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THE STATE OF ARIZONA  
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona  
December 18, 2008  
9:30 a.m.

Reported By:  
Angela Furniss Miller, RPR  
Certified Reporter (AZ 50127)

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1 A PUBLIC MEETING, BEFORE THE CITIZENS CLEAN  
 ELECTIONS COMMISSION, convened at 9:30 a.m. on December  
 2 18, 2008, at the State of Arizona, Clean Elections  
 Commission, 1616 W. Adams, Conference Room, Phoenix,  
 3 Arizona, in the presence of the following Board members:

4 Mr. Gary Scaramazzo, Chairperson  
 Ms. Royann Parker (Telephonic)  
 5 Ms. Lori Daniels  
 Mr. Donald Lindholm  
 6 Mr. Jeff Fairman

7 OTHERS PRESENT:

8 Todd Lang, Executive Director  
 Paula Ortiz, Executive Assistant  
 9 Colleen McGee, Deputy Director  
 Rita Azcona, Administrative Assistant III  
 10 Michael Becker, Voter Education Manager  
 Daniel Ruiz II, Campaign Finance Manager  
 11 Tonja Shipman, Attorney General's Office  
 Jim Barton, Perkins Cole Brown & Bain  
 12 Eric Ehst, Clean Elections Institute  
 Christian Palmer, Capitol Times  
 13 Larry Davis, Citizen  
 Mary Jo Pitzel, Arizona Republic  
 14 Lee Miller, Miller, LaSota & Peters  
 15 Bill Coates, Capitol Times

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P R O C E E D I N G

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 3 CHAIRPERSON SCARAMAZZO: I'd like to call to  
 4 order this meeting of the Citizens Clean Elections  
 5 Committee. It's Thursday, December 18th, 2008, and it's  
 6 9:30 in the morning.  
 7 Welcome everyone. With that --  
 8 COMMISSIONER PARKER: Welcome.  
 9 CHAIRPERSON SCARAMAZZO: Commissioner Parker is  
 10 on speakerphone from Tucson this morning, and we  
 11 appreciate her doing that for us.  
 12 With that, we'll move on to Item No. II,  
 13 seeking approval of the November 4th and November 13th,  
 14 2008, Commission meeting minutes.  
 15 COMMISSIONER DANIELS: Do you need those as  
 16 separate motions?  
 17 CHAIRPERSON SCARAMAZZO: We can do them all at  
 18 one time.  
 19 COMMISSIONER DANIELS: I move the approval of  
 20 the minutes of both November 4th and November 13th.  
 21 COMMISSIONER FAIRMAN: Second.  
 22 CHAIRPERSON SCARAMAZZO: It's been moved by  
 23 Commissioner Daniels and seconded by Commissioner  
 24 Fairman, to approve the Commission meeting minutes from  
 25 November 4th and November 13th of 2008. Any discussion

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4

1 on this item?  
 2 Hearing none, all those in favor say "aye."  
 3 (Chorus of ayes.)  
 4 CHAIRPERSON SCARAMAZZO: Opposed? Motion  
 5 carries.  
 6 We'll move on to Item No. III, Executive  
 7 Director report. Todd, welcome back from Chicago.  
 8 MR. LANG: Thank you, Mr. Chair. Good morning,  
 9 Commissioners.  
 10 I just want to report that we had a very  
 11 successful trip to Chicago; although the weather didn't  
 12 cooperate, it was quite cold and rainy. The information  
 13 we gleaned from the conference was outstanding. A lot  
 14 of information on campaign finance law, on new issues,  
 15 new -- new court rulings, and new ideas. Also, lots of  
 16 good ideas on the related issues like public records and  
 17 some new IT ideas and computer ideas for information to  
 18 the public. So, I found it well worthwhile. Colleen  
 19 McGee and Paula Ortiz of our staff also attended.  
 20 As you know, next year we will be hosting the  
 21 COGEL conference here in Phoenix, Arizona. And so I  
 22 think it was particularly important for them to attend,  
 23 as they will be in charge of putting it together for  
 24 next year. And I think you are going to really enjoy it  
 25 next year when you get to attend because it will be

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1 right here in town.  
 2 Otherwise, we're working on some legislative  
 3 ideas. You may have read in some of the press that  
 4 we've been sending you that there are some legislative  
 5 ideas floating around, and the trick there is to figure  
 6 out what works to improve the law while still satisfying  
 7 the concerns of the folks down at the legislature.  
 8 And of course, I don't think it's anyone's  
 9 priority down there right now, given the budget  
 10 situation. But we are working on that. We're also  
 11 working on some rules to propose for your review and  
 12 consideration to address some of the issues that came up  
 13 this last cycle.  
 14 CHAIRPERSON SCARAMAZZO: Thank you. Questions?  
 15 Please.  
 16 COMMISSIONER DANIELS: Mr. Chairman, Todd, how  
 17 many people attend that conference?  
 18 MR. LANG: About 300 --  
 19 COMMISSIONER DANIELS: Okay.  
 20 MR. LANG: -- from ethics commissions, public  
 21 finance commissions, enforcement commissions. The  
 22 equivalent of the Secretary of State and then the ethics  
 23 committees from all over the United States and Canada.  
 24 There are international attendees as well, but it's  
 25 primarily the United States and Canada. We don't have

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6

1 an ethics commission here in Arizona, but, obviously, we  
 2 have other agencies that fill those roles.  
 3 COMMISSIONER LINDHOLM: That means next year  
 4 when it's in Phoenix it will be a thousand.  
 5 COMMISSIONER DANIELS: In December, why not?  
 6 COMMISSIONER PARKER: Mr. Chairman?  
 7 CHAIRPERSON SCARAMAZZO: Yes, Royann.  
 8 COMMISSIONER PARKER: Can you have Todd get  
 9 closer to the mic. He's fading in and out.  
 10 MR. LANG: That's not the mic, that's me,  
 11 Commissioner Parker. Does this mic work? Can you hear  
 12 me, Commissioner?  
 13 COMMISSIONER PARKER: You just kind of go in  
 14 and out. I don't know what the deal is.  
 15 MR. LANG: How about now?  
 16 COMMISSIONER PARKER: That's good.  
 17 MR. LANG: Okay.  
 18 CHAIRPERSON SCARAMAZZO: Any questions for  
 19 Todd?  
 20 COMMISSIONER PARKER: Just -- he may have  
 21 addressed it and I couldn't hear it, but I was wondering  
 22 if they were able to get some good ideas for when we  
 23 host the conference next year?  
 24 MR. LANG: Yes. And Colleen and Paula spent a  
 25 great deal of time working with folks and educating all  
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8

1 The first, MUR 08-0031, John Kavanagh.  
 2 MR. LANG: Commissioners, this is a complaint  
 3 that was filed on 10 -- on October 20th by Maria Weeg of  
 4 the Democratic Party. And that -- you'll find that  
 5 complaint at Exhibit A attached to our statement of  
 6 reasons. Exhibit B is the response filed by  
 7 Representative Kavanagh on 11/4.  
 8 There are two issues in this complaint  
 9 regarding early contributions. The first is Mr.  
 10 Kavanagh received \$230 in early contributions and spent  
 11 just under \$20. And so the question was raised: Well,  
 12 what happened to that money?  
 13 And as you can see, our investigation revealed  
 14 that Mr. Kavanagh, in fact, did not spend that -- that  
 15 extra money, he returned it to his contributors, which  
 16 technically is a violation of our rules. He did it in  
 17 good faith. He didn't realize he was violating our  
 18 rules, of course. He simply didn't use it, so he  
 19 returned it.  
 20 The second issue is, what happened to extra  
 21 qualifying contributions that Mr. Kavanagh received? He  
 22 received some qualifying contributions after he had  
 23 already qualified for Clean Elections funding. And what  
 24 happened was he submitted them to the fund on August  
 25 19th, but failed to report it. Since that time, he has  
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7

1 the attendees on the plans for COGEL. We had some  
 2 information we provided on Phoenix and on next year's  
 3 program, and -- which was very well received, and so I  
 4 think that was a success. And I think Colleen and Paula  
 5 learned everything they need to know about how to put it  
 6 on for next year. I really think that we have this  
 7 under control.  
 8 COMMISSIONER PARKER: Okay. That sounds good.  
 9 COMMISSIONER FAIRMAN: One quick --  
 10 CHAIRPERSON SCARAMAZZO: Jeff.  
 11 COMMISSIONER FAIRMAN: Todd, what's going to be  
 12 the financial implications for the Clean Elections  
 13 Commission?  
 14 Have you even thought about putting a budget  
 15 together and what the conference will cost us?  
 16 MR. LANG: It will be part of our budget when  
 17 we present our budget in January, and Colleen has the  
 18 numbers for you.  
 19 COMMISSIONER FAIRMAN: Great. Thank you.  
 20 CHAIRPERSON SCARAMAZZO: Fair enough. Anything  
 21 else? Thanks, Todd.  
 22 That will move us on to Item No. IV, discussion  
 23 and possible action on whether there is reason to  
 24 believe a violation occurred. And there are five  
 25 matters we will be looking at this morning.  
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9

1 amended his report to include that expenditure and  
 2 everything is in order.  
 3 Because he submitted the dates that he  
 4 specified, I recommend in that regard that you find no  
 5 reason to believe.  
 6 In terms of -- in terms of the first issue  
 7 regarding the return of the money, that is a violation  
 8 of 16-945(B); and, so, therefore, I recommend that you  
 9 find reason to believe on the first issue that there was  
 10 a violation.  
 11 I'd also suggest that in this particular case  
 12 there was clearly no advantage gained, there was clearly  
 13 no harm to the system, the fund lost \$20 -- I mean lost  
 14 \$200 approximately, but it went back to the donors;  
 15 which -- while it is a violation of law, given that it's  
 16 not going to happen again, I don't see a problem. And  
 17 so, I'd recommend that you find reason to believe that  
 18 there was a violation, but suggest to staff that we  
 19 close the matter at that point -- or, instruct staff,  
 20 actually.  
 21 CHAIRPERSON SCARAMAZZO: Okay.  
 22 COMMISSIONER DANIELS: Mr. Chairman, I move in  
 23 the matter of MUR 08-0031 with John Kavanagh, that in  
 24 the first issue we find reason to believe but have staff  
 25 close the issue, and in the second we find no reason to  
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10

1 believe on the second issue.

