mr. Herrera either arrives or calls?

7 CHAIRWOMAN MATHIS: I -- okay. Yeah. Well, I  
8 probably wouldn't be the best person. Probably Ray.

9 COMMISSIONER STERTZ: Well, that's fine. I'm  
10 just not going to sit on hold waiting for  
11 Mr. Herrera to arrive.

12 CHAIRWOMAN MATHIS: Okay.

13 COMMISSIONER STERTZ: Thank you.

14 RAYMOND BLADINE: Commissioner Stertz, what  
15 number would you like us to call you at?

16 (A recess was taken from 3:07 p.m. to  
17 3:19 p.m.)

18 CHAIRWOMAN MATHIS: The time is 3:19 p.m. and  
19 we'll exit out of recess and back into public  
20 session.

21 Let's do a roll call, just to make sure  
22 everybody is on the line.

23 Vice Chair Freeman?

24 VICE CHAIR FREEMAN: Here.

25 CHAIRWOMAN MATHIS: Vice Chair Herrera?

1 VICE CHAIR HERRERA: Here.

2 CHAIRWOMAN MATHIS: Commissioner McNulty?

3 COMMISSIONER MCNULTY: Here.

4 CHAIRWOMAN MATHIS: Commissioner Stertz?

5 COMMISSIONER STERTZ: Here.

6 CHAIRWOMAN MATHIS: Great. We have a quorum.  
7 We're all present.

8 And we are on agenda item II.

9 Mr. Herrera, just for your information,  
10 we covered the rest of the agenda in the first 35  
11 minutes. So we're now -- we went out of order and  
12 now we're going back to agenda item II.

13 And Ms. McNulty put a motion on the table  
14 to go into executive session to obtain legal advice  
15 on the five items listed in the agenda and it was  
16 not seconded. So that's kind of where we are.

17 Is there any --

18 COMMISSIONER MCNULTY: Madame Chair --

19 CHAIRWOMAN MATHIS: Go ahead.

20 COMMISSIONER MCNULTY: I understood from legal  
21 counsel that it's their recommendation that we  
22 discuss agenda item II in executive session and that  
23 they just gave us the update they felt they could  
24 give us in public session.

25 Is that correct, counsel?

1 MARY O'GRADY: Madame Chair, Commissioner  
2 McNulty, that's correct. It's our recommendation  
3 that the discussion be in executive session.

4 COMMISSIONER MCNULTY: Well, I would move,  
5 again then, that we go into executive session for  
6 the purpose of obtaining legal advice and giving  
7 direction to counsel on agenda item II.

8 VICE CHAIR HERRERA: (Inaudible).

9 COMMISSIONER MCNULTY: Was that Mr. Herrera?

10 VICE CHAIR HERRERA: (Inaudible.)

11 THE COURT REPORTER: I'm sorry, Mr. Herrera.  
12 I can't hear you.

13 VICE CHAIR HERRERA: I second that motion.

14 CHAIRWOMAN MATHIS: Okay. Any discussion?

15 All in favor?

16 COMMISSIONER MCNULTY: Aye.

17 VICE CHAIR HERRERA: Aye.

18 CHAIRWOMAN MATHIS: Aye.

19 Any opposed?

20 COMMISSIONER STERTZ: Nay.

21 VICE CHAIR FREEMAN: Nay.

22 CHAIRWOMAN MATHIS: Okay. With that, there  
23 were three ayes, McNulty, Herrera, Mathis and two  
24 naves, Freeman and Stertz.

25 So with that, we'll go into -- exit out



1 of the public session and go into executive session  
2 once the public has cleared of the room.

3 It's now 3:21 p.m.

4 (Whereupon the public session recessed  
5 and executive session ensued.)

6  
7 \* \* \* \* \*

8  
9 (Whereupon the public session resumes.)

10 CHAIRWOMAN MATHIS: Okay. We'll enter back  
11 into public session.

12 The time is 4:35 p.m.

13 I want to thank our legal counsel for  
14 providing us advice in executive session on the  
15 different matters that are on the agenda.

16 I'll entertain a motion, if there is one.

17 COMMISSIONER MCNULTY: Madame Chair, this is  
18 Linda.

19 I would move that we direct legal counsel  
20 to proceed in accordance with our discussion in  
21 executive session. And in particular that we direct  
22 them to pursue legal avenues to release the  
23 executive session transcript associated with our  
24 selection of Strategic Telemetry, the date of which  
25 they are aware of but I'm not. But I'm referring to

1 the one that the trial court in Harris directed us  
2 to discuss in court.

3 CHAIRWOMAN MATHIS: Thank you.

4 Is there a second?

5 Okay. Well --

6 VICE CHAIR HERRERA: Madame Chair.

7 CHAIRWOMAN MATHIS: Mr. Herrera.

8 VICE CHAIR HERRERA: I would like for, if at  
9 all possible, to either Joe or Mary explain why  
10 these records are being released, these particular  
11 records because we met many times in executive  
12 session, so why these particular records.

13 And if he -- if Mary or Joe can elaborate  
14 on that, I would appreciate that before I decide to  
15 vote either way.

16 CHAIRWOMAN MATHIS: So can we have that  
17 discussion before the motion is seconded?

18 JOE KANEFIELD: Madame Chair, this is Joe.

19 I would suggest that we have that  
20 discussion after there's a second.

21 CHAIRWOMAN MATHIS: Am I allowed to second it?

22 JOE KANEFIELD: Madame Chair, our opinion is  
23 that you have all of the rights of the other members  
24 of the Commission. So you may second the motion for  
25 purposes of discussion.

1 CHAIRWOMAN MATHIS: Okay. I'll second the  
2 motion.

3 So any discussion?

4 JOE KANEFIELD: Madame Chair, members of the  
5 Commission, this is Joe.

6 I think first thing I would note is  
7 Commissioner McNulty mentioned that she didn't have  
8 the specific dates. I think the dates that she was  
9 referring to of the executive session discussions  
10 were June 15th, June 24th, and June 29th of 2012.  
11 Sorry, 2011. I'm losing track of time.

12 And the -- Commissioner Herrera had asked  
13 for clarification as to why this issue -- why these  
14 specific transcripts are the subject of possible  
15 release.

16 The reason, as we understand it, is that  
17 these particular executive session transcripts  
18 involved the discussion of the selection of the  
19 Commission's mapping consultant, including  
20 evaluations of the proposals by the mapping  
21 consultant companies that were wishing to do  
22 business with the Commission.

23 The open meeting law prohibits executive  
24 session transcripts from being released except under  
25 very limited circumstance, which arguably don't

1 necessarily apply here.

2           The reason that -- as we understand it  
3 that the Commission is considering releasing or  
4 seeking legal avenue to release these transcripts is  
5 because in the federal proceedings in Harris versus  
6 Arizona Independent Redistricting Commission, during  
7 the trial the last week of June, questions were  
8 asked of the commissioners who were called as  
9 witnesses by the plaintiff with respect to these  
10 executive session transcripts and discussions.

