

STATE OF CALIFORNIA  
CALIFORNIA STATE AUDITOR'S OFFICE (CSA)

In the matter of:

2020 CITIZENS REDISTRICTING COMMISSION (CRC)  
Applicant Review Panel (ARP) Public Meeting

621 Capitol Mall, 10th Floor  
Sacramento, California 95814

WEDNESDAY, MARCH 18, 2020

9:00 A.M.

Reported by:

Peter Petty

APPEARANCESMembers Present

Ben Belnap, Chair

Ryan Coe, Vice Chair

Angela Dickison, Panel Member

Staff Present

Christopher Dawson, Counsel

Shauna Pellman, Auditor Specialist II

Applicants

James Trovato

Brian Stecher (via videoconference)

Robert Flack

J. Ray Kennedy (via videoconference)

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PROCEEDINGS

9:00 a.m.

CHAIR BELNAP: Seeing that all are present, we're going to come out of recess and start this meeting.

I'm going to begin with a short announcement. The contents of this announcement has been sent in a letter or emailed in a letter to all applicants in the pool.

As everyone knows, the public health emergency caused by the spread of the Coronavirus is affecting the lives of all Californians. Local, state, and federal governments are imposing restrictions on gathering and movement. We know that many communities, including Sacramento, have been asked to shelter in place. These are extraordinary circumstances.

At this -- at the same time, the Panel has a statutory deadline that cannot be altered. If we stop our process now, California's redistricting efforts will be delayed, which could have significant future effects. We, therefore, consider our work essential.

So while protecting the health and safety of all involved, the Panel will continue to conduct

1 interviews to meet this deadline.

2           The Panel's first choice is to conduct  
3 these interviews in person. Each applicant can  
4 only interview once. And an in-person interview  
5 provides applicant's their best opportunity to  
6 present their qualifications to the Panel.  
7 Applicants who interview in person should know that  
8 we are following the best practices to protect  
9 their health by sanitizing surfaces, minimizing the  
10 number of staff in the room, and practicing social  
11 distancing.

12           For applicants who cannot interview in  
13 person because of health or travel restrictions,  
14 the Panel will conduct remote interviews via  
15 videoconference or telephone.

16           As you in the room can see, we have set up  
17 monitors to conduct videoconferencing. We will  
18 have our first remote interviews today and we  
19 expect them to go smoothly.

20           We want to thank all of the State Auditor  
21 staff and our contractors who have worked so hard  
22 to put these arrangements in place.

23           And, of course, we want to thank our  
24 applicants who have shown so much dedication to  
25 this process. This dedication embodies the

1 California spirit in these extraordinary times.

2 So with that, we want to welcome James  
3 Trovato.

4 And, Mr. Dawson, if you will ask the  
5 standard questions?

6 MR. DAWSON: Thank you, Mr. Chair.

7 Mr. Trovato, I'm going to ask you five  
8 standard questions that the Panel has asked each  
9 applicant to address. Are you ready, sir?

10 MR. TROVATO: Yes.

11 MR. DAWSON: First question: What skills  
12 and attributes should all Commissioners possess?  
13 What skills or competencies should the Commission  
14 possess collectively? Of the skills, attributes  
15 and competencies that each Commissioner should  
16 possess, which do you possess? In summary, how  
17 will you contribute to the success of the  
18 Commission?

19 MR. TROVATO: Thank you. Throughout the  
20 application process, all the applicants have been  
21 asked to demonstrate experience with all the core  
22 competencies that were laid out, you know, being  
23 analysis and the impartial and the appreciation of  
24 the diversity of California. Still going through  
25 that process, I have high confidence that you'll

1 find people that are highly qualified in those  
2 areas.

3           So I think the differentiators, the  
4 remaining differentiators would really be a couple  
5 of other attributes, such as teamwork, the ability  
6 to trust in your teammates. Having an open mind.  
7 Being process oriented. The ability to adjust  
8 perspective based on new data. I think that's  
9 going to be really important. And the ability to  
10 facilitate open conversation within a group,  
11 another huge aspect of what we'll need. And then,  
12 finally, really, just the -- a bit of altruism,  
13 just the strong desire to really get this right.  
14 That has to really be the driving factor behind all  
15 that we do on the Commission.

16           To varying degrees, I believe I possess  
17 all those skills. And I have demonstrated them  
18 throughout my experience, both personally and  
19 professionally, over the last many years.

20           How I would make -- how I would contribute  
21 to the Commission is, really, I believe I do have  
22 that strong desire to get this right, the strong  
23 desire to make sure that every citizen of  
24 California feels like they're being represented  
25 according to what their needs and desires really

1 are, and that's really what this is all about.

2           The major thing that I believe that I  
3 would bring to the table here is a process that I  
4 believe is critical. I have over 30 years of IT  
5 experience. I've worked in major companies and  
6 small companies. I've worked on -- I've  
7 implemented projects and programs, enterprise  
8 transformational initiatives, and I've run large  
9 departments, and so I have experience with both  
10 managing technical staff and people, as well as  
11 understanding user needs, people's needs, and  
12 trying to draw that out of them, really helping  
13 them express what it is that's important to them  
14 and how they -- what their expectations are for  
15 going forward.

16           The process that I believe is going to be  
17 necessary here, this is a monstrous task. The  
18 amount of data that's available and necessary to  
19 make these kind of decisions is something that  
20 humans alone could never process. You could have  
21 roomfuls of people and they could just never get to  
22 it. So we're going to need to use technology.  
23 We're going to need to use computers. We're going  
24 to need to use simulations, artificial  
25 intelligence, make significant use of data,



1 databases, and analysis of that data.

2           So the process that I would suggest very  
3 loosely that we would need to follow, the 50,000-  
4 foot process, would be to analyze the existing  
5 data, the data that we have on voting patterns and  
6 things that are readily available within the state  
7 databases, I'm sure. And then use the legal  
8 experts that really understand the details of the  
9 law and what this was meant to do and how it was  
10 set up to do it and have all that information  
11 gathered together and then use computer programs.  
12 I'm fairly sure that there's many on the market  
13 but, if not, find the right one to do this.

14           To really analyze that data and use it to,  
15 you know, to find potential issues, take the list  
16 of those potential issues, areas that maybe are  
17 under-represented, you know, common terms in the  
18 gerrymandering road, or packed and cracked, things  
19 along those lines. And the system can pull those  
20 up and show you where it's possible.

21           And then it really takes human  
22 intervention. You need to look at that  
23 information. You need to get with people, people  
24 from those areas, you know, public meetings,  
25 talking to people, getting them to open up and

1 share.

2           You know, one of the things that I read  
3 was talking about the political culture here in  
4 California, and really across the country, and how  
5 it's really changed over the years. So the data is  
6 really important but it's not the final answer.

7           So that human intervention and interaction  
8 is critical. You need to meet with all those  
9 groups of people, as well as, you know, potentially  
10 interview former or current state representatives,  
11 people that are in this process now that represent  
12 their constituencies and  
13 say -- and ask from their perspective, what's  
14 important? What doesn't feel right? What do  
15 you -- what could help you?

16           And all that information from those things  
17 go back into the data. And then you unleash the  
18 power of artificial intelligence and computer  
19 simulation and you let it turn all that together  
20 and come back with some more information. And then  
21 you go through that process again until you've  
22 whittled through it and found consensus across the  
23 Commission that we have the right solution.

24           MR. DAWSON: Thank you.

25           Question two: Work on the Commission

1 requires members of different political backgrounds  
2 to work together. Since the 2010 Commission was  
3 selected and formed, the American political  
4 conversation has become increasingly polarized,  
5 whether in the press, on social media, and even in  
6 our own families.

7           What characteristics do you possess and  
8 what characteristics should your fellow  
9 Commissioners possess that will protect against  
10 hyper-partisanship? What will you do to ensure  
11 that the work of the Commission is not seen as  
12 polarized or hyper-partisan and avoid perceptions  
13 of political bias and conflict?

14           MR. TROVATO: Thank you.

15           So, first of all, going through this  
16 process and understanding what people like myself  
17 are doing to get through this, I think a lot of the  
18 people with ulterior motives or maybe nefarious  
19 intent, hyper-partisan intent, will be weeded out.  
20 So, there, I originally have a trust in the  
21 selection process to weed most of those out.

22           But I don't want to confuse somebody's  
23 passion for getting it right, somebody's passion  
24 for helping to change the way the state is with  
25 something that's bad. I think it's critical that

1 people have that passion.

2           So from a hyper-partisanship perspective,  
3 there's the external view and then there's the work  
4 within the Commission itself and across the  
5 Commissioners themselves, and how do we act?

6           So some of the characteristics that myself  
7 and the other Commissioners need to have, I had  
8 mentioned some of these earlier, but the open mind,  
9 the ability to respect different opinions, to look  
10 at what someone else is saying and actually hear it  
11 and try to understand it, and ask the right  
12 questions of somebody that has a different opinion  
13 to help you get there and at least understand that,  
14 you know, Commissioners may never agree with each  
15 but that doesn't mean you can't cooperate and work  
16 together and come to a positive solution. So  
17 that's one of the big pieces.

18           Another one is to be inquisitive and truly  
19 interested in other people's points of view, both  
20 while you're dealing with the public in different  
21 situations, as well as while you're dealing with  
22 other Commissioners in your day-to-day work. So  
23 that's important.

24           And then honesty. I think it's critical  
25 that you build a rapport and a relationship with

1 the other Commissioners, your honest and open. And  
2 when that occurs, then you have that conversation.  
3 You can really work through issues and you can help  
4 people to land on what is for the common good.

5           And, finally, I think you need to have the  
6 characteristic of being able to have situational  
7 awareness and the ability to focus conversations on  
8 the topic at hand. So often, if there's a hyper-  
9 partisan situation or somebody is really pushing  
10 for something that maybe the rest of the group or a  
11 majority of the rest of the group is not there,  
12 kind of focusing back on what's the issue at hand.  
13 What are we talking about here? How do we get to  
14 this solution? And leave the bigger picture for  
15 after you've been through some of the smaller  
16 pieces and questions and components.

17           And then with regard to how do I ensure  
18 that the Commission is not seen as polarized, well,  
19 the biggest reason I decided to get involved with  
20 this Commission is that I've talked to many people  
21 across this state. I have friends that are all  
22 over this state and they really don't feel good  
23 about the way things are. There's a lot of really  
24 negative attitude. People feel like, you know, the  
25 fix is in, that there's a small group of people

1 that make the decisions and you're kind of stuck.  
2 And I can't accept that. I don't accept that as a  
3 way of thinking or a way of living.

4           And so I want to make that difference.  
5 And part of that is to make sure that all people  
6 are heard, that they're -- that you try to  
7 understand what they're saying, where they're  
8 coming from. And then really, one of the cores  
9 behind what we're doing here is making sure that  
10 groups of people that live in common areas and have  
11 common needs and expectations get representation  
12 that represents those needs and expectations.

13           And so from the outside looking in,  
14 there's always going to be people that are going to  
15 say something's wrong, something's not going right.  
16 But by being honest and open, by making sure  
17 everything is transparent, by being very data  
18 driven, by making sure that you can always point  
19 back to -- well, how was this decision made; right?  
20 What was the data that supported it? What was the  
21 conversation around it? How does this work? --  
22 done that got to the decision that you needed to  
23 get to? It's really hard for somebody to argue  
24 with that; right? It's really hard to argue with  
25 data and process whenever you follow that process,

1 much like you're doing in this interview process.

2 MR. DAWSON: Thank you.

3 Question three: What is the greatest  
4 problem the Commission could encounter and what  
5 actions would you take to avoid or respond to this  
6 problem?

7 MR. TROVATO: So I don't believe that  
8 something this large has one problem or one thing  
9 that you can point at. In thinking through this, I  
10 really came up with three that I think are the  
11 largest that we really have to be cautious about  
12 and make sure that we are ready to address and  
13 manage.

14 One of them is flawed or skewed data;  
15 right? As I mentioned, I think it's critical that  
16 the data that we have and that we're working on,  
17 that we use the AI and the computer simulations and  
18 things on, it really has to be good data. And so  
19 having flawed data or data that's skewed one way or  
20 another is significant and it would have a  
21 significant impact.

22 So how do you -- how do I propose to  
23 address that? You do that by taking the data at  
24 its face, doing the analysis that you need to do,  
25 but then validating it through the community

1 meetings, through the surveys, through the  
2 conversations that are had with people to make sure  
3 that, you know, because data might go back five,  
4 six, ten years, whatever it is, to get the right  
5 analysis on it, people change, attitudes change,  
6 people move in and out. So you have to make sure  
7 that you're looking at and validating all data with  
8 active conversation and communication with the  
9 people that are in that area.

10           Yeah, I would say that that's most of that  
11 one.

12           A second one would be failure for the  
13 Commissioners to work together. So we talked a  
14 little bit about that already. But if you have  
15 people that just can't get along, just can't work  
16 together, just refuse to see the other side, that's  
17 a -- that would be a huge threat.

18           How I would manage to that, I have many  
19 years of my professional experience working through  
20 enterprise solutions, like I said, transformational  
21 things where people really get dug in. You know,  
22 I've been doing this for 30 years. You're not  
23 going to come here and tell me that this is wrong  
24 or that I have to change or anything else around  
25 that. So I have experience working with those



1 people that -- there's nothing wrong. They're not  
2 doing anything wrong, it's just that what they  
3 know, that's what they believe. And so you have to  
4 be able to kind of pull them out.

5           There's a Socratic process. You need to  
6 ask the right questions. You need to ask leading  
7 questions. You have to actively listen to what  
8 people are saying and communicate through that  
9 process to make sure that they're kind of coming  
10 out, they're coming out of their shell, they're  
11 coming out of their deep-held points of view. And  
12 that doesn't happen overnight and it doesn't happen  
13 easily but it needs to. You need to get there and  
14 you need to bring people along.

15           And part of it is to find people from  
16 within the community that are respected and have  
17 their voice heard in front of other people that  
18 will help some of their neighbors and friends and  
19 community associates to start to understand  
20 different points of view.

21           So it's really not about what I think or  
22 what the other Commissioners think. This is about  
23 what the people think that live there. And so  
24 using the community to talk to each other, to come  
25 to this is what we need, this is how we

1 need -- we feel we need to go about this, that's  
2 really the successful way of getting through that.

3 But the Commissioners, ourselves, need to  
4 be open to that and we need to be able to  
5 communicate with each other. I need to be able to  
6 trust because I won't be at every meeting that the  
7 other Commissioners are leading and driving in that  
8 same way, collecting the information the same way,  
9 leading those conversations the same way.

10 And then, finally, I think, you know, the  
11 partisanship that -- and preconceived solutions  
12 that we've talked about is a risk. There's no way  
13 around that. This is our world that we live in  
14 today. We need to -- you know, a lot of the things  
15 that I said in the previous potential problems hold  
16 here also. We need to find a way to lead people  
17 past their biases, to get people to communicate and  
18 cooperate and really see that end game.

19 So, often, we have to -- what you have to  
20 do in these situations is make sure that the  
21 vision, the goal, is posted and always referred  
22 back to, that you get everybody in the room to  
23 focus on that and, you know, break it down. And  
24 then build it back together, and make sure people  
25 are feeling like what they said was heard and

1 understood, and then building the consensus.

2 MS. PELLMAN: We have about 14 minutes and  
3 8 seconds.

4 MR. DAWSON: Question four: If you are  
5 selected you will be one of 14 members of the  
6 Commission which is charged with working together  
7 to create maps of the new districts.

8 Please describe a situation where you had  
9 to work collaboratively with others on a project to  
10 achieve a common goal? Tell us the goal of the  
11 project, what your role in the group was, and how  
12 the group worked through any conflicts that arose?  
13 What lessons would you take from this group  
14 experience to the Commission, if selected?

15 MR. TROVATO: So, as I said, I've got over  
16 30 years of doing these types of things, so I have  
17 multiple examples. I've kind of chosen two to  
18 speak to here today.

19 One of them was I was a consultant to a  
20 healthcare, major healthcare, company when the  
21 HIPAA regulations were being implemented and  
22 introduced. And most healthcare companies at that  
23 time were a little behind the eight ball because it  
24 was a massive effort. It was huge. And it was a  
25 very, very complex law. And it was a federal law

1 that was compounded by state law that was often  
2 compounded by other local edicts that -- of the way  
3 things needed to occur.

4           Within that scenario, they fell a little  
5 behind the eight ball because they had just come  
6 through the Y2K and all the companies were focused  
7 so much on the year 2000 and everything. By the  
8 time that was done and kind of calmed down, there  
9 was a very short runway to get to HIPAA compliance.

10           And so I was the solution architect, one  
11 of the lead solution architects for that endeavor,  
12 for this healthcare company. And this healthcare  
13 company actually has divisions in multiple states.  
14 So they were looking from the national headquarters  
15 to be able to say, we would like, obviously, to  
16 have the least costly but most effective solution  
17 that gets us compliance. So we did several months,  
18 myself and the other architects and the analysts,  
19 did several months of going through the  
20 information, breaking down the law, finding the  
21 common areas, finding the differences, and being  
22 able to pull those things together. We didn't have  
23 quite the computer power back in the early 2000s,  
24 the AI, that we have today but we did a lot of  
25 those same principles.

1           And so we came together to do that work.  
2 We found a common solution. We -- there was a lot  
3 of work across the regions to make sure that there  
4 was buy-in. Everybody wanted their own way. "This  
5 is the way we've already done it, always done it.  
6 This is the way we need to do it. I don't want to  
7 change that process. It really works for me." So  
8 it was a lot of work across those, the  
9 organization, a lot of top-down, but a lot of  
10 bottom-up and making sure that we had consensus at  
11 the end of the day for a solution, and we did. And  
12 all eight of the regions bought into the solution.  
13 It was rolled out and very effective for each of  
14 them.

15           The second one was more specific, internal  
16 to the State of California, where I was the  
17 director for an organization that was responsible  
18 for the computer website, the corporate website for  
19 a company, a very large company. And we were doing  
20 a redesign of that website. And there were -- some  
21 of the primary drivers for the redesign was because  
22 the current site didn't do some of the things that  
23 we needed it to do or that the company needed it to  
24 do, like it didn't have ADA compliance, American  
25 Disabilities Act. That had been found in an audit.

1 There were notifications to customers that just  
2 weren't happening. And customer communications.  
3 So there was a big focus on how we were going to do  
4 that.

5 And we spent many months across the state  
6 of California trying to identify different people,  
7 different trends. How do they want to use things?  
8 How do they -- how does this system work best for  
9 them? How can this support them? And we were able  
10 to build that solution that was very successful.

11 So what we -- what I would take to this  
12 Commission is much of the same. You have many  
13 different areas in California. Those different  
14 areas are very different, have very different  
15 needs. The people are very different and have  
16 different thought processes and expectations. So  
17 it would be following that same process to bring  
18 that together.

19 MR. DAWSON: Thank you.

20 MS. PELLMAN: Nine minutes and fifty-two  
21 seconds.

22 MR. DAWSON: Oh, thank you.

23 Question five: A considerable amount of  
24 the Commission's work will involve meeting with  
25 people from all over California who come from very

1 different backgrounds and a wide variety of  
2 perspectives.

3           If you were selected as a Commissioner,  
4 what skills and attributes will make you effective  
5 at interacting with people from different  
6 backgrounds and who have a variety of perspectives?  
7 What experiences will you -- have you had that will  
8 help you be effective at understanding and  
9 appreciating people and communities of different  
10 backgrounds and who have a variety of perspectives?

11           MR. TROVATO: So the first part of it --  
12 what skills and attributes make me effective at  
13 interacting with people? -- I would say the  
14 ability to relate to others. I really enjoy  
15 talking to people, understanding different people,  
16 different perspectives, relating to them, helping  
17 them relate to where I'm coming from and what I'm  
18 doing. I think the practice of active listening,  
19 I've been doing that professionally for many years  
20 and I think it's really critical to being able to  
21 build those relationships, have people willing to  
22 trust you, to talk to you, to tell you what they're  
23 thinking.

24           People -- what I have found is that most  
25 people's first reaction is not to talk or not to

1 share, not to tell you what -- even when you ask a  
2 direct question. So you need to kind of pull them  
3 out of that. And so that active listening really  
4 helps there.

5 I have a very flexible communication  
6 style. I, professionally, I can go from talking to  
7 very detailed technical people and developers and  
8 then turn around and talk to a senior executive in  
9 the next five minutes and be able to make that  
10 switch and that translation. And it's very similar  
11 when you're dealing with different people across  
12 the state. People have different approaches,  
13 different ways of communicating, and you need to be  
14 flexible. You need to be able to adjust and go  
15 with how they need to communicate to be able to  
16 pull that information out of them.

17 You've got to have an open mind. I've  
18 talked about that a couple of times. Everybody  
19 that's in this process, especially this deep into  
20 this process, is here for a reason. It's because  
21 you have a strong desire. You have an opinion.  
22 You have a perspective. You want to make things  
23 different. I'm no different than that. But you  
24 have to come into it with an open mind to say, you  
25 know what, I feel this way but if that's not the



1 way the people of the State are or the other  
2 Commissioners, you've got to be willing to think  
3 about things differently, have an open mind, and  
4 move forward with what's best for the people of the  
5 state.

6 I believe I have a great sense of humor.  
7 I'm able to laugh at myself. I'm able to talk with  
8 other people, you know, help them relax. I think a  
9 sense of humor is huge to getting people to relax,  
10 whether it's people at work, people at home, people  
11 in a social engagement, it doesn't really matter,  
12 loosening the situation with, you know, some  
13 appropriate type of, you know, sense of humor  
14 really helps. And it helps people break down those  
15 barriers.

16 And then I'm naturally inquisitive. I  
17 really, really like to learn new stuff. I really  
18 like to be able to find out what's important to  
19 somebody and why and relate to that or not and try  
20 to be able to present my own point of view to  
21 people in that same way.

22 I think what experiences I have had, it's  
23 actually started from when I was born. I'm one of  
24 ten kids. With a huge family, you have many  
25 different personalities, many different points of

1 view. I'm still very, very close with all my  
2 brothers and sisters and the in-laws and everybody  
3 has different perspectives. We don't agree on much  
4 but we're always, always together, and we're always  
5 very happy and connected with each other.

6           So it's a matter of being able to adjust  
7 to things, be able to have your own point of view  
8 but understand there's others and be able to keep  
9 moving forward with that.

10           I've lived and worked in many various  
11 areas of the country and even across the state of  
12 California, so I have a good appreciation for how  
13 different people think and why. It's important to  
14 people for different reasons; right? If  
15 you -- when your livelihood depends on something or  
16 when your neighborhood is a certain way, you form  
17 opinions. And, you know, I have a lot of  
18 experience with being in different situations and  
19 being able to relate to people in those different  
20 situations.

21           And then I have, as I had mentioned  
22 earlier, I have friends all across this state that  
23 I stay in close contact with and really understand  
24 that different people in different parts of the  
25 state have different perspectives and different

1 needs and different expectations. And so my goal  
2 through this would be to be able to make sure, not  
3 that you get one across the state, there isn't one,  
4 right, people are too different, so make sure that  
5 we can have the individual pieces and parts of the  
6 state that have specific reasons, desires,  
7 expectations that they have representation that  
8 supports them. And then that representation takes  
9 that message forward and deals with it through our  
10 political process.

11 MR. DAWSON: Thank you.

12 At this time, we will go to Panel  
13 questions. Each of the Panel members will have 20  
14 minutes to ask his or her questions. And we will  
15 start with the Chair.

16 Mr. Belnap?

17 CHAIR BELNAP: Okay. Thank you for being  
18 here.

19 So you've been an IT professional for 30  
20 years. And in your application, you mentioned  
21 some, and in your testimony today, you've mentioned  
22 artificial intelligence.

23 What I'd like you to explain is how the  
24 Commission could use artificial intelligence  
25 techniques to help with drawing district lines?

1           MR. TROVATO: Sure. So it really relates  
2 back to that process I was talking about earlier;  
3 right? What artificial intelligence is really able  
4 to do it take massive amount of datas and crunch  
5 it. And it can be bent. It can be leaning one way  
6 or another, depending on what you tell it; right?  
7 So you have to give it the parameters. You have to  
8 help set the stage, the fences and the -- and, as I  
9 said, the parameters for different things, and then  
10 you release it on the data.

11           I talked a little bit about data. It  
12 should be complete. It should be as accurate as  
13 possible. But the real benefit is it can take, as  
14 I mentioned in my HIPAA experience earlier, right,  
15 we didn't have the benefit of artificial  
16 intelligence. So we spent months trying to crunch  
17 what this law was all about, and how it impacted  
18 the business that we were representing, and how we  
19 were going to be able to have that business support  
20 the law and be fully in compliance and still  
21 process and function and go in accordance with  
22 their, you know, their own goals, corporate goals  
23 and the mission and objectives.

24           And so what it allows you to do is it take  
25 a lot of information and crunches for you. There's

1 no escaping that you need to put that human part on  
2 top of it. You need to look at it, analyze it,  
3 validate it with external sources, and then maybe  
4 fix some of those components, and then rerun it,  
5 and that's the benefit that you have.

6           When I was doing this work earlier, we  
7 didn't really have the opportunity to rerun things  
8 because it was much -- it was very manual. It was  
9 groups of people doing manual work. With AI, you  
10 can do that exactly. You can set those parameters,  
11 launch it against the data, and it will give you  
12 information for you to validate, for you to make  
13 use of.

14           CHAIR BELNAP: Okay. Thank you.

15           You also mentioned in your application,  
16 particularly in your analysis or your analytical  
17 portion of your application, you said that you  
18 would encourage the Commission to use historical  
19 trends of voters.

20           So how would analyzing historical trends  
21 of voters be beneficial to the Commission?

22           MR. TROVATO: Sure. So when you're  
23 looking at, is a current district still accurate  
24 for the people that live in that district, is it  
25 producing accurate representation, if you look at

1 that historical data and it's not always elections  
2 for politicians; right? You look at the  
3 propositions. You look at the funding. You look  
4 at all the different ballot initiatives that are on  
5 every ballot. It can really drive you to an  
6 understanding of how does that community feel;  
7 right? And because polling places are smaller than  
8 the whole district, you can look at that data and  
9 really focus in this area of this community feels  
10 very strongly about these things; right?

11           So it's, once again, it's a pointer. It  
12 can send you in a direction to start asking the  
13 right questions and seeing whether that's really  
14 the fact. And you can see, maybe, that the next  
15 district over felt the opposite way. And so you  
16 don't necessarily, in my opinion, you don't  
17 necessarily need to get to where everybody in a  
18 district thinks exactly the same way. That's  
19 probably not healthy. But you can use that  
20 information to look at the areas and understand, is  
21 it set up in accordance with the way, you know, the  
22 heart and the soul of what the law wants to have  
23 happen; right? How should it be? And if it's not,  
24 then you can use that, the analysis and the  
25 structure, to be able to figure out, what would be

1 a better line for that to be drawn?

2 CHAIR BELNAP: Okay. Thank you.

3 So I want to read, this is in part one of  
4 your application, I want to read a sentence, not  
5 for your benefit but for everyone who doesn't have  
6 your application in front of them. You say,

7 "I want to use technology, specifically data  
8 analytics, to help assure we have politically  
9 neutral district maps, thereby allowing each  
10 candidate or proposition to win or lose on  
11 their/its own merits in accordance with the  
12 will of the voters of that area."

13 So the question I have is: How could the  
14 Commission use data to help assure politically-  
15 neutral district maps?

16 MR. TROVATO: So much of what I was  
17 saying, right, if you look at the information of  
18 the various polling places in the various districts  
19 you can get a real good grounding, a good head  
20 start for understanding how the people in that area  
21 think and feel and vote.

22 Politically neutral, to me, simply means  
23 that, as I was saying, you know, in the Supreme  
24 Court cases and the -- about gerrymandering and the  
25 things that they did earlier last year, about this

1 time last year when that came out, that was about  
2 the idea of the packing and cracking where things -  
3 - districts are set up so that no matter what  
4 certain groups of people think or feel, there's an  
5 overwhelming of people in the other way, so they  
6 never get to really feel like they're being heard.

7           And so, as I said, it's about the analysis  
8 to look at the regions of the state, understanding,  
9 what are the needs and expectations of that region,  
10 and drawing the district lines to allow those  
11 people to have the right representation, to be able  
12 to have the right people that are representing them  
13 at the overall state level.

14           CHAIR BELNAP: Okay, so you're addressing  
15 my next question, which is: What does politically  
16 neutral mean to you? And I hear your comment about  
17 making sure that communities feel like their vote  
18 counts.

19           Another way of looking at politically  
20 neutral, and I want to see if this is the way  
21 you're viewing it, is maybe having an equal number  
22 of Democrats, Republicans, or other, having a  
23 spread of that group. Is that what you mean by  
24 politically neutral districts?

25           MR. TROVATO: I don't think so --



1 CHAIR BELNAP: Okay.

2 MR. TROVATO: -- not to me. It's not so  
3 much a D or an R or an Independent kind of  
4 relationship; right?

5 Within my own household and my own family,  
6 we have different political affiliations. That's  
7 not a problem. That doesn't mean we don't have the  
8 same needs and desires and expectations; right?

9 So I don't think it needs to be drawn in  
10 accordance with political parties. I think it  
11 needs to be drawn in accordance with how that group  
12 of people wants their representation to represent  
13 them.

14 I am a Republican, registered, but I could  
15 have a Democratic congressman or a Democratic, you  
16 know, district person that still represents me  
17 because he understands me; right? And he  
18 understands what my neighbors, that maybe were  
19 Democrats, might do also.

20 So I don't think it's -- I don't think,  
21 it's necessarily a political party thing. I think  
22 -- and that's what I meant by politically neutral.  
23 It shouldn't be about a party. It should be about  
24 what do those people need and expect.

25 CHAIR BELNAP: All right. Thank you. And

1 I appreciate that clarification.

2           You've been an IT professional for 30  
3 years. How does someone in the line of work that  
4 you're in have to exercise impartiality?

