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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

1 THE STATE OF ARIZONA INDEPENDENT REDISTRICTING  
2 COMMISSION convened in Public Session on March 20,  
3 2001, at 8:30 a.m., at the Industrial Commission  
4 of Arizona, 800 West Washington, First Floor  
5 Auditorium, Phoenix, Arizona, in the presence of:

6

7 APPEARANCES:

8

CHAIRMAN STEVEN W. LYNN

9

COMMISSIONER JAMES R. HUNTWORK

10

COMMISSIONER JOSHUA MARK HALL

11

COMMISSIONER ANDI MINKOFF

12

COMMISSIONER DANIEL R. ELDER

13

BILL HERNANDEZ, Acting Executive Director

14

JOSEPH KANEFIELD, Assistant Attorney General

15

LOA M. SCHELL, Acting Secretary

16

LISA A. NANCE, RPR, CCR, Court Reporter

17

18

19 AGENDA DESIGNATED SPEAKERS:

20

JOSE de JESUS RIVERA

21

LISA HAUSER

22

FRANK LaSOTA

23

ERNEST CALDERON

24

DAVID CANTELME

25

MALENA ALBO

ATWOOD REPORTING SERVICE  
Phoenix, Arizona

1 AGENDA DESIGNATED SPEAKERS CONT'D:

2

3 GRADY BAILEY

4 ILIA TERRAZAS

5 ENRIQUE MEDINA OCHOA

6 WILLIAM HERNANDEZ

7

8

9 SPEAKERS FROM CALL FOR PUBLIC COMMENT:

10

11 SYLVIA LAUGHTER

12 JOHN MENDIBLES

13 DAVID P. GONZALES

14 JAIME A. MOLERA

15 DICK LANDIS

16 FRANCISCO X. GUTIERREZ

17 TODD JULIAN

18 JAN LEE SPROAT

19 NATHAN SPROUL

20 SANDRA D. KENNEDY

21

22

23

24

25

1                                   Open Session  
2                                   Phoenix, Arizona  
3                                   March 20, 2001  
4                                   8:30 o'clock a.m.

5  
6  
7                                   P R O C E E D I N G S

8  
9                                   CHAIRMAN LYNN: Good morning. We'll  
10 call the Independent Redistricting Commission back  
11 in session.

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

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

24                                   If you wish to speak and have not  
25 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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1 MS. HAUSER: He just stepped  
2 outside.

3 CHAIRMAN LYNN: We'll get back to  
4 him.

5 Sylvia Laughter.

6 MS. LAUGHTER: Laughter.

7 CHAIRMAN LYNN: I knew that.  
8 Exactly the way it's spelled.

9 MS. LAUGHTER: Pretty simple.

10 CHAIRMAN LYNN: Ms. Laughter.

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

13 I am Representative Laughter. I  
14 represent District Three.

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

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

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

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

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

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

16 I know the Navajo Nation, there are  
17 21 tribes in the State of Arizona. We know the  
18 Hispanic community, population, is very large as  
19 well.

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

1 Anglo population, as well.

2                   And Lisa has worked with the  
3 chapters. The Navajo Nation's chapters are  
4 equivalent to the -- I guess you would call them  
5 legislative districts. We call them chapters.  
6 She's worked with them in creating a Navajo  
7 language program there.

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

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

24                   I really think Lisa has the ability  
25 to see the needs as well. I think she can fairly

1 represent all entities, including minorities as  
2 well. I think it's vital we have that considering  
3 we don't have anybody representing us.

4 I don't have anything against all of  
5 you.

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

8 I'd be glad to take any questions.  
9 I'm not sure how you go about this.

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

12 MS. LAUGHTER: Thank you.

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

15 Is he back with us?

16 Thank you.

17 Mr. Mendibles.

18 MR. MENDIBLES: Hello, ladies and  
19 gentlemen.

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

22 I'm John Mendibles. I'm the CEO and  
23 president of MGN, Michael Gabriel Nancy,  
24 Enterprises. Just the same, I'm Republican. I'm  
25 Republican. My grandfather was a District

1 Democrat Committeeman. We all know Mr. Barry  
2 Goldwater. Mr. Goldwater had my grandfather make  
3 that promise many years ago. When I was 18, I  
4 fulfilled that promise to my grandfather, and keep  
5 it today.

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

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

21 In my working with Lisa, it goes  
22 back to a time we're all familiar with back in the  
23 early days of Indian gaming when gaming came to  
24 be. Both sides, the State of Arizona, the  
25 Governor at that time, and the tribes went into

1 it. As we all remember and understand, that was a  
2 time that had a multitude of great anger and  
3 dismay, I mean to the point of gun point at one  
4 certain point of that whole -- well, that whole  
5 era. But in that, I can say this: I can say when  
6 it came to mediation, and the assistant director  
7 of the gaming department was Lisa Hauser, and her  
8 worthiness, I can say she stood up to our then  
9 Governor and told him, "This is what you have to  
10 do. You have to provide wisdom. You have to work  
11 with these people, these native peoples." She  
12 provided that wisdom, championed that wisdom,  
13 gained trust of the tribes. And that settlement  
14 is now a fruition of the working relationship  
15 between the tribes, Governor's Office, and the  
16 state.

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

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

23                   This statement is, and it reads:

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

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

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

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

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

5                   This individual, this person you  
6 will select, must have vision to see past the now.  
7 This person you select must have the ability to  
8 recognize multicultural facets of our great state.

9                   I do not think, me, that Ms. Hauser  
10 is not up to this task before her.

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

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

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

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

23                   CHAIRMAN LYNN: Thank you,  
24 Mr. Mendibles.

25                   MR. MENDIBLES: You are welcome.

1                   CHAIRMAN LYNN: Next, David  
2 Gonzales.

3                   MR. GONZALES: Yes. Is this one on?

4                   CHAIRMAN LYNN: Both are recording.

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

11                   My comments are going to be very  
12 brief.

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

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

23                   I know you've seen a lot of resumes  
24 and narrowed down resumes and done a very good job  
25 and have a hard job to do.

1                   I know Ilia as executive director  
2 would do a very, very excellent job and would not  
3 let the citizens of the state down.

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

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

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

20                   Also, since then I have worked with  
21 Lisa on a lot of other commissions and I've -- and  
22 also socialized with her on a couple occasions  
23 over the years. And everybody that you are going  
24 to see today that you've narrowed down are  
25 qualified. But these are a couple of individuals,

1 I'm referring to Lisa and Ilia, ethical, hard  
2 working, and also, which I think is very, very  
3 important for a job like this, also have  
4 interpersonal skills to effectively do this job.  
5 I think you should also consider that. I think  
6 that is also very important for this job.

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

9 CHAIRMAN LYNN: Thank you,  
10 Mr. Gonzales.

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

13 MR. MOLERA: Good morning,  
14 Mr. Chairman.

15 I, too, will be very brief.

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

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

22 I'm coming with mixed emotions,  
23 knowing Ilia is very qualified, very able, it's  
24 somewhat mixed emotions. I know the thanklessness  
25 of the job, that the work entails, public

1 pressure, scrutiny that comes with it, not only  
2 long hours, all kinds of public exposure, name in  
3 the paper, people criticizing you, people you  
4 never even met or talked to.

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

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

21 I've gone through many of those  
22 difficult processes before working at the  
23 Legislature. For this to be successful, and to  
24 have an individual help you to do that, you must  
25 have an individual to help bring that together,

1 not only bring lip service, but do that. I  
2 believe Ilia can be that kind of executive  
3 director for you.

4                   One of the things I think an  
5 executive director has to do, too, has to be  
6 willing to understand that the political process  
7 must give voices not familiar with the political  
8 process or not that strong in the political  
9 process voice. That's the power of this  
10 Commission. I believe with Ilia as executive  
11 director, she can do that for you.

12                   If that happens, lawsuits coming  
13 your way will be minimized. Lawsuits on its face  
14 prove to be not very valid if you do your work and  
15 bring these kind of folks together and have a  
16 product that represents all of Arizona.

17                   Commissioners, members, thank you  
18 very much.

19                   CHAIRMAN LYNN: Thank you,  
20 Mr. Molera.

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

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

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

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

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

23 I think as you look at her resume,  
24 you'll see she is very goal oriented and has  
25 worked very hard to achieve those goals and is

1 doing well along that side.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1                   MR. GUTIERREZ: Chairman Lynn,  
2 members of the Commission, good morning. I'm  
3 Francisco Gutierrez. I'm an attorney, and proud  
4 to be one. I think the lawyer bashing has got to  
5 an all-time high these days.

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

8                   I moved to Arizona when I was five.  
9 I even brought my parents with me, at the time.

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

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

25                  The job of executive director is

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

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

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

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

17                   And although she is relatively  
18 young, I believe in this situation, that is a  
19 definite plus; because the work of the Commission  
20 is going to require the Commission to be creative.  
21 It's going to require the Commission to be  
22 innovative. And it's going to require the  
23 Commission to think out of the box. And it's  
24 definitely going to be a situation where the  
25 Commission needs to not respond to: Well, that's

1 the way things used to be done in the good old  
2 days.

3 I think Ilia brings with her lots of  
4 creativity. She is a very innovative individual.

5 I believe Ilia is more than  
6 qualified for the position. And I believe she  
7 will do a stellar job of representing all the  
8 citizens of Arizona.

9 CHAIRMAN LYNN: Thank you,  
10 Mr. Guitierrez.

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

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

17 MR. JULIAN: Good morning,  
18 Commissioner Lynn and members of the Commission.  
19 My name is Todd Julian. I appreciate the  
20 opportunity to speak with you this morning.

21 I'm here to enthusiastically endorse  
22 Ilia Terrazas for the position as executive  
23 director. I'm here in a personal capacity knowing  
24 Ilia as I do personally and to endorse her skills  
25 and qualifications you are already aware of and as

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

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

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

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

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

21 "As an active and life-long Democrat  
22 in Arizona, I am astutely aware of the important  
23 task you have been charged with on behalf of the  
24 citizens of Arizona. It is critical that you be  
25 facilitated with accurate and timely information,

1 as your deliberations will have far-reaching  
2 effects on the political direction of our state.

3                   "The purpose of this letter is to  
4 recommend Ilia Terrazas for the position of  
5 executive director to the Independent  
6 Redistricting Commission. I have known Ilia for  
7 several years and hold her in extremely high  
8 regard. Ilia is active in her community as a  
9 Hispanic, woman, and lawyer. I am confident in  
10 her ability to facilitate your efforts in an  
11 organized and thorough manner.

12                   "Ilia grew up on the border in  
13 Nogales, Arizona, and, therefore, brings a unique  
14 perspective to the redistricting process. In  
15 addition, she is fluent in Spanish. And although  
16 she is an active Republican, she is also  
17 well-respected among leaders in the Democrat  
18 community.

19                   "I recommend Ilia without  
20 reservation, as I believe she is the most capable  
21 candidate to serve as your executive director.

22                   "If you have specific questions  
23 about Ilia, please feel free to contact me."

24                   That's a letter from Dan Cracchiolo.

25                   I join him on behalf of our firm and

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

3 May I leave this with you?

4 CHAIRMAN LYNN: Please.

5 Next, Jan Lee Sproat.

6 Did I pronounce that correctly?

7 MS. SPROUT: You did.

8 CHAIRMAN LYNN: I'm getting better.

9 MS. SPROUT: Good morning, Chairman,  
10 and members of the Redistricting Commission.

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

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

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

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

1                   I became aware of Ilia Terrazas in  
2 1999. We were selecting AZ's Finest, an event in  
3 the valley to recognize single professionals in  
4 the community. Ilia was one of AZ's Finest. When  
5 we went to look for a chairman for this event for  
6 the year 2000, my suggestion was, "Approach Ilia  
7 for this."

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

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

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

1 never thought of before.

2 I highly, highly recommend Ilia for  
3 this position.

4 CHAIRMAN LYNN: Thank you,  
5 Ms. Sproat.

6 I'd ask that anyone else that wishes  
7 to speak that has not filled out a form or if you  
8 filled one out and have not submitted it, do so.

9 The next person is Nathan Sproul.

10 Did I pronounce that right?

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

13 CHAIRMAN LYNN: Okay.

14 MR. SPROUL: Most people pronounce  
15 "Sproul."

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

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

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

25 She has legal background, a

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

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

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

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

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

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

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

25                   It's representative, the numerous

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

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

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

15 Without hesitation, I recommend Ilia  
16 Terrazas as executive director.

17 CHAIRMAN LYNN: The last speaker I  
18 have a form for is Sandra Kennedy.

19 Again, I ask that anyone else that  
20 wishes to speak, get a form to us as quickly as  
21 you can.

22 Ms. Kennedy, thank you.

23 MS. KENNEDY: Good morning.

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

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

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

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

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

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

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

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

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

6 Thank you.

7 CHAIRMAN LYNN: Thank you,  
8 Ms. Kennedy.

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

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

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

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

18 And I'll just wait as people leave.

19 We asked --

20 Mr. Huntwork.

21 COMMISSIONER HUNTWORK: While  
22 they're leaving, there's a custom I would like to  
23 do. Yesterday we went into executive session and  
24 discussed a number of topics which included, among  
25 other things, the narrowing down of candidates for

1 executive director and for legal counsel. In the  
2 discussion of legal counsel, I'm not entirely sure  
3 that it was, number one, an appropriate subject  
4 for an executive session; but in any event,  
5 Mr. Chairman, I don't feel that any of the  
6 discussion that was had belonged in a private  
7 meeting. And I would like to make the motion that  
8 the records of that part of our discussion,  
9 yesterday's meeting, be made public.

10 CHAIRMAN LYNN: Is there a second?

11 COMMISSIONER MINKOFF: Second.

12 CHAIRMAN LYNN: Moved and seconded  
13 to make that portion of the executive session  
14 yesterday regarding selection of finalists for  
15 legal counsel public.

16 Discussion?

17 Hearing none, we'll move to a vote.

18 All those in favor, say "aye."

19 (Vote taken.)

20 CHAIRMAN LYNN: Opposed, say "no."

21 Motion carries unanimously.

22 We'll direct staff to make the  
23 minutes and other records of the discussion on  
24 legal counsel, legal counsel only, from executive  
25 session, available.

1 Thank you, Mr. Huntwork.

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

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

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

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

25 Is there any one applicant to be

1 interviewed for legal counsel who is still present  
2 with us?

3 Thank you. Appreciate that.

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

6 MR. RIVERA: Good morning.

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

9 MR. RIVERA: Thank you for asking  
10 me.

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

16 MR. RIVERA: Okay.

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

20 Mr. Huntwork, would you care to  
21 start?

22 COMMISSIONER HUNTWORK: I'd be happy  
23 to.

24 CHAIRMAN LYNN: Thank you.

25 COMMISSIONER HUNTWORK: Good

1 morning.

2 MR. RIVERA: Good morning,  
3 Commissioner Huntwork.

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

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

13 COMMISSIONER HUNTWORK: My question  
14 for you is very much a legal one, not so much a  
15 question, something you are very well aware of.

16 I want to say this out loud and ask  
17 for your affirmation of it. But the issue, of  
18 course, is when we select a counsel, counsel will  
19 represent the entire Commission, both Republicans  
20 and Democrats on the Commission. I will call upon  
21 you just as much as any of the Democrat members of  
22 the Commission, and essentially your professional  
23 responsibility from that moment forward will be to  
24 us and helping us accomplish our goal of  
25 redistricting the state in accordance with

1 Proposition 106 and with no other outside  
2 loyalties or influences. I know you've thought  
3 that through. I simply ask you --

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

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

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

22 Yes, I agree with you, Mr. Huntwork.

23 CHAIRMAN LYNN: Ms. Minkoff.

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

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

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

11 Let me take -- take the last one  
12 first.

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

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

25 If an issue is not able to be

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

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

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

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

19                   In terms of working with other  
20 firms, having seen a number of litigations involve  
21 multidistricts, multiparties, surprisingly,  
22 lawyers handle that very well. Sometimes it's  
23 even better to have people from two different  
24 firms, bounce ideas off different persons you  
25 wouldn't have within the same firm. Whoever you

1 choose as both lawyers, they won't have difficulty  
2 being able to work together. The people I know  
3 you are going to be interviewing and anticipate  
4 you are going to be interviewing, they'll have a  
5 professional relationship whoever you choose.

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

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

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

22 I hope that answered your question.  
23 It was probably longer than you wanted to hear.

24 CHAIRMAN LYNN: Mr. Hall.

25 COMMISSIONER HALL: Good morning.

1                   As you indicated, there are a  
2 variety of principles and constitutional issues  
3 that must govern our decisions, i.e. compactness,  
4 communities of interest, population equity, and  
5 the list seems to grow every time I read something  
6 new.

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

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

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

1 place very high value on community of interest and  
2 geographical compactness.

3                   The difficulty you'll find is the  
4 grid system in Arizona. The geography of Arizona,  
5 not population, geography of Arizona, is unique,  
6 pockets here, pockets there, right next-door to  
7 each other, a canyon going through the middle.  
8 But I think the advice you're supposed to get from  
9 Republican, Democrat, whatever counsel, is to help  
10 you walk through that mindfield. It can be  
11 walked.

12                   The first thing and primary thing to  
13 look for is community of interest. Community of  
14 interest is paramount now in Supreme Court  
15 decisions in making sure people electing have a  
16 community of interest. How you define community  
17 of interest is a whole different question. It's  
18 all over the board. But one of the things I think  
19 you'll find when you go through this is you'll  
20 find more similarities of communities of interest  
21 than differences.

22                   One of the things I've done with  
23 attorney interests, I've held mini town halls.  
24 With law enforcement in Arizona, I've covered  
25 almost every inch of Arizona, Indian country,

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

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

11                   On the grid-like thing, there are  
12 great programs now available, I've been doing it  
13 to track crime, overlay crime geographical  
14 statistics, make police granting law enforcement  
15 decisions, where they can go. You can do it in  
16 15, 20 minutes. 10 years ago when doing it, it  
17 would take all night to change one section.

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

1 COMMISSIONER HALL: Okay.

2 CHAIRMAN LYNN: Mr. Elder.

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

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

22 MR. RIVERA: Having worked in the  
23 Justice Department, attorney office, I share your  
24 frustration with justice. It's easier if you know  
25 somebody back there. Sometimes informal contact,

1 I'm not saying pick up the phone and talk about  
2 it, who has knowledge on a particular issue,  
3 that's important. The second thing important,  
4 going back to Mr. Hall's comment, and talking  
5 about obvious conflicts, the more obvious conflict  
6 you'll have at the preclearance stage from Justice  
7 Department and the Proposition 106 and the  
8 totality of circumstances is community of  
9 interest. It really is somewhat of a conflict  
10 between that.

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

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

1 clear early.

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

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

13                   Provide a clear, concise roadmap.  
14 Provide clear, concise information to meet  
15 expectations. Let them know you expect them to  
16 meet your expectations, also.

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

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

25                   MR. RIVERA: Who am I?

1                   CHAIRMAN LYNN: Who are you and who  
2 you value.

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

5                   COMMISSIONER ELDER: Hey.

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

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

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

23                   I started off in civil rights. I  
24 think the law serves a purpose in the United  
25 States. I think some of the benefits we've had

1 and some accomplishments we've had have been done  
2 through lawyers. I'm proud of that. I would hope  
3 that I live my life that way from a lawyer's  
4 perspective.

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

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

19 I have a lot of friends. My best  
20 friends are family, all over the place. My  
21 daughter is a professor at the University of  
22 Massachusetts. All the rest keep coming back to  
23 my house, but -- my kids decide what I do with my  
24 life. They really do. One of the reasons I'm  
25 going -- leaving the US Attorney's Office, one of

1 the reasons for going to the US Attorney's Office  
2 as opposed to an offer made by another firm, I  
3 looked at no time with any of my kids.

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

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

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

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

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

22 Mr. Huntwork.

23 COMMISSIONER HUNTWORK: Okay. In  
24 that light, then, throughout your career, I can  
25 see you had the opportunities to work with various

1 communities of interest within the State of  
2 Arizona, but especially in your recent role as US  
3 Attorney, could you -- I want you to ask you to  
4 describe your failures. Could you take a minute  
5 to describe successes in that regard?

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

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

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

23 Then I also created an executive  
24 director. The executive director, thought one of  
25 the things we need to do is sometimes finding out

1 from law enforcement, reactive part of law  
2 enforcement, proactive part of law enforcement.  
3 To stop, proactive is cheaper, affects more people  
4 than if you go to reactive law enforcement.

5 I created an executive assistant.  
6 The executive assistant's job was be able to  
7 coordinate with local, state, tribal law  
8 enforcement, also coordinate with communities.

9 One, one of the highlights was weed  
10 and seed sites. We have eight, two in Phoenix,  
11 one in Tucson, one in south Tucson, one in  
12 Sunnyslope, Flagstaff, Winslow. I tried to create  
13 one in the Native American community. Couldn't  
14 find anyone with interest.

15 What it is, a weed and seed site,  
16 what you do, coordinate local, state, and federal  
17 law enforcement, and prosecute crime heavily.  
18 Look at every possible crime in there. And think  
19 South Tucson, a classic example of this. Major  
20 problems with youth crimes and major problems with  
21 prostitution. I gave prostitution to the local  
22 people. Youth, I said, "I'll take every gun case  
23 you have." I prosecuted kids, high school,  
24 cleaned up almost every gang gun problem there.

25 Normally in that situation, you walk

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

9                   Created a GED program there, a  
10 vocational rehab program there, a number of  
11 community centers. Two things that amazed me the  
12 most, some of the family people came in and said,  
13 "You know, these cars just speed through our  
14 neighborhood. We want speed bumps." Speed bumps.  
15 Allocated money for speed bumps. Drive-by  
16 shootings went down. You never would have thought  
17 of that from law enforcement. Think law  
18 enforcement, it's a roadblock here, roadblock  
19 here. Couldn't speed through because of speed  
20 bumps. That's the community, not me.

21                   The other thing, talked to kids.  
22 "What do you need most out of this?"

23                   "You know, we don't have bikes."

24                   "Let's see what we can do."

25                   We found this one woman that ran a

1 bike shop. "I'll help you with this." She did.  
2 "\$20. You cannot give it to the kids. \$20, they  
3 can come in, and what they do, I'll build them a  
4 bike. They'll help me build them a bike. They  
5 don't get the first bike. They get the second  
6 bike."

7 All kids in South Tucson, mid-age,  
8 freshman, sophmores, going into the location,  
9 build a bike, sell a bike, second bike they keep.  
10 It's a great program. They all have bikes. It's  
11 a lot easier, places to go and things to do. It's  
12 not driven by me. It's driven by the community.

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

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

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

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

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

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

12 Reaction time is so much quicker.  
13 And it's a two-way road. Now they have an  
14 hour-and-a-half to hour to visit us in Flagstaff.

15 Something occurs on the reservation,  
16 people go out there.

17 The third thing they do, they see  
18 somebody, a common person, same person, as opposed  
19 to having the 120 lawyers I oversee. Instead of a  
20 different lawyer every time, it's two lawyers.  
21 They are the first reactors out there. They see  
22 them, are more comfortable doing that; they're  
23 able to, when they see something, are not as  
24 afraid to go, to go talk to someone.

25 I'm sorry if I spoke too much.

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

3 CHAIRMAN LYNN: Ms. Minkoff.

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

10 MR. RIVERA: Yeah, I guess in  
11 talking to my wife, my wife using that word a lot.

12 I think people say that. On the  
13 other hand, look at the golden opportunity you  
14 have particularly and me to guide you. This is a  
15 precedent setting thing. You're not doing it  
16 because of one special interest, another special  
17 interest. People of Arizona asked you to. People  
18 of Arizona asked you to come up with something  
19 fair, equitable, and represent the people, real  
20 interests of the people of Arizona. How can you  
21 not like to go do a job like that? How can you  
22 not feel satisfaction doing a job like that?

23 I think 10 years ago, it was  
24 actually too short then. It was exciting,  
25 interesting. The issues were something you wanted

1 to use your mind on. And you thought you were  
2 helping people.

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

9 How can you not want to do something  
10 like this? You know, whatever people call you,  
11 it's not the first time I've been in the position.

12 When I did the two Hannigan cases,  
13 prosecuted the two ranchers, I was picketed by  
14 both sides. The Hispanic people were picketing me  
15 making not kind comments. You have an obligation,  
16 do an obligation.

17 If you have an opportunity to push  
18 the ball further down the road, how can you not  
19 want to do it?

20 CHAIRMAN LYNN: Mr. Hall.

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

23 MR. RIVERA: Being a Democratic  
24 attorney in a Republican Senate, almost all law  
25 enforcement is Republican, is a daunting task. I

1 worked with every one of those people. It was  
2 easy to work with them. The amazing part about it  
3 was when you look at it and you think and talk to  
4 these people in law enforcement and anyplace else  
5 you talk to, you realize their concept and goal is  
6 the same thing, to make the United States safer,  
7 help the citizens of Arizona.

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

19                   When I take a position as lawyer,  
20 like the one you have, one I have right now, I owe  
21 a duty to the one you serve, not to one particular  
22 party. I think I've done that.

23                   CHAIRMAN LYNN: Mr. Elder.

24                   COMMISSIONER ELDER: Yes.

25                   Mr. Rivera, one of the questions

1 asked us, or at least asked of me when I was  
2 interviewed for the appointment, was did I have  
3 the adequate time. And in your case I would ask  
4 that question. You know, do you have 100 to 300  
5 hours in the next three months or whatever it  
6 might be, as well as is what we see is what we  
7 get? You are the sole person that would be  
8 representing us and be attending our meetings?

