

STATE OF CALIFORNIA

SECRETARY OF STATE

PUBLIC MEETINGS ON CAL-ACCESS REPLACEMENT SYSTEM

Friday, February 3, 2017

10:00 A.M.

Ronald Reagan Building

Auditorium

300 South Spring Street

Los Angeles, California

Reported by:

Martha Nelson

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Kathay Feng, California Common Cause

David Montgomery, NetFile

David Tristan, City of Los Angeles Ethics
CommissionDavid Gould, California Political Treasurer's
Association

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PROCEEDINGS

February 3, 2017

10:06 A.M.

SECRETARY PADILLA: Good morning, everybody. Thank you for joining us for this first of two hearings on the Cal-Access Replacement System. My name is Alex Padilla, and I'm honored to be your California Secretary of State. I'm joined on my right, your left, by Christine McKenzie, and on my left by the Acting Director of the Political Reform Division, Mary Wray.

I want to give a brief overview of why we're all gathered here today by the power vested in me by the State of California to tee-up sort of the conversation and let you know where we are in the process of replacing the system, we know, love it or not, as Cal-Access.

I think we can all agree on one thing, that building a new system is long overdue, as users who are no doubt familiar with the frustrations, limitations and instability of the current system. As stakeholders, each of you has a critical role in this essential project. We're interested in your input and your ideas, what features and functionality are a priority that may

1 not exist today, or at least not reliably, what
2 preferred data entry methods we ought to consider,
3 and how you would envision moving from a report-
4 based system to a data-driven system, because
5 technology has certainly come a long way since
6 Cal-Access was first launched. And I believe your
7 input is vitally important, and so did the
8 legislature.

9 This meeting, and a subsequent meeting
10 next Thursday in Sacramento, is part of a public
11 outreach requirement under Senate Bill 1349 by
12 Senator Bob Hertzberg. Our purpose here today is
13 to listen to all of you, to hear your opinions,
14 learn from your experience, and understand what
15 features and functionalities you believe are the
16 most important, and to get a sense of your
17 priorities as we design a new system. We're here
18 to listen and to document your comments.

19 Within the time and budget limitations
20 that we have for this project, we will do our very
21 best to build a system that serves you and all
22 Californians as best as possible.

23 So let's go the announcement slide here.

24 As I mentioned, Mary Wray, to my left, is
25 the Acting Division Chief of our Political Reform

1 Division. You'll be hearing from her in the
2 months ahead.

3 Christine McKenzie, to my right, leads
4 our Project Management Office, and will also be
5 acting as our timekeeper today. So I want to
6 thank Christine, because keeping folks on time is
7 a difficult task. I've been trying to do it for
8 almost 20 years as an elected official.

9 To assist us in documenting and record
10 keeping, I'd like to introduce Marlee Nelson, our
11 court reporter. She'll be taking notes and
12 recording this meeting.

13 And in the back, let me introduce both
14 Robert Negrete, as well as Rolando Chavez. They
15 work in our Secretary of State's Office and they
16 helped you signing in on your way in and are
17 distributing speaker cards for those who may want
18 to come forward and offer comments during this
19 hearing.

20 A little bit of housekeeping. We have
21 scheduled two hours for this meeting. But
22 obviously if we're in some very substantive,
23 helpful stuff we're going to be flexible on the
24 timing today. We would like to have you limit
25 your comments to three minutes. We think brevity

1 helps us all focus and kind of get to the meat of
2 the matter.

3 But we do invite you to submit any
4 written comments you may have with further detail,
5 further background for consideration, either to us
6 here today in person, or you can also email them.
7 We have established a dedicated email box at the
8 address that you see here PRDCARS, so
9 PRDCARDS@sos.ca.gov. And you can also follow the
10 status of the project on our webpage at
11 www.sos.ca.gov, that's our home page, but if you
12 add the /CARS-updates, you can follow along the
13 project status updates on an ongoing basis.

14 And last but certainly not least, if you
15 go out the doors behind you and go to the right,
16 you'll find the restroom, if or when you may need
17 it this morning. So an important note to make,
18 restrooms out and to the right.