2 COMMISSIONER PARKER: I'll second.

3 CHAIRPERSON SCARAMAZZO: Okay. It's been moved

4 by Commissioner Daniels and seconded by Commissioner

5 Parker that in MUR 08-0031, Mr. John Kavanagh, that

6 under Item No. (A), violation of early contribution

7 prohibitions, that a violation occurred, but that we

8 instruct staff for closure on the matter; and the second

9 item, violation of qualifying contribution prohibitions,

10 that we find no reason to believe a violation occurred.

11 Any discussion on this item?

12 All those in favor say "aye."

13 (Chorus of ayes.)

14 CHAIRPERSON SCARAMAZZO: Opposed? Motion

15 carries.

16 Item No. II, MUR 08-0033, Arizona Republican

17 Party.

18 MR. LANG: Commissioners, this is another

19 complaint filed by Maria Weeg of the Democratic Party.

20 In this case it's a complaint against the Arizona

21 Republican Party regarding possible violations of

22 Arizona election law. The complaint you will find at

23 Exhibit A, it was filed on October 29th. And you will

24 find the response at November 5th. The response filed

25 by the Republican Party was dated November 5th, and

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12

1 CHAIRPERSON SCARAMAZZO: It's been moved by

2 Commissioner Fairman, seconded by Commissioner Lindholm

3 to find no reason to believe a violation occurred in MUR

4 08-0033. Discussion on this item?

5 Hearing none, all those in favor say "aye."

6 (Chorus of ayes.)

7 CHAIRPERSON SCARAMAZZO: Opposed? Motion

8 carries.

9 Item No. III, MUR 08-0034, John Huppenthal,

10 John McCormish, and Jeff Dial.

11 MR. LANG: Commissioners, before I proceed on

12 this, I should note that I -- I said something in error

13 in the first complaint against Mr. Kavanagh. I said

14 that the complaint was filed by Maria Weeg. It was

15 actually filed by Stephanie Rimmer, and I apologize.

16 This complaint was filed by Maria Weeg as the

17 executive director of the Arizona Democratic Party. And

18 it was against the three Republicans named: Senator

19 Huppenthal, Representative McCormish, and Candidate Jeff

20 Dial. That complaint is at Exhibit A, it's dated 10/29.

21 And you can see the response at Exhibit B, dated 11/7.

22 This is a complaint really about one set of

23 joint expenditures by these three candidates, and I

24 should also note in paragraph Roman Numeral II, the

25 second paragraph, it notes that Huppenthal is a nominee

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11

1 that's in Exhibit B.

2 And this is one that looks like a serious

3 violation, and so I understand why the complaint was

4 filed, but once you read the response and look at our

5 recommendation, it becomes clear what happened here.

6 The person who did the actual report simply made an

7 error. The entire report in regard to Eric Meyer is a

8 complete error, there were no triggering funds

9 generated, there was no expenditure made against him, it

10 was just an error. And then you see the later report

11 regarding "Cage for AZ Senate." In the notes it

12 indicates that this is the correct entry of information

13 and that the Eric Meyer entry was in error.

14 Right now our software doesn't allow triggering

15 reports to be amended or corrected, and that's why it

16 was done this way. So, in fact, you see, there was

17 absolutely no violation of law, simply an error in the

18 report, and so staff recommends that you find no reason

19 to believe in this case.

20 CHAIRPERSON SCARAMAZZO: Questions for Todd?

21 Jeff?

22 COMMISSIONER FAIRMAN: Yeah, I'd like to make a

23 motion that in the case MUR No. 08-0033 that we find no

24 reason to believe that a violation has occurred.

25 COMMISSIONER LINDHOLM: Second.

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13

1 for the Senate seat. That should read District 20. It

2 says 10, but it's actually 20. They're all in the same

3 district.

4 And these were joint expenditures. When you

5 look at the chart you can see what happens -- what

6 happened here. Basically, Senator Huppenthal, you see

7 only two entries, there should have been three. The

8 third entry should have been for the United States

9 Postal Service in the same amount as the other two

10 entries, that is \$1,487.57. Since this issue arose, he

11 has amended his complaint -- I mean, amended his

12 campaign finance reports to reflect that.

13 And you also see an error by Mr. Dial in the

14 second-to-last entry for Premier Graphics. That should

15 have been \$3,422. He actually -- and he has amended his

16 campaign finance report to reflect that.

17 So, in this case, while it could have been --

18 you know, we often have concerns in races about

19 candidates not paying the proper amounts for joint

20 expenditures, supplementing each other, and the sort.

21 That is not what happened here. They all paid

22 one-third, and they all did it in a timely fashion.

23 There was no improper contribution by one candidate to

24 another. What we have here are two reporting errors.

25 So I would suggest that you find reason to

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14

1 believe that there was a violation in terms of reporting  
 2 errors, but that, again, because this was purely a  
 3 technical --  
 4 COMMISSIONER DANIELS: Administrative error.  
 5 COMMISSIONER LINDHOLM: Clerical error.  
 6 MR. LANG: -- a clerical error, thank you, and  
 7 that no advantage was gained by any of the candidates,  
 8 that there was no improper funding, I would suggest that  
 9 you find reason to believe there was a violation but  
 10 close the matter at that point.  
 11 COMMISSIONER DANIELS: Mr. Chairman?  
 12 CHAIRPERSON SCARAMAZZO: Yes, Lori.  
 13 COMMISSIONER DANIELS: I find in the matter of  
 14 MUR No. 08-0034, that we find reason to believe that  
 15 there were clerical reporting errors, but that since no  
 16 one was harmed, that we close the case.  
 17 CHAIRPERSON SCARAMAZZO: Okay.  
 18 COMMISSIONER PARKER: Second.  
 19 COMMISSIONER FAIRMAN: I'll second that.  
 20 CHAIRPERSON SCARAMAZZO: Okay. All right.  
 21 It's been moved by Commissioner Daniels, seconded by  
 22 Commissioner Parker, to find reason to believe a  
 23 violation occurred in MUR 08-0034, but to close this  
 24 matter. Any discussion on this item?  
 25 All those in favor say "aye."  
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16

1 letter dated December 12th from Lee Miller, Mr.  
 2 Quelland's attorney, explaining some of the new  
 3 information provided by Mr. Davis. So we have a lot of  
 4 documents to look at.  
 5 Basically, what the complaint revolves around,  
 6 as I said, was this -- this alleged -- well, there's  
 7 clearly a contract, and the question is what was the  
 8 nature of the contract? What was the effect of the  
 9 contract? And is there -- and there is a Website, and  
 10 there clearly was a Website. And, again, the question  
 11 is, what's the legal effect of the Website? How was it  
 12 paid for and who put it together and how it was  
 13 produced?  
 14 So, basically, the allegation is there is this  
 15 \$15,000 worth of work done which was not recorded, which  
 16 would be a clear violation of -- of the Clean Elections  
 17 Act. There was a contract entered into between the  
 18 parties on March 8 -- between the parties, between Mr.  
 19 Davis' company and Mr. Quelland on March 8th that called  
 20 for \$15,000 for consulting work over the life of the  
 21 campaign at \$1,000 a month.  
 22 That contract included an early termination  
 23 clause that provided that payments due up to that month  
 24 would be paid. I interpret that as, basically, you get  
 25 the thousand dollars for that particular month if you're  
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1 (Chorus of ayes.)  
 2 CHAIRPERSON SCARAMAZZO: Opposed? Motion  
 3 carries.  
 4 Item No. IV, MUR 08-0035, Mr. Doug Quelland.  
 5 Todd?  
 6 MR. LANG: Commissioners, this is -- you have  
 7 several more documents here in this complaint. This  
 8 complaint primarily revolves around a Website and  
 9 possible consulting work done by a Jeff Davis -- Larry  
 10 Davis, I apologize -- Larry Davis on behalf of Mr.  
 11 Quelland and his campaign.  
 12 The documents you have before you: Exhibit A  
 13 is the complaint filed by Carol Vandercook, a resident  
 14 of District 10. That complaint is dated November 14th.  
 15 You have a response filed by Mr. Quelland's attorney on  
 16 his behalf dated 11/18, that's Exhibit B. You have a  
 17 statement by Mr. Quelland's former campaign worker, Mr.  
 18 Davis, dated 11/21, that's at Exhibit C. You have  
 19 another statement by Mr. Davis dated 12/2, that's  
 20 Exhibit D. Exhibit E is the consulting agreement  
 21 entered into, and all sides agree that this was entered  
 22 into. And, again, that's Exhibit E.  
 23 And then you also have after Exhibit E, at the  
 24 end is ash- -- it's not labeled as an exhibit because we  
 25 received it after this was put together, but it's a  
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17

1 terminated that month, but you don't owe the rest of the  
 2 contract.  
 3 Mr. Quelland advises us in his responses that  
 4 he terminated that contract two days later on March  
 5 10th, 2007. On April 25th, 2007, Mr. Quelland filed the  
 6 papers to become a candidate and filed his papers to  
 7 become a participating -- participating candidate, which  
 8 happened on the next day. He received his public  
 9 funding later, on May 21st.  
 10 So, Mr. Quelland -- Representative Elect  
 11 Quelland was a participating candidate and is a  
 12 participating candidate in terms of all matters before  
 13 you. I'd note there is a jurisdictional issue raised by  
 14 Mr. Miller on behalf of Mr. Quelland which -- and you  
 15 see my analysis there -- basically, participating  
 16 candidates not only agree to abide by our rules, but  
 17 also affirm by oath that they have abided by the rules  
 18 throughout their campaign. Thus, we do have  
 19 jurisdiction over allegations of -- of financial  
 20 violations that occur prior to the participating  
 21 candidate's status.  
 22 We also have rules that permit candidates who  
 23 are running traditionally to return funds that are --  
 24 are not permitted under Clean Elections rules, so there  
 25 are provisions for candidates who are running  
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18

1 traditionally to become participating candidates. Those  
 2 issues aren't at issue here today. I just say that to  
 3 remind you that there are provisions for this sort of  
 4 situation.