5           MR. TROVATO: Great question. So in all  
6 things that you do when you're working,  
7 specifically within IT and the roles that I've held  
8 which were, you know, project and program  
9 leadership, as well and departmental leadership,  
10 you -- it's not necessarily about me. It's not  
11 about what I think; right? Once again, it comes  
12 down to what does the business need? What does the  
13 business want? How is the business going to be  
14 most efficient and effective and produce the best  
15 product; right?

16           And so I may feel very strongly about  
17 something that says, you know what, that's a broken  
18 process. You shouldn't do it that way. You should  
19 do it this other way. But the business has reasons  
20 for doing it. And if the people that run that  
21 business and work in that line of the business say  
22 this is how we need to do it, so make the system  
23 work the way I do my process, then what I think  
24 doesn't matter anymore; right? I need to support  
25 what they're doing. And it's very similar to what

1 I'm talking about doing here on this Commission;  
2 right?

3 CHAIR BELNAP: And can you also tell us  
4 about, again, on the impartiality front, tell us  
5 about your experience as a referee of youth sports?

6 MR. TROVATO: One of the best times of my  
7 life. I was a coach and a referee. And then I  
8 also was a referee for a while for an adult league  
9 in the City of Oakland. It gives you a very, very  
10 different perspective of things.

11 I've played sports all my life. I was  
12 part of teams. As I said, I coached. I coached  
13 youth and I coached adults. And when you're a  
14 referee, it's a step back. You know, when I  
15 coached the kids, I taught them a certain way of  
16 doing things. And I would try to get them to  
17 understand that and follow that and do that when  
18 they were on the court or on the field. As a  
19 referee, that's not your job; right? It's not your  
20 job to pay attention to why they're doing what  
21 they're doing or even how they're doing what  
22 they're doing. It's a matter of are they playing  
23 within the rules?

24 And so as a referee, you really need to  
25 separate yourself. You need to take that step

1 back. You can't think of, I really like that kid,  
2 that kid's my neighbor, anything along those lines.  
3 It's just a matter of here's the rules, this is the  
4 way, you know, these are the decisions that a  
5 referee has to make, and then stay in that space.

6 CHAIR BELNAP: Okay. Thank you. I don't  
7 have any further questions.

8 Mr. Coe, I'll turn the time over to you.

9 VICE CHAIR COE: Thank you, Mr. Belnap.

10 Good morning, Mr. Trovato. Thank you for  
11 being here.

12 MR. TROVATO: Good morning.

13 VICE CHAIR COE: I wanted to talk a little  
14 bit about, in your application, you mentioned that  
15 you have taken on the role as a former mentor to  
16 several younger employees at your job.

17 MR. TROVATO: Right.

18 VICE CHAIR COE: Why did you choose to  
19 participate in that?

20 MR. TROVATO: So there were multiple  
21 reasons. The very first one that I mentored  
22 actually came to me and said, "I really like and  
23 respect how you act and lead teams and I want to be  
24 a team leader. Can you help me get there?" And I  
25 found that I really, really enjoyed it. Once

1 again, it's a different perspective. I was  
2 managing a team. This person was not on my team.  
3 They were in a different department. But I was  
4 managing a team and I was doing what I thought was  
5 best all the time. But in working as mentor with  
6 this person and hearing what her concerns were,  
7 what her daily, you know, interactions were and how  
8 she was kind of thinking through them, it really  
9 helped me then, also, to understand my team and  
10 understand how I presented to my team and how  
11 better to deal with that team.

12           And so I did go on and I've mentored  
13 multiple people, formally and informally. You  
14 know, most large companies have a formal mentoring  
15 program and I've been part of those. But I've also  
16 just, you know, had people that wanted to get to  
17 the next step that looked at me as a way that, you  
18 know, I could help them and help teach them and  
19 talk them through things and it's been very  
20 successful. I've had many of the people that I've  
21 mentored really kind of move forward and get big  
22 jumps in their careers.

23           VICE CHAIR COE: So continuing on that  
24 line of thought, I want to read some paraphrasing I  
25 did from your application on this topic. And you

1 mentioned that in order to have -- in order to be a  
2 truly effective mentor, you really have to listen.  
3 And I think you've said that a few times already  
4 today. You have to really listen, understand their  
5 personality, try to see the situation from their  
6 perspective so that you're giving them relevant  
7 guidance.

8 MR. TROVATO: Correct.

9 VICE CHAIR COE: So this seems to be  
10 directly applicable to the work at the Commission,  
11 who will be charged with understanding the needs,  
12 concerns and desires of the citizens of the state.

13 Can you give us an example of a time where  
14 maybe you thought one course of action was best for  
15 somebody you were mentoring but, after listening to  
16 them, you changed your mind and recommended maybe a  
17 different course of action?

18 MR. TROVATO: I can. One of the gentlemen  
19 that I was mentoring said that he was really  
20 interested in moving into this manager position  
21 that was offered him in the business. He had been  
22 in IT all his career and he wanted to, he was  
23 considering this, and so we talked about. We  
24 actually talked about it for multiple of our  
25 sessions that we got together and talked about.

1           My guidance to him was, "You really have  
2 to be careful because when you move out of IT and  
3 move into the business, it's a whole different  
4 world, and so you just -- it's not a bad thing, you  
5 just need to understand what you're getting into  
6 because it's very, very different." And I was kind  
7 of leading him, to say, "You probably have  
8 management path within IT, which you're an  
9 excellent IT person; right? So maybe let me help  
10 you focus and move into that management role  
11 somewhere here in IT."

12           After he did some interviewing and he went  
13 through the process and we listened, I was  
14 convinced that was the perfect role for him, and he  
15 actually moved to the business side and he shot up  
16 the ladder on the business side and is, actually,  
17 now a director there and very happy.

18           So, you know, it was a matter of my  
19 initial guidance. I didn't try to push it on him  
20 but I was kind of pushing him in that direction.  
21 It turned out to be bad, so we talked through it.  
22 I learned from it as much as he learned from it and  
23 it was successful.

24           VICE CHAIR COE: Okay. Thank you.

25           I was also going to ask you about the

1 artificial intelligence you mentioned in your  
2 essay.

3 MR. TROVATO: Um-hmm.

4 VICE CHAIR COE: Mr. Belnap beat me to it  
5 but I'll ask a slightly different clarifying  
6 question. I don't know much about AI.

7 MR. TROVATO: Okay.

8 VICE CHAIR COE: And so are these software  
9 programs that -- it's some type of software program  
10 that's running, and are there existing ones that  
11 are relevant to crunching the data that the  
12 Commission will be using or do you foresee the  
13 Commission having to kind of create their own AI  
14 program?

15 MR. TROVATO: So the answer is, yes, I  
16 believe there are packaged software out there that  
17 are meant to do this or very similar things. There  
18 is nothing that you ever purchase off the shelf  
19 that you just plug in. In your world, as an  
20 auditor, I'm sure it's the exact same thing; right?  
21 It always has to be configured at the minimum,  
22 customized slightly in the extreme, but it needs to  
23 be able to work for your situation. So any program  
24 or solution that's out there was probably not  
25 written focused on California and on implementing



1 this law in the way we're supposed to implement it.  
2 But that doesn't mean that it's not already most of  
3 the way there, that it's not already--

4           The basic idea behind AI, my opinion, my  
5 personal opinion, is really just the idea that it  
6 can take rules that you give it, and you have to  
7 give it to them, they're not going to have it pre-  
8 done for most of the cases, and apply it against  
9 the data that you give it and it comes out with  
10 solutions. And so it doesn't really have to be  
11 hard or complex or, you know, some smoke in mirrors  
12 thing. It's just utilizing the power of computers  
13 and the analysis that it can do on tons and tons of  
14 data and turn it into something simpler for you.

15           But as I said, the risk that you have  
16 there, it was -- you know, one of the risks I  
17 talked about was maybe bad or skewed data, or maybe  
18 the interpretation of the law that we got from a  
19 lawyer, that when we tried to turn that into the  
20 rule that the AI or the solution is following, we  
21 turned it into it wrong.

22           And so we have to be very cautious and,  
23 once again, verify the data, the output, with the  
24 communities themselves and what we hear from them  
25 now, as well as verify the input over and over

1 again, did we get that right? Is this giving us  
2 this information because it was working the correct  
3 interpretation of the rule against that data or do  
4 we have to tweak that interpretation of the rule to  
5 make it work correctly?

6 VICE CHAIR COE: So from that description,  
7 it sounds like the configuration or the creating of  
8 rules could be a more technical matter?

9 MR. TROVATO: Absolutely.

10 VICE CHAIR COE: There exists a decent  
11 possibility that of the 14 members of the  
12 Commission, some people are going to be more  
13 technically inclined and comfortable with that,  
14 some people may not.

15 In your answer to the first question, you  
16 spoke about teamwork and needing everybody to buy  
17 in. It sounds like it's possible that there would  
18 only be kind of a small number of Commissioners on  
19 there that would really understand how that input  
20 is working in the technical side of it and some  
21 other people who may be a little bit in the dark on  
22 that.

23 How would you go about making the  
24 Commission buy in or to understand how this is  
25 working and be comfortable with using such a

1 technique in the work of the Commission?

2 MR. TROVATO: So, first of all, I think  
3 that's a good thing. I don't think you want a  
4 bunch of people that think they know how to do this  
5 and go do it; right?

6 Second, my personal opinion is that I'm  
7 not going to do this work. I may know it and  
8 understand it but I'm not going to do that work;  
9 right? There's going to be either a vendor or  
10 consultants or somebody that we hire that do that  
11 for a living that are going to be able to do that  
12 much more technical work.

13 Now the good news of that, the good side  
14 of that, of people that aren't real technical, in  
15 my experience, those are the most valuable people  
16 when this data comes out; right? The output comes  
17 out and they might look at that and say, are you  
18 nuts; right? That's not -- I don't believe that;  
19 right? And that then points you back to, okay,  
20 let's see, did we get that right? Let's talk to  
21 the community; right? Let's do that. So that  
22 opinion, that perspective, all the different  
23 perspectives of the people on the Commission are  
24 critical to making sure that we get to the right  
25 solution.

1           And the teamwork part of it is they have  
2 to kind of trust, if I'm pushing on the vendor, if  
3 I'm pushing these people, the consultants,  
4 contractors, whatever -- (swallows) excuse me --  
5 because I understand it, they have to be able to  
6 trust that I'm doing that for the good, right,  
7 because I'm supporting them, taking their  
8 perspectives and opinions and relaying them because  
9 I speak that language. And I have to count on  
10 them, the open mind, the teamwork, the whole thing  
11 about they're going to trust me.

12           But then when the data comes out, don't  
13 trust me and don't trust that AI, let's go validate  
14 it; right? And that's where all those members of  
15 the team really come into play.

16           VICE CHAIR COE: Okay. Thank you.

17           I'd like to switch topics to your essay on  
18 appreciation for diversity.

19           MR. TROVATO: Okay.

20           VICE CHAIR COE: And in that essay, you  
21 discuss your work with PG&E --

22           MR. TROVATO: Um-hmm.

23           VICE CHAIR COE: -- and how PG&E territory  
24 covers nearly the entire state, so supporting  
25 customers from different regions and of different

1 backgrounds was a large focus of the company. So  
2 to facilitate this, and I'm paraphrasing again, you  
3 discuss working in focus groups, collecting  
4 surveys, performing market research to better  
5 understand the impacts that race, ethnicity,  
6 gender, sexual orientation, that economic status  
7 have on communication and engagement preferences of  
8 different communities.

9           What did you learn from these efforts and  
10 how will that be a benefit to this Commission?

11           MR. TROVATO: So I learned a lot about,  
12 first of all, communicating with people, helping  
13 people relay, communicate to us what they're  
14 thinking, what they need, what they really want. I  
15 learned a lot about how, in the right perspective,  
16 helping people, kind of leading people to how they  
17 need to express or communicate is important.  
18 Because when you're talking about something that's  
19 new, people don't understand it. And you can ask  
20 them a question and say, well, how are you going to  
21 use that microphone, Mr. Coe? And if you've never  
22 used it before, I don't want to, I don't need it.  
23 I can just talk; right?

24           So you have to be able to turn that around  
25 and say look at the -- look at what this can do,

1 right, impartially, not trying to lead them to an  
2 answer, but say, look at the benefits of this and  
3 how it can work. And now, understanding that, now  
4 how could you use it? How would you benefit from  
5 that? What would  
6 it -- how could it help you?

7           And then collecting that information is  
8 really where we are able to understand, how do  
9 people want to be notified; right? That was the  
10 specific piece that I mentioned in there and that  
11 you called out; right? So we're trying to figure  
12 out, how were we going to notify people if there  
13 was an outage or if there was something else that  
14 was impactful to them, work in their neighborhood,  
15 whatever that was?

16           When you talk to different people in  
17 different parts of the state, they have different  
18 preferences; right? But they didn't necessarily  
19 know how to tell you that. They didn't know I  
20 could get a text; right? This was years ago. They  
21 didn't know you could send me an email. They  
22 didn't know all those things. They just said,  
23 "Well, I guess you're going to call me." Well, no.  
24 That's when you have to lead them a little bit to  
25 some of the potential and opportunity and then let

1 them say, okay, oh, okay, now I get it, yeah, this  
2 is the way I would like it, and then we build that  
3 into the solution.

4 VICE CHAIR COE: Okay. Thank you.

5 So one of the biggest tasks of the  
6 Commission, and you've already mentioned this a  
7 couple of times, identifying communities of  
8 interest. And you've discussed needing to speak  
9 with the public and looking at various data, not  
10 just census, particularly precinct or local polling  
11 data to find communities. But there's communities  
12 that are harder to find for one reason or another.  
13 Some of them are not engaged, may not be voters --

14 MR. TROVATO: Right.

15 VICE CHAIR COE: -- and then so that  
16 information may not be in that voting data.

17 How do you find those communities and how  
18 do you get them to feel comfortable engaging in  
19 this process when it normally may be something they  
20 steer away from?

21 MR. TROVATO: Sure. So once again, this  
22 is something that I've dealt with as part of my  
23 professional career.

24 So one of the projects that I was doing  
25 had to do with how project management activities

1 were being run. And so the natural focus was to  
2 get with project managers and to understand how  
3 they did things. And then there are the people  
4 that reported into them and how they did things.  
5 And then you deal with the leadership within the  
6 various organizations to say, will this work for  
7 you when they're delivering these projects for you?

8           But what I've found in the past was you  
9 really have to get to that individual contributor  
10 or that person whose life is going to be impacted  
11 by this when the change comes and get them to  
12 speak. And many times, they don't want to speak;  
13 right? They'll say, you just talked to my boss.  
14 He told you. Why am I going to tell you something  
15 different; right? I'll get fired. There's all  
16 kinds of concerns about that.

17           And I would take that same perspective to  
18 the Commission; right? When you're dealing --  
19 people don't want to be political a lot of times or  
20 they don't want to get engaged with what you're  
21 talking about or they just, frankly, don't care  
22 because of the attitude I spoke about earlier, the  
23 defeatist attitude, or because maybe they really  
24 don't care. But you still have to try to pull that  
25 out of them.



1           So there's many different ways of doing  
2 that. If you can get to communicate with them, if  
3 you can get them to come to something, some  
4 community event and talk with them, that's  
5 obviously the best way to do it. But if you can't,  
6 there's things. You know, maybe you have to do  
7 survey. Maybe you have to do something that they  
8 can do at their home when they're comfortable and  
9 not feel like they're going to get called out on  
10 something; right? You have to be -- you have to be  
11 aggressive, kind of, about how do you reach people  
12 that don't necessarily want to be reached on this  
13 topic? And you have to figure out that way.

14           And one of the other things you can do is  
15 if you get one person from an area who's willing to  
16 participate and you can then engage with that  
17 person and get them comfortable, maybe they can  
18 communicate with others that feel like them or  
19 don't feel like them, it doesn't matter, but will  
20 feel a little more trust now because, you know,  
21 Sally talked to me and it was good; right? Sally  
22 can tell them, yeah, this -- it was a good  
23 conversation, I felt good. Then maybe they'll be  
24 willing to come out and have that conversation too.

25           How you do this across -- that's what I

1 was saying about the massive, massive work here.  
2 How you do that across a state this large, across  
3 all the communities that are engaged here, I don't  
4 know. I know there's some things, some, you know,  
5 tricks and tips kind of things that I've used  
6 before that we can talk about, but that's another  
7 area where we're going to need some professionals;  
8 right? People do this all the time. I don't  
9 necessarily have to be the guru on that. I just  
10 need to know who to engage to help us get there so  
11 we can get the results that we need.

12 VICE CHAIR COE: Okay. Thank you.

13 Quick time check?

14 MS. PELLMAN: Five minutes and fourteen  
15 seconds.

16 VICE CHAIR COE: Okay. Great.

17 I want to go back briefly to one of your  
18 answers on the standard questions that Mr. Dawson  
19 asked earlier. And you mentioned finding a way to  
20 lead people past their biases. And you discussed  
21 that a little bit but I'd like, if you could, to  
22 expand on it.

23 How do you lead people past their biases  
24 that maybe they don't even realize they are  
25 displaying?

1           MR. TROVATO: So I think, if I remember  
2 correctly, I think that was in the context of  
3 Commission and the other Commissioners; right? And  
4 -- (coughs) excuse me -- you do that by lowering  
5 the walls and the barriers, getting that trust and  
6 that open communication, the honesty, getting them  
7 to know that, you know, myself or some other  
8 Commissioner is not out to make them look bad or  
9 feel bad or do anything else; right? So you've got  
10 to gain that trust first.

11           And you're really not trying to -- I am  
12 not really trying to change their opinion or  
13 anything along those lines. It's just trying to  
14 get them to look and say, look, your opinion is  
15 valid, it's great, and that's the reason that  
16 you're here on this Commission is because you have  
17 strong opinions, that's good, but we have to look  
18 at the goal; right? We have to look at what we're  
19 trying to do and how do we work together to get the  
20 best for the citizens of California; right? You  
21 may not get your way, I may not get my way, but if  
22 we do it right and the citizens of California get  
23 their way, then we've both won. And so you have to  
24 make it a win-win type scenario.

25           VICE CHAIR COE: Okay. Thank you.

1           If you were to be appointed a  
2 Commissioner, which aspects of that role do you  
3 think that you would enjoy the most? And,  
4 conversely, which aspects of that role do you think  
5 you might, perhaps, struggle with a little bit?

6  
7           MR. TROVATO: I think the opportunity to get  
8 into this big data and AI and analytics is  
9 something that I have -- I like; right? So being  
10 able to get engaged with that and really understand  
11 it and see something that's on this massive level  
12 and participate in that, I think that would be  
13 good.

14           I think the opportunity to meet with  
15 people in all these different communities, right,  
16 and to listen and understand and try to build  
17 something based on what they tell us that can work  
18 and that will be beneficial for years, I think  
19 those are really good.

20           I -- the parts that I would not really  
21 enjoy as much are political parts. I don't like to  
22 play politics. Even in my professional career, you  
23 know, there's a lot of corporate politics and  
24 stuff. I really stay away from it. I just don't  
25 enjoy it. I know it's not possible to do something

1 like this that's a direct impact on our political  
2 structure and not have politics involved; right?  
3 And I'm willing to take anything on, head on, it's  
4 just that would not be my favorite part of what we  
5 are trying to do.

6 VICE CHAIR COE: Okay. Thank you.

7 No further questions.

8 CHAIR BELNAP: Ms. Dickison, the time is  
9 now yours.

10 PANEL MEMBER DICKISON: Thank you.

11 Give me just a minute here. Most of my  
12 questions have been asked or answered already,  
13 so --

14 MR. TROVATO: Consistency.

15 PANEL MEMBER DICKISON: So you've talked  
16 about going around the state in different areas and  
17 your work and talking with communities.

18 So based on your conversations with  
19 different people in communities in different areas  
20 of the state, what do you think are some of the  
21 things that influence -- may influence someone's  
22 preference when they're looking for representation?  
23 And how could that differ from region to region?

24 MR. TROVATO: Sure. So I think some of  
25 the things that influence people are, I'm not being

1 judgmental here, but the look, right, when they  
2 look at somebody, when they hear somebody talk, can  
3 I trust them? I think that's very, very clear in  
4 the personal -- our national political environment;  
5 right? That's one of the biggest things that you  
6 see when one of the political people is on stage or  
7 whatever, is you'll see people say, I can't trust  
8 them or I don't like them or something about that  
9 person just strikes me the wrong way.

10           So I think that that's one thing that we  
11 have to -- I don't know how to do it, but that's  
12 one thing that we would have to overcome, is we  
13 would have to figure out that it's impactful.

14           Some of the other things that influence  
15 people are, obviously, the things that they say;  
16 right? When -- what I have noticed, what I have  
17 found is when somebody comes out very absolutely,  
18 pound the fist, this has to be my way, this is the  
19 only this can happen, a lot of people get turned  
20 off. I don't think most people, at least most  
21 people that I know, are black and white. They're  
22 not; right? People are always gray, they're always  
23 in the middle. It's always, well, I see this, I  
24 see that. I want this, right, but people are  
25 generally more -- they're not so adamant. They're

1 not so 100 percent one way or another. And so I  
2 think that's another thing.

3 PANEL MEMBER DICKISON: So you currently  
4 live in Placer County?

5 MR. TROVATO: I do.

6 PANEL MEMBER DICKISON: Okay. And you've  
7 spent area -- time in the Bay Area?

8 MR. TROVATO: I did.

9 PANEL MEMBER DICKISON: Okay. What did  
10 you notice about the different communities in those  
11 areas? What concerns bound those different  
12 communities together?

13 MR. TROVATO: Sure. I think what I have  
14 noticed is that people are generally the same but  
15 people move to an area for a reason, maybe it's a  
16 job, maybe it's the schools, maybe it's, you know,  
17 a house they can afford or rent or whatever. But  
18 people generally have similar reasons, however,  
19 there's lots of options, so people find where  
20 they're comfortable. And that didn't change, that  
21 doesn't really change, but the what's comfortable  
22 changes.

23 So when we lived in the -- when my wife  
24 and family lived in the Bay Area, we had -- there  
25 was -- people had a different attitude about, I'm

1 going to say, status or stature; right? You had to  
2 have -- my house is bigger, my yard is bigger, or  
3 whatever, like that. There was more to be  
4 represented, I found. And once again, not speaking  
5 badly of anybody, but there was more of that. It  
6 was more competitive. There was more of a  
7 competitive environment.

8           Where I live now in Placer County, it's an  
9 older community, actually, but it's -- there's less  
10 of that. It's less on display. I think people  
11 still have competitive natures but it's not so much  
12 on display; right? It's more of when somebody new  
13 moved into our neighborhood a couple years ago, and  
14 we were talking to the neighbors that my wife and I  
15 spend a lot of time with, the conversations from  
16 people were more around, you know, are they going  
17 to -- are they going to participate? Will they  
18 come out and, you know, meet with us when we're  
19 having this party or when we're doing that, like  
20 are they going to engage?

21           It was much more of a social scenario, not  
22 so much do they think like me or do they act like  
23 me or do they drive my car, it was more are they  
24 going to be part of our community? Are they going  
25 to be a social part of our community? I didn't see



1 that, that much, in the 15 years I lived in the Bay  
2 Area.

3 PANEL MEMBER DICKISON: So the first eight  
4 Commissioners are selected randomly. And then they  
5 select the next six to round out the Commission.

6 What would you be looking for in those  
7 next six if you were one of the first eight?

8 MR. TROVATO: I would want to get a feel  
9 for who our eight were and how we are going to be  
10 able to work together. Once again, it's not a D  
11 and an R thing or anything along those lines, it's  
12 how are we going to be able to work together? What  
13 are our individual skill sets? And then I would be  
14 looking for somebody to fill the gaps, right, if we  
15 didn't have somebody that represented X thing. I  
16 don't know how to express it because I don't know  
17 who the eight are; right? But I would be looking  
18 to fill the gaps of what I think we need as a full  
19 Commission to really be efficient and effective and  
20 then find people from the rest of the applicants  
21 that could fill there.

22 PANEL MEMBER DICKISON: What would you  
23 ultimately like to see the Commission accomplish?

24 MR. TROVATO: Well, I'm here because I  
25 want to see -- I want to see the maps drawn in a

1 way that is that apolitical representation. And I  
2 would like to be able to see that after several  
3 years of this, that the people that I've talked to  
4 across the state, my friends and other  
5 acquaintances, that feel like it's rigged, I'd like  
6 to see them changing their mind. You know, they're  
7 not going to necessarily go night to day, but  
8 having a better perspective, a better opinion,  
9 that's how I would know that we're succeeding.

10 PANEL MEMBER DICKISON: Thank you.

11 I don't have any further questions right  
12 now.

13 CHAIR BELNAP: Mr. Dawson?

14 MR. DAWSON: Thank you, Mr. Belnap.

15 Mr. Trovato, excuse me, I wanted to follow  
16 up on this question that Ms. Dickison was asking  
17 about you had said friends and neighbors had  
18 expressed that the fix is in. And then you were  
19 just saying that the end product could help provide  
20 some comfort and assurance to those folks that the  
21 process is not rigged.

22 MR. TROVATO: Right.

23 MR. DAWSON: Do you think that the process  
24 that the Panel -- excuse me, that the Commission  
25 goes through in drawing the lines, could even that

1 help, not the end product but the process?

2 MR. TROVATO: Sure. I don't know how much  
3 individual constituents across the state are going  
4 to know or understand about the process; right? If  
5 we can reach them, if we can get them engaged, yes,  
6 we want the process to help them understand, this  
7 is different; right? You may have had experiences  
8 in the past. You may not have been happy with  
9 those experiences. We're approaching this a  
10 different way and we're trying to do better. And  
11 so that would go a long way, I think. I just don't  
12 know how much -- how many of those people we're  
13 going to be able to reach that way.

14 MR. DAWSON: Sure.

15 MR. TROVATO: I think that for most  
16 people, it's going to be the proof's in the  
17 pudding. Do they feel, at the end of the day, that  
18 the representation they have is representative of  
19 how they -- what their needs are, what their  
20 expectations are?

21 MR. DAWSON: Thank you.

22 In your response to standard question  
23 three, you stated that one potential problem that  
24 could face the Commission is flawed or skewed data.

25 MR. TROVATO: Right.

1 MR. DAWSON: So now we know that some  
2 Californians will not be counted. That's just a  
3 fact.

4 In your opinion, or asking you to maybe  
5 take a bit of a guess, what groups of folks do you  
6 think are likely to be -- are to be among those  
7 that are not counted?

8 MR. TROVATO: Hmm. People that don't want  
9 to be; right? They could not want to be for  
10 multiple reasons. I know a friend of my daughters  
11 who just said, "I'm not going to play. I'm not  
12 going to participate in this. I don't want to be  
13 part of elections and politics and all the rest of  
14 that stuff." That doesn't mean she shouldn't be  
15 represented but she doesn't want to play. And I  
16 have to respect that; right? That's her opinion.  
17 I try to change her opinion but you can't and so  
18 you have to respect that.

19 So I think it's people that don't want to  
20 be recognized or counted are the ones that are  
21 going to be missed.

22 MR. DAWSON: Do you think that statistical  
23 analysis or AI could validate or correct for that  
24 flawed data?

25 MR. TROVATO: I don't know the answer to

1 that question. I would tend to think not because  
2 then that input that I was speaking with Mr. Coe  
3 about, right, the configurations --

4 MR. DAWSON: Um-hmm.

5 MR. TROVATO: -- that we're putting in, we  
6 would be making assumptions, or the consultants,  
7 the people that are doing that work for us, the  
8 technical folks would be making assumptions and I  
9 think that's dangerous, so I'm not sure that that  
10 would be best.

11 The beautiful thing about AI and these  
12 kind of projects and programs like this, solutions,  
13 is that you can try it; right? It maybe takes you  
14 a couple of days to configure it and run a solution  
15 and see how it comes back and see if it's valid  
16 data or not; right? It's more validation you have  
17 to do. It's not months; right? So it gives you  
18 the capability to try things, so I don't think  
19 that's off the table.

20 Personally, I'm a little skeptical about  
21 that because I don't think that myself or other  
22 people really know enough to do that tweak to the  
23 solution that's says account for somebody that  
24 didn't want to play.

25 MR. DAWSON: Okay. Thank you.

1           In your response to standard question  
2 four, you mentioned you were working for a large  
3 company and you were responsible for helping  
4 develop the website.

5           MR. TROVATO: Right.

6           MR. DAWSON: The way you described it was  
7 you followed the data, you followed the rules, and  
8 then you validated it by meeting with customers.  
9 Did I understand that correctly?

10          MR. TROVATO: Customers in that sense were  
11 mostly people within our organization that were  
12 from the different parts of the state. I,  
13 personally, wasn't part of any outreach. We did  
14 have a customer care organization within the team.  
15 And that customer care organization does a lot of  
16 outreach, a lot of surveys, a lot of trying to  
17 reach people. I didn't do that part. My  
18 communication was generally with people from  
19 offices across different parts of the state that  
20 lived there and worked there, so they understand it  
21 but I -- it was employees.

22          MR. DAWSON: Okay. Thank you.

23           Did I hear you say that you thought that  
24 you wouldn't be able to attend all the Commission  
25 meetings?

1 MR. TROVATO: Yes, I said that.

2 MR. DAWSON: And why is that?

3 MR. TROVATO: Well, it was actually part  
4 of the documentation that was part of the  
5 application process; right? If there are meetings  
6 that are occurring across the state, sometimes  
7 Commission members don't make that meeting; right?  
8 Maybe we're holding two meetings at the same time,  
9 right, one in Southern Cal and one in Northern Cal;  
10 right? You can't be at both.

11 MR. DAWSON: I see.

12 So I wanted to go to your answer about  
13 appreciating diversity. And it's been my  
14 observation that IT professionals, as a group, are  
15 a pretty diverse bunch of people.

