THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF SPECIAL MEETING

Phoenix, Arizona
August 22, 2017
10:33 a.m.

COASH & COASH, INC.
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Prepared by:
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<td>1 <strong>SPECIAL MEETING BEFORE THE CITIZENS CLEAN</strong></td>
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<td>2 ELECTIONS COMMISSION convened at 10:33 a.m. on</td>
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<td>3 August 22, 2017, at the State of Arizona, Clean</td>
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<td>4 Elections Commission, 1616 West Adams, Conference Room,</td>
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<td>5 Phoenix, Arizona, in the presence of the following Board members:</td>
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<td>6 Mr. Steve Titla, Chairman (Telephonic)</td>
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<td>7 Mr. Mark S. Kimble (Telephonic)</td>
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<td>8 Mr. Damien Meyer (Telephonic)</td>
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<td>9 Mr. Galen D. Patton (Telephonic)</td>
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<td>10 Ms. Amy S. Chan (Telephonic)</td>
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<td>11 OTHERS PRESENT:</td>
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<td>12 Thomas M. Collins, Executive Director</td>
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<td>13 Paula Thomas, Executive Officer</td>
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<td>14 Sara Larsen, Financial Affairs Officer</td>
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<td>15 Mike Becker, Policy Director</td>
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<td>16 Alec Shaffer, Web Content Manager</td>
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<td>17 Stephanie Cooper, Executive Support Specialist</td>
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<tr>
<td>18 Kara Karlson, Assistant Attorney General</td>
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<td>19 Nathan Arrowsmith, Osborn Maledon, P.A.</td>
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<td>20 Lee Miller, AZ Secretary of State's Office</td>
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<td>21 Jeanne Galvin, Assistant Attorney General</td>
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<td>22 Joseph Larue, Assistant Attorney General</td>
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<td>23 Jesus Rubalcava, Self (Telephonic)</td>
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<td>24 Dustin Gardiner, Arizona Republic</td>
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**PROCEEDING**