5 There are basically five allegations in the  
 6 complaint. The first is that Mr. Quelland campaigned  
 7 before he was a registered candidate. The second is  
 8 that he spent money before he had cash on hand. The  
 9 third is that he exceeded the primary spending limits.  
 10 The fourth is that the Website either constitutes an  
 11 in-kind contribution that wasn't reported that would  
 12 exceed limits, or it was a prior campaign asset that  
 13 should have been paid for and was not. And the fifth  
 14 allegation is that Mr. Quelland used either excessive  
 15 personal money over the limit, or corporate money from  
 16 one of his companies, to pay for these campaign  
 17 expenditures, which, of course, would be a violation.

18 And as you can see in the responses -- and I  
 19 should mention that Mr. Quelland's attorney, Lee Miller,  
 20 is here today and may want to address you.

21 But as you can see in Mr. Miller 's responses,  
 22 they flatly deny all of the allegations and offer a  
 23 number of explanations as to what the nature of the  
 24 relationship between Mr. Davis and Mr. Quelland was.

25 I should also mention Mr. Davis is here today,  
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1 if Mr. Quelland did receive a \$15,000 benefit for a  
 2 \$15,000 Website, he would have exceeded the limit by a  
 3 great deal, because he simply did not have money on hand  
 4 to pay for it at that time. We've had issues of  
 5 Websites before. If you have the full use of a Website,  
 6 you need to be able to pay for it at the time you  
 7 contract for it. If he only owes the \$2,000 initial  
 8 payment, that would also exceed his money on hand, but  
 9 obviously it would be a less serious violation.

10 We've not reached any conclusions as to that,  
 11 because we have to understand more about the nature of  
 12 when the payments were made and what they were for. And  
 13 so, we'll need to look at bank records in order to  
 14 provide you with the information you need to make a  
 15 final determination on this.

16 As for the spending limits, the analysis is  
 17 similar. Mr. Quelland spent almost up to the limit, he  
 18 was about \$61 short of the spending limit for the  
 19 primary, so he could have spent another \$61. Obviously,  
 20 if he spent \$15,000 or even \$1,000 -- if he properly  
 21 terminated the contract -- or \$2,000, depending on which  
 22 term you apply, then he clearly exceeded the primary  
 23 spending limits.

24 But, again, you have Mr. Miller's response,  
 25 which indicated that is not the case. And so, again,  
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1 as well. And I don't know whether he wants to speak.

2 As to the first allegation, the -- while the --  
 3 the Commission can look into these matters, we routinely  
 4 refer these Article 1 violations to the Secretary of  
 5 State. In this case the Secretary of State has already  
 6 found probable cause. Issued such a finding on December  
 7 3rd that this allegation may be true. That's not a  
 8 final conclusion, much like today's. I should point out  
 9 again, today's recommendation is reason to believe there  
 10 may have been a violation. It's very important for the  
 11 Commission and the public to understand we've -- that  
 12 staff has reached no conclusions as to whether there was  
 13 a violation.

14 The reason we recommend an investigation is  
 15 because of the seriousness of the allegations and the  
 16 conflict in the -- in the facts as represented by the  
 17 interested parties, but staff has reached no conclusion  
 18 as to whether or not any violations occurred.

19 By similar note, although the Secretary of  
 20 State has found probable cause, the final determination,  
 21 or the final implementation of that, will be done  
 22 through the Attorney General's Office in accordance with  
 23 the routine practice under state law for Article 1  
 24 violations.

25 As for exceeding the spending limit, obviously,  
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1 we'd like to look at bank records and examine the  
 2 documents more carefully in order to make a  
 3 recommendation to you.

4 As to the campaign Website, again the concern  
 5 there is: Well, if this -- what is the value of this  
 6 Website? Mr. Quelland points out that in his view, it  
 7 was simply the old Website transferred to a new domain.  
 8 We need to look into that further to find out if that's  
 9 the case or if actual additional work was done by Mr.  
 10 Davis' company. And, regardless, we need to do more  
 11 analysis to determine what the value of the site is.  
 12 And what is clear is that Mr. Quelland didn't pay for  
 13 the site in terms of a prior campaign asset, so that's  
 14 something we will need to discuss with Mr. Miller, Lee  
 15 Miller, and look into further.

16 And then, finally, the expenditure. We need to  
 17 find out who paid for it, what entity paid for it. Was  
 18 it Mr. Quelland, was it Mr. Quelland's company, and what  
 19 was it for? We have a thousand dollar check already,  
 20 and, obviously, we're going to ask for more financial  
 21 records if you approve the investigation. But, as Mr.  
 22 Quelland points out in his response, that thousand  
 23 dollar check was, according to him, purely for business  
 24 purposes. It has nothing to do with his political  
 25 campaign.  
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1 So, again, we've reached no conclusions. It  
 2 may well be these were simply business transactions that  
 3 didn't violate the law in any way. But the allegations  
 4 are serious, the conflict in the stories is significant,  
 5 and so we ask for your approval to investigate this and  
 6 obtain the bank records and other documents you need to  
 7 properly evaluate this case.

8 That said, I don't know if there are folks who  
 9 want to make comments.

10 CHAIRPERSON SCARAMAZZO: Certainly open it for  
 11 questions and comments. And we'll get everyone in up  
 12 here who wants to go ahead and make some statements.

13 Mr. Miller?

14 MR. MILLER: Thank you, Mr. Chairman, members.  
 15 For the record, my name is Lee Miller. I represent  
 16 Representative Elect Doug Quelland in this particular  
 17 matter.

18 I suppose it's actually almost too much to ask  
 19 an investigator to not investigate. When you ask an  
 20 investigator to not investigate, I suppose the reflexive  
 21 reaction is: Well, gosh, what are you hiding? Why do  
 22 you not want me to come and poke around in your books  
 23 and records and verify that, as a matter of fact, all  
 24 the statements you've been making to justify the claim  
 25 that there is no reason to investigate are true?

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24

1 paid under that contract.

2 We do acknowledge that Mr. Davis' firm  
 3 Intermedia was hired by Mr. Quelland's business to  
 4 perform services for the business. Mr. Quelland's  
 5 businesses are very neighborhood-orientated. Mr.  
 6 Quelland thought perhaps a valuable marketing mechanism  
 7 would be to distribute coupons for his businesses  
 8 throughout the neighborhood. Mr. Davis' firm provides  
 9 just those services. In the supplemental response at  
 10 the end of your package there, those coupons for Q.  
 11 Rentals and the -- the coffee shop, Mr. Davis' firm was  
 12 responsible for the creation, the production, and the  
 13 distribution of those marketing pieces, and he was paid  
 14 by Mr. Quelland's business for doing that.

15 In Mr. -- Mr. Davis' final correspondence with  
 16 you all, he sends you a copy of that thousand dollar  
 17 check from Q-Land and then goes on to say: If you  
 18 subpoena Mr. Quelland's bank records, you're going to  
 19 find \$11,000 more that was sent out from Mr. Quelland's  
 20 businesses to Mr. Davis' firm.

21 Well, first of all, I'm going to tell you,  
 22 you're not going to find that. Secondly, I'm here to  
 23 tell you, if we are going to go forward with this  
 24 investigation, it's my contention that it's Mr. Davis'  
 25 obligation to come forward with the justification, the

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23

1 Here, the -- first of all, let's just ignore  
 2 the Respondent [sic]. The Respondent [sic] is simply a  
 3 Democratic activist who was asked to sign this  
 4 complaint, who has admitted in the media she has no  
 5 personal knowledge. She has no factual basis herself  
 6 for filing the complaint. But the complaint was brought  
 7 to her, she heard some noise, she heard some gossip in  
 8 the district, that maybe there were some irregularities  
 9 with Mr. Quelland, so take one for the team, please sign  
 10 the complaint and here we are.

11 But every one of the assertions made in that  
 12 complaint we have rebutted with factual evidence. There  
 13 was a contract. Nobody disputes that. Our claim is  
 14 that no services were rendered, no expenses were paid,  
 15 no dollars went out from the Quelland campaign to  
 16 Intermedia or Mr. Davis. And even if, as Mr. Lang has  
 17 noted to you a couple of times, there were contractual  
 18 obligations to pay termination fees under the contract,  
 19 no termination fees were paid because no services were  
 20 ever rendered under this agreement.

21 To support our side of the facts, we've  
 22 submitted two affidavits from Mr. Quelland's campaign  
 23 manager and from a colleague, frankly, the store manager  
 24 of Mr. -- one of Mr. Quelland's enterprises, backing up  
 25 our claim no services were rendered, no dollars were

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25

1 factual basis that underlies the claim that \$11,000 in  
 2 cash was spent by Quelland to Davis.

3 At some point, Mr. Quelland has to be free from  
 4 having to prove a negative, because that's what Mr.  
 5 Davis wants to happen. Mr. Davis simply says: Oh,  
 6 yeah, Quelland sent me \$11,000, go check it out. Why is  
 7 it Mr. Quelland's obligation to prove that he didn't  
 8 send Mr. Davis the money? Why can't Mr. Davis come  
 9 forward and say: Here, here's copies of the checks?

10 At our law firm, every single check that comes  
 11 in for payment for services, we have copies of. We have  
 12 copies of every deposit ticket that the firm business  
 13 manager creates. If I wanted to make a claim to  
 14 somebody that as to what I was paid or what I wasn't  
 15 paid, I'd be providing you that factual basis. To  
 16 simply say: Yeah, Quelland paid me a lot of money, go  
 17 look at his bank records and you'll back me up. That  
 18 can't be enough to justify the government going out to  
 19 Mr. Quelland's business and saying: Let me see all your  
 20 bank records.

