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THE STATE OF ARIZONA  
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

April 19, 2018

9:33 a.m.

COASH & COASH, INC.  
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<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:33 a.m. on April 19, 3 2018, at the State of Arizona, Clean Elections 4 Commission, 1616 West Adams, Conference Room, Phoenix, 5 Arizona, in the presence of the following Board members: 6 Mr. Damien R. Meyer, Chairperson 7 Mr. Mark S. Kimble 8 Ms. Amy B. Chan 9 Mr. Steve M. Titla 10 11 OTHERS PRESENT: 12 Thomas M. Collins, Executive Director 13 Paula Thomas, Executive Officer 14 Gina Roberts, Voter Education Manager 15 Mike Becker, Policy Director 16 Stephanie Cooper, Executive Support Specialist 17 Mary O'Grady, Osborn Maledon 18 Kara Karlson, Assistant Attorney General 19 Joseph LaRue, Assistant Attorney General 20 Morgan Dick, AZ Advocacy Network 21 Rivko Knox, LWV AZ 22 Molly Graver, Senate 23 Christina Stone, Riester 24 Christina Borrego, Riester 25</p>	<p style="text-align: right;">Page 4</p> <p>09:34:45-09:35:26</p> <p>1 motion. 2 CHAIRMAN MEYER: Commissioner Chan seconds. 3 All right. We have a motion to approve the 4 commission minutes from March 22nd and April 3rd. All 5 in favor say aye. 6 (Chorus of ayes.) 7 CHAIRMAN MEYER: Any opposition? 8 (No response.) 9 CHAIRMAN MEYER: Any abstention? 10 (No response.) 11 CHAIRMAN MEYER: Motion carries 12 unanimously. 13 Moving on to Item Number III on the agenda 14 which is discussion and possible action on executive 15 director's report. 16 Mr. Collins? 17 MR. COLLINS: Yes. Thank you, 18 Mr. Chairman, members. 19 Commissioner Titla, good to see you. 20 COMMISSIONER TITLA: Yes. Thank you. 21 Thank you. 22 MR. COLLINS: The report, just real quickly 23 to follow up on a matter that was in the report a 24 couple of months ago -- and we'll be getting into this 25 maybe in the legislative section, too, but just -- the</p>
<p>09:33:43-09:34:44</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 3 CHAIRMAN MEYER: Good morning. Calling to 4 order the Citizens Clean Elections Commission. It is 5 Thursday, April 19th, 2018, at just after 9:30 a.m. 6 I'm Commissioner Damien Meyer, and our meeting is now 7 in session. 8 Commissioner Paton, apparently, will not 9 joining us today, but we still have four members 10 present. So we will proceed. 11 Item Number II on the agenda is discussion 12 and possible action on commission minutes for 13 March 22nd, 2018 and April 3, 2018. 14 Does anyone have any questions or comments 15 on the minutes from those meetings? 16 (No response.) 17 CHAIRMAN MEYER: If not, I am happy to 18 entertain a motion to approve them. 19 COMMISSIONER KIMBLE: Mr. Chairman? 20 CHAIRMAN MEYER: Yes, Commissioner Kimble. 21 COMMISSIONER KIMBLE: I move we approve the 22 minutes for the Commission meetings of March 22nd, 2018 23 and April 3rd, 2018. 24 CHAIRMAN MEYER: Is there a second? 25 COMMISSIONER CHAN: I would second that</p>	<p style="text-align: right;">Page 5</p> <p>09:35:30-09:37:10</p> <p>1 governor did sign HB 2153 which is -- has to do with 2 disclosure and cities -- it's thought to be directed at 3 the city of Tempe's recently passed disclosure charter 4 amendment. 5 I think that the -- the other thing that it 6 did is that formerly there in Senate Bill 1516 the 7 exemption from political committees that was in 1516, 8 which we concluded was not consistent with the Voter 9 Protection Act, among other things, including equal 10 protection, applied to non-profits that were 11 corporations. 2153 also yanked out the piece about 12 requiring those folks to be in good standing with the 13 Corporation Commission. 14 So now the exemption in 1516 is broader. 15 It is for all non-profits. That was part of AZAN'S 16 lawsuit and, as part of the AZAN'S lawsuit, you know, 17 obviously, the State had a choice. It could have 18 narrowed the issue, but -- in terms of equal protection 19 or broadened it because you can always do either in 20 terms of dealing with the protection issue. So -- so 21 that's, I think -- so part of 2153 is in response, I 22 think, to the Advocacy Network's lawsuit. 23 The candidate filing period begins on 24 April 30th and ends on May 30th. That's important for 25 us to bear in mind. We'll be tracking that.</p>

