Case 1:09-cv-00668-JCH-DJS  Document 88-16   Filed 07/09/10   Page 2 of 5

Page 73

1 always -- it's always been a topic, you know, that
2 we -- that we need to do training for our staff and
3 remind them that -- you know, that they need to
4 offer voter registration services.
5 Q. When your -- when you began as a regional
6 manager -- I'm trying to remember. Was it David?
7 A. David.
8 Q. David. The last name?
9 A. Devitt.
10 Q. Devitt. So if I understand what you just
11 said correctly, when you began as a regional
12 manager, were you holding -- or engaging in these
13 types of meetings at that time, the regional manager
14 bureau?
15 A. They were more -- I'm sorry. I'm supposed
16 to let you finish.
17 Q. All right. Well, I'll back up a little
18 bit. You said that you currently have the bureau
19 chief and ROM meetings every two or three months, or
20 try to at least. Was that -- was that -- was that
21 true at the time you became a regional manager?
22 A. Yes. But the bureau chiefs weren't always
23 included. It was more, like, David and the -- and
24 the ROMs.
25 Q. Uh-huh.

Page 74

1 A. And part of that was logistics.
2 Q. So do you recall voter registration being
3 discussed during some of those meetings at that
4 time?
5 A. Yes. I believe it was. I seem to
6 remember that.
7 Q. Were there -- did HSD issue any documents
8 with regard to voter registration before Mr. Roth
9 became the deputy director?
10 A. I don't know. I know that latest GI was
11 2008. But -- but we always had the voter
12 registration manuals. But I really don't recall
13 whether or not they issued any other GIs or IPPs or
14 anything.
15 Q. What was the source of that voter
16 registration manual that you just referred to?
17 A. Well, it was put out by the -- I'm trying
18 to think. Who was it put out by? Whoever heads up
19 voter registration. It's a federal --
20 Q. To the extent that you recall.
21 A. You know, and I -- I just reread it
22 recently. And I can't remember who puts it out.
23 But it's not HSD. You know, it's the federal
24 document. So -- so I don't think it's changed
25 that -- you know, it's the same one that they issued

Page 75

1 in 1994 and 1995, whenever it was, with the real
2 little print. But it has all the instructions.
3 But I know that we've been -- we have
4 posters. So I'm guessing we must have had GIs,
5 because we've had posters for as long as I can
6 remember in our offices. So -- and I know this GI
7 I'm thinking of from 2008 had everything attached to
8 it, all the stuff attached to it. So I don't -- but
9 I don't recall specific GIs before this one.
10 Q. What I -- yes. What I want to try to do
11 is understand what was occurring at the regional
12 manager, bureau chief level with regard to voter
13 registration before that 2008 GI came out. And I
14 understand that Mr. Roth may have -- might have been
15 involved in -- you know, he was a deputy director
16 for some time before that GI came out. Correct?
17 A. I think so.
18 Q. Okay.
19 A. He's two years, maybe, he's been -- yeah.
20 Q. What I'm just trying to do is to say,
21 let's take the -- the issuance of that -- of that
22 January 2008 GI and say, prior to that time.
23 A. Okay.
24 Q. I want to try to understand all the
25 activities that you can recall going on at your

Page 76

level, at the regional manager level and the bureau
chief level, with regard to voter registration. You
had said that there was some -- that there were some
discussions of it during those meetings. What else,
if anything, was going on at the regional manager,
bureau chief level with regard to voter registration
during that time?

A. I really don't recall. I -- I mean, I --
9 it was just general discussion, you know, what we
10 need to do in our offices, review of numbers when we
11 had them, and just, basically, reminders, like we do
12 for everything else. I mean, most of the activities
13 going on are discussion reminders, you know, talk
14 about how we put our procedures in place, what needs
to happen, you know, training, that kind of thing.
15 So -- but I don't remember -- I don't
16 recall specific documents. And I can't recall
17 specific occasions. I just know that it was
18 discussed. But most of our activities would be
discussion, reminders, that kind of thing.
19 Q. Were there -- do you recall any -- any
20 specific directions being given to regional managers
21 to -- to pay more attention to voter registration
22 during that period?
23 A. Well, I don't know about more attention.
just problems in the way site coordinators were gathering their numbers. I also would ask the county director to address it at their next staff meeting, a reminder with the staff. And that’s usually effective.

One thing that I do -- that I have done recently is suggested to county directors that they, at staff meetings, present voter registration as one of the programs we offer, like, "We offer TANF and GA and SNAP and Medicaid. We also offer voter registration."

And I thought, well, maybe if they presented it and said, "Look. Just think of it as another program we offer. But it’s our easiest program, because we don’t have to determine eligibility for it," that makes the staff smile, and it reminds them that, "Hey. Yeah. It’s true."