16 MR. TROVATO: Absolutely.

17 MR. DAWSON: You've got folks from all  
18 over the world, all different cultural perspectives  
19 and backgrounds.

20 And in your experience do these cultural  
21 differences affect the work? Is it positive,  
22 negative? What's your perspective there?

23 MR. TROVATO: I think it could if it's not  
24 managed but I don't have that experience. I've  
25 been in many large teams with many people, as

1 you've said, you know, from all across the globe,  
2 and people from different areas locally, right, and  
3 many different opinions. It doesn't have to but it  
4 could. As a manager, as a director, I look for  
5 those things and I try to make sure it doesn't  
6 happen but it could.

7 MR. DAWSON: Can you expand on that? How  
8 do you look for it? Do you ask -- what are the  
9 questions you would ask?

10 MR. TROVATO: Well, it's questions you  
11 ask, but it's also just managing the team; right?  
12 If you are -- if you're getting a status or if  
13 you're doing work, if you're in a design session,  
14 if you're in a rollout session, if you're talking  
15 about deployment and you see that the team is not  
16 really clicking, if there's -- or if there's  
17 cliques or if there's people that are overshadowing  
18 and others that aren't participating, that's what I  
19 look at. I try to make sure that that doesn't  
20 happen, that, you know, nobody feels like, well,  
21 you know, Sally's going to talk so I have to sit  
22 here and be quiet; right? That is bad. You can't  
23 let that happen.

24 MR. DAWSON: I see. Thank you.

25 So those are all my follow-ups. We have



1 roughly 22 minutes left in the 90-minute period if  
2 the Panel has any follow-ups.

3 CHAIR BELNAP: Mr. Coe?

4 VICE CHAIR COE: I do not have any follow-  
5 up questions.

6 CHAIR BELNAP: Ms. Dickison?

7 PANEL MEMBER DICKISON: I do not have any.

8 CHAIR BELNAP: So I have one. It's brief.

9 You mentioned, I think to Mr. Coe, that  
10 not everyone on the Commission needs to have a data  
11 background, that some portion of them. So there's  
12 14 Commissioners. In your mind, how many of them  
13 should have this more data focus?

14 MR. TROVATO: I would say it's relative;  
15 right? In today's world there's very few people  
16 that are technology not-savvy; right? Everybody  
17 has something. Everybody has their cell phone.  
18 Everybody has their iPad or whatever other device  
19 that you use, even your TV, right, and your DVR.  
20 Everybody has some level of technical expertise and  
21 experience, exposure.

22 So from a breakdown across the team, I  
23 think it is a varied scenario. I think how many  
24 people have to have detailed technical knowledge,  
25 say a background like mine, or even more technical,

1 I would say a few. You don't -- that's not a big  
2 criteria. My perspective, my opinion, is that we  
3 get people that do that for a living to do that for  
4 a living; right? So while I'm at my day job,  
5 they're doing that job. And when I come back at  
6 night or for a meeting, then we can experience  
7 that, the output, and help share it across the  
8 Commission. But I don't think it needs to be a  
9 large percentage at all. A couple two, maybe  
10 three.

11 CHAIR BELNAP: Okay. All right. Thank  
12 you.

13 So if there's no further questions, we're  
14 going to go into recess.

15 MR. DAWSON: Oh, I'm sorry, Mr. Belnap.

16 CHAIR BELNAP: Oh, a closing statement.

17 MR. DAWSON: Yes.

18 CHAIR BELNAP: Yes.

19 MR. DAWSON: We'd like to offer you the  
20 opportunity to make a closing statement to the  
21 Panel.

22 MR. TROVATO: Sure. Thank you.

23 Well, this has been a different process,  
24 something that has been arduous at times and good.  
25 I've enjoyed it. I appreciate it. I hope I've

1 been able to convey to each one of you that I'm in  
2 this for the right reason. I just, I get concerned  
3 when I hear my friends, good, strong, upstanding  
4 people, really good citizens, great, just great  
5 people that are disenchanting, that feel like  
6 they're beat before they start. And so I want to  
7 be able to help try to change that. If I'm the  
8 role, the personality, the person that fits, that  
9 would be great.

10 But I just want to say that that's the  
11 reason I'm here. That's why I want to do this.  
12 And I'm eager to do it, looking forward to it. I  
13 think I could bring a lot to a Commission like  
14 this. And I thank you guys. I don't envy  
15 your -- what you guys have to do for these next  
16 couple months, especially in the situation we're  
17 in, so thank you for your service too.

18 CHAIR BELNAP: All right. Thank you.

19 We will go into recess and be back at  
20 10:44.

21 (Thereupon the Panel recessed at 10:13 a.m.)

22 (Whereupon the Panel reconvened at 10:44 a.m.)

23 CHAIR BELNAP: Okay, seeing that all Panel  
24 members are here and that we have a connection, Mr.  
25 Stecher, can you hear us?

1 MR. STECHER: Yes, I can.

2 CHAIR BELNAP: Okay.

3 MR. STECHER: Can you hear me?

4 CHAIR BELNAP: Yes.

5 MR. STECHER: Okay.

6 CHAIR BELNAP: We're going to turn the  
7 time over to Mr. Dawson for the standard five  
8 questions.

9 MR. DAWSON: Good morning, Mr. Stecher.  
10 I'm going to ask you five standard questions that  
11 all Panel -- that the Panel members have requested  
12 that all applicants reply to. Are you ready, sir?

13 MR. STECHER: Yes.

14 MR. DAWSON:

15 First question: What skills and attributes  
16 should all Commissioners possess? What skills or  
17 competencies should the Commission possess  
18 collectively? Of the skills, attributes and  
19 competencies that each Commissioner should possess,  
20 which do you possess? In summary, how will you  
21 contribute to the success of the Commission?

22 MR. STECHER: Well, thank you. And I did  
23 want to say, thanks to the Commission for being  
24 flexible about setting up these videoconferencing  
25 arrangements and for the video SSC people for doing

1 such a good and quick job.

2 I'm a researcher by training. And so when  
3 I saw this question, I started making a list. And  
4 when my list hit 20 or 25 skills, I realized that  
5 that was not the way to answer it, that I need to  
6 prioritize things, so let me mention a few things  
7 that I think are critical that the Commission have  
8 collectively as a group.

9 The first is, of course, objectivity and  
10 being free from bias and sensitive to other -- did  
11 I hear someone in the background?

12 MR. DAWSON: No. Continue.

13 MR. STECHER: No? Okay. I wanted to make  
14 sure, if you were not hearing me well, that we got  
15 that fixed.

16 Yeah, so sensitive, alternative points of  
17 view, and objectivity.

18 I think the Commission needs to be  
19 analytically attune. They have to have analytic  
20 thinking skills which include both quantitative  
21 kinds of skills, comfortable with numbers and data  
22 displays and what-if queries, and spatial mapping  
23 skills to interpret visual displays, to look at  
24 network analyses and make sense of connections  
25 among people and groups.

1           Clearly, the Commission has to be  
2 sensitive to the perspectives of people from  
3 different communities and have respect for the  
4 views of people from different backgrounds.

5           I think the Commission will have to be  
6 flexible, both drawing lots of initial preliminary  
7 maps and reconsidering them and adapting to  
8 changing circumstances in terms of doing its  
9 business. And it will require some creativity to  
10 address unexpected constraints on travel and things  
11 like that.

12           We'll need to be open to input from the  
13 public. And we'll need to be open to input from  
14 one another, which suggests we really need to have  
15 good teamwork skills, which include things like  
16 empathy and sensitivity to other perspectives,  
17 flexibility, being able to take different roles,  
18 knowing sort of when to lead and when to follow.  
19 My mom was a teacher for many years and she calls  
20 this playing well in the sandbox. And I think  
21 that's something that all the members of the  
22 Commission have to do.

23           And then we'll have to have organizational  
24 skills to structure our work so that we get things  
25 scheduled, so that we interact appropriately with

1 consultants, that we get our travel arranged and  
2 make our connections with community members and  
3 with meetings. And also -- and presidential --  
4 presentational skills to enact -- interact with the  
5 public and interact with policymakers.

6           So I think my strengths, really, are  
7 bridging ones. I have a lot of quantitative  
8 skills. I am objective by training. One of my  
9 jobs at RAND was actually to serve on the committee  
10 that oversees research and make sure that it's  
11 unbiased.

12           I have experience working flexibly on  
13 teams and making presentations, taking quantitative  
14 ideas and presenting them in clear ways to people  
15 who are not as technically adept, translating  
16 quantitative, complex things into clear prose.

17           So I think the main thing that I bring to  
18 the Commission may be an ability to sort of span  
19 the separate domains. I have done quantitative  
20 work. I've done qualitative work. But one of my  
21 strengths that I can actually sort of bridge the  
22 distinction between number-based analyses and  
23 people-based analyses.

24           MR. DAWSON: Thank you.

25           Question two: Work on the Commission

1 requires members of different political backgrounds  
2 to work together. Since the 2010 Commission was  
3 selected and formed, the American political  
4 conversation has become increasingly polarized,  
5 whether in the press, on social media, and even in  
6 our own families.

7           What characteristics do you possess and  
8 what characteristics should your fellow  
9 Commissioners possess that will protect against  
10 hyper-partisanship? What will you do to ensure  
11 that the work of the Commission is not seen as  
12 polarized or hyper-partisan and avoid perceptions  
13 of political bias and conflict?

14           MR. STECHER: Just as a side note, there  
15 seems to be a bit of a delay in the transmission of  
16 the audio and video. So if there are gaps, that  
17 may explain.

18           Well, luckily, I think the authors of the  
19 initiative built the Commission in one way that  
20 will guard against hyper-partisanship. We are  
21 balanced politically. And the selection process  
22 that you all are going through now is very thorough  
23 and designed to make sure that everybody who winds  
24 up on the Commission is, in fact, open to other  
25 views and is not an extremely partisan individual.



1 So I think that ensures that the composition of the  
2 Commission is not partisan.

3           Beyond that, as Commissioners, we need to  
4 adopt specific policies and procedures to make sure  
5 that our deliberations are not partisan and don't  
6 appear to be partisan. That includes getting out  
7 into the community, wide, being very open and  
8 sharing our deliberations.

9           Part of the Voters First Act, I think,  
10 calls for open and transparent processes. And  
11 those are essential to ensuring that or guarding  
12 against hyper-partisanship.

13           But I think one of the way we can do this  
14 is to try to take advantage of the experiences from  
15 the 2010 Commission. And early on in the process  
16 I'd want to talk to members of the 2010 Commission  
17 and find out a little bit about the procedures they  
18 adopted, which ones they felt worked well for them,  
19 which ones they felt were problematic.

20           And, ultimately, I think it's going to be  
21 up to us as individuals to hold each other to high  
22 standards of open objectivity. I did that as the  
23 Chairman of the Institutional Review Board at RAND  
24 by -- our process was to review research proposals  
25 and make sure that they all maintained RAND's high

1 standards. And my responsibility as chair was to  
2 make sure that our deliberations touched on all  
3 points, were fair to one another, reflected an open  
4 and objective review of the facts. And I think  
5 that's something that I could bring to the  
6 Commission.

7 MR. DAWSON: Thank you.

8 Question three: What is the greatest  
9 problem the Commission could encounter and what  
10 actions would you take to avoid or respond to this  
11 problem?

12 MR. STECHER: This is maybe a cheap shot  
13 but, clearly, at the moment the greatest problem  
14 that we may have to deal with is the COVID-19  
15 outbreak and how that is changing the way we  
16 interact with one another. It's possible that the  
17 Commission may have to hold its deliberation  
18 remotely or by videoconference, the way we're doing  
19 this interview. It could seriously interfere with  
20 our outreach to communities in California, as well  
21 as our internal deliberations.

22 So I think what we have to do is to be  
23 very creative and look for alternative  
24 communication strategies, like this  
25 videoconference. And I've done that sort of thing

1 on a number of my projects that involved a research  
2 team that's distributed across multiple locations  
3 and multiple states.

4 But the key to doing it is setting up  
5 clear ground rules for interrupting, so that  
6 everyone is good at turn taking, at note taking,  
7 and at respecting one another's points of view.

8 I think the biggest challenge is going to  
9 be getting input from the public, probably. And  
10 while we'll look to social media as one  
11 alternative, I think we all still have to start  
12 thinking creatively about other local communication  
13 methods, like local TV or local newspapers that are  
14 still operating and reaching out to communities  
15 across the state.

16 Maybe we have to think about things like  
17 podcasts or using Netflix. It's a California  
18 company. And Reed Hastings, who's the president or  
19 the founder, is very committed to public service.  
20 And they may be able to help us, in some ways, get  
21 the message out if big meetings are impossible.

22 A second concern I'll go over just briefly  
23 is that this may influence the 2020 census. It  
24 seems clear that the census is going to happen but  
25 there may be questions about undercount, for

1 example. And while you can statistically adjust  
2 for those sorts of things, it takes time to do  
3 that.

4           And recognizing this potential obstacle, I  
5 would think one of the early things the Commission  
6 has to do is start to talk to policymakers in  
7 Sacramento about the pros and cons of changing our  
8 scheduling. If we need to wait an extra six months  
9 to get an adjusted census count, what are the down  
10 sides? And does the Legislature and the Governor's  
11 Office want us to move rapidly or move more  
12 accurately? And those kinds of conversations may  
13 be something we should start having early on if we  
14 anticipate not being able to produce this in a  
15 timely manner.

16           MR. DAWSON: Thank you.

17           Question four: If you are selected you  
18 will be one of 14 members of the Commission which  
19 is charged with working together to create maps of  
20 the new districts.

21           Please describe a situation where you had  
22 to work collaboratively with others on a project to  
23 achieve a common goal? Tell us the goal of the  
24 project, what your role in the group was, and how  
25 the group worked through any conflicts that arose?

1 What lessons would you take from this group  
2 experience to the Commission, if selected?

3 MR. STECHER: Thank you. I have a lot of  
4 experience on big projects. And I think the one I  
5 would talk about in this case is our evaluation of  
6 California's class size reduction program back in  
7 '96 to 2001. It was a research project that  
8 involved about 20 people, 5 different  
9 organizations, and our goal was to evaluate the  
10 impact of this reform that lowered class sizes  
11 across the state of California and how it affected  
12 student achievement, teacher quality, its impact on  
13 special needs students and other things.

14 And the major challenges and conflicts  
15 that arose derived from the complexity of the  
16 project, from the lack of evidence that we wanted  
17 of past performance, and from different  
18 organizational cultures and kind of a  
19 competitiveness on the team about who got credit  
20 and how was responsible, which pieces of the  
21 project.

22 So my role was one of the two co-leaders  
23 of the project, along with George Bornstedt. And  
24 the way we addressed these was we built a structure  
25 and we modeled good communication behavior among

1 our team and it worked out very well. I think  
2 there are some of these features that would serve  
3 well as a member of the Commission, so let me list  
4 a few of them.

5           At the beginning, we made sure that  
6 everybody from all the organizations had a common  
7 understanding of the goals and the requirements of  
8 the project, so sort of a project structure and  
9 goals meeting. We made it clear that we respected  
10 the views and expertise of everybody around the  
11 table and that we had various strengths and  
12 weaknesses that would be taken advantage of during  
13 the project. We made a commitment at the beginning  
14 to have a shared product, not a bunch of splintered  
15 pieces, that was the work of all of the  
16 organizations.

17           And then we set up regular communication  
18 channels. We had face-to-face meetings, audio  
19 conferences. We used electronic mail. We used  
20 shared folders to make sure, even though we were  
21 separated by a great distance, we were continuously  
22 aware of what each other was doing.

23           When we met we had a kind of a turn-taking  
24 strategy. So, for example, I might say, going from  
25 north to south, if an issue was being addressed,

1 any comments from the team in the Bay Area Office,  
2 any comments from the Sacramento team, any comments  
3 from the Southern California team, to make sure  
4 that it wasn't just the loudest person who was  
5 heard but there was space for each team's voice.

6           And we trained each other to kind of  
7 reconfirm what we thought we'd heard. So if I  
8 wanted to ask you a question, I would -- about  
9 something, a comment you just made, I would say, I  
10 understood you to say X and I wanted to know, is  
11 that right, and could you address why? So there  
12 was kind of a pattern of communication to make sure  
13 that we didn't go off in opposite directions, that  
14 we didn't have misunderstandings and such.

15           And then we structured ourselves into sub  
16 teams based on themes. So we'd have a sub team for  
17 each of the major questions, put the person with  
18 the greatest skill in that area in charge of the  
19 sub-team, but we also made sure that there was a  
20 representative from each group on each sub-team so  
21 that everybody felt that they -- that their  
22 organization, as well as their personal views,  
23 could influence all of the various pieces of the  
24 project, even though some things were going on  
25 simultaneously.

1           And I think a number of those are relevant  
2 to the work of the Commission. And the one thing I  
3 would sort of add at the end is I think it's  
4 important, this comes from my graduate training in  
5 evaluation, to keep the policymakers aware of our  
6 deliberations as they're going on. And you get the  
7 most use of your results if you engage the  
8 stakeholders early on and make sure they're aware  
9 of how things are going, they have the opportunity  
10 to offer thoughts, not steer the direction of  
11 anything but make their interests known and so  
12 there are no surprises at the end of the day when  
13 we release the final maps and we smooth the waters  
14 by engaging the users of the data early on.

15           MS. PELLMAN: We have 12 minutes.

16           MR. DAWSON: Thank you.

17           Question five: A considerable amount of  
18 the Commission's work will involve meeting with  
19 people from all over California who come from very  
20 different backgrounds and a wide variety of  
21 perspectives.

22           If you were selected as a Commissioner,  
23 what skills and attributes will make you effective  
24 at interacting with people from different  
25 backgrounds and who have a variety of perspectives?



1 What experiences have you had that will help you be  
2 effective at understanding and appreciating people  
3 and communities of different backgrounds and who  
4 have a variety of perspectives?

5 MR. STECHER: I'll tell a personal story.  
6 My father was on the Los Angeles City Fire  
7 Department for 30 years during the time that it was  
8 first integrated. And he was condemned and  
9 insulted personally for agreeing to work with  
10 African-American firefighters. He taught me to  
11 respect other people regardless of their color of  
12 their skin, their wealth, their background, their  
13 beliefs. And to this day, I try to judge people on  
14 actions.

15 I think I'm a good listener, which will be  
16 critical for the Commission. In conversations,  
17 unlike this one where I am talking on and on, I  
18 tend to be a person who takes less than their full  
19 share of the conversational time. I tend to  
20 comment on the remarks of others more than  
21 championing my own opinions. And I try to see  
22 things through other people's eyes.

23 Even in the kind of research context that  
24 I normally work, I'm the one who often plays the  
25 devil's advocate and raises contrary

1 interpretations to have people test the validity  
2 and the accuracy of their statements. So I think  
3 that point of view will -- would serve the  
4 Commission well. It would make me open to input  
5 from various communities of interest.

6 More specifically, I mentioned earlier  
7 that I was the head of the Institutional Review  
8 Board at RAND and I sat on this panel for 20 years.  
9 And our goal was to protect the rights of  
10 participants in our research studies and to ensure  
11 that our research was (indiscernible). To do that,  
12 we had community members who sat on our committee.  
13 And together we reviewed hundreds of studies,  
14 trying to be sensitive to multiple points of view,  
15 making sure researchers asked questions fairly,  
16 without bias, without making assumptions about will  
17 or will not upset them. And I think that, being  
18 attuned to that human subject's perspective, will  
19 help me appreciate the points of view of people  
20 from different communities around the state.

21 And then for seven years, I was an  
22 elementary school teacher. I actually was a  
23 teacher, a teacher-trainer, and project leader in  
24 Project SEED. And we taught advanced mathematics  
25 in elementary schools in low-income areas in

1 California. We worked in Compton, in Watts, and in  
2 Richmond, and Vallejo. And during this time, I  
3 taught students who primarily identified as  
4 African-American, Hispanic. I met with their  
5 parents to try to explain this unusual project that  
6 was going on in the classroom. I did presentations  
7 for parent-teacher associations. You know, I had  
8 to rally parents to fight for the continuation of  
9 the program.

10           And in order to be successful at that, I  
11 had to learn to put aside my own preconceived  
12 notions as the math teacher and see the situation  
13 through the eyes of the parents of the students.  
14 And I think that ability will also help me if I am  
15 chosen to be a Commissioner.

16           MR. DAWSON: Thank you.

17           At this point, we will go to Panel  
18 questions. Each Panel member will have 20 minutes  
19 to ask his or her questions, and we will start with  
20 the Chair.

21           Mr. Belnap?

22           CHAIR BELNAP: Okay. Thank you for  
23 meeting with us. And can you hear me?

24           MR. STECHER: Yes, I can.

25           CHAIR BELNAP: Okay. So you worked nearly

1 30 years at RAND. What is RAND?

2 MR. STECHER: Well, thank you. I forgot  
3 to say that. RAND is a public policy research  
4 institution. It's sort of one of the classic  
5 "think tanks" that studies the public interest,  
6 everything from military recruiting to public  
7 education. It's an objective, nonaligned,  
8 nonpartisan research organization with headquarters  
9 in Santa Monica and offices in Washington, D.C. and  
10 a few other cities.

11 CHAIR BELNAP: And what was your area of  
12 focus at RAND?

13 MR. STECHER: I worked almost exclusively  
14 in education research. We had a unit that was --  
15 that's nefariously called higher education, K-12  
16 education, education at work. And other than one  
17 or two projects related to healthcare, the bulk of  
18 my work were studies of big educational  
19 interventions, like class size reduction or No  
20 Child Left Behind, and how -- whether these had  
21 positive impact on student outcomes and what some  
22 of the unanticipated consequences of those programs  
23 were.

24 CHAIR BELNAP: And what were your roles  
25 within the organization?

1           MR. STECHER: I had a research hat and I  
2 had an administrative hat.

3           So wearing my research hat, I started as a  
4 sort of junior researcher who often worked on other  
5 people's projects. And over the course of my  
6 career I was promoted up to being the lead  
7 researcher who was responsible for obtaining  
8 research funding, for developing ideas, writing  
9 proposals, contacting potential clients, and  
10 getting grants to conduct research.

11           During my time there I also had a kind of  
12 administrative hat in two ways. For a while, I was  
13 the head of the educational unit. And, there, I  
14 had some responsibility for hiring, for personnel  
15 actions, for making administrative decisions for  
16 structuring information flows. And I also worked  
17 on the Human Subjects Protection Committee, our  
18 Institutional Review Board that studied all  
19 research at RAND and made sure that met our  
20 standards for quality and objectivity.

21           CHAIR BELNAP: I'm particularly interested  
22 in your experience with the Institutional Review  
23 Board. What I'd like you to do is talk about an  
24 example that was a more difficult experience where  
25 you had to navigate complex issues, issues that

1 demonstrate your ability to be impartial.

2 MR. STECHER: I'm pausing to try to decide  
3 on what would be a good example. I think the  
4 trickiest examples were projects that we did that  
5 involved bringing some kind of alternative services  
6 to underserved groups.

7 One that comes to mind, and one of the  
8 first projects I worked on at RAND, was a study  
9 that looked at treatment options for people who are  
10 dually diagnosed. They both have a mental illness  
11 and they're a substance abuser. And there are  
12 programs for these people in the community. And we  
13 were testing the efficacy of a new program that was  
14 using a sort of cognitive behavioral therapy  
15 approach. And the deliberations that I  
16 participated in were very challenging because what  
17 we needed to decide was whether offering these  
18 services and randomly assigning people to either  
19 participate in an existing treatment program or a  
20 new treatment program might cause them any harm.

21 The judgment we needed to make was whether  
22 they were being treated autonomously so that they  
23 could fully understand the choice of whether to  
24 participate in the study or not, and then whether  
25 the treatment arm of the study would lead to any

1 negative consequences for people and whether,  
2 ultimately, if there were some additional  
3 challenges that they had to confront, that the  
4 things that we learned from the study would be  
5 important enough and to benefit a large enough  
6 group that some of the inconveniences to the  
7 participants would be justified?

8           So those are very tricky questions and  
9 judgments about the feelings of people who are  
10 different than yourself and what -- how actions  
11 that seem normal to me might actually seem  
12 challenging to someone else who had a different  
13 profile.

14           So that -- and the way we addressed that  
15 was we had representatives who came to us to talk  
16 about the typical participants, the perspective of  
17 people who suffered from mental illness, the  
18 perspective of substance abusers. And we  
19 negotiated with the investigator who was doing the  
20 study to make changes in procedures in data  
21 collection to protect their, the participants,  
22 interests.

23           CHAIR BELNAP: Thank you. That example  
24 helps me understand.

25           Did you ever deal, in your research hat,

1 did you ever work with census data or anything like  
2 it?

3 MR. STECHER: Yes, I did a number of  
4 times, although I'm not always the hands-on data  
5 analyst. But a number of our studies used data  
6 about communities, for example, schools and school  
7 districts as part of the analysis. So in the study  
8 of class size reduction, we also brought in -- we  
9 got data on student test results and we brought in  
10 data on the characteristics of school districts,  
11 the characteristics of individual schools, the  
12 population characteristics, so that we could look  
13 to see whether the impact of the reform was similar  
14 for communities of color, for poor communities, for  
15 communities with high numbers of special students?

16 And while in that case the data were not  
17 directly from the census, they came from the State  
18 Department of Education statewide record database,  
19 in other studies we have merged in census tract  
20 data, demographic information, with locally-  
21 collected surveys or interviews to do analyses and  
22 draw conclusions for the larger.

23 CHAIR BELNAP: Okay. Thank you.

24 I now want to talk a little bit about your  
25 time as -- 16 years as a referee in soccer. You



1 refer to this in your essay on appreciation for  
2 diversity.

3           Number one, how did you get into  
4 refereeing soccer? And how did these experiences  
5 help you learn to appreciate diverse cultures?

6           MR. STECHER: I got in because my kids  
7 wanted to play. My son wanted to play in AYSO.  
8 And one of the requirements of this volunteer group  
9 is that parents have to do something. And I had no  
10 background in soccer, so I knew I would abysmal as  
11 a coach. But I thought I could do a decent job of  
12 learning and applying rules, kind of an auditor  
13 mentality, maybe, and so I trained to be a referee.  
14 And then I liked it and I enjoyed both the exercise  
15 and the judgments and interacting with kids. So I  
16 stayed with it long after my kids played it out or  
17 their interests changed.

18           And, fortunately, our region was fairly  
19 heterogeneous. The Santa Monica team was often  
20 White, middle -- to be overly, overly broad, White,  
21 middle-class kids. But we played in a region that  
22 had Culver City and South L.A. And if the teams  
23 were successful to go on to higher tournaments, we  
24 played all across Los Angeles.

25           So I had an opportunity to see and

1 interact with a variety of teams, including kids  
2 from different backgrounds, and actually see that  
3 their behaviors were different, not always the on-  
4 field play, although the quality of some of these  
5 teams was a lot better than ours, but the off-field  
6 play, the practice and interactions during halftime  
7 and before and after the games. And I -- and as a  
8 referee, I often went over and introduced myself to  
9 the teams. And it was important to establish kind  
10 of a good rapport and, you know, so the kids would  
11 see that I was not being biased, that I was a fair  
12 person.

13           And I think it helped me because kids are  
14 a little more upfront and not as guarded, maybe, as  
15 adults are, so I felt like it broke down some of my  
16 stereotypes. It helped me see that behaviors I  
17 thought were maybe rowdy or aggressive were not  
18 rowdy or aggressive in this context. They were the  
19 norm. And it was a different norm than the one I  
20 was used to.

21           CHAIR BELNAP: Okay. Also, from your  
22 essay on appreciation for diversity, you indicate  
23 that you live two different places, and I'll just  
24 read the sentence. It says,

25           "Yet, the issues that are most salient to

1 residents of the San Fernando Valley are  
2 different in many ways from the concerns of  
3 people who live near the coast in Santa  
4 Monica."

5 So tell me about those differences?

6 MR. STECHER: When I grew up in Reseda, it  
7 was almost a rural community. We still had  
8 orchards and turkey farms in the San Fernando  
9 Valley. And it had a kind of a rural flavor to it  
10 that was -- is very different from the  
11 urban -- or suburban nature of Santa Monica.

12 But I think even today, now that the  
13 valley has built up, the concerns of folks in  
14 Reseda are different. They, for example, involve  
15 things like air pollution because it's still the  
16 worst of the smog, it blows out to the valley, or  
17 economic development because right now there are a  
18 lot of immigrants who have moved to the San  
19 Fernando Valley and who live in Reseda and in small  
20 business but not a lot of larger employers. And so  
21 I can see that they would be interested in  
22 candidates who spoke to that local concern of  
23 bringing business in and building the economic  
24 base.

25 In Santa Monica, right now the dominant

1 things are affordability and finding ways to  
2 develop affordable housing, and traffic and a  
3 gridlock on the streets and what we can do to  
4 reduce the huge influx of people coming in every  
5 day to work in the entertainment industry. And so  
6 Santa Monicans might want politicians who spoke and  
7 prioritized a very different set of things than  
8 people over the hill in Reseda.

9 CHAIR BELNAP: Okay. Thank you. I have  
10 one follow-up question.

11 In question three you indicated that, in  
12 terms of the schedule that the Commission would be  
13 following, that they may need to get out ahead of  
14 problems and discuss the pros and cons of changing  
15 the schedule with the Legislature and Governor's  
16 Office. And you also mentioned that as the  
17 Commission's work proceeds, that you would want to  
18 keep the Legislature, Governor's Office, informed  
19 to smooth the waters.

20 That was interesting to me and I thought  
21 that right underneath the surface of those two  
22 responses, it sounds like there's trust. There's a  
23 baseline of trust in your mind between the  
24 Commission and the Legislature and Governor's  
25 Office and I wanted to see if -- where that comes

1 from for you? Where does that trust come from?  
2 And is there any reason for mistrust between the  
3 Commission and the Legislature, in particular?