1 CHAIRMAN TITLA: Okay. Why don't we call this meeting to order.
2 Roll call.
3 MR. COLLINS: Commissioners, if you could announce yourself for the record, that would be helpful.
4 COMMISSIONER PATON: This is Galen Paton.
5 COMMISSIONER MEYER: This is Commissioner Meyer.
6 COMMISSIONER CHAN: Commissioner Chan here too.
7 COMMISSIONER KIMBLE: Mark Kimble.
8 CHAIRMAN TITLA: This is Steve Titla here, chairman of the board.
9 Do we have a quorum?
10 MR. COLLINS: Yes, Mr. Chairman, we do.
11 CHAIRMAN TITLA: Okay. Tom, I'm trying to open the agenda on my computer here.
12 MR. COLLINS: Yeah.
13 CHAIRMAN TITLA: But what's the next item on the agenda?
14 MR. COLLINS: Mr. Chairman, the next item on the agenda is the executive director's report.
1 Mr. Miller and then I'm happy to come back for further questions if you have any.
2 So with that, Mr. Chairman and
3 Commissioners, do you have any questions on what I've outlined in the written materials or what I've said here this morning?
4 CHAIRMAN TITLA: Any questions for Mr. Collins?
5 (No response.)
6 CHAIRMAN TITLA: Commissioners?
7 (No response.)
8 CHAIRMAN TITLA: If not, if we can go to the next person, Tom.
9 MR. COLLINS: Yes, sir.
10 MR. MILLER: Mr. Chairman, members, my name is Lee Miller. I serve as the Deputy Secretary of State. Thank you very much for an opportunity to visit with you-all this morning. I will summarize the email that I sent to Tom and Mary O'Grady.
11 Simply put, in this particular instance, the Secretary of State's office simply acts as a printer of notices, of information, of reports, of proposals, of final decisions that we get from boards, commissions and state agencies. We have no legal authority over the content of what's in the code. We can restore those provisions which were taken out of the code back into the code through the wonder of computers.
12 And, specifically, there is a statute which governs what our relationship is with the Governor's Regulatory Review Council, A.R.S. 41-1056. And as I highlighted in the email, it -- that statute articulates a very specific process for the Secretary of State's Office for the publications division of the Secretary of State's Office to adhere to when we receive notices from GRRC.
13 And so what we note that the -- the Commission is attempting to resolve a jurisdictional issue with the Regulatory Review Council: Does the Regulatory Review Council have any authority whatsoever over the Commission? And I earnestly look forward to a rapid resolution of that question. In the meantime, I am bound by statute, and this statute 41-1056 tells me at Subsection J that if I get a notice from GRRC that a rule has expired, number one, I will publish a notice that -- essentially, I will -- I will transcribe the notice from GRRC and put it in the register.
14 I will after -- and in the next edition of the code that goes forward, I will simply delete that section which GRRC has noticed as expired, and that is exactly what we did in this instance. We did nothing more, nothing less than we do with every single other board, commission and agency. We follow strictly the direction we get from GRRC. We follow strictly the -- our statutory obligations, and we have in no way, shape or form chosen a side, taken a position. Frankly, we believe we have no discretion in -- in the instance of removing these two rules from the code.
15 Now, I fully recognize that the Commission disputes whether GRRC has the authority to do that, whether GRRC had the authority to issue that notice, and we attempted to capture that dispute in an editor's note in the code. In the meantime, I am -- I believe I am bound by the statute in the absence of a resolution, a legal resolution to the Commission's -- GRRC's authority to declare those two rules expired, but having said that, know that in literally 60 seconds I can restore those provisions which were taken out of the code back into the code through the wonder of computers.
16 And so just -- and we have asked the representative from the Attorney General's Office that represents that section of our office. Those attorneys are different than the attorneys that represent you-all at the AG's office and represent us on election matters, but we have asked them for legal advice. I spoke with your attorney, Mary O'Grady, yesterday about this particular matter and said literally one minute after somebody gives me a legal rationale for getting past the obligations that the Secretary of State has under 41-1056, those rules will go back into the code. And so what I really wanted to leave you with today is an assurance that we didn't choose a side. We're not taking a position. We don't believe one side or another is right or wrong in the Clean Elections Commission's attempting to resolve the jurisdictional issue with GRRC, but in the meantime, I'm stuck with the statute. I'm stuck with the commands and the notices I get from GRRC, and we follow those as we would deal with any other board, commission or agency of the state. And with that, I'm available for any questions if you have any.

COMMISSIONER CHAN: Mr. Chairman, this is Commissioner Chan. I wanted to thank Lee for coming to talk to us about this.

I do have a question for you, Lee, but first, I would just like to make a comment. I mean, I...
1 recognize the role you're in doing these publications,
2 but saying that your office doesn't take a position or
3 a side on this, I think is a little disingenuous just
4 because I believe we're in this position because of
5 some lobbying by your office. So I just want to make
6 that comment. And if I'm incorrect, you can -- you can
7 please feel free to correct me on the record.
8 But I was curious. It seems like there was
9 a little bit of a delay in making this change since
10 GRRC took their action, and I just wondered if you
11 could go over why that was. I think the GRRC action
12 took place -- I mean, it was at least a month ago,
13 wasn't it? Does it always take this much to make such
14 a change? Because I believe since there was no change
15 we were under the impression that you guys were not
16 taking a position and were leaving both of the rules
17 in place while we kind of work this out.
18 Mr. Miller: Mr. Chairman, Commissioner
19 Chan, fellow members of the commission, the
20 Administrative Register and the Administrative Code are
21 not -- unlike, for example, the Code of Federal -- Code
22 of Federal Regulations and the Federal Register, unlike
23 those publications, those -- they are not things that
24 are issued daily.
25 They are issued roughly every couple of