19 Next slide please.

20 I wanted to kind of tee-up the
21 conversation by providing context for who may not
22 be as expert as all of us with Cal-Access and the
23 need to replace it.

24 And our history here goes back to the
25 year 1974 when California voters overwhelmingly

1 approved Proposition 9, the Political Reform Act
2 of 1974. The PRA required the disclosure of
3 campaign contributions and expenditures and
4 regulates state lobbying activity. We were
5 leaders at the time and we should be leaders again
6 in this regard.

7 Three years later, in 1997, the PRA was
8 amended by the Online Disclosure Act, a measure
9 that paved the way for electronic and online
10 submission of campaign and lobbying disclosure
11 information over the internet, in the early days
12 of the internet, I might add. And this was done
13 for two primary objectives: First, to provide
14 greater public access to vitally important
15 information; second, to gradually eliminate paper
16 filings of campaign finance and lobbying activity
17 statements and reports. That was only 20 years
18 ago. Here we are.

19 The Online Disclosure Act led the
20 Secretary of State at the time to develop and
21 deploy a public website called the California
22 Automated Lobby Activity and Campaign Contribution
23 and Expenditure Search System. Say that ten times
24 real fast. And so, thus, the term Cal-Access was
25 born. The division deployed in 1999, and by 2001

1 the current electronic reporting systems that we
2 know as Cal-Online and the Cal-File format were
3 installed.

4 And since 1999, which was the earliest
5 stages of Cal-Access after deployment, more than
6 1.2 million filings have been processed. And over
7 the last four years -- excuse me, the last four
8 election cycles, so eight years alone, the
9 Political Reform Division has averaged appropriate
10 97,000 campaign and lobbying filings in election
11 years, and 61,000 campaign and lobbying filings in
12 non-election years. Three dozen different forms
13 are used to report committee or lobbying entity
14 type and activity. You get an appreciation for
15 the increasing workload and the evolving,
16 diversified workload, as well.

17 Let's go to the next slide.

18 So as many of you again know, Cal-Access
19 was built on what is now very old technology. The
20 current campaign finance and lobbying activity
21 filing process is a paper file transfer protocol
22 online hybrid model that is an inefficient
23 process, to say the least, often a manual process
24 that has duplicate efforts, suboptimal data
25 quality, and reporting that clearly does not meet

1 stakeholder needs.

2 Cal-Access is now a suite of applications
3 developed in 13 different programming languages.
4 It runs on a server cluster and associated
5 components that are more than 15 years old, and
6 runs on an uncommon version of the UNIX operating
7 system called Tru64. Raise your hand if you know
8 how to program in that? What? No one? Exactly.
9 It's not nimble and it's not an elegant system.
10 It is what I referred to last year, right on this
11 stage, as a Frankenstein monster of code. You get
12 the picture.

13 So recognizing the system obstacles, it
14 was my pleasure to partner with MapLight and the
15 James Irvine Foundation close to two years ago to
16 develop and deploy what has become now known as
17 Power Search, an open-source search tool for
18 campaign contributions that improved on the
19 standard search functionality. The new search
20 tool allows for easier search across campaign
21 committees, measures and contributions.

22 We continued the partnership in later
23 2015 and throughout 2016 to bring forward new
24 tools, like MapLight's Independent Expenditure
25 Search Engine to track the flow of money in the

1 independent expenditure side of things, followed
2 by Quick Guide to Props, a great tool for tracking
3 campaign finance of the many propositions that
4 were on the ballot this last November, a wonderful
5 tool that was at the fingertips for voters when
6 they went to our website or downloaded our first
7 ever agency app known as Vote California, still
8 available, by the way, both for iPhone and
9 Android. Go to Google Store and download it
10 today. I wish we got royalties but we don't, but
11 it's helpful.

12 These tools have helped us keep Cal-
13 Access alive and as useful as we can to the
14 public. But our end game is still to bring
15 forward a new system, a modern system, a more
16 effective system. Users, business groups, the
17 legislature, good government organizations,
18 journalists, the FPCC and SOS Staff have supported
19 a replacement system, our call for a replacement
20 system. And last year we began the preplanning
21 process for replacement of Cal-Access. And I'm
22 thankful that in September 2016 the legislature
23 approved and the governor signed Senate Bill 1349
24 which legislatively calls for the development of a
25 new data-driven online filing and disclosure

1 system.