11           The Commission -- counsel for the  
12 Commission had been asserting all along that these  
13 transcripts were not public record, that they were  
14 deemed confidential by virtue of the open meeting  
15 law.

16           The -- and that argument was made to the  
17 three-judge panel that -- noting that during the  
18 depositions of the commissioners, counsel for the  
19 plaintiffs respected the Commission's assertion of  
20 confidentiality with respect to those transcripts.

21           But in trial, questions were asked by  
22 plaintiff's counsel with respect to these  
23 transcript -- executive transcript discussions.

24           Counsel for plaintiffs argued to the  
25 panel that to the extent that these transcripts were

1 confidential, the confidentiality no longer existed  
2 because the discussion of confidential documents,  
3 which were procurement documents of sealed bids at  
4 the time were no longer sealed after the decision to  
5 select Strategic Telemetry was made.

6 And also the counsel for -- in fairness  
7 to the plaintiffs -- argued that the Commission has  
8 asserted, during the course of the procurement for  
9 both outside counsel and the mapping consultant that  
10 the procurement code, although be it followed by the  
11 Commission, did not apply to the Commission.

12 So therefore, to the extent that  
13 documents are confidential under the procurement  
14 code and the exception under the open meeting law  
15 for discussions in executive sessions with respect  
16 to confidential documents did not apply in this  
17 situation.

18 Nevertheless, the court agreed with  
19 plaintiffs and allowed questions to be asked of the  
20 individual commissioners with respect to these  
21 executive session discussions. And many questions  
22 were, in fact, asked.

23 So not all, of course, but a lot of the  
24 discussion in those sessions was discussed in open  
25 court during the federal proceedings in Harris

1 versus the Arizona Independent Redistricting  
2 Commission.

3           So at this point, because the issue with  
4 respect to these discussions may, in fact, be  
5 relevant in the Leach case that's coming up and also  
6 in fairness to all involved in those discussions,  
7 that -- I understand the direction through this  
8 motion would be to pursue releasing these  
9 transcripts. And the direction is to counsel to  
10 pursue legal avenues to do that, which we would --  
11 which we would do if the Commission so directs us to  
12 do.

13           CHAIRWOMAN MATHIS: Thank you, Mr. Kanefield.

14           Any questions from commissioners or  
15 comments?

16           VICE CHAIR HERRERA: Madame Chair, I do have a  
17 follow-up question to Mr. Kanefield.

18           CHAIRWOMAN MATHIS: Go ahead.

19           VICE CHAIR HERRERA: Mr. Kanefield, if we  
20 start releasing executive session meeting minutes,  
21 what stops the attorneys, whether the opposing --  
22 they keep asking for more information in executive  
23 session.

24           We've already released these transcripts,  
25 why not -- why not more? I think -- I don't know if

1 that's a question, but I guess I'm a little worried  
2 about that. Once we start releasing these  
3 transcripts -- and I was told every time we start a  
4 meeting, there's -- you know, everything is  
5 confidential, remains with the people that are in  
6 the meeting, but it seems less and less of that is  
7 true, and I'm a little concerned about that.

8           JOE KANEFIELD: Madame Chair, Commissioner  
9 Herrera, that's a fair question.

10           I understand that the motion is specific  
11 to these particular transcripts because of the  
12 unique circumstances that we find ourselves here  
13 with the federal court's allowing of questions to be  
14 asked about confidential discussion in executive  
15 session.

16           So other than -- I don't know how to  
17 answer your question about whether others may pursue  
18 release of executive session transcripts. All I can  
19 say for now is that these executive session  
20 transcripts and discussions are specifically deemed  
21 confidential under the open meeting law.

22           We know now clearly that the open meeting  
23 law does govern the proceedings of the Commission as  
24 a result of the Court of Appeals decision in State  
25 V. Mathis and that -- and that -- and we can't even

1 say for sure whether there is a legal -- there is  
2 necessarily a legal avenue to release these  
3 transcripts in light of the prohibition on release  
4 of executive -- I'm sorry, in light of the  
5 confidentiality for executive session transcripts.

6 So I think that -- my understanding is  
7 this would be a very narrow, limited request for us  
8 to look into and only because of the federal court's  
9 decision to allow questions to be asked in trial  
10 with respect to these transcripts over the  
11 objections of the Commission.

12 VICE CHAIR HERRERA: Madame Chair, can I have  
13 a follow-up question to Mr. Kanefield?

14 CHAIRWOMAN MATHIS: Sure. Go ahead.

15 VICE CHAIR HERRERA: These transcripts are  
16 being released because we have commissioners that  
17 spoke about them in court. So it's very possible  
18 that their attorneys can be asking questions about  
19 something -- some other meeting that happened in  
20 executive session.

21 These commissioners could talk about it  
22 and it pretty much the same -- we could probably get  
23 the same result.

24 Is that -- I mean, that's also a  
25 possibility.



1           So I guess what I'm asking -- my question  
2 is to you, what would be the negative consequence by  
3 us not releasing these documents or voting -- not  
4 voting to release them to the public?

5           JOE KANEFIELD: Madame Chair, Commissioner  
6 Herrera, I'm not sure what the consequences would be  
7 if the Commission decides not to. We're just taking  
8 direction from the Commission.

9           My understanding, as counsel in just  
10 listening to the discussions, is that because the  
11 discussions in these executive sessions are now  
12 public in some respect but not in all respects, that  
13 perhaps it may make sense for the whole entire  
14 discussion to be made public.

15           But we will respect whatever direction  
16 the Commission gives us because, you know, it is our  
17 position and our advice that executive session  
18 transcripts and discussions must remain confidential  
19 except under the very limited exceptions provided in  
20 the open meeting law, which we don't believe  
21 necessarily apply here.

22           VICE CHAIR HERRERA: Thank you.

23           CHAIRWOMAN MATHIS: Any other questions or  
24 comments from other commissioners?

25           COMMISSIONER MCNULTY: I do have a comment,

1 Madame Chair.

2 CHAIRWOMAN MATHIS: Go ahead.

3 COMMISSIONER MCNULTY: Following up on what  
4 Mr. Herrera said.

5 I think he raises -- what he raises is  
6 very important. I support -- well, first of all,  
7 let me clarify my motion by saying that in  
8 requesting counsel to pursue legal avenues to  
9 release the transcripts, I am not requesting that  
10 they release them unless the Commission votes to  
11 release them after receiving advice back on what  
12 they have determined.

13 I also think -- but I do -- I would, at  
14 least as I sit here now, prefer to release them  
15 because they have been partially released and I  
16 think it's important that folks understand the  
17 entirety of what's in those transcripts.

18 I think we've been hamstrung from  
19 defending ourselves for a lot of months in a way  
20 that was unnecessary and would be resolved if those  
21 were released.