1 weeks, and as articulated in the statute, first we had
2 to publish a notice that in the next edition of the
3 code GRRC had identified these two particular rules as
4 expired. And then when -- a couple of weeks after that
5 when the next edition of the code actually was
6 published, you have a version of the code absent those
7 two rules. The code itself is generally published
8 quarterly, but that timeline moves so that depending on
9 the even flow of regulation in the state of Arizona.
10 Commissioner Chan: Okay. Thank you for
11 that information.
12 I don't have anything further,
13 Mr. Chairman.
14 Chairman Titla: Any other questions by the
15 commissioners?
16 Commissioner Kimble: Mr. Chairman, this is
17 Mark Kimble.
18 Chairman Titla: Okay, Mark.
19 Commissioner Kimble: I would just say I've
20 got numerous questions. I've got some substantial
21 disagreements with what Mr. Miller said. I've got some
22 questions about what position we should take in
23 response to this unilateral action by the Secretary of
24 State's Office, but I think I'll hold all that until
25 the meeting on the 31st.
1 failed to submit its report.
2 And so the upshot is that we think that
3 notwithstanding what I believe Mr. Miller is saying in
4 good faith, we think he's -- we think that the analysis
5 that he's done or has been done is incorrect and
6 incorrect as applied to the facts and does put the
7 Secretary in a position where the Secretary's office is
8 taking action on a regulatory matter that is not a
9 statutory matter but is, in fact, a discretionary
10 matter.
11 And that is what raises and continues to
12 raise the contractual issue that sort of brings
13 together what had been two different tracts into one
14 relatively complicated, but still understandable
15 situation where we have certain obligations as the
16 Commission. GRRC had certain obligations it did not
17 fulfill and GRRC had certain actions that it did not
18 take, and Subsection J is not in play because there is
19 no -- the circumstance that is the predicate for that
20 statute, an agency failing to submit its report, has
21 never occurred.
22 And it's important just to not to go too
23 far afield for purposes of the limited discussion we
24 can have on this, but as you know, as a matter of
25 historical record, we have resubmitted reports to GRRC.