21 That contract was real for about a day, a day  
 22 and a half. No services were rendered under it. No  
 23 fees were paid at all for anything, even termination  
 24 fees pursuant to it. Under your rules, there is an  
 25 obligation to report agreements as soon as there is a

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26

1 meeting of the minds, as soon as the parties agree that  
 2 services will be performed for payment at a future date,  
 3 regardless of whether those services have been performed  
 4 or those fees have been paid.  
 5 Now, keep in mind, this is 2007, so keep in  
 6 mind that no financial report is due until January of  
 7 2008. So, on March 7th, Quelland enters into that  
 8 contract; on March 8th through March 9th, the contract  
 9 is terminated. Again, no services rendered, no fees  
 10 paid. But, let's jump forward to January 2008, where  
 11 a -- where a contract existed for 48 hours but was  
 12 cancelled. Tell me how I would report that. Should I  
 13 have on my expense report noted March 7th, 2007, that I  
 14 entered into a contract with Davis for \$15,000; and then  
 15 on, what, on March 10th, should I have put an offsetting  
 16 item that said: Well, contract cancelled?  
 17 You know, if you ask the lawyers and the  
 18 accountants that, they would have probably told you,  
 19 well, that would certainly be the prudent thing to do.  
 20 But these campaigns, we hope, are not run by lawyers, we  
 21 hope they're not run by accountants. You have real  
 22 people who are trying to do the best they can with the  
 23 rules, some of them complicated, that you folks have set  
 24 up.  
 25 When Mr. Quelland filed as a participating  
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28

1 is, if we're going to go forward with an investigation  
 2 here, I think you need to find that there is a  
 3 legitimate factual basis underlying the allegations made  
 4 in the complaint and not just noise, not just gossip,  
 5 not just bald assertions that are thrown up in the air  
 6 in the hopes that something sticks. Because when you  
 7 look at what we've submitted and compare it to what the  
 8 Complainant submitted and what Mr. Davis subsequently  
 9 submitted, we've got factual support for each one of the  
 10 rebuttal statements we make. The Complainant and Mr.  
 11 Davis have nothing more than just noise.  
 12 It's Mr. Quelland's belief, it's my belief,  
 13 that you should close this matter right now because  
 14 there is no basis, there is no factual basis, on which  
 15 to proceed.  
 16 Mr. Chairman, if anybody has any questions, I'd  
 17 be happy to take them now.  
 18 CHAIRPERSON SCARAMAZZO: Okay. Questions?  
 19 Don?  
 20 COMMISSIONER LINDHOLM: Mr. Chairman, Mr. --  
 21 it's Miller, right?  
 22 MR. MILLER: Yes, sir.  
 23 COMMISSIONER LINDHOLM: When I -- I have not  
 24 reviewed all the documents contained in this file  
 25 comprehensively, so I may easily have overlooked  
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27

1 candidate, he believed he was in full compliance with  
 2 the law. Because while he knew that on the 7th he had  
 3 entered into that contract with Mr. Quell -- with Mr.  
 4 Davis, on the 9th it was done. So, what -- what would I  
 5 tell you later on when I filed -- later that month when  
 6 I filed my paperwork? Should I have -- should Mr.  
 7 Quelland have attached a memo to his request to be a  
 8 participating candidate that said: FYI, a couple weeks  
 9 ago I entered into a contract, immediately cancelled it,  
 10 no services offered, no payments made, but I did it,  
 11 just so you know, but I've, over the -- over those three  
 12 weeks, I've decided I will become a participating  
 13 candidate, I will agree to follow all your rules and  
 14 regulations? Perhaps.  
 15 That is the real challenge that Mr. Quelland  
 16 faced here, is in trying to figure out what his  
 17 obligation -- what his reporting obligation was to you  
 18 all for a non-transaction, an event that in his mind  
 19 never took place. Because, to the average person, if I  
 20 received no services under an agreement, if I have no  
 21 payment obligation under that agreement, perhaps to  
 22 everybody other than a lawyer, that's a non-event,  
 23 that's nothing, that -- there's no deal that was ever  
 24 made there.  
 25 But the point I really want to leave you with  
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29

1 something. And with that preface, I note in the  
 2 contract that I have looked at that it does provide for  
 3 termination on written notice, and it provides for  
 4 specific information as to how that written notice is to  
 5 be transmitted. I don't find in the documents that I  
 6 have reviewed, a copy of the notice terminating the  
 7 contract. And the question that you asked in your  
 8 presentation, which I thought a very logical and  
 9 reasonable question, is what could we furnish to the  
 10 Commission to show that this contract was terminated, I  
 11 think would be answered with a copy of the notice  
 12 terminating it pursuant to the terms of the contract  
 13 that you concede was entered into.  
 14 MR. MILLER: Mr. Chairman, Mr. Lindholm, if  
 15 you -- one of the attachments to my initial response is  
 16 a copy of a termination letter on Thank Q. Rental  
 17 letterhead from Mr. Quelland to Mr. Davis.  
 18 Notwithstanding the expressed terms of the contract,  
 19 there were no termination fees paid, and Mr. Davis has  
 20 never claimed that termination fees were owed under that  
 21 contract.  
 22 That -- that -- when -- when the parties agreed  
 23 to end their relationship -- the parties being the  
 24 Quelland campaign and Mr. Davis -- again,  
 25 notwithstanding the fact the contract called for  
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30

1 termination fees, no fees were paid, no claims for fees  
 2 were requested.  
 3 CHAIRPERSON SCARAMAZZO: Further questions?  
 4 I have one, Mr. Miller. Maybe you can clarify  
 5 this for me. In this documentation, we're talking about  
 6 a \$15,000 payment that was supposedly made by Mr.  
 7 Quelland, correct?  
 8 MR. MILLER: I guess I would recharacterize  
 9 that as saying Mr. Quelland entered into a contract --  
 10 CHAIRPERSON SCARAMAZZO: Right.  
 11 MR. MILLER: -- on March 7th where he agreed to  
 12 pay \$15,000 over a period of time for services to be  
 13 rendered over a period of time.  
 14 CHAIRPERSON SCARAMAZZO: And when -- in your  
 15 discussion, you were just talking about \$11,000 in  
 16 payments. In my mind, I'm kind of jumping there, I  
 17 guess, to a question. I'm trying to determine whether,  
 18 in fact, there was any relationship or, you know,  
 19 agreement that existed outside of this between the two  
 20 parties.  
 21 When I look at this, the question I'm trying to  
 22 get at, I guess in a roundabout way: There was \$4,000,  
 23 supposedly in-kind contributions for leasing of  
 24 property, an office space. Did that, in fact, take  
 25 place?

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32

1 to make the financial commitment that is represented by  
 2 a lease of space. And, so, there is no -- there was no  
 3 free rent because there never was an -- a contractual  
 4 agreement between Quelland's real estate business and  
 5 Mr. Davis for that space, although that discussion  
 6 clearly did occur.  
 7 CHAIRPERSON SCARAMAZZO: Okay. So -- go ahead,  
 8 Jeff. Go ahead.  
 9 COMMISSIONER FAIRMAN: Yes, sir. Mr. Miller,  
 10 one of the things that I think concerns me the most, and  
 11 you've kind of added to that concern, is just the simple  
 12 blurring between the campaign and the business. And it  
 13 seems to fade in and out throughout this entire process.  
 14 And I guess that's the part that I think would be most  
 15 valuable for the Commission to kind of unweave a little  
 16 bit, as it were.  
 17 Can you talk a little bit about the process for  
 18 trying to keep those -- those are two very distinct  
 19 activities, a campaign and running a business. Can you  
 20 kind of talk about that -- that interweaving and how  
 21 that would all be separated out?  
 22 MR. MILLER: Mr. Chairman, Commissioner, Mr.  
 23 Quelland and I have had lengthy discussions about: Why  
 24 did you keep doing business with this guy? If -- If  
 25 you, you know, if you -- if his services as a political

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31

1 MR. MILLER: Mr. Chairman, as I have informed  
 2 you before, Mr. Quelland's business enterprises and Mr.  
 3 Davis had a prior relationship before the campaign and  
 4 this contract was entered into. They had a continuing  
 5 relationship, Mr. Quelland's businesses and Mr. Davis  
 6 and Mr. Davis' firm, after this contract was terminated.  
 7 Mr. Davis did marketing services for the coffee shop and  
 8 the rental store.  
 9 Mr. Davis and Mr. Quelland -- Mr. Davis  
 10 approached -- the -- Mr. Davis is the one who raises the  
 11 \$11,000. When he -- in his last communication, he sent  
 12 you a copy of a check for a thousand dollars. Said if  
 13 you subpoena Quelland's accounts, you'll find more  
 14 checks. I'm telling you, it's his obligation to come  
 15 forward with those checks.  
 16 CHAIRPERSON SCARAMAZZO: Right.  
 17 MR. MILLER: And to get to \$15,000, he talks  
 18 about \$4,000 in free rent. One of Mr. Quelland's  
 19 business enterprises is a strip retail center  
 20 approximately located at 35th Avenue and Greenway. Mr.  
 21 Davis and Mr. Quelland had several conversations about  
 22 Mr. Davis seeking to rent space in that retail center.  
 23 Those discussions did involve a request by Mr. Davis for  
 24 a period of free rent. Ultimately, those discussions  
 25 went nowhere. Mr. Davis was never able to come forward

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33

1 consultant were so patently unuseful that you would  
 2 terminate the agreement 48 hours after you entered into  
 3 it, why didn't you just go your separate ways and seek  
 4 to avoid the fellow?  
 5 I have no direct explanation for that other  
 6 than to tell you Mr. Davis does run a legitimate  
 7 marketing and public relations organization. He does  
 8 provide services that Mr. Quelland thought useful and  
 9 appropriate for marketing the coffee shop and marketing  
 10 the rental shop. Mr. Quelland is in the business of  
 11 renting space. Mr. Davis approached him and said: Hey,  
 12 I might want to rent some space, what are the terms and  
 13 conditions?  
 14 I wish -- my job would be a lot easier here, if  
 15 when -- when that consulting contract ended, those two  
 16 fellows ceased any subsequent communication.  
 17 Unfortunately, that's not the case. We're certainly  
 18 happy to make, you know, Mr. Quelland available to you  
 19 and your staff. And, you know, we can have extended  
 20 discussions about, you know, sort of, dates, times, and  
 21 places that -- that those discussions took place.  
 22 You will note in Mr. Koestner's affidavit that  
 23 even after that consulting contract was terminated,  
 24 Mr. Davis continued to patronize Mr. Quelland's coffee  
 25 shop, continued to try and find a role for himself in

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1 both Mr. Quelland's business and his campaign.  
2 Mr. Quelland was comfortable using him on the business  
3 side, rejected using him on the campaign side.