<p>09:37:13-09:38:46 Page 6</p> <p>1 And then just to quick -- a couple of quick 2 notes on voter education that I think are important, 3 our 18 in 2018 voter awareness registration item has 4 begun moving forward. There was a soft launch downtown 5 of the mural that we are doing, and it has some cool 6 features that will be coming online when it launches in 7 full on May the 4th and then we're doing a similar 8 thing in Tucson. 9 CHAIRMAN MEYER: So, Tom, will the mural be 10 done on May 4th or -- 11 MR. COLLINS: The mural will be done, and 12 there's some cool -- I don't know what the word is. 13 It's -- 14 COMMISSIONER CHAN: Augmented reality? 15 MR. COLLINS: Yes. That's right. It's 16 called augmented reality. Thank you, Commissioner 17 Chan. 18 COMMISSIONER CHAN: No problem. 19 MR. COLLINS: That will -- that will -- 20 that will be a big part of it. You had -- there's an 21 app and you snap and -- I'm over 40. 22 COMMISSIONER CHAN: So am I. 23 MR. COLLINS: Touche. So yes. It should 24 be -- it is pretty cool. I'm underselling it. 25 Our voter dashboard feature of our website</p>	<p>09:40:28-09:41:57 Page 8</p> <p>1 state elections. That's a result of a combination of 2 litigation in a prior case respecting a Prop -- 2004's 3 Proposition 200 and a policy decision that was made 4 respecting how to implement that consistent with the 5 National Voter Registration Act and the -- and state 6 law. 7 The reason I put this in your items is 8 twofold. First, you know, the state's current position 9 is that if you are a federal-only voter, you cannot 10 give a \$5 contribution to a clean candidate. The -- 11 the other reason is because this is a voter-protected 12 law. Proposition 200 of 2004, much like Proposition 13 200 of 1998, which is the Clean Elections Act, are 14 voter protected. 15 And so we have here a situation where, you 16 know, least -- so yesterday -- and I don't think this 17 is in your packet because I don't think I printed it. 18 Yesterday Mr. Spencer was asked about this by the 19 "Yellow Sheet," which is the Arizona news service 20 publications for the daily goings on the capitol, and 21 he explained that they're in the process of settlement 22 because the technology didn't exist in 2004 to do the 23 kind of cross-county matching that would have been 24 required. 25 That may or may not be true, and whether or</p>
<p>09:38:49-09:40:25 Page 7</p> <p>1 should be live before the start of the filing period. 2 That's also -- that's another thing that we're very, 3 very proud of. Alec and Gina have been working very, 4 very hard on that and doing very good work on the 5 website revamp in general. The voter dashboard feature 6 is going to be pretty -- is pretty cool. It's going to 7 allow voters to, in one place, get all the information 8 that they need to cast their ballot in an informed 9 manner. 10 I wanted to really quickly hit a couple of 11 other pieces. Friday -- by Friday we should hear from 12 the Legacy Foundation about what their plans are with 13 respect to the case -- the result of the supreme court 14 case. We had a -- while we were at EOA, I noted -- 15 Stephanie and Gina and I were at the Election Officials 16 of Arizona's annual meeting, and we presented there on 17 a couple of different issues. We also got an update on 18 some litigation. 19 LULAC and some other folks challenged the 20 manner in which the state processes voter registration 21 forms back in November. And right now in Arizona, if 22 you use the federal form to register to vote but do not 23 provide proof of citizenship, you are registered as 24 what's called a federal voter, which is to say you're 25 allowed to participate in federal elections but not in</p>	<p>09:42:00-09:43:24 Page 9</p> <p>1 not -- I mean, I think -- I mean, I don't know what to 2 make of that as a policy matter and, also, what I'd 3 like to do in Proposition 200 as a policy matter is a 4 whole, you know, different question. The thing that's, 5 I think, most, you know, kind of problematic about 6 this, putting aside whether -- whether one likes or 7 doesn't like Prop 200 is, you know, there's a process 8 for dealing with these issues. 9 I mean, it's not like, you know, we have 10 when we have observed issues that we'd like to approve 11 in the Clean Elections Act, we can go down to the 12 legislature and get a vote on that. We can't. I would 13 assume that given that this would expand the number of 14 people who can register to vote, that there are 15 three-fourths vote to do it. And if it's really a, 16 quote/unquote, improvement, that's what amounts to a 17 technical change, then maybe it furthers the purpose of 18 Prop 200. 19 What I think is clear, though, is that 20 Prop 200 by its plain language does say you have to 21 provide proof of citizenship when you move between 22 counties in Arizona. Alleged counsel highlighted that. 23 And so, you know, I'm not sure why Mr. -- and I'm 24 not -- let me be clear -- I'm not asking any attorneys 25 who represented Mr. Spencer to answer for him, you</p>