10:55:19-10:56:42

1 CHAIRMAN TITLA: Which is Number III,
2 discussion and possible action on MUR 17-01, Jesus
3 Rubalcava, including a proposed repayment order
4 submitted by the executive director.
5 Tom?
6 MR. COLLINS: Yes. Mr. Chairman, a
7 preparatory comment before we get into this. For this
8 matter, because it involves a repayment order, you have
9 outside counsel who is here from the Attorney General's
10 Office licensing division, whose name is Jeanne
11 Galvin -- am I saying that right?
12 So Jeanne Galvin is in the room in the
13 event that you have questions related to what I'm about
14 to say because I am acting in a capacity where I'm
15 asking for an enforcement order.
16 Mr. Rubalcava is on the phone. What I
17 propose is that I take a total of ten minutes to
18 present my case. I'd like to present the main case on
19 this issue in seven minutes and then reserve three or
20 so minutes for rebuttal as necessary. And you should
21 have received two things in the email from Ms. Thomas.
22 One is a PowerPoint that we are going to do in the
23 room -- and Mr. Rubalcava should have also received
24 that -- as well as a revised proposed order that
25 corrects -- that corrects a scrivener's error in the --
1. That corrects a scrivener's error in the proposed order.
2. So the order that we are asking you to approve is the one that was denominated in the revised proposed order and you received it via email, believe, just before the meeting started. I'm trying to confirm that that happened.
3. MS. THOMAS: Yes, it did.
4. MR. COLLINS: Okay. So I would -- with that -- with your permission, what I would do is I would present my case. We would offer Mr. Rubalcava an opportunity to present whatever material he wishes to present via phone and then I would like to have a couple of minutes for rebuttal, if that is amenable to the Commission.
5. CHAIRMAN TITLA: Is that okay, commissioners?
6. COMMISSIONER CHAN: That's fine by me.
7. Mr. Chairman, Commissioner Chan here.
8. Tom, just a quick question.
9. Is your PowerPoint going to go over why we're here today just a week ahead of our regularly scheduled meeting?
10. MR. COLLINS: My PowerPoint is going to go over what we -- what we are planning to do. If you have questions about -- about why we are doing this now, I'm happy to answer those. It's really up to you.
11. If you'd like me to get through the -- get through --yeah.
12. MR. COLLINS: Okay.
13. COMMISSIONER CHAN: That's fine. I'm sorry. I don't mean to delay it.
14. MR. COLLINS: Okay.
15. COMMISSIONER CHAN: I'll just -- I have no questions.
16. MR. COLLINS: Okay. And so I will -- Mr. Chairman, with your permission, I'd like to begin my presentation. And I have lost the clicker. So, Stephanie --
17. CHAIRMAN TITLA: Okay. Why don't we proceed.
18. MR. COLLINS: Okay. So if you have the PowerPoint --
19. CHAIRMAN TITLA: Okay. Let me get your PowerPoint open.
20. MR. COLLINS: You should have a PDF of the PowerPoint, and then the public who is watching should be able to see the PowerPoint and Mr. Rubalcava should also have a copy of the PDF.
21. As you can see, it's entitled "Citizens Clean Elections Commission Executive Director Recommendation Repayment Order MUR 17-01, Jesus Rubalcava." So just to give you a very quick caveat about this PowerPoint, this PowerPoint is not designed to supplant the proposed order and exhibits -- the revised proposed order and exhibits you received, but rather to highlight the contents of the proposed order in order for you to understand where we're coming from and why we're -- why we think this is an appropriate course of action.
22. As you know, rehearsing history, Mr. Rubalcava was first subject to a random audit and then subject to a comprehensive audit review of his entire campaign -- campaign. He was subject to a complaint that was filed by the executive director. The Commission has found reason to believe violations may have occurred, and the issue today is a proposed repayment order.
23. As you know -- and this is important. The Clean Elections Act, apart from its other features, requires that the Commission shall ensure that money from the Fund is placed in candidate campaign accounts or otherwise spent as specified in this article and not otherwise. And the Commission has passed rules to ensure that that happens, and among those rules are Arizona Admin Code 702(A) which states that a candidate's current campaign account to pay for goods and services for direct campaign purposes only.
24. And Arizona Admin Code R2-20-703(C) states that any expenditure made by that candidate or the candidate's committee that cannot be documented as a direct campaign expenditure shall promptly be repaid to the Fund with the candidate's personal money.
25. I would note -- this is not in the PowerPoint, but in your materials at Exhibit 4 to -- or Attachment 4, I should say -- Exhibit 4, rather, to the proposed order, Mr. Rubalcava swore that he would under paragraph 8, that he had the burden of proving that expenditures made by or on behalf of the candidate were for direct campaign purposes. So that's in the record and that's -- and that's something that's established.
26. Rule 704(B) provides that the Commission may determine that a participating candidate who has received payments from the Fund must repay the Fund under any of the following circumstances. There are a number of circumstances, and the one we're focused on here today for purposes of -- for purposes of -- well,
1. for purposes of clarity and alacrity, among other things, is that use of funds not for direct campaign expenses, if the Commission determines any amount was -- was not -- was payment to an eligible candidate, it will notify the candidate of the amount so used, and the candidate shall pay to the fund an amount equal to such amount.

2. So this is a -- what you see next is a screenshot from the comprehensive audit review which is Exhibit 2 to the -- Exhibit 2 to the main order. And there the most important language is that the candidate indicated he was unable to identify or locate any documentation supporting the deposits and withdrawals from the campaign bank statements.

3. Mr. Rubalcava himself in response to the audit stated that he was -- a reason why he was not able to provide that information, but he said that he accepts the report on findings as a way to acknowledge and learn from what was done incorrectly and he's "willing to accept the consequences of my wrongdoing" and ask that the Commission allow me to take corrective actions in order to comply; whether this be repaying back any unaccounted monies and fees set forth by the Commission."

4. So not only did Mr. Rubalcava sign in Exhibit 2 to the -- Exhibit 2 to the main order. And there the most important language is that the candidate shall pay to the fund an amount equal to such amount.