2 So let's go to the next slide.

3 Specifically, Senate Bill 1349 calls for
4 several things. First, consultation with the
5 Assembly Committee on Elections and Redistricting,
6 the Senate Committee on Elections and
7 Constitutional Amendments, the FPPC, users,
8 filers, vendors and various other stakeholders in
9 a public meeting to gather comments, and so we are
10 gathered here today. The legislation also calls
11 for the design, development and implementation of
12 an online filing and disclosure system that is
13 user friendly, permits easy, free upload or data
14 entry, is data driven rather than form driven, and
15 facilitates public searches of the data.

16 It also calls for a system that permits
17 future compatibility with local campaign finance
18 data. We know that many cities and counties
19 across California had their own systems, but not
20 all do. And in many ways, from a public interest
21 and a press accountability perspective, it would
22 be great if we had a centralized, consolidated way
23 to access the data and analyze the data. And so
24 we are building the foundation for that here, as
25 well.

1 Overall, the target implementation date
2 for the new system is early 2019. It sounds like
3 two years away but it goes by fast, believe me.

4 So at this point, let's proceed with the
5 public comment portion of our hearing. I want to
6 turn over the floor to those of you who have come
7 to share your comments, your ideas and your
8 suggestions with us. We're eager to hear your
9 comments.

10 In order to speak and to get in line to
11 speak, we ask that you each fill out and submit a
12 speaker card. As we call your name, please make
13 your way to the podium here and the microphone.
14 And we're going to afford you about three minutes.
15 I'm not going to be hard and fast about those
16 three minutes, but I think three minutes is
17 sufficient to make some pretty compelling points.
18 And we'll try to keep us all on track and respect
19 everybody's time here today.

20 And again, a reminder, if you choose to
21 submit your comments instead in writing or in
22 addition to your verbal comments, additional
23 background in writing, you can email it to
24 PRDCARS@sos.ca.gov, or submit it to us in writing
25 here today.

1 I introduced Christine McKenzie earlier.
2 She is our timekeeper. She must like soccer
3 because she has both yellow cards and red cards.
4 At the end of the two minute mark, she'll raise
5 the yellow card. That's you're cue that you have
6 one minute left. You don't want to get another
7 foul, because if your time is up you get the red
8 card, you will be asked to leave the arena. Just
9 kidding. It just means your time is up and we do
10 need to move on to the next speaker.

11 So let's proceed with the public comment.

12 Mary, do you want to call our first
13 contestant on the Price is Right?

14 MS. WRAY: Yes. Kathay Feng. Come on
15 down.

16 SECRETARY PADILLA: Come on down.

17 MS. WRAY: She's from California Common
18 Cause. And behind that, can we ask David
19 Montgomery from NetFile to be ready?

20 MS. FENG: We should host all hearings as
21 a Price is Right format. That does make it more
22 exciting. I need a big wheel.

23 So thank you. My name is Kathay Feng. I
24 am with California Common Cause. I want to start
25 by thanking Secretary of State Padilla for being a

1 wonderful partner in pursuing the modernization of
2 Cal-Access, but also to recognize that this effort
3 came with a gigantic coalition of organizations,
4 business, labor, the government, civil rights who
5 use this system, are beneficiaries of it, but also
6 who struggle to manage the technology, because we
7 are talking about a 1999 system.

8 I just Googled what technology we were
9 using in 1999, just to refresh my memory, and also
10 to remember that back then we were excited about
11 Walkman, we were excited about VHS tapes. I
12 recently had to tell my daughter -- when she found
13 a VHS tape, she said, "What is this thing?" And I
14 introduced a concept of rewinding to her, the idea
15 that you had to fast forward and rewind
16 everything. Beepers. And we were using flip
17 phones. And now in 2017, we're using smartphones,
18 iPads, iPods. The technology in 20 years has
19 leapfrogged, and we are still struggling to use
20 1999 technology through Cal-Access.

