

EXHIBIT 5 (part 2)

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.

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

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

1 level, at the regional manager level and the bureau
 2 chief level, with regard to voter registration. You
 3 had said that there was some -- that there were some
 4 discussions of it during those meetings. What else,
 5 if anything, was going on at the regional manager,
 6 bureau chief level with regard to voter registration
 7 during that time?
 8 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
 15 to happen, you know, training, that kind of thing.
 16 So -- but I don't remember -- I don't
 17 recall specific documents. And I can't recall
 18 specific occasions. I just know that it was
 19 discussed. But most of our activities would be
 20 discussion, reminders, that kind of thing.
 21 Q. Were there -- do you recall any -- any
 22 specific directions being given to regional managers
 23 to -- to pay more attention to voter registration
 24 during that period?
 25 A. Well, I don't know about more attention.

1 where you addressed what you thought could be a
 2 problem with voter registration with -- with the
 3 staff at a particular office?
 4 A. Oh. Maybe five or six times.
 5 Q. Over -- since -- during the time that
 6 you've been regional manager?
 7 A. Oh. During the whole time I've been
 8 regional manager, maybe more like ten times.
 9 Q. And have there -- have there been any --
 10 any of those occasions in which you -- you concluded
 11 that your -- that you were unsuccessful in resolving
 12 what you thought was a potential problem?
 13 A. No. I don't think so.
 14 Q. And so the flip side of that would be that
 15 you concluded that the steps that you took were
 16 successful in resolving what you thought might be a
 17 problem in those occasions?
 18 A. Yeah. I think -- yes.
 19 Q. And are there -- are there common threads
 20 in terms of what you think was successful -- what
 21 was it that you did that -- that you thought led to
 22 success in resolving those situations?
 23 A. I think it was mainly just the discussion
 24 with the county director, who would talk with their
 25 site coordinator. And a number of times, it was

1 that's been effective.
 2 Q. In terms of identifying potential
 3 problems, if you had -- I haven't looked at the
 4 numbers, so I don't know if any of these actually
 5 fall within your offices or not. But if you saw --
 6 if you had an office where the reported numbers were
 7 zero for five months in a row -- just hypothetically
 8 now, you know -- zero for five months in a row, and
 9 it was not a process model, but, rather, a case -- a
 10 case management model, would that -- would that be a
 11 red flag to you?
 12 A. Oh, yeah. But that wouldn't happen. I
 13 mean, if there are zeros two months in a row -- if
 14 there's zero one month, I'm asking, "What's going
 15 on?" And, usually, I'd be at a staff meeting
 16 saying -- and I think I have on a couple of
 17 occasions. I don't remember too many zeros, but I
 18 have, a couple of times at a staff meeting, reminded
 19 people. Because, once in a while, I go to a staff
 20 meeting in each office. But, you know, I watch
 21 those numbers. And if they're zero, then I want to
 22 know why.
 23 Q. Well, within the HSD management hierarchy,
 24 is it the regional manager that's expected to be
 25 doing that, to be doing that monitoring that you

1 just problems in the way site coordinators were
 2 gathering their numbers. I also would ask the
 3 county director to address it at their next staff
 4 meeting, a reminder with the staff. And that's
 5 usually effective.
 6 One thing that I do -- that I have done
 7 recently is suggested to county directors that they,
 8 at staff meetings, present voter registration as one
 9 of the programs we offer, like, "We offer TANF and
 10 GA and SNAP and Medicaid. We also offer voter
 11 registration."
 12 And I thought, well, maybe if they
 13 presented it and said, "Look. Just think of it as
 14 another program we offer. But it's our easiest
 15 program, because we don't have to determine
 16 eligibility for it," that makes the staff smile, and
 17 it reminds them that, "Hey. Yeah. It's true."
 18 It's mainly ways of engaging the staff. Because
 19 they're really busy. We offer a lot of programs.
 20 They have to know a lot of things. We have
 21 300 people a day through our doors, usually. It's a
 22 big workload.
 23 And so they just have to remember that
 24 every part of it is equally important. And so
 25 that's kind of what I've done recently. I think

1 just referred to that you said you watch the numbers
 2 and you're monitoring those? To your understanding,
 3 is it generally the regional manager who is expected
 4 to be doing that?
 5 A. Well, it's part of my job. But, I mean, I
 6 think that -- I know that Ted Roth also -- the
 7 deputy director -- also monitors it for all of the
 8 offices.
 9 Q. Do you know if Mr. Roth's predecessors
 10 monitored it in the way that Mr. Roth does?
 11 A. I don't know. I know that David talked
 12 with me about it.
 13 Q. Prior to the -- to the 2008 -- the January
 14 2008 GI that was issued with regard to voter
 15 registration, do you remember any instance during
 16 the meetings that you participated in where an
 17 office was identified as having zeros, for zero
 18 registrations reported for several months in a row,
 19 as being a problem that needed to be addressed?
 20 A. I don't remember that.
 21 Q. Would you -- when I asked you about the
 22 string of zeros --
 23 A. Yeah. Oh, no.
 24 Q. -- that was sort of in the context of
 25 sitting here today and how would you address it

1 Q. Was it that you had a concern that --
2 about the number of forms that you had available?

3 A. Probably. Because I always have a concern
4 about that. Because we can only get 50 English and
5 50 Spanish at one time. And so when you have
6 300 clients a day through the office, you have to go
7 pretty often to get the forms. And although the --
8 although the manual indicates that there -- to me,
9 it indicates that they should be delivered by the
10 county clerk's office, that doesn't happen.