<p>09:43:30-09:44:40 Page 10</p> <p>1 know. I don't know why you would want to defer to a 2 federal judge rather than take it to the legislature, 3 but we defer now under 1516 to the IRS instead of the 4 state on campaign finance. 5 So -- you know. I just want you guys to be 6 issue-sensitive to this if it becomes something that 7 we -- that means -- that makes more of a difference, 8 and I'll leave it there. I probably said too much. 9 CHAIRMAN MEYER: Any questions or comments 10 on the executive director's report? 11 COMMISSIONER KIMBLE: Mr. Chairman? 12 CHAIRMAN MEYER: Commissioner Kimble. 13 COMMISSIONER KIMBLE: Mr. Collins, if I 14 could follow up on a question by Mr. Herrera who was 15 the subject of a special meeting a couple of weeks ago. 16 MR. COLLINS: Yeah. 17 COMMISSIONER KIMBLE: So he has withdrawn 18 totally from the election? 19 MR. COLLINS: That's my understanding. I 20 think -- our first indication was that he had withdrawn 21 just from Clean Elections. That's what he -- he 22 communicated that to us in writing, I think, the day 23 after the meeting, but subsequently, my understanding 24 is he's taken himself out of the race entirely, out 25 of -- out of the election race entirely.</p>	<p>09:46:05-09:47:16 Page 12</p> <p>1 communication with him or -- 2 MR. COLLINS: Not yet. 3 COMMISSIONER KIMBLE: -- someone? Okay. 4 MR. COLLINS: But we will. We will get 5 there. 6 COMMISSIONER KIMBLE: Okay. And do you 7 know -- 8 MR. COLLINS: Or someone will. 9 COMMISSIONER KIMBLE: -- if the issues 10 regarding his signatures, is this now a dead issue as 11 far as everyone is concerned? It certainly is as far 12 as we're concerned. 13 MR. COLLINS: It's definitely not as far as 14 sorting out whether or not anything happened with 15 respect to those signatures that was -- had other -- 16 would have other consequences, and the county has 17 stayed on top of that. And they -- we don't yet know 18 what the result of their review -- the review that they 19 were going to do, they're doing. And so we don't yet 20 know what the results of that review are. 21 COMMISSIONER KIMBLE: Okay. Thank you. 22 CHAIRMAN MEYER: I'll be very interested in 23 the results of that audit just to see -- 24 MR. COLLINS: Yeah. 25 CHAIRMAN MEYER: It's kind of a check on</p>
<p>09:44:41-09:46:02 Page 11</p> <p>1 COMMISSIONER KIMBLE: Okay. And your memo 2 here says we received word this week that one of his 3 campaign account checks did not clear. 4 So is this -- what check would this be? 5 MR. COLLINS: So he applied for funding. 6 COMMISSIONER KIMBLE: Yeah. 7 MR. COLLINS: Therefore, he had to turn his 8 5s over to the Clean Elections Fund. And when he 9 withdrew, we communicated to him that he still had to 10 cover that because he applied. That's just part of the 11 process. And apparently there wasn't -- there wasn't 12 sufficient funds in that campaign account to cover the 13 check. We -- we got information on this, I think, the 14 day -- like, whenever, I guess, the executive 15 director's report went out, 36 hours ago. We got this, 16 like, right ahead of that. 17 So that's all we know is that -- so either 18 there just weren't enough funds in there to begin with 19 or maybe the account got closed. I don't know. I 20 don't know. It just leaves a hanging thread with his, 21 yeah, candidacy. 22 COMMISSIONER KIMBLE: So the bottom line is 23 he owes us some money? 24 MR. COLLINS: Correct. 25 COMMISSIONER KIMBLE: And you're in</p>	<p>09:47:18-09:48:32 Page 13</p> <p>1 the whole process, frankly. So I'd really like to 2 know -- 3 MR. COLLINS: Well, we anticipate -- 4 CHAIRMAN MEYER: -- the outcome of that. 5 MR. COLLINS: We anticipate -- we should -- 6 it went out about two weeks ago, I think, and -- from 7 the county to the firm that they're working with. So I 8 think they'll know within the next two to three weeks 9 what they want to do with it, and then -- and then -- 10 I'm not sure how they'll communicate that. So we'll 11 stay on top of it. 12 CHAIRMAN MEYER: Okay. Any other questions 13 on the executive director's report? 14 COMMISSIONER CHAN: Mr. Chairman? 15 CHAIRMAN MEYER: Commissioner Chan. 16 COMMISSIONER CHAN: I actually wanted to 17 comment on the proposed settlement between the 18 Secretary of State's Office and LULAC. You know, 19 regardless of what anybody might think about Prop 200, 20 I feel like this is probably a step in the right 21 direction because it seems like it would make things 22 easier for voters. So, you know, there was a trend, 23 obviously, for quite a while, especially during and 24 after Prop 200, to make it, perhaps, a little more 25 difficult for people to jump through hoops to get</p>