4 MR. STECHER: Oh, that's a really  
5 interesting question and I'm not sure I know the  
6 answer.

7 I think I enter the conversation from a  
8 position of trust because all of the people in the  
9 Legislature and the Governor's Office are there,  
10 having sworn to uphold the laws of the state and to  
11 work for the benefit of the citizens, so I'll give  
12 them the benefit of the doubt at the outset.

13 And I have to admit, when I wrote that, I  
14 didn't know whether there were any legislative  
15 prohibitions. And when I said that -- I'm sorry,  
16 it was my oral answer -- I didn't know whether  
17 there were any prohibitions against kind of talking  
18 to the Legislature about the process as it's  
19 ongoing. If there are, then it's probably a bad  
20 idea to do that.

21 And I know that one of the reasons we have  
22 this Commission is because the citizens lacked  
23 confidence in the Legislature's ability to draw  
24 fair boundaries. So I think that may be part of  
25 why you're asking because there is a sort of

1 underlying conflict between having the public  
2 Commission and the prior processes where the  
3 Legislature was responsible for this.

4           So you raise an interesting question and I  
5 don't know exactly how to resolve it. First of  
6 all, I'd have to learn whether there are any  
7 prohibitions or agreed-upon policies that would  
8 prohibit these kinds of conversation. But if not,  
9 I still think it would be worth having them. And  
10 we'd have to guard against partisanship, so it  
11 might be the Governor and the lead, the heads of  
12 the two parties, who we met with quarterly to bring  
13 them up to date on our deliberations and where we  
14 were in the process.

15           CHAIR BELNAP: Okay. Thank you. I have  
16 no further questions.

17           I'll turn the time over to Mr. Coe.

18           VICE CHAIR COE: Okay. Thank you.

19           Good morning, Mr. Stecher. Can you hear  
20 me okay?

21           MR. STECHER: Yes, I can.

22           VICE CHAIR COE: Great. In your  
23 application you discuss your role on several  
24 national consensus panels for the National Research  
25 Council and the National Academy of Sciences. You

1 indicate that your deliberative activities of those  
2 panels is very similar to the work of the  
3 Commission.

4           Can you give us a specific example of one  
5 of the panels that you worked on that closely  
6 mirrors the work of the Commission?

7           MR. STECHER: Sure. I think I mentioned  
8 two or three in my response. And almost any of  
9 them will -- would do. I was on -- I'm trying to  
10 find my notes here.

11           I was on a panel that looked at, what do  
12 we know about incentives and test-based  
13 accountability? So the panel was brought together  
14 to address this problem, the growing problem of  
15 teaching to the test. All of the states had  
16 started to put in accountability systems that held  
17 schools and teachers accountability for improved  
18 test scores in their kids. And researchers had  
19 started to identify a number of downsides,  
20 unanticipated negative consequences of teaching to  
21 the test.

22           So the panel's task was to review the  
23 evidence and come up with a comprehensive statement  
24 of the problem and what was known about the  
25 strength of the effect and efforts to mitigate

1 against negative teaching to the test. And it was  
2 a bunch of experts from around the country, some of  
3 whom knew each other and some of whom didn't,  
4 representing education researchers but, also, maybe  
5 psychologists or sociologists and a district  
6 administrator and government policymaker.

7           And our task was to bring in consultants  
8 to review the evidence and to explore what was  
9 known about the problem, and then to synthesize all  
10 of that into a clear and more concise description  
11 of the issues and the best practices and potential  
12 future -- areas for future research and study.

13           And it feels to me a lot like what the  
14 Redistricting Commission will have to do, consult  
15 with experts, review evidence, synthesize things,  
16 draw maps or preliminary conclusions, test those  
17 conclusions, and ultimately come up with a best  
18 case solution that may not be perfect but it  
19 represents the state of our knowledge at present.

20           VICE CHAIR COE: Okay. Thank you.

21           I'd like to switch gears to your essay on  
22 impartiality for a moment. In that essay, you  
23 discuss how you have spent your career carefully  
24 seeking out and evaluating all available input in  
25 order to make the best decisions using the gathered



1 information and not personal belief.

2 Can you give us an example of a time where  
3 the information that was gathered about a  
4 particular issue caused you to change your mind  
5 about a course of action?

6 MR. STECHER: I can give you an example  
7 where our study caused me to change my mind about a  
8 policy, but most of the work was guided outward and  
9 not towards my own particular actions.

10 So the Gates Foundation mounted a large,  
11 multi-site study to try to promote the notion that  
12 teacher -- a high quality teacher evaluation could  
13 help school districts improve the quality of all of  
14 their staff, get rid of poor teachers, promote  
15 effective teachers, and raise the middle group, the  
16 quality of all teaching, and that would have  
17 dramatic impacts on the learning of kids,  
18 particularly low-income and minority kids.

19 And at the outset, I thought that logic  
20 made sense. It was built on some prior evidence  
21 that teachers are the most important determinant of  
22 student success in the school, most important,  
23 school-based determinant. And the teachers vary in  
24 quality. Some are very good at improving kids'  
25 learning and some are less good at it. And if you

1 could find the good ones, take advantage of their  
2 skills to raise the others, and maybe remove the  
3 least effective, that would be a sensible way to  
4 have a big impact on low-income and minority  
5 students.

6 But it didn't work. And I was somewhat  
7 surprised by that. And the Foundation was somewhat  
8 surprised by our conclusions, that there was no  
9 long-term benefit for students of putting in place  
10 these complicated teacher evaluated systems and  
11 using them to try to cull the workforce and do  
12 targeted professional development.

13 So sometimes the data surprises you and  
14 you change your beliefs and understandings.

15 VICE CHAIR COE: Okay. Thank you.

16 Switching over to your essay on  
17 appreciation for diversity, you discuss how your  
18 work has involved you working with and needing to  
19 be sensitive to diverse groups of people of many  
20 backgrounds. A big part of the work on the  
21 Commission is to gather input from stakeholders of  
22 diverse backgrounds and from different regions of  
23 the state.

24 In your experience, what is the best way  
25 to elicit information from diverse groups,

1 considering that people of different backgrounds  
2 may communicate in different ways and may be  
3 hesitant to communicate at all?

4 MR. STECHER: Yeah, I think that will be a  
5 challenge.

6 We often, in the research community use  
7 standardized techniques, like surveys and census  
8 data, et al, but we sometimes go beyond that. And  
9 I think this is key to what the Commission will  
10 have to do and that is to engage individuals who  
11 are respected in different communities and use them  
12 as intermediaries, individuals or institutions.

13 So one RAND study that I'm aware of  
14 operates through churches in the African-American  
15 community because they found that pastors are  
16 respected, have connections with many individuals,  
17 and if they believe something is of value to their  
18 community, are willing to help promote it.

19 So I think we're going to have to look for  
20 a range of intermediaries to help us make contact  
21 with folks who are probably not watching these  
22 video deliberations and may not be watching the  
23 five o'clock news. And so this will be a challenge  
24 to find people, like religious leaders, but also  
25 other groups using, perhaps, social media, like

1 Facebook affinity groups, might be a way to  
2 contact. It will be -- we'll have to explore those  
3 kinds of alternatives and be creative reaching out.

4 VICE CHAIR COE: So kind of similar to  
5 that question, identifying communities of interest,  
6 which is similar to what we were just discussing,  
7 how can the Commission avoid inadvertently  
8 overlooking communities that are, perhaps, harder  
9 to find?

10 MR. STECHER: I mean, you can't avoid  
11 overlooking every single, probably, interest group  
12 because some of them are small. So I think we have  
13 to remember that the Commission's charge is to find  
14 groups that share interests that are relevant to  
15 public policy, to voting, and are contiguous enough  
16 to form an important voting bloc.

17 So let's say we found 100 -- 1,000 people  
18 across the state who were really committed and  
19 concerned about the safety of pelicans? And I  
20 don't mean that as a joke. It's just the first  
21 thing that came to mind. It could, potentially, be  
22 an issue that the Legislature dealt with. But they  
23 weren't part of a contiguous group, they were  
24 spread up and down the coastline. In a way, that's  
25 outside the bounds of what the Commission has to

1 deal with in drawing boundaries because they don't  
2 represent a voting block that might influence a  
3 local election.

4           So that's just as an example, that there  
5 may well be groups that have a legitimate interest  
6 but are not -- don't have to be found by the  
7 Commission.

8           More generally, I think it will be a  
9 challenge to find -- it will be easy to find people  
10 who have already spoken up. It will be hard to  
11 find people whose voices are not already part of  
12 the debate. And there, I suspect you should talk  
13 to local newspapers who -- like news reporters and  
14 local newspapers who talk to folks and hear a  
15 little bit more about what complaints are,  
16 particular complaints.

17           We might want to solicit input from the  
18 legislature, from representatives and assemblymen,  
19 from congressmen, and then representatives, whose  
20 local offices are sometimes the first point of  
21 contact for people who are not happy with what's  
22 happening in their community.

23           And we might want to use different kinds  
24 of outreach mechanisms, like we talked about  
25 before, through Facebook, through social -- other

1 social media, through podcasts about the  
2 Commission's work.

3 But finding the ones who do not already  
4 know is going to be the more interesting challenge.

5 VICE CHAIR COE: Okay. Thank you.

6 If you were to be appointed to the  
7 Commission, which aspects of that role do you think  
8 that you would enjoy the most and, conversely,  
9 which aspects of that role do you think you might,  
10 perhaps, struggle with a little bit?

11 MR. STECHER: I think I really enjoy the  
12 assembling of the pieces, solving the puzzle kind  
13 of activities, so taking a step back and thinking  
14 about the past broadly, working out the strategies  
15 to try to accomplish all of those goals, organizing  
16 ourselves into subgroups of sub teams, contacting -  
17 - outreach to other groups, I think I would enjoy  
18 that tremendously.

19 And I think I'd also enjoy the business of  
20 digging into the data and thinking about the  
21 consequences of moving a boundary a little bit and  
22 looking at how it plays out in the various -- the  
23 balances we're trying to achieve, would also be  
24 interesting.

25 Honestly, there's nothing about the

1 Commission's role that I think I wouldn't enjoy,  
2 including going out and talking to the public.

3           When I read about this opportunity for the  
4 first time, I really felt like it was something I'd  
5 been training my whole life to do, not knowing that  
6 it existed, but it brought together a lot of things  
7 that I -- skills I have and things I enjoy.

8           So I don't mean to sound swellheaded. I'm  
9 sure I have limitations. But there's nothing about  
10 the Commission's role that jumps out at me and  
11 says, I don't -- there's something I do not want to  
12 be involved in.

13           VICE CHAIR COE: Okay. Thank you.

14           No additional questions, Mr. Chair.

15           CHAIR BELNAP: Okay. We'll turn the time  
16 over to Ms. Dickison.

17           PANEL MEMBER DICKISON: Thank you.

18           I would like you to, if you could, just  
19 expand on what you just said, something you've been  
20 training your whole life to do. Can you expand on  
21 what you mean by that?

22           MR. STECHER: Well, I think if -- what I  
23 meant by that was the various things I've done  
24 during my career helped to build a lot of skills  
25 that I think the Commissioners ought to have. So

1 I've worked with young people where I had to talk  
2 to communicate complex ideas in simple language.  
3 I've worked in data analysis a lot where I've had  
4 to collect, analyze, interpret data, and make sense  
5 of it. I've worked in (indiscernible)  
6 presentations where I need to summarize things and  
7 present it in a way that is easy for people to  
8 understand. I've had to deal with large groups of  
9 -- large heterogeneous groups trying to solve a  
10 problem together.

11           And it felt like, as well as I understood  
12 the day-to-day work of the Commission, there were  
13 things I had learned how to do between being a  
14 teacher, being at the educational testing service  
15 where I worked for a (indiscernible) development,  
16 being a researcher at RAND, being involved in my  
17 local community.

18           PANEL MEMBER DICKISON: Thank you.

19           So in your diversity essay, I'm going to  
20 read one sentence in it. If you can, just kind of  
21 expand on what you are talking about in this.

22           You say,

23           "I can bring my appreciation of the state's  
24 diversity to the Commission's deliberations so  
25 the redistricting serves the interest of all



1 citizens."

2 Can you expand on how your appreciation  
3 for the state's diversity will do that?

4 MR. STECHER: I think that the key  
5 activity is actually looking at groups of people  
6 who are defined geographically and making sure that  
7 all of the interests are appropriately represented.

8 And so a key part of that is thinking  
9 broadly about what all the communities of interests  
10 are and the definition has something to do with  
11 common social and economic interests, I think. And  
12 so that entails having seen a lot of the state and  
13 having talked to a lot of people and realizing what  
14 their concerns are. There are ones that are  
15 defined by space, whether you're in agricultural  
16 place, in a rural area, in an urban area, entails  
17 different kinds of problems and issues.

18 There are other interests that are defined  
19 by culture and whether you like appreciate a  
20 particular kind of grouping and setting and  
21 community event. And there are other common  
22 interests that might be defined by mobility,  
23 getting around, transportation, and opportunities.  
24 And communication methods and having access to TV  
25 signals or newspapers or the high-speed internet.

1           And I think that my years working in  
2 California and being in different parts of the  
3 state, I am aware of many of the different local  
4 communities of interest that exist.

5           And I'd like to say that, fortunately, any  
6 single Commissioner doesn't have to know every  
7 single community of interest in the state. One of  
8 the advantages of having 14 of us is having a  
9 heterogeneous mix in the Commission to reflect  
10 things that are less clear to me. I'll admit right  
11 away that there are probably people and  
12 perspectives that are not -- I don't know well.  
13 And part of your task and part of the task of the  
14 ping pong balls who are going to do random  
15 selection is to get a heterogeneous mix of  
16 qualified people to ensure that the Commissioner,  
17 as a whole, does a better job of representing the  
18 state.

19           PANEL MEMBER DICKISON: So we talked quite  
20 a bit about your skill set as a researcher.

21           How many people do you think that the  
22 Commission will need that has that type of data or  
23 resource skill set?

24           MR. STECHER: This is something I don't  
25 actually know because I'm not sure how much the

1 Commission actually relies on outside experts and  
2 consultants to do work. I assume we're not going  
3 to be writing computer programs to analyze data and  
4 we'll have experts who we contract with or who the  
5 Auditor's Office provides to do some of that really  
6 technical work.

7           But I would say, off the top of my head,  
8 maybe half of the Commission needs to be  
9 comfortable with quantitative analysis and be able  
10 to look at the results of somebody else's computer  
11 runs, and make sense of them, and be able to  
12 explain them well enough to the other half of the  
13 Commission.

14           PANEL MEMBER DICKISON: So you just talked  
15 about the ping pong balls. So you know that eight  
16 of those Commissioners will be selected randomly  
17 through the lottery process. And then they will  
18 select the remaining six Commissioners.

19           If you were one of the eight, what would  
20 you be looking for in the remaining six  
21 Commissioners?

22           MR. STECHER: Well, the first thing I  
23 would do is look at the eight and say -- and look  
24 around the table at the eight of us and say, what  
25 do we reflect in terms of the diversity of

1 California's population, in terms of our skills and  
2 abilities? And then what we would look for in the  
3 other six are ways to complement the skills and  
4 perspectives reflected in the choice of the ping  
5 pong balls.

6 PANEL MEMBER DICKISON: One last question.  
7 What would you like to ultimately see the  
8 Commission accomplish?

9 MR. STECHER: I would like for the maps  
10 that we draw to lead to elections that engage  
11 people because they think that there is a candidate  
12 in the running who represents their perspective,  
13 their point of view, and values  
14 the -- that cares about the issues they care about.

15 PANEL MEMBER DICKISON: Thank you.

16 CHAIR BELNAP: Okay. Thank you.

17 Mr. Dawson?

18 MR. DAWSON: Thank you, Mr. Chair.

19 Mr. Stecher, I have a few follow-up  
20 questions, if you don't mind?

21 Looking at your answer to standard  
22 question three, you noted that one of the potential  
23 problems that could face -- that the Commission  
24 could face is an undercount in the census data.

25 In your opinion, what sorts of folks are

1 likely to be the ones who are undercounted?

2 MR. STECHER: My understanding, from  
3 debates about past census undercounts is that there  
4 are a few groups who, typically, are undercounted.

5 One are people who may be undocumented and  
6 they're in this country but they're not here  
7 legally and so they eschew participation in the  
8 census.

9 Another is often the elderly who are  
10 people who are in isolated settings. They reject  
11 approaches from strangers and the like.

12 There are also language groups, people who  
13 are learning English, for whom it's not their  
14 native language, who aren't comfortable engaging in  
15 English and who shy away from participation in the  
16 census.

17 So I think, typically, it's people who are  
18 not in the mainstream economically, who wind up,  
19 for one or another reason, potentially not  
20 participating fully in the census process.

21 MR. DAWSON: Is that something that you  
22 think that advanced statistical analysis could  
23 account for?

24 MR. STECHER: Yes and no. so the  
25 statisticians do a very good job of raising up the

1 size of groups that have participated to a lesser  
2 degree. So if you have data from 50,000 elderly  
3 White Jews, like myself, and you know there are  
4 really 75,000 of them, you can weight that number  
5 up to reflect what's really out there.

6 But if you're missing a group entirely, if  
7 you don't have any -- pick some obscure group, then  
8 you can't statistically adjust for a group that  
9 hasn't participated or has participated in such  
10 small numbers that you don't have a real reliable  
11 estimate of their characteristics.

12 MR. DAWSON: Thank you. I'd like to ask  
13 you a little bit about your work on the class size  
14 reduction project.

15 What was the output of that? Was that a  
16 report to the Department of Education?

17 MR. STECHER: We made about five reports  
18 to the Department of Education and to the public,  
19 one each year, summarizing what we had learned in  
20 the interim, and then a final report that kind of  
21 pulled the whole thing together.

22 We also presented these results at some  
23 conferences and meetings. And we came and did a  
24 briefing in Sacramento, I believe, to make it a  
25 little easier for legislators to hear firsthand

1 what we'd found.

2 MR. DAWSON: And what were the data inputs  
3 on that project? I think, did you mention, that  
4 that was where you were using census data?

5 MR. STECHER: I think, no, we didn't use  
6 census data. We used data from the state's --  
7 well, it was CBAC's (phonetic), from the state's  
8 database of schools, teachers and students. And we  
9 -- so we had information about the characteristics  
10 of every school in the state, something about the  
11 teacher population. We had all of the test score  
12 data on -- from students. And then we also  
13 collected survey data from teachers in a sample of  
14 schools.

15 We did, in fact, videotape some third  
16 grade math and reading lessons to look at the  
17 differences in the way teachers taught if they were  
18 in classes that still had 25 or 30 students versus  
19 being a classroom that had just 20 students. So it  
20 was multiple sets of data.

21 But I don't think we used census data  
22 specifically in that study.

23 MR. DAWSON: Thank you.

24 In your first essay in the written  
25 application, you cited a Pew Research polling that

1 indicated that there's low trust in the government  
2 at this point. What role do you think that the  
3 Commission can play in restoring that trust?

4 MR. STECHER: Well, I think the first  
5 Commission went a long way in that regard because  
6 we've now already had one cycle of elections where  
7 boundaries were drawn on the basis of this  
8 nonpartisan objective Commission process. So I  
9 think that accomplished a lot.

10 And the 2020 Commission can continue in  
11 the process by being respectful of what happened  
12 before and if changes need to be made. For  
13 example, I have heard that we may lose a  
14 congressional seat. Then continuing to make those  
15 changes in a way that is open and objective and  
16 garners the understanding of the public.

17 And I also think we can have a role beyond  
18 the boundaries of California by talking with people  
19 in other states who might be interested in taking  
20 the process out of the hands of legislators and  
21 giving it to objective groups and share what has  
22 happened in California, both things that have  
23 worked well and things that we struggle well  
24 because citizens redistricting is being pushed now  
25 in a number of other states.



1 MR. DAWSON: Thank you. I just have one  
2 last question.

3 You're from L.A. County. If I understood  
4 you, you were born in L.A. County?

5 MR. STECHER: Yes, I was.

6 MR. DAWSON: And --

7 MR. STECHER: I was born in Madison  
8 Hospital that no longer exists.

9 MR. DAWSON: And you have, I can see from  
10 our application, other than some time in Eugene,  
11 have you been in California your whole life?

12 MR. STECHER: I spent two or three years  
13 in Columbus, Ohio and a couple of years in Eugene.  
14 And the rest of my life, I've been in California.

15 MR. DAWSON: So you'll notice that L.A.  
16 County is very well represented in the applicant  
17 pool.

18 MR. STECHER: Yes.

19 MR. DAWSON: How many Angelinos is too  
20 many on the Commission?

21 MR. STECHER: I don't know the answer to  
22 that. There should be, probably, a quantitative  
23 answer that says L.A. County is 50 percent of the  
24 state, so half of the Commission would be  
25 Angelinos. But there's a difference between being

1 balanced and having the appearance of balance to  
2 the broader public. And I'm not sure any of us  
3 knows what the public at large would think but I  
4 wouldn't make it a strict numeric criteria. I'd  
5 try to pick a group that is and appears and is  
6 heterogeneous.

7           And I also lived, for a number of years,  
8 in Berkeley and in Oakland, so maybe I'll slip in  
9 those counties, Contra Costa.

10           MR. DAWSON: Thank you. I have no further  
11 questions.

12           We have roughly 19 minutes left in the 90-  
13 minute period. Do any of the Panel members have a  
14 follow-up?

15           CHAIR BELNAP: Do you, Mr. Coe?

16           VICE CHAIR COE: I do not.

17           CHAIR BELNAP: Okay.

18           Do you?

19           PANEL MEMBER DICKISON: I do not.

20           CHAIR BELNAP: Okay. I have one.

21           In a response to Mr. Coe, you said -- the  
22 question was about identifying communities of  
23 interest. And you indicated that the Commission  
24 could talk to legislators to find out communities  
25 of interest that they're aware of.

1           Could this inquiry of this particular  
2 group be at all problematic?

3           MR. STECHER: I think so if it's done in a  
4 selected way, so if we call our favorite  
5 legislators and went to their key staff members and  
6 asked about who's been -- who they know in their  
7 community. But if it were done in either a  
8 statistical sample or asked of all legislators, I  
9 think that that would be less open to criticism.

10           You know, and I want to talk -- I want to  
11 float this idea more broadly before enacting it  
12 because my sense that I'm getting from your  
13 questioning and others is that there is some  
14 sensitivity about legislative influence over this  
15 process. And I think the cost of lowering our  
16 credibility would be too great and not offset by  
17 the cost of getting a little extra input that might  
18 be gotten elsewhere if that's the tradeoff. But I  
19 think you could mitigate it by, say, asking all  
20 legislators.

21           CHAIR BELNAP: Okay. Thank you.

22           MR. DAWSON: So at this point, we have 17  
23 minutes left in the period.

24           Mr. Stecher, would you like to make a  
25 closing statement to the Panel?

1           MR. STECHER: Yeah. I would like to  
2 express my admiration for the Panel's work. This  
3 is the part where I shamelessly try to curry favor  
4 with you. But to be honest, I've watched a number  
5 of sessions on video and I'm impressed with how  
6 fair and thorough and careful the Panel members  
7 have been.

8           During my time at RAND, for a while, I was  
9 responsible for hiring. And I can remember reading  
10 resumes and reading letters of application. And  
11 after a dozen or two dozen, my eyes would glaze  
12 over and I'd find I had to go back and read it all  
13 over again because I didn't remember what I just  
14 read.

15           And at least in the sessions that I  
16 viewed, you three have shown remarkable attention  
17 to detail and consistency in your reviews and in  
18 your questions. And I would hope that if I'm  
19 selected, I'll be able to bring that kind of  
20 objectivity in weighing the evidence that comes to  
21 the Commission.

22           But whether I'm selected or not, I have no  
23 qualms about the process. I feel that the process  
24 has really been -- the selection process has lived  
25 up to anything anyone could ask of it so far.

1 CHAIR BELNAP: Thank you. We appreciate  
2 those comments.

3 We're going to go into recess. And the  
4 next interview is at 1:15, so we're going to be  
5 back here at 1:14 p.m.

6 (Thereupon the Panel recessed at 12:00 p.m.)

7 (Whereupon the Panel reconvened at 1:13 p.m.)

8 CHAIR BELNAP: We'll call this meeting  
9 back to order. I see that Mr. Flack is present.  
10 If he looks familiar to either of you, it's because  
11 you were at an earlier meeting, is that --

12 MR. FLACK: Yeah. I've attended several.

13 CHAIR BELNAP: Okay. Excellent. Oh, I  
14 saw you and thought, wait, where do I know you from  
15 and it's from those meetings.

16 MR. FLACK: We haven't met outside of  
17 these hearings.

18 CHAIR BELNAP: Right. I want to clarify  
19 some -- the announcement this morning. And then  
20 we're going to be into the interview with Mr.  
21 Flack.

22 We said that the Panel's first choice  
23 continues to be in-person interviews. We want to  
24 make clear to everyone that's hearing that comment  
25 that that's because of the reliability of the

1 technology. We have great confidence in our  
2 technical staff but there will always be  
3 circumstances beyond our control.

4           But if you choose to interview remotely,  
5 we want to make it clear that it does not count  
6 against you in any way when the Panel considers  
7 your application. We want to make the decision  
8 based on what is best for you understand these  
9 unprecedented circumstances. And know that we are  
10 conducting this process with impartiality and  
11 fairness for all applicants, regardless of whether  
12 they're here in person or using the technology.

13           So with that, we'll turn to the standard  
14 questions and we'll turn the time over to Mr.  
15 Dawson.

16           MR. DAWSON: Thank you, Mr. Chair.

17           Mr. Flack, I'm going to ask you five  
18 standard questions that the Panel has requested  
19 that each applicant respond to. Are you ready,  
20 sir?

21           MR. FLACK: Sure.

22           MR. DAWSON: Question one: What skills and  
23 attributes should all Commissioners possess? What  
24 skills or competencies should the Commission  
25 possess collectively? Of the skills, attributes

1 and competencies that each Commissioner should  
2 possess, which do you possess? In summary, how  
3 will you contribute to the success of the  
4 Commission?

5 MR. FLACK: Well, first of all, thank you  
6 for inviting me.

7 I think the overall theme should be  
8 integrity. Within integrity, we can come up with  
9 several subsections of that. But I think within  
10 integrity, we should talk about someone -- the  
11 Commission should be dedicated to public purpose.  
12 I think that's really critical. Certainly, there's  
13 going to be some requirements for fundamental  
14 analytical capability and respect for facts, and  
15 that in all, the both hard data and soft data, hard  
16 data mathematical analytics, as well as  
17 incorporating qualitative data, and using that to  
18 provide breadth and depth to the analysis of other  
19 data.

20 I certainly favor legal reasoning,  
21 understanding how the legal system and the legal  
22 requirements fit into our structure and the mission  
23 of the Commission. I think that's important.

24 I think perspective is an important part  
25 of integrity and ability to understand your

1 viewpoint and the viewpoint of others and recognize  
2 the limitations of that.

3 I reflect on the old cartoon of the  
4 elephant and the eight blind men who are walking up  
5 to the elephant at each part. One is grabbing onto  
6 to the trunk and one's grabbing onto the tail and  
7 the other is grabbing onto a leg and he's feeling  
8 the body, and each one has a different perspective.  
9 But the elephant is something different than the  
10 individual parts. You've got to understand that  
11 your perspective is your own and others have  
12 perspectives that can contribute to a full  
13 understanding of what that elephant looks like.

14 I think judgment, an ability to provide  
15 insight into the information that's provided, and  
16 an ability to prioritize what's important  
17 information. Certainly, we have a wealth of  
18 information that could be considered but the  
19 question is, how does it really contribute to the  
20 process. What has priority in terms of driving a  
21 decision and how should be incorporate it?

22 I think that the ability to see beyond the  
23 data is important. A sense of vision is part of  
24 integrity too. What are the implications of this  
25 data? What does it mean for the voters? What does



1 it mean for California? I think all that's  
2 important.

3 A story to tell about how I could  
4 particularly contribute to that, but I'll wait  
5 until later.

6 I think persistence is also a part of  
7 integrity. You want to have somebody who's  
8 dedicated enough to follow through, to press the  
9 issues sufficiently to get a reasonable answer.  
10 There's an old line that says, good enough is  
11 really good enough, and I think that's true. And  
12 our standards should be high. And we should have  
13 commissions dedicated to pursuing a comprehensive  
14 job.

15 The skills and competencies that the  
16 Commissioners, these Commissioners, that these --  
17 that each Commissioner should possess, how do I fit  
18 in? I think that, as you've read in all the  
19 submissions I've provided, I think I tick most of  
20 these boxes. I think I have strong analytical  
21 capabilities, both in terms of quantitative data  
22 analysis, but also in terms of the ability to grasp  
23 and incorporate qualitative data, soft data.

24 I've led analytical teams, both internal,  
25 academic and consulting, in many different

1 environments, managing my own teams of 8 to 50  
2 people. And I've had operating budgets of up to  
3 \$50 million in U.S. in today's dollars.

4           And in terms of my ability to manage  
5 through the process, I've been on the board, I've  
6 been chairman of the board. I've been in  
7 leadership positions in several different  
8 organizations with several different sets of  
9 objectives. And I've been flexible enough to adapt  
10 to each of those.

11           So in addition to analytical skills, the  
12 perspective that I bring is also that of somebody  
13 who can drive the process in an open fashion to a  
14 reasonable solution. So I think I bring management  
15 and leadership strengths to the party.

16           I think that the other things that I bring  
17 to the party that speak to this integrity theme is  
18 public presentation skills. I've provided  
19 testimony before several public agencies, both in  
20 Sacramento and in Washington, Social Security  
21 Administration, Department of Defense, Senate  
22 Judiciary Committee here, the California Law  
23 Revision Commission, the California Bar  
24 Association, each of those, I've presented  
25 testimony to. And it's been probably 40 or 50

1 times that I've been in front.