22 Having said that, though, I think that we  
23 as a Commission should vigorously pursue a violation  
24 of the open meeting law, if it occurs, in connection  
25 with any future transcripts.

1           So I wouldn't want -- in pursuing legal  
2 avenues to release those, I wouldn't want to in any  
3 way suggest that we're agreeing to release the other  
4 transcripts.

5           We don't have the time to go through  
6 them. We can't -- we don't have the resources to  
7 make our lawyers go through them and see what's  
8 attorney/client privilege and what's legislative  
9 privilege.

10           And we all, you know, were in executive  
11 session at the direction of our legal counsel and  
12 the direction of the State procurement office and  
13 I'm not suggesting and don't want us to take any  
14 action that somehow suggests that that's no longer  
15 relevant.

16           JOE KANEFIELD: Madame Chair --

17           VICE CHAIR HERRERA: Madame Chair.

18           CHAIRWOMAN MATHIS: Did Mr. Kanefield want to  
19 say something first?

20           JOE KANEFIELD: Yes, Madame Chair. I'm sorry,  
21 to interrupt you, Mr. Herrera -- Commissioner  
22 Herrera, I just -- I wasn't -- I don't recall if the  
23 motion indicated that the attorney/client privileged  
24 advice in those transcripts should be redacted. And  
25 that would be our advice and that may require an

1 amendment to the motion.

2 COMMISSIONER MCNULTY: I didn't address that  
3 in the motion, Mr. Kanefield, because -- I mean, my  
4 understanding is that we wouldn't be releasing  
5 anything now. We would make that decision at a  
6 later time once you determine whether there was an  
7 avenue pursuant to which we could release them.

8 CHAIRWOMAN MATHIS: That was my understanding  
9 as well.

10 JOE KANEFIELD: Got it.

11 Thank you, Madame Chair. Thank you,  
12 Commissioner McNulty.

13 CHAIRWOMAN MATHIS: Mr. Herrera, did you have  
14 something?

15 VICE CHAIR HERRERA: I do. It's either  
16 Ms. O'Grady or Mr. Kanefield can answer this  
17 question.

18 Have any other the commissioners violated  
19 open meeting laws in any other testimony or in any  
20 discussions they have had in the open? Because if  
21 they have -- I mean, this is something that we need  
22 to address.

23 I mean, we had executive meetings --  
24 executive meetings and every time we always have  
25 executive meetings, our chairwoman has the

1 disclaimer at the beginning.

2           So there's a reason why she has -- she  
3 mentions that disclaimer or that -- let's say a  
4 warning.

5           But I guess I want assurance from you  
6 guys, from both our attorneys, that none of the  
7 commissioners have violated open meeting laws.

8           JOE KANEFIELD: Madame Chair, Commissioner  
9 Herrera, I think your question is by virtue of your  
10 testimony in federal court, did you violate the open  
11 meeting law? Is that what you're asking?

12           VICE CHAIR HERRERA: Not necessarily.

13           I mean, that could be part of the  
14 question, but I'm also asking, has there been -- has  
15 there been information given to the public or to  
16 attorneys that did not have the privilege because  
17 they were participating in executive session that --  
18 I think those questions weren't even asked.

19           These commissioners chose to voluntarily  
20 release this information. So I -- it's more than  
21 just, you know, what happened in the trial. It's  
22 more than that. It's talking about, you know, did  
23 commissioners voluntarily release information when  
24 they were -- when they weren't even asked questions  
25 that pertained to that, meaning they just started

1 talking about stuff in executive session, knowingly  
2 that that violated open meeting law.

3           JOE KANEFIELD: Madame Chair, Commissioner  
4 Herrera, I don't -- I'm drawing a blank. I'd have  
5 to go back and look at the transcript from the  
6 trial.

7           I thought that the questions asked were  
8 answered appropriately and objections were made if  
9 the person -- or the witness testifying went beyond  
10 the scope of the question.

11           So I just -- I really don't feel like I'm  
12 in a position to give you an answer as to whether  
13 something was revealed that was outside the scope of  
14 what the court ordered to be revealed through the  
15 questioning at trial.

16           VICE CHAIR HERRERA: Mr. Kanefield, then can  
17 you at the next meeting -- before the next meeting  
18 do some research on that to see if that is indeed  
19 the case, none of the commissioners violated the  
20 open meeting law.

21           And, again, I'm not referring to  
22 questions that were asked and you opposed and then  
23 the judge -- the panel agreed -- decided with the  
24 commissioners -- you know, with commissioners'  
25 attorneys that that is not privileged information.

1           Again, I'm referring to any other  
2 information that, again, was not even asked. These  
3 commissioners chose to voluntarily release this  
4 information, whether to the press, whether to  
5 whomever and these individuals had no -- really no  
6 right to be -- had no privilege to executive meeting  
7 information.

8           So I would appreciate it if you at the  
9 next meeting give me a definite answer.

10           JOE KANEFIELD: Madame Chair, Commissioner  
11 Herrera, I'll just answer for myself. I don't -- I  
12 don't think it would be appropriate for me to go  
13 conduct -- to looking into whether arguably a  
14 commissioner violated the open meeting law unless  
15 the Commission as a whole specifically directs me or  
16 Mary or both of us to do that.

17           I think if you're asking in the scope of  
18 the trial, well --

19           VICE CHAIR HERRERA: No, I was not. I was  
20 not.

21           What is the point in having executive  
22 session meetings if they are really not confidential  
23 and you can't even guarantee me that.

24           So I think this is very appropriate.  
25 Again, before we go into executive meetings, if the

1 chair really wants to read that paragraph she always  
2 reads, for us to be reminded, I would love for her  
3 to do that.

4 But if you can't guarantee me that these  
5 meetings are truly confidential and talking about  
6 them to the public violates the open meeting law, if  
7 you cannot assure me that, then why bother going  
8 into executive meetings?

9 COMMISSIONER MCNULTY: Madame Chair, just a  
10 comment on I think the motion on the floor.

11 Do I need to re- -- if I need to restate  
12 that at any point, let me know.

13 My understanding was that the court, the  
14 judges, at least in this case, made that comment  
15 that we could testify, if asked about that,  
16 transcripts. And so I think that came from the  
17 bench. But that's probably not on our agenda here  
18 right now.

19 VICE CHAIR FREEMAN: Madame Chair, this is  
20 Scott Freeman.

21 CHAIRWOMAN MATHIS: Mr. Freeman.

22 VICE CHAIR FREEMAN: A couple of things.

23 Perhaps if Commission's counsel is going  
24 to follow Commissioner Herrera's directive, they  
25 need to identify themselves as persons with



1 knowledge of potentially relevant facts in the  
2 ongoing litigation.

3 I would like to know from Commissioner  
4 Herrera what specifically -- what specific facts is  
5 he aware of? What is he insinuating?