4 As I said we're happy to explore that further.  
5 I will tell you in advance, you're -- you're going to  
6 find that the business used Davis for marketing  
7 services; the campaign had no further engagement with  
8 Mr. Davis.

9 COMMISSIONER FAIRMAN: Thank you.

10 COMMISSIONER PARKER: Mr. Chairman?

11 CHAIRPERSON SCARAMAZZO: Yes, Royann.

12 COMMISSIONER PARKER: Mr. Miller, I have a  
13 couple of questions for you, sir.

14 MR. MILLER: Certainly.

15 COMMISSIONER PARKER: I was looking through the  
16 -- the e-mails that Mr. Davis provided to us. And one  
17 of them was subject the ballot request. Did Mr. Davis'  
18 firm do some piece work for the campaign at all or is  
19 that just a -- a mislabeled e-mail?

20 MR. MILLER: Mr. Chairman and Commissioner, if  
21 you could tell me what you mean by "piece work."

22 COMMISSIONER PARKER: There was an e-mail dated  
23 July 10, July 3rd, and August 7th, and the subject line  
24 says, "Ballot Requests." And it looked like Mr. Davis'  
25 firm was doing some kind of printing with a third-party

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1 group. And I just didn't know if it -- if it was really  
2 for ballots or if it was for something for the business,  
3 you know; if maybe they just had an old e-mail and  
4 they -- they used the same subject line kind of thing.

5 Let me find it here.

6 It looked like he had also worked with a  
7 T-shirt vendor. And I just didn't know if maybe he was  
8 doing piece work after the cancellation of the contract,  
9 or if those, indeed, were for the business rather than  
10 the campaign. Let me see here. Let me find --

11 MR. LANG: The e-mail at the top says "November  
12 24th," but it's -- it's actually a July e-mail. It's  
13 just the top.

14 COMMISSIONER PARKER: Okay. It's an e-mail --  
15 let's see, does -- the top of the page says, "Daniel  
16 Ruiz," and then the bottom says page, like 13, and it  
17 has copies of e-mails that Larry Davis sent to Daniel  
18 regarding ballot requests.

19 MR. MILLER: Commissioner, I -- I -- I think  
20 I'm on the same page with you now. I have no particular  
21 explanation for what the subject matter was between the  
22 parties in this particular e-mail dialogue, other than  
23 to note nobody from Mr. Quelland and nobody representing  
24 Mr. Quelland's campaign, you know, is -- is copied in on  
25 these e-mails.

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1 And I -- the only thing I can tell you is to  
2 just reiterate what Mr. Quelland has told me, is that  
3 once that consulting contract was done, the Quelland  
4 campaign had no further business relationship with  
5 Mr. Davis and Mr. Davis' firm, but Mr. Quelland's  
6 businesses did.

7 COMMISSIONER PARKER: Okay. And my other  
8 question was, there was a quote from Lift Him High  
9 Productions as to Larry Davis' salesperson. It talks  
10 about T-shirts that say, "Vote Quelland" and "Vote Q."  
11 You know, I didn't know if it was Mr. Davis is going out  
12 and doing things on his own, or if he was being directed  
13 to do some piece work for the campaign. I guess that's  
14 kind of what my questions are.

15 MR. MILLER: I -- you know, Commissioner, I  
16 presume if we choose to investigate this matter further,  
17 we'll have an opportunity to try and run those  
18 particular details to ground.

19 COMMISSIONER PARKER: Okay.

20 COMMISSIONER DANIELS: Mr. --

21 CHAIRPERSON SCARAMAZZO: Lori.

22 COMMISSIONER DANIELS: Mr. Chairman, I don't  
23 really have a question of Mr. Miller. I would just say  
24 that, I am probably going to make a motion that we do  
25 investigate, because at this point it's as clear as mud

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1 to me. I -- I am just all over the board and am very  
2 uncomfortable with what's going on and just feel like I  
3 can't drop it right now. I have a responsibility as a  
4 commissioner to at least investigate this further where  
5 we are.

6 COMMISSIONER PARKER: I'll second that.

7 COMMISSIONER DANIELS: Well, I -- I better make  
8 a motion. I just said I was going to, but I will.

9 Mr. Chairman, I make a motion in the matter of  
10 MUR 08-0035 against Doug Quelland, that we do find  
11 reason to believe and that we direct staff to  
12 investigate further.

13 COMMISSIONER PARKER: I'll second that.

14 CHAIRPERSON SCARAMAZZO: Okay. It's been moved  
15 by Commissioner Daniels, seconded by Commissioner  
16 Parker, to find reason to believe occurred in  
17 MUR 08-0035, and direct staff to further investigate  
18 this matter.

19 We'll still have dialogue and questions and  
20 answers going on here. So, we do have a motion on the  
21 floor.

22 Any other questions for Mr. Miller? Thank you,  
23 Mr. Miller.

24 MR. MILLER: Certainly. Thank you members, Mr.  
25 Chairman.

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1 CHAIRPERSON SCARAMAZZO: Certainly.  
2 Other members of the audience wish to -- please  
3 come forward, sir, and identify yourself.

4 MR. DAVIS: I am Larry Davis. I am the  
5 president of Intermedia Public Relations.

6 CHAIRPERSON SCARAMAZZO: Welcome.

7 MR. DAVIS: Thank you. May I have a seat?

8 CHAIRPERSON SCARAMAZZO: Please do.

9 MR. DAVIS: Now, I'm not a lawyer and I'm not a  
10 professional politician, so I may not be quite as in  
11 order as you'd like, so feel free to correct me if you  
12 would.

13 Mr. Lang, Commissioners, thank you for your  
14 time today. Now, given that you don't know me, I don't  
15 expect you to have an opinion of me today, but I can  
16 assure you I'm the person of common sense. So if you  
17 fired me from a job, there is no way in the world,  
18 especially for the allegations made against my firm that  
19 we were going to slander Ms. Thrasher's family in a  
20 campaign, that I would work for you, because that is a  
21 false lie.

22 And so in my response to you, or to Mr. Miller,  
23 I also told you that: My staff nor myself have any  
24 knowledge of fix ing lawn mowers, or rental equipment,  
25 or real estate for that matter. So there's no way in

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1 time frame, they were filed away in storage some place  
2 wherever the bank puts them. That you will find \$11,000  
3 paid to my firm with the same check and check account  
4 number that we have right here today.

5 Furthermore, and, again, I'm not a professional  
6 politician, I am not a lawyer, but most people who when  
7 you fire somebody that has any level of professionalism,  
8 would put a little more than a handwritten note like  
9 this, that I nor my staff ever received. And my staff  
10 will come here and tell you the same thing, and I am  
11 convinced that they have a better reputation in this  
12 community than even myself.

13 Also my -- the people that my business does  
14 business with, would not have anything to do with  
15 Mr. Quelland, either, for such a horrible lie for firing  
16 me for some story that never even happened.

17 By the way, Ms. Thrasher's son? Her name --  
18 her son's name who, is the reason why we were terminated  
19 apparently, is spelled wrong. That is not the correct  
20 Jason Thrasher who was incarcerated. Her son lives in  
21 Portland with his family. Ms. Thrasher would be glad to  
22 clarify that as well for you. So, this is bogus.

23 Furthermore, and forgive me again, my staff  
24 would not have gone out and gotten Mr. Quelland  
25 signatures, either, whose names are also on those

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1 the world that it would take \$3,000, because of the  
2 initial fee and the thousand dollar check that you have  
3 a copy of, to pay for those flyers that you have in the  
4 back here somewhere.

5 Forgive me, I didn't even know this was back  
6 there, so I have mine in all kinds of different orders.

7 So, I assure you also that if you go to the  
8 Secretary of State's office, as you saw in my report  
9 there, that I would not go out and get signatures for  
10 you if you fired me from your campaign. I am not that  
11 insane nor would I sit back behind Mr. Miller here at  
12 the last hearing and help Mr. Quelland through his last  
13 Clean Elections hearing, which, by the way, if you look  
14 at the date of the printing for those -- for the flyer  
15 that Mr. Miller sent you, that will fall in line with  
16 the time that he had his hearing. Because part of that  
17 campaign there was to go out and pass out these flyers  
18 to help justify his "Q" signs, if you recall, and that  
19 is factual.

20 I will pay, and I will go on the record today,  
21 to say that I will pay for the investigation that if you  
22 subpoena Mr. Quelland 's bank statements. Because the  
23 reason why mine are not here today is because we closed  
24 out some of those accounts through mergers in our  
25 company. So, when you close the accounts out, given the

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1 nominating petitions over at the Secretary of State's  
2 office, well past March 10th.

3 And, again, forgive me for being a little  
4 emotional. But I'm not used to having my name in the  
5 paper for such horrific stuff, either, so I am a little  
6 chapped.

7 I will be glad to answer any questions that you  
8 folks have today.

9 CHAIRPERSON SCARAMAZZO: Thank you.

10 COMMISSIONER PARKER: Mr. Chairman, I have a  
11 question.

12 CHAIRPERSON SCARAMAZZO: Certainly.

13 COMMISSIONER PARKER: Mr. Davis, did you  
14 receive that handwritten termination of the contract? I  
15 couldn't make that out when you were speaking.