2 I've been involved in consulting and board  
3 presentations in each of my corporate  
4 responsibilities, Edwards, Mattel Toys. The United  
5 Vineyards was special in that we had not only our  
6 own board but, also, we had a grape co-op, the Wine  
7 Growers Association that we had to deal with. And  
8 so we had two boards running simultaneously that we  
9 had to work through. And, of course, TRW/Experian,  
10 I had a lot of board presence there.

11 And again, just to speak to my  
12 presentation skills, I -- of course you realize I'm  
13 an attorney -- I tested the waters in that field  
14 early on. I actually got a traffic ticket that I  
15 didn't feel I deserved. And at age 18 I took that  
16 to a jury and actually won. So I think that I'm  
17 not shy in public. I'm fairly persistent and  
18 accommodating.

19 As you can tell from some of the  
20 recommendations that I've received, I think I have  
21 an ability to present a strong position, but I'm  
22 also interested in accommodating the interests of  
23 others.

24 In terms of leadership that I bring to the  
25 party, I think that the essence of leadership is

1 I've learned not only in my professional career but  
2 also my academic training with a master's in  
3 business, leadership depends not so much on  
4 authoritarianism as much as it is developing an  
5 environment where people want to follow you, where  
6 it's in their best interest and it's also in their  
7 -- spiritually aligned with what you have to offer  
8 and are supportive of the mission.

9           So leadership is not authoritarianism.  
10 It's not beating somebody up for noncompliance.  
11 It's leadership in terms of providing that vision  
12 and setting goals and getting people to coalesce  
13 around those goals, accommodating their strengths  
14 and weaknesses as well.

15           Do you want a story on that, in case it  
16 comes up?

17           Willingness to consider alternatives, I  
18 think that most of my consulting experience has  
19 been in the commercial side where I did a lot of  
20 market assessments. In market assessment work,  
21 you're always looking for the surprise, and I've  
22 had a few situations to speak to that, ability to  
23 accommodate surprises and incorporate that into the  
24 analytical process.

25           I was working in the auto industry as a

1 consultant. The concern was the introduction of a  
2 convertible. The only question was how do people  
3 handle convertibles in bad weather? So we actually  
4 went out and found parts of New England that had  
5 bad weather and talked to people. It was actually  
6 a focus group environment where people described  
7 their use of vehicles, their preference for  
8 vehicles in bad weather.

9 Well, come to find out -- now this is not  
10 the kind of stuff you get through quantitative  
11 information, it's something where you have to press  
12 the flesh and understand where people are coming  
13 from -- this one guy I can remember said, "Well,  
14 it's just another challenge. It's one of the  
15 reasons why I own a convertible. In fact, I have  
16 two parkas in the trunk I keep so that I can drive  
17 with the top down in the snow." And that was  
18 certainly surprising and certainly surprising to  
19 the client.

20 Another example that came out of this  
21 study, something that no one would have  
22 anticipated, there's a feature in the Alpha Spider.  
23 It's the car that's featured in The Graduate, the  
24 movie. That feature is a hole in the floorboard so  
25 that when the car fills up with water, you unplug

1 it and it automatically drains. It's a self-  
2 trailing -- self-bailing car. Now that's not the  
3 kind of stuff that would come up in the context of  
4 any traditional numerical analysis kind of study.  
5 But it was very useful in understanding the  
6 preferences and priorities of that community.

7 I think another example of applying  
8 analysis in a nonjudgmental fashion, that it was  
9 discovered that as people transition from old style  
10 of instant coffee to freeze dried coffee, that --  
11 and freeze dried was, by all expert opinion, a  
12 better coffee, it was discovered that some people  
13 like the old style. Some people liked the old  
14 style of coffee and did not like the new, by the  
15 expert opinion, better freeze dried coffee. Well  
16 what do to about this situation? Are we going to  
17 tell the customer that they're wrong?

18 You've got to respect the individual and  
19 respect the individual voter, respect the  
20 individual consumer. That's why I'm telling this  
21 story. That's the background behind the  
22 development of Taster's Choice. Taster's Choice is  
23 a coffee, instant coffee, produced to accommodate  
24 the needs of people who don't have preferences for  
25 what could be considered a better coffee. And if

1 that's their choice, let's give it to them. And we  
2 should respect, like we do -- we did in the coffee  
3 study, we should respect the interests, even though  
4 we may not understand that. We may recognize that  
5 they're interests may be different and find a way  
6 of accommodating that.

7           Let me see, what other examples can I  
8 bring to the party?

9           MR. DAWSON: Mr. Flack --

10          MR. FLACK: Yeah?

11          MR. DAWSON: -- I want to make sure that  
12 we have the opportunity to get through all five  
13 questions --

14          MR. FLACK: Great.

15          MR. DAWSON: -- with the time that we  
16 have.

17          MR. FLACK: I'll -- let me see if I'm  
18 missing something out, is, just to wrap this up, I  
19 think I have a comprehensive set of hard data  
20 analysis tools. I've got a perspective that allows  
21 me to drive for solutions that involve both the  
22 incorporation of soft data, as well as hard data.  
23 And I've got leadership skills that encourage  
24 people to participate in a non-authoritative  
25 fashion in a way that is collaborative and I think

1 more effective.

2 MR. DAWSON: Okay. Thank you.

3 MR. FLACK: Is that --

4 MR. DAWSON: Time check please?

5 MR. FLACK: I'm overtime.

6 MS. PELLMAN: Eighteen minutes remaining.

7 MR. DAWSON: Question two: Work on the  
8 Commission requires members of different political  
9 backgrounds to work together. Since the 2010  
10 Commission was selected and formed, the American  
11 political conversation has become increasingly  
12 polarized, whether in the press, on social media,  
13 and even in our own families.

14 What characteristics do you possess and  
15 what characteristics should your fellow  
16 Commissioners possess that will protect against  
17 hyper-partisanship? What will you do to ensure  
18 that the work of the Commission is not seen as  
19 polarized or hyper-partisan and avoid perceptions  
20 of political bias and conflict?

21 MR. FLACK: Sure. Sure. Well, this is  
22 not a new phenomenon. And I've got a story to  
23 tell.

24 When I first met my wife's family, I was  
25 introduced to her grandmother who was reported to



1 me to be blind and deaf. And as I was introduced  
2 to her, first meeting, she looked at me, opened her  
3 eyes wide, and said to me, and this is a quote,  
4 "And I suppose you're a Democrat too?"

5 And I explained that, "No, I'm kind of  
6 middle of the road, kind of." And just to  
7 accommodate her, I said something, "More like a  
8 Rockefeller Republican," and hoping to kind of  
9 ingratiate myself into that.

10 And she said, "You mean that New Yorker?"  
11 Her family is from Texas and that explains a little  
12 bit.

13 I've had this hyper-partisanship as part  
14 of my experience with family members and others for  
15 quite some time. The things that I've learned are  
16 to never make it personal, to try and objectify --  
17 make things -- deal with things in an objective  
18 fashion to find facts that support what's going on,  
19 to avoid direct confrontations. I think that the  
20 example that I proposed, that I offered when I was  
21 talking about a board experience I had on the --  
22 when I was a member of the California Avocado  
23 Commission, where somebody offered a comment that  
24 was, frankly, illegal. And I said, essentially  
25 interrupting him, I said, "You may want to consider

1 withdrawing those questions." So I didn't say  
2 you're wrong, I didn't say that's illegal, I said,  
3 "You may want to consider withdrawing those  
4 questions."

5 And so it was, again, persistent,  
6 effective, non-confrontational, and the message was  
7 conveyed, the questions were withdrawn, and we  
8 moved forward in a fashion that we can all be proud  
9 of.

10 I think that other phrases that I've used  
11 in the past to bridge those issues are things like,  
12 "I hear you but have you considered?" You know,  
13 those are things that help make that bridge, "Now I  
14 understand your position, it's very aggressive, but  
15 have you considered?" And again, I'm not arguing  
16 with you, I'm just saying, here's another  
17 perspective that you may want to add to your  
18 thinking. And I think those have been effective.

19 Hyper-partisanship has been part of life.  
20 It's certainly at the forefront now. And,  
21 hopefully, we'll get beyond that, hopefully soon.

22 MR. DAWSON: Thank you.

23 Question three: What is the greatest  
24 problem the Commission could encounter and what  
25 actions would you take to avoid or respond to this

1 problem?

2 MR. FLACK: Sure. I think there are three  
3 primary problems as I envision a charter of the  
4 Commission. I think managing public input,  
5 internal consensus building, and then the  
6 possibility of analytical overload, I think those  
7 three problems that I see going forward.

8 In terms of managing public input, I think  
9 there are, obviously, groups that are  
10 underrepresented. I think that there are also  
11 groups that may be overrepresented and maybe more  
12 of a presence in monitoring the Commission. And I  
13 think that we want to make sure that the Commission  
14 addresses the interests of those who are  
15 aggressively overrepresenting their community, but  
16 also recognizing that there are those that are  
17 underrepresented that are not at the table.

18 I see the list of -- I guess you call them  
19 partners on your list that is fairly extensive,  
20 these groups that have been monitoring the process,  
21 from the League of Women Voters to the Lincoln  
22 Club, there are some that are not part of those  
23 groups. And we better not only respect the people  
24 that have shown up but, also, those that have not.

25 As you see from the information sheet, I

1 lived for a while in San Diego. And as part of my  
2 local community kind of involvement I had occasion  
3 to be in the same room with the chief of police for  
4 San Diego. And he said, "We really found a way of  
5 solving much of our homeless problem. We have  
6 joint patrols by our community service officers, as  
7 well as our police department. And when they  
8 encounter somebody who's homeless, they offer  
9 services, not through the police department but  
10 through the Community Services Department. And  
11 it's a joint patrol."

12 And he said that the remaining homeless  
13 problem in San Diego, in Downtown San Diego, is  
14 related to those who refuse service, who refuse  
15 care, who fall off their meds. And it's a very  
16 difficult problem in that you -- it's very  
17 difficult to provide service on a compulsory basis.  
18 So I think that there are ways of dealing with the  
19 underrepresented.

20 In terms of my personal experience, we  
21 have run into a problem in, through my consulting  
22 experience, addressing the question of why do  
23 ethnic groups tend to prefer what could be  
24 considered premium products? And it's a mystery.  
25 Why would -- and, you know, the classic one is used

1 Cadillac in urban areas. Why is that a  
2 preference?

3           And to answer that, we actually  
4 enlisted -- I'm a little too pale to get the  
5 straight answer from somebody -- who's -- who --  
6 who may be willing to give a comprehensive answer  
7 to that question, we actually hired some students  
8 from Howard University who could then interview  
9 people on the streets. We didn't ask the  
10 impressions of the hired students because they were  
11 not our target. Our target was to understand the  
12 community that was disaffected, isolated, and so we  
13 used that group as a way of providing some  
14 outreach.

15           And the feedback we came back with was  
16 surprising. The reason that premium products are  
17 preferred within that community, something that we  
18 never anticipated, is that there's a feeling, I  
19 don't know if I want to confirm that or deny it,  
20 but there's a feeling that the auto industry, for  
21 example, has a three-tier quality control system.  
22 Products that are junk are dealt with as products  
23 that get fixed. Products that pass their quality  
24 control get sent to White communities. And that  
25 middle ground of products that goes to -- that

1 isn't quite right but they can slough off on  
2 disaffected communities goes to urban markets. And  
3 there's a feeling that they're getting ripped off.

4           And so one of the ways they internalize  
5 that problem, their (indiscernible) that problem is  
6 not to be the first purchaser of a premium product  
7 but go after that premium product that was sold in  
8 another community first, and they would bypass that  
9 evidence of prejudice.

10           Now I bring that up to indicate, first of  
11 all, recognize that there are groups, my  
12 recognition, that there are groups that are  
13 underserved and are difficult to reach and there  
14 are ways of dealing with that. And I would hope  
15 that in the context, we'd be able to accommodate  
16 everybody through appropriate outreach that's  
17 culturally sensitive to their needs.

18           I'm impressed with the work in San Diego.  
19 That may not be a model for what we've got going on  
20 statewide. But I think the efforts should be  
21 considered.

22           Internal consensus building, I think that  
23 ways of dealing with are developing process  
24 expectations beforehand, before the analysis is  
25 done, you know, to thoroughly vet, you know, what

1 is to be done with this, what are the reasons for  
2 doing this? And then when the outcome appears to  
3 be a surprise, that people can't argue that it's  
4 just something that I disagree with, that they've  
5 gone through the process and have, essentially,  
6 bought into it, that this is not -- this outcome is  
7 based on solid reasoning.

8           So I think that consensus building doesn't  
9 start when the data arrives, it starts when the  
10 analytical process begins.

11           MS. PELLMAN: You have about eight-and-a-  
12 half minutes.

13           MR. FLACK: Okay. Well, one more second.

14           Analytical overload, again, I think that  
15 the building consensus about the process, the  
16 analytical process, will not only get greater buy-  
17 in at the outset, there may be things that pop up  
18 in the analysis that require some iterations, some  
19 reevaluation of the analysis. But I think that if  
20 you can buy in, you'd buy in early on, much of that  
21 would be minimized, that people won't be  
22 reanalyzing things. And I think that, hopefully,  
23 will be a way of minimizing the unproductive kind  
24 of recycling of information, buy-in on the analysis  
25 up front. And then if there are glitches that have

1 to be dealt with, then you've got a common  
2 understanding and some buy-in.

3 And on to question four?

4 MR. DAWSON: Yes. Let's move on to  
5 question four. You have about seven minutes to go  
6 and I want to make sure that you have the  
7 opportunity to answer --

8 MR. FLACK: Great.

9 MR. DAWSON: -- the two remaining  
10 questions --

11 MR. FLACK: Sure.

12 MR. DAWSON: -- because we will only  
13 have -- and I don't want to have to cut you off.

14 MR. FLACK: Okay.

15 MR. DAWSON:

16 Question four: If you are selected you will be  
17 one of 14 members of the Commission which is  
18 charged with working together to create maps of the  
19 new districts.

20 Please describe a situation where you had  
21 to work collaboratively with others on a project to  
22 achieve a common goal? Tell us the goal of the  
23 project, what your role in the group was, and how  
24 the group worked through any conflicts that arose?  
25 What lessons would you take from this group



1 experience to the Commission, if selected?

2 MR. FLACK: Right. I'm handcuffed a  
3 little bit. My work in arbitration and mediation  
4 is all confidential and I can't mention those  
5 projects in a public forum.

6 I think that what I can talk about is an  
7 example from the -- my experience on the California  
8 Avocado Commission where the commission structure  
9 has representatives from growers, from packers, and  
10 eventually some importers, but -- and a  
11 representative from the State Department of  
12 Agriculture. In addition, there's a public member  
13 that serves on the board with equal status of the  
14 others.

15 There was an opening and I recruited Jack  
16 Peltason as the public member. There were others  
17 that recruited a professor from Cal State -- Cal  
18 Poly Pomona. And I don't know if you know Jack  
19 Peltason. I met him when I was president of the  
20 Alumni Association at UC Irvine and he was  
21 chancellor at UC Irvine. He eventually became UC  
22 president and the current job is held by Janet  
23 Napolitano. But he had just recently retired. And  
24 because that situation, he was freed from  
25 his -- the conflicts of interest with the

1 Commission because we spent \$2 million or \$3  
2 million in supporting ag research with the  
3 university.

4           So Jack is a great guy. And his field of  
5 interest is constitutional law. At the time, we  
6 were facing some challenges in terms of Citizens  
7 United and some constitutional issues on import  
8 limitations. And in terms of the comparison and  
9 contrast between these two candidates, rather than  
10 saying, you know, he outranks you or because he  
11 outranks the other guy, I focused on the issues the  
12 Commission was going to be facing in the next four  
13 years, and the issues were right in Jack's  
14 wheelhouse, and he was eventually appointed to  
15 serve as that public member. And the other fellow  
16 succeeded him four years later, so it was a win-  
17 win, eventually, just time phased. And Jack was  
18 there to support us during this challenging time  
19 when we were fighting some constitutional battles.  
20 That's an example.

21           Again, back to the theme, how do you deal  
22 with these kinds of challenges, you depersonalize  
23 it. It's not my argument versus the other  
24 argument. It's a focus on needs and objectives.  
25 And then allow for alternative win solutions is, I

1 think, an effective way of bringing these things  
2 together.

3 MR. DAWSON: Thank you.

4 Question five: A considerable amount of  
5 the Commission's work will involve meeting with  
6 people from all over California who come from very  
7 different backgrounds and a wide variety of  
8 perspectives.

9 If you were selected as a Commissioner,  
10 what skills and attributes will make you effective  
11 at interacting with people from different  
12 backgrounds and who have a variety of perspectives?  
13 What experiences have you had that will help you be  
14 effective at understanding and appreciating people  
15 and communities of different backgrounds and who  
16 have a variety of perspectives?

17 MR. FLACK: Sure. The -- I'm with the  
18 American Arbitration Association and they've got a  
19 very open-door policy. The -- so it's a one-page  
20 form to -- for a consumer to enter the system. And  
21 it's, for the consumer, much cheaper than going to  
22 court, and also get more time, more dedication.

23 So, essentially, it's a completely open  
24 funnel. We had -- it started all kinds of cases.  
25 And these come from -- and as part of the -- my

1 practice, I also get involved in antitrust and  
2 contract disputes and insurance coverage issues.  
3 But as a matter of, basically, our policy behind  
4 the American Arbitration Association, we handle, as  
5 almost a public service, anything that comes in.  
6 And the funnel, the top of the funnel, is  
7 completely open. So I've handled cases involving  
8 non-English speakers. And we make sure that there  
9 are translators available. There are people that  
10 don't have counsel and we've advised them to either  
11 get counsel through pro bono agencies or through  
12 other means. And still, you know, there are  
13 challenging situations that come up. I'm going to  
14 give you an example of one challenging situation.

15           A person was trying to sue a cell phone  
16 company. And the damages she was seeking were  
17 related to the fact that she had a miscarriage. So  
18 she was, essentially, blaming the cell phone  
19 company for her miscarriage.

20           Now, I don't have you tell you guys, this  
21 is a hypersensitive kind of subject. And she was,  
22 obviously, distressed and had reason to be  
23 distressed about that. Whether her focus of this  
24 should be on the cell phone company, you know,  
25 certainly that's questionable. And in a formal

1 courtroom situation, she would have been shown the  
2 door. But we were able to accommodate her concerns  
3 in a supportive environment --

4 MS. PELLMAN: One minute remaining.

5 MR. FLACK: -- advising her to get proper  
6 expert opinions. And she, herself, came to the  
7 conclusion that she didn't have a claim. And,  
8 luckily, the cell phone company gave her some  
9 concessions and that case went away.

10 But I think that's an example of how we've  
11 been able to accommodate people who are on the edge  
12 and can bring them into kind of a more  
13 accommodating environment.

14 I've done the same thing with other pro  
15 bono activities. I've handled homeowner  
16 association cases, construction contracts, elder  
17 abuse situations, conservatorships, trusts, and  
18 discrimination issues.

19 And how's my time?

20 MS. PELLMAN: Fifteen seconds.

21 MR. DAWSON: Fifteen seconds.

22 MR. FLACK: Fifteen seconds? If you'd  
23 like to talk about any of those, I can fill in the  
24 blanks and tell you about other cases that -- as  
25 long as they don't talk about the details.

1 MR. DAWSON: Thank you, Mr. Flack.

2 At this point we'll go Panel questions.  
3 Each Panel member will have 20 minutes to ask his  
4 or her questions. And we will start with the  
5 Chair.

6 Mr. Belnap?

7 CHAIR BELNAP: So while you're still  
8 thinking about that pro bono work, I was going to  
9 ask you about that. You already provided one  
10 example. I would welcome another example. And  
11 then I'd like you to talk about how that pro bono  
12 work demonstrates your appreciation for  
13 California's diversity?

14 MR. FLACK: Oh, my goodness. Well, again,  
15 I can't talk about the specifics, but an elderly  
16 client, through the Public Law Center, was referred  
17 to me. And I take about one case a year through  
18 that agency, and that's an affiliation with the  
19 Orange County Bar Association. And this person had  
20 -- was, again, elderly. She had, if you can  
21 believe this, 12 children who ranged in age from  
22 early 20s to, I think her oldest at the time was  
23 57. And, of course, she's getting on and needed to  
24 make sure that her affairs were in order. And her  
25 English skills were challenging but she had a

1 supportive group.

2           And her designated trustee was her second  
3 youngest. And there was -- her interest was in  
4 confirming that trustee for her estate. And the  
5 problem with that was that he was actually dying  
6 from AIDS. And so he had, certainly, the  
7 responsibility to care for his mother, but it was  
8 not going to be something that he could handle long  
9 term, particularly because the beneficiary pool was  
10 largely the grandchildren from this family, a small  
11 estate but certainly important to them.

12           Bringing the situation up in that  
13 community, AIDS in the Hispanic community, is a  
14 particularly sensitive topic. Probably, it would  
15 be detrimental to the relationship, the family  
16 relationship. And so we found a way of  
17 backstopping him as the trustee with his younger  
18 sister and making it so that there was some  
19 continuity as this thing unfolded. And she  
20 eventually passed, and so did he and the trustee,  
21 the successor trustee, was the youngest child.

22           And so, who would imagine, 12 children? I  
23 mean, that's -- I've got two and that's a lot.  
24 Twelve children? And that's quite of range of 57  
25 to your 20s. I mean, thing about how frequently

1 she had had children. That's an unusual situation  
2 and for her personally. And the challenge that I  
3 had in fashioning the solution to that required an  
4 awareness of the cultural issues and the personal  
5 issues associated with that and it turned out okay.

6 CHAIR BELNAP: And why do you take on this  
7 pro bono work?

8 MR. FLACK: Public duty. And I've -- I  
9 think, also, it provides me some grounding  
10 experience. I mean, a lot of things that I get  
11 involved with, I mean, an antitrust case, it's  
12 certainly not a man-on-the-street kind of problem,  
13 so it provides some perspective.

14 I think that it should be the duty of all  
15 attorneys to take on pro bono cases and I've made  
16 that suggestion to the court system.

17 CHAIR BELNAP: Okay. So you indicate in  
18 your application that you're a director of research  
19 and development. This is the manufacturing.

20 MR. FLACK: I have. I have been.

21 CHAIR BELNAP: You have been, yeah.

22 MR. FLACK: But not now.

23 CHAIR BELNAP: Not now.

24 MR. FLACK: Sure.

25 CHAIR BELNAP: And this was in the



1 manufacturing industry.

2 MR. FLACK: Yeah.

3 CHAIR BELNAP: But what entity? I wasn't  
4 clear on that.

5 MR. FLACK: Sure. It was -- actually,  
6 manufacturing is -- I used that in the broad sense.  
7 The entity is TRW/Experian, now Experian. And I  
8 was dealing with issues that related to how to best  
9 use the data resources that are coincident with  
10 that kind of service. Just as an example -- and I  
11 think that that speaks to other issues, the vision  
12 issue that I was talking about earlier.

13 Facebook, right now, is getting criticized  
14 for a micro-segmentation process where they  
15 identify individual units and then communicate to  
16 those directly. Well, without getting into the  
17 specifics, a company like TRW, and there are three,  
18 there's Transunion and Equifax, and has tremendous  
19 resources to understand how people use financial  
20 services. And if you take a look at the data that  
21 they normally collect in the course of business and  
22 couple that with census data and couple that with  
23 other governmental data sources and other kinds of  
24 information, you can get a pretty clear picture of  
25 what's going on.

1           And I was involved in the early stages of  
2 developing programs and systems that did that  
3 (indiscernible) fashion, did not get into the kinds  
4 of problems that Facebook is getting involved in.  
5 In fact, I was asked to present in a speech before  
6 the Data and Marketing Association (phonetic) in  
7 Washington, D.C., a national meeting, a speech on  
8 that topic of how to use the resources in a fashion  
9 that was ethically supportable. And, again,  
10 through the combination of data that's readily  
11 available in that environment, we could develop an  
12 effective way of reaching out to select  
13 communities.

14           Now the question is: How do you do that  
15 ethically?

16           Particularly, in the financial services  
17 industry, you've got the geographic kind of spread  
18 of these things and you can identify what may be a  
19 problem of a financial customer. Well, that's very  
20 close to redlining. And what I was working for in  
21 that environment was a way of taking advantage of  
22 the resources without exposing people's personal  
23 privacy and without providing the selective  
24 promotions that would expose us to criticism and  
25 liability for redlining. And that's what I was

1 doing for TRW as the director of research and  
2 development. It's a combination of legal issues  
3 and technical issues. I actually had a tech team  
4 and I worked very closely with other attorneys on  
5 the team in that environment.

6 I also spent some time in Washington  
7 working with the governmental-supplied data  
8 resources, making sure that we were dealing with  
9 those in a fashion that was accommodating to the  
10 government's interests and privacy.

11 So does that answer your question?

12 CHAIR BELNAP: Yes, it does.

13 MR. FLACK: Okay.

14 CHAIR BELNAP: What are some of the common  
15 sources of data in the environment that you just  
16 got through talking about?

17 MR. FLACK: Let me -- I'm wondering how  
18 much I can tell you about. Let me tell you,  
19 generically, about how credit reporting works.

20 When a bank monitors your payment history,  
21 they provide that information on a regular cycle,  
22 sometimes minute by minute, sometimes weekly,  
23 depending on the nature of the account, to a  
24 central data warehouse and that's analyzed. And  
25 that structure is such that a credit report can be

1 recreated and delivered within seconds anywhere in  
2 the world. So as soon as a data piece, a piece of  
3 data, arrives in the shop, it's incorporatable  
4 [sic] in one request into where they can be  
5 distributed.

6           There are things that you can normally get  
7 about a customer from the bank-supplied customer  
8 record. That's part of that amalgam. And there  
9 are things that are available from outside sources.  
10 And, again, I'm not sure I want to be specific  
11 about this.

12           But, for example, if you look at H&R Block  
13 and their comparisons of whether you're paying more  
14 or too much or too little taxes, as you put in your  
15 profile, well, they've got to know what the  
16 standards are and there are only a few sources of  
17 that. And that kind of financial information on an  
18 annual basis can provide a tremendous resource to  
19 understand the financial structure of communities.  
20 And with proper protections, that information can  
21 be made available to, again, better understand what  
22 is going on.

23           The question is: To what extent can you  
24 restrict that from having an impact on a personal  
25 level? And that's the level. There's an ethical

1 relation there and you want to make sure that those  
2 things -- you know, the analysis is done, the  
3 individual is not prejudiced in any way by that.

4           There are other data sources like that in  
5 terms of healthcare. You know, using an analogous  
6 situation, the American Hospital Association  
7 collects a tremendous amount of information about  
8 the operations of a hospital, number of libras,  
9 numbers of surgeries, surgeries by category, that  
10 kind of thing. And if you relate that to the  
11 census data, then you can find out the extended  
12 health services in a community.

13           If you can relate that to the amount of  
14 products sold into that community, you can get a  
15 sense of whether you're -- this comes out in the  
16 analysis of the opiate crisis, whether you're  
17 providing more product into that community than  
18 they could ever possibly use. And those kinds of  
19 analyses are available and the data is there for  
20 use if you ask for it and accommodate the  
21 restrictions on the use of the data.

22           Have I answered your question?

23           CHAIR BELNAP: Yes.

24           And in your analysis --

25           MR. FLACK: Sure.

1 CHAIR BELNAP: -- or even the output of  
2 your analysis, how often did you use mapping  
3 software or mapping displays?

4 MR. FLACK: Sure. And not only that but  
5 later on I was, as you read, I was involved in Rich  
6 Caplan (phonetic). I was involved in a process  
7 called digital elevation mapping where,  
8 essentially, a plane flying over and satellites  
9 flew over to create a three-dimensional image of a  
10 geography. And these pictures were then stitched  
11 together. And it's quite an interesting process.

12 Early on, I've been following Esri, I  
13 don't know if you're familiar with Esri? It's a  
14 very large mapping company. And the owner of that  
15 is a fellow named Jack Dangermond, who started out  
16 in the Department of Geography at Harvard and  
17 developed this software package, and it's grown  
18 tremendously from there. But I'm generally  
19 familiar with the Esri package. I guess you guys  
20 use something else, but generally familiar with  
21 that. It's good for healthcare studies.

22 Again, with financial services issues it's  
23 problematic because of the issue with redlining,  
24 you know? You don't want to touch that. So by not  
25 doing it in that environment, you're predicting

1 yourself those kinds of challenges so we're not  
2 creating maps that could be considered redlining.

3 CHAIR BELNAP: Okay.

4 MR. FLACK: So I'm generally familiar with  
5 the process. You know, I've -- you know, the  
6 underlying technology is something called a DIME  
7 file (phonetic) and I'm familiar with the data  
8 structure, and I've used it on a couple occasions.

9 But, again, I'm at a stage in my career  
10 where I'm not as active a programmer as I once was.  
11 So I would hope that others on the team could be  
12 more hands-on than I am. I think I'm in a stage  
13 where I can start the questions and guide the  
14 process but I would not be the most efficient  
15 programmer.

16 MS. PELLMAN: Five minutes forty-four  
17 seconds remaining.

18 CHAIR BELNAP: Okay. Thank you.

19 So although you live in Sacramento, you  
20 stated in your application that you've had  
21 experience in rural California --

22 MR. FLACK: Sure.

23 CHAIR BELNAP: -- through your work in  
24 manufacturing.

25 So please describe these interactions and

1 how they demonstrate your appreciation for  
2 California's diversity?

3 MR. FLACK: Sure. Well, I've lived in  
4 many parts of California. I grew up, primarily, in  
5 Southern California. I was recruited to join one  
6 of the largest wine companies in the world and  
7 that's what caused me to move to  
8 California -- to Northern California, and so I  
9 appreciate the differences. I couldn't -- and I  
10 moved back and forth. The venture capital fund  
11 that I worked with is based in San Francisco.  
12 Yeah, where -- yeah.