21 So fundamentally, when we all came
22 together and agreed, and we don't agree on many
23 things, that Cal-Access needed to be reformed, is
24 really around this concept that voters,
25 journalists, watchdogs and users deserve to have a

1 system that's modern, easy to use, easy to find
2 information, and ultimately that serves the public
3 with transparency and usability.

4 We wanted to have a system that was
5 flexible and adaptable because come 2019, come
6 2029, the technology is going to change pretty
7 quickly. So we need to make sure that we can
8 absorb that, but also absorb the changes in laws.
9 Each time we've changed laws around campaign
10 finance, for instance, to require the top ten
11 donors be reported, literally a new form had to be
12 created. And what we're hoping is that with a
13 data-driven system, that you can take in that
14 information, you've got algorithms that can
15 accumulate to identify donors and do it through
16 the computer, as opposed to doing it through a
17 piece of paper that has to be filled out.

18 Skipping just really quickly to an
19 important piece, we'd like to see an identity-
20 based system, one where you can really match donor
21 to donor. So sometimes between different
22 campaigns, they might enter a person's name in
23 differently. Even with one person entering in
24 that information, today you might include the
25 middle initial, tomorrow you might not. And so

1 being able to have a system that recognizes as
2 you're inputting that information, and maybe even
3 smartly suggesting, is this who you mean, would be
4 very helpful.

5 And lastly, we'd like to make sure that
6 we think about a future, that we might have a
7 statewide system, a system where when you go to
8 your local race you don't have to go to the city
9 clerk and ask them for a piece of paper printout
10 of the campaign filings, but where you might be
11 able to go online and find that information.

12 Thank you.

13 SECRETARY PADILLA: Thank you, Kathay.
14 And thank you for being a good partner in all
15 these.

16 Next speaker.

17 And Mary, if you can call sort of --

18 MS. WREY: David --

19 SECRETARY PADILLA: -- yeah, one ahead?
20 So whoever is on the on-deck circle, you can have
21 a seat right behind the podium and be ready to go.

22 MS. WRAY: Okay.

23 David Montgomery from NetFile, followed
24 by David Tristan from the Los Angeles Ethics
25 Commission.

1 MR. MONTGOMERY: Hi. My name is David
2 Montgomery from NetFile. We're a software service
3 provider based in Mariposa, California. We
4 currently provide electronic filing systems,
5 similar to Cal-Access, for 69 local cities and
6 counties in California.

7 I think the biggest thing I'd like to
8 point out is that from the public point of view
9 the Cal-Access system is the Political Reform
10 Division. I mean, from the outside world, that's
11 how they interact with you. So the thing that's
12 bothered me the most over the course of the last
13 17 years on this project is kind of the very
14 passive attitude the PRD has had about the Cal-
15 Access system and not taking a very vigorous
16 leadership in terms of pushing the system forward
17 and having a vision for what it's going to be, all
18 right?

19 And I have a couple points, I think, of
20 what that visions needs to include.

21 One is electronic filing should become
22 the law of the land. If the documents have been
23 e-filed, there should be no requirement then to
24 file the exact same document on paper. Sending a
25 5,000 page report via FedEx overnight is just

1 ridiculous in 2017.

2 Number two, campaign statements that
3 include transaction activity, we should have a
4 policy goal that every single type of report like
5 that, the 460, 461, 496, 497, anything that's got
6 a transaction, it eventually should become purely
7 electronically filed, so that way the public can
8 see any transaction activity that occurs in the
9 campaign finance universe.

10 Having the FPCC maintain separate
11 campaign finance forms, like the T-10 and the Form
12 462, on their public website is a horrible
13 practice and there should be no reason why that
14 happens. From the public's point of view, that
15 even kind of seems like you're obscuring
16 information. It's not a good public disclosure
17 attitude.

18 Also, electronically reported activity
19 should be instantly available. Right now you have
20 to wait up to 24 hours to download data from the
21 Cal-Access system via the giant .zip file of doom
22 that has to be parsed and returned into something
23 meaningful. People that are interested in
24 watching campaign finance documents come into the
25 e-filing system should be notified. You shouldn't

1 have to sit there and hit the page and say daily
2 filing log, who's filed, who's filed? You should
3 be able to subscribe to say, hey, I want to know
4 when Gavin Newsom files his gubernatorial
5 statement. I want to be notified. I'd like
6 something as simple as an RSS feed, email
7 notifications, or whatnot.