16 MR. DAVIS: No, ma'am, I did not.

17 COMMISSIONER PARKER: You did not.

18 MR. DAVIS: Can I please also bring something  
19 else to your attention with regards to the lease. With  
20 all due respect, there is no way I would pay somebody a  
21 thousand dollars a month to be in a facility that fired  
22 me for unreasonable reasons, either. That just does not  
23 make sense. Those last four months -- if you look at  
24 when we -- our payments were done, were because we were  
25 considering opening up a retail space, and Mr. Quelland

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1 offered us this place that's well underpriced, if you  
2 will, at a thousand dollars a month in exchange for the  
3 final four payments that he owed us.

4 So, there, 11 plus four is \$15,000. And,  
5 again, my final thought, and I just want to reiterate it  
6 to you, please, if you will allow me, that I am  
7 convinced beyond a shadow of a doubt, and I will pay for  
8 this complete investigation, that, again, if you go to  
9 Mr. Quelland's bank and subpoena his records, you will  
10 have \$11,000 in payments to my firm. Again, not for  
11 passing out flyers, because there's not enough --  
12 \$11,000 would buy flyers from my company for the next  
13 five years. The flyers and the demographics that his  
14 flyers were supposed to attract, would not cost that  
15 much money at any day of the week.

16 My vendors will also come in here and tell you  
17 as well that they worked with our firm well past  
18 March 10th to create his red "Q" T-shirts, to create his  
19 flyers. And also my staff will come in here and tell  
20 you that Mr. Quelland paid him directly, I believe, \$300  
21 to do work for him. Nobody pounds signs at 5 o'clock in  
22 the morning, either. And I will be glad to bring folks  
23 in here at any time to tell you that we were out there  
24 pounding those signs with Mr. Quelland every day of the  
25 week.

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1 And also folks who I knocked on the door with  
2 well after March 10th who would also be glad to come in  
3 here and tell you all that they saw my staff and me  
4 knocking on those doors for Mr. Quelland, passing out  
5 those palm cards that we made for him.

6 Yes?

7 CHAIRPERSON SCARAMAZZO: Don.

8 COMMISSIONER LINDHOLM: Mr. Chairman, a  
9 question.

10 Mr. Davis, how much in total were you or your  
11 firm paid by the Quelland campaign for campaign  
12 services?

13 MR. DAVIS: By the Quelland campaign itself, we  
14 were never paid a penny.

15 COMMISSIONER LINDHOLM: How much by -- were you  
16 paid by Mr. Quelland personally?

17 MR. DAVIS: Out of his Q-Land Enterprises  
18 account, we were paid \$11,000 in checks.

19 COMMISSIONER LINDHOLM: Was the entire \$11,000  
20 paid to you in the form of checks?

21 MR. DAVIS: Yes, sir.

22 COMMISSIONER LINDHOLM: And explain again why  
23 you are unable to provide either copies of the checks or  
24 copies of your deposit records which would reflect the  
25 deposit of those \$11,000.

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1 MR. DAVIS: Based on my conversations with the  
2 office here and the amount of time it would take for my  
3 banks to get those records prepared for this hearing, or  
4 prepared by the time frame for this to be submitted,  
5 there was not enough time to go back and do all the  
6 research to bring those to this meeting.

7 COMMISSIONER LINDHOLM: Over what period of  
8 time were those \$11,000 paid to you?

9 MR. DAVIS: Forgive me for not having the exact  
10 date, but from the date that we engaged in our  
11 relationship over the next nine months. Because the  
12 \$2,000 payment was the first payment, then you have nine  
13 payments every month thereafter for the remaining  
14 \$9,000.

15 COMMISSIONER LINDHOLM: But it is possible for  
16 you, if you chose to do so, to request of your bank a  
17 discreet search of your records which would specify  
18 checks payable to your firm by Mr. Quelland?

19 MR. DAVIS: Absolutely.

20 COMMISSIONER LINDHOLM: And other than the time  
21 constraints that you've specified, there wouldn't be any  
22 other reason not to accomplish that search?

23 MR. DAVIS: Absolutely not.

24 COMMISSIONER LINDHOLM: Have -- have you  
25 discussed this with your bank?

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1 MR. DAVIS: Yes, we have.

2 COMMISSIONER LINDHOLM: Did the bank estimate  
3 how long it would take them to -- to run that search and  
4 provide those records?

5 MR. DAVIS: Three to four weeks at the most.

6 COMMISSIONER LINDHOLM: They give you an  
7 estimate of cost?

8 MR. DAVIS: No, sir.

9 COMMISSIONER LINDHOLM: Can I ask a question of  
10 Mr. Lang as well?

11 CHAIRPERSON SCARAMAZZO: Sure.

12 COMMISSIONER LINDHOLM: Todd, in the -- in the  
13 documents, you pointed out to me this handwritten letter  
14 that bears the date 3/10/07. There are some -- some  
15 facts -- facsimile imprints on it. Do you know how  
16 those facsimile imprints got there?

17 I mean, what I'm interested in is, is that  
18 indicative that it's a facsimile from Quelland to Davis,  
19 or is that a facsimile from Quelland to the Commission,  
20 or what is it?

21 MR. LANG: It's my understanding that that was  
22 a facsimile to the -- to either Mr. Miller or to the  
23 Commission. I did notice the -- the record marks as  
24 well.

25 COMMISSIONER LINDHOLM: The reason I ask is,

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1 you know, the contract is specific in -- in how it can  
2 be terminated. And then it's -- and it specifically  
3 requires written notice. And then the contract is  
4 specific in its Section 10 as to the form of the written  
5 notice. And it says: Any notices hereunder shall be  
6 hand delivered, comma, conveyed by a facsimile, or sent  
7 by U. S. Certified mail, comma, postage prepaid, comma,  
8 return receipt requested, comma, addressed as follows,  
9 and then the address provided is to Intermedia Public  
10 Relations, Inc., care of Larry Davis, managing partner  
11 with a P.O. Box. That's all specified in the contract  
12 and, you know, certainly we would need to determine if  
13 the --

14 MR. LANG: Commissioner Lindholm, because the  
15 dates were November 20th, we didn't -- I assumed, and I  
16 think correctly, that this was never faxed to Mr. Davis'  
17 firm. I don't think Mr. Quelland would allege that. We  
18 can obviously confirm that. But since this date is so  
19 recent, the -- my conclusion was that this was simply  
20 faxed to prove its existence --

21 COMMISSIONER LINDHOLM: The reason for my  
22 inquiry is, I'm going -- I'm going to support the motion  
23 that's before us, and I'm -- I'm most interested in  
24 learning, number one, specifically from the Quelland's  
25 side of the table, precisely how they complied with the

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1 of you.  
2 One of the -- one of the comments that was made  
3 earlier by Mr. Miller, was looking at both sides of this  
4 really is what he was saying: The factual basis for the  
5 complaint of the process. I'm assuming that that would  
6 be one of the stages that you would go through should we  
7 find reason on this. Is that -- is that -- would that  
8 be the case? He would -- you know, it's more of a  
9 thorough look at this process rather than just a  
10 one-sided look; is that -- would be a fair thing to say?

11 MR. LANG: Absolutely. Absolutely. I  
12 appreciate the question, Commissioner. We're going to  
13 examine Mr. Davis' records with great care and ask him  
14 to produce the records that he's described here today in  
15 the detail that we would -- in all detail necessary, and  
16 we're certainly going to address Mr. Lindholm's  
17 particular questions. And at the same time we're going  
18 to ask Mr. Quelland to produce his records.

19 I point out, you know, that Mr. Miller talked  
20 about, you know, this public agency, government, picking  
21 on someone, but that's not the situation here. We have  
22 a person who took public funding, and we have sworn  
23 allegations indicating that he violated our rules. And  
24 so this is not an instance of the government picking on  
25 someone. This is a sworn allegation of very serious

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1 termination and notice requirements of the contract; and  
2 from the Davis side of the table, I think we should see  
3 those bank records that Mr. Davis has alluded to. My  
4 thoughts for the day.

5 CHAIRPERSON SCARAMAZZO: Lori?  
6 Thank you, Don.

7 COMMISSIONER DANIELS: Mr. Chairman, I would  
8 agree with Commissioner Lindholm. I would rather see  
9 your bank records. I feel like at this point I don't  
10 want to subpoena somebody's individual business records  
11 and get all of them. I think that's beyond our scope as  
12 a Commission. I think that's an invasion of a  
13 business's privacy, and I think that there could be some  
14 real legal issues if we were to try to do that, so I  
15 don't think we should.

16 But you have all rights easily to go to your  
17 bank and get that information, and it's -- it's your  
18 confidential information, not someone else's. So, I  
19 would rather we not even head in the other direction.

20 CHAIRPERSON SCARAMAZZO: Okay. Jeff?

21 COMMISSIONER PARKER: Mr. Chairman?

22 CHAIRPERSON SCARAMAZZO: Hold on, Royann. Jeff  
23 and then we'll get right to you.

24 COMMISSIONER PARKER: Okay.

25 COMMISSIONER FAIRMAN: Todd, I have a question  
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1 violations, and so it would be imprudent not to examine  
2 this situation.

3 Although I think Mr. Miller raises a number of  
4 legitimate concerns, it would be imprudent for us not to  
5 look into this and to take it seriously.

6 That said, we haven't made any conclusions at  
7 all, and we hope that the bank records and the other  
8 records will paint a very clear picture.

9 COMMISSIONER FAIRMAN: Just to continue that  
10 thought, I intend on supporting the motion, but I feel  
11 very much like Commissioner Daniels does. I would be  
12 very concerned if this investigation went any further  
13 than it needed to. And I would assume that staff is  
14 going to be paying particular attention to what is  
15 necessary in their investigation and what is probably  
16 beyond the scope of the investigation.