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

17 COMMISSIONER ELDER: Thank you.

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

25 MR. RIVERA: I understand that.

1                   Let me go back from younger days. I  
2 was a law clerk for the Mexican American Legal  
3 Defense Fund work. I worked on redistricting  
4 issues throughout the south working with Mexican  
5 American Legal Defense Fund work. I did that, and  
6 also some legal defense cases.

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

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

19                   Board of Governor's, there were a  
20 number of issues that came up in the Board of  
21 Governor's when I was a member of the Board of  
22 Governor's concerning an issue as to whether we  
23 were really distributing the delegates to the  
24 Board of Governor's fairly. Maricopa County  
25 needed more votes than Yuma.

1 I asked, before I became US  
2 Attorney, for at large districts for judges in  
3 rural areas. You know, judges in rural areas are  
4 still elected, particularly in northern Arizona in  
5 at large elections rather than district elections.  
6 There's a question as to whether that's  
7 constitutional or not constitutional, because of  
8 all the issues you are looking at. I was chosen  
9 as US Attorney prior to being able to look into  
10 that.

11 I guess one of the most significant  
12 issues is Fair vs. Symington. I was one of the  
13 lawyers in Fair vs. Symington. I had some  
14 involvement in the Senate and the House testimony,  
15 but I was not the official lawyer for any one.

16 The way I became a lawyer for that  
17 is somewhat funny. I got a call from  
18 Judge Muecke. "Hispanic interests are not being  
19 represented here. The issue is going to be, this  
20 is going to be one of the issues." He asked me to  
21 come in. That's how I joined that.  
22 As one of the lead counsel for the Arizona  
23 Hispanic Chamber of Commerce, I did the discovery,  
24 presented most of the evidence at trial, did  
25 opening, did closing. I was one of the proponents

1 preparing the brief to the United States Supreme  
2 Court. That's why I can tell you, especially if  
3 you look at that case, some of the comments made  
4 by the judges in the opinion, you are not going to  
5 have difficulty.

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

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

15                   That decision was affirmed.

16                   Those are the main basic cases I  
17 have done.

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

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

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

9 MR. RIVERA: I have to go.

10 CHAIRMAN LYNN: I understand.

11 MR. RIVERA: I'm leaving April 13th.  
12 If you decide to choose me, need me sooner, I've  
13 spoken to people, if you need me for any time  
14 before that. Otherwise April 13th is my last day  
15 at the US Attorney's Office.

16 CHAIRMAN LYNN: Thank you.

17 The second candidate is Lisa Hauser.

18 Thank you, Mr. Rivera. Appreciate  
19 it.

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

23 (Recess taken.)

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

1                   Second interview is Lisa Hauser.

2                   MS. HAUSER: Good morning.

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

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

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

14                  MS. HAUSER: Okay. Good morning.

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

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

1 to the exclusion of any other interests as we go  
2 about our tasks of independently redistricting the  
3 State of Arizona.

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

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

9                   MS. HAUSER: Sure. Absolutely.

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

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

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

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

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

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

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

1 candidates, all persuasions.

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

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

13                   CHAIRMAN LYNN: Ms. Minkoff.

14                   COMMISSIONER MINKOFF: I have a  
15 two-part question.

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

22                   MS. HAUSER: That's a good question.

23                   I know both of the attorneys that  
24 you are interviewing for the democratic counsel  
25 position. Let me start with Ernie Calderon. I

1 have worked with him not so much as opposing  
2 counsel or as co-counsel in any particular  
3 litigation, but Ernie is someone who has been  
4 active in a lot of different issues that I have  
5 been involved with in the past when I was counsel  
6 to the Governor. And Ernie would have clients  
7 that had interests that required representation  
8 there. And I have, I think, a good relationship  
9 with Mr. Calderon, would have no problem working  
10 with him.

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

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

22                   I called Jose when I heard you were  
23 going for outside counsel, knew Jose would be  
24 going from the US Attorney's Office with the  
25 change in administration. I certainly thought he

1 would be a really great candidate for you to  
2 consider. I'm happy he's on the list. I could  
3 work with either one of those gentlemen.

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

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

24           CHAIRMAN LYNN: Mr. Hall.

25           COMMISSIONER HALL: Let me just say

1 that your resume is impressive, and I -- more than  
2 I can think of.

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

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

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

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

24 For that reason, I think it's really  
25 important that one of the very top criteria is

1 compliance with the Constitution and the Voting  
2 Rights Act. That allows you, I think, to take  
3 into consideration communities of interest,  
4 geographic compactness, and all of those things,  
5 in the way the federal courts desire those to be  
6 taken into account.

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

15                   The first issue you have to address,  
16 I think -- you've heard testimony from one of the  
17 vendors, EDS, about this. The grid like system is  
18 pretty unique. And that's going -- you know,  
19 that's going to take a little bit of wrestling  
20 with, the way they put population in there. If  
21 they said "Create a grid-like pattern, adjust  
22 based on population," that would be easier than  
23 "Create a grid-like pattern based on population."  
24 That seems to be the very first question out of  
25 the box and you're going to have to be thinking

1 out of the box as that's going to have to be  
2 addressed.

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

9 I hope that answers your question.

10 COMMISSIONER HALL: Thank you.

11 CHAIRMAN LYNN: Mr. Elder.

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

23 Where we have the uniqueness of 106  
24 and grid-like patterns, where we have things we'd  
25 like to test and try to think outside the box,

1 involve more community, involve more people, a  
2 traceable pattern, is there a way, how do you see  
3 the way, if so, to involve DOJ and try to develop,  
4 even maybe off the record, an opinion so we may  
5 know we're going in the right direction?

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

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

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

20 But it's absolutely possible, and  
21 I've done this in the past when I did the state's  
22 redistricting -- when I did all the state's  
23 preclearance submissions and had a regular  
24 relationship with the Department of Justice and  
25 would speak with their lawyers. And I think it's

1 important to kind of give them a heads up about  
2 what we're doing.

3                   You can always hope through the  
4 telephone line you can get some inkling of a  
5 reaction as to whether or not they think that that  
6 is a good or bad idea. But they, as I said,  
7 unofficially will give you no advisory opinion.

8                   But I think keeping those lines of  
9 communication open with the Department of Justice,  
10 letting them know that you are out there, you are  
11 working hard, and they can see that you have the  
12 best interests of the state at heart in compliance  
13 with the Voting Rights Act will go a long way  
14 toward helping you achieve preclearance of the  
15 plan you create.

16                   CHAIRMAN LYNN: As Mr. Hall said  
17 earlier on, your resume is quite complete and  
18 quite impressive, but I don't want to talk about  
19 that. I want to talk about you. I want to talk  
20 about you, what you like, what you value.

21                   Give us a sense of your personality,  
22 not as an attorney, a human being, someone we're  
23 going to interact with, someone who will go  
24 through this process with us.

25                   MS. HAUSER: My family is probably

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

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

18                   My daughter is in high school, a  
19 15-year-old in high school at Horizon High School.  
20 My son is 12 and attends Liberty Elementary  
21 School. Next year he'll be in middle school.

22                   They -- they're an incredibly  
23 important part of my life. And as a lot of people  
24 know, when I left the Governor's Office and  
25 started my own office, my son was at a point in

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

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

14                   The -- let's see, what I like to do  
15 in my spare time. I have done a lot of volunteer  
16 work with my college fraternity, training. It was  
17 a wonderful experience for me as far as a  
18 leadership kind of program for young women. And I  
19 have, over the years, stayed involved with that  
20 and held a national position recruiting volunteers  
21 to work with all of the college chapters and to  
22 run various corporations. I didn't put anything  
23 like that in the proposal. And I have regularly  
24 attended national leadership training sessions,  
25 and all of that, to assess -- I think last summer

1 I taught ethics to a collegiate chapter of  
2 presidents and treasurers, young women coming into  
3 contact suddenly having to handle large sums of  
4 money they previously didn't have experience  
5 handling. Spent some time in Los Angeles teaching  
6 ethics to our college chapters.

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

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

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

17 Mr. Huntwork.

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

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

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

17                   The Native American community is a  
18 community I've worked with on a fairly regular  
19 basis, not so much in the context of  
20 redistricting, although what was called the Indian  
21 Compromise Plan had formed a basis of the  
22 congressional districts. But through my work in  
23 both elections and gaming, I have had a lot of  
24 experience working with the Indian tribes. And  
25 Representative Laughter and John Mendibles were

1 here speaking to that this morning.

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

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

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

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

19                   That information actually came in  
20 really very handy when I represented Sylvia  
21 Laughter this last summer. She had a petition  
22 challenge against her because, as I think she  
23 mentioned to you, her district comprises four  
24 different counties. And based on how the Navajo  
25 live on the reservation, a lot of times their

1 voter registration is written in such a way that  
2 it's the third house next to the second big tree.

3 I mean it's -- they are very --  
4 you've seen that on voter registration forms, you  
5 have alternatives for describing voter  
6 registration. That's why it's there. So for a  
7 mailing address, they'll have a post office box.  
8 And the county that their post office box is in is  
9 not always in the county they physically live.

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

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

22 But I did have an opportunity to  
23 deal with most of the tribal chairmen, certainly  
24 of the gaming tribes, and even dealt with some of  
25 the tribes, Navajo and Hopi, who chose not to go

1 that route ultimately.

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

7 So if that answers your question.

8 COMMISSIONER HUNTWORK: Thanks.

9 CHAIRMAN LYNN: Ms. Minkoff.

10 COMMISSIONER MINKOFF: Thank you,  
11 Ms. Hauser.

12 We've all been told that we must be  
13 crazy for wanting this job. I think I'm guilty.  
14 Other than the fact that attorneys always need  
15 clients, why do you want this job? Why do you  
16 want this particular job?

17 MS. HAUSER: Well, as I've indicated  
18 to you, my practice is -- other than appeals, and  
19 I pretty much handle appeals from all practice  
20 areas, our firm is almost exclusively election  
21 oriented. This is -- this is the kind of unique  
22 experience that comes along once every 10 years.  
23 I am prepared to decline other representations  
24 while representing this Commission, because --  
25 first of all, I think time is going to be an

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

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

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

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

1 disaster. And I thoroughly enjoyed it, enjoyed  
2 all the people I worked with and enjoyed the  
3 subject area and certainly would enjoy working on  
4 it again.

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

10 CHAIRMAN LYNN: Mr. Hall.

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

14 CHAIRMAN LYNN: Mr. Elder.

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

22 I guess something I didn't ask  
23 before, I would like to find out a little about  
24 it. It appears as though the attorneys may be  
25 reasonably better qualified than other people to

1 write certain sections of the plan we submit to  
2 DOJ.

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

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

20                   CHAIRMAN LYNN: Ms. Hauser, my  
21 second question is actually prompted by your  
22 resume. I'm asking it in fairness to all the  
23 other applicants. I'll ask it to you, ask you to  
24 please be brief in your response. We have read  
25 the resume.

1                   The question is: Would you briefly  
2 summarize your personal, specific, history with  
3 respect to election law and redistricting?  
4 Because that, again, the applications that we  
5 received varied widely in terms of that specific  
6 experience. I know yours is considerable. If you  
7 just summarize it for us.

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

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

25                   And that probably best summarizes

1 the relationship and the experience I have in that  
2 particular area. It was a fascinating experience,  
3 and we had zero trouble getting that congressional  
4 plan implemented.

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

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

16                   So that's my answer to that  
17 question.

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

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

25                   MS. HAUSER: I pretty much cleared

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

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

8                   A lot of people have misgivings  
9 taking a major job and putting it in the hands of  
10 five private citizens. It's certainly not a thing  
11 that clients I had were opposed to redistricting.  
12 Redistricting is something that has to happen.

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

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

25                   I was concerned you might see that

1 "No On 106." I would not be here in any way,  
2 shape, or form to sabotage your work at all. It's  
3 too important to myself and everyone.

4 CHAIRMAN LYNN: If, without  
5 objection, if we had --

6 We had a small break earlier. If we  
7 can work through the break, have Mr. LaSota.

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

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

13 MR. LaSOTA: Thank you.

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

20 MR. LaSOTA: Okay. Thank you.

21 COMMISSIONER HUNTWORK: Good  
22 morning.

23 MR. LaSOTA: Good morning.

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

1 question to start off with. This is something I  
2 know you have already given consideration to, so  
3 I'm going to put it in the form of more of a  
4 statement and then give you the opportunity to  
5 respond to it.

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

18                   And again, I know you will have  
19 thought that through as an attorney and understand  
20 that that is the situation.

21                   Would you affirm that for me and  
22 make any other comment you would care to along  
23 those lines?

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

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

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

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

25                   Public service, state service, has

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

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

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

15 CHAIRMAN LYNN: Ms. Minkoff.

16 COMMISSIONER MINKOFF: Thank you.

17 Mr. LaSota, I have a question which  
18 is really a two-part question. It deals with the  
19 fact that we're going to be engaging two counsel  
20 to work for the Commission, a Republican and a  
21 Democrat. In your situation, since one of your  
22 partners has also applied for the position, if you  
23 are selected, you may be working with someone from  
24 your own firm or you may be working with someone  
25 from another firm. And so my question is: How

1 would you foresee developing a working  
2 relationship with the other counsel retained by  
3 the Commission? And in the cases of differences  
4 of opinion, how would you deal with those  
5 differences of opinion and resolve them?

6 MR. LaSOTA: Mr. Chairman,  
7 Ms. Minkoff, as regarding the first part of your  
8 question, it would be wise for whoever is  
9 selected, the two parties/groups selected, to meet  
10 privately, just with the two of them, in an effort  
11 to sort of lay down some ground rules as to how  
12 they're going to get along.

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

1 the party they happen to be registered with.

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

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

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

1 kind of people during the work of the Commission.

2 CHAIRMAN LYNN: Mr. Hall.

3 COMMISSIONER HALL: Good morning.

4 MR. LaSOTA: Good morning.

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

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

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

19 First of all, I would really want to  
20 parse the statements. In reviewing the thing  
21 before I came here this morning, it occurred to me  
22 that you -- your point is exactly correct: How do  
23 you deal with contiguity? How do you deal with  
24 the problem of contiguity? Because everything is  
25 going to be contiguous. I don't even know what is

1 meant by the term "contiguity."

2                   I think perhaps you have to come up  
3 with kind of a pecking order. It may well be --  
4 you can't really go to the drafters of this and  
5 say "What did you have in mind? What is the  
6 legislative intent?" I don't think that would be  
7 proper. So you have to sort of get the meaning  
8 within -- and get interpretation within the four  
9 corners of the document.

10                   It may well be the safest way to  
11 proceed is look at the order in which those things  
12 descend. It may be -- it may be a fool-hardy  
13 example, could be kind of like looking at the Bill  
14 of Rights saying the First Amendment is more  
15 important than the Eighth, or Fifth, or whatever,  
16 that there is a pecking order. Here, that may be  
17 the only way to sort of come up with a way to have  
18 these things blend with each other. I can't tell  
19 you which one came first of the five, six, or  
20 seven in there, of the sort of Deserderada  
21 (phonetic) of what you are supposed to do.

22                   Maybe that's the best approach,  
23 whatever they mentioned first must have been  
24 paramount in their mind. If the choice of two, in  
25 conflict, say whichever came first is the most

1 important of the two.

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

9                   I think early on you have to deal  
10 with the fact some are more equal than others.  
11 How you set up the pecking order, one thing  
12 occurred as I read them, given you won't get much  
13 outside help on how they rank simply say there's  
14 an order here, which occurred first in the  
15 formulation. That would be my idea of sort of  
16 coldly going into it.

17                   CHAIRMAN LYNN: Mr. Elder.

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

21                   One of my frustrations is DOJ almost  
22 appears they will not issue an opinion as to  
23 process or approach. 106 pretty well describes  
24 out-of-the-box or an outside-the-box process.  
25 Grid-like patterns takes this out of the normal

1 genre in which redistricting has been done or  
2 historically has been done across the country.

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

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

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

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

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

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

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

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

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

13 They certainly would have to be  
14 contacted, but I would not overly rely on anything  
15 they said until it could be determined that they  
16 were giving sort of straight up, objective advice.

17 It may be advice on this subject is  
18 primarily given from folks within the organization  
19 who are bureaucrats and who stay on the job in the  
20 civil rights division without regard to what party  
21 happens to be occupying the White House. If that  
22 is the case, one would think you could put a  
23 little more credence in them. Although sort of  
24 going the other way, my party might argue career  
25 bureaucrats in Washington tend to primarily be

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

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

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

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

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

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

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

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

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

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

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

1 people with issues with government entities or  
2 that champions causes of people with government  
3 entities.

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

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

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

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

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

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

25                   CHAIRMAN LYNN: Certainly nothing if

1 not novel.

2 Mr. Huntwork.

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

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

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

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

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

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

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

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

25                   COMMISSIONER HUNTWORK: I think it

1 does. Thank you.

2 CHAIRMAN LYNN: Ms. Minkoff.

3 COMMISSIONER MINKOFF: Mr. LaSota,  
4 it has been said of the members of this Commission  
5 we must be insane to want this job. The same  
6 thing may be said of you for applying to be our  
7 counsel. My question is other than what you've  
8 already told us before about your interest in  
9 public policy, why did you apply to represent the  
10 Commission?

11 MR. LaSOTA: Mr. Chairman,  
12 Ms. Minkoff, I believe in the work it's about to  
13 undertake.

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

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

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

1 early efforts to do this kind of thing.

2 I think it's something Arizona will  
3 be able to point to with pride if properly  
4 conducted.

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

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

16 COMMISSIONER MINKOFF: Not that  
17 much.

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

21 I think someone with my background  
22 does have something to contribute to this in the  
23 form of judgment, in the form of people skills,  
24 and in the form of simply good lawyering, and  
25 someone who supported it. It would be a shame for

1 me not to let it be known I'd be happy to help.

2 CHAIRMAN LYNN: Mr. Hall.

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

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

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

18 Because "political" carries the  
19 cliché of partisan, I'd like to think I'm  
20 governmentally active.

21 I was -- in 1975, I believe it was,  
22 when Bruce Babbitt asked me to become his chief  
23 deputy, I think one of the reasons he did that is  
24 I was a Republican and he perceived I could work  
25 well with the Republican majority in the house. I

1 believe that happened to be a time post-Watergate.  
2 There was a split in control of the house in the  
3 Legislature. Very quickly there became not a  
4 split. Republicans took control again.

5                   I think I was able to work well with  
6 a Democrat Attorney General and Republican  
7 Legislature in effecting good government. I felt  
8 that I neither sort of sold out the party for  
9 working for a Democrat or think that I was doing  
10 sort of the right thing at the time; and yet I  
11 didn't, I didn't embarrass Bruce Babbitt by taking  
12 partisan stands, either. I think it was a  
13 down-the-line situation. Must have been okay. He  
14 then came back to me about five years after I left  
15 the Attorney General's Office -- first then  
16 appointed me Attorney General. Must have been  
17 relatively pleased with what I had to -- with how  
18 I had served him and, to his credit, did not ask  
19 me whether I was going to run for office or not.

20                   A lot of people thought I was a safe  
21 Republican, wouldn't run for office. Probably  
22 thought I wouldn't run. To his credit, he didn't  
23 ask me whether I was going to run or not.

24                   I then served 10 months as Attorney  
25 General. After that, in the mid eighties, he came

1 back to me, asked me to be chief of staff when  
2 once again dealing with a heavily Republican  
3 Legislature.

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

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

17 CHAIRMAN LYNN: Mr. Elder.

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

1 opinions and discussions with?

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

11                   No. I would be the one you would  
12 see.

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

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

1                   CHAIRMAN LYNN: The last question,  
2 Mr. LaSota, is mine. Where I asked a nonlegal  
3 question the first round, now I'd bore down into  
4 your resume and ask a specific legal question this  
5 time.

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

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

16                   With regard to election law, I've  
17 spent a lot of time, usually in even-numbered  
18 years, occasionally at other occasions as well, in  
19 parsing Title XVI of the -- and Title XIX, which  
20 is where one finds election law in Arizona, the  
21 XIX elections referendum, XVI for overall law and  
22 political candidacy, advised a lot of clients  
23 including candidates for Governor, candidates for  
24 Congress, the current person in leadership in the  
25 Arizona Legislature, currently.

1                   As I said, the group successfully  
2 fended off the challenge to the lottery, a couple  
3 of groups that were promoting other ballot  
4 initiatives along the way, like the Elman Group  
5 with its effort to get approval for the Los Arcos  
6 project which involves getting a home for the  
7 Phoenix Coyotes Hockey Team, a group of  
8 independent expenditures for Scottsdale City  
9 Elections, all of which I provided myself.

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

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

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

23                   CHAIRMAN LYNN: That concludes our  
24 time.

25                   Thank you very much for your

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

5 MR. LaSOTA: Thank you, Mr. Lynn.

6 CHAIRMAN LYNN: The next candidate  
7 is Ernest Calderon.

8 Mr. Calderon, good morning.  
9 Appreciate you being with us.

10 MR. CALDERON: My pleasure.

11 CHAIRMAN LYNN: Appreciate your  
12 interest in our RFP for legal counsel.

13 The process this morning is two  
14 rounds of questions from the panel in the time  
15 allotted, and we'll begin with Mr. Huntwork.

16 MR. CALDERON: Excellent.

17 COMMISSIONER HUNTWORK: Good  
18 morning, Mr. Calderon.

19 It feels awkward to call you that.

20 MR. CALDERON: Feel free to call me  
21 whatever you like.

22 COMMISSIONER HUNTWORK: Your  
23 application adequately disclosed and I previously  
24 disclosed on the record our past professional  
25 relationship. On the record, we no longer have

1 any conflict of interest in the meaning of the  
2 provisions that deal with that.

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

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

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

1 any comments you would like.

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

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

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

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

20 Years later a friend called up to  
21 chastise me because I voted for the Republican  
22 party. He got the same response my father gave.  
23 I'm not particularly proud of the colorful  
24 language. I clearly said I support whoever I do  
25 whenever I want to.

1                   You can ask any of my clients, some  
2 Republicans, Democrats, to use a phrase, some  
3 vegetarians, I'm always the board's lawyer, not an  
4 individual member of the board's lawyer; the  
5 lawyer for the entire board. I take that  
6 responsibility as very important.

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

10                   I hope that answers.

11                   CHAIRMAN LYNN: Speaking of  
12 vegetarians, Ms. Minkoff.

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

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

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

21                   I actually have an attorney-type  
22 question to ask.

23                   As you know, we're going to be  
24 hiring two counsel to represent the Commission, a  
25 Republican and Democrat. In your situation, one

1 of the other applicants is from your own law firm.  
2 If you are selected, you may be working with  
3 someone from your own firm or you may be working  
4 with someone from a different firm. I have  
5 actually a two-part question. Number one, what  
6 kind of working relationship would you foresee  
7 developing with your co-counsel and, number two,  
8 in the case of differences in opinion between the  
9 two of you, how would you resolve those?

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

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

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

24 To clarify a little bit about Dave  
25 Cantelme, we submitted jointly. You need to know

1 if you hire me, he will also help. When you hire  
2 our law firm, particularly in my case, when I  
3 signed that submittal, I signed on behalf of  
4 Jennings, Strouss & Salmon. If I'm hit by a bus  
5 tomorrow, Jennings, Strouss & Salmon will honor  
6 everything I said in that proposal.

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

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

19                   CHAIRMAN LYNN: Mr. Hall?

20                   COMMISSIONER HALL: Still morning,  
21 isn't it?

22                   MR. CALDERON: Good morning.

23                   COMMISSIONER HALL: Seems like a  
24 week.

25                   We are governed, our decisions must

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

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

10           MR. CALDERON: I think the  
11 conflict --

12           There's no way to put any gloss on  
13 this. You picked a very difficult job yourselves.

14           In one sense, the Voting Rights Act  
15 says you must protect communities of interest. On  
16 the other hand, the Supreme Court case, Gingles  
17 case, said no numerical guarantee, guarantee for  
18 anyone. On one case you have Congress saying one  
19 thing, the Supreme Court telling you something  
20 else.

21           My job is to help clarify the path  
22 or pattern for you to take. I hope the first cut  
23 you take at redistricting is not the last cut. I  
24 hope what we really will be doing is rolling up  
25 our sleeves -- I say "we." You would be doing

1 most of the work. I'd be there for whatever legal  
2 research you need -- we collectively as a team  
3 putting together a tremendous amount of work  
4 refining, refining whatever you come up with in  
5 order to meet the federal standards under the  
6 Federal Voting Rights Act, meet the federal  
7 standards under Arizona and US case law.

8 My job is to help you find  
9 solutions.

10 CHAIRMAN LYNN: Mr. Elder?

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

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

18 In 106 we've been given a grid-like  
19 process that is not normal or common to the other  
20 49 states which also puts us outside the box. If  
21 we looked at other ways of being creative, to  
22 being able to address all the issues we have, we  
23 may also be outside the box. And I'd hate to be  
24 submitting something that has absolutely no chance  
25 of preclearance because of DOJ.

1                   Is there a process or way you could  
2 help facilitate this?

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

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

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

21                   For example, I represent a public  
22 entity that's been in a particular polling place  
23 for the last 30 years. Well, they're remodeling  
24 the church hall where the community of interest  
25 has always gone to vote. Department of Justice

1 will notice that and say, "Why did you move the  
2 polling place five blocks elsewhere?" And in this  
3 case maybe there's no bus service for that five  
4 blocks. It's my job to help communicate to them  
5 there really wasn't any sort of ill-motivation; we  
6 just couldn't get the church hall. They were  
7 working on it. If that means work with county  
8 people, state people, to help that, it's my job to  
9 arrange that.

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

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

16 It's a very open-ended question.  
17 Tell me what you like.

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

20 I was born and raised in Morencie,  
21 Arizona. My mother was a short-order cook, had a  
22 high school education. My father was a copper  
23 minor, had an eighth grade education. I grew up  
24 in Duncan, Arizona, 23 miles down the road. Our  
25 family settled in Silver City, New Mexico, in

1 1821. We have some roots that go back.