It’s mainly ways of engaging the staff. Because they’re really busy. We offer a lot of programs. They have to know a lot of things. We have 300 people a day through our doors, usually. It’s a big workload.

And so they just have to remember that every part of it is equally important. And so that’s kind of what I’ve done recently. I think that’s been effective.

Q. In terms of identifying potential problems, if you had -- I haven’t looked at the numbers, so I don’t know if any of these actually fall within your offices or not. But if you saw -- if you had an office where the reported numbers were zero for five months in a row -- just hypothetically now, you know -- zero for five months in a row, and it was not a process model, but, rather, a case -- a case management model, would that -- would that be a red flag to you?

A. Oh, yeah. But that wouldn’t happen. I mean, if there are zeros two months in a row -- if there’s zero one month, I’m asking, "What’s going on?" And, usually, I’d be at a staff meeting saying -- and I think I have on a couple of occasions. I don’t remember too many zeros, but I have, a couple of times at a staff meeting, reminded people. Because, once in a while, I go to a staff meeting in each office. But, you know, I watch those numbers. And if they’re zero, then I want to know why.

Q. Well, within the HSD management hierarchy, is it the regional manager that’s expected to be doing that, to be doing that monitoring that you just referred to that you said you watch the numbers and you’re monitoring those? To your understanding, is it generally the regional manager who is expected to be doing that?

A. Well, it’s part of my job. But, I mean, I think that -- I know that Ted Roth also -- the deputy director -- also monitors it for all of the offices.

Q. Do you know if Mr. Roth’s predecessors monitored it in the way that Mr. Roth does?

A. I don’t know. I know that David talked with me about it.

Q. Prior to the -- to the 2008 -- the January 2008 GI that was issued with regard to voter registration, do you remember any instance during the meetings that you participated in where an office was identified as having zeros, for zero registrations reported for several months in a row, as being a problem that needed to be addressed?

A. I don’t remember that.

Q. Would you -- when I asked you about the string of zeros --

A. Yeah. Oh, no.

Q. -- that was sort of in the context of sitting here today and how would you address it
Q. Was it that you had a concern that --
A. Probably. Because I always have a concern
about that. Because we can only get 50 English and
50 Spanish at one time. And so when you have
300 clients a day through the office, you have to go
good often to get the forms. And although the --
although the manual indicates that there -- to me,
it indicates that they should be delivered by the
county clerk's office, that doesn't happen.

Q. So we have to send two clerks in a state
car. And one of them -- because there's no parking
there. And so one of them has to go in while the
other one circles the block waiting for them to come
out with the forms. And I have an issue with that,
having people out of my office that long to do that.

Q. Has that been the case for the entire time
that you've been a county -- a regional manager
here?
A. Yes. And a county director.

Q. And a county director.
A. Now, I know when I was in Taos, it was
much easier because it's a small town, and there was
parking.

Q. So if you -- I'm sorry. Were you finished

Q. Well, yes. You said that you could get
only 50 English and 50 Spanish at a time?
A. Uh-huh.

Q. And so if you needed 150 forms on a
particular day, that means you'd have to make three
trips?
A. Well -- and I think it's only per day.
But I could be wrong. My directors have just said
"at a time." So I don't know if they go back the
same day.
Q. Okay.

A. Now, not every single person who comes
through the door wants a form, of course. But they
times have to go two or three times a week.
Q. You would agree that, in your experience,
voter registration is cyclical, and that, prior to a
presidential election, the interest in voter
registration goes up. Is that consistent with your
experience?
A. Yes, definitely.

Q. So in the run up to an election, there
would be greater demand for voter registration
forms?
A. Uh-huh. Yes.

Q. And have you made efforts to have the
50-form limit relaxed? Have you attempted to
persuade the -- the county to relax that rule?
A. Personally, I have not, except for that
one phone call that I made. But my county directors
have tried, and they've just not -- they have not
gotten anywhere with it, and probably, my -- I
should take it up higher. But, you know, with all
the things we have to do -- although I may be doing
that.

Q. Do you know -- do you know who they spoke
with -- who your county directors have spoken with?
A. I don't. It was whoever -- they have a
contact at the office, and whoever is their contact.

Q. And do you recall who you spoke with?
A. Who I spoke with? I think I've spoken
with all -- oh. When I talked -- no, I don't. It
was too long ago. I don't remember.

Q. But that was somebody -- was that somebody
with the county clerk's office?
A. Right. Somebody in the county clerk's
office.