6 Because I know I was at trial. I  
7 remember it very well and a three-judge panel  
8 directed me to go ahead and answer the question that  
9 was posed to me.

10 So what specifically are you referring to  
11 that is outside the context of the recent trial?

12 VICE CHAIR HERRERA: And, Commissioner  
13 Freeman, that's a valid question. I don't know the  
14 answer to that. That's why I'm asking our  
15 attorneys to -- ask them a very simple question.

16 Can you assure me that none of the -- I'm  
17 including myself in this -- none of the  
18 commissioners have violated open meeting law.

19 And if they have, we need to know about  
20 it because I want to make sure it doesn't happen  
21 again.

22 VICE CHAIR FREEMAN: Well, I assume your  
23 question --

24 VICE CHAIR HERRERA: Can I finish? Can I  
25 finish?

1           VICE CHAIR FREEMAN: I thought you were. Keep  
2 going.

3           VICE CHAIR HERRERA: Well, I am not. Thank  
4 you.

5                   I'm not asking our attorneys to drop the  
6 hammer on these commissioners, because it could be  
7 me. I could be one of those people.

8                   But I do know want to know if these -- if  
9 commissioners -- I'm including myself, there's five  
10 of them, have violated open meeting laws. And I'm  
11 not talking about what happened in the court at  
12 trial, but, again, talking to the press, talking  
13 about things that happened in executive session  
14 and -- when they really shouldn't be.

15                   I think -- again, I'm not referring to  
16 the trial because if it is happening, I want to make  
17 sure that that stops. And I'm including myself in  
18 this. I'm not excluding myself in this at all.

19                   I'm one of the commissioners. So I'm not  
20 insinuating anything. What I am doing is making  
21 sure that we -- that we follow procedure. If we go  
22 into executive session, I want to be comfortable as  
23 well as the other four commissioners want to be  
24 comfortable, that anything discussed in there stays  
25 within those individuals that are part of the

1 discussion in executive session.

2 I think it's a very -- to me a very  
3 legitimate question to ask. And I want to feel  
4 comfortable when we go to executive sessions that  
5 the information does stay with the attorneys and the  
6 commissioners and the other individuals that are  
7 attending these open -- these executive session  
8 meeting minutes.

9 VICE CHAIR FREEMAN: Madame Chair.

10 CHAIRWOMAN MATHIS: Mr. Freeman.

11 VICE CHAIR FREEMAN: Well, a couple of things.

12 Perhaps then we either need to have the  
13 Commission retain the services of a private  
14 investigator to conduct that, because I don't  
15 believe the Commission's counsel can do that, or,  
16 two, perhaps we should enter some sort of consent  
17 decree with the County Attorney and allow him to  
18 reopen his investigation of alleged violations of  
19 open meeting laws for the entire span of the  
20 Commission.

21 VICE CHAIR HERRERA: They were alleged and  
22 they weren't proven. So, yeah, if you want to  
23 rehash that over again and waste State money, then  
24 go ahead.

25 But what I'm getting at is I want to be

1 assured that when I go into an executive meeting  
2 with our attorneys, with the commissioners, and the  
3 ASPCA (sic) staff, Ray and Kristina, that things  
4 that we discuss in these executive sessions are  
5 truly confidential. And we won't be releasing these  
6 transcripts just because some -- because a  
7 commissioner brings it up in public outside of the  
8 court.

9 VICE CHAIR FREEMAN: Madame Chair.

10 CHAIRWOMAN MATHIS: Mr. Freeman.

11 VICE CHAIR FREEMAN: Well, I'm responding to  
12 your concerns, Commissioner Herrera. I would like  
13 -- let's go ahead -- if you've got these grave  
14 concerns, I want to respect those concerns.

15 Let's go ahead and reapproach the County  
16 Attorney and propose some sort of consent order that  
17 would allow him to reinstitute any and all  
18 investigations of alleged violations of the open --  
19 State's open meeting law by this Commission or any  
20 commissioners.

21 VICE CHAIR HERRERA: I think you're  
22 misunderstanding me. I don't have any particular  
23 allegation in mind because there hasn't been any  
24 that I know of.

25 But what I do want to know is if our

1 attorneys feel comfortable saying, no, no violation  
2 has occurred. If they can tell me that -- because I  
3 trust our attorneys, Mary and Joe. If Mary and Joe  
4 can assure me that no violations have occurred that  
5 they are aware of, you know what, I'll move on.

6 VICE CHAIR FREEMAN: Madame Chair.

7 VICE CHAIR HERRERA: So I'm not alleging --  
8 I'm not alleging anything happened. What I am  
9 asking is for our attorneys that we hired and pay  
10 that I have full confidence in to reassure me that  
11 no meeting -- open meeting laws have been violated,  
12 I'm going to move on from this issue.

13 MARY O'GRADY: Madame Chair, Commissioner  
14 Herrera, I think this is far afield from our agenda  
15 item today. And so I'd be happy to follow-up with  
16 you after the meeting on this issue but I do think  
17 we're getting far afield from the motion that's been  
18 made and the agenda that we have here.

19 VICE CHAIR HERRERA: Ms. O'Grady, this is  
20 something -- the agenda item is about releasing  
21 executive meeting minutes and that's my concern.

22 MARY O'GRADY: Well --

23 VICE CHAIR HERRERA: I think this concern that  
24 I'm voicing has everything to do with what we're  
25 talking about right now.

1 CHAIRWOMAN MATHIS: Well, Mr. Herrera, this --  
2 what we're doing today is just having legal counsel  
3 pursue legal avenues to see what's even possible  
4 with releasing these particular executive session  
5 transcripts. And we'll be coming back to the  
6 Commission as a whole to have a vote as to whether  
7 or not anyone wants to release that once we have  
8 that information.

9 So any other comments or questions?

10 VICE CHAIR FREEMAN: Madame Chair.

11 CHAIRWOMAN MATHIS: Mr. Freeman.

12 VICE CHAIR FREEMAN: I guess one question I  
13 would have then is in the Leach matter, if -- are  
14 there any other executive sessions that are  
15 implicated by the allegations brought in that  
16 matter?

17 CHAIRWOMAN MATHIS: That's a good question.

18 Legal counsel, do you know?

19 MARY O'GRADY: Madame Chair, Commissioner  
20 Freeman, we don't think so.

21 CHAIRWOMAN MATHIS: Okay. Any other  
22 questions?

23 VICE CHAIR HERRERA: Madame Chair, can  
24 Commissioner McNulty reread -- or someone can reread  
25 the motion or the amended motion?