8 The public should be able to easily
9 search every campaign finance transaction that
10 exists in the universe across all committees and
11 all transaction types. Like Google, you put in a
12 small part of your search and you get a billion
13 documents back, and then you can filter down to
14 find what you're interested in.

15 Currently, NetFile provides a service
16 called Cal-Access.com, which is a very hard to
17 remember website name, where you can actually
18 search across all 69 of our local jurisdictions
19 that do e-filing, as well as the entire Cal-Access
20 database updated nightly on our system. So
21 there's just shy of 20 million campaign finance
22 transactions that can be viewed at any point in
23 time, casting a wide net and then filtering down
24 by agency, by transaction type, by date range, by
25 whatever criteria you'd like to use.

1 In fact, the Secretary of State, if you
2 want to put that on your website today, no offense
3 to the MapLight guys, but our search is much
4 better. And it covers everything in the campaign
5 finance universe, including the 401s and
6 everything. So, you know, you could probably just
7 hook in a Secretary of State page to our API
8 whenever you want.

9 I've got lots of other stuff but, you
10 know --

11 SECRETARY PADILLA: Well, again, you're
12 invited to submit additional comments in writing.

13 I will say one thing, since you mentioned
14 the FPPC, they were invited to participate with us
15 today, I believe, and Jodi Remke had a scheduling
16 conflict so she was unable to join us today, but
17 will be up on the dais with us on Thursday in
18 Sacramento, for those of you who will be there, as
19 well, or watching -- are we streaming on Thursday?

20 MS. WRAY: Yes, we are.

21 SECRETARY PADILLA: Yes, we are. Okay.
22 Next speaker.

23 MR. TRISTAN: Good morning, Secretary of
24 State Padilla. My name is David Tristan with the
25 City of Los Angeles Ethics Commission.

1 And I want to start by saying thank you
2 for taking on this project. I think this is one
3 that's very critical in terms of public disclosure
4 of campaign finance and other information that's
5 filed with the Secretary of State.

6 I don't want to go into a lot of details
7 in terms of the suggestions that we've made to
8 some of the staff already. We will be submitting
9 a public document. But I did want to focus on one
10 key thing for us as a local charter city.

11 We developed and have been using our own
12 campaign finance system for over -- since 1999.
13 We understand the importance of providing
14 information in one place for all individuals,
15 press, public and others to see. But we also
16 think it's extremely important for local
17 jurisdictions to have the opportunity to display
18 information in what makes more sense for
19 constituents in that jurisdiction.

20 For example, in Los Angeles we have a lot
21 of disclosure that's much greater than what's
22 required on state forms. So we want to continue
23 to have the ability, not only to display that
24 information, what makes more sense locally, but
25 also be able to have the ability to ensure that

1 people going to see what information is available
2 don't simply go to the Secretary of State and are
3 misinformed about all the other information that
4 might be available locally. Because the state
5 requirement is going -- will not be broad enough
6 to cover the things that we're disclosing locally,
7 such as public matching funds information,
8 campaign literature information, audio-video
9 pieces of campaigns and other information that
10 over the next six months we're looking to
11 implement.

12 In addition, we are in the process of
13 redoing our system where it will be connecting
14 additional information that we have, not only in
15 our office, such as lobbying information,
16 information on Form 700s and contractors bidder
17 information, but also information that the city as
18 a whole collects. And our goal ultimately is to
19 be able to provide useful information that tells
20 individuals and provides them with information
21 that might make their decision-making process a
22 more well informed one, not only in terms of
23 campaign contributions but other activity that
24 donors might have locally with the jurisdiction.