13 I'm in Sacramento County right now but I'm  
14 actually in a town called Walnut Grove. I'm on a  
15 two-acre plot between two vineyards. So my next  
16 door neighbor has 140 acres and the neighbor behind  
17 me has 170 acres. And, again, I have experience  
18 with Hubline (phonetic). Hubline was second to  
19 Gallo at that time in production. We were selling  
20 three million bottles of wine a day, so it was a  
21 fairly substantial operation. We had 11 wineries  
22 going on in Lodi and Napa. Brands you might  
23 recognize, Bogle Vineyards, Inglenook, Taos Colony  
24 (phonetic), Inglenook Noval (phonetic), Teebo  
25 (phonetic). I'm trying to think if we imported



1 B&G, imports, Lancers, Harveys. What else? A  
2 variety of products. So understanding the dynamics  
3 of life in agriculture is something that I got to  
4 value.

5 And when I left the venture capital fund, one  
6 of the ways of dealing with that, before the issue  
7 of carried interest was put in place was to invest  
8 in agricultural properties. And I grew avocados  
9 and organic citrus in southern -- in San Diego  
10 County in Fallbrook and had about 30 acres in  
11 production there. And that's when I was elected to  
12 the California Avocado Commission and appointed by  
13 the U.S. Department of Agriculture to the  
14 International Haas Avocado Board.

15 So there's a strength to California's  
16 agriculture. It's a very, very important industry.  
17 It's got -- certainly, the water challenges are  
18 immense, the cost of capital is immense. Labor,  
19 managing appropriately, labor is correct.

20 Let me tell that, you know, there is --  
21 there's an appropriate way of managing that  
22 resource and not -- when our -- when we're growing  
23 avocados in Fallbrook, which is just behind Camp  
24 Pendleton and south of Temecula, our grove manager,  
25 after I told him that, when the trees needed

1 cutting, they needed to be trimmed back, and so we  
2 had guys running through with chainsaws, I said, "I  
3 don't, you know, I don't want any blood in this --  
4 in this grove here. It's, you know, it's safety  
5 first here."

6 And his response to me was, "Well, that's  
7 what Worker's Comp is for."

8 That's a pretty cold statement, so we  
9 fired him, and I got somebody who was a little bit  
10 more forthright and accommodating to the challenges  
11 of that community.

12 Water issues are really a challenge. We  
13 were restrained in providing water to our fields.  
14 And even though we had cut back on our water use  
15 considerably, maybe 10 or 15 percent, we were asked  
16 to drop it another 25 percent and that then made it  
17 really challenging, so --

18

19 MS. PELLMAN: One minimum remaining.

20 MR. FLACK: -- excess water is a real  
21 issue.

22 So I'm certainly a businessman and kind of  
23 involved in high-tech industries, as we've talked  
24 about. SciTech was an interesting company as well  
25 and I got very actively involved in that. And

1 SciTech was involved in high-speed imaging. And it  
2 basically had a supercomputer as a back end to a  
3 camera. And so I've been involved in very  
4 interesting businesses. And agriculture is one of  
5 these fundamentals that -- and my kids got to grow  
6 up seeing where their food comes from, which is, I  
7 think, another kind of benefit.

8 CHAIR BELNAP: Okay. Thank you.

9 MR. FLACK: Great.

10 CHAIR BELNAP: So no further questions  
11 from me.

12 So the time will go over to Mr. Coe.

13 VICE CHAIR COE: Okay. Thank you, Mr.  
14 Belnap.

15 Good afternoon, Mr. Flack.

16 MR. FLACK: Hi.

17 VICE CHAIR COE: Thank you for being here  
18 today.

19 MR. FLACK: Thank you.

20 VICE CHAIR COE: So in your application,  
21 and then you've spoken to some of this --

22 MR. FLACK: Um-hmm.

23 VICE CHAIR COE: -- this afternoon, you're  
24 involved in many professional and community groups.

25 MR. FLACK: Um-hmm.

1           VICE CHAIR COE: And I'm wondering, of  
2 your work experiences with these groups, which do  
3 you think will most likely benefit the work of this  
4 Commission and why?

5           MR. FLACK: That's interesting. In terms  
6 of community groups, I think that -- I think the  
7 community works don't have the -- the community  
8 groups I work with don't have the analytical  
9 component that this does. And I think I've got  
10 other experience that speaks to the analytical  
11 issues.

12           I think in terms of the proactive kind of  
13 social involvement, OneOC, it used to be called the  
14 Volunteer Center of Orange County, it's a Points of  
15 Light Foundation derivative, affiliated with that  
16 in a broad sense. And their role was to work hand  
17 in hand with United Way. Where United Way is  
18 basically a funding source, OneOC provides  
19 management skills and backup for that. And so we  
20 were focusing on backing up, in terms of the  
21 infrastructure, the nonprofits who were not quite  
22 stable enough to do this on their own. And we  
23 worked, also, with educational groups that  
24 supported secondary education.

25           So I think that in terms of the analytics,

1 there isn't a comparison. I mean, I've got, as we  
2 discussed, a lot of experience on that front in  
3 terms of the issues about public purpose and  
4 initiative and identifying served communities. I  
5 think that activity speaks to it.

6           You know, there were some frustrations, I  
7 guess, in doing that. You know, one of the things  
8 I sensed was needed was work with the faith-based  
9 communities because it was a served need, served --  
10 it was a need that had not been served. The  
11 concerns of the Board was that it was too political  
12 and too much of a hot potato and possibly divisive  
13 rather than something that was part of our main  
14 charter. So I was a little frustrated that that  
15 was not part of our portfolio but I think it could  
16 have been and it could have added to our  
17 activities.

18           So we worked with groups that provided  
19 Meals on Wheels and homeless support and other  
20 kinds of supporting services.

21           I'm trying to think of other groups.

22           There was a group that provided backpacks  
23 to kids coming back to school, that kind of thing.  
24 And we didn't provide direct funding for that.  
25 What we did is we provided a surrogate

1 infrastructure. You know, how do you bring a board  
2 -- how do you bring a board together? How do you  
3 assert yourself as a C Corp, you know, what are the  
4 requirements of that? And how often do you have to  
5 have a board meeting and how do you manage through  
6 the process? And, certainly, making sure that  
7 there wasn't comingling of funds, that kind of  
8 thing, was something that we encouraged.

9 Let's see what else.

10 There really isn't an analog. I mean, how  
11 many of these commissions are there that do this?  
12 There's not too many in California.

13 VICE CHAIR COE: Yeah. I think I got an  
14 answer to my question.

15 MR. FLACK: Okay.

16 VICE CHAIR COE: I'd like to switch gears.

17 MR. FLACK: Well, may I say, that the  
18 Avocado Commission is maybe an example. I mean,  
19 one meeting, we're talking about allocating our own  
20 internal resources. And I remember a discussion at  
21 the board level where we were talking about whether  
22 to allocate resources to Arizona or to Seattle in  
23 terms of where we could do the most good. And we  
24 had historically supported Arizona quite a bit, and  
25 Seattle, not at all. And we were taking a look at

1 the growth opportunity in Seattle and the new  
2 market that may be developing and the fact that  
3 Arizona was fairly well established.

4 I recommended that we move those funds to  
5 support Seattle and have the people in Seattle have  
6 more avocado toast and recognizing that we probably  
7 had as much growth that we could expect out of  
8 Arizona, and people bought off on that and that's  
9 where we put the money.

10 And so there's a little bit of an  
11 analytical process. You know, the mechanics are  
12 something called a brand development index. And if  
13 you compare the brand development index with the  
14 growth factors, you know, there's a mathematical  
15 analysis. But, again, it's a matter of taking a  
16 look at those numbers and projecting out in the  
17 future, where is the opportunity.

18 VICE CHAIR COE: Okay. Thank you. I'd  
19 like to switch gears a little bit to your essay on  
20 impartiality.

21 MR. FLACK: Um-hmm.

22 VICE CHAIR COE: And in that essay you  
23 discuss how it sometimes easy to identify some  
24 biases that an individual might have because it's  
25 more blatant and obvious.

1 MR. FLACK: Yeah.

2 VICE CHAIR COE: But, as you go on to  
3 discuss, "There are more subtle and, perhaps, more  
4 prevalent forms of bias called implicit bias."

5 MR. FLACK: Yeah.

6 VICE CHAIR COE: So in your work as a  
7 mediator and an arbitrator, how do you go about  
8 identifying implicit bias?

9 MR. FLACK: It's -- it is challenging.  
10 And that message is not completely clear.

11 I've got a story to tell, I guess I've got  
12 a lot of stories, but we have a frequent gathering  
13 of people to talk about these issues. It's ten  
14 days a year that we get together for lunch and a  
15 group of about 40 people from Northern California  
16 get together. At the end of the session the topic  
17 was implicit bias.

18 As we were headed toward the elevator,  
19 somebody said, "I really hate getting on the bridge  
20 right now. I'm likely to get behind some slow  
21 driver."

22 And the other guy said, "A Volvo," you  
23 know? And the comment was, "They're the worst."  
24 Okay.

25 Now that's an example of implicit bias and



1 the message is not getting through to these guys.  
2 I explained that I drove a Volvo. And they looked  
3 at me like I was crazy because who would admit  
4 that? And then after I also explained that I had a  
5 sports car, as well, so I wasn't one of these  
6 slowpokes.

7 But that's an example of the kind of  
8 things that may relate to implicit bias and the  
9 fact that it doesn't already get through. I  
10 recognize it as a bias that doesn't appear on the  
11 surface. But this guy thought Volvo drivers were  
12 all slow and dangerous.

13 And does that speak to your question?

14 VICE CHAIR COE: Yeah. I also wanted to  
15 know if you had identified implicit biases within  
16 yourself?

17 MR. FLACK: You know, I'm trying to -- I  
18 try and be sensitive to that. I'm trying to think  
19 if there's an occasion. I think I find that  
20 people's commitment to social media is something  
21 that I find that I don't understand. And I've seen  
22 people in airports spend hours and hours on  
23 Instagram and Facebook and I don't understand that.  
24 And I'm trying my best not to think poorly of them  
25 and it's difficult. Maybe one of these days I'll

1 come to the realization that I shouldn't think  
2 they're wasting a lot of time.

3           But I think that's one of -- that's a  
4 weakness that I recognize in myself, that I think  
5 social media has become too overwhelming and,  
6 particularly, it's narrow casting and doesn't give  
7 an opportunity to provide a broad perspective, so  
8 it's self-reinforcing. And I may be -- that may be  
9 a bias that it's hard for me  
10 to -- it's hard for me to shake. Luckily, it  
11 doesn't -- it's not something I act on very much.  
12 And, if confronted, I would have to acknowledge  
13 that.

14           And, you know, every time I have to -- I  
15 take on a case, I've got to identify those issues  
16 that may be a source of bias, and nothing's come up  
17 where I had to fess up, but I'll acknowledge that  
18 to you.

19           VICE CHAIR COE: Okay. Thank you.

20           So in your essays, and in some of your  
21 testimony today, you talk about having met and  
22 worked with diverse groups of people.

23           MR. FLACK: Yeah.

24           VICE CHAIR COE: And I'm wondering what  
25 you learned about the preferences and concerns of

1 these people and how you think that will help make  
2 you an ideal commissioner for this Commission?

3 MR. FLACK: Sure. And, I mean, we've  
4 talked about my trust client, that it seemed  
5 unusual that we had this problem that we had to  
6 find a way of accommodating the interests of the  
7 parties to get this resolved.

8 I used to work with a Puerto Rican, who  
9 eventually became my boss, and I think I learned  
10 from him kind of some practical skills and some  
11 understanding of the importance of his culture and,  
12 also, the things that he revealed to me that are  
13 somewhat surprising.

14 I didn't realize, just as an example, that  
15 Puerto Ricans don't like Bacardi Rum because the  
16 Bacardi brothers are Cuban. You know,  
17 (indiscernible) surprising, it doesn't have a bunch  
18 of impact here, but it opened the door to a  
19 different kind of culture.

20 He was a fellow who was actually part of a  
21 community that was identified by a New York ad  
22 agency and brought into the business world. So he  
23 had a leg up and did, actually, quite well. And  
24 though his -- you know, he still retained street  
25 smarts, he was a really sophisticated guy.

1           And so if I had any kind of predisposition  
2 about Puerto Ricans at all, that certainly popped  
3 that bubble. He was a really solid guy.

4           I think another example, my first roommate  
5 at UCI, in the dorms, was a fellow who similarly  
6 got a leg up. His family were migrant farmworkers  
7 in just south of Fresno, I've forgotten the name of  
8 the town, but he had a difficult time adapting to  
9 life in a metropolitan area. And a smart guy, a  
10 pleasant guy, but he didn't last long. I think it  
11 was not due to his lack of capability but because  
12 he was -- he felt a fish out of the water and that  
13 stuck with me. I think that he had more potential  
14 than he was willing to -- he was able to take  
15 advantage of.

16           VICE CHAIR COE: What about people in  
17 different regions of the state? I know Mr. Belnap  
18 asked about rural regions --

19           MR. FLACK: Sure.

20           VICE CHAIR COE: -- that you had  
21 experience with. And I'm interested in the people  
22 within those regions and maybe your interactions  
23 with --

24           MR. FLACK: Sure.

25           VICE CHAIR COE: -- the people there and -

1 -

2 MR. FLACK: Sure.

3 VICE CHAIR COE: -- happenings?

4 MR. FLACK: Well, I think I --

5 VICE CHAIR COE: Yes.

6 MR. FLACK: -- I think I have cases now  
7 from Eureka to Monterey to San Diego. And so  
8 it -- you know, there are -- and Fresno -- there  
9 are more similarities than differences. I think  
10 that there is, in areas that are less metropolitan,  
11 there is more of a sense of generational  
12 continuity. And in my sense people talk about  
13 their -- you know, the third-generation person in  
14 Fresno, deep roots in Monterey, that kind of thing.  
15 San Diego is particularly known for that, that if  
16 you're not a second-generation San Diegan, then  
17 you're generally not considered the same community.  
18 In fact, it's curious, that if you don't have a 619  
19 phone number, there's a prejudice there. Let's  
20 see, I think the other number, the other phone  
21 numbers are 760 and 858. And what else is down  
22 there? But it's certainly a preference for the 619  
23 phone number.

24 MS. PELLMAN: Four minutes thirty seconds  
25 remaining.

1           MR. FLACK: And what's striking to me  
2 about this is that that kind of territorial  
3 imperative, that sense of generational continuity  
4 is stronger in rural and smaller cities, even a  
5 small city like -- a relatively big city, like San  
6 Diego, that you'd find elsewhere.

7           As you see, I've been pretty mobile and  
8 I've seen, you know, I've seen much of California,  
9 both as a visitor, and I've lived in several parts  
10 of California.

11           I think that I've also traveled the world  
12 from Asia to Europe. And I think there's a core  
13 that, you know, people are fundamentally the same.  
14 There are some differences and those differences  
15 are things that should be respected. But I think  
16 people, generally, want respect, are generally  
17 pleasant and helpful. They've got personal family  
18 issues. And I think there are more similarities  
19 than differences. I think that the differences are  
20 not differences that would, in my view, cause me to  
21 think differently of them.

22           VICE CHAIR COE: Okay. Thank you.

23           If you were to be appointed to this  
24 Commission, which aspects of that role do you think  
25 you would enjoy the most and, conversely, which

1 aspects of that role do you think you might  
2 struggle with a little bit?

3 MR. FLACK: Sure. Sure. That's a  
4 question you've asked frequently to other people  
5 and I've been thinking about it.

6 I am -- I'm in a business where I listen  
7 to testimony. I work with the people in a -- as  
8 the role of mediator to help them resolve their  
9 concerns and their problems with other people. And  
10 that's kind of engaging and involves a bit of  
11 personality.

12 I also get involved in having to write  
13 decisions and those are reports that are as short  
14 as 5 or 7 pages and as long as 30 or 40 pages. And  
15 then, of course, the end result is resolving the  
16 issue. And that's, primarily, my activity, my  
17 professional activity.

18 Of those three processes, on a minute-by-  
19 minute basis, I generally don't like the writing  
20 part. But let me tell you that there's a sense of  
21 satisfaction when the writing is done and you put  
22 the piece to bed and send it off and let people  
23 respond to it. It makes up for the anguish of  
24 writing it.

25 A friend of mine said that anyone who

1 enjoys writing is lying to you.

2 MS. PELLMAN: One minute remaining.

3 MR. FLACK: If they tell you they  
4 enjoy -- that they enjoy writing is lying to you,  
5 that you don't enjoy the process of writing, you  
6 enjoy the finished result. And I think I fall into  
7 that. You know, I think it's an important craft.  
8 It's not as much fun as other things. It's not as  
9 much fun as engaging people. But I'm generally  
10 proud of the end product.

11 So I don't know, does that answer your  
12 question?

13 VICE CHAIR COE: Yes. Thank you.

14 No further questions.

15 CHAIR BELNAP: Okay. We'll turn the time  
16 over to Ms. Dickison.

17 PANEL MEMBER DICKISON: Thank you.

18 Thank you, Mr. Flack, for being here.

19 MR. FLACK: I didn't realize you were  
20 color coordinated. I'm impressed.

21 PANEL MEMBER DICKISON: So a lot of my  
22 questions have been answered but new ones have come  
23 up.

24 I did mark a sentence in your impartiality  
25 essay and I wanted to have you expand on that for



1 me. Okay.

2 MR. FLACK: Expand on impartiality?

3 PANEL MEMBER DICKISON: On this one  
4 sentence. You said, "I believe economic  
5 considerations may the source of under-recognized  
6 implicit bias."

7 Can you expand on what you mean by that?

8 MR. FLACK: I'm trying to think of the  
9 context. Was it in the essay?

10 PANEL MEMBER DICKISON: Yes.

11 MR. FLACK: I'm trying to get context.

12 PANEL MEMBER DICKISON: Okay.

13 MR. FLACK: No. I think that we had a  
14 break in at our house.

15 PANEL MEMBER DICKISON: Um-hmm.

16 MR. FLACK: And the person that broke in  
17 didn't steal anything. They broke in and they left  
18 a 20-page manual on Microsoft Windows. And they  
19 left -- what else? -- some personal items, a  
20 hairbrush, those kind of things. And they finally  
21 tracked this person down and they apparently knew  
22 her in the community. And I had a difficult time  
23 explaining to the police that this was not a  
24 residential burglary. There was nothing stolen.  
25 It was breaking and entering but there was no

1 burglary. And he was having no part of it.  
2 Burglary involves theft. She left things, you  
3 know? It wasn't good but it wasn't as much an  
4 issue as if she were there stealing things.

5           And I think that's an example of people  
6 who are in distressed situations, who may have just  
7 wanted an opportunity to relax in a quiet room and  
8 inadvertently left some things. Maybe somebody  
9 came close and had to leave quickly. But she  
10 opened a window that was not locked. Nothing was  
11 broken. And except for the material that she left,  
12 we didn't know that anyone was there.

13           So I think this is an example of people  
14 coming to the wrong conclusion based on superficial  
15 appearances without getting into the details. And  
16 I remember arguing with the police officers taking  
17 this report and he kept referring to it as  
18 burglary. And I was not in a position because, you  
19 know, those kinds of things are crimes against the  
20 state, not against individuals. So he filed his  
21 report. I don't know what he ended up filing. But  
22 I had a conversation with him about the fact that  
23 this did not involve stealing, this was more  
24 trespassing, and I think that's an example.

25           Is that kind of what you're -- where

1 you're heading?

2 PANEL MEMBER DICKISON: I think so.

3 Under impartiality, can you provide an  
4 example of a time when you've had to make a  
5 decision that went against maybe your own personal  
6 view or interest and you actually had to set your  
7 own view or interest aside?

8 MR. FLACK: Yeah. There are two  
9 situations. And I think I can talk about these.  
10 And these are -- I'll talk about them generically  
11 so that I'm not revealing any confidential  
12 information.

13 Twenty-nine Palms is an area in Southern  
14 California where there are a lot of Marines. They  
15 do training and tanks as they cross the rest of the  
16 desert, a lot of marines stationed out there. And  
17 this Nation (phonetic) couple moved out and settled  
18 in there as the guy, the Marine, did his training  
19 on the tanks.

20 But what they ended up doing is they  
21 leased a car, I won't mention the name of the  
22 company, they leased a car with a mileage limit on  
23 it, okay, and the mileage limit meant that every  
24 mile after 10,000 miles a year, you know, they'd be  
25 charged 50 cents a mile on this lease. And they

1 were out for two years and they'd go back three  
2 times a year to their family home in Ohio. Well,  
3 that racks up a lot of miles and over a couple of  
4 years. And they were claiming that this car,  
5 because they were on the verge of turning it in,  
6 the lease was expiring, and the cost that they  
7 would have to pay for this in terms of the 50  
8 percent per mile excess mileage charge would be far  
9 in excess of the value of the car, far in excess of  
10 the value of the car.

11           And under the contract, which I had to  
12 enforce, there was nothing I could do. I mean,  
13 I -- that's the -- the contract laid it out. And  
14 they made the mistake of having -- of driving this  
15 thing longer than what they thought they would.  
16 And I feel that they're -- it was an unfortunate  
17 situation that I couldn't help them with and I  
18 regret that. They seemed to be a nice couple and  
19 they made a big mistake and it cost them a lot of  
20 money.

21           You know, just from a practical  
22 standpoint, you know, they were young without --  
23 they were young. They were without resources. And  
24 maybe even appropriate for them to file bankruptcy  
25 and get out from under this problem. But that's

1 something that I could have advised but that would  
2 be a conclusion that I think would be reasonable  
3 under these circumstances. I would imagine there  
4 are a lot of soldiers, Marines, in that community  
5 that had the same kind of problem and that's  
6 unfortunate.

7           The other situation where a person got an  
8 insurance settlement for some damage to her house,  
9 and a non-English speaker. And the insurance  
10 company made a mistake and sent her a check for  
11 \$25,000 more than what she was due. And that's, in  
12 legal terms, unjust enrichment, and the insurance  
13 company wanted the money back, and the fact that  
14 she was not entitled to the money and she spent it  
15 anyway. And it could be that, you know, she did it  
16 innocently but -- and it probably was and no one,  
17 when you're in that kind of category in those  
18 circumstances. And I would be hard pressed to  
19 restrain from cashing a check like that if it just  
20 comes in over the (indiscernible).

21           She used the money and the insurance  
22 company wanted it back. And again, it's a  
23 situation that's got some aspects that are  
24 unfortunate, and maybe unfair, but there's not a  
25 whole lot I can do about that.

1           The insurance company was -- they  
2 evidenced to me that they were willing to arrange a  
3 payment schedule so that it was not so much -- such  
4 a burden. But that's something I couldn't get  
5 involved in and enforce.

6           But those are two issues that stick to me  
7 as something that there are unfortunate  
8 circumstances, that based on the legal constraints,  
9 they're just things that I can't handle, I can't  
10 fix, and that's unfortunate because with a little  
11 bit of more foresight, these people could have  
12 avoided that problem.

13           PANEL MEMBER DICKISON: Thank you.

14           MR. FLACK: By the way, those two cases go  
15 back 25 years and it still sticks with me.

16           PANEL MEMBER DICKISON: So I think you  
17 talk a little bit about the different places you  
18 lived --

19           MR. FLACK: Um-hmm.

20           PANEL MEMBER DICKISON: -- Southern  
21 California, and then different agricultural versus  
22 urban.

23           MR. FLACK: Sure.

24           PANEL MEMBER DICKISON: What did you learn  
25 in living in those different places that would

1 maybe assist you in trying to identify communities  
2 of interest in different areas throughout the  
3 state?

4 MR. FLACK: Sure. I think the issue of  
5 homelessness is ever present. I mean, we talked  
6 about Downtown San Diego having a situation that's  
7 -- has a better solution than others. But as you  
8 see, I lived in Newport Beach and there's a river  
9 that runs through the center of town, and it's  
10 referred to as the back bay. And Newport Beach is  
11 fairly affluent. And there are people living in  
12 the back bay, you know, on the banks of that river,  
13 you know, which is unusual and seems inconsistent  
14 with the resources of that community.

15 I'm trying to think of -- in Fallbrook,  
16 there's a strong Hispanic community and, also, a  
17 strong military presence, given that it's right  
18 behind Camp Pendleton. And within both of those  
19 communities, and they're separate, very separate  
20 communities, the military community has a --  
21 there's a sense of expectation that they'll take  
22 care of their own. If there's a problem, there  
23 will be somebody in the military community who will  
24 step in and help solve that problem.

25 And in the Hispanic community, it's

1 remarkable how interrelated those families are.  
2 And so it seems as if when there's work available,  
3 that there's no need for recruiting, you let a  
4 couple family members know and they bring their  
5 families together and it's all is going to be a  
6 cohesive family community. And there's a sense of  
7 -- a strong sense of community within a family  
8 structure in the Hispanic community in those  
9 particular areas, which is remarkably surprising,  
10 remarkably surprising.

11 Let me see. What else?

12 There are other parts where -- I'm trying  
13 to think of -- in Berkeley. It took us -- you  
14 know, Berkeley is kind of a funny community. There  
15 are people there that have been there for a couple  
16 of generations and then there are newcomers. And  
17 those two groups don't comingle. And we barely  
18 knew our neighbors and we stayed there -- we were  
19 there for, I guess, three years and we barely -- we  
20 barely knew our neighbors, which is unusual for us.

21 And then there were people that had -- you  
22 know, one of the -- the leader of the old pack, you  
23 know, the people that were, you know, established  
24 within the community, I remember one, you know, one  
25 cohesive part of that is that the leader of that



1 group was an elementary school teacher. And all  
2 the other people, you know, in the community had  
3 her as the teacher for their children. It was kind  
4 of a cohesive group that excluded outsiders.

5 So it's a -- I think each community is  
6 different. People are fundamentally the same but  
7 they've got some -- there are some nuances.

8 Let's see. What else?

9 I think the political nature of homeowner  
10 associations is something that I find peculiar.  
11 The Orange County landscape is --

12 MS. PELLMAN: Five minutes remaining.

13 MR. FLACK: -- is filled full of homeowner  
14 associations. They're less present here, in  
15 Sacramento, as I understand. But I've been on the  
16 board of four of them and they're not as democratic  
17 as I would imagine, would have imagined them to be,  
18 so --

19 PANEL MEMBER DICKISON: Okay. Thank you.

20 So the first eight Commissioner are  
21 selected by lottery and then they select the next  
22 six to round out the community.

23 MR. FLACK: Okay.

24 PANEL MEMBER DICKISON: If you were one of  
25 the first eight, what would you be looking for in

1 those final six Commissioners?

2 MR. FLACK: Sure. I think I started off  
3 by talking about integrity. I think that the  
4 issues of integrity are really paramount.

5 You know, I was raised in a Boy Scout  
6 troop. I rose to the level of Senior Patrol  
7 Leader, which is the highest ranking member of a  
8 Scout troop. I did that for three years. And the  
9 fundamentals of that and the ethics associated with  
10 that, the caring for the others, is something I  
11 find valuable. I would hope that people would have  
12 that sense of integrity and appropriate skill set.  
13 And I think that a willingness to deal with things  
14 objectively rather than with established positions.  
15 I think that's an important part of this.

16 I'm trying to think of an example.

17 (Panel Member Dickison coughs.)

18 MR. FLACK: Bless you.

19 Yeah, I think that, certainly, there's --  
20 people have talked about balance. I think that the  
21 -- I think the technical skills have to be there,  
22 an appreciation for technical skills, an  
23 appreciation for reality in data has to be there.  
24 But I think that if there's enough integrity,  
25 willingness to ask tough questions and say, well,

1 how does this really work, I think that most people  
2 can brought to that table. If you're lacking,  
3 though, that sense of integrity and probable  
4 purpose, then it's difficult to get beyond that.

5 I once recruited a CFO for one of the  
6 nonprofits and he said, "I've got no computer  
7 skills." You know, that may be necessary.

8 And I said, "The most important skill you  
9 bring is integrity. You know, if you ask the right  
10 questions, we'll find a way of getting it done."

11 And I really believe that. If you've got  
12 the wrong attitude, it's hard to (indiscernible).

13 In the middle of your cough, did I answer  
14 your question?

15 PANEL MEMBER DICKISON: Yes.

16 MR. FLACK: Okay. Do you have a few more?

17 PANEL MEMBER DICKISON: No more questions.

18 CHAIR BELNAP: Okay.

19 So, Mr. Dawson, we're going to turn the  
20 time over to you.

21 MR. DAWSON: Well, normally I would ask a  
22 follow-up but I want to -- because we only have one  
23 -- less than two minutes less in the 90-minute  
24 period and I'd like to off you the opportunity to  
25 make a closing statement in that time.

1 MR. FLACK: Well, it's only a couple of  
2 minutes, so I'm going to take that time to call to  
3 your attention the references. I didn't know I had  
4 such friends putting these things together.

5 I've known Barry Pinsky for nearly all of  
6 my life. And he put this together 30 minutes after  
7 I asked him. And he refers to me as, "Intelligent,  
8 fair-minded, clear thinking, deep commitment to  
9 equity, evenhanded in his dealings, staunch  
10 defender, as well, studied views, not doctrinaire  
11 in his positions." I was going to tell you that  
12 but he said it for me.

13 Bob Hovee, I've known for 20 years or so,  
14 "High skill set in strategic planning." He tried  
15 to hire me. "Excellent listener, works  
16 exceptionally well with others, outstanding  
17 communication skills, stellar academic  
18 accomplishments." Now, if I told you that, that  
19 would be bragging; right?