1 CHAIRWOMAN MATHIS: Ms. McNulty, do you want  
2 to?

3 COMMISSIONER MCNULTY: I can restate it.

4 I move that we direct our legal counsel  
5 to proceed in accordance with the direction that we  
6 provided them in executive session and that we  
7 request that they examine legal avenues which might  
8 be available to release the transcripts concerning  
9 retention of Strategic Telemetry, dated June 15th --  
10 Joe, you're going to have to help me here. June --

11 CHAIRWOMAN MATHIS: June 24th and 29th.

12 COMMISSIONER MCNULTY: Thank you.

13 -- June 24th and 29th with the  
14 understanding that they will not be released in the  
15 absence of further discussion and a vote by the  
16 Commission.

17 VICE CHAIR HERRERA: Thank you for clarifying.

18 I would approve that motion.

19 CHAIRWOMAN MATHIS: Okay. It's already been  
20 seconded.

21 VICE CHAIR HERRERA: Okay.

22 CHAIRWOMAN MATHIS: Any other discussion?

23 All in favor?

24 VICE CHAIR HERRERA: Aye.

25 VICE CHAIR FREEMAN: Aye.

1 COMMISSIONER STERTZ: Aye.

2 COMMISSIONER MCNULTY: Aye.

3 CHAIRWOMAN MATHIS: Aye.

4 Any naves?

5 Okay. Hearing none, so unanimous  
6 decision.

7 So legal counsel, you'll let us know and  
8 I guess we'll have to notice a meeting once we have  
9 that information. Unless that's something you can  
10 -- yeah, I would think -- I don't know if that can  
11 be done without having a meeting or not. I would  
12 think -- I don't know if you can give us a memo.

13 MARY O'GRADY: Madame Chair, I think under the  
14 language of the motion, as I understand it, it would  
15 require a meeting.

16 CHAIRWOMAN MATHIS: Okay.

17 VICE CHAIR HERRERA: If I understand it  
18 correctly, the meeting would be whether we would  
19 approve the recommendation given by our attorneys  
20 once they gather whatever information they need.

21 CHAIRWOMAN MATHIS: Yeah.

22 VICE CHAIR HERRERA: That was the motion I  
23 thought. I mean, the -- so you can still send us  
24 information for us to review before the meeting.

25 Is that -- am I understanding correctly?



1           COMMISSIONER MCNULTY:  Although we may want to  
2 have -- they may decide that that's something we  
3 should receive in executive session.  So let's --

4           VICE CHAIR HERRERA:  Okay.

5           CHAIRWOMAN MATHIS:  Okay.  Other comments or  
6 questions from anyone?

7           COMMISSIONER MCNULTY:  I got to go do some  
8 work.

9           CHAIRWOMAN MATHIS:  I have a comment I would  
10 just like to make before we close, because a lot was  
11 said last week on this particular agenda item in  
12 public session.

13                       And even though we all agreed that  
14 silence did not mean consent, I just want to say a  
15 couple of things.

16                       One is that Mary and Joe and your fellow  
17 attorneys at Osborn Maledon and Ballard Spahr  
18 respectively, you were hired to defend the decisions  
19 of the Commission because you are representing the  
20 Commission as a whole.

21                       And some of those decisions include, of  
22 course, two maps, a legislative map and a  
23 congressional map, that got approved by the majority  
24 of the commissioners.

25                       You have done a superb job under

1 extremely difficult conditions in representing the  
2 Commission as a body. And if I could do it all over  
3 again, even knowing everything I know today as well,  
4 I would make the same decision.

5 And I just want to thank you and your  
6 fellow attorneys and counsel for just giving us  
7 great advice and sticking with us this through  
8 this -- through really difficult conditions.

9 So thank you.

10 JOE KANEFIELD: Thank you.

11 VICE CHAIR HERRERA: Madame Chair.

12 CHAIRWOMAN MATHIS: Mr. Herrera.

13 VICE CHAIR HERRERA: Yeah, I think I probably  
14 made those same comments as you did, probably not as  
15 eloquent, the last time and, you know, the  
16 Commission will in ten years or nine years from now,  
17 whatever the -- I think it's eight now, will hire --  
18 will go through this whole process again. And they  
19 will hire -- they will go through -- select a  
20 Commission, unless something changes drastically,  
21 which it might, but if it doesn't, if everything  
22 stays the same, they will go through a hire -- they  
23 will select commissioners, maybe five, maybe more,  
24 and after that they will select their legal counsel.

25 And I -- if asked, I don't even -- I may

1 not be asked, but if asked, I would recommend Mary  
2 and Joe over again. And that's even recommending  
3 Mary over my favorite attorney.

4 But I would even do that in eight years  
5 from now. I think they did a superb job, Mary  
6 representing the Commission and Joe representing the  
7 Commission.

8 Again, we elected them as -- selected  
9 them as a Democratic Commission -- attorney and a  
10 Republican Commissioner, but I never felt that way.  
11 I never felt that Joe was a Republican, therefore I  
12 couldn't talk to him and Mary was a Democratic  
13 attorney, therefore I needed to have more faith in  
14 her. Never felt that way.

15 And I hope in the next -- when they  
16 select the Commission next time, I hope I am asked.  
17 And I will highly recommend that they hire these two  
18 attorneys and their law firms because they did --  
19 they did the best job they could. This is a  
20 difficult position they were put in.

21 And, yeah, I'm extremely happy with the  
22 services and the advice they provided me and I would  
23 love to have them again as attorneys. I would  
24 recommend them again as attorneys for the  
25 Commission.

1           So I echo those same comments.

2           Thank you.

3           CHAIRWOMAN MATHIS: Thank you.

4           COMMISSIONER MCNULTY: Madame Chair, I'll just  
5 add -- I'll thank you for making those comments.

6           I agree with everything you said and will  
7 add that Joe and Mary put partisanship aside to  
8 represent this Commission in a professional way and  
9 that's what lawyers are supposed to do. And I, too,  
10 would make the same decision again. I think it's  
11 one of the best decisions we made as a group.

12          VICE CHAIR HERRERA: And, Madame Chair, one  
13 last comment and I'll stop talking.

14          The same for me goes for Strategic  
15 Telemetry. Again, they were -- all of these  
16 insinuations that they were a Democratic mapping  
17 consultant. And, again, they did a job that, you  
18 know, that I was expecting but they went above and  
19 beyond.

20          I really think that they were fair and  
21 impartial and I would also recommend them as well.

22          So they -- again, I think I reminded  
23 everyone last time that our maps were approved on  
24 the first trial -- precleared on the first time that  
25 has never happened before.

1           Again, I think it's easy for us to forget  
2 all of this and pat ourselves on the back when all  
3 of these lawsuits are taking place. But, again, our  
4 attorneys and our mapping consultants, we couldn't  
5 have hired better ones. And, again, I can't thank  
6 them enough.

7           CHAIRWOMAN MATHIS: I would agree with that  
8 and I would also just add our staff, to pile on.

9           VICE CHAIR HERRERA: Oh, of course.

10          CHAIRWOMAN MATHIS: So I think the entire team  
11 that we put together was superb and I am grateful  
12 for all of their continued work on the Commission's  
13 behalf.

