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Re Docket # E-01345A-13-0069

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Arizona Attorney General's Office to Investigate Public Records Law Violations at the Arizona Corporation Commission
Information & Perspective by Warren Woodward
Sedona, Arizona ~ January 5, 2016

Finally! It only took two months but last December 30th I received a phone message from someone at the Arizona Attorney General's Office. She wanted to discuss the ACC Public Records Law violations I had been hounding the A.G. Office about for the last two months. On December 31st I returned her call. The upshot of our discussion was that she was interested to see what evidence I had. Of course it remains to be seen if anything comes of this but at least it's a start.

Here is what I gave her:

Arizona Corporation Commission
DOCKETED
JAN 11 2016
DOCKETED BY

January 4, 2016

Georgia Davies
Arizona Attorney General's Office
1275 West Washington Street
Phoenix AZ 85007-2926

Re: Public Records Law crimes of the Arizona Corporation Commission (ACC)

Georgia Davies;

Following up on our phone conversation of December 31, 2015, enclosed are documents that show the timeline of events after my ACC Public Records Request. Documents are also enclosed that relate specifically to the ACC's Public Records Law crimes. As we discussed on the phone, not all the documents are in this "starter" packet of information.

Again, as I stated on the phone, the ACC was given three chances to get my Request right – once when I made my initial request, a second time after I exposed their illegalities and demanded a redo of the Request, and a third time when the Arizona Ombudsman took up the issue. The ACC never made the Request right. That shows willfulness, intent. Intent is what brings the ACC's actions into the criminal, felony realm.

A further consideration that I will only discuss briefly here is motive. In short, the ACC is a "captured" regulatory agency and, as such, has become a criminal enterprise. Their Public Records Law violations are just one example their criminality. On behalf of APS and other utilities, the ACC has been pushing so-called "smart" electric utility meters for years – to the point of violating various laws and even one of its own Decisions. I, on the other hand, have been opposed to, and have been actively working against, their illegal "smart" meter agenda in every way legally possible. In attempting to get

the ACC to follow the law, I became an Intervenor in two ACC "smart" meter dockets, and I had filed a couple of legal actions at the ACC, and one in Maricopa Superior Court, while this Public Records issue with the ACC was ongoing. So, the ACC is on one side and I am on another. Thus the ACC has every reason to be secretive and non-transparent with me.

Here are A.R.S 13-2407 and A.R.S. 38-421. Note the highlighted portions.

> 13-2407. Tampering with a public record; classification
> A. A person commits tampering with a public record if, with the intent to defraud or deceive, such person knowingly:
> 1. Makes or completes a written instrument, knowing that it has been falsely made, which purports to be a public record or true copy thereof or alters or makes a false entry in a written instrument which is a public record or a true copy of a public record; or
> 2. Presents or uses a written instrument which is or purports to be a public record or a copy of such public record, knowing that it has been falsely made, completed or altered or that a false entry has been made, with intent that it be taken as genuine; or
> 3. Records, registers or files or offers for recordation, registration or filing in a governmental office or agency a written statement which has been falsely made, completed or altered or in which a false entry has been made or which contains a false statement or false information; or
> 4. Destroys, mutilates, conceals, removes or otherwise impairs the availability of any public record; or
> 5. Refuses to deliver a public record in such person's possession upon proper request of a public servant entitled to receive such record for examination or other purposes.
> B. In this section "public record" means all official books, papers, written instruments or records created, issued, received or kept by any governmental office or agency or required by law to be kept by others for the information of the government.
> C. Tampering with a public record is a class 6 felony.
>
> 38-421. Stealing, destroying, altering or secreting public record; classification
> A. An officer having custody of any record, map or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his hands for any purpose, who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secretes the whole or any part thereof, or who permits any other person so to do, is guilty of a class 4 felony.
> B. A person not an officer who is guilty of the conduct specified in subsection A of this section is guilty of a class 6 felony.

As you will see, the ACC "secreted" records, and they "concealed" via improper redaction. They "knowingly" did so because I pointed their illegal behavior out to them but they remained incorrigible.