17 MR. LANG: We certainly take your -- your  
18 concerns seriously.

19 CHAIRPERSON SCARAMAZZO: Royann.

20 COMMISSIONER PARKER: My question is regarding  
21 how Mr. Miller [sic] felt that he was being directed by  
22 Mr. Q, in terms of the e-mail that he was talking about,  
23 ordering ballots, and T-shirts, and different things.  
24 And I guess my question is, how -- how was he directed  
25 to do this work if Mr. Quelland wasn't working with him?

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50

1 MR. LANG: Mr. Chair, I think she means Mr.  
 2 Davis.  
 3 COMMISSIONER PARKER: Mr. -- yeah, I'm sorry.  
 4 You know, if Mr. Quelland is saying he wasn't using his  
 5 services, and yet here's all this -- copies of e-mails  
 6 that show that he was doing some campaign work. And I  
 7 guess my question is, how was he being directed if Mr.  
 8 Quelland is saying he wasn't working with him?  
 9 MR. DAVIS: That's a question to me?  
 10 Ma'am, with all due respect, I -- the answer I  
 11 have for you today is, I was clearly working for him.  
 12 And again, not to be out of line, but the Republican  
 13 Party, if I may refer to Mr. Miller, who he represents,  
 14 clearly, also sent us what would be considered  
 15 privileged information. In the Republican party and in  
 16 politics, with regards to voter ballot to create the  
 17 mailing lists that those cards would be sent to and  
 18 phone calls would be made from as well. You also have  
 19 that in your records, too.  
 20 Also, other elected officials whom Mr. Quelland  
 21 and I met with at my request, would also be delighted,  
 22 specifically, Councilwoman Williams, who met with us in  
 23 that coffee shop, where these affidavits were -- told  
 24 that I was never involved in the campaign after a  
 25 certain period of time, took place at. Her office  
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52

1 apparently we were fired.  
 2 COMMISSIONER LINDHOLM: One last question,  
 3 Mr. Chairman.  
 4 CHAIRPERSON SCARAMAZZO: Yes, Don.  
 5 COMMISSIONER LINDHOLM: Mr. Davis, just to put  
 6 on our record to maintain the integrity of the  
 7 proceedings, did I understand you to say that you are --  
 8 you are agreeable to providing -- strike that.  
 9 You are agreeable to soliciting from your bank,  
 10 copies of the records that demonstrate that you received  
 11 checks for \$11,000 from Mr. Quelland.  
 12 MR. DAVIS: Absolutely.  
 13 COMMISSIONER LINDHOLM: You'll furnish those to  
 14 Mr. Lang?  
 15 MR. DAVIS: I certainly will.  
 16 COMMISSIONER LINDHOLM: Thank you.  
 17 CHAIRPERSON SCARAMAZZO: Lori?  
 18 COMMISSIONER DANIELS: I actually have a  
 19 question of Mr. Miller, if that's okay.  
 20 CHAIRPERSON SCARAMAZZO: Sure. Certainly.  
 21 COMMISSIONER DANIELS: Mr. Miller, it's my  
 22 understanding the Republican Party -- as far as lists,  
 23 anybody can buy them, can't they? Or are they  
 24 selective? I mean, in the past, if I wanted to buy one  
 25 for another district, all it was was a matter of paying  
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51

1 records will also reflect that as well.  
 2 Furthermore, in the Secretary of State's office  
 3 when we went to go turn in those nominating petitions, I  
 4 went with Mr. Quelland. And I'm sure that the Deputy  
 5 Secretary of State would also acknowledge that he came  
 6 out there and congratulated us and shook our hands and  
 7 patted me on the back with him.  
 8 Again, and my final thought today, I assure  
 9 you: Only a person who is obsessed and insane would  
 10 continue after being fired. And I hope --  
 11 COMMISSIONER PARKER: I guess more  
 12 specifically, my question is, you -- it looks like you  
 13 were working on T-shirts and working on ballot printing,  
 14 and is -- is there some kind of information you can  
 15 provide staff that shows you were being directed to do  
 16 this by the Quelland campaign itself?  
 17 MR. DAVIS: Nothing other than my word today.  
 18 And we were, indeed, asked to take care of that.  
 19 CHAIRPERSON SCARAMAZZO: Okay. Thank you.  
 20 MR. DAVIS: And I'm sure Mr. Hillis who owns  
 21 that company will also come today or come at a time when  
 22 you request, and also speak that we were requested to  
 23 work with him and get those done. Because one of our  
 24 employees used a campaign debit card, if I recall, to  
 25 pay for those shirts. Which we still had after  
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53

1 for them. Are they more selective with the Party than  
 2 that, do you know?  
 3 MR. MILLER: Mr. Chairman, Ms. Davis [sic], no.  
 4 We simply ask you to sign a piece of paper that swears  
 5 you're going to use them for valid Republican Party  
 6 purposes and you're not going to, you know, turn them  
 7 into a commercial business enterprise. And you pay the  
 8 appropriate fee and you get the list.  
 9 The information we provide, frankly, is  
 10 information that's also available from the counties, and  
 11 it's -- it doesn't -- there's no good reason for us to  
 12 treat that as top secret information.  
 13 COMMISSIONER DANIELS: Just wanted to make  
 14 sure. Thank you.  
 15 MR. MILLER: Thank you.  
 16 CHAIRPERSON SCARAMAZZO: Thank you. Great.  
 17 MR. DAVIS: Please forgive me, I may remind you  
 18 folks that I had another campaign in the city of  
 19 Surprise in which I purchased a list for one of my  
 20 clients. And, well, on the paper and, well, on the  
 21 Republican Party where we were chastised for giving a  
 22 Democrat access to the Republican Party list and the  
 23 paper. And Mr. McCamfy (phonetic) himself went on the  
 24 record to talk about how privileged that was.  
 25 And I have other e-mails that I can provide you  
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1 as well that would also support his desire to protect  
2 those lists. So, obviously, if you are involved in a  
3 campaign you can go and buy these. In any course, I'm  
4 sure the Republican Party would have record if I ever  
5 purchased this database. Voter ballots are specifically  
6 provided by the Republican Party for Republican  
7 campaigns, which requires you to be given a user name  
8 and password, which again would suggest it is privileged  
9 and confidential information that not just everyone  
10 could have. And that is, again, in your files as well.

11 CHAIRPERSON SCARAMAZZO: Thank you. Any  
12 further questions from the Commission on this item?  
13 Royann?

14 COMMISSIONER PARKER: Just for Todd. Todd,  
15 when staff is going through this, I would really  
16 appreciate it if they could maybe, in talking with Mr.  
17 Quelland and further discussions with Mr. Davis about  
18 the directions and how they were given for the shirts  
19 and printings and different things that are addressed on  
20 these e-mails. Though it's -- you know, I think the  
21 checks are important, but I also think we need to make  
22 sure that it's -- if written or verbal instructions were  
23 given, or what, you know, on these -- on these items.

24 MR. LANG: Mr. Chair, Commissioners,  
25 Commissioner Parker, we will certainly do that.

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1 COMMISSIONER PARKER: Okay.

2 CHAIRPERSON SCARAMAZZO: Okay. We do have a  
3 motion on the floor -- thank you.

4 MR. DAVIS: Thank you.

5 CHAIRPERSON SCARAMAZZO: Hearing no more  
6 questions or comments -- yes?

7 MR. BARTON: I do. My name is Jim Barton of  
8 Perkins, Coie, Brown and Baine. I'm here on behalf of  
9 the Complainant, Ms. Vandercook.

10 I know you've -- it sounds like you're ready to  
11 go to investigate this, and I just wanted to sort of  
12 frame a couple of issues, you know, for the record  
13 today. The first is, you know, this -- this was an  
14 expenditure of \$15,000. It was a contract that was  
15 entered into for \$15,000. Now maybe you will find out  
16 that it was refunded, but I think the default position  
17 should be you have a written agreement that was signed  
18 for \$15,000 before the campaign was ever filed, or  
19 before, and was never reported until the complaint.

20 And it's not for the Website only. I think the  
21 Website is interesting because it demonstrates that, in  
22 fact, Intermedia did do work for the Quelland campaign,  
23 but the \$15,000 is not the whole sum of what -- of what  
24 Mr. Davis did for Mr. Quelland. In fact, today we've  
25 talked about some T-shirts and some palm bills. So, I

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1 think in the course of this investigation you will find  
2 more than just a Website worth \$15,000.

3 I wanted to also point out something from the  
4 -- from the response, if you have the -- if you have the  
5 response in front of you. We start off with the first  
6 paragraph with this jurisdictional argument, which I  
7 think the staff has done a nice job of sort of  
8 demonstrating that -- that fails, that this is within  
9 the jurisdiction of the Commission. But, something we  
10 haven't talked about much is in the second paragraph of  
11 the complaint -- of the response rather, where there's a  
12 suggestion that, well, it says, you know, any  
13 contributions or expenses associated with the political  
14 campaign were undertaken on behalf of the political  
15 committee Quelland has properly registered the Arizona  
16 Secretary of State's office. And then it suggests that  
17 Quelland's 2006 campaign committee was still open until  
18 April of 2007.

19 Well, that's only relevant if this expenditure  
20 was for the 2006 election, which it clearly wasn't.  
21 Right? I mean from the other documents that are  
22 attached it's obvious this is not a 2006 expenditure.

23 This is why I'm bringing this up, I feel there  
24 is some evidence here that the campaign is not being as  
25 forthright with the Commission as it should be. It also

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1 says at the end of this complaint that no compensation  
2 was paid. But, now we have a cancelled check that shows  
3 that there was compensation paid. It says no work was  
4 done. We have all these e-mails that show that work was  
5 being done.

6 In most complaints that come before this  
7 Commission, two things have happened: The candidate  
8 misunderstood the rules; or, the candidate made a  
9 mistake and there was an oversight. And so, typically,  
10 we give candidates the benefit of the doubt and assume  
11 that they're being honest and forthright with the  
12 Commission.

13 I would suggest to you that the Commission and  
14 the Commission staff has to consider whether  
15 Mr. Quelland has earned the right to continue to have  
16 that benefit of the doubt, given the fact that within  
17 his response he makes a couple intimations. He suggests  
18 maybe it was the 2006 campaign; no money was paid, oh,  
19 money was paid but it was for something else; no work  
20 was done, oh, work was done but it was done  
21 independently.