5. 1:10:05-1:10:20

6. CHAIRMAN TITLA: Okay. Is there a -- does Mr. Rubalcava want to make a statement?

7. MR. RUBALCAVA: Yes. Thank you, Chairman and commissioners.

8. I do want to make a statement. So I did receive the documents that the Executive Director Collins sent out to you guys, and so in regards to those specific -- what is being asked of, I think, in my opinion, I disagree and I do believe it's unfair, and here is exactly why.

9. I think that I -- if given -- if given the time to do so, but when you're on 10 days or 14 days and trying to submit some of this information -- the district that I was representing is the second largest geographical district in the state, and it encompasses a lot of traveling and mileage. I actually could have easily driven through the state, through that part of the district, to go and collect receipts of the businesses and the individuals that helped me.

10. out through that campaign to re -- try to recuperate some of those receipts that were missing.

11. A lot of the receipts were already included in that random audit because when they did the random audit, the first initial five random transactions that they asked for, they went ahead and changed them. So in other words, they asked for five random audit receipts and then when I explained to the individual that was doing the audit what was -- what had happened with my campaign and the transferring of funds from my personal account to the campaign account, she then started asking for more information.

12. Well, then it was no longer the five random audit. It became almost a -- I won't say a full audit, but it was -- it came pretty close to what was being asked in the full audit. My question to that individual, because she was the one that did the full audit, was why couldn't we use some of what was initially asked for in the random audit to take place of what was being asked in the full audit because of the situation where -- where I was spending most of the day was at work.

13. And so I was taking these receipts to work and so because it was in a geographical district in the state, through that part of the state, through that part of the state, and trying to submit some of this information -- the documentation supporting the deposits and withdrawals from the campaign bank statements.

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22. And so I was taking these receipts to work and so because it was in a geographical district in the state, through that part of the state, through that part of the state, and trying to submit some of this information -- the documentation supporting the deposits and withdrawals from the campaign bank statements.
1 school when I was moved over the Christmas holidays not
2 only once but twice, somewhere along the way these
3 receipts and information got lost. And so why I say I
4 could easily go back and get verification that these
5 funds were not spent the way that I'm being accused of
6 spending them, if given the time to do so.
7 I'll give you a perfect example. I spent
8 over $6,000 just with one business and Families to
9 Arizona, which is in my district. They did all my
10 printing of materials, all my campaign fund.
11 Individuals that worked for me, because the district is
12 so large, I had little groups of individuals that I
13 paid. All I would have to do is get ahold of them, go
14 out, have them, you know, re-sign, get it notarized or
15 whatever I had to do, fill out an affidavit for the
16 payment that I paid to those individuals.
17 So I can account for those, but I was
18 needing more time to do so. I'm a school teacher and
19 it's really difficult for me. Basically the only time
20 that I have to be able to do this would be on the
21 weekends. And so I can, if the Commission would -- the
22 commissioners would allow for me to go back and get
23 those receipts, get ahold of those individuals that
24 volunteered and worked for my campaign, I can do that.
25 If I have to go business to business, then I will do

1 don't -- I didn't know these individuals from
2 beforehand, but they work with activist groups in, say,
3 Yuma or Somerton area. And I didn't know them. I got
4 to know them through the campaign season. They worked
5 that one day or that one weekend and then I never saw
6 them again. So that's what my challenge is of trying
7 to locate these individuals.
8 Now, when I was served that compliance
9 order, I believe I -- I don't know if it was 10 days or
10 14 days. I don't have the document in front me to
11 provide all that information. After I wasn't able to
12 get all the information that was needed, all of the
13 receipts, I didn't know what the -- what the next
14 step -- I'll be very honest with you. I don't know
15 what the steps are with the Commission's desire as to
16 what happens next. So, basically, I have been on a --
17 just waiting to see what it is that the Commission
18 would like in order to proceed.
19 COMMISSIONER KIMBLE: Well, Mr. Rubalcava,
20 did you call anyone at the Commission or contact anyone
21 and asked them what the next steps were?
22 MR. RUBALCAVA: I did not, and part of the
23 reason why is because it was made very clear that the
24 Commission could not provide any kind of -- I did
25 exchange a few emails, and it was very clear to me --