<p>09:48:35-09:49:34 Page 14</p> <p>1 registered. 2 And so this seems to be streamlining the 3 process a little bit, especially for voters who have 4 already provided that evidence. So I think that's a 5 good thing, and I hope that those talks continue and 6 are productive. I hope I'm not missing anything there. 7 MR. COLLINS: No, I think -- I mean, like I 8 said, it's there for your information. 9 COMMISSIONER CHAN: Okay. 10 MR. COLLINS: I'm sure the Secretary's 11 office will be happy to hear that. 12 CHAIRMAN MEYER: Thank you for your 13 comments, Commissioner Chan. 14 Any other comments or questions on the 15 executive director report? 16 (No response.) 17 CHAIRMAN MEYER: Okay. We'll move on to 18 Item Number IV on the agenda which is discussion and 19 possible action on legislation affecting the 20 Commission, campaign finance, election and 21 administrative law, including HCR2007. 22 Tom? 23 MR. COLLINS: Mr. Chairman, thank you. And 24 our -- on our lengthy agenda today this is -- so a 25 couple of things. The session is -- is/was wrapping up</p>	<p>09:51:40-09:53:31 Page 16</p> <p>1 it, I think, at this point is that if it goes on the 2 ballot, there is a special statute of limitations for 3 action that applies just to legislative referenda. And 4 in even numbered years -- election years, the statute 5 of limitations is 10 days to file an action. 6 And so what that means is that there's 7 really -- that's really fast. The argument for why 8 this was passed was in years past, folks waited in the 9 weeds to challenge legislative referendum and the 10 legislature didn't like that. So they said you have to 11 challenge them right away. So that's the -- that's 12 kind of the reason why we wanted to highlight that 13 particular measure. 14 You have the rest of Mike's report on 15 the -- on the -- on the bills that have passed 16 and/or -- and/or -- and are not and where they are in 17 the process, and I think that's -- I think that's kind 18 of where we are. I'm open to questions on this, and 19 this is noticed for executive session because, 20 obviously, with the statute of limitations that we 21 have, we want to make sure that the Commission, if it's 22 put in a position where it had to make a decision, that 23 you have sufficient time to sit with this issue before 24 you have to make that decision or react to a decision 25 that's made very quickly by somebody else.</p>
<p>09:49:38-09:51:37 Page 15</p> <p>1 and now may or may not be. You know, there's a lot 2 of -- the budget is not complete, and then the budget 3 and the governor's education proposal and other issues, 4 you know, are out there. I don't know. At the time 5 that we were putting together the meeting packet, we 6 were thinking, you know, the session would either end 7 soon or never, really, is our -- basically, our 8 assessment. 9 With respect to HCR2007 specifically, it is 10 one of, I think, 11 living referendum -- referenda in 11 the process and, you know, I don't think it's -- well, 12 I don't think it's the top of mind of folks, but on the 13 other hand, if they put it on the floor tomorrow in the 14 Senate, you know, just put in line, it would go. So 15 it's -- it's something that we're prepared for. We 16 have, throughout the legislative session, to the extent 17 we can, sometimes from the outside, sometimes in 18 hearings made some arguments about this bill. 19 Our arguments have, for the most part, been 20 focused on legal issues and, secondarily, policy 21 issues. The legal issues being principally the Voter 22 Protection Act, and there are some other legal issues 23 that, you know, we'll press if we can, I think, but, 24 you know, it's -- it's a -- it's not that -- and the 25 biggest issue for you to be aware of with respect to</p>	<p>09:53:34-09:54:22 Page 17</p> <p>1 CHAIRMAN MEYER: Commissioner Chan? 2 COMMISSIONER CHAN: Mr. Chairman, Tom, so 3 my question actually was going to be, do we know if 4 there are any plaintiffs out there? And from what you 5 just said, I wasn't sure if the Commission would 6 potentially be a plaintiff or if we'd have a reason to. 7 MR. COLLINS: Well, I think we should -- 8 Mr. Chairman, Commissioner Chan, I would -- I would 9 recommend you go into executive session. 10 COMMISSIONER CHAN: Great. Mr. Chairman, 11 can I make a motion that we go into executive session? 12 CHAIRMAN MEYER: A motion has been made. 13 Is there a second? 14 COMMISSIONER KIMBLE: Second. 15 CHAIRMAN MEYER: All right. We have a 16 motion to move into executive session. It's been first 17 and seconded. 18 All in favor say aye. 19 (Chorus of ayes.) 20 CHAIRMAN MEYER: Any opposition? 21 (No response.) 22 CHAIRMAN MEYER: Any abstentions? 23 (No response.) 24 CHAIRMAN MEYER: Motion carries 4 to 0. We 25 are going to move into executive session.</p>