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

10                   Voting has been very important.

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

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

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

1 Nastasie they used to call him. Throughout the  
2 tennis match, Nastasie was using the N word  
3 whenever he hit the ball to Mr. Ash. The crowd  
4 was incensed. The judge was incensed.

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

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

17                   I hope that answers.

18                   CHAIRMAN LYNN: Thank you,  
19 Mr. Calderon.

20                   Mr. Huntwork.

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

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

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

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

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

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

25 There was no, in my case, no overt

1 intention or discrimination. Remedied it. Shook  
2 hands. Everybody was pleased. Shook hands, were  
3 pleased about it.

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

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

17                   I hope that answers the question.

18                   CHAIRMAN LYNN: Ms. Minkoff.

19                   COMMISSIONER MINKOFF: Thank you.

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

23                   MR. CALDERON: I told Danny in  
24 choosing her for the people, the only people that  
25 trumped her, maybe Moses. It's hard to trump

1 Julietta Bencomo.

2                   COMMISSIONER MINKOFF: My question  
3 to ask is relating to your application. We've all  
4 been told more than once we're probably crazy for  
5 wanting to be on this Commission. And other than  
6 the fact that lawyers need clients, they may say  
7 the same of you for wanting to be our counsel.

8                   My question is why did you apply for  
9 this position?

10                  MR. CALDERON: Because I believe in  
11 possibilities. I believe that you can restructure  
12 and redistrict this state in a way that the  
13 communities of interest will be protected, in ways  
14 that those people who are skeptical of this  
15 Commission will have nothing to say but: Well, I  
16 didn't think they could do it but they did.

17                  I think you can create a legacy that  
18 will go far beyond what some judge decides today,  
19 a judge decides tomorrow. You can create a  
20 legacy, make Arizona a stellar example of how you  
21 can have a fair, level playing field for anybody  
22 running for office. I believe in that  
23 possibility. It will take a lot of hard work and  
24 sweat to do it. It can be done. I want to help.

25                  CHAIRMAN LYNN: Mr. Hall?

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

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

7                   COMMISSIONER HALL: Thank you. I  
8 appreciate it.

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

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

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

20                   COMMISSIONER HALL: Makes it easier  
21 for staff to copy.

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

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

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

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

10                   I want "lawyer" on my tombstone, not  
11 "disbarred lawyer," not "disbarred lawyer," or  
12 "former lawyer," or "defrocked lawyer." I want  
13 "lawyer."

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

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

21                   Any of my public clients know, you  
22 can check with any of them, you will find me and  
23 David, or David and me, whoever you want to match  
24 us up with. The beautiful thing, pick me, David  
25 comes with me. Pick David, I come with David.

1 You get the package.

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

11                   You do get what we offer, period.

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

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

25                   We had a person indicate, the county

1 school superintendent, she did not want to run for  
2 election. The name ended up on the ballot. Ended  
3 up having to sue the county. Won the case. Big  
4 notices were posted all over the polling places,  
5 "Do not vote for Madam X," we'll call her. She  
6 ended up being the top vote getter.

7 Ended up represented individuals  
8 sued, represented entities, public school  
9 districts, counties, school districts, et cetera,  
10 sued, those sort of things. Have been involved in  
11 many voting rights cases, voting rights  
12 submissions.

13 I think it's pretty much in my  
14 resume.

15 Am I hitting the topic?

16 CHAIRMAN LYNN: Uh-huh.

17 MR. CALDERON: I've not been  
18 involved in any redistricting legislation or any  
19 redistricting involving that. I did vote in that  
20 legislation involved with that but have not been  
21 involved in litigation involved in that.

22 CHAIRMAN LYNN: Mr. Calderon, we'd  
23 like to thank you, one, for your interest and,  
24 two, for coming.

25 I'd like to ask if Joe Heinton is

1 still a principal in the firm.

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

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

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

8 CHAIRMAN LYNN: Was going to say  
9 hello.

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

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

15 MR. CALDERON: Partner.

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

18 MR. CALDERON: He's my ride.

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

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

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

1 ask him to begin.

2 COMMISSIONER HUNTWORK: Good  
3 morning.

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

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

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

15 MR. CANTELME: Yes, sir.

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

22 MR. CANTELME: Yes, sir.

23 COMMISSIONER HUNTWORK: -- as we go  
24 about the task of trying to redistrict the State  
25 of Arizona so that your duty, like ours, would be

1 to exclude all other considerations or loyalties  
2 or associations and focus on that task to the  
3 exclusion of everything else.

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

7 Would you comment on that.

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

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

25 That's how I would approach the job.

1                   CHAIRMAN LYNN: Ms. Minkoff.

2                   COMMISSIONER MINKOFF: Mr. Chairman,  
3 erring on the side of full disclosure, I feel I  
4 should state for the record Mr. Cantelme in a  
5 prior firm was a partner and my daughter was a  
6 very junior associate in that firm.

7                   MR. CANTELME: A very good one.

8                   COMMISSIONER MINKOFF: She is no  
9 longer with the firm. He's no longer with the  
10 firm. I thought I should disclose that.

11                  CHAIRMAN LYNN: Thank you,  
12 Ms. Minkoff.

13                  COMMISSIONER MINKOFF: My question  
14 is with regard to the fact we're going to be  
15 engaging two counsel, Republican, Democrat. In  
16 your case, one is a partner of yours. In your  
17 case, the other counsel may be your partner or may  
18 be from another firm. And I have kind of a  
19 two-part question. Number one is I want you to  
20 address the issue of the kind of working  
21 relationship you would see developing with your  
22 co-counsel and, secondly, where there are  
23 disagreements and where there are differences of  
24 opinion, how you would deal with those in bringing  
25 them to the Commission.

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

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

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

23                   Before you get to that, I think it's  
24 important to develop a good working relationship,  
25 develop confidence in co-counsel. And if you do,

1 these problems shouldn't come up.

2                   You've been, from what I can see,  
3 interviewing very good, very able lawyers on both  
4 sides, Democrat and Republican lawyers on both  
5 sides. It shouldn't come up, I don't think. I  
6 hope not.

7                   CHAIRMAN LYNN: Mr. Hall.

8                   COMMISSIONER HALL: Hello. Good  
9 morning.

10                   Your partner gave me a copy of your  
11 article I asked for. It's very good.

12                   Your article is speaking to my  
13 question. Because our decisions, as you well  
14 know, must be governed by a variety of principles  
15 or constitutional issues. And in my mind, it  
16 appears that those, many of those, or some of  
17 those, are in conflict, one with another. And in  
18 your role as legal counsel to this Commission, how  
19 would you propose to help us to resolve those  
20 apparent conflicts?

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

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

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

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

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

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

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

25 Rather than learning the lesson, in

1 1982, this time it was the San Carlos that was  
2 divided. That again resulted in the plan not  
3 being precleared and the legislative plan gunned  
4 down.

5                   1990, lawsuit, settlement.  
6 Settlement was reached and the lawsuit resolved.

7                   The point is I think it's very  
8 critical to respect the voting rights principles  
9 100 percent as literally as you can.

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

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

25                   To the extent there is a conflict,

1 Mr. Hall, I believe they are ranked in the  
2 initiative and in the case from which they were  
3 drawn. And whatever is ranked higher is what you  
4 obviously place higher.

5 COMMISSIONER HALL: Thank you.

6 CHAIRMAN LYNN: Mr. Elder.

7 COMMISSIONER ELDER: One of my  
8 frustrations is with DOJ and their reluctance to  
9 grant an opinion. We've been given Proposition  
10 106 which is somewhat outside the box as far as  
11 the grid-like process to commence with. There may  
12 be other areas where we need to creatively be able  
13 to involve communities of interest or various  
14 other aspects.

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

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

24 Preclearance, as I understand it, is  
25 a pretty formal process. I wish I could get a

1 preclearance opinion in advance, could follow it  
2 and avoid problems. What we're left with is to  
3 follow Supreme Court cases. There are a lot of  
4 cases in the last 10 years. Follow those cases.

5 I don't think you can get an  
6 advisory opinion in advance. I don't think  
7 there's any reason why you can't ask for it. To  
8 my knowledge, there's no rule that prohibits it.  
9 But as my mom used to say, "Asking and getting are  
10 two different things."

11 CHAIRMAN LYNN: A wise woman she  
12 was.

13 MR. CANTELME: She was indeed.

14 CHAIRMAN LYNN: The next question is  
15 mine. I want to ask a question which doesn't have  
16 to do with lawyering or anything else. My  
17 question for you is very general, broad, open for  
18 you to answer any way you choose.

19 I'd like to know who you are, what  
20 you believe in, the sum total of your life  
21 experiences that bring you to us today.

22 Take some reasonable amount of time  
23 and tell me all those things.

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

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

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

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

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

23                   I was on the Democratic team. John  
24 Frank was the head of it. John had been on every  
25 redistricting case up to this current cycle. I

1 had experience that way.

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

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

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

1 and what their interests are.

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

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

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

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

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

19                   CHAIRMAN LYNN: Thank you.

20                   Mr. Huntwork.

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

1 of your successes have been?

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

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

21 I've been involved in the arts. I  
22 was on the Arizona Opera Board for a number of  
23 years. I was on the and am currently president of  
24 the St. Mary's Scholarship Award Committee, have  
25 taken an interest in education recently, am

1 currently president of the Deer Valley High School  
2 School District.

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

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

11                   CHAIRMAN LYNN: Ms. Minkoff.

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

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

21                   MR. CANTELME: Sure. I appreciate  
22 the question.

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

1 can have very widespread influence on the  
2 political scene in Arizona.

3                   If you create good, well-balanced  
4 districts, you are fulfilling, I think, what  
5 Madison said long ago of having interests  
6 represented in the political process. And if you  
7 let whatever those interests are come to the fore  
8 and compete at the Legislature, I think the result  
9 will be good public policy.

10                   What has frustrated those interests  
11 I think is dividing those interests in ways that  
12 don't really make sense, don't follow a community  
13 of interest, that really in all honesty have been  
14 drawn for the benefit of the incumbents.

15                   If you have good, solid districts,  
16 it's going engender participation from potential  
17 candidates that you wouldn't have gotten. If you  
18 have well-drawn districts, you'll have better  
19 Legislature, not to criticize folks down the  
20 street. I'm sure they do they best they can.

21                   Bring to the fore people that sit  
22 out of the process.

23                   The point I want to make is what  
24 first occurred in the 1965 original Klahr case.  
25 Look back, see the influence one case had in all

1 redistricting cases after.

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

7                   I'm a Republican, like to see  
8 Republicans win. But it's not good for a state to  
9 have one party, in my opinion, dominate so much.

10                   And on the Senate side, there have  
11 been three elections in which Democrats had  
12 majority, but only three out of 17 or 18, however  
13 many it's been, since 1965.

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

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

24                   CHAIRMAN LYNN: Mr. Hall.

25                   COMMISSIONER HALL: You've pretty

1 much answered -- I had a question with respect to  
2 insuring maintenance of independence. You pretty  
3 much answered that.

4                   Would you have anything to add --

5                   MR. CANTELME: Preserving  
6 independence.

7                   COMMISSIONER HALL: Your  
8 independence as counsel to the Commission.

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

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

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

1 posterity for many years to come.

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

5                   This is my home, where my roots are.  
6 I want to see a good product. I have that  
7 interest as well as a professional interest.

8                   CHAIRMAN LYNN: Mr. Elder.

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

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

23                   CHAIRMAN LYNN: The last question,  
24 Mr. Cantelme, is mine. It has to do specifically  
25 with your legal experience, yours in particular,

1 not firms you've been involved with, not  
2 organizations to whom you supplied counsel, you  
3 specifically.

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

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

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

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

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

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

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

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

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

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

23           MR. CANTELME: I do.

24           COMMISSIONER MINKOFF: I have one.

25           COMMISSIONER HALL: It's excellent.

1 MR. CANTELME: Thank you very much.

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

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

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

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

20 Thank you all for being here.

21 What's the pleasure of the  
22 Commission?

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

1 lunch. Take five minutes, arrange for -- have  
2 Bill arrange for food to be brought in, or some  
3 other way to deal with that? Based on our earlier  
4 issue with respect to deliberation on this  
5 particular selection, do that deliberation in open  
6 session and do it after the five-minute or so  
7 recess, if that's acceptable to the Commission?

8 COMMISSIONER HUNTWORK: I promise  
9 not talk with my mouth full.

10 (Recess taken.)

11 CHAIRMAN LYNN: We have everybody we  
12 need to be back in session. Let's reconvene,  
13 subject to a break when we get the food which I  
14 understand we really can't do in here according to  
15 our hosts.

16 Since the discussion needs to be in  
17 open session --

18 Mr. Elder.

19 COMMISSIONER ELDER: I want to ask a  
20 question of Mr. Kanefield.

21 Is there anything we have to be  
22 aware of in this process either because of state  
23 contracts or something we have to do?

24 MR. KANEFIELD: Not that I'm aware  
25 of.

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

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

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

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

11                   CHAIRMAN LYNN:  Before we make  
12 any --

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

15                   COMMISSIONER MINKOFF:  I think we  
16 do.

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

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

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

23                   COMMISSIONER ELDER:  Law firms have  
24 common initials.

25                   CHAIRMAN LYNN:  Mr. Hall.

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

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

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

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

23                   CHAIRMAN LYNN: I don't think  
24 there's any problem giving the impression with  
25 what you heard. That's part of the process

1 regardless. Maybe what we need to do at some  
2 point in expressing opinions, some heard them,  
3 take a moment, do our own individual scoring, if  
4 we choose to do the scoring, so we have that as  
5 part of the record.

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

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

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

23                   I think the answers given to my  
24 questions about entanglement in relation to DOJ is  
25 valid all the way through. Kind of devil's

1 advocate, also not so, how do we go down the road,  
2 get opinions so we don't go down the wrong trail  
3 further than we need to before we get pulled back  
4 to where we have a defensible process as well as  
5 defensible prequalification submittal.

6 I think either one of those are  
7 excellent. I don't know how to make a choice  
8 between those two.

9 When we look at Republican, they  
10 were probably more substantive in experience with  
11 the possible exception of Mr. LaSota.

12 Mr. LaSota answered, you know, the  
13 entanglement issue in the question but didn't  
14 really have much experience in the redistricting  
15 or the voter rights, to a great extent. So if I  
16 was to rank Republicans, I'd put him on the bottom  
17 of the three. But Lisa Hauser and David Cantelme,  
18 Lisa seemed to have, or Ms. Hauser, seemed to have  
19 more hands-on experience, recent redistricting law  
20 and voter rights. But then David Cantelme had  
21 seemingly a lot of research and a lot of research  
22 over a longer period of time.

23 I don't have a whole lot of  
24 difference between those two as one to whatever  
25 you want to call it.

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

3                   COMMISSIONER HALL: Mr. Chairman, I  
4 evaluated these proposals individually and in my  
5 own private quarters based upon what I had in  
6 writing then and not considering party  
7 affiliation, just simply assessing what I saw  
8 before me based upon what I perceived to be the  
9 needs of this Commission and what skills and  
10 experience these individuals have. And then  
11 subsequent to the interviews, I have resituated or  
12 almost essentially reaffirmed what I initially  
13 thought but resituated a little bit.

14                   Would it be appropriate to share my  
15 order?

16                   CHAIRMAN LYNN: Happy to have it.

17                   COMMISSIONER HALL: This doesn't  
18 consider again party affiliation. Evaluating my  
19 opinion based on what I see, without question the  
20 most qualified individual for our counsel position  
21 is Ms. Hauser. Her resume speaks of itself. And  
22 I think her interview only simply reinforced that  
23 opinion. Then I felt like that secondly, I felt  
24 like Mr. Calderon was second. Then I had placed  
25 Mr. Rivera and then Mr. Cantelme and then

1 Mr. LaSota and then Mr. Peters. So that was just  
2 kind of how I came into this based on what I had  
3 reviewed initially. And that's what my current  
4 opinion states with respect to what I heard on the  
5 interview.

6 CHAIRMAN LYNN: Thank you.

7 Ms. Minkoff, Mr. Huntwork, either  
8 one.

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

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

24 And Mr. Calderon mentioned he had no  
25 direct experience with redistricting. Mr. Rivera

1 has a little bit of redistricting experience. And  
2 certainly working in the United States Attorney's  
3 Office gave experience with it. That to me was  
4 the tie breaker, two capable, credible candidates.

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

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

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

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

23 CHAIRMAN LYNN: Mr. Huntwork.

24 COMMISSIONER HUNTWORK: You know, I  
25 think we have a difficult choice, because we are

1 choosing among such outstanding applicants. This  
2 is, you know, an embarrassment of riches. And  
3 that's what makes it so difficult. But even so, I  
4 felt in my own mind, at least, there were two  
5 candidates who stood out based on experience, and  
6 specifically Ms. Hauser and Mr. Rivera.

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

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

21                   CHAIRMAN LYNN: Let me share my  
22 thoughts and add to the discussion.

23                   I think we're very fortunate to have  
24 an outstanding group of attorneys from which to  
25 choose. There are compensating balances in each

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

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

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

16                   The Democratic counsel, if you will,  
17 is for me a tougher decision. And what I'm  
18 weighing, quite honestly, is Mr. Rivera's  
19 association and history with the Department of  
20 Justice, which I think could be invaluable, with  
21 Mr. Calderon's personal and firm support as the  
22 other co-counsel. That is to say if we were to  
23 hire Mr. Calderon, by extension, as he and  
24 Mr. Cantelme both said, we get two, plus 78  
25 others, apparently, but we get the firm as a part

1 of that hire. That's impressive and gives me a  
2 fair degree of comfort that whatever area of the  
3 law we get into, the resources will be there. So  
4 that for me is a tough choice.

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

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

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

14 So, Mr. Hall?

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

21 No?

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

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

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

7 MR. ADLER: They would be contracted  
8 by you.

9 COMMISSIONER HALL: Okay.  
10 Contracted by us. Then at that time would we not  
11 be able to ask that person their opinion relative  
12 to any matter?

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

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

1 Mr. Calderon and Mr. Rivera and said she could  
2 work equally well with either of the two of them.  
3 That's my recollection of what she said to us.  
4 I'm not sure it would be appropriate to ask her at  
5 any point to make a further distinction where  
6 she's made that position quite clear.

7                   So, I think we may have the  
8 answer -- or an answer to that issue.

9                   COMMISSIONER HALL: It is an answer.  
10 You are right.

11                   COMMISSIONER MINKOFF: It puts her  
12 in a very uncomfortable position, also, making a  
13 choice between colleagues.

14                   COMMISSIONER HALL: Wouldn't be the  
15 first time we'd put her in an uncomfortable  
16 position.

17                   COMMISSIONER HALL: Mr. Huntwork, I  
18 want to ask you your opinion. I agree your  
19 question, to quote Mr. Calderon, bench strength,  
20 versus my term, political swish, something  
21 Mr. Rivera would bring to the table. He knows  
22 people at the Department of Justice. While that  
23 might be changing rapidly, not to undermine his  
24 legal ability, my question to you as an attorney,  
25 what is your opinion on that matter? What would

1 be best for this Commission?

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

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

20                   So I think the key is that the  
21 question that Commissioner Elder asked everyone,  
22 and that is what is your time, what is your  
23 availability, I do think we're hiring, at this  
24 point, essentially an individual. Some bench  
25 strength, some back-up --

1                   COMMISSIONER HALL: We're going to  
2 get two for one, as Mr. Lynn indicated.

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

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

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

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

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

21                   You asked for my opinion. You got  
22 it.

23                   COMMISSIONER ELDER: Really, as  
24 making notes and went further and further into the  
25 group presentations, writing down differences, the

1 only difference between Mr. Rivera and Calderon,  
2 in answer to my question, Mr. Rivera says "We  
3 don't want to hide the ball from DOJ" and  
4 Mr. Calderon said, "We have to watch out very  
5 carefully for that entanglement. It might be  
6 perceived as having some sort of effect on how we  
7 redistrict and how we develop the process."

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

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

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

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

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

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

15 CHAIRMAN LYNN: Yes, John?

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

24 In that document we did emphasize  
25 two areas, one was individual qualifications, and

1 also one was experience of counsel.

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

8           CHAIRMAN LYNN: You say "did."

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

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

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

23           MR. ADLER: Would you like me up  
24 there?

25           CHAIRMAN LYNN: It doesn't matter.

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

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

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

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

18                   MR. ADLER: No, sir.

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

22                   Next, how do we proceed to actually  
23 make the decision and move forward to securing  
24 contractual relationships with the attorneys that  
25 we've selected?

1                   MR. ADLER: The cleanest process I  
2 could recommend is that you have a motion, second  
3 it, and vote.

4                   CHAIRMAN LYNN: On each individual.

5                   COMMISSIONER HUNTWORK: Two motions.

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

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

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

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

20                   CHAIRMAN LYNN: I appreciate that.

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

24                   MR. ADLER: The only thing I'll tell  
25 you, once you've made a decision, you have to go

1 back to the original meeting. What we've done  
2 here is done under the, what we call a  
3 determination, that competition under the normal  
4 procurement process is somewhat inpracticable.  
5 You are meeting in public and making a selection  
6 as a Commission. We are going to take what you  
7 tell us at this Commission meeting and, for  
8 instance, if you say you vote to pick attorney A  
9 and attorney B, we will go back to those lawyers  
10 and negotiate a contract and you are off and  
11 running. I don't imagine it would take more than  
12 a couple days.

13 CHAIRMAN LYNN: Okay.

14 Mr. Kanefield? Nothing?

15 All right, then, to the Commission.

16 Any other questions you would like to ask

17 procurement folks before we move ahead?

18 Mr. Huntwork?

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

1 anybody cared to do that.

2 CHAIRMAN LYNN: Ms. Minkoff?

3 COMMISSIONER MINKOFF: I had a  
4 similar question.

5 CHAIRMAN LYNN: With respect to  
6 that?

7 COMMISSIONER MINKOFF: With respect  
8 to that, yeah.

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

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

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

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

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

25 COMMISSIONER ELDER: Then we saw on

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

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

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

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

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

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

25                   CHAIRMAN LYNN: We'd like rates

1 commensurate with skills and ability and relative  
2 value.

3 Mr. Huntwork.

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

8 CHAIRMAN LYNN: Well, in that case,  
9 the Chair would entertain -- let me say this:

10 I think we have raised most if not  
11 all of the salient points about the candidates who  
12 appeared before us. I think there's an area of  
13 agreement. But I'm -- again, I also try to seek a  
14 consensus. I think we should try to come as close  
15 to unanimity on all issues as we can. With that  
16 in mind, I'd be happy to reopen for additional  
17 discussion so we might achieve that. I would also  
18 at any point take a motion for one or the other of  
19 the positions we have in front of us with the idea  
20 I hope it could be as close to a unanimous vote as  
21 we can muster.

22 CHAIRMAN LYNN: Ms. Minkoff.

23 COMMISSIONER MINKOFF: Mr. Chairman,  
24 I think we have achieved consensus certainly on  
25 the issue of Republican counsel.

1 I would like to move we authorize  
2 negotiations to develop a contract with Lisa  
3 Hauser to be the Republican counsel for the  
4 Commission.

5 CHAIRMAN LYNN: Second?

6 COMMISSIONER ELDER: Second.

7 CHAIRMAN LYNN: Mr. Huntwork.

8 COMMISSIONER HUNTWORK: Point of  
9 order. I'd like to suggest or request we employ  
10 Ms. Hauser who is Republican as counsel, not as  
11 Republican counsel.

12 COMMISSIONER MINKOFF: Better  
13 wording.

14 CHAIRMAN LYNN: Employing Ms. Hauser  
15 who happens to be Republican.

16 COMMISSIONER MINKOFF: The maker of  
17 the motion is more than happy with the suggested  
18 wording.

19 CHAIRMAN LYNN: As is the second?

20 COMMISSIONER ELDER: As is the  
21 second, yes.

22 CHAIRMAN LYNN: Discussion on the  
23 motion?

24 Hearing none.

25 Mr. Hall?

1 COMMISSIONER HALL: I'm waiting to  
2 say "aye."

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

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

8 (Vote taken.)

9 CHAIRMAN LYNN: Opposed, "no."

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

13 COMMISSIONER MINKOFF: Would you get  
14 busy, please.

15 CHAIRMAN LYNN: Mr. Elder.

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

21 CHAIRMAN LYNN: Is there a second?

22 COMMISSIONER MINKOFF: I'll second  
23 it.

24 CHAIRMAN LYNN: Discussion?

25 Hearing none, all those in favor of

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

4 (Vote taken.)

5 CHAIRMAN LYNN: The Chair votes  
6 "aye."

7 Opposed, say "no."

8 Motion also carried.

9 COMMISSIONER ELDER: We have 25  
10 minutes.

11 CHAIRMAN LYNN: 25 minutes to get  
12 fresh air.

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

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

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

1 be allowed to do what is needed.

2                   COMMISSIONER MINKOFF: Mr. Chairman,  
3 I suggest they should bring them back to you,  
4 unless you feel it's a matter of such importance  
5 the entire Commission would have to weigh in on  
6 it, that we authorize you to make any decisions  
7 that need to be made.

8                   COMMISSIONER ELDER: The Chairman  
9 may sign the ISA, or whatever it is we have to  
10 sign.

11                   CHAIRMAN LYNN: It would actually be  
12 a contract.

13                   MR. ADLER: We sign on your behalf.

14                   COMMISSIONER MINKOFF: If there's  
15 something you don't feel comfortable signing,  
16 bring it back to us. If it's something you feel  
17 is --

18                   CHAIRMAN LYNN: At this point, the  
19 issues, other than -- other salary issues with  
20 respect to other support services, I mean the  
21 scope of services are very clear in the RFP. I  
22 don't expect any divergence from that.