1 that, but I can account for those -- those funds that
2 were spent.
3 To go beyond that and ask for me to repay
4 the full amount and then plus what was given to me by
5 individuals as -- what they call seed money, to include
6 that money on top of it I think is really, in my
7 opinion, unfair.
8 COMMISSIONER KIMBLE: Mr. Chairman, this is
9 Mark Kimble.
10 CHAIRMAN TITLA: Okay. Commissioner
11 Kimble.
12 COMMISSIONER KIMBLE: Mr. Rubalcava, as to
13 your -- your response for more time, I note in the
14 report that we have that an order of compliance was
15 served on you on June 23rd and you've done nothing
16 since then. That's two months from tomorrow -- two
17 months ago tomorrow.
18 Have you, in the past two months since you
19 got this order, done anything to get any of these
20 documents that you say you can get?
21 MR. RUBALCAVA: Commissioner, I have --
22 thank you for the question. I have gotten ahold of the
23 individuals. A lot of them have moved. You know, I'm
24 trying to relocate their numbers. These are
25 volunteers. A lot of the volunteers showed up. I

1 one of them being from Mr. Collins that -- and it was
2 just a simple question. I don't remember what the
3 question was, but it -- he did provide an answer, but
4 he also did make it very clear that he could not
5 provide any kind of legal advice.
6 At that point, I wasn't asking for legal
7 advice, but if it was taken as I was asking for legal
8 advice -- I basically then said, okay, well, I'm not
9 going to -- that was my thought process that I wasn't
10 going to be able to get any questions really answered
11 without it being considered legal advice.
12 CHAIRMAN TITLA: Okay. Any further
13 questions for the gentleman?
14 COMMISSIONER CHAN: Mr. Chairman --
15 COMMISSIONER PATON: I do.
16 COMMISSIONER CHAN: Oh, is that Mr. Kimble
17 or --
18 COMMISSIONER PATON: This is Galen Paton.
19 I was just going to ask, if possible, is it -- you
20 know, I'm not sure exactly your procedures as to where
21 we're going from this.
22 MR. COLLINS: Sure.
23 COMMISSIONER PATON: But it would seem to
24 me that -- could he submit these receipts? For
25 instance, with the printer for $6,000? I would think
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<td>1 he Chan email him that -- those receipts if he spent</td>
<td>1 Mr. Rubalcava has an -- and in an opportunity to</td>
<td>1 subsequent to this that Mr. Rubalcava wants to provide,</td>
<td>11:17:46-11:18:57</td>
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<td>2 that money. I'm sure the guy has it in his -- in his</td>
<td>2 by all means he's free to provide it. We have an</td>
<td>2 by all means he's free to provide it. We have an</td>
<td>11:17:46-11:18:57</td>
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<td>3 accounting. And, I mean, I would want him to be able</td>
<td>3 ongoing investigation into the remaining issues in the</td>
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<td>11:17:46-11:18:57</td>
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<td>4 to prove that he spent the money on legitimate items,</td>
<td>4 matter. There is also a conciliation process that's</td>
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<td>11:17:46-11:18:57</td>
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<td>5 and I -- that's kind of where I stand, but I don't know</td>
<td>5 mandated in our rules and in statutes, and that is all</td>
<td>5 mandated in our rules and in statutes, and that is all</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>6 the time frame of which you gave him a timed response.</td>
<td>6 available to him.</td>
<td>6 available to him.</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>7 Could you speak to that, Tom?</td>
<td>7 It is important that this order be entered</td>
<td>7 It is important that this order be entered</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>8 MR. COLLINS: So -- yes. Mr. Chairman,</td>
<td>8 today in order that when we do this, Mr. Rubalcava</td>
<td>8 today in order that when we do this, Mr. Rubalcava</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>9 Commissioner Paton, after the Commission found reason</td>
<td>9 understands that the time for extensions and the time</td>
<td>9 understands that the time for extensions and the time</td>
<td>11:17:46-11:18:57</td>
</tr>
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<td>10 to believe violations may have occurred, the Commission</td>
<td>10 for dissembling is over and the Fund's integrity takes</td>
<td>10 for dissembling is over and the Fund's integrity takes</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>11 served an order of compliance on Mr. Rubalcava as</td>
<td>11 precedence over Mr. Rubalcava's ever-shifting stories</td>
<td>11 precedence over Mr. Rubalcava's ever-shifting stories</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>12 outlined in -- as Mr. -- as Commissioner Kimble noted.</td>
<td>12 of why he can't identify the documents that he seems to</td>
<td>12 of why he can't identify the documents that he seems to</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>13 We have not heard from him since then. I do recall an</td>
<td>13 think he's had after going on a year.</td>
<td>13 think he's had after going on a year.</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>14 email from him, and I did respond saying we can't</td>