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

17 Q. Has that been the case for the entire time
18 that you've been a county -- a regional manager
19 here?

20 A. Yes. And a county director.

21 Q. And a county director.

22 A. Now, I know when I was in Taos, it was
23 much easier because it's a small town, and there was
24 parking.

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

1 with your answer? I might have cut you off.

2 A. Yes. That's fine. I'm probably just
3 complaining. And you probably don't even want to
4 hear that.

5 Q. I'm interested in your complaints.

6 A. Okay. But we do it. We go and get them.
7 But, you know --

8 Q. Well, yes. You said that you could get
9 only 50 English and 50 Spanish at a time?

10 A. Uh-huh.

11 Q. And so if you needed 150 forms on a
12 particular day, that means you'd have to make three
13 trips?

14 A. Well -- and I think it's only per day.
15 But I could be wrong. My directors have just said
16 "at a time." So I don't know if they go back the
17 same day.

18 Q. Okay.

19 A. Now, not every single person who comes
20 through the door wants a form, of course. But they
21 sometimes have to go two or three times a week.

22 Q. You would agree that, in your experience,
23 voter registration is cyclical, and that, prior to a
24 presidential election, the interest in voter
25 registration goes up. Is that consistent with your

1 experience?

2 A. Yes, definitely.

3 Q. So in the runup to an election, there
4 would be greater demand for voter registration
5 forms?

6 A. Uh-huh. Yes.

7 Q. And have you made efforts to have the
8 50-form limit relaxed? Have you attempted to
9 persuade the -- the county to relax that rule?

10 A. Personally, I have not, except for that
11 one phone call that I made. But my county directors
12 have tried, and they've just not -- they have not
13 gotten anywhere with it, and probably, my -- I
14 should take it up higher. But, you know, with all
15 the things we have to do -- although I may be doing
16 that.

17 Q. Do you know -- do you know who they spoke
18 with -- who your county directors have spoken with?

19 A. I don't. It was whoever -- they have a
20 contact at the office, and whoever is their contact.

21 Q. And do you recall who you spoke with?

22 A. Who I spoke with? I think I've spoken
23 with all -- oh. When I talked -- no, I don't. It
24 was too long ago. I don't remember.

25 Q. But that was somebody -- was that somebody

1 with the county clerk's office?

2 A. Right. Somebody in the county clerk's
3 office.

4 Q. Do you remember what -- do you have any
5 more specific recollection of what you were told
6 when you made that call?

7 A. I don't. And when I called them, I was --
8 I was a new county director at southwest. And so I
9 was trying to clarify the procedures for getting the
10 forms, returning the forms, making sure, personally,
11 I understood what needed to be done. And I'm not
12 sure that back then -- I'm not sure at what point --
13 it seems to me there was a time when we could get
14 more forms. I don't know when that changed. But I
15 know my county directors have been complaining about
16 it for several years now.

17 Q. Do you know -- and, again, this is if you
18 know. Do you know whether that type of limitation
19 of the 50 forms is something that other counties
20 enforce, or whether it's specific to Bernalillo
21 County?

22 A. I don't.

23 Q. Was that something that you had ever run
24 into before the time that you -- that you came here?

25 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

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

1 the rules and regulations that we're supposed to
2 follow. And the other group is reviewing cases to
3 look at our accuracy and timeliness.

4 Q. Do the individuals looking at the cases
5 contact the clients to -- to get their perspective?

6 A. No. Not in this review. In Q -- when
7 they do QC monthly pools of cases, they contact the
8 clients. But, in these reviews, they're just
9 looking at what was done in the office. But
10 somebody else interviews clients to see how the
11 office is doing.

12 Q. QC monthly pools of cases?

13 A. Does that make sense?

14 Q. I think so.

15 A. They randomly -- FNS requires that we
16 randomly select cases each month to review from the
17 state for accuracy and timeliness. And those are
18 what we call the monthly pools. And those reviewers
19 do contact the clients. They get the case record,
20 and then they look at the -- what the case worker
21 did, and they contact the client to collaborate with
22 the information. And sometimes they visit them.

23 Q. Are the -- are the results of that
24 provided -- of those monthly contacts with the pools
25 reported back to you?

1 guessing it's -- I think the tailoring is more
2 along -- you know, probably when they pool the cases
3 and who does what. But I think it's pretty
4 standardized.

5 Q. Do you know how long that monthly review
6 has been in place? Was it in place at the time you
7 became a regional manager?

8 A. The monthly QC pools?

9 Q. Yes.

10 A. It's been forever, as long as I've been
11 there. And offices are evaluated on how well they
12 do in these reviews.

13 Q. Because -- because of FNS -- I'm -- I
14 would assume that SNAP is the primary, if not
15 exclusive, program that's being monitored for that?

16 A. They actually review Medicaid, too.

17 Q. Oh.

18 A. And they've recently started reviewing
19 TANF and general assistance. But SNAP is primary.

20 Q. And, I apologize. I missed the name of
21 the person. I think you mentioned that there was a
22 person who was primarily responsible in the QC for
23 this?

24 A. The QC bureau chief? Sarah Kudza.

25 K-U-D-Z-A.