14           Any other comments or questions?

15          VICE CHAIR FREEMAN: Madame Chair.

16          CHAIRWOMAN MATHIS: Mr. Freeman.

17          VICE CHAIR FREEMAN: Unfortunately, I -- in my  
18 opinion, commissioners were not independent and --  
19 as they were supposed to be pursuant to the  
20 constitutional provision that gave life to this  
21 Commission.

22           We were often lectured and told during  
23 Commission hearings about how many times the  
24 Constitution uses the word "independent" to describe  
25 this Commission and commissioners. Over 30 times.

1           And yet one thing the Harris trial did is  
2 it shined just a little bit more light on what  
3 transpired and sort of gave credence to, I think,  
4 comments that I made and one I think everyone really  
5 knew at the time, was that the Commission was  
6 implementing partisan maps.

7           So I -- before we leave agenda item II,  
8 I'm not sure if we're -- if I'm completely  
9 comfortable just leaving it because I'm not sure  
10 whether we've completely addressed the issue of a  
11 potential conflict of interest or things of that  
12 nature with respect to representation of individual  
13 commissioners who have been served with process and  
14 who are parties in their official capacity in the  
15 lawsuit.

16           So I would just like to make a motion  
17 that for any commissioner who feels it is necessary  
18 that the Commission approve that the engagement of  
19 their individual counsel can be expanded such that  
20 that counsel can advise them on all aspects of the  
21 litigation and appear as counsel of record for that  
22 individual Commission or commissioners with the  
23 provision that that counsel is only authorized to  
24 articulate -- in addition to what they are already  
25 authorized to do, which is advise on issues of

1 privilege and discovery matters, but beyond that,  
2 they are only authorized to articulate a position of  
3 that individual commissioner in the matter where  
4 appropriate and under governing law.

5 CHAIRWOMAN MATHIS: Okay. Is there a second?

6 COMMISSIONER STERTZ: Second the motion.

7 CHAIRWOMAN MATHIS: Any discussion?

8 VICE CHAIR HERRERA: Madame Chair.

9 CHAIRWOMAN MATHIS: Mr. Herrera.

10 VICE CHAIR HERRERA: I do have some  
11 discussion.

12 I think Commissioner McNulty said she  
13 needed to leave, so I don't know how much time we  
14 have. I was hoping we would devote more time than  
15 this than at the very end of the meeting.

16 You know, I think Commissioner -- excuse  
17 me, Ray Bladine sent out an e-mail not that long  
18 ago. I may have looked at it yesterday, about some  
19 of the questions that came up in the billing -- some  
20 of these billings that our attorneys submitted. And  
21 one of the attorneys submitted a billing for  
22 investigating Commissioner Mathis.

23 You know, at the last meeting, I was more  
24 than okay with getting -- with allowing  
25 commissioners to get their own representation, but

1 not for a witch-hunt. I would never approve that.  
2 I think it is a waste of State money.

3 And if that's what these -- what our  
4 motion will be, is to allow these attorneys to do  
5 their own thing, to do a witch-hunt of a  
6 commissioner, do some research on -- opposing  
7 research on the chairman, then, no, I wouldn't  
8 approve the motion and I won't.

9 I was not happy with what I saw in that  
10 letter and I would not support this motion if it's  
11 this broad and allows attorneys to do pretty much  
12 what they want without really defining what they  
13 will be doing, what work they will be doing and what  
14 work they can bill for and what they cannot.

15 So those are my comments.

16 CHAIRWOMAN MATHIS: Thank you.

17 Other comments?

18 COMMISSIONER MCNULTY: Madame Chair.

19 CHAIRWOMAN MATHIS: Ms. McNulty.

20 COMMISSIONER MCNULTY: My only comment is that  
21 if we're going to spend money like that, then we as  
22 a Commission should be spending money to investigate  
23 who it is that is paying the plaintiffs and their  
24 lawyers and has been paying them for three years now  
25 to try and bring this entire Independent



1 Redistricting Commission down.

2           And we should also investigate Mr. Mills  
3 and his relationship to Commissioner Stertz and  
4 Commission Freeman and his relationship to the  
5 people who are paying the plaintiff, Mr. Cantelme  
6 and Mr. Liburdi and Ms. Hauser.

7           We don't need to be investigating one  
8 another on Commission money.

9           And I'll just make one more statement to  
10 Mr. Freeman.

11           He enjoyed making sanctimonious  
12 statements about how independent he was and the  
13 light that was shed on what went on on this  
14 Commission.

15           I made my own independent decisions. I  
16 did not submit any partisan maps of any kind. And  
17 if we want to have, you know, a real full disclosure  
18 of everyone -- that everyone talked to in relation  
19 to working on the maps, maybe someday we can get to  
20 that.

21           But the fact that any of us had  
22 conversations to educate ourselves or to make  
23 ourselves better able to do the job we were supposed  
24 to do does not in any way mean that we were not  
25 independent.

1           And I know there is probably no one there  
2 to listen or who cares about that, but that's my  
3 only comment.

4           I'll vote no on this motion also and I've  
5 got to drop off pretty soon.

6           VICE CHAIR HERRERA: Madame Chair, I have one  
7 more comment then I will also -- I won't say  
8 anything after that.

9           You know, I -- this is a record that --  
10 we can easily look at the record. There's been --  
11 there was multiple times when we were voting on  
12 certain topics, on certain issues that Commissioner  
13 McNulty didn't side with me. She sided with the  
14 Republicans or commissioner -- or Chairwoman Mathis.

15           And even after -- you know, in meetings  
16 and wanting to let her know the reasons why I was  
17 voting a certain way, usually -- especially if those  
18 are votes that I was opposed to and she was for or  
19 vice versa, she maintained that independent streak.  
20 She didn't vote the way I voted. I'm going to say  
21 the majority of times we had disagreement.

22           And, again, the record is pretty clear.  
23 There's probably no one on the Commission probably  
24 more independent than McNulty. And that's odd that  
25 I say that because -- considering she's a Democrat.

1           So I -- for anybody that impugns her  
2 record or reputation is really -- is not being  
3 honest. I have the most respect for Commissioner  
4 McNulty and I wish she would have voted with me a  
5 hundred percent of the time but that wasn't the  
6 case. And it was frustrating for me, as it was  
7 frustrating working with Commissioner Mathis on  
8 certain things, because she -- again, Independent.

9           And I'll admit, I probably -- out of the  
10 three people that I just mentioned, including  
11 myself, I'm probably the most biased but I did  
12 everything I could to maintain -- to be as  
13 independent as possible. And in seeking input from  
14 pretty much anyone that would talk to me during the  
15 meetings.

16           But again I want to make sure that was  
17 pretty clear for the record that Commissioner  
18 McNulty is extremely independent. Very bright. And  
19 I think she did, I think out of all commissioners,  
20 better research before she came to meetings. And I  
21 think the transcripts prove when she would talk  
22 about areas that she wasn't even familiar with  
23 because she didn't live in the area, she knew them  
24 well because she did her research, not because she  
25 was handed a map to recite things that somebody else

1 did, not even close.