<td>14 In answer to Mr. -- to Commissioner Chan's</td>
<td>14 In answer to Mr. -- to Commissioner Chan's</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>15 provide legal advice. I don't have that email in front</td>
<td>15 commission earlier, we think that it's important to get</td>
<td>15 commission earlier, we think that it's important to get</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>16 of me or the context, but here's what I would -- if I</td>
<td>16 this resolved by this order being initiated now for a</td>
<td>16 this resolved by this order being initiated now for a</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>17 could integrate both my rebuttal and an answer to your</td>
<td>17 number of reasons that we can get into, but the least</td>
<td>17 number of reasons that we can get into, but the least</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>18 question because they go together.</td>
<td>18 of which is this order is the thing that has brought</td>
<td>18 of which is this order is the thing that has brought</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>19 Just to look at a few things that we're</td>
<td>19 Mr. Rubalcava back to the Commission to talk to us and</td>
<td>19 Mr. Rubalcava back to the Commission to talk to us and</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>20 talking about here, Mr. Rubalcava doesn't indicate --</td>
<td>20 we think that is very important. And so we think that</td>
<td>20 we think that is very important. And so we think that</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>21 didn't indicate having mileage reported on his campaign</td>
<td>21 it is appropriate to authorize the order -- the revised</td>
<td>21 it is appropriate to authorize the order -- the revised</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>22 finance report and never were provided mileage logs.</td>
<td>22 proposed order today. As the order itself says, it</td>
<td>22 proposed order today. As the order itself says, it</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>23 He did not provide documents other than bank accounts,</td>
<td>23 will be effective upon my signature and we will issue</td>
<td>23 will be effective upon my signature and we will issue</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>24 and he didn't raise the issues that he's raising today</td>
<td>24 it to him according to the Commission rules.</td>
<td>24 it to him according to the Commission rules.</td>
<td>11:17:46-11:18:57</td>
</tr>
<tr>
<td>25 before in this matter. In fact, he came in front of</td>
<td>25 In addition to providing information,</td>
<td>25 In addition to providing information,</td>
<td>11:17:46-11:18:57</td>
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1. The State of Arizona Citizens Clean Elections Commission
2. The order ought to be entered today in order to ensure the integrity of the Fund. If there's other information order ought to be entered today in order to ensure the integrity of the Fund. If there's other information.
3. And so our position is quite firm. This order ought to be entered today in order to ensure the integrity of the Fund. If there's other information.
4. Mr. Rubalcava has an -- and in an opportunity to conciliate, Mr. Rubalcava also has appellate rights.
5. So this is not the beginning nor the end of Mr. Rubalcava's opportunities. This is a place marker to show that the -- that the Fund's integrity has to take precedence, and we -- we believe that none of the information you've received today changes that recommendation or alters it in any material way and we would ask that you approve the revised proposed order for my signature.
6. MS. GALVIN: Members of the -- CHAIRMAN TITLA: Any further comments, action by the Commission?
8. COMMISSIONER KIMBLE: Mr. Chairman, this is Jeanne Galvin.
10. COMMISSIONER KIMBLE: I would just say one thing and that -- it's important to remember this is not our money. This is public money, and we are charged with making sure it is spent in an appropriate way in accordance with the statutes and rules. And I think it's incumbent upon us to move forward on this.
1 now and -- and safeguard the public's funds that have
2 not been accounted for, funds that Mr. Rubalcava
3 started receiving about a year ago or if not more than
4 that.
5 And while I can understand that he's been
6 busy and has other obligations, I don't know that that
7 mitigates the fact that there's public money that
8 cannot be accounted for. And I think that the
9 Commission's staff has done everything over many months
10 to try to reach some accommodation and try to get some
11 response from Mr. Rubalcava with no -- with no action
12 whatsoever. And I am very supportive of moving forward
13 now with the order that we have in our latest email
14 this morning.
15 MS. GALVIN: Members of the commission,
16 this is Jeanne Galvin, Assistant Attorney General. I'm
17 assigned to you today to provide you independent legal
18 advice, and I would urge you to turn to page 2 of the
19 revised -- revised proposed order. And paragraph
20 Number 2 says the Commission orders Respondent to repay
21 the sum immediately, but pursuant to your rules, he has
22 30 days to repay that sum. So I would just ask that if
23 you do approve this repayment order that that be
24 amended to ensure and properly reflect your procedures
25 that he has 30 days within which to repay the sum that