23                   Mr. Hall?

24                   COMMISSIONER HALL: I just wanted to  
25 say that I -- Ms. Hauser has been here, for

1 example, at the last two meetings, three meetings.  
2 I've been longing to pick her brain. So I -- so I  
3 would like maybe as a future agenda item, I'd  
4 really like to have an opportunity to have counsel  
5 make a presentation to this Commission and say:  
6 Hey, folks, here's where we are.

7                   For example, in interview today, I  
8 learned a ton.

9                   I think they can do a lot to educate  
10 us and bring us up to speed on a number of a  
11 issues.

12                   CHAIRMAN LYNN: Let's hold that  
13 point until we get to that point on the agenda,  
14 future agendas. It's an appropriate point.

15                   Anything else with respect to  
16 selection of legal counsel?

17                   If not, you have your marching  
18 orders.

19                   We will take a 20-minutes recess and  
20 be back here at 1:30 to see if we can have the  
21 same kind of success with executive director.

22                   Stand in recess.

23                   (Recess taken.)

24                   CHAIRMAN LYNN: I'll call the  
25 Commission back into session.

1                   The afternoon session consists of  
2 consideration of executive director candidates.  
3 All five candidates have been called and are here.  
4 I'll note none are in the room at the moment  
5 complying with our voluntary restriction they  
6 remain outside until they have been interviewed.

7                   You have in front of you score  
8 sheets that have been provided by the Department  
9 of Administration. In discussion with the  
10 department, I have learned a couple of things.  
11 First, they are here for our convenience. You  
12 need not use them if you wish not to. They may  
13 help you in scoring candidates, but they are not  
14 necessary. They are not required.

15                   COMMISSIONER MINKOFF: Oh, these  
16 forms?

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

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

24                   COMMISSIONER MINKOFF: I have a  
25 question.

1                   CHAIRMAN LYNN: Please.

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

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

9                   Thank you very much.

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

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

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

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

24                  COMMISSIONER MINKOFF: If any  
25 question --

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

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

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

12                  COMMISSIONER MINKOFF: How that  
13 might impact.

14                  COMMISSIONER HUNTWORK: From a  
15 partisan nature.

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

23                  CHAIRMAN LYNN: Is there a way,  
24 Christine, Claudia, to way ask the question in a  
25 broader way to elicit the same response that might

1 not be so objectionable in terms of specificity of  
2 political activities?

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

7                   MS. BRONSON: Or interfere with  
8 performance of duties.

9                   MS. SMITH: There you can.

10                  CHAIRMAN LYNN: Would that get to --

11                  COMMISSIONER MINKOFF: May or may  
12 not. I don't know.

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

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

24                  MS. BRONSON: Impartial, impartial  
25 manner.

1 CHAIRMAN LYNN: Impartial manner.

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

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

6 CHAIRMAN LYNN: Okay.

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

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

22 CHAIRMAN LYNN: I got it.

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

1                   CHAIRMAN LYNN: Asking them to  
2 speculate.

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

5                   COMMISSIONER MINKOFF: This isn't a  
6 courtroom.

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

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

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

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

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

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

3 COMMISSIONER MINKOFF: As long as --

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

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

16 COMMISSIONER HUNTWORK: Right.  
17 Might cause you to be --

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

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

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

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

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

11                   Are you okay with where we are, Jim?

12                   COMMISSIONER HUNTWORK: Yes.

13                   CHAIRMAN LYNN: Any other questions  
14 of Christine or Claudia before we move ahead?

15                   Christine, may I ask you to ask the  
16 first applicant to join us?

17                   MS. BRONSON: Sure.

18                   COMMISSIONER HUNTWORK: I might  
19 request I not be the first questioner.

20                   CHAIRMAN LYNN: I was going to say  
21 why don't we go the other direction.

22                   Can I start?

23                   COMMISSIONER HALL: Sure.

24                   COMMISSIONER MINKOFF: Josh, always  
25 in the middle.

1 COMMISSIONER HALL: What?

2 CHAIRMAN LYNN: Ms. Albo, good  
3 afternoon.

4 MS. ALBO: Good afternoon.

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

8 I'll let you get comfortable.

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

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

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

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

1 executive director position.

2                   And the office will need to be  
3 independent, nonpartisan, provide access of  
4 information on a timely basis, accurate basis, to  
5 everybody in the world, literally, almost.

6                   The position needs to have specific  
7 skills in terms of technical knowledge of  
8 redistricting and elections. Absolutely critical  
9 are communication skills, communication in terms  
10 of not just written, not just internet, not just  
11 verbal and presentations, in terms of reaching out  
12 and reaching out to all different areas of the  
13 state, all different areas of interest of the  
14 state.

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

19                   The position needs to have knowledge  
20 of the state procurement process and the state --  
21 I'm trying to think of another word to say instead  
22 of handcuffs -- opportunities the state provides,  
23 knowing procurement law, procurement processes,  
24 accounting, government accounting, public meeting  
25 law, how to establish public meetings, notice,

1 public notice. I'm missing some, could go on and  
2 on.

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

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

7 Thank you.

8 Mr. Elder.

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

16 MS. ALBO: Mr. Chairman, Mr. Elder,  
17 outreach, you can't do enough outreach. I don't  
18 think there's a quota, a -- a ceiling on that.

19 I think the role, though, is one of  
20 mutual agreement in terms of how much the staff go  
21 out or how much Commissioners go out. But in  
22 terms of setting up public meetings, in terms of  
23 going out and about setting up, it's most critical  
24 to do a time line goal. Here's who we plan to  
25 address. Here's how we plan to address. Get

1 input, on how we plan to get there by this date;  
2 that's a little ambitious; or hit this little area  
3 or this population a little more; and give staff  
4 the blessing. And they run with it.

5 Did that answer?

6 CHAIRMAN LYNN: Mr. Hall.

7 COMMISSIONER HALL: Good evening.

8 Is it evening yet?

9 CHAIRMAN LYNN: Not yet.

10 COMMISSIONER MINKOFF: Just seems  
11 like it.

12 CHAIRMAN LYNN: Always evening in  
13 here.

14 COMMISSIONER ELDER: There's sun.

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

18 What I want you to do is answer how  
19 you anticipate the flow of communication. I see  
20 this person as a gatekeeper of a tremendous amount  
21 of information and communicate. You indicated  
22 communicating with legal counsel, state,  
23 Department of Administration, physical facilities,  
24 not to mention the public, and each member of this  
25 Commission, not to mention staff. And there is

1 just -- plus anyone else, communities of interest,  
2 people that will want to call in to pressure you a  
3 little bit, or whatever.

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

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

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

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

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

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

19                   CHAIRMAN LYNN: Ms. Minkoff.

20                   COMMISSIONER MINKOFF: I had all  
21 great questions. Three were just asked.

22                   COMMISSIONER HALL: Great minds  
23 think alike, Andi.

24                   COMMISSIONER MINKOFF: Ms. Albo,  
25 thank you for coming. Good to meet you.

1                   I'm sure you are aware interest has  
2 been expressed about the lack of minority  
3 representation on the Commission and by the  
4 Commission on minority concerns that will result  
5 from our work.

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

8                   MS. ALBO: Mr. Chairman,  
9 Ms. Minkoff, open flow of information, outreach to  
10 different, various community groups, stakeholders,  
11 cultural, tribal individuals, and the folks that  
12 traditionally think they are underrepresented in  
13 processes such as this, providing that open door,  
14 open dialogue, and aggressive approach to  
15 outreaching and communicating with them,  
16 understanding that everybody understands and gets  
17 information in a different fashion -- for some,  
18 reading reports, it's easier to do; others, some  
19 are better at chart reading. Some are better at  
20 chart reading and dialogue.

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

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

6 CHAIRMAN LYNN: Mr. Huntwork.

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

12 MS. ALBO: Want me to step out?

13 COMMISSIONER HUNTWORK: No, not  
14 quite that.

15 MS. ALBO: Can I object?

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

18 MS. ALBO: Not a good sign.

19 COMMISSIONER HUNTWORK: With  
20 handwriting like this, I could have been a doctor.

21 We feel that our executive director  
22 will need to be able to work with people of all  
23 communities of interest and all political  
24 affiliations throughout our state. Have you been  
25 involved in any activities of a partisan nature,

1 whether political or otherwise, that might  
2 alienate any group you might need to work with in  
3 order to do your job effectively or if it became  
4 generally known might otherwise interfere with  
5 performance of your work?

6 CHAIRMAN LYNN: Mr. Kanefield?

7 MR. KANEFIELD: No objection.

8 CHAIRMAN LYNN: We heard from --

9 COMMISSIONER HUNTWORK: Real short  
10 objection.

11 COMMISSIONER HALL: Could you have  
12 made the question longer?

13 MS. ALBO: No, sir. Thanks.

14 COMMISSIONER ELDER: See if he could  
15 do it twice.

16 CHAIRMAN LYNN: He wrote it down.  
17 He'll have to do it five times.

18 MS. ALBO: Mr. Chairman,  
19 Mr. Huntwork, I've worked on partisan campaigns.  
20 I've unfortunately been for all political parties  
21 in the state. I've been an equal opportunity  
22 offender. And also been a proponent of Prop 106.

23 I'm an independent currently  
24 registered as Democrat to lazy to register,  
25 reregister.

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

7 COMMISSIONER HUNTWORK: Okay. Thank  
8 you.

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

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

19 What I've already started to do is  
20 develop briefings with some individuals on both  
21 sides of the political aisle, both attorneys as  
22 well as independent interest groups out there who  
23 have a lot of knowledge nationwide on  
24 redistricting on voter rights and a lot of those  
25 issues. And so it's a combination of reading,

1 personal interviews, and intensive study sessions  
2 with the laws applying.

3 CHAIRMAN LYNN: Thank you.

4 CHAIRMAN LYNN: Mr. Elder.

5 COMMISSIONER ELDER: One of the end  
6 products or work products that we're going to have  
7 to come up with is a document that will be sent to  
8 Department of Justice.

9 What experience have you had with  
10 preparing similar documents from the standpoint of  
11 processing, editing, reviewing, publication,  
12 physical publication of documents?

13 MS. ALBO: Mr. Chairman, Mr. Elder,  
14 members of the Commission, a lot. In -- the short  
15 answer. I'll expand and give you the specifics.

16 With welfare reform, the state had  
17 to present a plan to the federal government for  
18 approval. And in terms of my direct  
19 responsibility, it was getting public input into  
20 what the plan should look like, should be, in  
21 terms of providing regulations, editing, the spin  
22 of the document, communicating of that document  
23 after created to stakeholders, too, so there's  
24 input into that plan. That's one plan. And it  
25 was approved.

1                   In fact, our part on the native  
2 American piece in terms of our state plan and our  
3 state law, just a little bragging rights here, it  
4 is a model for the country and is used because of  
5 our proactive and progressive approach with the  
6 tribes in Arizona. And that directly was my  
7 responsibility.

8                   CHAIRMAN LYNN: Mr. Hall.

9                   COMMISSIONER HALL: What personal  
10 attribute or characteristic do you feel is your  
11 greatest strength and with that, how do you  
12 anticipate utilizing that so it would help you in  
13 your function in this capacity?

14                  MS. ALBO: Mr. Chairman, Mr. Hall,  
15 members of the Commission, that's a hard question  
16 to ask, especially during Lent; but I believe  
17 leadership would encompass a lot of the individual  
18 characteristics. To say my individual leadership  
19 capacity, that would be the ability to see a  
20 vision, to motivate a number of individuals to a  
21 common goal, setting that goal, and to get a lot  
22 of buy-in towards that so you have a lot of folks  
23 marching in the same direction, everybody knows  
24 their goals, knows what they need in order to get  
25 there.

1 COMMISSIONER HALL: Thank you.

2 MS. ALBO: Let me go on.

3 No.

4 COMMISSIONER MINKOFF: Do you want  
5 to?

6 MS. ALBO: No. I can't talk about  
7 myself. I have a hard time.

8 CHAIRMAN LYNN: I don't think the  
9 Commission has disposition for sins of  
10 pridefulness or others you alluded to, we just  
11 don't. There's lots of things we can do. That  
12 isn't any of them.

13 COMMISSIONER MINKOFF: We'll work on  
14 that.

15 Ms. Albo, you currently have a  
16 position you've held for a number of years that to  
17 the best of my knowledge is not in everybody's gun  
18 sites. This one is. Can you tell me what  
19 motivated you to apply to be the executive  
20 director of the Commission?

21 MS. ALBO: Mr. Chairman,  
22 Ms. Minkoff, members of the Commission, currently  
23 I am working for myself. I am definitely out of  
24 the eyesight and gun sites. However, for the past  
25 five years I would say, I would say as assistant

1 director at DES during welfare reform, I was  
2 definitely in the gun sites of a number of  
3 individuals, and, thereby, preparing me for this.

4           Actually, there's a number of folks  
5 that were unhappy with services, whether your  
6 elder care, or legislators not happy with response  
7 to one of their constituents.

8           The motivating factor here is, first  
9 of all, the historic nature of what this  
10 Commission can do, the impact that it will have,  
11 long-term impact on Arizonans, and hopefully a  
12 positive impact, which I believe it will be, and  
13 to play a direct role and direct part impacting  
14 that direction and final outcome. That's what  
15 attracted me.

16           COMMISSIONER MINKOFF: Can I ask a  
17 follow-up question?

18           CHAIRMAN LYNN: Sure.

19           COMMISSIONER MINKOFF: I wanted to  
20 know. I thought you were still with DES. Can you  
21 tell me why you left that position?

22           MS. ALBO: Mr. Chairman,  
23 Ms. Minkoff, members of Commission, I promised one  
24 year when recruited to go over there. After five  
25 years I said, "I would like a change in

1 opportunity for some other skill building."

2 CHAIRMAN LYNN: Mr. Huntwork.

3 COMMISSIONER HUNTWORK: Do you have  
4 any experience starting a business or an agency  
5 from scratch, including designing a business plan,  
6 staff requirements, equipment requirements,  
7 procuring, hiring, the administrative process?

8 MS. ALBO: Mr. Chairman,  
9 Mr. Huntwork, members of the Commission, right now  
10 in my capacity working for myself, that is what  
11 I'm doing with some Native American tribes  
12 nationwide, establishing business plans, writing  
13 marketing plans. Right now at this exact moment,  
14 that's currently what I'm doing.

15 When I worked at United Way about  
16 six years ago, in the previous nine years before  
17 that, I was there for nine years, we helped  
18 nonprofits set up their business plan, marketing  
19 plan, and put together a board and taught it from  
20 A to Z, how to run a nonprofit, start a nonprofit;  
21 what you need to do in order to operate  
22 effectively within rules, laws nationwide and  
23 statewide laws, and established the Nonprofit  
24 Exchange Center, now called the Nonprofit Exchange  
25 Center at ASU.

1                   CHAIRMAN LYNN: We've gone through  
2 two rounds. My fear is we won't have time to get  
3 through a third round with each candidate.

4                   Is there any question any individual  
5 member Commission is dying to have answered?

6                   COMMISSIONER MINKOFF: A technical  
7 one and also comment. When interviewing attorneys  
8 we were hard-pressed to finish two rounds of  
9 questions in a half hour, and this is amazing. I  
10 guess attorneys really do talk longer than other  
11 people.

12                  CHAIRMAN LYNN: It's fortunate then  
13 the bids were not by the word, by the hour. They  
14 can speak as rapidly as they care to.

15                  COMMISSIONER MINKOFF: I have one  
16 additional question. We are going to be hiring  
17 technical consultants who are going to do things  
18 absolutely beyond my scope of comprehension. Can  
19 you describe any prior experience you have working  
20 with technical consultants and how you expect to  
21 work with technical consultants we engage?

22                  MS. ALBO: Mr. Chairman,  
23 Ms. Minkoff, I've worked with computer  
24 consultants. It's mind-boggling, establishing  
25 computer programs. I shouldn't say new, computer

1 programs for elderly, a 1-800 hot line for elder  
2 abuse. And in fact working with them, working  
3 with individuals who have a technical knowledge  
4 where you don't, it's easier where you talk on the  
5 results' plane and big picture. I'm great at:  
6 Draw me a picture of how that will look; working  
7 down from that, starting from a common definition  
8 base and sharing that information with others.

9                   CHAIRMAN LYNN: Anyone else wish to  
10 add one question? If not, let me ask one very  
11 brief one at the end that would be:

12                   Should you be selected, how quickly  
13 could you start? How much of your time could you  
14 devote to this job immediately?

15                   MS. ALBO: Mr. Chairman, members of  
16 the Commission, I'd leave for Seattle on Sunday,  
17 return Wednesday night, could start Thursday.

18                   CHAIRMAN LYNN: Full time is the  
19 implication.

20                   MS. ALBO: Yes, sir.

21                   CHAIRMAN LYNN: Ms. Albo, thank you  
22 very much for your interest and appearance here  
23 today. You are free to join the audience if you  
24 wish to and are certainly free to do other things  
25 if you have other plans. And we appreciate you

1 being with us today. We'll be in touch as soon as  
2 the process is completed.

3 MS. ALBO: Thank you.

4 CHAIRMAN LYNN: Again, for the other  
5 rounds, we'll do two rounds and the two extra  
6 questions, just to be consistent.

7 May we have Mr. Bailey.

8 If Mr. Bailey is not here, we'll  
9 wait.

10 Mr. Bailey, if you'll join us right  
11 down here at the podium. Good afternoon.

12 MR. BAILEY: Good afternoon.

13 CHAIRMAN LYNN: Thank you very much  
14 for your interest in the position and ability to  
15 join us for this interview.

16 MR. BAILEY: Thank you for inviting  
17 me.

18 CHAIRMAN LYNN: The procedure is  
19 we'll go through the panel a couple times with a  
20 couple extra questions and in turn ask you a  
21 couple questions. We have as much as a half hour,  
22 whatever you wish to share.

23 MR. BAILEY: Okay.

24 CHAIRMAN LYNN: First my question.  
25 Could you tell us, not necessarily based on the

1 job description you saw, based on that and your  
2 own impressions, what you think this job entails  
3 and how you feel you are best qualified to do it?

4 MR. BAILEY: I think based on the  
5 job description, what I've seen, what I've read in  
6 the paper, this job is pretty much to first of all  
7 set up the office, run the office, manage the  
8 office, and also set up the process by which the  
9 Redistricting Committee submits its preclearance  
10 to the Department of Justice or either the  
11 Attorney General.

12 I think the other portion of it is  
13 to make sure that you kind of think ahead in terms  
14 of what is coming down the pike with regard to  
15 information that is going to be requested by not  
16 only the Commission members by also by the  
17 community and also by the other entities in  
18 Washington and also here in Phoenix.

19 CHAIRMAN LYNN: Thank you.

20 MR. BAILEY: The last thing though  
21 there is I understand you have a six, seven  
22 million dollar budget. I think someone is going  
23 to have to be on roller skates to manage to get  
24 this done. That's not a whole lot of money.  
25 Someone will have to make sure they're very frugal

1 with the dollars given to the Commission.

2                   CHAIRMAN LYNN: Thank you,  
3 Mr. Bailey.

4                   Mr. Elder.

5                   COMMISSIONER ELDER: One of the  
6 goals of the Commission, one of my goals, is  
7 fairly extensive public outreach. There are going  
8 to be citizens calling in asking for information,  
9 information we're wanting to have disseminated to  
10 stakeholders around the community and the state.  
11 How do you view the executive director's decision  
12 role in outreach?

13                   MR. BAILEY: I view the executive  
14 director's role, first of all, as anticipating  
15 which questions are asked of which communities.  
16 Putting together a frequently asked questions  
17 sheet, maybe setting up a small call center, if  
18 money allows for calls, a website to answer  
19 questions; in addition to that, working as many  
20 community-based organizations as possible to get  
21 as much input as possible from organizations as  
22 identified as wanting that information.

23                   In addition to that, I think to a  
24 smaller degree, the executive director might wind  
25 up being, per se, kind of a spokesperson. They

1 would be the person probably more available to  
2 attend different kinds of meetings and dinners  
3 more so than Commission members. You folks are  
4 volunteers, have your own lives, jobs it's harder  
5 to fit into schedules than the executive director.

6 CHAIRMAN LYNN: Mr. Hall.

7 COMMISSIONER HALL: Good afternoon.

8 MR. BAILEY: Good afternoon.

9 COMMISSIONER HALL: We all know  
10 there's going to be a massive amount of  
11 information. And, therefore, the flow of  
12 communication is critical. In other words, you  
13 know, to communicate with the consultant, with  
14 staff, with counsel, with each member of this  
15 Commission, with the public, and a variety of  
16 other people, specifically, just off the top of  
17 your head, or maybe you've thought about this,  
18 what kind of process or model, communication  
19 model, can you foresee in handling or managing all  
20 that information and flow of information?

21 MR. BAILEY: I think, first of all,  
22 you have to hire professional staff with that kind  
23 of experience who have before dealt with a lot of  
24 communication information. Set up the vehicles I  
25 talked about before, website, phone lines,

1 recorded phone lines to answer people's questions.  
2 They don't necessarily have to talk to a live  
3 body.

4                   One other thing we could potentially  
5 do, set up meetings, editorial boards, whether  
6 large papers, small papers, around the valley.

7                   Also a way to involve community and  
8 gain notoriety, bringing some kind of ambassadors  
9 around through part of the process, not  
10 necessarily a voting part of the process, people  
11 we gather input from in other organizations  
12 outside.

13                   As part of my previous  
14 responsibility I worked for Qwest Communications  
15 here in the valley. Part of my responsibility, I  
16 ran a marketing department over a 14-state region.  
17 One of the things we wanted to make sure was the  
18 message we put out was consistent, whether put out  
19 in the state of Washington or whether put out in  
20 the state of New Mexico.

21                   I think that's key, also, messages  
22 that go out of the redistricting committee are  
23 consistent and no one in one part of the state  
24 hear something different than they're hearing in a  
25 different part of the state.

1 CHAIRMAN LYNN: Ms. Minkoff.

2 COMMISSIONER MINKOFF: Mr. Bailey,  
3 thank you for being with us.

4 MR. BAILEY: Thank you very much.

5 COMMISSIONER MINKOFF: I'm sure you  
6 are aware of the concerns about lack of minority  
7 representation on the Commission. If you became  
8 executive director of the Commission, what steps  
9 would you take to arrest these concerns?

10 MR. BAILEY: Being a minority, I  
11 think some of the things I'd do involve  
12 organizations like the Black Chamber of Commerce,  
13 Hispanic Chamber of Commerce, NAACP. Even though  
14 they seem like organizations that don't have  
15 anything to do with redistricting, they are  
16 community people, capable. And it's important  
17 every aspect of the community is heard from.

18 Those kind of organizations, in  
19 addition to other types of organizations  
20 well-known in the community and not so well-known  
21 in the community, have the ability to provide  
22 information to the Redistricting Commission as we  
23 move on this quest.

24 CHAIRMAN LYNN: Mr. Huntwork.

25 COMMISSIONER HUNTWORK: Mr. Bailey.

1 MR. BAILEY: Yes, sir.

2 COMMISSIONER HUNTWORK: I'll read  
3 this question. I apologize. I want it exactly  
4 right.

5 We feel our executive director will  
6 need to be able to work with people of all  
7 communities of interest and all political  
8 affiliations throughout our state. Have you been  
9 involved in any activities of a partisan nature,  
10 whether political or otherwise, that might  
11 alienate any group that you will need to be able  
12 to work with in order to do your job effectively  
13 or if it became generally known might otherwise  
14 interfere with the performance of your work?

15 MR. BAILEY: No, I don't think  
16 that's the case. I do have a couple things I'd  
17 like to put on the table.

18 I've been in Phoenix four-and-a-half  
19 years. Prior to that I lived in Chicago, from  
20 1990 to 1992, as indicated in my resume cover  
21 letter. I was chairman, finance committee finance  
22 chairman. It might appear as a Democratic  
23 appointee, but it was bipartisan. I was in charge  
24 of a three-and-a-half billion dollar market, 350  
25 skills and negotiated 350 unions that represented

1 the employees. And I never heard any kind of  
2 issues in terms of things that would cause me not  
3 be able to do that job.

4 I would think the same thing would  
5 be here, would be in place here. I'm currently  
6 treasurer of the Greater Phoenix Black Chamber of  
7 Commerce. I'm a board member for the Phoenix  
8 Chamber of Commerce. I'm on the Urban League  
9 Board of Directors. I'm activie with my son's  
10 little league team. I do a lot in the community  
11 to make sure things I do are community based and  
12 make sure I'm community involved.

13 The last thing is if you want to  
14 check my voting record, I'm listed as independent.  
15 I'm not Republican or Democrat, though in the past  
16 I was a registered Democrat.

17 I think that over the years my  
18 thinking has moved more toward center. I don't  
19 consider myself either at this point. I don't  
20 know if that hurts or helps me. That is in fact  
21 what the case is.

22 COMMISSIONER HUNTWORK: Thank you.

23 CHAIRMAN LYNN: Mr. Bailey, in what  
24 areas does your experience fall short with respect  
25 to this job? And assuming there are those

1 shortfalls, what would you do about them?

2                   MR. BAILEY: I think only the  
3 shortfall, based on the job description, is I'm  
4 not bilingual. I think what I'd do first is start  
5 taking Spanish lessons in Arizona; second of all,  
6 I'd find somebody to work on staff who is  
7 bilingual.

8                   CHAIRMAN LYNN: Thank you.

9                   Mr. Elder.

10                  COMMISSIONER ELDER: One of the  
11 things the Commission is going to have to do is  
12 prepare a document that goes to DOJ as far as  
13 prequalification of the plan and ultimate plan.  
14 What experience do you have in development of  
15 documents of a same or similar type, processing,  
16 editing, really putting together the whole animal?

