



MEMORANDUM

Date: December 18, 2017

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to read "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Outside Counsel Review of RICO Funds**

Please see the attached December 15, 2017 letter I received from Attorney J. Arthur Eaves. Mr. Eaves letter is in response to the Board of Supervisors direction to employ outside counsel for this issue. Please note the letter discusses a process in which to develop a contract for the review of RICO funds. This process is outlined in the Third Paragraph of the letter.

I assume process development would be at no cost to Pima County and the County will be billed for specific review of RICO fund requests of the County Attorney. I am confirming this assumption with Mr. Eaves.

In the meantime, I ask your review this letter and place an item providing direction on an upcoming public agenda.

CHH/anc

Attachment

c: The Honorable Barbara LaWall, Pima County
Andrew Flagg, Chief Civil Deputy County Attorney
J. Arthur Eaves, Attorney, Sanders + Parks Attorney at Law

December 15, 2017

VIA ELECTRONIC MAIL

Mr. Chuck Huckelberry
Pima County Administrator
Pima County
130 West Congress Street, 10th Floor
Tucson, AZ 85701

Re: ***RICO Funds***

Dear Mr. Huckelberry:

It was a pleasure talking to you last month. I look forward to working with you and the Pima County Board of Supervisors in implementing a program for the approval of RICO expenses. I have attached a copy of my CV to this e-mail for your review. Please feel free to disseminate this letter and its attachment as you see fit.

As you and I have discussed, I created and implemented a program for the review of RICO expenditures of the Maricopa County Board of Supervisors. We are now two cycles into implementation of that program and it seems to be working quite well. While I believe that some of the work that I have done for Maricopa County will benefit Pima County, I believe that each county has its own unique issues which will need to be addressed in implementing a program like this.

I propose conducting some preliminary meetings starting with the Board of Supervisors in order to discuss their interests and preferences in implementing a RICO approval program. I will also need to conduct meetings with the County Attorney in order to ask her how RICO funds have been spent in the past and how accounting records are kept relating to those expenses. After conducting those meetings, I will propose a plan to the Board of Supervisors which I believe will efficiently and effectively allow for the submission, analysis and approval of RICO expenditures by the Pima County Attorney's Office. I believe that we will be able to use some of the same forms I have created for Maricopa County; however, I anticipate there will be significant differences between the two systems based on my limited knowledge of the issues at hand.

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I would also recommend that the County Attorney submit budgets to me for initial analysis so that I can draft a report to the Board of Supervisors analyzing whether or not I believe the expenditures are appropriate. I think this will cut down on potential conflict between the Board of Supervisors and the County Attorney and I believe it will be a very efficient process for the Board of Supervisors overall. My experience as a prosecutor having forfeited RICO funds over the years and having used RICO funds gives me the ability to understand the needs and utilization of those funds in a practical way. I would recommend that the Board keep me in place for the review of RICO funds for the first several quarters that this plan is implemented. If the Board feels that they can handle the process directly then they should terminate my services any time they see fit.

The foregoing is a general description which would obviously change depending on the needs and priorities of the Board of Supervisors. I look forward to working with you. Please feel free to contact me with any questions.

Very truly yours,



J. Arthur Eaves
For the Firm

JAE:ml

J. ARTHUR EAVES

Mr. Eaves concentrates his practice in the defense of physicians, surgeons, hospitals, and other healthcare professionals in malpractice litigation. He is experienced in the presentation of complex scientific evidence relating to medical issues and surgical procedures. Mr. Eaves also defends municipal entities and employees in tort claims, civil rights claims and in administrative matters. Mr. Eaves has represented many of the Valley's police and prosecutorial agencies over the years in matters including serious allegations of police misconduct; road design; bar complaints and public record requests. Mr. Eaves is also honored to serve as a special prosecutor in felony cases. In total, he has taken more than 25 jury trials to verdict and has argued before Arizona's appellate courts on a number of occasions. In 2013 he prosecuted a murder-for-hire case as a special prosecutor for the Maricopa County Attorney's Office resulting in a conviction on all counts. His work has been recognized by his peers. Mr. Eaves is a Fellow of the Litigation Counsel of America, and a recipient of a Commendation from the Chief of the Phoenix Police Department. He has also been recognized as a Super Lawyer Rising Star and was voted one of Arizona's Top Attorneys.

From 1999 to 2002, Mr. Eaves served as a prosecutor in the Maricopa County Attorney's Office which is the fifth largest prosecutorial agency in the United States. There, he gained significant trial experience as lead counsel in the prosecution of serious felony cases. As a member of the Gang Unit, Mr. Eaves directed a number of complex, undercover investigations with the assistance of multiple police agencies. One such investigation culminated in the arrest of 38 gang members and the seizure of four drug houses, one of which was being operated across the street from an elementary school.

Mr. Eaves graduated in the top quarter of his law school class in 1999 and was a member of the Moot Court Board. He was recognized as the best oral advocate in the Benjamin J. Altheimer Annual Moot Court Competition and won top academic honors in a number of subject areas. Mr. Eaves received the Theresa Hoover Volunteer Service Award for creating a team which remodeled seized drug houses so that they could be converted to homes for recovering drug addicts and their families.