20 Jeff Fisher. "Carefully considered  
21 situations. Steered me in the right direction.  
22 Very bright. Quick to understand often complicated  
23 situations. Careful to gather a substantial amount  
24 of information before rendering opinions or  
25 suggesting courses of action. Very patient in

1 gathering information, understanding the needs.  
2 Probing questions. Requests for clarification.  
3 Helped me uncover holes in my information.  
4 Penetrating questioning. Can make one  
5 uncomfortable but worthwhile. Bob's deep dives are  
6 valuable for any activity where a wide range of  
7 concerns" --

8 CHAIR BELNAP: Mr. Flack, that's time.

9 MR. FLACK: -- (indiscernible). Well --

10 CHAIR BELNAP: Thank you.

11 MR. FLACK: -- I've -- I think I've well  
12 used the time. Everybody knows. I'm sure you  
13 couldn't agree more.

14 CHAIR BELNAP: Thank you.

15 MR. FLACK: Thank you very much. I  
16 appreciate you paying attention to my rattling on  
17 like this.

18 CHAIR BELNAP: Yeah. Thank you.

19 MR. FLACK: And should you need more  
20 information, I'm available.

21 CHAIR BELNAP: Okay.

22 We're going to go into recess. And our  
23 next interview is at three o'clock. We'll be back  
24 at 2:59.

25 (Thereupon the Panel recessed at 2:45 p.m.)

1 (Whereupon the Panel convened at 2:59 p.m.)

2 CHAIR BELNAP: It looks like we're all  
3 here, so let's call this meeting back to order.

4 We want to welcome Dr. Ray Kennedy from  
5 the technology, from the screen I'm looking at, I  
6 don't know if it's Skype or what, but through the  
7 technology, welcome. Can you hear us?

8 DR. KENNEDY: I can hear you. Thank you  
9 very much.

10 CHAIR BELNAP: Okay. So we're going to  
11 turn the time over to Mr. Dawson and he's going to  
12 ask you the standard five questions.

13 MR. DAWSON: Good afternoon, Dr. Kennedy.  
14 I am going to ask you five standard questions that  
15 the Panel has asked each applicant to respond to.  
16 Are you ready, sir?

17 DR. KENNEDY: I'm ready. Thank you.

18 MR. DAWSON: Question one: What skills and  
19 attributes should all Commissioners possess? What  
20 skills or competencies should the Commission  
21 possess collectively? Of the skills, attributes  
22 and competencies that each Commissioner should  
23 possess, which do you possess? In summary, how  
24 will you contribute to the success of the  
25 Commission?

1 DR. KENNEDY: Very good. Thank you.

2 As far as what skills and attributes all  
3 Commissioners should possess, I think the legal  
4 framework gives us a good start on that as far as  
5 setting out the analytical skills that  
6 Commissioners need to have in order to engage  
7 successfully in the work of the Commission.

8 Beyond that, and some of these are covered  
9 in parts of the legal framework, but I would say  
10 that respect for diversity is key, an ability to  
11 work together in a group, critical listening and  
12 thinking skills, integrity, open-mindedness and  
13 good judgment, commitment, patience, and curiosity.  
14 And my sense is that together, as long as the  
15 Commissioners are able to display those attributes  
16 and skills, those are going to enable the  
17 Commission to gain broad respect of the voters and  
18 the broader population in California.

19 As far as skills or competencies that the  
20 Commission should possess collectively, and by that  
21 I'm understanding those that all not Commissioners  
22 need to have but someone on the Commission needs to  
23 have, obviously, I think leadership is important.  
24 Without leadership we could find ourselves going 14  
25 different ways very unproductively for a good long

1 time and not managing to achieve our objectives.

2           There needs to be someone with a  
3 reasonable understanding of law and how laws are  
4 interpreted. The person doesn't have to be a  
5 lawyer. My understanding is that the Commission  
6 will have at least one, if not two, lawyers to  
7 assist in the process.

8           Someone who's very good at communication  
9 and outreach because my sense is that the  
10 Commission has very important work to do but unless  
11 we are able to convey to the people of California  
12 what it is that we are doing, how we are doing it,  
13 why we're doing it that way, we will ultimately not  
14 succeed in a very important part of what the  
15 Commission was established to do.

16           And finally, I think it's important that  
17 someone on the Commission have administrative and  
18 organizational skills. There is going to be a  
19 universe, a small universe, revolving around the  
20 Commission. And it's important that someone on the  
21 Commission be able to keep track of what's going  
22 on, how long things are taking, whether we need  
23 additional resources, et cetera.

24           So I think those are four skills and  
25 competencies that need to be somewhere on the



1 Commission but not necessarily exercised by each  
2 and every Commissioner.

3           As far as which competencies I possess,  
4 I'd like to give you a sense of -- or some examples  
5 of where I see myself having the attributes and  
6 competencies that each Commissioner should possess.

7           As far as analytical competencies, you  
8 know, having the doctorate, I undertook my  
9 dissertation research which involved developing a  
10 questionnaire that was sent out for a public  
11 opinion survey in two countries in Latin America.  
12 So designing that questionnaire, then taking the  
13 raw data from the survey research firms and  
14 analyzing it, using SPSS software, but also my own  
15 intellectual abilities to analyze the data that  
16 came in.

17           I've also had a number of occasions to  
18 develop outlines and lead discussions, one of those  
19 in Papua, New Guinea five years ago, a lessons  
20 learned exercise after an election, bringing  
21 together various stakeholder groups. During the  
22 course of those five or six events over a course of  
23 several weeks, I catalogued over 1,200 discreet  
24 inputs. I then catalogued those in a spreadsheet.  
25 I coded them as to which group they came from, what

1 region they came from, what topic they dealt with  
2 and then, through analysis, managed to boil down  
3 those 1,200 discreet inputs into a ten-page report  
4 that I sent back out to the participants for their  
5 review.

6 I'm respectful of others. I have really  
7 had to be respectful of others and respectful of  
8 diversity to succeed in the electoral work that  
9 I've done in the United Nations over the last 20  
10 years and in the international electoral field  
11 broadly over the last 30 years. If I weren't  
12 respectful of others and respectful of diversity I  
13 would never have succeeded to the extent that I  
14 have.

15 Ability to work in groups and build  
16 relationships, those have also been critical to my  
17 success working in the U.N. system around the  
18 world. We can go into more detail later on. But  
19 being part of an 11-member national or, actually, a  
20 mixed election commission with 6 Afghans and 5  
21 international members, I really had to work with  
22 others, build relationships, respect diversity in  
23 order to succeed in that assignment.

24 My critical thinking and listening skills,  
25 I think, stem or come from many years ago I was a

1 debater for a number of years in high school. And  
2 debating really teaches you critical listening  
3 skills. You have to be very attentive to very  
4 precise points that people are making. You have to  
5 interpret them on the run. You have to seek  
6 feedback when you're not understanding something.  
7 And you have to be able to think on your feet and  
8 be able to rebut points that deserve a rebuttal.

9           Patience and commitment, I think I've  
10 always been viewed by those around me as a patient  
11 and committed individual. After my assignment in  
12 Liberia, the head of the U.N. Mission there, and  
13 this was after I had left the country, I had no  
14 knowledge of this until a colleague of New York  
15 sent it to me, but the head of the U.N. Mission in  
16 Liberia sent a note to the Undersecretary General  
17 saying, "Without Mr. Kennedy's patience and  
18 perseverance, these elections would never have  
19 succeeded." So, I mean, that was high praise. I  
20 was not aware of it until several months after it  
21 happened but it was certainly gratifying to get  
22 that type of feedback from my boss, really.

23           Open-mindedness, again, I think I would  
24 not have succeeded working all over the world over  
25 the last 20 years were it not my open-mindedness.

1 I'm intellectually curious. I enjoy getting to  
2 know and getting to understand people and cultures.  
3 And I think that is important in the work that the  
4 Commission will be doing.

5 In summary, how would I contribute to the  
6 success of the Commission, I think, you know, the  
7 level of commitment, persistence, positive energy.  
8 I love elections. I have loved elections for many  
9 years. I discovered seven years into my elections  
10 career that my grandfather had been a member of the  
11 county board of elections in the county where he  
12 was from in North Carolina. And that deepened my  
13 love of elections and promoting popular  
14 participation in democratic processes that much  
15 more.

16 I'm a quick study. I'm accustomed to  
17 rapidly familiarizing myself with the legal  
18 framework. I don't go into countries knowing the  
19 laws but I have to get up to speed very quickly so  
20 that I can ensure that everything that we do fits  
21 within the law, not only the operational work but  
22 the public information products that we produce as  
23 well. Those have to convey accurate information.

24 Again, I'm not a lawyer but I'm accustomed  
25 to mastering electoral laws. I'm very experienced

1 at explaining technical electoral concepts to non-  
2 technical audiences of all types.

3 I believe that I'm good at helping build  
4 consensus within a group. I'm working -- I'm  
5 accustomed to working to legally binding timelines  
6 under intense political scrutiny. So this will be  
7 nothing new from that perspective.

8 I'm always looking for common ground. I'm  
9 looking for workable solutions, not necessarily the  
10 same old solutions or the same old approaches. I  
11 try to look at all options and listen to everyone  
12 taking elements from each and finding common ground  
13 where we can all agree.

14 Part of my work before joining the United  
15 Nations was collecting, organizing and  
16 disseminating a wide variety of information about  
17 elections and election administration. And one of  
18 the things that I learned there is, you know, you  
19 have to learn how to present information in ways  
20 that the end users are looking for it. It's not  
21 how you want to present it, it's how the end users  
22 are going to be looking for it.

23 I build strong relationships with  
24 stakeholders. I've been a good and successful  
25 leader when I'm tasked with leading but I can also

1 be a reliable team player when I'm a member of a  
2 team.

3 I have solid drafting and editing skills,  
4 and not only in English but in Spanish as well. I  
5 started studying Spanish in seventh grade. I've  
6 lived almost two years in Mexico, working for the  
7 United Nations, mentoring, domestic observer  
8 groups, so I have a good facility with election-  
9 related terminology in Spanish from that work that  
10 I did in Mexico.

11 MR. DAWSON: Thank you, Dr. Kennedy. I  
12 want to make sure that you have the opportunity to  
13 answer all five standard questions, so let's move  
14 on to the second question.

15 Work on the Commission requires members of  
16 different political backgrounds to work together.  
17 Since the 2010 Commission was selected and formed,  
18 the American political conversation has become  
19 increasingly polarized, whether in the press, on  
20 social media, and even in our own families.

21 What characteristics do you possess and  
22 what characteristics should your fellow  
23 Commissioners possess that will protect against  
24 hyper-partisanship? What will you do to ensure  
25 that the work of the Commission is not seen as

1 polarized or hyper-partisan and avoid perceptions  
2 of political bias and conflict?

3 DR. KENNEDY: Thanks. I read a report  
4 recently from No Labels, which is a group that's  
5 trying to work across the aisle in American  
6 politics, and that cited recent data showing that  
7 the number of people registering as Independents or  
8 declined to state, no party preference, are on the  
9 rise in record numbers. And their conclusion was  
10 that that shows that more Americans may want a new  
11 politics of problem solving. I think we may, if  
12 we're lucky, be in a situation where the pendulum  
13 has begun to swing back a bit.

14 Personally, I don't engage in hyper-  
15 partisan behavior. Again, you know, I'm not  
16 accustomed to engaging in partisan behavior because  
17 of all the work that I've done overseas and having  
18 to be so strictly nonpartisan. I have a very small  
19 social media footprint that focuses primarily on  
20 the importance of everyone participating in  
21 political processes and the importance of high  
22 quality election administration.

23 I don't know if you're familiar with  
24 Meyers-Briggs tests, personality tests. In one of  
25 my formal jobs, we all took Myers-Briggs test. I'm

1 a very high S on the Myers-Briggs test, so that  
2 means that I'm very fact based, I don't get into  
3 the emotional side of things that much, I'm very  
4 able to remain focused on the objective and helping  
5 others to remain focused on the objective.

6 I've had staff who were very diverse who  
7 probably would not have gotten along together had  
8 they been on their own. But under my leadership, I  
9 was able to create a positive environment and keep  
10 them focused on the objective at hand so that we  
11 achieved our objectives.

12 I think the classic rules of debate, I  
13 mentioned earlier, my debating experience, those  
14 require both sides to listen to the other before  
15 seeking to rebut them. So, basically, I'm going to  
16 focus on the objective, focus on the legal  
17 framework and technical considerations, demonstrate  
18 an active interest in hearing from other members  
19 who might hold different views. I'm not going to  
20 escalate or throw hand grenades into things. Those  
21 don't get us to where we need to be.

22 You know, if I do see something that I  
23 think is hyper-partisan, I might go to the  
24 individual and say, you know, we really need to  
25 focus on getting our objective. How do you think



1 this is helping us get to our objective?

2           And I think the -- I'm very hopeful that  
3 the Panel is going to succeed in great measure to  
4 screening out individuals who might be disruptive  
5 to the process. From what I'm seeing, the Panel is  
6 doing a good job so far.

7           MR. DAWSON: Thank you.

8           Time check?

9           MS. PELLMAN: We have 13 minutes, 18  
10 seconds.

11          MR. DAWSON: Thank you.

12          Question three: What is the greatest  
13 problem the Commission could encounter and what  
14 actions would take to avoid or respond to this  
15 problem?

16          DR. KENNEDY: From many, many years in  
17 election administration, I can tell you that the  
18 time pressures are going to be enormous. You know,  
19 I've also read the report from the previous  
20 Commission. I'm accustomed to working to immovable  
21 deadlines. You know, in the contexts where I've  
22 worked in the elections, if the election doesn't  
23 happen on time, there's a good possibility that  
24 somebody could die. You know, I don't think that's  
25 the case here. We're not going to see people dying

1 in the streets if the Commission, you know, somehow  
2 fails.

3 But, you know, that -- I understand the  
4 time pressures and I want to keep everyone focused  
5 on achieving our objective in a timely and  
6 transparent manner.

7 The transparency, you know, is related to  
8 the time. I understand from reading the previous  
9 Commission's report that time was a problem as far  
10 as doing as much outreach as they would have liked  
11 to. I think outreach, as I mentioned before, is  
12 incredibly important to the success of the  
13 Commission, not just in producing maps but in  
14 convincing the greater part of the public in  
15 California that we've done a good job of listening  
16 to everyone and taking their input into account to  
17 the maximum degree possible.

18 I will work with colleagues to ensure that  
19 we have a clear plan of action that gets us to our  
20 goal in time, including a margin for unforeseen  
21 issues that might arise along the way. And I'm  
22 willing to commit the time necessary to get the  
23 work done, no matter how much time that is.

24 A second issue related to time is budget.  
25 We need to look ahead and anticipate our needs,

1 looking also backwards at the experience of the  
2 previous Commission to see where there might have  
3 been resource constraints. And, again, outreach is  
4 an area that they cited that needed more resources.

5 So I'll leave it there and look forward to  
6 further discussion later on if the Panel members  
7 are interested.

8 MR. DAWSON: Thank you.

9 Question four: If you are selected you  
10 will be one of 14 members of the Commission which  
11 is charged with working together to create maps of  
12 the new districts.

13 Please describe -- excuse me -- please  
14 describe a situation where you had to work  
15 collaboratively with others on a project to achieve  
16 a common goal? Tell us the goal of the project,  
17 what your role in the group was, and how the group  
18 worked through any conflicts that arose? What  
19 lessons would you take from this group experience  
20 to the Commission, if selected?

21 DR. KENNEDY: As I mentioned earlier, I  
22 was a member of an 11-member election commission  
23 for the 2004 presidential elections in Afghanistan.  
24 So we started out with drafting the electoral law  
25 and regulations. We had to oversee the work of our

1 operational secretariat. And we had to address  
2 disputes raised by the candidates.

3           At the time of the elections, I was the  
4 vice chair of the group. I was also its  
5 international spokesperson, so I was the one who  
6 faced the domestic and international press,  
7 answering questions about progress, the commission,  
8 the results of the elections, and controversies  
9 that had arisen during the election process.

10           I also had an informal teaching or  
11 resource function helping, particularly, our Afghan  
12 colleagues understand the fundamental principles  
13 and processes involved in democratic election  
14 administration.

15           I would say that the group generally  
16 worked well together. You know, there were --  
17 there was a time of getting to know each other but,  
18 you know, we really were able to coalesce and work  
19 well together. When there were blockages, we  
20 discussed individual perspectives, on a couple of  
21 occasions for hours, seeking to identify  
22 misunderstandings, seeking to identify common  
23 ground, and then crafting resolutions that  
24 addressed any remaining concerns.

25           We also set up subcommittees to exercise

1 oversight of the various areas. I was on the  
2 operations subcommittee. But we were careful not  
3 to interfere in the relationship between our chief  
4 electoral officer and his staff. The subcommittee  
5 served mostly to organize our agenda and to ensure  
6 that we had, we, as commissioners, had a good  
7 understanding of what was going on at all times.

8           Lessons, you know, there were deep  
9 differences at times but we were always able to  
10 keep our sights on the final objective. Patience,  
11 open communications, and commitment to the goal  
12 enabled us to find enough understanding to move  
13 forward. And this was under a consensus rule. The  
14 11 of us had to operate under a consensus decision  
15 pool.

16           And that was also a time when I learned  
17 how important the executive director or, in our  
18 case, the chief electoral officer is as far as  
19 managing the staff. It was not our job to manage  
20 the staff. It was the chief electoral officer, the  
21 executive director's job to manage the staff.

22           The Commission can't and won't do all of  
23 the work involved in this process. But we need an  
24 effective and committed executive director that we  
25 can hold accountable and that can hold their staff

1 accountable.

2 MR. DAWSON: Thank you.

3 Time check, Ms. Pellman?

4 MS. PELLMAN: Six minutes and thirty-eight  
5 seconds remaining.

6 MR. DAWSON: Thank you.

7 The fifth question.

8 A considerable amount of the Commission's  
9 work will involve meeting with people from all over  
10 California who come from very different backgrounds  
11 and a wide variety of perspectives.

12 If you were selected as a Commissioner,  
13 what skills and attributes will make you effective  
14 at interacting with people from different  
15 backgrounds and who have a variety of perspectives?  
16 What experiences have you had that will help you be  
17 effective at understanding and appreciating people  
18 and communities of different backgrounds and who  
19 have a variety of perspectives?

20 DR. KENNEDY: Okay. As far as skills and  
21 attributes, I'm going to just cite three.

22 Again, my experience as a high school  
23 debater made me an active listener. I pay very  
24 close attention to details of what people are  
25 saying.

1            Learning a number of languages helped me  
2 seek and understand underlying meanings. You learn  
3 that language is more than just the words on the  
4 surface. There are underlying meanings. And  
5 knowing or having familiarity with as many  
6 languages as I do, I look for underlying meanings,  
7 not just what's on the surface.

8            And 20 years of experience with the U.N.  
9 taught me the value of asking clarifying questions  
10 to ensure that I understand the message that the  
11 speaker is trying to convey.

12            As far as experiences helping me be  
13 effective, I would say that, you know, I have  
14 always endeavored to broaden my horizons. I grew  
15 up in North Carolina but before I went off to  
16 college I wanted to spend time somewhere else, so I  
17 spent six weeks or nine weeks, I guess, on the  
18 Central Oregon Coast living with my uncle, working  
19 at a grocery store, just to get to know what people  
20 on the other side of the country were like.

21            I went to an out-of-state school  
22 specifically so that I could be among a more  
23 diverse population. I represented my university as  
24 part of a teacher exchange in Brazil and had  
25 students from a wide variety of backgrounds.

1 I lived in Downtown Washington, D.C. for  
2 almost 20 years which, I can assure you, is a very  
3 diverse environment. And I was politically engaged  
4 with people from all over the District, working  
5 together to try to make the District a better place  
6 to work.

7 I've spent much of my career living and  
8 working in other cultures. I've lived and worked  
9 for extended periods in nine countries. Of the  
10 countries listed in one of the orientation  
11 presentations for the 2010 Commission, I think I've  
12 been to, not just worked to, but been to roughly  
13 have of those, covering all regions of the world.

14 And finally, you know, my colleagues in  
15 the U.N. come from all over the world. In one  
16 case, I had a staff of 250 reporting to me and they  
17 included 65 nationalities. And I enjoyed working  
18 with each and every one of those 65 nationalities.

19 MR. DAWSON: Thank you.

20 Now we will go to Panel questions. Each  
21 Panel member will have 20 minutes to ask his or her  
22 questions. And we will begin with the Chair.

23 Mr. Belnap?

24 CHAIR BELNAP: Okay. Thank you, Dr.  
25 Kennedy, for making time to meet with us and for



1 your continued interest in serving on the  
2 Commission.

3 In your application, you mention that you  
4 obtained a master's degree from John Hopkins  
5 University in internal -- international economics,  
6 and also a PhD from John Hopkins in Latin American  
7 studies in 2000. I suppose that those who obtain  
8 those degrees don't necessarily just go right into  
9 international elections.

10 So I'm wondering, what was your pivot  
11 point? What brought you into international  
12 elections?

13 DR. KENNEDY: Yeah, that is an interesting  
14 question because my experience is that no one in  
15 elections grows up wanting to be an election  
16 administrator. You fall into it by accident.

17 My pivot point or my point of entry was my  
18 Portuguese language skills, my familiarity with  
19 Brazil. In the late '80s, as I was preparing to  
20 depart after having worked at the university for  
21 six years as coordinator of the Center of Brazilian  
22 Studies, I had an informational interview with a  
23 friend who worked as an international public  
24 affairs consultant. She was helping set up IFES,  
25 the International Foundation for Electoral Systems,

1 and so I became part of a very small group of  
2 people kind of in orbit around IFES in its early  
3 days.

4           And then once I met the chairman and the  
5 president of IFES, the president asked me if, given  
6 my Brazil background, I would go to Brazil for the  
7 country's 1989 presidential elections. So I made  
8 two trips for them, collected information,  
9 established contacts, gained an understanding of  
10 how Brazil administered the elections. And then a  
11 year later, when IFES was expanding, they called me  
12 and asked me if I would come work for them.

13           CHAIR BELNAP: And now you might have  
14 already said this, but is IFES part of United  
15 Nations or --

16           DR. KENNEDY: No.

17           CHAIR BELNAP: -- is this separate?

18           DR. KENNEDY: No.

19           CHAIR BELNAP: This is separate?

20           DR. KENNEDY: IFES is a Washington-based  
21 NGO.

22           CHAIR BELNAP: Okay. And you eventually  
23 started working --

24           DR. KENNEDY: And one of the important  
25 things -- one of the important things to note about

1 IFES is it was established by a bipartisan group of  
2 people in the U.S. political realm. You know, one  
3 had been a campaign advisor to Goldwater. The vice  
4 chair had been a campaign treasurer, I think, for  
5 Humphrey. And so, you know, even in my work at  
6 IFES, you know, we worked under a bipartisan board  
7 of directors.

8 CHAIR BELNAP: Okay. And when did you  
9 start working for the United Nations and how did  
10 that come about?

11 DR. KENNEDY: In 2000, shortly after  
12 finishing my PhD, I had been at a conference in  
13 Scotland on the sharing of election-related  
14 information. The head of the U.N. Electoral  
15 Division was there also. I had known her through  
16 academic channels for a number of years. Her  
17 husband also. But during a break in the  
18 roundtable, we went for a walk around Loch Lomond  
19 while others went on a tour of a local distillery.  
20 And just in the middle of the walk, she turned to  
21 me and said, "When are you going to come work for  
22 me?"

23 And I just kind of stopped in my tracks  
24 and said, "Whenever you want me to."

25 I mean, my father used to tell me that the

1 first time I walked into U.N. headquarters in New  
2 York, I looked around and said, "I want to work  
3 here one day."

4 So, you know, being invited to work for  
5 the U.N., just after finishing my PhD, was kind of  
6 my life's dream.

7 CHAIR BELNAP: Okay. You also mentioned  
8 in your application, doing some work for the Carter  
9 Center, and I'm not familiar with that. So if you  
10 could describe what the Carter Center is and then  
11 describe what your role was?

12 DR. KENNEDY: Okay. The Carter Center was  
13 founded by President Carter and Mrs. Carter and it  
14 has a number of missions. There is a public health  
15 component working worldwide to improve public  
16 health and to address some of the least familiar,  
17 most intractable diseases. There's also a Peace  
18 Program that grew out of President Carter's work in  
19 Central America. And kind of as a spinoff of the  
20 Peace Program, there is a Democracy Program. The  
21 Democracy Program has been very active in observing  
22 elections around the world. They don't provide  
23 much in the way of technical assistance, although  
24 they do occasionally provide some advice to  
25 countries.

1           So I've worked for Carter Center in  
2 Mozambique, in Liberia where I had previously  
3 worked with the U.N., and most recently, in  
4 November and December, I was part of a small Carter  
5 Center observation mission to the Muscogee Creek  
6 Nation tribal elections in Oklahoma. So I was  
7 going around visiting early polling places,  
8 election day polling, watching the tabulation of  
9 votes. And I'm currently finishing up some work  
10 editing and drafting for the final report of our  
11 observation mission.

12           CHAIR BELNAP: Okay. Thank you.

13           You also mentioned that you host  
14 international delegations here in California,  
15 people coming to observe probably elections in  
16 California. What organization do you -- what  
17 organization are you working with due to that work?

18           DR. KENNEDY: That's a private initiative.

19           CHAIR BELNAP: Okay.

20           DR. KENNEDY: My partner worked in 1999 as  
21 a spokesperson for the San Francisco Department of  
22 Elections and has also been very interested in  
23 elections all his life. His focus is more the  
24 voter education side rather than the technical  
25 administrative side. But it's a collaboration

1 between the two of us, also growing out of my work  
2 starting in Mexico in 2007 to promote awareness of  
3 the International Convention on the Right of  
4 Persons with Disabilities, and particularly their  
5 political rights.

6           So I was in my office in Mexico City one  
7 day and I had clipped a newspaper article. Mexico  
8 was actually the country that had pushed for  
9 ratification of this Convention within the U.N.,  
10 and so there was something about that in the  
11 newspaper.

12           I clipped it out, put it on the bulletin  
13 board in my office, and people from one of the  
14 election observer groups that I was mentoring saw  
15 it on my bulletin board and said, "Yeah, you know,  
16 Mexico does these great things on the international  
17 stage but never does anything about them at home."

18           And I said, "Well, you know, you are  
19 Mexican Civil Society Organizations. It's not only  
20 your right, it's actually your responsibility to  
21 hold the government's feet to the fire on this. If  
22 they were the ones who pushed for this in New York,  
23 they need to implement it at home."

24           And he said, "Well, how do we do that?"

25           So we helped them set up an umbrella

1 steering committee to push the Mexican Senate for  
2 ratification of the Convention and then, once it  
3 was ratified, coming up with a work plan for how to  
4 ensure that it was implemented.

5           And so these visits grew out of that work.  
6 We wanted to show off, really, the work that -- or  
7 the progress that has been made in California and  
8 in the U.S. more broadly as far as enfranchising  
9 people with disabilities.

10           So that's where that came from.

11           CHAIR BELNAP: Okay.

12           DR. KENNEDY: And it's a purely  
13 private -- it was a purely private initiative.

14           CHAIR BELNAP: So when the international  
15 delegations come to California, what exactly do you  
16 show them? Where do you take them?

17           DR. KENNEDY: You know, I know the  
18 election officials here in Southern California, so  
19 I'm in touch with them. I get -- they actually  
20 generate letters of invitation for us to send to  
21 these individuals and groups in Mexico and  
22 elsewhere. We get permission from the Registrars  
23 to take them to polling places. The Registrar in  
24 Riverside has taken them on a tour of the  
25 warehouse, shown them the counting operation, you

1 know, all these things. Yeah.

2 CHAIR BELNAP: Okay. Thank you.

3 There's a part of your application I'd  
4 like to read. It's in the essay number two. And  
5 I'll ask you a question about it. You said,  
6 "In relation to drawing the lines here in  
7 California, I recognized, while attending a  
8 local hearing of the CCRC eight years ago, that  
9 there were speakers from the audience who had  
10 very strong partisan interests, even as they  
11 were offering what were touted as technical  
12 proposals."

13 How did you recognize the partisan  
14 interests behind the technical proposals?

15 DR. KENNEDY: There were two things. One  
16 is there were speaker after speaker after speaker  
17 with, essentially, identical talking points. So  
18 it's like, okay, people are collaborating because  
19 they're not going to have virtually identical  
20 talking points, you know, the same points in the  
21 same order with the same wording, unless they're  
22 collaborating.

23 And by -- I don't remember the exact  
24 detail but I think it had to do with how the area  
25 around the Salton Sea was going to be represented,



1 whether it was going to be in a single district or  
2 split into two districts. And it just seemed that  
3 the people who wanted it one way really were using  
4 that as an excuse to justify, you know, having a  
5 seat go their way. And the people who wanted it  
6 the other way were pushing for the other  
7 perspective because that would result in them  
8 having an additional seat.

9 CHAIR BELNAP: Okay. Thank you.

10 I'm going to back up to an answer you gave  
11 in question four and you talked about the  
12 Commission's need to hire an executive director.

13 So if you were on the Commission and you  
14 were asked to give advice on -- about hiring this  
15 executive director, what kind of person would you  
16 be looking for? What kind of background would they  
17 have?

18 DR. KENNEDY: You know, having read the  
19 previous Commission's report, I certainly  
20 understand and endorse the need for someone who  
21 understands how California state government works.  
22 We really don't have time to get bogged down,  
23 particularly with administrative details, so we do  
24 need someone who is familiar with how state  
25 government works and how to get the levers of

1 government working for the Commission rather than  
2 serving as a roadblock to the Commission's work.

3 But we also need someone who is equally  
4 committed to the work of the Commission, the  
5 integrity of the Commission. I would certainly  
6 like to see someone who, you know, is committed to  
7 the outreach component, as well, transparency.

8 You know, my work in Liberia was cited by  
9 one of the observer groups has having resulted in  
10 those elections being the most transparent  
11 elections in the history of the entire continent of  
12 Africa. And I don't know, you know, exactly how or  
13 why they concluded that, but I was certainly very  
14 happy. And I certainly was focused on ensuring  
15 transparency in the process.

16 And so I think for the executive director,  
17 you know, we need someone who not only understands  
18 state government but is equally committed to the  
19 objectives of the Commission which, from my  
20 perspective, includes a very strong outreach  
21 component and maintaining the image of the  
22 Commission as being one of, you know, just  
23 incredibly integrity.