17                  MR. BAILEY: In terms of putting  
18 together documents, getting to preclearance with  
19 Department of Justice, I have no experience. I  
20 have years of experience in market analysis,  
21 determine what products should be sold at a  
22 profitable rate various segments of population,  
23 various consumer parts of not only Qwest but at  
24 Bank of America and also Ameritec back in Chicago.  
25 Worked at Citibank, same thing, same kind of skill

1 set: Know what kind of information you're looking  
2 for, be able to analyze the information and  
3 present it in a fashion people can understand in  
4 laymen's terms.

5 I think I do have experience doing  
6 that.

7 Back in Chicago I was part of an  
8 organization called KOCO, Kenwood Oakland  
9 Community Organization, followed redistricting  
10 back in Chicago and gave input in terms of where  
11 we felt the district lines should fall. I was not  
12 heavily involved in that, but I was one of the  
13 people that looked at the final product to make  
14 sure it was coherent, understandable, and made  
15 sense.

16 And in addition to that, part of my  
17 formal training is I have a Master's Degree in  
18 Business Administration from University of Chicago  
19 which is heavily, heavily finance and analytical.  
20 And I think that gives me also some skills to give  
21 information, dissect it, and put together a plan  
22 that makes sense for preclearance.

23 CHAIRMAN LYNN: Mr. Hall.

24 COMMISSIONER HALL: What personal  
25 attribute or characteristic do you feel is your

1 greatest strength and how would you utilize that  
2 in performing the duties of this position?

3 MR. BAILEY: I think I have two  
4 great lengths. First of all, team building. I'm  
5 one that believes in a teamworking together for a  
6 team goal and every if member of the team  
7 understands not only their role, everybody else's  
8 role, in case there's any overlap.

9 And another strength, fiscal  
10 management. Live within your means. If you have  
11 to make a decision, tough decision, that helps the  
12 bottom line, helps reach the objective from a  
13 financial perspective, since our funds are  
14 limited, I think that is a skill that will serve  
15 me well in this position.

16 CHAIRMAN LYNN: Ms. Minkoff.

17 COMMISSIONER MINKOFF: Mr. Bailey,  
18 other than liking to be in everybody's gun sites  
19 for the next several months, can you tell me why  
20 you decided to apply for this position?

21 MR. BAILEY: Seems like reading this  
22 and talking to a couple people around the valley,  
23 this is called a thankless job. I've been in such  
24 jobs before, the situation with the board of  
25 education in Chicago, school reform was just being

1 enacted. I said before 650 schools, 650,000  
2 employees. Drop-out rates decreased instead of  
3 increasing and drop-out in terms of student  
4 attendance. It was viewed as a thankless job. I  
5 thought that job a huge contribution on my part  
6 and anyone else's part that stepped to the plate  
7 to be part of the process.

8                   It's much easier to change a process  
9 or direct a process from inside than to stand on  
10 the outside and throw stones.

11                   I think even though a thankless job,  
12 I think when it's over, even though no one wants  
13 to thank me, I'll be able to look myself in the  
14 mirror and thank myself for a job well done.

15                   CHAIRMAN LYNN: Mr. Huntwork.

16                   COMMISSIONER HUNTWORK: Mr. Chairman,  
17 Mr. Bailey, my next question may already have been  
18 answered many times. I suppose I'll go ahead and  
19 ask it anyway just for the sake of consistency.

20                   Do you have any experience starting  
21 a business or governmental agency from scratch  
22 including creating an initial business plan,  
23 designing, hiring staff, procuring any equipment,  
24 and administering the start-up process?

25                   MR. BAILEY: Yes, I do. Not in a

1 formal sense of like the dot coms out there; but  
2 every position I've held, pretty much in my life,  
3 has been a position I technically didn't have the  
4 on paper background for.

5                   US West, or Qwest, when I was hired  
6 into that position, hired me because of my  
7 telecommunication experience and also because I  
8 worked in real estate in Chicago.

9                   In terms of paper, had I worked in  
10 the position, covered 14 states? No. Only had  
11 five people on staff. I expanded to 60 people.  
12 That, to me, was start up.

13                   Bank of America, prior to Qwest I  
14 was in charge of all of Bank of America's  
15 unsecured lines of credit worldwide. Did I start  
16 the business? No. I didn't start the business.  
17 I grew the business from a very small part of Bank  
18 of America's credit card portfolio to the point.  
19 N B.A. wanted to buy Bank of America for \$1.70.  
20 It expanded to City of Arora, Colorado, and  
21 entailed growing an operation in Spokane,  
22 Washington. And there were tough decisions to be  
23 made by the right people for right decisions.

24                   Part of the problem a lot of people  
25 have in start-ups is there's usually talent or

1 there's a lack of good talent and people just grab  
2 anybody. I am one that would rather wait to get  
3 the right person and do the job myself, stay up at  
4 night and go in early in the morning, and develop  
5 a person to ultimately develop into my position.  
6 That's how I've been successful.

7 A couple more examples I didn't have  
8 on paper my qualifications.

9 I think if you have a general sense  
10 of business, you have pretty good common sense and  
11 good work ethics, you can do almost anything.

12 COMMISSIONER HUNTWORK: Thank you.

13 CHAIRMAN LYNN: Ms. Minkoff.

14 COMMISSIONER MINKOFF: Mr. Bailey,  
15 we're going to be contracting with one or more  
16 technical consultants to assist us in the work of  
17 Commission, managing data, drawing lines, and so  
18 on. Can you describe any experience, prior  
19 experience you have working with technical  
20 consultants and how you expect to interface with  
21 technical consultants that would be assisting us?

22 MR. BAILEY: Technical consultants,  
23 what is your definition so I understand?

24 COMMISSIONER MINKOFF: I'm learning  
25 myself. People take a mountain of census data

1 provided to us, previous data of voting patterns  
2 in Arizona, previous district lines, the  
3 demographic characteristics of those districts, et  
4 cetera, and with the requirements of the Voting  
5 Rights Act and Prop 106, put all of that into the  
6 computer and use it under the direction from the  
7 Commission to design districts for us. And  
8 they're going to be doing a lot of the work  
9 directed by us and our staff. I wanted to know  
10 how you would see participating in that process.

11 MR. BAILEY: I'm glad I asked you  
12 that process. I was thinking when you said  
13 "technical," I thought you meant more  
14 telecommunications, that technical dot comp.  
15 Listening, it sounds like the kind of process you  
16 go through in doing direct mail. In direct mail,  
17 you look at having a two percent response as  
18 something really great. What you do, take a lot  
19 of previous information in terms of previous  
20 direct mail pieces you've sent out, and there may  
21 to be two million people, look at what has been  
22 positive in terms of response, look what has been  
23 negative in terms of response, message  
24 information, make decisions on how to target in  
25 terms of the future. I think the process in terms

1 of makeup of districts, voting history of  
2 districts, turn-out of districts, the demographics  
3 of different districts, would pretty much be the  
4 same kind of skill set as direct mail.

5 I don't necessarily have experience  
6 looking at information within a district. I do  
7 have experience analyzing information. I think it  
8 gets you to the same kind of outcome.

9 In addition to that, you don't do  
10 all that kind of stuff in-house. You hire  
11 consultants. You hire -- you hire, if you don't  
12 have a lot of money, you find college students  
13 that want to do internships to collect data and  
14 give it to somebody else who synthesizes  
15 information for you and save money doing it that  
16 way.

17 CHAIRMAN LYNN: Mr. Bailey, the last  
18 question is mine.

19 If you were selected by the  
20 Commission to be executive director, when could  
21 you start and devote your full attention to the  
22 job?

23 MR. BAILEY: I could probably start  
24 next week and devote full attention to the job. I  
25 shouldn't say that. My kids are on spring break

1 next week.

2                   The week after I could devote full  
3 time.

4                   CHAIRMAN LYNN: Mr. Bailey, thank  
5 you for your interest, appearance. We're happy to  
6 have you stay and listen to other interviews if  
7 you care to. If you have to be elsewhere, need to  
8 excuse yourself, that's fine, too.

9                   MR. BAILEY: Can I ask a question?  
10 What is the process moving forward?

11                   CHAIRMAN LYNN: In terms of  
12 selection, that once interviews are completed  
13 today, the panel will deliberate immediately  
14 thereafter. Our intention is to make a selection  
15 today and to have the Department of Administration  
16 work out details with the individual selected to  
17 begin work as soon as possible.

18                   MR. BAILEY: Okay. Thank you very  
19 much.

20                   CHAIRMAN LYNN: Ms. Minkoff.

21                   COMMISSIONER MINKOFF: I had a  
22 question related to the response to Mr. Bailey's  
23 question.

24                   After we have all the interviews and  
25 we have our discussion and we make a decision, I

1 have been advised by Department of Administration  
2 that it's important that we do our own due  
3 diligence about the person we select to make sure,  
4 to quote Mr. Alder, what we see is what we're  
5 getting. How does that factor into the process?

6                   If we decide we want candidate X,  
7 don't we have an obligation to do further  
8 checking, check the person's references, check  
9 employment history as presented in the  
10 application, that it's accurate, the same kind of  
11 thing any entity would do in checking an  
12 application?

13                   CHAIRMAN LYNN: Let me ask Christine  
14 or Claudia to answer that.

15                   MS. BRONSON: Generally when you  
16 hire a new employee, you conduct reference checks,  
17 references provided to you, or contact former  
18 employers to check employment history. I know due  
19 to time constraints, that's a consideration for  
20 you.

21                   CHAIRMAN LYNN: The question would  
22 be, I'm going to value your answer very much, the  
23 question would be, my experience suggests, when  
24 you do a reference check, one does not list  
25 references unless they're going to be positive

1 references. If you do an employment check,  
2 because of labor law, the only thing you'll get is  
3 verification of employment: Employee was employed  
4 from X to Y and in that position, won't give any  
5 other information that is particularly useful.

6 My sense is that --

7 And the other issue is one of  
8 timing. If we get to the place today where we  
9 said you're the individual and say subject to  
10 those kind of checks to at least validate the  
11 veracity of the resume we saw that person should  
12 be hired and begin work, I don't know what else we  
13 could do in a timely fashion, short of meeting  
14 again if for some reason the person didn't check  
15 out.

16 MS. BRONSON: And the problem with a  
17 conditional type offer, under those circumstances,  
18 you can make a conditional offer pending  
19 background investigation or preplacement physical,  
20 but you should not make a conditional offer  
21 pending reference checks.

22 I don't know how you would like to  
23 proceed as far as conducting any reference checks  
24 or if you feel comfortable with the information  
25 you have.

1                   CHAIRMAN LYNN: Mr. Hall.

2                   COMMISSIONER HALL: Is it typical  
3 for there to be a probation time for employees?

4                   MS. BRONSON: The position you're  
5 interviewing for is uncovered, not covered. They  
6 serve at your pleasure, can be dismissed for any  
7 reason, no reason, but not a bad reason.

8                   COMMISSIONER HALL: In the event  
9 we're able to identify a fact or deep concern, we  
10 have the ability to say: Hey, we're going to do  
11 something different. It would set us back --

12                  COMMISSIONER HUNTWORK: I'd assume  
13 we'd want consent to do a background check. Did  
14 we ask for that?

15                  MS. BRONSON: No.

16                  COMMISSIONER HUNTWORK: Can we do  
17 that?

18                  MS. BRONSON: I don't know you need  
19 one. Background check involves DPS, fingerprints,  
20 and so forth. Generally that's done if an  
21 individual has contact with children, or in an  
22 education type setting, or position, possibly.  
23 That question has not come up. Reference checks  
24 did come up.

25                  CHAIRMAN LYNN: Ms. Hauser, want to

1 be heard?

2 MS. HAUSER: In connection with FBI  
3 background checks, only certain statutory agencies  
4 have the right to get fingerprint background  
5 checks. You can't get that. It would jeopardize  
6 the State's ability overall to get FBI records. I  
7 mean, regular references and those kind of checks  
8 are possible, but not FBI, not using fingerprints.

9 COMMISSIONER MINKOFF: What would  
10 you recommend?

11 MS. BRONSON: Generally, for any  
12 position, I recommend reference checks. Again,  
13 the issue is time constraints.

14 COMMISSIONER MINKOFF: Any risk  
15 other than we might get an employee we're not  
16 happy with if we don't conduct reference checks?

17 MS. BRONSON: Only Chairman Lynn's  
18 statement about getting -- what kind of  
19 information you do get. Generally employers  
20 release dates of employment. They generally won't  
21 release the reason for separation. The only time  
22 there's additional information, if there's a  
23 circumstance that any former employer would be  
24 some liability to the employer who is posing the  
25 question or conducting the reference checking

1 where they need to give you that information.

2                   But generally, you are correct, as  
3 far as information you receive.

4                   It's a good way to validate  
5 employment history.

6                   We also say, too, for former  
7 State -- State employees, if you -- because this  
8 is a State position, you would be able to, for  
9 former State employees, verify or check their  
10 personnel files.

11                   CHAIRMAN LYNN: The only other  
12 question ever asked and sometimes answered, not  
13 often, ask the question whether the individual is  
14 eligible for rehire, if in fact they've left the  
15 position. And that is something that many, many  
16 employers will not answer. Some do. Most don't.

17                   Mr. Hall.

18                   COMMISSIONER HALL: I was going to  
19 say, I suggest when we go to the determination  
20 phase of our process, that we could probably  
21 specifically address the specific person that is  
22 chosen and try to answer some of these questions,  
23 if that's okay with Ms. Minkoff.

24                   COMMISSIONER MINKOFF: Of the two  
25 people we've spoken with so far, neither one of

1 them wants to start work tomorrow, which does give  
2 us, I would think, once we decide on somebody, if  
3 all of them -- all we do is verify information on  
4 the resume, employment history, that they worked  
5 where said they worked when they worked. That can  
6 be done in a day or so.

7                   CHAIRMAN LYNN: That's something we  
8 can do regardless, indicate to the department,  
9 verify employment history as stated and, in short,  
10 any inconsistency with what is presented in the  
11 resume; then go ahead and hire the individual.  
12 But --

13                   Would that take care of your  
14 concern?

15                   COMMISSIONER MINKOFF: My concern is  
16 really a procedural one rather than a personnel  
17 one. I'm prepared to make a decision today. I  
18 want to make sure that the decision we're making  
19 is going to be a valid decision in terms of the  
20 procedures the State has for hiring people.

21                   MS. BRONSON: Again, that's our  
22 recommendation. Certainly you don't need to  
23 conduct the reference checks. It's just we do  
24 recommend it.

25                   CHAIRMAN LYNN: Any other comments

1 on this issue?

2 Then, if we may, may we see

3 Ms. Terrazas.

4 MS. HAUSER: One other comment,  
5 Mr. Chairman. There may be a difference between  
6 taking a vote today and extending an offer of  
7 employment. You might draw that distinction. I  
8 think that's correct. You don't extend an offer  
9 subject to a reference check. You can, I think --

10 CHAIRMAN LYNN: We could vote today  
11 to direct the department to, first --

12 MS. HAUSER: Right.

13 CHAIRMAN LYNN: -- undergo a  
14 reference check, to the extent that's feasible to  
15 do. And, pending that check, then extend an offer  
16 of employment unless there were an anomaly between  
17 what was presented and information received.

18 MS. HAUSER: I think that is  
19 correct. The vote today would not itself be an  
20 extension of an offer. Yeah.

21 CHAIRMAN LYNN: And that's fine with  
22 the department, I'm sure.

23 MS. BRONSON: Yes.

24 CHAIRMAN LYNN: Authorization to  
25 hire if no discrepancy between what we've been

1 presented and what we're able to glean with a  
2 reference check.

3 MS. BRONSON: Yes.

4 COMMISSIONER HALL: Then address  
5 compensation, the variety of contingencies we'd  
6 authorize them to go with, I presume.

7 CHAIRMAN LYNN: Them and others,  
8 perhaps.

9 There's the issue of compensation.  
10 You may wish to be represented by the Chair or  
11 others in that discussion. And that's your  
12 prerogative as well.

13 Okay. All set?

14 May we have Ms. Terrazas, please.

15 Ms. Terrazas, if you'd join us at  
16 the podium.

17 MS. TERRAZAS: Good afternoon,  
18 gentlemen, Commissioners.

19 CHAIRMAN LYNN: Thank you for your  
20 interest in the position and your ability to be  
21 with us and interest in being with us.

22 MS. TERRAZAS: Thank you for the  
23 opportunity.

24 CHAIRMAN LYNN: Let me outline the  
25 process. We have about a dozen questions. We'll

1 go through the panel twice and have two extra  
2 questions. We'll give you the time you need to  
3 respond to those. It's been running about a half  
4 hour per candidate. We think that will work with  
5 you as well.

6 MS. TERRAZAS: Very well. Thank  
7 you.

8 CHAIRMAN LYNN: The first question  
9 is mine. Let me begin by asking you to tell the  
10 Commission what you think this job entails. I  
11 don't want you just to stick to the job  
12 description you were handed but I want you to  
13 expand on that with respect to the things you  
14 perceive that the job really needs in terms of  
15 being done correctly. Then would you tell us how  
16 you are, in your opinion, the most qualified to  
17 serve in that capacity.

18 MS. TERRAZAS: The first part of the  
19 question, what I believe the job entails, how I am  
20 qualified to serve in this capacity.

21 CHAIRMAN LYNN: Please.

22 MS. TERRAZAS: I believe the job at  
23 hand is a unique challenge that you have before  
24 you. It is a challenge to be equitable and to  
25 analyze data that is new to the State and be

1 presented before you. So it requires analysis and  
2 organization and knowledge of a particular process  
3 and of the laws, applicable laws. I believe,  
4 also, that it entails experience with dealing with  
5 the complexities that are involved in an issue as  
6 controversial as this particular one and also  
7 experience in the particular deliberation process  
8 that is involved, especially in this particular  
9 setting, in a Commission setting; and third, I  
10 believe that the job involves its knowledge and  
11 experience and an ability to understand -- an  
12 understanding of your community overall and the  
13 community one represents and the Commission  
14 represents or that the executive director is going  
15 to facility the Commission to represent.

16                   Those are the three components I  
17 believe this particular job entails. And how I  
18 believe I qualify, I meet each of those  
19 requirements, as far as knowledge of the  
20 particular laws that are required or laws we need  
21 to comply with, I have a legal background. And  
22 that legal background will assist me in quickly  
23 understanding the laws, the public laws, 94-191,  
24 that's the law, I believe.

25                   We need to hone in on and understand

1 the specific technical requirements under that  
2 law. I have knowledge of the process to  
3 assimilate information. I have knowledge of the  
4 dynamics involved in the redistricting process as  
5 far as the -- a political astuteness of knowledge  
6 as far as it applies to being politically astute  
7 and knowledge in a broad -- in a broad sense, as  
8 well.

9                   As far as the experience, I have  
10 experience with working with commissions such as  
11 yourselves. I have experience -- I have both  
12 administrative experience and substantive  
13 experience with bodies such as yourselves. I can  
14 go into that with further questions you might  
15 have. I won't go, take too much time there.

16                   As far as knowledge of the  
17 community, I have a good sense of the community,  
18 statewide community, both multi-ethnic familiarity  
19 with the community as well as bipartisan  
20 familiarity and knowledge of the community.

21                   I hope that answered your question,  
22 Mr. Chairman.

23                   CHAIRMAN LYNN: Mr. Elder.

24                   COMMISSIONER ELDER: You made a  
25 reference, "sense of community." My question

1 relates to that to a great extent.

2 I would like your perspective on  
3 what role the executive director might play in  
4 public outreach, involvement of public in the  
5 process.

6 MS. TERRAZAS: I believe the  
7 executive director is for all intents and purposes  
8 there to make your jobs easier, to take the brunt  
9 of what is going on out there in the community and  
10 to bridge communications with the community and  
11 have the relationship throughout the State of  
12 Arizona, to be able to target the communities for  
13 an all-inclusive process.

14 The executive director should be  
15 able to identify and communicate to each of you,  
16 the Commissioners, those opportunities and those  
17 communities that ought to be included in the  
18 process that we are overlooking in a particular  
19 community. That's one key role that I believe the  
20 executive director plays.

21 CHAIRMAN LYNN: Mr. Hall?

22 COMMISSIONER HALL: Good afternoon.

23 I want to focus more on the  
24 administrative end of the job function.

25 As Mr. Elder indicated, there's

1 communication with the community, but there's  
2 communication that this person would have to  
3 manage internally from a variety of sources,  
4 consultant, by Commission members, the press,  
5 legal counsel, Attorney General's Office, and I  
6 think the list is -- seems to me to be endless.

7                   Specifically, I wondered if you  
8 could, maybe off the top of your head, give me a  
9 model of how you would perceive or you would feel  
10 would be the best way to manage that variety of  
11 sources of information and manage that  
12 communication.

13                   MS. TERRAZAS: Excuse me for not  
14 having followed procedure, Chairman Lynn,  
15 Commissioner Hall.

16                   CHAIRMAN LYNN: It's really okay.

17                   MS. TERRAZAS: How would I manage  
18 the communications.

19                   My day-to-day activities running a  
20 consulting and public relations company, I manage  
21 communications for clients. I'm extremely  
22 organized, have not only a ridiculous data base of  
23 people in the community to offer up to people I  
24 work with and clients, other people.

25                   I believe access is extremely

1 important at all levels, that communication is  
2 something that has always been very important to  
3 me since I was very young. I remember being able  
4 to pick up the phone and have access.

5                   Communication and enabling  
6 communication are extremely important both ways.

7                   So when it comes to everyday  
8 functions of everyday administrative functions  
9 entailed in the Redistricting Commission, starting  
10 with something as simple as a contact list every  
11 single person has at their disposal and always  
12 updated extremely -- I can't tell you how many  
13 times I need just to look at a contact list for a  
14 particular project and always know it's there.  
15 Then -- that's a very basic level.

16                   Logistics, keeping things updated,  
17 making sure we're equipped with the right  
18 information.

19                   Very important are perceptions in  
20 the community that this is a professional  
21 Commission, not a hokey operation going on up in  
22 Phoenix, that we actually know what we're doing,  
23 professional, communicate to the right people, to  
24 the right e-mail addresses, things along those  
25 lines.

1                   It's extremely important for me to  
2 maintain a professional image for my clients, you,  
3 the Commission.

4                   Then on another level,  
5 communications, like I spoke to Mr. Elder's  
6 question, identifying opportunities or gaps in our  
7 communications process and communicating those to  
8 the Commission and seeking your direction as far  
9 as how to proceed to communicate given those gaps.

10                   I hope that answers your question.

11                   Thank you.

12                   CHAIRMAN LYNN: Mrs. Minkoff.

13                   COMMISSIONER MINKOFF: Ms. Terrazas,  
14 thank you for joining us this afternoon.

15                   I have a question about public  
16 perception. I'm sure you are aware of the  
17 concerns over the lack of minority representation  
18 on the Commission and concerns about the product  
19 that the Commission is going to be developing,  
20 that various people have.

21                   If you were the executive director,  
22 what steps would you take to address these  
23 concerns?

24                   MS. TERRAZAS: Chairman Lynn,  
25 Commissioner Minkoff, what steps would I take to

1 insure we are representing the diverse community  
2 that we have to serve? One is I believe that I am  
3 an ambassador to several communities. Hiring or  
4 choosing to put me in the position executive  
5 director I think will resound to several  
6 communities that you indeed do believe in and  
7 recognize that I as a woman, Hispanic, Republican  
8 with excellent relations to the Democrat  
9 community, working experience in the Native  
10 American communities, you're putting me in that  
11 post demonstrates your ability to recognize an  
12 individual who can serve as ambassador for several  
13 communities in the state.

14                   In addition, my relationships  
15 throughout the state will assist me to facilitate  
16 your communications to those diverse populations  
17 throughout the State of Arizona and, of course,  
18 with your guidance and with my input, together we  
19 can make sure that the state understands the  
20 impartial process that we are engaged in and the  
21 inclusive process that we are engaged in.

22                   CHAIRMAN LYNN: Mr. Huntwork.

23                   COMMISSIONER HUNTWORK: I apologize  
24 in advance. I'm going to read this question  
25 verbatim. We feel that our executive director

1 will need to be able to work with people of all  
2 communities of interest and all political  
3 affiliations throughout our state.

4                   Have you been involved in any  
5 activities of a partisan nature, whether political  
6 or otherwise, that might alienate any group that  
7 you will need to be able to work with in order to  
8 do your job effectively, or if it became generally  
9 known, might otherwise interfere with the  
10 performance of your work.

11                   MS. TERRAZAS: Chairman Lynn,  
12 Commissioner Huntwork, I absolutely have been  
13 involved with -- words, not questions, have to  
14 forgive me. I think that the issue is whether it  
15 might have an impeding effect on my work with the  
16 Commission. There -- it's not a secret I ran  
17 Arizona Hispanics for Bush for the state. I'm  
18 proud to be a Republican in the state. The reason  
19 I've been successful in my efforts, I've been been  
20 able to reach across party lines. I sound like  
21 the president.

22                   And I believe that is what made --  
23 it's interesting. I do things because they come  
24 natural to me. I've had successes so far because  
25 it's been because these fields come natural to me.

1 To reach across, be personable, understands there  
2 are opportunities in adverse situations or when  
3 there is in diverse situations understanding there  
4 are opportunities. I believe the fact that I have  
5 been successful as a Republican chairing Arizona  
6 Hispanics for Bush, working for Governor  
7 Symington, maintaining, having the successes you  
8 heard about for example this morning with  
9 primarily a Democrat County, Santa Cruz County, on  
10 an election where everybody down there is Hispanic  
11 and Democrat. They're my family. I think -- I  
12 don't believe it's tainted my ability, has impeded  
13 my ability to serve this Commission in an  
14 impartial manner.