2 She knew her stuff because she did her  
3 research before the meetings. And that's how she  
4 approached every meeting. And I was very honored to  
5 have served by her. And I think I learned a lot  
6 from her.

7 And I think most commissioners, if not  
8 all commissioners, that served with me probably  
9 learned a lot from Commissioner McNulty.

10 So if anybody accuses her of not being  
11 independent, not doing her own work, is not being  
12 honest.

13 CHAIRWOMAN MATHIS: Thank you, Mr. Herrera.

14 MARY O'GRADY: Madame Chair --

15 CHAIRWOMAN MATHIS: Any other comments?

16 MARY O'GRADY: Madame Chair, if it's -- I'm  
17 trying to understand kind of the scope of the motion  
18 and describe kind of what -- from Commission counsel  
19 we view because we do think there's an appropriate  
20 role in Leach for -- as there was in Harris, for  
21 commissioner counsel.

22 And, again, back in December the court  
23 auth- -- or this Commission, you know, authorized  
24 separate counsel for an independent -- for  
25 commissioners. So we do think it's appropriate to

1 have commissioner counsel on the issue of  
2 legislative privilege and waiver, as they did in  
3 Harris and for certain discovery-related work.

4 Also --

5 COMMISSIONER MCNULTY: Madame -- Ms. O'Grady,  
6 we already discussed that and that was embodied in  
7 the motion we gave you to proceed in accordance with  
8 the direction we gave you in executive session.

9 MARY O'GRADY: Okay. So that was unanimously  
10 approved.

11 So we will pursue the role of counsel and  
12 so that's part of the reason for my confusion. This  
13 scope -- since that was approved, we'll move forward  
14 with that.

15 This would then add for all commissioners  
16 the authority to have a lawyer who would serve as  
17 their advocate, their personal advocate for their  
18 personal positions in the litigation and use the  
19 Commission's budget for that purpose.

20 As I understand the motion, that goes,  
21 you know, well beyond what the motion was approved  
22 and the role of the counsel -- commissioner counsel.

23 So I just -- because that motion had been  
24 approved, I just wanted to make sure that I was  
25 clear in terms of how far beyond this motion we'll

1 go from what the Commission has already adopted.

2 VICE CHAIR FREEMAN: Madame Chair, it's Scott  
3 Freeman.

4 CHAIRWOMAN MATHIS: Mr. Freeman.

5 VICE CHAIR FREEMAN: Not quite.

6 I mean, I think it was within the context  
7 of the litigation and under governing law. So you  
8 used the word "individual" and that's what maybe I'm  
9 quibbling -- it's a quibble, but it -- every  
10 commissioner has been named in their official  
11 capacity in the lawsuit and this would allow the  
12 individual counsel, if a commissioner so wanted, to  
13 expand the scope of engagement from what it  
14 currently is. It would allow those individual  
15 counsel to assert positions on behalf of the  
16 individual commissioner, not on behalf of the body,  
17 and to make -- and to appear in the lawsuit.

18 Would you like me to read it again?

19 CHAIRWOMAN MATHIS: Yeah, go -- I would like  
20 you to read it again. Go ahead.

21 VICE CHAIR FREEMAN: Well, I was looking at  
22 notes, I wasn't -- but I'll try to reconstruct that  
23 as best I can.

24 The motion was that for any commissioner  
25 who so chooses to pursue this option, that the scope

1 of engagement for the individual counsel that the  
2 Commission has already retained for them be expanded  
3 such that that individual counsel could advise that  
4 commissioner on all aspects of the litigation and  
5 appear as counsel of record for the individual  
6 commissioner or commissioners; however, that counsel  
7 is only authorized to articulate positions of the  
8 individual commissioners as they are named in the  
9 lawsuit, before the court and where appropriate and  
10 under governing law.

11 MARY O'GRADY: Madame Chair -- and I don't  
12 know the where appropriate and under governing law.

13 Mr. Kanefield previously has explained  
14 what we view as appropriate and governing law, which  
15 would be inconsistent with the scope of -- with the  
16 description that Commissioner Freeman has given  
17 because we view -- as Joe explained, the Commission  
18 -- the commissioners are named in their official  
19 capacities as proxies for the organization and its  
20 really inseparable in this type of official capacity  
21 litigation that challenges the maps and seeks relief  
22 only against the Commission and seeks to enjoin only  
23 the maps. Seeks no relief against individual  
24 commissioners. That where applicable law means the  
25 real party in interest here is the Commission as a

1 body.

2 And so that's why the clause "where  
3 applicable" seems inconsistent with the scope that  
4 is described in the earlier part of the motion.

5 CHAIRWOMAN MATHIS: Okay. Any other comments  
6 or questions?

7 All in favor?

8 COMMISSIONER STERTZ: Aye.

9 VICE CHAIR FREEMAN: Aye.

10 CHAIRWOMAN MATHIS: Any opposed?

11 COMMISSIONER MCNULTY: I'm opposed.

12 VICE CHAIR HERRERA: I'm opposed as well.

13 CHAIRWOMAN MATHIS: I'm opposed as well.

14 That's -- so sounds like Stertz and  
15 Freeman are voting aye and Mathis, McNulty, Herrera  
16 voted no.

17 So there is a role for individual  
18 counsel, as we all know, and that's already been  
19 approved back when we were talking about our defense  
20 in Harris. And so that continues. Same thing goes  
21 in Leach.

22 If in the future an individual  
23 commissioner -- if something else arises that, you  
24 know, we just can't foresee at this time in terms  
25 of, you know, another charge or something that



1 requires independent counsel, I think at that time  
2 we can get together as a Commission and talk about,  
3 you know, whether that warrants an expansion of  
4 scope for individual counsel for that particular  
5 commissioner or commissioners.

6 But I think we really have to be mindful  
7 of what is happening with our budget since we --  
8 it's been strained significantly through what's  
9 happened in this past trial with everybody having  
10 individual counsel and some charges that I find  
11 quite surprising and not necessarily something that  
12 was approved as part of the scope.

13 So we'll just have to -- I think we'll  
14 have to deal with things on a case-by-case basis  
15 moving forward.

16 VICE CHAIR HERRERA: Madame Chair.

17 CHAIRWOMAN MATHIS: Mr. Herrera.

18 VICE CHAIR HERRERA: Yeah, my -- I believe the  
19 A/C in my office has been turned off, so I will have  
20 to hang up because I'm -- it's hot.

21 But what I want to do just quickly -- any  
22 -- any invoices that are submitted that are -- that  
23 have questionable charges, I would like for  
24 Mr. Bladine to present those to the board before  
25 they get paid. Because, again, to me it's not an

1 issue that the State doesn't have money because I  
2 think if it's important for the Commission and the  
3 individual attorneys, we should get them paid.