Q. Do you remember what -- do you have any
more specific recollection of what you were told
when you made that call?
A. I don't. And when I called them, I was --
I was a new county director at southwest. And so I
was trying to clarify the procedures for getting the
forms, returning the forms, making sure, personally,
I understood what needed to be done. And I'm not
sure that back then -- I'm not sure at what point --
oldest to me there was a time when we could get
more forms. I don't know when that changed. But I
know my county directors have been complaining about
it for several years now.

Q. Do you know -- and, again, this is if you
know. Do you know whether that type of limitation
of the 50 forms is something that other counties
enforce, or whether it's specific to Bernalillo
County?
A. I don't.

Q. Was that something that you had ever run
into before the time that you -- that you came here?
A. I don't think so. I don't remember. But
1 it wouldn't have been a problem in Taos, because it
2 was a smaller case -- workload.
3 Q. One of the terms that we've -- that we've
4 run across is "management evaluations."
5 A. Uh-huh.
6 Q. You seem to recognize that as a term
7 that's used within HSD?
8 A. Yes, I do.
9 Q. Is that correct? Okay. Just without
10 asking for a lot of specifics, would you just give
11 me a brief description of how management evaluations
12 fit into the supervision that you conduct for HSD?
13 A. Well, the quality assurance bureau, or --
14 comes in and -- to our office. They bring a team in
15 with them. And, ahead of time, they ask for a
16 sampling of cases, usually around 75 to 100 cases, I
17 think, maybe more. It depends. And they basically
18 look at how the office is managed. And they're
19 looking at customer service, program access, that
20 kind of thing.
21 And then they review the cases. So
22 there's one group that talks to the county director,
23 supervisors, caseworkers, clients, and then just
24 kind of interviews to see how the office is going
25 and what we're doing and that we're following all
26 the rules and regulations that we're supposed to
27 follow. And the other group is reviewing cases to
28 look at our accuracy and timeliness.
29 Q. Do the individuals looking at the cases
30 contact the clients to -- to get their perspective?
31 A. No. Not in this review. In Q -- when
32 they do QC monthly pools of cases, they contact the
33 clients. But, in these reviews, they're just
34 looking at what was done in the office. But
35 somebody else interviews clients to see how the
36 office is doing.
37 Q. QC monthly pools of cases?
38 A. Does that make sense?
39 Q. I think so.
40 A. They randomly -- FNS requires that we
41 randomly select cases each month to review from
42 the state for accuracy and timeliness. And those are
43 what we call the monthly pools. And those reviewers
44 do contact the clients. They get the case record,
45 and then they look at the -- what the case worker
46 did, and they contact the client to collaborate with
47 the information. And sometimes they visit them.
48 Q. Are the -- are the results of that
49 provided -- of those monthly contacts with the pools
50 reported back to you?
51
1 A. Oh, yes.
2 Q. And among the -- among the items that are
3 covered during -- during those reviews, is voter
4 registration one of the elements in that review?
5 A. I don't believe it is.
6 Q. Do you know who sets the standards for --
7 for conducting those reviews?
8 A. Well, ultimately, they come from -- from
9 FNS, the -- you know, Federal Nutrition Services,
10 you know, who monitors our program. And then
11 they're tailored to our state, through the
12 Quality -- the QC -- the Quality Control Bureau.
13 And so Sarah Kudza is our bureau chief there. And
14 she reports to Ted Roth.
15 Q. Okay. So when you say that it's tailored
16 through QC, that would -- I take that to mean that
17 there's some discretion about what would be
18 contained within -- within the review?
19 A. I honestly don't know. I mean, I just
20 never have had the occasion to ask. I know -- I
21 know that -- I know that they follow the FNS
22 guidelines. And it's always been pretty much the
23 same since I've been there, since I've been with
24 HSD, how cases are reviewed. So I know there is an
25 FNS review guide they have to follow. So I'm
26 guessing it's -- I think the tailoring is more
27 along -- you know, probably when they pool the cases
28 and who does what. But I think it's pretty
29 standardized.
30 Q. Do you know how long that monthly review
31 has been in place? Was it in place at the time you
32 became a regional manager?
33 A. The monthly QC pools?
34 Q. Yes.
35 A. It's been forever, as long as I've been
36 there. And offices are evaluated on how well they
37 do in these reviews.
38 Q. Because -- because of FNS -- I'm -- I
39 would assume that SNAP is the primary, if not
40 exclusive, program that's being monitored for that?
41 A. They actually review Medicaid, too.
42 Q. Oh.
43 A. And they've recently started reviewing
44 TANF and general assistance. But SNAP is primary.
45 Q. And, I apologize. I missed the name of
46 the person. I think you mentioned that there was a
47 person who was primarily responsible in the QC for
48 this?
49 A. The QC bureau chief? Sarah Kudza.
50 K-U-D-Z-A.