25 So thank you for your time.

1 SECRETARY PADILLA: Thank you. Thank
2 you.

3 Next speakers.

4 MS. WRAY: David Gould, California
5 Political Treasurer's Association.

6 SECRETARY PADILLA: And he'll be followed
7 by?

8 MS. WRAY: I don't have any other speaker
9 cards.

10 Do we have any more? Pardon me? After
11 David's, I know, not a lot of cards.

12 MR. GOULD: Not a lot of talkers here.
13 I'm David Gould. I'm the President of the
14 California Political Treasurer's Association.
15 We've been in business for the last 20-some-odd
16 years. Even though we are all competitors, we all
17 belong to this association that represents pretty
18 much all of the elected officials in the State of
19 California, and over ten percent of the PACs
20 nationwide.

21 We, of course, would love to see a robust
22 electronic filing system which Cal-Access, of
23 course, is not quite. And we would love to see a
24 system where it would be able to possibly
25 incorporate all of the local jurisdictions

1 filings, as well, so that everybody would be able
2 to see everything at the same time, and it would
3 make our job easier and the public's ability to
4 disseminate the information a lot more easily.

5 We have been partners with people in the
6 Political Reform Division since the beginning.
7 And, you know, we are not the enemy. You know, we
8 try to make everything available to the public in
9 the way that everybody wants it to be. And we'd
10 love to help in any way we can to incorporate
11 anything that you -- you know, any input that we
12 can share or whatever.

13 I mean, I will -- there is a document
14 being written, okay, for us that will be provided
15 to you guys. And I think that's about it.

16 SECRETARY PADILLA: All right.

17 MR. GOULD: Thank you.

18 SECRETARY PADILLA: I'll just make a
19 brief comment, since we now have two speakers who
20 have commented on the relationship between what
21 we're doing at the state level versus what may be
22 happening at local jurisdictions. That was a
23 negotiation point, if you will, during the
24 legislative process. And we tried to strike the
25 middle ground of ensuring, at a minimum, the

1 capability requirement. So it's very much on our
2 mind, Mr. Gould.

3 But at the same time, different
4 jurisdictions at the local level are doing it
5 differently. So trying to not necessarily mandate
6 or preempt what's going on locally, trying to
7 figure out what that right balance is and to
8 afford ourselves that time as this evolves, that
9 compatibility will lay the foundation for what we
10 are able to achieve in the future.

11 MS. WRAY: Any other speakers?

12 SECRETARY PADILLA: Any other speaker
13 cards for this morning?

14 MS. WRAY: I have none.

15 SECRETARY PADILLA: All right. Going
16 once? Going twice?

17 Then before I say gone, let me offer some
18 closing comments and some more housekeeping, I
19 guess, because this is the first, as I mentioned,
20 of two required public hearings that we're happy
21 to have.

22 We started in Southern California. How
23 often does that happen in state government? Our
24 follow-up meeting will be this next Thursday in
25 Sacramento at 10:30 a.m. in the Secretary of State

1 Auditorium at 1500 11th Street in Sacramento, just
2 a block south of the capitol, an auditorium that
3 looks a lot like this.

4 I want you to know that we will seriously
5 consider all the input that's been provided here
6 today and that that we expect to hear on Thursday
7 of next week. As we develop the project
8 requirements for the new online filing and
9 disclosure system, a solicitation document will be
10 released in the late summer or early fall of this
11 year. And we are required to submit a report to
12 the legislature by December of this year on the
13 status of where we are.

14 Once a vendor is in place, we will begin
15 design, development and implementation, followed
16 by testing, with a target date for full deployment
17 in February 2019, so in a short 24-month time
18 period, Ambitious but, I think, doable and, as you
19 said earlier, long overdue.

20 So I want to thank you for your
21 participation today. I look forward to bringing
22 forward a robust, user-friendly system that will
23 be the nation's model for public disclosure of
24 campaign finance and lobbying information.

25 If there's nothing further, thank you.

1 Be in touch. Follow us. Email us. We want to
2 continue to hear from you, but thank you for
3 taking the time to be here today, with a little
4 bit of rain making the roads of Los Angeles even
5 that much more fun to navigate. Have a great
6 weekend.

7 (The meeting adjourned at 10:37 a.m.)

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REPORTER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of February, 2017.



MARTHA NELSON
AAERT No. CERT**367

TRANSCRIBER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of February, 2017.



Martha Nelson
Certified Transcriber
AAERT No. CERT**367