15 COMMISSIONER HUNTWORK: Thank you.

16 CHAIRMAN LYNN: Ms. Terrazas, in  
17 what areas does your experience and resume fall  
18 short with respect to this position and what would  
19 you do about that?

20 MS. TERRAZAS: Mr. Chairman, I'm  
21 going to answer the second part of your question  
22 first. I am doing what I believe I fall short in,  
23 and that is actual experience in the redistricting  
24 process; and, therefore, that's why I am here. I  
25 believe that I don't have experience in

1 redistricting.

2                   I have a passion for issues like  
3 this that affect my state. I care a great deal  
4 about my state. I believe that what I lack in  
5 experience is specific to what this position  
6 requires. And, therefore, I am here to delve into  
7 that. And I know -- I know I'm capable of  
8 grasping and assimilating information necessary  
9 immediately.

10                   As we know, we're under some strict  
11 time lines. That's what I feel again. I lack  
12 experience in the redistricting process, per se.  
13 I'm here to take care of that gap in my resume.

14                   CHAIRMAN LYNN: Thank you.

15                   Mr. Elder.

16                   COMMISSIONER ELDER: Yes. A little  
17 thing here, question, what experience do you have,  
18 well, let's start off in a different matter. Work  
19 product, end product in the redistricting plan,  
20 submit to DOJ for prequalification, the whole  
21 process, what experience do you have in product  
22 preparation of a major document like that  
23 publication pack through editing review and  
24 directing the work that needs to be done to  
25 produce a document such as that?

1                   MS. TERRAZAS:  Although I may not  
2 have specific experience with submitting a  
3 document to Department of Justice for it's review,  
4 I am versed in the workings, the legal workings of  
5 our state.  And I am familiar and knowledgeable in  
6 what it takes to research and to comb through a  
7 statute, any kind of public law that we may need  
8 to comply with and make sure that we are within  
9 those guidelines.

10                   Now, as far as actually having to  
11 submit documents that are under some sense, some  
12 sort of review, I have had occasion to submit, to  
13 work with several procurement contracts to the  
14 state where we have to comply with certain -- with  
15 certain -- well, of course, with state law, and  
16 oftentimes are under scrutiny, given our fiscal  
17 parameters.  So I'm detail oriented.  And given my  
18 legal skills, I feel I can gear up quickly to be  
19 able to submit documents such as those.

20                   Someone -- my mom says I'm quite the  
21 stickler for, even when I write a personal letter  
22 to someone, if there's some grammatical error, I  
23 have to adjust it.  The fact I'm detail oriented,  
24 a little anal, will assist me in assisting the  
25 Commission in producing the best product we

1 possibly can for Department of Justice.

2 CHAIRMAN LYNN: Mr. Hall.

3 COMMISSIONER HALL: In addition to  
4 your resume, which is outstanding, I might add,  
5 what do you feel is your greatest personal  
6 attribute or -- greatest strength, personal  
7 characteristic or attribute you have? How do you  
8 feel that will most benefit you if you are to be  
9 chosen for this position?

10 MS. TERRAZAS: Starts with a capital  
11 G. I'm grounded.

12 I recognize the opportunities I've  
13 had and the tremendous support in the community  
14 that I've been able to generate is really a grace.  
15 And I'm very fortunate. I'm very, very sure of  
16 the fact of who I am.

17 I feel grounded is probably the  
18 greatest attribute I have. I don't get beyond the  
19 matter at hand.

20 I believe that I take things one at  
21 a time, one item at a time, do them well,  
22 thoroughly, and complete them. I'm usually trying  
23 to stay focused on the matter at hand, not look  
24 too far ahead, be cognizant of time lines.

25 I think grounded is important,

1 uniquely important in this particular position.  
2 There will be a lot of eyes, national eyes, on us.  
3 The press will be looking onto us. There's an  
4 opportunity for an executive director to kind of  
5 exploit that position. Frankly, I think you need  
6 someone grounded that will just do the job that  
7 needs to be done. I believe I am grounded.

8 CHAIRMAN LYNN: Mrs. Minkoff.

9 COMMISSIONER MINKOFF: Still  
10 writing.

11 Ms. Terrazas, other than liking to  
12 be in somebody's gun sites, can you tell me why  
13 you decided this was a job you wanted to apply  
14 for?

15 MS. TERRAZAS: With adversity comes  
16 opportunity. That's what I found.

17 Not many -- not every time by  
18 choice. I worked for a Governor where -- I worked  
19 for a Governor at one point that did not have many  
20 friends in certain parts of the state. I was sent  
21 out there to make friends.

22 I'm familiar with this environment.  
23 I worked for a corporation that didn't enjoy the  
24 greatest reputation, but I was tasked and charged  
25 to go out there and befriend and educate and

1 garner an understanding of why and who we are of  
2 corporate citizens as a member of the  
3 gubernatorial staff. I've had successes  
4 befriending folks on behalf of who and what I am.  
5 Here I am. I feel I'm the one for  
6 the job.

7 CHAIRMAN LYNN: Mr. Huntwork.

8 COMMISSIONER HUNTWORK: Do you have  
9 any experience starting a business or agency from  
10 scratch, including creating an initial business  
11 plan and designing a staff, equipment needs, and  
12 so on, and administering that program?

13 MS. TERRAZAS: Yes, I do,  
14 Mr. Huntwork. I have, I can't tell you how many  
15 times I've been in that situation, how  
16 nerve-racking it can be, and especially for the  
17 Commissioners, or for the board of directors, or  
18 for the family who wants to run the campaign.  
19 Everyone is stressing out about all those  
20 administrative issues. Really, I'm here to be the  
21 life saver. I won't sleep at night. I get this  
22 crazy rush off that.

23 I started my own business a year  
24 ago, submitted my own business plan a year ago,  
25 was successful in getting financing; ran a

1 campaign in Southern Arizona with no maps, no idea  
2 what the constituency looked like. I had to  
3 program a fax machine to have broadcast fax  
4 capabilities, find a computer, find a document  
5 that seemed endlessly lost keeping someone from a  
6 heart attack.

7 I've been through those pressing  
8 situations. I can handle those situations well.  
9 I've been given those facilities, have been  
10 blessed with those traits and qualities.

11 CHAIRMAN LYNN: Mrs. Minkoff.

12 COMMISSIONER MINKOFF: Ms. Terrazas,  
13 one of the next decisions we're going to have to  
14 make is a decision to higher technical  
15 consultants, redistricting consultants to help us  
16 manage the data that we have in terms of growth  
17 behavior in the state and also that provided by  
18 the Census Bureau. Describe your prior experience  
19 working with technical consultants, how you expect  
20 to work with them in this position.

21 MS. TERRAZAS: My experience working  
22 with technical consultants is minimal, to be  
23 honest.

24 I do embrace the opportunity to  
25 learn going into the 21st century. I've embraced

1 languages of technical --

2                   Let me start again.

3                   It is limited. How might I work  
4 with technical managers? With an open mind and a  
5 lot of time on my hands to focus on what they need  
6 and make sure I --

7                   I can imagine a day when we have to  
8 meet several deadlines, pull a meeting together,  
9 pull out agendas, make sure everyone is informed,  
10 and I have a meeting with one of the technical  
11 managers to talk about something extremely  
12 important about managing a particular set of data  
13 that is coming through.

14                   I have a good, I have a skill to  
15 compartmentalize what I'm doing. I know I pride  
16 myself on this skill.

17                   We're working on these things, on  
18 time, have so long to spend meeting a time line,  
19 spend that time. What a technical manager will  
20 educate us on, what he'll do to facilitate with us  
21 on, I'm open to learn, facilitate information, ask  
22 several questions, and never be shy about asking  
23 questions.

24                   I hope that answers your question.

25                   CHAIRMAN LYNN: Ms. Terrazas, the

1 last question is mine. I'll ask it in the context  
2 of a previous answer and also part of your resume.

3                   Since May of 2000 you've been  
4 involved in a new business venture. You have a  
5 consulting business with clients. We're not here  
6 to talk about becoming one of your clients. We're  
7 here to talk about you becoming a full-time staff  
8 person for the Commission.

9                   When could you start and devote a  
10 hundred percent of your time to this job?

11                   MS. TERRAZAS: Tomorrow.

12                   I am very cognizant of the fact you  
13 know I started a business a year ago. But I have  
14 clients that are aware of my problem.

15                   The process I'm undergoing right  
16 now, they're well-aware of the fact certain  
17 relationships may come to an end. They recognize  
18 the significance and importance of this particular  
19 task that we have at hand. And, in addition, they  
20 understand why, how this is a passion of mine to  
21 be involved in a process like this. But second, I  
22 also have several subcontractors. And I can  
23 easily turn those things over and oftentimes have  
24 for other clients.

25                   So there would not be an issue of

1 starting a week or two weeks from now. I could  
2 start tomorrow if I needed to.

3 CHAIRMAN LYNN: I want to be clear  
4 with that question. From the time you start, our  
5 expectation is you would be, whatever clientele  
6 you had before would no longer be your clients.

7 MS. TERRAZAS: Correct.

8 CHAIRMAN LYNN: We would be your  
9 only employer.

10 MS. TERRAZAS: You would be my only  
11 employer. My company will continue to have  
12 clients. And the vice president of the company  
13 would take over.

14 CHAIRMAN LYNN: I just want to make  
15 that clear.

16 MS. TERRAZAS: Thank you.

17 CHAIRMAN LYNN: Mr. Hall.

18 COMMISSIONER HALL: As a follow-up,  
19 will you still be a stockholder in that company?

20 MS. TERRAZAS: Yes. It's not a  
21 public company.

22 COMMISSIONER HALL: No, but  
23 corporation, correct?

24 MS. TERRAZAS: Correct.

25 COMMISSIONER HALL: Are you a

1 hundred percent stockholder?

2 MS. TERRAZAS: No.

3 COMMISSIONER HALL: Maybe that's not  
4 an appropriate question.

5 CHAIRMAN LYNN: The issue goes to --  
6 we're hiring someone in whom we're going to place  
7 a tremendous amount of responsibility, in whom we  
8 want to work full time with no diversion of  
9 thought, no competition for your --

10 MS. TERRAZAS: This becomes the top  
11 priority. I've already, in anticipation of this  
12 application, have put the wheels in motion to make  
13 sure everything is taken care of on the other end  
14 as far as the company goes. And it's being  
15 controlled by a whole other person. And I will  
16 not have oversight whatsoever of oversight of that  
17 company if I'm to serve as your executive  
18 director.

19 COMMISSIONER HALL: So, just as  
20 follow-up, Mr. Huntwork asked you a question  
21 relative to potential conflict or -- I don't have  
22 the question before me.

23 Do you perceive any clients  
24 currently served by your company would be --

25 CHAIRMAN LYNN: Present a problem?

1                   COMMISSIONER HALL:    -- a problem of  
2 impartiality under the auspices of Mr. Huntwork's  
3 question?

4                   MS. TERRAZAS:  I don't believe so.  
5 If necessary to disclose them, I will do so.

6                   COMMISSIONER MINKOFF:  No one  
7 currently a client will be impacted by the results  
8 of redistricting?

9                   MS. TERRAZAS:  Not at all.

10                  CHAIRMAN LYNN:  Ms. Terrazas, thank  
11 you again for being with us and your interest in  
12 the position.  I invite you to stay with us in the  
13 audience or, if you prefer, have other matters  
14 that may take you away from this location, that's  
15 perfectly fine.

16                  MS. TERRAZAS:  Thank you,  
17 Chairman Lynn and Commissioners.  Congratulations  
18 on this very important task.

19                  CHAIRMAN LYNN:  We'll stand in  
20 recess for 15 minutes.

21                                 (Recess taken.)

22                                 The Commission will come back to  
23 session.

24                                 May we have Enrique Medina Ochoa,  
25 please.

1 Good afternoon.

2 MR. OCHOA: Good afternoon.

3 CHAIRMAN LYNN: I appreciate your  
4 being with us and your interest in the position.  
5 The procedure will be as follows: We'll ask a  
6 series of questions. We'll go down the panel a  
7 couple times and ask a couple extra questions.  
8 Take whatever time you need to respond.

9 MR. OCHOA: Great. Thank you.

10 CHAIRMAN LYNN: The first question  
11 is mine. Let me begin by asking if you'd tell us,  
12 not just based on the job description, but based  
13 on the totality of your understanding of the task  
14 of the executive director of the Commission, what  
15 you think the job entails and how you think you  
16 are most qualified or well-qualified to perform  
17 that function.

18 MR. OCHOA: Okay. I think the  
19 position requires a person who has a general  
20 understanding of what the Commission is all about,  
21 what the purpose is, what the philosophy behind it  
22 was. I notice according to the job description  
23 there was a lot of emphasis on understanding of  
24 operational systems, operational systems of state  
25 government. I gave that some importance, didn't

1 think that most important, to be honest with you,  
2 in regard to the executive director position.  
3 Instead I thought it important we should focus  
4 more on the philosophy behind what the  
5 Redistricting Commission is trying to do: Trying  
6 to make things fair, make things equitable as far  
7 as realignment of districts for the State of  
8 Arizona. I thought also you need somebody who has  
9 an understanding of the political process within  
10 the state. In general as well as academically  
11 helps.

12                   And then also, I think, personally,  
13 and I commend you all for the evidence you've  
14 shown in your previous meetings of working  
15 together, I think you you all seem to be  
16 collaborating in the short period of time very  
17 well. I was pleased by that.

18                   I was pleased by the fact it seems  
19 as though the philosophy of this Commission is to  
20 be very open, to be open. And I appreciate the  
21 fact that even these interviews are being held in  
22 open process.

23                   But it seems as though everybody has  
24 a desire to get the word out, to get out  
25 information regarding what redistricting is all

1 about throughout the state, whether it be in  
2 person, whether it be using the media, whether it  
3 be using the electronic media, via web pages, and  
4 so forth. But I really appreciated that on a  
5 personal basis because I do believe information  
6 and knowledge means power. And also, if you have  
7 an informed populous, I think they're going to  
8 participate in the system and process more so than  
9 if they don't know about it, of course.

10                   From that perspective, I think that  
11 a person who has management skills, a person who  
12 has the proper education, experience, a person who  
13 has, also, problem-solving skills, interpersonal  
14 skills, many of the skills that I have  
15 accumulated, as I mentioned, I know I don't  
16 possess all of them as I would like to, but none  
17 the less, I think that is the kind of individual  
18 that the Commission needs to direct this office.

19                   I have worked with the US Census for  
20 the past couple of years and have accumulated a  
21 lot of technical knowledge about the process. And  
22 I think that is an additional factor that should  
23 be thrown into the equation of who you are going  
24 to hire for executive director.

25                   CHAIRMAN LYNN: Thank you,

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1 Mr. Ochoa.

2 Mr. Elder.

3 COMMISSIONER ELDER: Yes, Mr. Ochoa,  
4 you alluded to "get the word out." My question  
5 relates fairly much to that.

6 What do you feel the executive  
7 director's role in relation to public outreach  
8 should be and could be to that?

9 MR. OCHOA: The executive director  
10 could be support of the Commission. Whatever the  
11 Commission desires as policy, I think that's what  
12 has to be implemented.

13 The idea of disseminating  
14 information throughout the state is something that  
15 can be done in a lot of ways. That is to say the  
16 executive director can participate. The  
17 commissioners can participate, if they so desire.  
18 The executive director, if the Commissioner's  
19 desire that individual to participate in getting  
20 the word out, or if they want him to be a  
21 technician of sorts to make sure those things  
22 happen.

23 I would recommend on a personal  
24 basis that maybe consideration be given to  
25 outsourcing that particular venture.

1                   I have personal knowledge, I have, I  
2 think my resume will show that, you know, I headed  
3 a couple of media companies, communication  
4 companies, that have worked throughout the state,  
5 one on a political campaign. But the point is  
6 this: There are companies out there that can  
7 really help us do the job well. That might be a  
8 consideration.

9                   If it is desire of the Commission to  
10 have somebody in-house, a communication expert, I  
11 think that is also a workable solution.

12                   These are, again, are suggestions.

13                   The idea is you do have to have  
14 somebody with a good understanding of media and  
15 the communication network throughout the state,  
16 people that cannot only -- are not only  
17 knowledgeable about media itself, meaning radio,  
18 television, newspapers, but also people who can do  
19 the outreach by going and organizing meetings in  
20 various communities that will take into account  
21 those communities generally, not participating in  
22 these kind of political processes to make outreach  
23 efforts, to involve them in some way and, of  
24 course, in our state, which is very diverse, we  
25 have to take into account language considerations

1 as well, not only Spanish, Native American  
2 languages up north, the northern part. A lot of  
3 people speak Asian languages, and people need to  
4 be addressed in that way.

5 CHAIRMAN LYNN: Mr. Hall.

6 COMMISSIONER HALL: With respect to  
7 communication internally, externally, you alluded  
8 to external communications, internally  
9 communicating with staff, legal counsel, DOA,  
10 Attorney Generals, five commissioners,  
11 consultants, the list seems to be endless. I  
12 wonder if you could articulate with me a  
13 communication model, if you will, how you would  
14 see the person in this position managing all this  
15 information and appropriately directing the flow  
16 of communication?

17 MR. OCHOA: You know, communication  
18 depends on people. Management, management is a  
19 process that deals with people. My, my experience  
20 has shown me that the simplest way to get things  
21 done is best, the simpler the better. Sometimes  
22 you get into situations where there is excessive  
23 communication via paperwork, and that develops  
24 sometimes resistance from employees. It becomes a  
25 burdensome management information system. I

1 believe in quality management. I think that even  
2 though you have heard a long time ago I studied  
3 management administration theories, and so forth,  
4 and have gone through various names, management by  
5 objectives, at that time, now they call it  
6 strategic management planning, and a lot of other  
7 terms; but I think they all really deal with the  
8 development of a working mission, working goals  
9 and objectives. They deal with development of  
10 clear and measurable statements of what needs to  
11 be done.

12 I think that that also requires, by  
13 the way, the development of a team, of a team that  
14 is informed and maybe even involved with the  
15 commissioners, with the executive director, with  
16 the staff in terms of developing the approach and  
17 the methodology to do that.

18 So what I would say to that, and all  
19 of that addresses really becoming a leader to --  
20 in order to motivate people to do and to reach  
21 those goals that you want to accomplish.

22 Internally in regards to media, it  
23 would depend a lot, of course, on the kind of  
24 staff we would have. I think the director,  
25 executive director, cannot deal with everybody in

1 the way that this -- as fast as this is moving. I  
2 don't think that he's going to be able to deal with  
3 everybody. But if clear goals and clear roles are  
4 defined for the people that are working for this  
5 agency, then I think assignments will be able to  
6 be managed.

7                   And so the people, other people will  
8 have to take on some of that burden. And I say  
9 that as a -- as something that is going to be  
10 needed.

11                   Because you all, I'm sure, have jobs  
12 or are doing this on a voluntary basis. You are  
13 to be commended on the great job you are doing.

14                   I recall being involved in a couple  
15 issue-oriented processes. You can't talk to  
16 everybody, can't be with everyone, can't be at one  
17 radio station, another radio station, can't meet  
18 with one person there, another important person  
19 there. Have to be organized and use a lot of time  
20 management skills.

21                   Delegation, I guess, is one way of  
22 doing it.

23                   In general, that's the kind of  
24 philosophy concept I'd espouse, developing a team  
25 to help me reaching goals, objectives articulated

1 by the team.

2 CHAIRMAN LYNN: Mrs. Minkoff.

3 COMMISSIONER MINKOFF: Thank you for  
4 being with us today.

5 MR. OCHOA: Thank you.

6 COMMISSIONER MINKOFF: I'm sure you  
7 are aware of concerns expressed about lack of  
8 minority representation on the Commission. If you  
9 were the executive director of the Commission,  
10 what steps would you take to address these  
11 concerns?

12 MR. OCHOA: You know I'm kind of  
13 fortunate to be in this position again, not only  
14 because you are allowing me the opportunity to  
15 possibly allow cultivation of fruit I've been  
16 working on for the last couple years, that be the  
17 Census, but reality is in regards to a media  
18 campaign we developed, I was in charge of that for  
19 three states. The focus of our population was the  
20 hard to enumerate population. That is the way we  
21 entitled it. In general, I meant minorities. We  
22 developed outreach effort and communication  
23 effort, I'd all organizations, minority  
24 organizations in different areas we were working  
25 in. In this case it happened to be throughout the

1 state. We supplemented that with media.

2                   But what we did is we tried to meet  
3 and we tried to share with these individuals who  
4 were leaders in their community or just community  
5 participants that there was a benefit in  
6 participating at that time in the census. Now  
7 that has to be extended, what kind of benefit are  
8 they going to receive for participating in this  
9 particular process.

10                   We were successful, I think, because  
11 we went out of our way to do outreach, community  
12 effort. We tried to be in every community. We  
13 went out to the churches. We went out to the  
14 business communities. We went out to the  
15 nonprofit corporations. We went out to all those  
16 areas we could identify that there had been  
17 previously a lack of participation in the census.  
18 And so that even led us to meeting with groups,  
19 you know, block groups, neighborhood councils, and  
20 other individuals. So I wasn't present at all of  
21 them. I could tell you we had a lot of staff,  
22 over 10,000 people employed by the Census. We had  
23 a lot of community involvement in that effort.

24                   I would try duplicate in any way  
25 possible an effort similar to that so we could get

1 that.

2 CHAIRMAN LYNN: Huntwork.

3 COMMISSIONER HUNTWORK: Mr. Ochoa, I  
4 apologize in advance. I'm going to read this  
5 question so it is verbatim and exactly the same as  
6 we've asked other applicants.

7 We feel that our executive director  
8 will need to be able to work with people of all  
9 communities of interest and all political  
10 affiliations throughout our state.

11 Have you been involved in any  
12 activities of a partisan nature, whether political  
13 or otherwise, that might alienate any group that  
14 you will need to be able to work with in order to  
15 do your job effectively or if it became generally  
16 known might otherwise interfere with the  
17 performance of your work?

18 MR. OCHOA: The only political  
19 process that I alluded to a little bit earlier  
20 that was partisan in nature that I have  
21 participated in was, in the last 15 years that I  
22 can remember, is the Eddie Basha campaign when he  
23 was running for Governor. I participated in that  
24 campaign. I helped in terms of getting out the  
25 Hispanic vote.

1                   There was a media component. He was  
2 one of the first candidates that spent money on  
3 Spanish media. He spoke Spanish. It was easier  
4 for us to do that. That would make it somewhat  
5 partisan in favor of the Democratic party.

6                   Eddie, on the other hand, has also  
7 been known to vote for Republican candidates. So  
8 he, I guess, was -- is probably an individual I  
9 could probably relate to as closest to me in terms  
10 of philosophy.

11                   I try to -- I've been involved with  
12 a lot of issues and trying to resolve issues that  
13 affect our communities, immigration issues, health  
14 issues.

15                   Back in the seventies I was involved  
16 in an organized effort that arose through the  
17 Arizona Cost Containment System to address health  
18 care cost need, education issues as well.

19                   Generally I've been issue oriented.

20                   My resume I think has individuals  
21 that reflect both parties, various ethnic groups.  
22 I did that for that purpose.

23                   Many of the things I had been  
24 involved with had -- have been nonpartisan in  
25 nature. I'll even give you a couple examples as

1 well I'm proud of that involve people I'm very  
2 concerned about, whether Democrat or Republican,  
3 Legislators.

4 I was instrumental in bringing some  
5 very important people from Mexico to address  
6 historical, a couple historical occasions, to the  
7 Legislature. One was the candidate for the  
8 Presidency of Mexico, you've all heard of him, the  
9 first one in history of Mexico assassinated, by  
10 the name of Jesus Hernando de Lasasago; Governor  
11 of the State of Sonora, Hernando Palorez. All of  
12 those, I had an interest in developing  
13 international relationships between Arizona and  
14 Mexico, Mexico and the United States, a lot for  
15 personal reasons, some for professional reasons.

16 Those, as you know, even though I  
17 started under a Democratic Governor, I wound up  
18 going through Republican Governors, nurtured those  
19 relationships as well.

20 CHAIRMAN LYNN: Mr. Ochoa, in what  
21 areas does your experience in your resume fall  
22 short in terms of the job description? And if  
23 those short comings exist, what are you planning  
24 or do you plan to do about them?

25 MR. OCHOA: Toward the latter part

1 of the letter I wrote you, I put on I have a good  
2 understanding of the open meeting law. I have  
3 very good understanding of the open meeting law.

4                   The general understanding of  
5 lobbying reporting laws, and general state  
6 accounting proceedings. I asked Mr. Bill  
7 Hernandez if he wanted to apply for a job. I'm  
8 more than happy to keep him on board.

9                   CHAIRMAN LYNN: Thank you.

10                   Mr. Elder.

11                   COMMISSIONER ELDER: I'll get  
12 another question. One of the ends of our work  
13 product is to prepare a work document to be  
14 submitted to DOJ for review and hopefully the  
15 preclearance process.

16                   What is your experience in  
17 preparation of documents similar to this? And  
18 that would include editing, review, publication,  
19 all the things it takes to get it off and sent  
20 off.

21                   MR. OCHOA: I was fortunate in the  
22 1990s to be involved, '91, '92, to be involved in  
23 the process of questioning the validity of the  
24 redistricting process. At that time the vice  
25 president of the Hispanic Chamber, we were

1 concerned about the impact political redistricting  
2 would have on minority business throughout the  
3 state and asked to be involved in various  
4 committees in various ways. And various meetings  
5 took place in our community to address that issue.  
6 That included community meetings that were  
7 organized to receive the Mexican American Legal  
8 Defense Fund, for example. When they came, what  
9 they asked us to get involved with was a challenge  
10 to the redistricting process.