24 CHAIR BELNAP: So same subject but final  
25 question.

1           How would you recruit for and vet  
2 candidates for that vet candidates for that  
3 particular position?

4           DR. KENNEDY: There are, I mean, any  
5 number of channels these days for recruiting  
6 people. But I think, you know, if we can get  
7 notices out, there's California Association of  
8 Counties that has a website or a webpage for jobs  
9 that I think would tap into a good pool of people.  
10 I would like to see ads in professional journals,  
11 if possible, possibly even the media. And  
12 certainly, I mean, the Committee's website would  
13 need to be a major channel for that.

14           CHAIR BELNAP: And how about vetting them?

15           DR. KENNEDY: I don't know if the 2010 --  
16 I don't know if the 2010 Commission is leaving us  
17 its media list, but hopefully they are, and we  
18 could use that as well.

19           Vetting, yeah, I mean, we're going to need  
20 a lot of not just letters of reference but, you  
21 know, when I get a letter of reference about  
22 someone, I look into my network to see, you know,  
23 how I can verify what's in the letter of reference.  
24 I don't -- you know, letters of reference are  
25 useful but I try to go beyond just the words on the

1 paper and get a better understanding of the  
2 individual.

3 CHAIR BELNAP: Okay. Thank you.

4 I'll now turn the time over to Mr. Coe for  
5 his questions.

6 VICE CHAIR COE: Thank you, Mr. Belnap.

7 Good afternoon to you, Dr. Kennedy. Thank  
8 you for taking the time to speak with us today.

9 DR. KENNEDY: Sure.

10 VICE CHAIR COE: My first question is  
11 we've talked a lot about your experience, over 30  
12 years in the field of international electoral  
13 assistance. What kept you there for over 30 years?

14 DR. KENNEDY: You know, it was the  
15 fascination of it, the level of commitment that I  
16 have to ensuring that people have the opportunity  
17 to participate in genuine elections that allow them  
18 to have a say in their future.

19 I remember very vividly being at a polling  
20 place in Haiti in December of 1990. The people had  
21 been waiting in line for hours. I mean, they  
22 started lining up at three or four o'clock in the  
23 morning and the polls weren't supposed to open  
24 until 8:00. And because some of the poll workers  
25 weren't as ready as others, that particular polling

1 station didn't open until 9:00 or 9:30. And, yet,  
2 those people in one of the poorest parts of Port-  
3 au-Prince, came streaming into the polling -- into  
4 the schoolyard, the polling place, with enormous  
5 smiles on their faces, you know? And I understood  
6 how important it was to those people to have a say  
7 in their own future.

8           And that really was a formative moment as  
9 far as my commitment to election work and doing  
10 what I can to ensure that people are able to  
11 participate in genuine elections.

12           VICE CHAIR COE: So in your opinion, your  
13 experiences that you bring with that work, it may  
14 be difficult to pick one but what do you think is  
15 the most important unique aspect that you would  
16 bring to benefit this Commission from your  
17 experience working in electoral international  
18 elections?

19           DR. KENNEDY: I mean, like I said, I think  
20 the experience that I have working to, you know,  
21 legal timelines under intense political pressure is  
22 an important factor. I would also like to think  
23 that, you know, my 30 years of experience would  
24 make me a credible member of the Commission. As I  
25 think I said earlier, the Commission needs to be

1 seen by the population of California as, you know,  
2 a body of people with integrity that are listening  
3 to them and doing their best to reflect back to  
4 them their desires as far as how they want to be  
5 represented.

6           To me, it's not how we, the Commissioners,  
7 want to see the state divided, it's really how the  
8 people of the state want to see the state divided.  
9 Sure, we have a role in taking all of the input and  
10 sorting it out and doing our best job to reflect it  
11 back. But I do think that, you know, having the  
12 long experience and dedication to elections, you  
13 know, does make me a credible figure in the world  
14 of elections and, hopefully, as part of this  
15 Commission.

16           VICE CHAIR COE: Okay. Thank you.

17           I wanted to touch on your essay on  
18 impartiality that you wrote for us. And in that  
19 essay you discuss your ability to focus the  
20 Commission's discussions on the technical  
21 considerations that need to guide them.

22           And while some of the Commission's work  
23 will be guided by technical considerations, such as  
24 census data and the legal requirements that you  
25 have mentioned, much of the work is less technical

1 and it involves gathering perspectives and feelings  
2 from different people across the state. How do you  
3 balance those two kind of hard and soft forms of  
4 data in the work of the Commission?

5 DR. KENNEDY: I mean, to me, the -- as I  
6 said before, our work is to try to reflect back as  
7 best as we can the desires of the people and how  
8 they want to be represented. So the soft aspect is  
9 incredibly important. The hard census data are a  
10 tool that will enable us to do a better job of  
11 reflecting that but listening to the people of  
12 California is what this is all about. I mean, if  
13 it -- if that weren't the case, we could program a  
14 computer to do this.

15 And I've been aware of countries that have  
16 worked on redistricting programs where they just,  
17 you know, they write the program, the computer  
18 starts at the northwest corner of the country and  
19 takes the census data and, you know, comes up with  
20 the constituencies. But that's -- I mean, we have  
21 to listen to the people of California.

22 That's the main goal of the Commission, I  
23 think, as well as having the people of California  
24 feel, at the end of the process, that we have done  
25 that job of listening to them and reflecting back

1 to them their desires. And, you know, no, not  
2 everyone is going to get 100 percent of what they  
3 want. But one of the things that I've learned  
4 through these decades working in elections is  
5 people are a lot more willing to accept an adverse  
6 outcome of an election or any aspect of an election  
7 if they feel that they have been adequately heard.

8 VICE CHAIR COE: Sticking with the subject  
9 of impartiality for a moment, can you give us an  
10 example of a time you had to make a difficult  
11 impartial decision, where you had to set aside your  
12 self-interest?

13 DR. KENNEDY: I don't know about self-  
14 interest but certainly personal opinions.

15 We faced a situation in Afghanistan where  
16 one of the potential candidates for president was,  
17 you know, widely considered to be a warlord and  
18 responsible for many, many deaths. And we also  
19 knew that he was the candidate representing an  
20 important segment of the Afghan population. We  
21 discussed that for hours. We solicited input from  
22 all over Afghanistan. We had a session where we --  
23 I think we were in the Commission meeting room  
24 until 10:00 or 10:30 at night, reading 118 letters  
25 that had come into us from individuals asking us



1 not to allow him onto the ballot. And yet none of  
2 those letters included enough detail to enable us  
3 to feel that there were, you know, adequate grounds  
4 for not including him.

5 I mean, we were very conscientious of the  
6 importance of due process. We felt that, you know,  
7 if there had been adequate detail and corroborated  
8 enough times, that we could have had grounds for  
9 excluding him from the ballot. But short of that,  
10 we had neither adequate detail nor corroboration.

11 And so, you know, despite everything that  
12 had been said about him for many years, we decided  
13 that, you know, the situation demanded that we  
14 allow him on the ballot. He was not likely to win  
15 more than ten percent of the vote. He didn't win  
16 more than ten percent of the vote. And I think in  
17 the end, allowing him on the ballot was a decision  
18 that helped maintain peace and tranquility in the  
19 country.

20 VICE CHAIR COE: Okay. Thank you.

21 So based on your essays and the  
22 discussions we've had today, you've met and worked  
23 with diverse groups of people, both domestically  
24 and internationally. And I want to hear a little  
25 bit about what you learned about the preferences

1 and concerns that motivate these different groups  
2 of people. Well, I'll just stop there and get to  
3 the second part of my question in a second.

4 DR. KENNEDY: Well, you know, I'm  
5 currently in the midst of moving from the Coachella  
6 Valley up to the Morongo Basin. And it's really  
7 amazing what a difference 20 miles makes, you know,  
8 the 20 miles from my former residence in Palm  
9 Springs to the property that we bought three years  
10 ago up in Morongo Valley. It's almost night and  
11 day. I mean, there's more and more back and forth  
12 between the Coachella Valley and the Morongo Basin  
13 but they are really two very different realities  
14 and, certainly, very different politically. And,  
15 you know, the priorities are different. Up in the  
16 Morongo Basin, the high desert, we have a different  
17 concept of what constitutes quality of life.

18 I think one of the things that we've been  
19 working on, I'm part of the Roads and Traffic  
20 Committee, we literally have one road that gets up  
21 to the Morongo Basin from the Coachella Valley, or  
22 at least the western end of the Morongo Basin.  
23 Otherwise, you have to go all the way around the  
24 far side of Joshua Tree National Park or you have  
25 to come all the way back around through

1 Victorville. So Highway 62 is important to us.  
2 It's not important to people in Palm Springs,  
3 really, and they could care less.

4 And I've started some discussions with  
5 SCAAG and with -- I'm hoping to make it to a San  
6 Bernardino County Transportation Committee meeting  
7 and a Riverside County Transportation Committee  
8 meeting to try to get people to develop a common  
9 understanding.

10 I mean, for Riverside County, you know,  
11 the county ends before Highway 62 gets up into the  
12 Morongo Basin. And because it's not a lifeline for  
13 Riverside County, I think the Riverside County  
14 Transportation Commission probably doesn't give it  
15 a lot of importance.

16 The San Bernardino County Transportation  
17 Commission might give it more importance, although  
18 they're probably more focused on things happening  
19 in San Bernardino City, Ontario, Rancho Cucamonga,  
20 than we are in the Morongo Basin.

21 So it's really trying to bring together  
22 people and get them to understand the importance of  
23 these things to us in the high desert and how can  
24 we work together to make sure that the highway is  
25 given the importance that it's due.

1           VICE CHAIR COE: That's kind of a nice  
2 segue into my next question, something I'm curious  
3 to hear you talk about, and that's one of the most  
4 important aspects or goals the Commission is going  
5 to have to face is identifying communities of  
6 interest throughout the state.

7           And you may have had some experience with  
8 this in your previous electoral work  
9 internationally, but based on your experience, how  
10 does the Commission go about identifying these  
11 communities of interest? Some of them are easier  
12 to find. Some of them are less obvious and harder  
13 to find. How does the Commission go about finding  
14 communities of interest, particularly those that  
15 may be more difficult to locate?

16           DR. KENNEDY: Yeah. I mean, this goes  
17 back to the point that I made earlier about  
18 listening to the people of California. I mean, we  
19 can't just look at numbers on paper and say this is  
20 a community of interest. We have to go out there  
21 very proactively with the input hearings, with  
22 public education outreach, make people aware of  
23 what it is that we are trying to do, and making  
24 sure that everyone understands the channels and the  
25 opportunities for input. You know, we can't force

1 people to provide input but we certainly don't want  
2 there to be any shortage of understanding that  
3 there is the opportunity to provide input.

4           And, I mean, I gave a talk at the National  
5 University in Mexico years ago about access and  
6 electoral processes being accessible. And one of  
7 the things that I said was, "You know, elections  
8 have to not only be perceived as accessible by the  
9 election administrators, they have to be perceived  
10 as accessible by the people. And that's  
11 geographically accessible."

12           We need to have hearings in as many areas  
13 of the state or in all areas of the state, but in  
14 as many locations in the state as possible it give  
15 people a realistic opportunity to have input into  
16 this process. It needs to be intellectually  
17 accessible.

18           The Election Board in Mexico had published  
19 a beautiful book about electoral justice in Mexico.  
20 But I went to the head of international programs  
21 there one day and I said, "You know, if you took  
22 three people at random off the sidewalk in front of  
23 the court and gave them this and asked them, you  
24 know, what it all meant, you know, two of the three  
25 probably wouldn't be able to tell you."

1           So people need to understand what  
2 redistricting is, how it is important to them, what  
3 the process is, how to have input into the process.  
4 So it's, yeah, it's a lot of different factors.  
5 And we need to think about accessibility as broadly  
6 as possible and ensure that the process really  
7 reflects the desires of the people of California.

8           VICE CHAIR COE: So I want to expand on  
9 that.

10           I'm sorry. Yeah, go ahead.

11           MS. PELLMAN: Four minutes, twenty  
12 seconds.

13           VICE CHAIR COE: Thank you.

14           I want to expand on that idea a little bit  
15 in terms of access and getting perspectives from  
16 different groups. Some communities may be less  
17 engaged or may not feel like they want to get  
18 engaged for reasons, for various reasons.

19           How do you engage these communities to  
20 elicit them to provide perspective that they  
21 wouldn't normally feel comfortable providing?

22           DR. KENNEDY: Well, again, I think that,  
23 you know, we need to be out in the media to a  
24 certain extent, making people aware of it, making  
25 people aware of the importance of it. The census

1 is doing some of this right now for their own work,  
2 you know? It's like -- it's not just the census is  
3 coming. The law requires you to take part in the  
4 census. They've got ads up on television, on  
5 radio, billboards, telling people not only that the  
6 census is here and that they are required to take  
7 part in it but what kind of difference it's going  
8 to make in their day-to-day life.

9           And, you know, again I go back to,  
10 hopefully, the 2010 Commission is leaving us a good  
11 media list that they worked with. We can expand on  
12 that. We need to be working through community-  
13 based groups, also, to reach as many people as  
14 possible throughout the state.

15           And, you know, I'm committed to going  
16 everywhere I can within, you know, whatever  
17 constraints are on us, time constraints, fiscal  
18 constraints, other constraints. But, you know, I  
19 want to make people aware of the process and what  
20 the process does or can mean to them.

21           You know, going back to the desert versus  
22 high desert, we have Chad Mayes, who represents  
23 both ends of Highway 62. And so, you know, even  
24 though we've got a county line dividing it, you  
25 know, the fact that Chad actually represents both

1 the low desert end of Highway 62 and the high  
2 desert end of Highway 62 means that he's an  
3 important part if people want anything done to  
4 improve Highway 62.

5           So those are -- that's how, you know,  
6 these things make very specific differences in  
7 people's lives.

8           VICE CHAIR COE: Okay. Thank you. I  
9 wanted to ask one more question but we're getting  
10 short on time.

11           MS. PELLMAN: One-and-a-half minutes.

12           VICE CHAIR COE: One-and-a-half minutes.  
13 Okay.

14           Really quick, which aspects of the role of  
15 Commissioner, should you be appointed, do you think  
16 that you would enjoy the most and, conversely,  
17 which aspects of being a Commissioner do you think  
18 you might, perhaps, struggle with a little bit?

19           DR. KENNEDY: Yeah, you know, I have  
20 thrived for 30 years on the intensity and pace of  
21 election-related work. It's a bit of an adrenaline  
22 rush, I guess. Working with others Commissioners,  
23 staff, who are committed to achieving our  
24 objectives is something that I look forward to.

25           Helping people understand the process is



1 something that I'm going to enjoy.

2 On the other side, I would say, you know,  
3 bureaucracies, usually, aren't much fun. None of  
4 us necessarily enjoys having to deal with  
5 bureaucracies but I've managed well enough so far.

6 VICE CHAIR COE: Okay. Thank you. No  
7 further questions.

8 CHAIR BELNAP: And we'll turn the time  
9 over to Ms. Dickison.

10 PANEL MEMBER DICKISON: Thank you.

11 Thank you for speaking with us today, Dr.  
12 Kennedy.

13 So we've talked a bit about your  
14 experiences with multiple different cultures and  
15 different areas and just different types of diverse  
16 people.

17 Have you noticed or come up with any ideas  
18 about what may influence a person when they're  
19 looking for representation and how that could  
20 differ from region to region throughout the state?

21 DR. KENNEDY: Okay. You know, I've had  
22 experiences where, you know, I've been represented  
23 by individuals of a different political party.  
24 What I'm looking for in those cases are people who  
25 really listen to their constituents and who are

1 willing to go beyond their own long-held beliefs  
2 and genuinely listen to their constituents.

3 I mean, I think factors that individuals  
4 may be looking at, I've mentioned transportation as  
5 an important item for people in the high desert.  
6 There could be -- you know, I mentioned the Salton  
7 Sea earlier. That's certainly a big concern around  
8 that area. Joshua Tree National Park, beaches,  
9 other parks that are important to the economic  
10 well-being of a community. In the Town of Joshua  
11 Tree of Village of Joshua Tree, the Town of Yucca  
12 Valley, that whole area depends quite heavily, and  
13 increasingly so, on the economic benefits of having  
14 Joshua Tree National Park.

15 Somebody else may be looking at, you know,  
16 healthcare issues or educational issues.

17 So, yeah, there are a wide variety of  
18 factors that people may be looking at. And I think  
19 it's also important to note that we need to be  
20 attentive when we're looking at congressional  
21 districts versus state districts, that the  
22 communities of interest that will -- you know, that  
23 might naturally coalesce around a certain issue  
24 federally might be different from the coalition  
25 that come together for state-related issues. So

1 that's something that we need to keep in mind as  
2 the Commission goes through this.

3 PANEL MEMBER DICKISON: So one of the  
4 things that has been brought up is that California  
5 could lose a congressional district.

6 Given that, how difficult do you think  
7 it's going to be when you're looking at the various  
8 communities of interest versus neighborhoods,  
9 cities and counties, and drawing those lines and  
10 weighing what should take precedence?

11 DR. KENNEDY: That's going to be very  
12 difficult because, I mean, I've seen in other  
13 countries where this is a major, major issue.

14 Canada even has a provision that says no  
15 providence can ever lose representation. So the  
16 House of Commons in Ottawa just grows and grows and  
17 grows because they just can't fathom the idea of  
18 losing a seat.

19 Losing a seat is a big thing. And it is  
20 going to require very careful work on the part of  
21 the Commission to understand where groups are and  
22 aren't likely to come together over any number of  
23 issues and see where the best places are to draw  
24 new lines, you know? And I hope that no one  
25 expects these lines to correspond, you know, almost

1 exactly to the old lines because we've had shifts  
2 in population. But we -- it will definitely be a  
3 difficult process.

4           And I just go back to we have to listen.  
5 We have to listen. We have to ask questions about  
6 how different groups interact with other groups,  
7 where they've found common cause in the past, where  
8 they think they might have common cause in the  
9 future and do our best.

10           And then, you know, the other thing is,  
11 you know, hopefully we will have a chance to come  
12 out with a set of maps, get comments, and go back  
13 and revise those maps. I know that there were  
14 issues with the previous Commission. But I think  
15 that really is critical to the overall eventual  
16 success of the Commission is having a chance to get  
17 feedback on actual proposed maps and go back to the  
18 drawing board, where we need to, and make  
19 adjustments.

20           PANEL MEMBER DICKISON: Thank you.

21           Given all your experience, what do you see  
22 as your role on the Commission?

23           DR. KENNEDY: You know, I think groups  
24 naturally fall into or members of groups naturally  
25 fall into roles once the group is together. There

1 can be people who might normally lead but there's  
2 someone else who's a more natural leader or, for  
3 any number of reasons, might be a better leader at  
4 a particular point in time.

5           And so groups tend to have, you know,  
6 these roles, peacemakers, consensus builders,  
7 leaders, taskmasters. So I think, you know, I  
8 could see myself in a number of these but it would  
9 depend very much on who the other personalities are  
10 and what their strengths are.

11           PANEL MEMBER DICKISON: Thank you.

12           If you were selected as one of the first  
13 eight Commissioners, you would be tasked with  
14 selecting the next six. What would you be looking  
15 for in those individuals?

16           DR. KENNEDY: You know, commitment is  
17 really big, commitment to our objective, commitment  
18 to working together to achieve that objective.

19           Integrity. I mentioned at the very  
20 beginning that I think that's one of the most  
21 important elements that all of the Commissioners  
22 need to bring to the table so that, at the end of  
23 the day, the people of California feel that we have  
24 listened to them and have done our best to reflect  
25 back to them, you know, what it is they told us

1 they wanted for the new lines.

2           Respect for diversity, critical thinking  
3 and critical listening, those, to me, are the most  
4 important. We can balance other factors  
5 eventually, as needed, but those are the ones that  
6 I would be looking for in anyone that would be  
7 joining as part of the final six.

8           PANEL MEMBER DICKISON: What would you  
9 like to see the Commission ultimately accomplish?

10           DR. KENNEDY: I think this pulls together  
11 various aspects of what I've said during the  
12 interview.

13           First of all is helping the citizens of  
14 California, directly and indirectly, understand not  
15 just the law but the general concepts and practices  
16 involved in redistricting. It's important that we  
17 convince the electorate that we are here for them.  
18 And they need to see that from the beginning to the  
19 end of the process.

20           We have to listen to them to their sense  
21 of communities of interest. We have to review the  
22 options that -- you know, again, we're not going to  
23 be able to do all of the work. We're going to have  
24 consultants, others, advisors, to do some of the  
25 work.

1           Our part in this is to make the ultimate  
2 decisions and be able to convince the people of  
3 California that we've made the best decisions that  
4 we could, given everything that we have in front of  
5 us, given the legal framework, given their input,  
6 given the realities of the situation.

7           We have to establish maps that comply with  
8 the legal framework and command the respect of the  
9 largest number of Californians. And, you know, we  
10 have to work to promote the broad acceptance of  
11 those standards and eventually defend them in  
12 court, if that's necessary.

13           So we need to be very aware of all of  
14 those throughout the work.

15           PANEL MEMBER DICKISON: Okay. Thank you.  
16 No further questions.

17           CHAIR BELNAP: Mr. Dawson?

18           MR. DAWSON: Thank you, Mr. Chair.

19           Dr. Kennedy, I wanted to follow up on a  
20 couple of your responses.

21           In standard question three, you mentioned  
22 that, in your opinion, time pressures and immovable  
23 deadlines could be one of the greatest threats to  
24 the Commission. And, certainly, everybody in this  
25 room understands immovable deadlines.

1           Could COVID-19 delay -- or COVID-19 could  
2 delay the collection and reporting of census data.  
3 What would be your strategy to address that time  
4 crunch, if there was one?

5           DR. KENNEDY: Well, I've been thinking  
6 about this but you're actually the first person  
7 that I've heard saying that it could, in fact,  
8 delay the census. You know, that's been on my mind  
9 for a couple of weeks now.

10           You know, and again, this goes back to the  
11 legal framework. We have the legal framework that  
12 we have. Sometimes we have to get -- we have to  
13 think outside the boxes for as far as how we  
14 interpret the legal framework.

15           You know, the legal framework regarding  
16 these interviews says that, you know, the Panel has  
17 to be in Sacramento. It doesn't literally say that  
18 the interviewee has to be in Sacramento. So here I  
19 am and there you are.

20           We're going to have to work with the  
21 governor, with legislators, consult with, possibly  
22 even ask for an advisory opinion from courts to  
23 figure out what our margin of maneuver is in this  
24 situation because, yes, we may have reason to take  
25 all of those steps.



1 MR. DAWSON: Thank you.

2 Your dissertation was on direct democracy  
3 in Latin America. And California is famous for its  
4 direct democracy. In fact, the Commission is a  
5 product of a ballot proposition.

6 What influence did California have or did  
7 it provide an example to Latin America governments  
8 and reformers?

9 DR. KENNEDY: I don't think it has yet but  
10 it certainly could in the longer term. Mexico has  
11 been contemplating adding elements of direct  
12 democracy in recent years.

13 I was actually at lunch one day with the  
14 head of the Election Office for Mexico City who was  
15 saying he had a publications budget and was looking  
16 for things to publish. He ended up publishing a  
17 translation of my dissertation. And there were,  
18 you know, some mentions of California in there. I  
19 believe there was an academic from Berkeley whose  
20 work I cited. There were certainly a member of the  
21 Canadian Parliament whose work I cited.

22 You know, the direct democracy is -- has  
23 to be managed carefully. And one of the things  
24 that I teased out of the data that I got back is  
25 that, you know, people aren't looking for --

1 looking to take over the legislative process.  
2 They're looking at direct democracy as a way of  
3 constraining legislators to legislate in the public  
4 interest.

5 MR. DAWSON: Thank you.

6 In your analytical skills essay, you  
7 mentioned that when you were in Liberia, and I  
8 think we talked about your experience in Liberia a  
9 little bit, but did that also include drawing  
10 lines? Did it actually include drawing maps?

11 DR. KENNEDY: Yes. I mean, I was not the  
12 one doing it. We had a consultant, an American  
13 consultant, that we brought in. But I was advising  
14 the commission on some of the decisions that it was  
15 making and, also, advising the commission to do its  
16 absolute best to make sure that the process was as  
17 open and transparent as possible with public  
18 hearings, with opportunities for written comment on  
19 the proposed districts.

20 The biggest difference was that we were  
21 working only from voter registration data. We  
22 didn't have addresses. All we had was this many  
23 people registered at this registration center. And  
24 so we had to take those voter lists for each  
25 individual registration center, go to the people

1 and say, okay, tribal issues, local economic  
2 issues, whatever, you need to tell us whether --  
3 you know, how you want to be represented. And I  
4 believe those lines are largely still in existence.  
5 They may be changed soon but that was -- that  
6 system that was put in place in 2005, I believe,  
7 may actually be still in existence today.

8 MR. DAWSON: Thank you. I have one last  
9 question.

10 You grew up on the East Coast. You've  
11 lived all over the world, and in Washington, D.C.,  
12 but you moved to California as an adult. And I'm  
13 always very interested in the perspective of  
14 somebody who chose California. And do you think  
15 that's a perspective that would be useful to you if  
16 you were selected as a Commissioner?

17 DR. KENNEDY: I think it could be useful.  
18 I mean, what I can say is, you know, 15 years in  
19 California, I love California. I love --  
20 California is -- it's kind of like America.  
21 California is a concept. It's not just a reality,  
22 it's a concept. And I love the concept of  
23 California.

24 You know, when we talk about America being  
25 a melting pot, I mean, to me, California is even

1 more of a melting pot. And I love the process. I  
2 love the results of the (indiscernible). And I  
3 think California is really something quite unique.

4           You know, certainly, as you mentioned,  
5 California's experience with direct democracy is  
6 unlike others. And I think, you know, the  
7 Commission is really in a position to demonstrate  
8 to others, both in other states and in other  
9 countries, eventually, the value of listening to  
10 the people in this process of legislative  
11 redistricting.

12           MR. DAWSON: Thank you.

13           We have roughly 9 minutes left in the 90-  
14 minute period. Do any of the Panel members have a  
15 follow-up?

16           CHAIR BELNAP: Mr. Coe?

17           VICE CHAIR COE: I have no follow-up  
18 questions.

19           CHAIR BELNAP: I do not either.

20           PANEL MEMBER DICKISON: I do not either.

21           MR. DAWSON: Dr. Kennedy, at this time,  
22 I'd like to offer you the opportunity to make a  
23 closing statement to the Panel, if you wish. You  
24 have 8 minutes and 43 seconds.

25           DR. KENNEDY: Okay. I don't think I'll

1 take that much.

2           But first of all, I wanted to thank all of  
3 you for your interest in learning more about my  
4 background and experience. I realize it's not  
5 something you would run across every day. But I  
6 believe that I could contribute significantly to  
7 the success of the Commission.

8           After dedicating the last 30 years of my  
9 life to ensuring that people all over the world  
10 have a genuine opportunity to participate in truly  
11 democratic elections. I see this as an opportunity  
12 to give back to California, to share some of what  
13 I've learned over these last three decades.

14           Friends have told me for years, you know,  
15 come home, we need you here. And, you know, the  
16 question earlier about, from Mr. Coe, I believe,  
17 about what kept me at it overseas, and I mentioned  
18 the joy of seeing people running into polling  
19 places with enormous smiles on their faces at a  
20 motivating factor. But at this point in my life, I  
21 feel like, yes, it's time for me to give back to  
22 California. I'm eager to do this and to help make  
23 the Commission a success and ensure that the people  
24 of California feel that the Commission is a  
25 success.

1           You know, just running over the main  
2 points, my extensive experience working to  
3 statutory deadlines under intense political  
4 scrutiny, I'm not likely to be shaken by any aspect  
5 of this process.

6           I'm always looking for common ground. I  
7 had the experience in a U.N. leadership training  
8 course in South Africa years ago of being pitted  
9 against a colleague who was playing the part of a  
10 rebel general and I had to negotiate a truce with  
11 this rebel general. And I managed to negotiate the  
12 truce with him by identifying common interests with  
13 some of the people around him who then became  
14 allies in convincing him of the value of  
15 negotiating the truce.

16           So I'm always looking for common ground  
17 and workable solutions. And I think that's what  
18 the Commission needs to be about.

19           My ample experience explaining technical  
20 concepts, I think this could also go back to Ms.  
21 Dickison's question about potential roles. You  
22 know, if there is a member of the Commission who is  
23 acting as a spokesperson for the Commission, then I  
24 think I could probably fulfill that role well.  
25 There is -- that's not to say that we don't need

1 other assistance in outreach. But there are times  
2 when the voice of a Commissioner is more important  
3 and more useful than the voice of a staff member.

4           You know, I've enjoyed maps since I was a  
5 kid. You know, I would have my dad stop at the gas  
6 station so I could pick up a map. You know, I've  
7 got everywhere I've ever lived pinned on Google  
8 Earth. Maps and I are friends and have been for  
9 many, many years.

10           My experience working as part of an 11-  
11 member commission with people from very different  
12 backgrounds, you know, not just the Afghan versus  
13 internationally, but among the internationals, we  
14 were from very different backgrounds and we made it  
15 work. And I believe that I can, you know, be a  
16 force on the Commission for making the Commission  
17 work and achieve its objectives in a timely and  
18 transparent manner.

19           So I'll leave it there. I really do  
20 appreciate your confidence in me to get to me to  
21 this point. And I wish you all the best in the  
22 weeks and months ahead.

23           Thank you.

24           CHAIR BELNAP: And thank you, Dr. Kennedy.

25           We're going to go into recess.

1           Before you hang up, Dr. Kennedy, from --  
2 no. Okay. We don't have any further questions for  
3 you.

4           We're going to go into recess and be back  
5 tomorrow morning at 8:59.

6                           (Recess at 4:25 p.m.)

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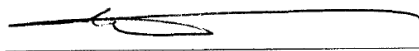


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PETER PETTY  
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MARTHA L. NELSON, CERT\*\*367

April 15, 2020