<p>09:54:26-10:44:35 Page 18</p> <p>1 Thank you all for accommodating us. 2 (The following section of the meeting is in 3 executive session and bound under separate cover.) 4 * * * * * 5 (End of executive session. Public meeting 6 resumes at 10:43 a.m.) 7 CHAIRMAN MEYER: All right. We are back in 8 open session, and we're going to move to Agenda Item 9 Number V, which is public comment. 10 COMMISSIONER KIMBLE: Before we do, 11 Mr. Chairman, I had a couple of questions in public 12 session about Number IV. 13 CHAIRMAN MEYER: Oh, okay. 14 COMMISSIONER KIMBLE: Mike, do you know -- 15 do you have any guess as to the timing on HCR2007? Is 16 it likely to come on the -- on the Senate floor within 17 a week, within two weeks, three weeks, or is it just 18 anyone's guess? 19 MR. BECKER: It's anyone's guess at this 20 point. 21 COMMISSIONER MEYER: It's anyone's guess at 22 this point. 23 MR. BECKER: Mr. Chairman, Commissioner 24 Kimble, at this point, because it's been laying in the 25 weeds for so long, it would be my guess, if it's going</p>	<p>10:45:54-10:46:36 Page 20</p> <p>1 this point. 2 COMMISSIONER KIMBLE: Okay. So the 3 amendment is not proposed at this point. It's part of 4 what the governor signed? 5 MR. BECKER: It's part of what's been 6 signed. 7 COMMISSIONER KIMBLE: Okay. 8 MR. BECKER: So yes. 9 COMMISSIONER KIMBLE: Thank you. 10 Thank you, Mr. Chairman. 11 CHAIRMAN MEYER: Great questions, 12 Commissioner Kimble. 13 Any further question or comment on Agenda 14 Item Number IV? 15 (No response.) 16 CHAIRMAN MEYER: Now we'll move on to Item 17 Number V, which is public comment. This is the time 18 for consideration of comments and suggestions from the 19 public. Action taken as a result of public comment 20 will be limited to directing staff to stay the matter 21 or rescheduling the matter for further consideration 22 and decision at a later date or responding to 23 criticism. 24 Any public comment today? 25 (No response.)</p>
<p>10:44:38-10:45:52 Page 19</p> <p>1 to go, it will go at the 11th hour. 2 COMMISSIONER KIMBLE: Okay. 3 MR. BECKER: Once they get to the budget 4 and push forward to that, if there's still an appetite 5 for it, then they'll throw that in the board and try to 6 get it down fast. 7 COMMISSIONER KIMBLE: And we don't know 8 when the 11th hour will go? 9 MR. BECKER: No. From what I've heard at 10 this point, if the session is not done tomorrow, it may 11 not be done until June. 12 COMMISSIONER KIMBLE: Okay. And one other 13 question on HB 2184. There's a note here that there's 14 a proposed amendment that would alleviate many of the 15 Commission's concerns. 16 Could you talk a little bit about that? 17 This is the Secretary of State's rule-making. 