4 But my main issue is -- my main concern  
5 is spending money on things that we did not approve.  
6 And, again, investigating the chair is not something  
7 that I would have -- well, that I do believe  
8 strongly that it is not what we -- what was intended  
9 for in getting individual attorneys.

10 So maybe he's already doing this, but,  
11 Mr. Bladine, if there's any questionable charges  
12 like the one you e-mailed to us, that you continue  
13 to do so because I want to be made aware of that.

14 Because the reason I changed my mind -- I  
15 was so ready to vote for this but then I received  
16 that e-mail and that really was disturbing. And I  
17 don't want to say disgusting, but I guess it was  
18 close to disgusting, if not disgusting. And that --  
19 I would never approve that. I would never allow a  
20 commissioner's attorney to -- basically conduct a  
21 witch-hunt of another commissioner, whether they are  
22 Republican, Democratic or Independent, that's not  
23 what we're here for.

24 So hopefully Mr. Bladine has heard what I  
25 said and will bring those -- when they do come up,

1 will bring those questionable charges back to the  
2 Commission.

3 VICE CHAIR FREEMAN: Madame Chair.

4 CHAIRWOMAN MATHIS: Mr. Freeman.

5 VICE CHAIR FREEMAN: Well, perhaps you've  
6 forgotten already, Commissioner Herrera, but one of  
7 the charges was for your attorney. So I would  
8 expect to find out what those questionable charges  
9 were about --

10 VICE CHAIR HERRERA: Sure.

11 VICE CHAIR FREEMAN: -- just as everyone has  
12 learned about what allegedly the charges by  
13 Commissioner Stertz's attorney were about.

14 VICE CHAIR HERRERA: Madame Chair, the charges  
15 for -- there is a sentence in there that my attorney  
16 went over what was projected, which I would love to  
17 know what any questionable charges -- definitely,  
18 share them. Share them with everybody.

19 But there was no amount given to  
20 Commissioner Stertz's attorney in terms of how much  
21 he went over by. And that -- to me, that's a  
22 concern.

23 So in the future, Mr. Bladine, when you  
24 mention things like that, that they were -- that  
25 they went over budget, I want to know by how much.

1           You've stated how much I went over  
2 budget, or my attorney did, at least the number of  
3 hours, which I would like more detail, including for  
4 my own attorney.

5           So I want to be as consistent as  
6 possible. I agree with Commissioner Freeman. This  
7 pertains to me as well. If there's any questionable  
8 fees that my -- that the attorney representing me  
9 submitted, I want to be made aware of that.

10           I wasn't made aware of that only by that  
11 couple of sentences. So in the future, or even for  
12 the one -- the last e-mail we received, more detail  
13 for me is best.

14           RAYMOND BLADINE: Madame Chair.

15           CHAIRWOMAN MATHIS: Mr. Bladine.

16           RAYMOND BLADINE: I think it's the  
17 responsibility of the executive director to review  
18 invoices and approve them, or if there is a  
19 significant issue, bring it to the Commission. And  
20 I realize that I am not going to always make  
21 everyone happy.

22           I tried to do that with this memo. I  
23 haven't had issues in the past that were of this  
24 scope.

25           I keep -- the individual billings have

1 been kept as confidential. I think if we get into  
2 too much detail of this, we'll start to have  
3 problems with legislative privilege on the materials  
4 and client/attorney privilege.

5 I believe we talked about this quite a  
6 bit before Mr. -- Commissioner Herrera was able to  
7 be here. I certainly will continue to review them.  
8 And if I see something that's significant, bring it  
9 forward.

10 I'm still -- I contacted the two  
11 attorneys involved and there may be a good  
12 explanation for things. If there are, I believe  
13 that I should have the authority to make a decision  
14 about whether they are paid or not. And if I deny  
15 it, the attorney can always bring it forward to the  
16 Commission and have you decide.

17 But I think we have to be very careful of  
18 not having the Commission approving all of the  
19 invoices for all of the attorneys because it will  
20 get very, very messy.

21 VICE CHAIR HERRERA: Madame Chair, I will have  
22 to go after I make this comment.

23 My intention was not for you,  
24 Mr. Bladine, to bring up every -- every billing,  
25 every invoice to the Commission because I trust you

1 enough to make your own -- to make a decision to  
2 approve them.

3 But as you did with this particular --  
4 these particular invoices, you did send the  
5 Commission some of the questionable ones that you  
6 thought -- or at least if they went over, okay, but  
7 then you addressed the questionable fee --  
8 questionable charge and that's all I'm asking.

9 I think you are already doing that and I  
10 apologize if I meant -- if I confused the issue. I  
11 think you are already doing that and I appreciate  
12 that.

13 But I would want -- when I do follow up,  
14 I would want some more information. And I won't  
15 always want information about everything, but if  
16 it's something you feel -- you as a professional  
17 feel that these are questionable, then, yes, I want  
18 to know.

19 But then -- again, I didn't mean to add  
20 more -- to add more duties to you since I think  
21 you're already doing what I was talking about.

22 But, again, there's no A/C here so I'm  
23 going to have to leave and --

24 CHAIRWOMAN MATHIS: Before you go --  
25 Mr. Herrera, before you go, I think it's important

1 that each commissioner reviews his or her own  
2 invoice that they have with their individual counsel  
3 to ensure that, you know, it's accurately reflecting  
4 their recollection of what occurred.

5 I know I do that with mine and I just  
6 think it's important that each individual in this --  
7 and this isn't just being given to Mr. Bladine to  
8 do.

9 VICE CHAIR HERRERA: No. I -- thank you.  
10 You're right. And I have reviewed the invoices. I  
11 didn't see any questionable charges. But the -- it  
12 went over projected amount, but the reasons why he  
13 went over projected to me were extremely reasonable.

14 But I think when Mr. Mandell contacts  
15 Mr. Bladine, I think he'll realize -- or he'll know  
16 the reasons why he went over a projected amount.

17 So the air is out. Thank you.

18 CHAIRWOMAN MATHIS: Thank you.

19 Any comments or questions from anyone  
20 else?

21 RAYMOND BLADINE: Can I go home?

22 CHAIRWOMAN MATHIS: Just wait until we  
23 adjourn.

24 RAYMOND BLADINE: Okay, Madame Chair.

25 CHAIRWOMAN MATHIS: Okay. I'm not hearing any

1 other comments or questions.

2           The time is 5:31 p.m. and this meeting is  
3 adjourned.

4           Thank you.

5           VICE CHAIR HERRERA: Thank you, guys. Take  
6 care.

7           (The meeting adjourned at 5:31 p.m.)

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I, MICHELLE D. ELAM, Certified Reporter  
No. 50637 for the State of Arizona, do hereby  
certify that the foregoing 127 printed pages  
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