11                   The particular issue at that time  
12 was that they, Hispanic Legislators and the  
13 community in general, wanted a majority minority  
14 district in the northeast part of the state. That  
15 didn't happen. There was a brief that was  
16 prepared, you probably heard a little bit about it  
17 in the morning.

18                   Jose Rivera was one involved in  
19 preparing that brief to the Supreme Court to see  
20 if they'd hear arguments and be involved in  
21 hearing it, redistricting it. It didn't happen.

22                   I went through that. They put it  
23 here. Organized in our community, in Phoenix,  
24 Tucson, some in the Yuma area, took an interest in  
25 those. I was raised in Yuma, graduated from Yuma

1 High. Had to, as a graduate, go over there and  
2 visit my mother who was a teacher there whenever I  
3 could. Also Tucson, have a lot of friends, took  
4 advantage.

5 Various issues. I mention in a  
6 letter, we were addressing various issues,  
7 addressing gerrymandering and various issues.

8 We didn't -- the issue of language  
9 came about, but I was primarily concerned about  
10 trying to make a majority minority district on the  
11 northeast side of the state.

12 CHAIRMAN LYNN: Mr. Hall.

13 COMMISSIONER HALL: What would you  
14 say is your greatest personal strength or  
15 attribute and how do you anticipate that would  
16 most effectively serve this Commission if you were  
17 to serve this Commission?

18 MR. OCHOA: Those kind of questions  
19 are hard to answer, because I'm so modest.

20 I tend to be modest, honestly.

21 Probably, I would say -- I would say  
22 communication, interpersonal relationships. I  
23 have a -- I like to work with people. I like to  
24 work with people a lot. I like to work with  
25 projects, with issues that in some way or another

1 improve our lot as social beings. And I think  
2 that what happens --

3 I think I'm on the tail end of a  
4 generation that still feels that they have a  
5 social responsibility. I don't mean to be  
6 overcritical of our system or our youth, but it  
7 seems that has gone a little by the wayside.

8 So that behind, perhaps my way of  
9 thinking, I tend to get involved with a lot of  
10 issues that have social value. And so that in  
11 itself requires a lot of interpersonal  
12 relationships, interpersonal skills.

13 I think in the resume the way that I  
14 phrased it was, let me see what I had put on  
15 there, that I have the ability to work with  
16 multi-disciplinary professionals. What I meant  
17 there, what I meant meant by that particular  
18 phrase, was I feel comfortable talking to people  
19 with very little education, income, or any other  
20 factor of that nature as well as with those people  
21 on other end of the spectrum, that have it all or  
22 have a lot.

23 I've been very fortunate. You know,  
24 raised in Yuma, in a -- in an environment that was  
25 peculiar. I'll even share a story with you. I

1 think I as 39 when I received a plaque from the  
2 Yuma County Education Association. On the black  
3 it says, basically, "Congratulations, or in  
4 appreciation for the fact" -- and it said, "To  
5 Enrique Medina, the first Hispanic boy from Yuma  
6 County to attend Stanford University."

7 I didn't think I was a boy at 39,  
8 but maybe it had a different significance in our  
9 state. What can I say?

10 I've been fortunate to have good  
11 education, the ability to communicate with people,  
12 desire to do so, and to try to improve our  
13 situation. And that's probably my strongest.

14 COMMISSIONER HALL: Thank you.

15 CHAIRMAN LYNN: Before we go too  
16 much further, I want to make sure we're not making  
17 a social faux pas. I understand the naming --  
18 protocol in terms of Hispanic naming. If we are  
19 to address you as Mr. Medina, I'll do it. If  
20 Ochoa is your mother's maiden name, I'll  
21 understand that. I need to know which it is, what  
22 you prefer.

23 MR. OCHOA: I'll tell you what,  
24 probably like Ms. Minkoff, Mrs. Minkoff being  
25 called Andi, I'm multicultural. In Latin American

1 countries, the father's name is second and last  
2 name is the mother's name. Except in my  
3 situation, my father died very young and I was  
4 adopted. So then I adopted my step-father's name  
5 Ochoa. My mother's name is Medina. Second name  
6 is Ochoa, which coincides more with the system  
7 here. I've been somewhat assimilated into the  
8 mainstream of America.

9                   CHAIRMAN LYNN: I simply wanted to  
10 be respectful of any or all of that. If I may  
11 then address you as Enrique, I'll be happy to do  
12 so.

13                   COMMISSIONER MINKOFF: I'll say  
14 "Enrique."

15                   I forgot, I just wanted to state for  
16 the record, let everyone know, Mr. Medina,  
17 Mr. Ochoa, Enrique's application, letter addressed  
18 to me, I want to let the Commission know how that  
19 happened.

20                   I had no knowledge or contact with  
21 Enrique prior to this process. However, I was  
22 called by a member of the Legislature I met during  
23 my selection process. He felt Enrique would make  
24 a good candidate for executive director, asked me  
25 if I'd meet with him. And I did that. The letter

1 resulted.

2 MR. OCHOA: If I may add something,  
3 Ms. Minkoff.

4 COMMISSIONER MINKOFF: Andi.

5 MR. OCHOA: I've been privy to two  
6 or three occasions she's been out there promoting  
7 and drumming up competition for me. I have to  
8 acknowledge that.

9 COMMISSIONER MINKOFF: Trouble is my  
10 middle name.

11 CHAIRMAN LYNN: Mrs. Minkoff.

12 COMMISSIONER MINKOFF: Given all  
13 that background, Enrique, I wanted to ask you,  
14 other than liking every interest group and  
15 individual in the state to have you in their gun  
16 sites, why did you decide you want to apply for  
17 this position?

18 MR. OCHOA: I decided to apply for  
19 the position after participating in the  
20 redistricting process in '90, the '95 Special  
21 Census that took place in Phoenix, and in Maricopa  
22 County. The 2000 Census, which was in the form of  
23 actual employment, I realized the importance that  
24 the numbers, the census numbers have, the  
25 importance that the apportionment and

1 redistricting process has on our lives.

2                   This, I think, is one of the most  
3 important processes and decision-making processes  
4 that is going to take place for our community,  
5 definitely for the next 10 years. There is no  
6 doubt about it. I do have a social conscious. I  
7 do feel I have a social responsibility. Do I have  
8 the qualifications academically, experiencewise,  
9 and many other ways? When I was asked if I was  
10 interested in applying for the position, I said,  
11 "Gladly." I had already, very honestly,  
12 considered communicating with the Commission. I  
13 didn't know which way you were going to go. It  
14 was a thought only. It didn't go any further. I  
15 didn't know how to get a hold of everybody or  
16 anybody in particular. It's even a little  
17 difficult, even at this time.

18                   So that was -- but the motivating  
19 factor was probably the opportunity, again, to  
20 continue cultivating some of those seeds, some of  
21 those fruits that we worked on.

22                   CHAIRMAN LYNN: Mr. Huntwork.

23                   COMMISSIONER HUNTWORK: You have a  
24 wonderful resume with a lot of detail on it. One  
25 thing I can't tell from it, let me just ask you

1 this question: Do you have any experience  
2 starting a business or a governmental committee or  
3 agency from scratch, including creating a business  
4 plan, defining staffing, procurement needs, and  
5 staffing it?

6 MR. OCHOA: Yes, sir. I'm fortunate  
7 to have that kind of experience. My first job,  
8 one of the first jobs I had, was to start up an  
9 operation entitled "Extended Educational Center"  
10 for Western College in Yuma, Arizona, I was  
11 director of the Extended Educational Center at  
12 that time. 12 full-time employees, 180 part-time  
13 instructors by the time I finished that job. I'm  
14 saying that because when I first started that  
15 project, there were 250 people enrolled. When I  
16 finished, we had 5,000.

17 Immediately after that I was coming  
18 back to Phoenix. Chicanos Por Las Casas received  
19 a grant from the Department of Energy for a  
20 million plus and asked me if I would start up that  
21 project in Summerton. Chicanos Por Las Casas was  
22 started in Summerton. It was a project, really  
23 neat combination, addressed educational training  
24 needs, some community concerns, and addressed the  
25 solar retrofitting of solar panels and retrofitted

1 water heaters. The idea was to save energy.

2                   For that I hired a counselor, an  
3 accountant, three or four trainers, and we also,  
4 even though they were students, we also paid the  
5 students to participate in that project. I didn't  
6 really consider them employees, to be honest with  
7 you, considered them more students. And stipends  
8 went to them. Even though on an hourly basis,  
9 still seemed as students.

10                   Later on, later on I did start up  
11 other operations, one particular one I still own,  
12 Translation Services of Arizona. I had to develop  
13 various plans, business plans, and various, go  
14 through RFPs, RFQs, all those things you do, go  
15 through as a small business person. I was  
16 successful in getting a lot of them.

17                   I'll share a story as well, not all  
18 positive. I received, one of the bigger contracts  
19 I received initially, 50,000 from Maricopa County.  
20 And then as year went by, they called us to do  
21 maybe \$4,700 worth of work. So I thought that was  
22 kind of an interesting ratio, \$50,000, but less  
23 than \$5,000 worth of work. That kind of gave me a  
24 little heads up on how reporting can sometimes be  
25 misleading.

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Phoenix, Arizona

1                   The other thing, later on, of  
2 course, also applied and became preferred venders  
3 for Bank of America nationally, not me personally,  
4 other people do that kind of work.

5                   Also was involved in starting an  
6 operation called Megahertz and another one Media  
7 Cam, a Hispanic communication company. That was  
8 done prior to a lot of the communication companies  
9 now existing here in our state.

10                  The reason that I tried -- and I'll  
11 tell you another one not a success. Those are  
12 successful ones. I'll share one not successful.

13                  I do have some vision and do have  
14 ability to see where things are going at times,  
15 not always correctly, but at least to have some  
16 idea. I had been involved in developing a  
17 committee to address antismoking or -- address the  
18 tobacco problem in the state for Hispanics with  
19 American Cancer Society and others. That's when  
20 initial coalitions starting to take place that  
21 gave rise to the referendum that gave rise to all  
22 the money received at the Department of Health  
23 Services. There was A lot of focus on advertising  
24 by companies in the Hispanic community in terms of  
25 getting them to buy tobacco.

1                   I thought it would be a good idea to  
2 form a company in our state to do the opposite,  
3 teach people, called Camacho Sol la Medina. Frank  
4 Camacho was hired with the new company there, put  
5 finally after 12 years in a six figure income, and  
6 continues there as an anchor, has been there 12,  
7 14 years. And Heidi Fogelsong was going to get  
8 involved. So, subsequently, it never came about.  
9 So here we are.

10                   That's my experience with start-up  
11 operations.

12                   I was a representative of the  
13 regional office in Denver when I first came on.  
14 Had one office started for Census and then started  
15 another four offices for Maricopa County, two for  
16 Tucson, one for Yuma, one for Flagstaff. Had to  
17 be involved in developing job descriptions for  
18 executive directors and other positions, other  
19 management positions there.

20                   COMMISSIONER HUNTWORK: Thank you.

21                   CHAIRMAN LYNN: Mrs. Minkoff.

22                   COMMISSIONER MINKOFF: As I believe  
23 you are aware, we're going to be hiring technical  
24 consultants to work with the Redistricting  
25 Commission, helping us to design the maps and draw

1 the lines and develop the districts that would be  
2 a part of the final plan. Can you describe your  
3 prior experience working with technical  
4 consultants and how you would expect to interface  
5 with them through the executive director of the  
6 Commission?

7 MR. OCHOA: All right. For some of  
8 the companies that I've mentioned to you, we had  
9 to work with consultants to develop communication  
10 programs or also do various aspects of jobs we  
11 were given, sometimes when given a two three  
12 hundred thousand dollar job, you have to outsource  
13 because you can't do everything. A lot of jobs in  
14 media require a lot of attention, whether editing,  
15 slicing, or creating products, producing various  
16 type of work. And so for that, what I was in  
17 charge of was making sure that that was done  
18 properly.

19 And what I can say to that that  
20 maybe goes in line -- and, by the way, with a  
21 translation company, we had to hire a lot of -- at  
22 various times had a lot of work and it piles up  
23 and so we had to hire outside help.

24 In this -- within the Census, we did  
25 some of that, but not whole lot. Not a whole lot.

1 We had to do that for the production of Navajo  
2 materials, and that is to say somebody who could  
3 speak Navajo; because they don't have a written  
4 language, and then also had to do it for some of  
5 the Asian languages, had to hire them to produce  
6 spots for a couple of the radio shows they have,  
7 and also printed material for newspapers and  
8 newsletters they have in various languages,  
9 Korean, Vietnamese, various languages that exist  
10 here, they use here in our state.

11                   But maybe I should address with you  
12 in terms of what I think in terms of contract  
13 management is this. I think it's very similar to  
14 general management. You have to develop a  
15 mission, establish goals. You have to make those  
16 goals clear. The fact they have to be very  
17 measurable I think is of utmost importance. A lot  
18 of people get into contract management and use  
19 boilerplate type contracts where, you know, they  
20 just follow procedures. But I think that contract  
21 management requires you to be a little bit more  
22 precise in the establishment of those  
23 measurements, because you have less control over  
24 the people.

25                   With the people that work for you,

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Phoenix, Arizona

1 immediately there, you can talk to, supervise, and  
2 deal with that. But when they are contract  
3 individuals, you have less control. So you have  
4 to define time lines and you have to define  
5 measurable outcomes so that you can then see what  
6 kind of progress is being made, what kind of  
7 issues are arising. It will also show you what  
8 kind of support they may need or you may need in  
9 order to get them to do what you need for them to  
10 do.

11 CHAIRMAN LYNN: Enrique, the last  
12 question is mine. Before I ask it, I still want  
13 to know, generally, in the community, are you  
14 known as Enrique Medina or Enrique Ochoa or  
15 Enrique Medina Ochoa?

16 MR. OCHOA: If you call, I answer to  
17 both names. I'm probably known as Enrique. The  
18 same thing happens, it's not a criticism on the  
19 system, the reality is sometimes people use one  
20 name and sometimes another; sometimes Enrique  
21 Medina Ochoa, sometimes Ochoa. They do that a lot  
22 with names not Anglo names.

23 CHAIRMAN LYNN: Okay. You don't  
24 have a preference.

25 MR. OCHOA: After a while, you learn

1 that if they say one name or the other, if they  
2 call you, even negative names, that you have to  
3 kind of see what is really behind it.

4 COMMISSIONER MINKOFF: Wait. I  
5 won't let it go now, not yet.

6 What does your driver's license say  
7 now?

8 MR. OCHOA: Enrique Medina Ochoa,  
9 comas in between each.

10 If you call me "Enrique," I promise  
11 to answer.

12 CHAIRMAN LYNN: If referring to you,  
13 a position in the press, I call you Mr. Fill in  
14 the blank at our office.

15 MR. OCHOA: You probably, I think,  
16 to go along, call me by my last name. That would  
17 be Mr. Ochoa.

18 CHAIRMAN LYNN: Thank you.

19 MR. OCHOA: Mucho gracias.

20 CHAIRMAN LYNN: Good. Now a frame  
21 of reference. I'm in good shape.

22 You mentioned you have an ongoing  
23 business, translation business.

24 MR. OCHOA: Right.

25 CHAIRMAN LYNN: The last question is

1 related to that in particular.

2 MR. OCHOA: Okay.

3 CHAIRMAN LYNN: When could you start  
4 this job if successful in getting the position,  
5 and by starting the job, I mean devote 100 percent  
6 of your attention to this job as opposed to any  
7 other endeavor you may have?

8 MR. OCHOA: When I was working with  
9 the Census, basically I put aside any connection I  
10 had with the translation company. And I have a  
11 gentleman that I hired 15 years ago. He just  
12 finished his doctorate two years ago in Spanish  
13 literature. He's probably more able to run it  
14 than I am. I ask him send me a little golf money  
15 once in a while is the bottom line.

16 Other, in regards to being able to  
17 start, I'd probably be able to start tomorrow  
18 after calling my wife and making sure she was  
19 comfortable with that and she would allow me to  
20 start work tomorrow.

21 COMMISSIONER ELDER: Good answer.

22 CHAIRMAN LYNN: Safe answer.

23 CHAIRMAN LYNN: Mr. Ochoa, thank you  
24 very much, number one, for your interest in the  
25 position, number two, for joining us this

1 afternoon.

2 I ask that you --

3 You are welcome to stay through the  
4 end of the process if you would like. If you have  
5 other things to do and other concerns for your  
6 time, you are free to go at this point.

7 MR. OCHOA: I definitely appreciate  
8 your time. And again, I realize that it takes a  
9 lot of time away from your daily activities. I  
10 commend all of you and I thank you all for taking  
11 the time to interview us all.

12 CHAIRMAN LYNN: Thank you.

13 And may we have Mr. Hernandez.

14 CHAIRMAN LYNN: Mr. Hernandez.

15 MR. HERNANDEZ: Mr. Lynn.

16 CHAIRMAN LYNN: We want to thank you  
17 for expressing an interest to continue in the  
18 interim capacity in which you've been operating in  
19 the last couple weeks. In any case, we appreciate  
20 your help in the last several weeks, whatever the  
21 outcome of this process.

22 MR. HERNANDEZ: Uh-huh.

23 CHAIRMAN LYNN: Appreciate you being  
24 with us here today.

25 We should disclose for the record

1 all of us know you and have known you for two  
2 weeks.

3 MR. HERNANDEZ: Two weeks. Two  
4 intense weeks, I might add, Mr. Chairman.

5 COMMISSIONER MINKOFF: Maybe I  
6 should disclose he bought me two cups of coffee.  
7 I'm financially beholding. I promise to pay him  
8 back.

9 CHAIRMAN LYNN: The other thing I  
10 should indicate for the record, Mr. Hernandez has  
11 no prior information about questions being asked  
12 by virtue of his interim position, questions  
13 developed by Commissioners themselves, and  
14 questions asked when he has been out of the room.

15 We have a dozen questions to ask.  
16 I'll start first.

17 Tell us what you think this job  
18 entails. Don't stick to the job description.  
19 Expand on what you think the job really is going  
20 to consist of once someone is in the job  
21 permanently and then tell us why you think you are  
22 the most qualified to hold that position.

23 MR. HERNANDEZ: Okay. Well, I must  
24 start by saying this Commission is at a unique  
25 point in time in Arizona history. You have a

1 great opportunity to rise above the normal  
2 day-to-day challenges and misgivings about  
3 redistricting and rise above it and make 5.2  
4 million Arizonans the winners, true winners.  
5 There are a lot of states were watching how this  
6 state conducts itself, how the process works.  
7 That to me is quite exciting to be a part of.

8                   In terms of what the job, how I  
9 perceive the job, I think the initiative indicated  
10 five commissioners. The work at hand is to draw  
11 maps and do the best job you can to draw maps that  
12 allow as even a playing field as possible. The  
13 job and role of executive director, in my opinion,  
14 what I would recommend, is to handle the  
15 day-to-day administrative tasks, to set up the  
16 meetings, to facilitate public comment, let you  
17 guys know what people are thinking out there, and  
18 really just handle, handle the consultants, handle  
19 travel, all those incidental things that get in  
20 the way of doing the true work at hand which is  
21 drawing maps.

22                   My job is to try to isolate you from  
23 mundane things that take you away from the real  
24 job.

25                   As far as I see myself, I have a

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Phoenix, Arizona

1 long history with the Department of  
2 Administration. And a lot of tasks at hand are  
3 fairly similar and fairly familiar to me. One of  
4 my operations in the past has been to work with a  
5 lot of the small boards and commissions, so I have  
6 a lot of history and know the issues and problems  
7 that small agencies have in getting started,  
8 complying with the administrative requirements.  
9 And -- so in that regard, I think I'm a pretty  
10 good candidate.

11 CHAIRMAN LYNN: Mr. Elder.

12 COMMISSIONER ELDER: You made the  
13 comment "facilitate public comment." One of the  
14 issues, one of the things we really want to do is  
15 make sure that we have a good process of public  
16 outreach.

17 MR. HERNANDEZ: Uh-huh.

18 COMMISSIONER ELDER: How do you view  
19 the executive director's role facilitating or  
20 implementing public outreach?

21 MR. HERNANDEZ: One of the goals I  
22 had in mind, I'm hesitant to say this, it could be  
23 part of the request, one of the goals I wanted and  
24 had foreseen was to have an interactive website so  
25 the public can log on, look at draft maps, look at

1 where we are in the process, and give their input.  
2 That's -- it's so important to have buy-in to what  
3 we're trying to do here.

4                   And my role is to -- one of my roles  
5 would be to acknowledge every person who calls,  
6 has bothered to call, anybody who has written a  
7 letter, anybody who has attended a meeting.  
8 Everybody deserves a chance to be heard. And part  
9 of my job is to make sure everybody gets, in fact,  
10 contact.

11                   I don't think that with your  
12 schedules and your current professions and  
13 everything else -- you are busy people as it is,  
14 and you need help. I think I can do that.

15                   CHAIRMAN LYNN: Mr. Hall?

16                   COMMISSIONER HALL: As you already  
17 know, there's a variety of communication that must  
18 occur.

19                   MR. HERNANDEZ: Uh-huh.

20                   COMMISSIONER HALL: I think my  
21 sense, and probably yours and anyone's, it will  
22 increase in intensity. To communicate with five  
23 commissioners, legal counsel, DOA, state,  
24 consultants that we'll be adding, in addition to  
25 what Mr. Elder alluded to, what I'd like to you do

1 is describe for me, specifically describe how you  
2 would see a communication model or how in the role  
3 as executive director you would facilitate that in  
4 an effective manner.

5 MR. HERNANDEZ: Well, as I mentioned  
6 a moment ago, the website would be a critical  
7 part, pure telephone, voice message would be a  
8 critical part. Public meetings when we're  
9 advertising draft maps.

10 There are many mechanisms for  
11 information flow.

12 And I -- I've always been innately  
13 sensitive to the fact that the general public  
14 should be heard. And I think I'm fairly -- my  
15 sensitivity to that puts me a leg up on a lot of  
16 other folks that could be candidates for this job.

17 CHAIRMAN LYNN: Ms. Minkoff.

18 COMMISSIONER MINKOFF: Mr.  
19 Hernandez, first of all, thank you for being with  
20 us not just for this half hour but for the last  
21 couple of weeks.

22 I'm sure you are aware of the  
23 concerns expressed of the lack of minority  
24 representation on the Commission. If you were to  
25 be selected for this position, what steps could

1 you, would you take to address those concerns?

2                   MR. HERNANDEZ: Well, there are a  
3 number of community groups out there locally,  
4 Tucson, probably in rural Arizona as well. I  
5 think we should make a concerted effort, whether  
6 I'm here or not, I think the Commissioners, and  
7 whatever executive director selected should make a  
8 concerted effort to reach out to community groups,  
9 go visit the chambers, black chamber, go visit  
10 CPLC, Chicanos Por La Casa, go visit Friendly  
11 House, give a presentation. Let them know what we  
12 are. Let them know what we're thinking. As I  
13 said earlier, take feedback.

14                   CHAIRMAN LYNN: Mr. Huntwork?

15                   COMMISSIONER HUNTWORK: I apologize  
16 in advance, but I'm going to read you a question  
17 verbatim so it's exactly the same as we have asked  
18 all the other applicants.

19                   We feel that our executive director  
20 will need to be able to work with people in all  
21 communities of interest and all political  
22 affiliations throughout our state. Have you been  
23 involved in any activities of a partisan nature,  
24 whether political or otherwise, that might  
25 alienate any group that you will need to be able

1 to work with in order to do your job effectively  
2 or if it became generally known might otherwise  
3 interfere with the performance of your work?

4 MR. HERNANDEZ: Well, one quality  
5 I've had since my youth was that I've always  
6 tended to be a nonpartisan individual. My family  
7 is life-long Democrats, without question; but I  
8 grew up in Tucson, Arizona. Anybody from Tucson  
9 will remember there was a famous Republican in  
10 Maricopa named Lou Murphy. I grew up voting, my  
11 family voted for Lou Murphy. We were Democrats.

12 At a young age I saw vote the  
13 person, not straight party. I've continued that  
14 history throughout my life.

15 As a young man I worked for Governor  
16 Bruce Babbitt. Later on, I supported many  
17 Republican candidates. I'd be surprised if  
18 anybody said I was terribly partisan one way or  
19 the other.

20 CHAIRMAN LYNN: Mr. Hernandez, if  
21 you could identify any areas in your experience or  
22 resume where you think they are weak or falls  
23 short of the requirements of this particular job  
24 and then spend a little time talking about what  
25 you would do about that, these shortcomings or

1 weaknesses.

2                   MR. HERNANDEZ: I would say one  
3 definite shortcoming is I, once I make a  
4 commitment to my bosses about a task, and you guys  
5 are expecting that, I am one of those strange guys  
6 that stays there all night until the task is  
7 completed, at the expense of my family, probably.  
8 But I follow through on tasks, stay as late as I  
9 need to do on Saturday, et cetera. The  
10 unfortunate and down side is I expect the same of  
11 subordinate staff. That's a definite shortcoming,  
12 you make demands on some of your colleagues to  
13 exit the same level of commitment you have to  
14 whatever organization you are working for.

15                   CHAIRMAN LYNN: Mr. Elder.

16                   COMMISSIONER ELDER: A little bit  
17 more of a thinking question.

18                   One of our work products is to  
19 prepare the document that ends up going to DOJ for  
20 review, declare approvals, various parts of the  
21 state for comment prior to that. What experience  
22 have you had in preparation of documents such as  
23 this?

24                   MR. HERNANDEZ: A document of this  
25 magnitude, probably not much. It's different

1 doing a few grant proposals, federal grant  
2 proposals, and doing a task of the magnitude of  
3 what we're trying to do here.