18 MR. BECKER: Mr. Chairman, Commissioner 19 Kimble, we -- Tom and I met with the Secretary's office 20 regarding this issue several months ago. We had 21 concerns the way they were referencing certain other 22 entities such as GRRC in that they took out those 23 issues. That's the amendments that were proposed by 24 the -- on the floor. Those amendments have passed and 25 so, therefore, we don't have any concerns about it at</p>	<p>10:46:37-10:47:28 Page 21</p> <p>1 CHAIRMAN MEYER: Okay. Hearing none, we'll 2 move to Agenda Item VI. 3 MR. COLLINS: Are you getting -- wait. Are 4 you going to get up or you're not going to get up? 5 Okay. Do you want to get up? 6 MS. KNOX: Okay. 7 MR. COLLINS: I couldn't tell. 8 MS. KNOX: Rivko Knox with the League of 9 Women Voters of Arizona. I just wanted to say it's 10 good to be back. I did not lose interest at all. I 11 was just down at the legislature trying -- trying to 12 promote or protect the perspective of the League of 13 Women Voters on voting rights and Clean Elections, but 14 it's nice to be back. 15 CHAIRMAN MEYER: It's great to see you. 16 MS. KNOX: Thank you. 17 CHAIRMAN MEYER: Thank you. 18 Item Number VI, adjournment. 19 Is there a motion to adjourn? 20 COMMISSIONER TITLA: Motion to adjourn, 21 Mr. Chairman. 22 CHAIRMAN MEYER: Chairman Titla. 23 Is there a second? 24 COMMISSIONER KIMBLE: Second. 25 CHAIRMAN MEYER: Okay. It's been moved and</p>

10:47:29-10:47:36

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1 seconded that we adjourn the meeting.  
2 All in favor say aye.  
3 (Chorus of ayes.)  
4 CHAIRMAN MEYER: Any opposition?  
5 (No response.)  
6 CHAIRMAN MEYER: Abstention?  
7 (No response.)  
8 CHAIRMAN MEYER: We are adjourned.  
9 (Whereupon, the proceedings concluded at  
10 10:47 a.m.)

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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )  
3 BE IT KNOWN the foregoing proceedings were  
4 taken by me; that I was then and there a Certified  
5 Reporter of the State of Arizona, and by virtue thereof  
6 authorized to administer an oath; that the proceedings  
7 were taken down by me in shorthand and thereafter  
8 transcribed into typewriting under my direction; that  
9 the foregoing pages are a full, true, and accurate  
10 transcript of all proceedings and testimony had and  
11 adduced upon the taking of said proceedings, all done to  
12 the best of my skill and ability.  
13 I FURTHER CERTIFY that I am in no way  
14 related to nor employed by any of the parties thereto  
15 nor am I in any way interested in the outcome hereof.  
16 DATED at Phoenix, Arizona, this 21st day of  
17 April, 2018.

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LILIA MONARREZ, RPR, CR #50699

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