22 And I would just ask that the Commission in,  
23 and I think rightfully using and investigating this  
24 rightfully, taking some steps that they would not  
25 ordinarily take, I think that's good and I think it

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58

1 merits it but recognize that this campaign has not been  
 2 as cooperative as campaigns typically are, at least in  
 3 my opinion looking over this response.  
 4 CHAIRPERSON SCARAMAZZO: Thank you. Any  
 5 questions? Okay. Thank you.  
 6 Anyone else have any items to address here on  
 7 this motion? Otherwise, we'll go ahead and call for a  
 8 vote.  
 9 In reference to MUR 08-0035, there is a motion  
 10 on the floor finding reason to believe and directing  
 11 staff to further investigate this matter. All in favor  
 12 say "aye."  
 13 (Chorus of ayes.)  
 14 CHAIRPERSON SCARAMAZZO: Opposed? Motion  
 15 carries.  
 16 (E) MUR 08-0036, Jorge Louis Garcia.  
 17 MR. LANG: Thank you, Mr. Chair, Commissioners.  
 18 This is an internally-generated complaint based on  
 19 information provided by Senator Garcia on November 18th.  
 20 After calling us and discussing it, he sent us a letter  
 21 describing expenditures he did during his campaign.  
 22 Basically, he authorized a vendor to do an expenditure  
 23 on his behalf using voter lists; and, unfortunately,  
 24 what happened was the vendor didn't stop when his public  
 25 money ran out, he just did the whole list.

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60

1 staff's recommendation. And there are two issues then,  
 2 and the first issue there is a reason to believe, but I  
 3 would suggest that no further action be taken; and in  
 4 the second, there is no reason to believe in the second  
 5 issue. I would make that motion.  
 6 COMMISSIONER DANIELS: Second.  
 7 CHAIRPERSON SCARAMAZZO: Okay. It's been moved  
 8 by Commissioner Fairman, seconded by Commissioner  
 9 Daniels that in MUR 08-0036, that in the first item,  
 10 there is reason to believe a violation occurred but no  
 11 further action be taken. Item number two, to find no  
 12 reason to believe occurred -- no reason to believe a  
 13 violation occurred. Any discussion on this item.  
 14 All those in favor say "aye."  
 15 (Chorus of ayes.)  
 16 CHAIRPERSON SCARAMAZZO: Opposed? Motion  
 17 carries.  
 18 That brings us on to Item No. V, discussion and  
 19 possible action on proposed Commission meeting dates for  
 20 January to June of 2009.  
 21 You have a schedule -- proposed schedule in  
 22 front of you. I guess it's pick and choose time.  
 23 COMMISSIONER DANIELS: Well, Mr. Chairman, when  
 24 staff asked, I said I obviously have no life because  
 25 none of these dates are blocked yet, but that doesn't

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59

1 And upon reviewing this, Senator Garcia  
 2 realized he exceeded the limit by \$205.76. He brought  
 3 it to our attention. He acknowledged the mistake. And  
 4 he took personal steps to remedy the problem by repaying  
 5 his campaign with personal money. As a result, you can  
 6 see our recommendation.  
 7 We do recommend that you find reason to believe  
 8 that he exceeded the campaign limit. Clearly, this was  
 9 unintentional, but he did exceed the campaign limit. He  
 10 brought it to our attention. Obviously, throughout, we  
 11 certainly appreciate Senator Garcia's good faith  
 12 throughout this process and cooperation. But we do find  
 13 a violation and we recommend that you find reason to  
 14 believe there was a violation.  
 15 As for the personal money limit, the problem  
 16 there is he spent the personal money after the time  
 17 period permitted to spend personal money, but he was  
 18 simply trying to rectify the problem and balance his  
 19 books and pay off the debt, so we recommend you find no  
 20 reason to believe there for -- for that -- for that  
 21 payment.  
 22 And we -- unless you have any questions, that's  
 23 our recommendation.  
 24 CHAIRPERSON SCARAMAZZO: Jeff.  
 25 COMMISSIONER FAIRMAN: I would agree with

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61

1 mean in the future they won't be. I mean, I have no  
 2 problem with going and picking dates. But I think all  
 3 of us, when June hits and July, things will change.  
 4 CHAIRPERSON SCARAMAZZO: We're certainly  
 5 willing to go ahead and react when that happens.  
 6 COMMISSIONER FAIRMAN: My life is completely  
 7 controlled by others, so any of these will work for me  
 8 pending five minutes' notice by my superiors.  
 9 COMMISSIONER LINDHOLM: So you have a life, but  
 10 it's just not independent.  
 11 COMMISSIONER FAIRMAN: Other people control it,  
 12 yes.  
 13 COMMISSIONER PARKER: For me, in February the  
 14 26th would be better, but other than that, the rest of  
 15 them, I could do any of the dates.  
 16 CHAIRPERSON SCARAMAZZO: Okay. Let's just  
 17 stick with the, you know, as close to the third week as  
 18 we can get like we normally do, with the exception of  
 19 February on the 26th. How does that sound?  
 20 COMMISSIONER DANIELS: Sounds good.  
 21 COMMISSIONER FAIRMAN: Sounds fine to me.  
 22 MR. LANG: So, Mr. Chair, you're proposing  
 23 January 22, February 26, March 19th, April 23rd,  
 24 May 21st, and June --  
 25 COMMISSIONER DANIELS: 18. No, that will be --

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62

1 MR. LANG: The 25th?

2 COMMISSIONER DANIELS: 21 days are three weeks,

3 so that's basic.

4 MR. LANG: Just to be clear.

5 COMMISSIONER DANIELS: Right? Three weeks, 21

6 days?

7 MR. LANG: The third Thursday could be earlier

8 but --

9 CHAIRPERSON SCARAMAZZO: Yeah, but basically

10 let's stick with June 18th on that. Okay, instead of

11 the 25th. People starting to close down and move around

12 in June, so -- and then we can change if need be.

13 MR. LANG: Mr. Chair, I would note that

14 May 21st is a Thursday, and the Memorial Day weekend is

15 that following weekend with Monday the 25th off.

16 COMMISSIONER DANIELS: If you wanted a long

17 weekend --

18 MR. LANG: So you might want to consider the

19 14th.

20 COMMISSIONER PARKER: Actually, he's right

21 because my daughter graduates eighth grade that night.

22 So the 14th would be better.

23 CHAIRPERSON SCARAMAZZO: All right. Then the

24 15th.

25 Do we need that in the form of a motion?

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64

1 congratulations?

2 CHAIRPERSON SCARAMAZZO: I was going to say, I

3 think the term "thank you very little" might come into

4 play here.

5 Thank you. It's been moved by Commissioner

6 Fairman, seconded by Commissioner Lindholm that

7 Scaramazzo would continue for another year as chairman

8 of the Clean Elections Commission. I do appreciate the

9 consideration.

10 Any discussion on this item?

11 COMMISSIONER PARKER: I think you're doing

12 fabulous, Gary.

13 CHAIRPERSON SCARAMAZZO: Thanks, Royann.

14 Appreciate that.

15 All those in favor say "aye."

16 (Chorus of ayes.)

17 CHAIRPERSON SCARAMAZZO: Opposed? I'm not

18 going to vote. All those in favor say, "aye." Okay.

19 Again.

20 COMMISSIONER DANIELS: Aye.

21 COMMISSIONER PARKER: Aye.

22 COMMISSIONER FAIRMAN: Aye.

23 COMMISSIONER LINDHOLM: Aye.

24 CHAIRPERSON SCARAMAZZO: Motion carries. Thank

25 you.

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63

1 COMMISSIONER PARKER: I make a motion --

2 MS. SHIPMAN: Yeah.

3 COMMISSIONER PARKER: -- that we have our

4 Commission meeting dates on January 22nd, February 26th,

5 March 19, April 23rd, May 14, June 18, 2009.

6 COMMISSIONER DANIELS: Second.

7 CHAIRPERSON SCARAMAZZO: Okay. It's been moved

8 by Commissioner Parker, seconded by

9 Commissioner Daniels, to have the Commission meeting

10 dates as outlined in the motion. Any discussion on this

11 item?

12 All those in favor say "aye."

13 (Chorus of ayes.)

14 CHAIRPERSON SCARAMAZZO: Opposed? Motion

15 carries.

16 Item No. VI, nomination and election of

17 Commission chairperson for 2009. Jeff?

18 COMMISSIONER FAIRMAN: Mr. Chair, I have been

19 exceedingly pleased with the leadership of this

20 Commission over the last year, and I would make a motion

21 that you remain chairman for an additional year.

22 COMMISSIONER LINDHOLM: Second.

23 COMMISSIONER PARKER: Second.

24 COMMISSIONER DANIELS: Mr. Chairman, I don't

25 disagree. But is that a condolence or a

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65

1 Call for public comment, Item No. VII. Anyone

2 from the audience have any items of concern that they'd

3 like to raise or any items of interest?

4 Hearing none, we'll go for adjournment.

5 COMMISSIONER FAIRMAN: I'd like to make a

6 motion we adjourn.

7 COMMISSIONER DANIELS: Second.

8 CHAIRPERSON SCARAMAZZO: Moved and seconded.

9 All those in favor say "aye."

10 (Chorus of ayes.)

11 CHAIRPERSON SCARAMAZZO: Opposed? Motion

12 carries.

13 Merry Christmas. Happy New Year to everyone.

14

15 (Whereupon the proceeding concludes at 10:52

16 a.m.)

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C E R T I F I C A T E

I, Angela Furniss Miller, Certified Reporter,  
do hereby certify that the foregoing pages numbered 1  
through 65, inclusive, constitute a full and accurate  
printed record of my stenographic notes taken at said  
time and place, all done to the best of my skill and  
ability.

DATED, at Phoenix, this 22nd day of December,  
2008.

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Angela Furniss Miller, RPR  
Certified Reporter (AZ50127)

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