As you will see, the ACC 'otherwise impaired the availability of any public record' by not providing me with emails they should have, even after being given a second and third chance.

Here's the timeline and list of supporting documents. They are numbered in order.

1) December 15, 2014 – Public Records Request made of the ACC.
2) January 15, 2015 – ACC cover letter that accompanied the requested material.
3) March 23, 2015 – Redo demand made of the ACC. Includes an example of faulty redaction for "personal information," an example of the ACC's new invention, the "state of mind" redaction, and one of the email threads the ACC *never* gave me, the exchange between ACC Director Jodi Jerich and Will Humble, Director of the Arizona Dept. of Health Services (ADHS). I say it's *one* of the threads they never gave me because I have no idea how many more there may be. I only happened to get lucky catching the ACC out on this particular one when the email thread surfaced in the Public Records Request I made of the ADHS at the same time. Perhaps there is stuff on commissioner Bob Stump's phone that I should have received. Who knows? (Note: The Jerich/Humble exchange was only *referenced* in my redo demand, not actually included as an attachment, since it was already posted by me in one of the ACC dockets.)
4) March 30, 2015 – ACC Chief Counsel Janice Alward acknowledges my redo demand and says she will "personally review the redacted documents."
5) April 28, 2015 – I reiterate my redo demand to Janice Alward. There was a heavily redacted email thread that I had docketed at the ACC. It involved the ACC Administrative Law Judge (ALJ) assigned to the "smart" meter dockets, and it looked like inappropriate, unethical *ex parte* communication to me. As a result of my bringing this situation to light, Lyn Farmer, then the chief ALJ at the ACC, unredacted the thread and placed it in the docket. I was concerned this was perhaps the ACC's response to my redo demand and so that's why I reiterated my demand to Alward. In this #5 packet, I have provided both the redacted thread I received and the unredacted version that Farmer posted since it's another example of the ACC's gratuitous redactions. In short, the ACC often seems to redact simply because it can.
6) May 15, 2015 – Alward's cover letter that accompanied the discs of supposedly redone records.
7) June 5, 2015 – My ten page "chapter & verse" critique of the ACC's supposedly redone records entitled, **ACC Violates Public Records Law**. Note that the ACC did not provide the missing Jerich/Humble exchange or rectify the "state of mind" redactions in their redo.
8) June 5, 2015 – My letter to Arizona Ombudsman Dennis Wells that explained the situation and accompanied all the material related to this saga.
9) August 13, 2015 – Keith Meyer from the Arizona Ombudsman office writes to tell me that the ACC said everything they did "comports," and that the Ombudsman Office believes the ACC.

After I got the Ombudsman's unsatisfactory response, I was going to pursue this Public Records issue in Superior Court via a civil case under A.R.S. 39-121.02. However, after about two months of looking, I was unable to find a lawyer who did not want money upfront. On October 25, 2015, and just when I was about to file a civil case *pro se*, I saw the power point presentation that your office shows to agency heads and the newly elected. That presentation discusses conflicts of interest, open meeting law and public records law. It was then I learned about the two laws I quoted above, and I realized that what the ACC had done was literally criminal.

Here is what I want: I want the Attorney General's Office to prosecute the individuals involved at the ACC to the fullest extent of the law. No warnings, plea bargains or wrist slaps! I am sick to my guts of the illegalities engaged in at the ACC, and I greatly resent having spent a year of my life pursuing records that are mine by right of law in the first place. The ACC and the specific individuals involved

need to be taught a lesson, and they need to be made an example for others that this sort of lawlessness will not be tolerated.

Actually, I think there are many at the ACC that are guilty. My complaints about the ACC's treatment of my Public Records Request were posted in two ACC dockets, went to all the ACC commissioners and the ACC Director, Jodi Jerich, but none of them did anything about it ("Facilitation" – A.R.S. 13-1004).

I also want the records the ACC has concealed and secreted from me, and I do not want to have to wait another year for those records or for this issue to be resolved.

Sincerely,

Warren Woodward

PS – Should you need them, I can make copies of the discs that contain all the records I received initially and that I received in the redo.