11:20:40-11:21:25

1 is owing.
2 CHAIRMAN TITLA: Any comments by the
3 Commission? Any action?
4 COMMISSIONER CHAN: Thanks, Jeanne.
5 Mr. Chairman, I would so move that that be
6 amended just to reflect -- more accurately reflect the
7 terminology in our rules that it's 30 days instead of
8 immediately.
9 CHAIRMAN TITLA: Okay. We have a motion by
10 Commissioner Chan.
11 Is there a second?
12 COMMISSIONER MEYER: This is Commissioner
13 Meyer. I second that motion.
14 CHAIRMAN TITLA: Commissioner Meyer seconds
15 the motion.
16 All in favor say aye.
17 (Chorus of ayes.)
18 CHAIRMAN TITLA: Opposed?
19 (No response.)
20 CHAIRMAN TITLA: Abstain?
21 (No response.)
22 CHAIRMAN TITLA: The motion is carried.
23 Tom, is there anything else that needs to
COMMISSIONER MEYER: This is Commissioner Meyer. I move that we adjourn the meeting.
CHAIRMAN TITLA: Okay. A motion by Commissioner Meyer.
Second?
COMMISSIONER CHAN: Second.
CHAIRMAN TITLA: Commissioner Chan seconds.
All in favor say aye.
(Chorus of ayes.)
CHAIRMAN TITLA: Opposed?
(No response.)
CHAIRMAN TITLA: Abstain?
(No response.)
CHAIRMAN TITLA: We are adjourned at 11:22 a.m.
(Whereupon, the proceedings concluded at 11:23 a.m.)

STATE OF ARIZONA
COUNTY OF MARICOPA
BE IT KNOWN the foregoing proceedings were taken by me; that I was then and there a Certified Reporter of the State of Arizona, and by virtue thereof authorized to administer an oath; that the proceedings were taken down by me in shorthand and thereafter transcribed into typewriting under my direction; that the foregoing pages are a full, true, and accurate transcript of all proceedings and testimony had and adduced upon the taking of said proceedings, all done to the best of my skill and ability.
I FURTHER CERTIFY that I am in no way related to nor employed by any of the parties thereto nor am I in any way interested in the outcome hereof.
DATED at Phoenix, Arizona, this 22nd day of August, 2017.

LILIA MONARREZ, RPR, CR #50699
The State of Arizona Citizens Clean Elections Commission

Public Session

Reporter's Transcript of Proceedings

August 22, 2017

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