4 Have I done things? Yes. A lot of  
5 experience? Pretty fair. Anything with  
6 Department of Justice? No.

7 CHAIRMAN LYNN: Mr. Hall.

8 COMMISSIONER HALL: What would you  
9 say is your strongest personal attribute or  
10 characteristic and how would you say that would  
11 most benefit your function in this capacity?

12 MR. HERNANDEZ: Well, I was blessed  
13 with really good parents. They taught me right  
14 from wrong. And I'd say personal integrity is  
15 what I have. I do what I say I'm going to do.

16 CHAIRMAN LYNN: Ms. Minkoff.

17 COMMISSIONER MINKOFF: Mr.  
18 Hernandez, you've been with DOA for a number of  
19 years, have a good job, secure job. This job is  
20 in everybody's gun sites. Why did you decide to  
21 apply?

22 MR. HERNANDEZ: It's quite innocent.  
23 I received a call from the director a few weeks  
24 back, March 2nd. He asked if I'd be willing to  
25 help out a new Commission. Because of my

1 excitement with small boards, Commissions, I  
2 innocently said, "Sure." He said -- I asked,  
3 "When would this commence?" He said, "In about 45  
4 minutes."

5                   So my interest, I came into this  
6 quite innocently, quite naively, and was pretty  
7 overwhelmed by the pent up administrative demands  
8 Commission had. I sat innocently in the audience  
9 and took a beating.

10                   As I worked with each of you and I  
11 watched this task more intensely, and I see what  
12 our goals are, this is something I would like to  
13 be a part of.

14                   CHAIRMAN LYNN: Mr. Huntwork.

15                   COMMISSIONER HUNTWORK: Just making  
16 a note here.

17                   CHAIRMAN LYNN: Take your time.

18                   COMMISSIONER HUNTWORK: Do you have  
19 any experience starting a business or an agency,  
20 you know, Commission, from scratch, including  
21 creating an initial business plan, the staffing,  
22 plan, equipment, and so on, and then carrying  
23 through with procurement and administration?

24                   MR. HERNANDEZ: Well, in private  
25 life I was charged with building a campaign

1 organization in rural northwest Iowa, did not know  
2 a sole. And you literally moved there, set up  
3 shop, and figure out who the leaders are and go  
4 after supporters. That was tough. So that was  
5 great experience. Also just in government, there  
6 have been new assignments, like fleets, and  
7 boards, and commissions where it was quite foreign  
8 to me and I jumped in and figured it out. And  
9 over the years I've had really good reviews  
10 overall at an agency level.

11                   So I -- there's nothing more boring  
12 than talking about yourself. I really don't like  
13 talking about myself.

14                   We've had some really good success,  
15 I must say.

16                   CHAIRMAN LYNN: Ms. Minkoff.

17                   COMMISSIONER MINKOFF: Mr.

18 ernandez, you know we're going to be, you know  
19 because you sat through the presentation, we're  
20 going to be hiring technical consultants to assist  
21 the Commission in drawing its lines and creating  
22 its maps. Can you describe prior experience  
23 working with technical consultants and how you  
24 would expect to interface with them if you were  
25 the executive director?

1                   MR. HERNANDEZ: Over the years, some  
2 of my other areas I control, we've hired, I've  
3 hired national fleet consultants to come in, take  
4 a look at our operation, so I worked very  
5 intensely with that. And that was a -- that was a  
6 unique experience. You got an outsider telling  
7 you how they think the world should be. And it's  
8 an art, because there's a lot of give and take.  
9 But ultimately, the results we had were quite  
10 good.

11                   CHAIRMAN LYNN: Mr. Hernandez, the  
12 last question is mine. I suspect I know the  
13 answer to this. I'll ask it anyway.

14                   Should you be successful in getting  
15 this position on a full-time -- temporary  
16 full-time basis, because obviously it's a  
17 temporary position, but it is full time while it  
18 lasts, how quickly could you start and how fully  
19 could you devote your energies here as opposed to  
20 any of your other duties?

21                   MR. HERNANDEZ: Well, time is of the  
22 essence here. As far as I'm concerned, this  
23 Commission cannot get started with the process of  
24 drawing lines and testing the maps against the  
25 guidelines in the initiative, we can't get started

1 fast enough. There's a ton of work. There's a  
2 phenomenal amount of work to be done here.

3                   Part of the charge of the job, in  
4 spite of what Ms. Minkoff described as scrutiny  
5 and rock throwing, part of the charge of the job  
6 is being faced with a task of that magnitude. I'm  
7 not the kind that backs down from that sort of  
8 thing.

9                   CHAIRMAN LYNN: Specifically you  
10 have responsibilities from the Department of  
11 Administration. You are on loan to the  
12 Commission. If you are successful in getting the  
13 job officially, how quickly could you discharge  
14 your other duties, get them off your plate so you  
15 could devote a hundred percent of your time here?

16                   MR. HERNANDEZ: Mr. Chairman, I  
17 think that that could be done within just a few  
18 days. We've already made moves now, because in  
19 the last couple weeks you guys have kept me fairly  
20 busy and hopping. And we've made internal moves  
21 now to make sure we don't go backwards in various  
22 areas I run.

23                   I'd say a matter of a few days.

24                   I do need to add I need to talk to  
25 my director and let him know. I'm not sure he's

1 aware I was even applying on a full-time basis.

2                   CHAIRMAN LYNN: Mr. Hernandez, thank  
3 you very much. As with all the candidates, we  
4 thank all of them for their interest and  
5 willingness to appear.

6                   That concludes the interview portion  
7 of what we're doing.

8                   MR. HERNANDEZ: All right.

9                   CHAIRMAN LYNN: We thank you very  
10 much.

11                   Now let me ask the Commission what  
12 their pleasure is with regard to deliberations on  
13 selection of executive director in terms of  
14 whether or not you wish, under the rules, to go  
15 into executive session.

16                   I believe, Mr. Kanefield, that is  
17 permissible in this part of the process?

18                   MR. KANEFIELD: Yes.

19                   CHAIRMAN LYNN: For the purpose of  
20 discussing personnel issues, we have that ability.  
21 I want to ask your thoughts on that.

22                   Ms. Minkoff.

23                   COMMISSIONER MINKOFF: I'd prefer to  
24 do it in executive session.

25                   CHAIRMAN LYNN: May I have a motion?

1 COMMISSIONER MINKOFF: So moved.

2 CHAIRMAN LYNN: Second?

3 COMMISSIONER HUNTWORK: Second.

4 CHAIRMAN LYNN: It's been moved and  
5 seconded.

6 Discussion?

7 Hearing none, all those in favor of  
8 going into executive session to discuss personnel  
9 matters of executive director, signify by saying  
10 "aye."

11 (Vote taken.)

12 CHAIRMAN LYNN: Opposed, "no."

13 "Ayes" have it.

14 Again, in terms of timing, ladies  
15 and gentlemen, I don't know how long it will take.  
16 If you would like to wait, you're certainly  
17 welcome to wait outside. We'll take whatever time  
18 is necessary to take to make our discussion  
19 portion and come back to actually deal with the  
20 issue.

21 Thank you.

22 (Whereupon, the Commission convened  
23 in Executive Session.)

24 (Whereupon, the Commission  
25 reconvened in Open Session at approximately

1 6:30 p.m.)

2 CHAIRMAN LYNN: All right. We will  
3 reconvene the open session of the Commission.

4 Let me make a couple of quick  
5 statements.

6 First of all, I want to indicate  
7 that the lengthy executive session was indicative  
8 of there being a number of very strong candidates  
9 with a number of attributes that we tried to fully  
10 assess and to take the measure of in our  
11 discussions. I also want to mention that once the  
12 vote is taken, Ms. Minkoff has a previous  
13 engagement which she will be leaving to attend and  
14 her departure should not be taken as anything  
15 other than having a previous engagement and --  
16 having a previous engagement.

17 COMMISSIONER MINKOFF: I signed on  
18 for better, for worse, maybe for lunch, but not  
19 for dinner.

20 CHAIRMAN LYNN: I'd also like to ask  
21 the Commission, because of what we're about to do,  
22 I want everyone to understand the discussion in  
23 executive session is just that, discussion. We  
24 don't have a decision in mind. What you are going  
25 to see is a difficult process played out to

1 conclusion.

2                   Any candidate that receives three  
3 affirmative votes for their candidacy once that  
4 vote is taken will be selected.

5                   In order to make sure we have an  
6 accurate voting record, I would suggest, without  
7 objection, once a candidate's name has been placed  
8 in nomination, that we in effect take a roll call  
9 vote on each one so we know what we have at the  
10 end of that roll call without objection.

11                   COMMISSIONER MINKOFF: Okay.

12                   CHAIRMAN LYNN: The last thing I  
13 will say, and then we'll get to it, I want to be  
14 sure everyone knows what we're voting on. At this  
15 point we will be voting on the candidate to whom  
16 the position will be offered subject to a  
17 reference and employment verification performed by  
18 the Department of Administration. So --

19                   COMMISSIONER HALL: And salary.

20                   CHAIRMAN LYNN: And a salary  
21 negotiation, an acceptable salary negotiation.

22                   So members of the press, understand  
23 that whereas we have made a referral to the  
24 Department of Administration, we have not  
25 technically hired anyone until that is completed

1 and the negotiation is subsequently completed. I  
2 just want to make that clear.

3 Any motion made for any candidate  
4 would need to have that language embedded in it,  
5 if you will, and not necessarily read, but it's  
6 understood that that is the case.

7 The Chair would entertain an  
8 affirmative motion.

9 COMMISSIONER HALL: Before that,  
10 Mr. Chairman, I just want to also say that and  
11 make it clear that, you know, we -- we've had a  
12 rather vigorous discussion and that I think that  
13 it's evident that this Commission has evaluated  
14 the applicants with a rather deep level of detail,  
15 if you will, or intimacy. And I think that's  
16 important for the record, to be noted on the  
17 record.

18 CHAIRMAN LYNN: Thank you, Mr. Hall.

19 Any other comments, I'll offer to  
20 Commissioners, before we go to an affirmative  
21 motion, if they wish to make one.

22 Mr. Huntwork.

23 COMMISSIONER HUNTWORK: Mr. Chairman,  
24 I would like to make a motion. If no one else has  
25 anything to say, I'll do that.

1                   Before I say anything, I would like  
2 to echo your comment. We interviewed five  
3 outstanding candidates. And the task we have is  
4 to try to select the one that most fully and  
5 completely reflects the needs of the Commission as  
6 we see it. So it's a difficult, a difficult  
7 choice in that respect.

8                   The motion I would like to make is  
9 that we select William Hernandez as our executive  
10 director.

11                   CHAIRMAN LYNN: Is there a second?

12                   Hearing none, the motion dies for  
13 lack of a second.

14                   Is there an affirmative motion?

15                   COMMISSIONER HALL: I'd like to make  
16 a motion that we hire, subject to the  
17 contingencies that you have referenced,  
18 Mr. Enrique Medina Ochoa.

19                   CHAIRMAN LYNN: Is there a second?

20                   COMMISSIONER MINKOFF: I'll second  
21 that.

22                   CHAIRMAN LYNN: Is there discussion?

23                   Hearing no public discussion, I  
24 would ask for a roll call.

25                   Mr. Huntwork?

1 COMMISSIONER HUNTWORK: Yes.

2 CHAIRMAN LYNN: Ms. Minkoff?

3 COMMISSIONER MINKOFF: Yes.

4 CHAIRMAN LYNN: Mr. Hall?

5 COMMISSIONER HALL: Yes.

6 CHAIRMAN LYNN: Mr. Elder?

7 COMMISSIONER ELDER: Yes.

8 CHAIRMAN LYNN: The Chair votes yes.

9 It's the unanimous recommendation

10 that the Department of Administration first  
11 perform the necessary checks on Mr. Enrique Medina  
12 Ochoa and that subsequent to that we enter into a  
13 negotiation on salary and benefits; that with the  
14 successful completion of those processes, that we  
15 would engage Mr. Ochoa's services as executive  
16 director.

17 Without objection to deal with the  
18 salary portion of the negotiations, if the  
19 Commission would like, I would be happy to serve  
20 as your representative in that regard. There is a  
21 posted limit on the position, so you understand  
22 the upper set limit of what could be negotiated.  
23 But I'd be happy to do that unless someone else  
24 would like to take that responsibility.

25 COMMISSIONER MINKOFF: Good

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1 heaven's, no.

2                               Need a motion?

3                               CHAIRMAN LYNN: No. But without  
4 objection?

5                               COMMISSIONER HALL: Are you saying  
6 we need to set a cap?

7                               CHAIRMAN LYNN: A cap has been set.  
8 Negotiations take place up to the cap. My  
9 responsibility will be to see those take place.

10                              COMMISSIONER HALL: Are you sure  
11 you'll be aggressive?

12                              CHAIRMAN LYNN: Yes, Mr. Hall, I'll  
13 be aggressive.

14                              COMMISSIONER ELDER: I'd like, this  
15 is still open for discussion, I'd agree to have  
16 you do that. I would like to have you negotiate  
17 a, I guess I'd call it, a tiered structure, the  
18 tiered structure being we'll have a very intense  
19 maybe five, six, eight months. We may very well  
20 have a need for a part-time director subsequent to  
21 that time for the next four months while we may be  
22 doing outside, you know, here's what happened,  
23 here's what we went to DOJ with. And I'd like to  
24 have somebody that would be there to be able to  
25 coordinate and do that type of thing, maybe that

1 we could extend the contract, you know, with  
2 mutual agreement to give us that flexibility to  
3 have that outreach for the public after we've done  
4 the best job we can. Hopefully the courts will  
5 agree.

6 CHAIRMAN LYNN: Part-time basis.

7 COMMISSIONER ELDER: Part-time  
8 basis.

9 COMMISSIONER HALL: Would it be  
10 appropriate, for the benefit of Mr. Ochoa, at  
11 least, to set a minimum time frame? You know, I  
12 mean he has to -- a life to live.

13 CHAIRMAN LYNN: Might I suggest  
14 this: We know there's a certain amount of work to  
15 be done up to a certain point. Let's negotiate  
16 that right now. And that's all that was in the  
17 announcement to begin with. And then let's  
18 subsequently discuss with the executive director  
19 once hired any sort of ongoing responsibilities  
20 and compensation beyond what we know we need.

21 COMMISSIONER ELDER: That would be  
22 fine. Without objection, you are --

23 CHAIRMAN LYNN: Without objection  
24 I'm it.

25 COMMISSIONER MINKOFF: Without

1 objection, can I leave?

2                   CHAIRMAN LYNN: Thank you,  
3 Ms. Minkoff, for staying.

4                   COMMISSIONER MINKOFF: As long as I  
5 can leave.

6                   COMMISSIONER ELDER: I imagined that  
7 is what it was.

8                   CHAIRMAN LYNN: Item 14 is a  
9 discussion of additional staffing requirements.  
10 It's on the agenda simply as an item in case there  
11 is something to be discussed under this item. My  
12 suggestion would be upon rapid, I think,  
13 completion of tasks the department will be  
14 undertaking, let's say, in the next couple days,  
15 if, after Mr. Ochoa communicating with his wife  
16 about the efficacy of taking this job on, that we  
17 would rapidly conclude that portion of the  
18 deliberations. And I would suggest that we rely  
19 in part on Mr. Ochoa and discussion with the  
20 Commission about further staffing at this point.

21                   Any other comment?

22                   Mr. Elder?

23                   COMMISSIONER ELDER: I'm not clear.  
24 You say in discussion with the Commission we talk  
25 with Mr. Ochoa as individuals or are we going to

1 have another meeting to discuss with Mr. Ochoa the  
2 form, function, direction we want to go with --

3 CHAIRMAN LYNN: I'd like to do the  
4 reverse, have Mr. Ochoa tell us how he sees  
5 staffing from his perspective.

6 COMMISSIONER HALL: Individually.

7 CHAIRMAN LYNN: Individually for  
8 now. We know we have another meeting coming up.  
9 We know the next item, early April, is considering  
10 technical consultants. It's probably appropriate  
11 at that same time to hear from Mr. Ochoa about his  
12 staffing plan and how he proposes to achieve that.

13 COMMISSIONER HALL: Prior to that  
14 time, without objection, I suggest he may want to  
15 contact each Commissioner individually and --

16 CHAIRMAN LYNN: It's perfectly  
17 acceptable to do that as well.

18 COMMISSIONER HALL: Okay.

19 CHAIRMAN LYNN: Any further  
20 discussion under item 14, additional staffing  
21 requirements, at this time?

22 Hearing none, we'll move to item 15,  
23 which is again public comment.

24 Is there any member of the public  
25 wishing to be heard at this time in matters either

1 currently or prospectively before the Commission?

2                   Seeing no one seeking recognition,  
3 I'll move to item 16, agenda item and dates for  
4 future meetings.

5                   I believe that there was some  
6 discussion earlier about, again, depending on the  
7 agenda, for -- or time frame for the consultant,  
8 technical consultant, that the proposals from  
9 consultants would be in on April 2nd; that there  
10 was a previous agreement that we could meet in the  
11 morning. And my understanding from Ms. Minkoff,  
12 prior to her departure, is that she would need to  
13 be finished by early afternoon, 1:00 or 1:30 at  
14 the latest.

15                   So my suggestion would be that we  
16 attempt to next meet the morning of April 5th.  
17 And I think we should start as early as feasible,  
18 which seems to be about 8:30, the same time we  
19 started today, with the idea we'd then hear  
20 consultants and make some other decisions in about  
21 a half-day meeting.

22                   Mr. Huntwork.

23                   COMMISSIONER HUNTWORK: Mr. Chairman,  
24 I can certainly meet earlier than that if those of  
25 you from out of town have to come in the night

1 before anyway in order to meet at that time. We  
2 could certainly start earlier.

3 CHAIRMAN LYNN: Name a time. 8:00  
4 o'clock is fine with me. Earlier might not be --

5 COMMISSIONER HUNTWORK: Even 7:00?

6 CHAIRMAN LYNN: We don't have a  
7 place yet.

8 MR. HERNANDEZ: You do have a place  
9 arranged.

10 CHAIRMAN LYNN: For the 5th?

11 MR. HERNANDEZ: I arranged for the  
12 Governor's conference room, second floor  
13 conference room, for the 5th or 6th. The 5th is  
14 better, because Mr. Adler is not available on the  
15 6th.

16 CHAIRMAN LYNN: The 5th is the  
17 appropriate date.

18 MR. HERNANDEZ: Okay.

19 CHAIRMAN LYNN: What time does that  
20 building open?

21 MR. HERNANDEZ: That building is  
22 open by 6:30.

23 COMMISSIONER HALL: The address of  
24 that?

25 MR. HERNANDEZ: 1700 West

1 Washington, the Governor's Office.

2 CHAIRMAN LYNN: Same one the  
3 Secretary of State's Office was in, second floor.

4 MS. SCHELL: The executive tower.

5 CHAIRMAN LYNN: I can't speak for  
6 Ms. Minkoff, but as she was wanting to leave  
7 early, she must be willing, by implication, to  
8 start earlier.

9 COMMISSIONER HUNTWORK: Start  
10 earlier.

11 COMMISSIONER ELDER: Will we  
12 interview consultants.

13 CHAIRMAN LYNN: Might have other  
14 items to take, first deal with other items. By  
15 then all the business with Mr. Ochoa will be  
16 completed. We'll be able to hear from him about  
17 staffing requirements, other things, construct the  
18 agenda to accommodate outside consultants in for  
19 interviews.

20 7:00 is not too early for me,  
21 either, so I'm -- I mean you -- just pick a time.  
22 I'm happy to go with what you want to do.  
23 Mr. Huntwork suggests 7:00. That's fine with me.

24 Joshua, are you awake?

25 Let's split and say 7:30.

1 COMMISSIONER HUNTWORK: Sold.

2 CHAIRMAN LYNN: 7:30 on the 5th.

3 Our next meeting is 7:30 on the 5th,  
4 1700 West Washington, Second Floor Conference  
5 Room.

6 Item 17, mercifully, after a two-day  
7 agenda, the Commission will stand adjourned until  
8 7:30 April 5th.

9 MS. HAUSER: May I ask a quick  
10 question, Mr. Chairman?

11 CHAIRMAN LYNN: We were close to  
12 done, Ms. Hauser.

13 MS. HAUSER: Is there anything to be  
14 done from counsel, assuming we have contracts set  
15 by then, prior to or for the next meeting?

16 CHAIRMAN LYNN: I think my  
17 preference would be once the process is completed  
18 with Mr. Ochoa, both counsel meet with Mr. Ochoa  
19 at his convenience to discuss the relationship, if  
20 you will, and how office space and other issues  
21 will be dealt with, to the extent you will need  
22 office space in the complex where we're now  
23 located, and those kind of mechanical things.  
24 Beyond that, I can't think of anything yet but --  
25 Mr. Hall?

1                   COMMISSIONER HALL: I would -- weeks  
2 ago, we had a time line presented to us by --  
3 prepared by the Attorney General's Office. I  
4 don't know, Mrs. Hauser, if you've seen a copy of  
5 that.

6                   MS. HAUSER: Yes.

7                   COMMISSIONER HALL: I would like her  
8 or them to make that -- to flush that out and  
9 to -- and, as appropriate, provide more detail  
10 and, in essence, say, make a presentation to this  
11 Commission, educate us: Here is the general time  
12 line. Here are the facts. Here are land mines.  
13 Here's my experience.

14                   I just really think that we,  
15 especially given Mrs. Hauser's experience  
16 previously, that would be beneficial to the  
17 Commission.

18                   CHAIRMAN LYNN: The only wild card  
19 from my standpoint is how much time the  
20 consultants need for their work. We won't know  
21 until we engage them. Start to finish, from a DOJ  
22 review standpoint, that's certainly something we  
23 can take another look at.

24                   COMMISSIONER HALL: Maybe the  
25 details of how you see the -- you see it flowing.

1 I mean -- I think we can push consultants. Didn't  
2 we in the RFP?

3 CHAIRMAN LYNN: There's only so much  
4 they can do in a certain amount of time. That's  
5 the part of the process I want to allow enough  
6 time for. That's the part that will give us --

7 COMMISSIONER HALL: The meat.

8 CHAIRMAN LYNN: Mr. Elder.

9 COMMISSIONER ELDER: Just for  
10 discussion right now, one of the things I'd almost  
11 like to have Ms. Hauser to do would be to give us  
12 a historical perspective of challenges that have  
13 occurred in the State of Arizona from like '90 to  
14 current. You know, what was the issue, how was it  
15 resolved, what were the pitfalls or what were  
16 mistakes that were made and here's how I recommend  
17 I make sure we don't fall into those same  
18 situations.

19 CHAIRMAN LYNN: From Ms. Hauser and  
20 Mr. Rivera?

21 COMMISSIONER ELDER: I'm sorry,  
22 "counsel" in quotes.

23 MS. HAUSER: I'll call him.

24 COMMISSIONER HALL: Did you read the  
25 article by Mr. --

1 MS. HAUSER: No.

2 COMMISSIONER HALL: By Cantelme.

3 CHAIRMAN LYNN: We need to get you a  
4 copy of that.

5 COMMISSIONER HALL: I'm curious of  
6 your opinion of that. That's related to what  
7 Mr. Elder just said.

8 MS. HAUSER: Sure.

9 CHAIRMAN LYNN: We'll make sure you  
10 get a copy of that.

11 Anything else for the agenda?

12 Is that a hand?

13 COMMISSIONER HUNTWORK: It's sort of  
14 a hand.

15 Once again, we're going to  
16 distribute the agenda and have an opportunity to  
17 reflect on that?

18 CHAIRMAN LYNN: Exactly.

19 COMMISSIONER HALL: Are you bringing  
20 EDC back?

21 CHAIRMAN LYNN: Depends on whether  
22 they submit.

23 COMMISSIONER HALL: Assuming they  
24 submit, are you bringing them back?

25 CHAIRMAN LYNN: I think we have to.

1                   Our procurement people aren't here.

2                   The same people that dealt with us  
3 on legal will deal with us on this. I think we  
4 have to bring them back.

5                   COMMISSIONER HALL: Okay. I'd  
6 really like to stay longer, but without  
7 objection --

8                   CHAIRMAN LYNN: I understand that.  
9 Mr. Elder.

10                  COMMISSIONER ELDER: Do we need a  
11 motion for adjournment?

12                  CHAIRMAN LYNN: Not if on the  
13 agenda, and it is. Let me get to it.

14                  COMMISSIONER ELDER: Call the  
15 question.

16                  CHAIRMAN LYNN: Thank you all very  
17 much for your diligence.

18                  (Whereupon, the hearing concluded at  
19 approximately 6:43 p.m.)

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21                                   \* \* \* \*

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25

1 STATE OF ARIZONA )  
 ) ss.  
2 COUNTY OF MARICOPA )

3

4 BE IT KNOWN that the foregoing hearing  
5 was taken before me, LISA A. NANCE, RPR, CCR,  
6 Certified Court Reporter in and for the State of  
7 Arizona, Certificate Number 50349; that the  
8 proceedings were taken down by me in shorthand and  
9 thereafter reduced to typewriting under my  
10 direction; that the foregoing 317 pages constitute  
11 a true and accurate transcript of all proceedings  
12 had upon the taking of said hearing, all done to  
13 the best of my ability.

14 I FURTHER CERTIFY that I am in no  
15 way related to any of the parties hereto, nor am I  
16 in any way interested in the outcome hereof.

17 DATED at Phoenix, Arizona, this 26th  
18 day of March, 2001.

19

20

21

22 \_\_\_\_\_  
LISA A. NANCE, RPR  
23 Certified Court Reporter  
Certificate Number 50349

24

25

