

## Memorandum of Record

# COPY

July 17, 2012

On July 16, 2012 at 4.44 pm CST I received a text message to my personal cell phone from Chris Riley:

*So since you are at the beach, with your feet in the sand and probably something cold to drink. Does this mean we can resolve all DFG issues by Monday? :)*

I replied via text at 8.46 pm CST:

*Well I am on vacation but it's apparently a "working" one. A realistic counter by noon tomorrow is the best chance of a resolution. Otherwise it will be out of my hands and resolved on Monday.*

At 8.50 pm CST Chris Riley responded via text:

*That will be difficult, Ryan said two of issues, legal fees and aircraft are not even on the table for discussion. How can we give you a realistic counter when not all issues are ready? My non legal opinion. Have a good vacation. I wouldn't worry about having to work thru it.*

I did not respond.

On July 17, 2012 at 6.31 am CST I received a text message to my personal cell phone from Ryan Teague:

*Holly – its Ryan. Would like to chat soon when you are in the office. I can walk over. Thanks.*

I replied at 6.35 am CST:

*Hi Ryan. I'm on vacation this week so if you need to talk before Monday it will need to be by phone. I apologize for the inconvenience.*

He replied at 6.36 am CST:

*Ok. Let's talk by phone then. Are u free this afternoon?*

I replied at 6.38 am CST:

*I will be on the beach but if you can give me an approximate time I will be near my phone.*

He replied at 6.41 am CST:

*1 pm?*

I replied at 6.42 am CST:

*Sounds good. I will wait to hear from you then.*

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At 1.04 pm CST, Ryan Teague called my personal cell phone. He proceeded to let me know how he was only acting as an intermediary to try to come to a resolution on the Deal complaints ahead of Monday's Commission meeting. He made an offer of \$1,500 settlement, no admission of violations and everything else to be dismissed. I explained that we offered Ben Vinson \$5,400 the day before for the CCDR and PFD complaint technical defects and violations which was 75% off the initial consent order amount. Ryan informed me that that amount was more than Perdue (former Governor) had paid for a much worse violation. I tried to explain that the fine amount was based on the number of violations. I also tried to explain that the legal fees and aircraft complaints were not included in these consent orders because we were still awaiting the Commission's vote on the AO's and that this had been previously discussed at length with Randy Evans. Ryan informed me that it was not in the agency's best interest for these cases to go to a hearing Monday; nor was it in their best political interest either and that our rule making authority may not happen if the complaints were not resolved prior to Monday. I responded by expressing my surprise that the threat of rule making being withheld was being used to make the complaints go away.

The conversation continued with his lack of regard for my vacation that was planned months prior to the Commission meeting date being set for July 23<sup>rd</sup>. I informed Ryan that I would respond to voicemails and texts but I would not continue to carry my phone in my hand all day while on vacation and surely he didn't expect me to do so. This was met with the remark that he was still required to be in contact when he was on vacation. I replied that I was in contact with my staff regarding issues that needed to be addressed prior to my return but that the current scenario was not my emergency in light of the fact that we (the agency) had been waiting for a month for the Respondent to negotiate on the consent order.

Due to the nature of the contact from Chris Riley and then Ryan Teague, I felt it necessary to inform the Chairman of the Commission, Kevin Abernethy, about what had transpired since our phone conversation the day before with the staff attorney (Elisabeth Murray-Obertein) and the Respondent's counsel (Ben Vinson). After relaying the texts and phone conversation, Kevin stated that he would be passing this along to the Vice-Chairperson, Hillary Stringfellow and fellow commissioner, Kent Alexander.

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