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La Paz County
Board of Supervisors

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February 21, 2019

Notice of Claim Pursuant to A.R.S. § 12-821.01

Diane Green
Clerk
La Paz County Board of Supervisors
1108 S. Joshua Ave.
Parker, Arizona 85344

Tony Rogers
County Attorney
La Paz County
1320 Kofa Avenue
Parker, Arizona 85344

Karen Hobbs
Dep. County Attorney
La Paz County
1320 Kofa Avenue
Parker, Arizona 85344

William D Risen
Sheriff
La Paz County
1109 W. Arizona Ave
Parker, Arizona 85344

Deputy Rodriguez
Sheriff's Office
La Paz County
1109 S. Joshua Ave
Parker, Arizona 85344

Re: Wrongful Termination of R. Glenn Buckelew

Dear Ms. Green, Mr. Rogers, Ms. Hobbs, Mr. Risen and Deputy Rodriguez:

Pursuant to A.R.S. § 12-821.01, this Notice of Claim is submitted on behalf of R. Glenn Buckelew against: La Paz County, County Attorney Tony Rogers, Karen Hobbs, William D. Risen and Deputy Rodriguez arising out of Buckelew's removal from the County Attorney's Office and his wrongful termination.

I. Background:

Glenn Buckelew spent most of his legal career as a public lawyer serving the citizens of La Paz County. He was twice elected to serve as La Paz County Attorney and worked nearly 10 additional years as the La Paz County Attorney's Office's Chief Civil Deputy. Buckelew was very sensitive to the fact that he represented the interests of the County and not the individual elected officials. Unfortunately for the citizens of La Paz County, its public officials have a long history of sordid behavior, corruption, self dealing

and abusing their offices. Buckelew spent the last portion of his employment trying to root out and end the abuses by reporting the misconduct he discovered to County Attorney Rogers, the Arizona Attorney General's Office, the FBI and the State Bar of Arizona. Ultimately, Buckelew was dismissed in retaliation for his efforts in blowing the whistle on corruption in the La Paz County government.

Some of the bad actors in La Paz County included the Dan and Kathy Field, Holly and Larry Irwin and John Drum. Dan Field served as County Manager, Kathy as the Chief Public Defender, Holly Irwin as a County Supervisor, Larry Irwin as Chief Park Ranger, Jail Commander and Chief Deputy, and John Drum as County Supervisor and later the Sheriff. These individuals collaborated to further each others' personal, political and financial agendas to extract inappropriate and illegal benefits from the La Paz County taxpayers. By way of example, (and certainly not as an exhaustive list):¹

- **Creating Unnecessary Position for Larry Irwin**
Lowery was unexpectedly elected Sheriff. As one of Lowery's first orders of business he reassigned Larry Irwin from an unsupervised "investigator" position (where he apparently rarely had to come to work) to an active patrol position with oversight. The Irwins appealed to County Manager Dan Field. Field obliged the Irwins by surreptitiously authoring a "whistleblowing" document for Larry Irwin. The letter was a sham. Field then publicly announced that he had "received" a whistleblowing letter from Irwin and that La Paz County needed to protect Irwin. Field recommended the Board of Supervisors create a new (and completely unnecessary) law enforcement position within the County Parks Department. The position (Certified Chief Park Ranger) was created and Larry Irwin was appointed to fill it.
- **Misusing Public Funds to Cover Up Whistleblower Letter**
Irwin's appointment understandably generated a public outcry, particularly because Fields refused to reveal Irwin's whistleblower letter. The La Paz County Deputies Association (LPCDA) filed a public records request for the letter. Field refused to produce the letter and LPCDA filed suit. Field understood that his sham would be exposed if the County Attorney's Office or hired outside counsel defended the case. La Paz County, however, was a part of, and insured through, a shared county "risk-pool" known as ACIP. Field sat on ACIP's board. The actual ACIP insuring document did not provide coverage for defense of public records lawsuits. Nevertheless, at Field's urging ACIP assigned a lawyer to defend Field. As the legal bills came in, Field passed them off as garden variety ACIP defense

¹ The scope of the misconduct is so vast that it is impractical to set it all out in this notice of claim. Buckelew, however, has thousands of pages of material documenting and substantiating years of malfeasance together with his whistleblowing reports to County Attorney Rogers, La Paz County Supervisors, various offices within the Attorney General's Office, the FBI and the Arizona State Bar.

bills and submitted them to the County for payment. Using ACIP as a conduit, Field circumvented oversight and used the County to pay what were essentially personal legal fees.

- **Non-Competitive Appointment to Positions**

A few years later John Drum was elected Sheriff. Before Drum even took office, Field, Drum and the Irwins worked significant changes to La Paz County for their own personal benefit. First, Field proposed returning Irwin from his chief Park Ranger position to the Sheriff's Office, - in the position of Jail Commander with another substantial salary increase. Holly Irwin proposed that Dan Field's wife, Kathy, be appointed to fill the vacant Chief Public Defender position. Both proposals were approved. Notably, Kathy Field was completely unqualified for the position. La Paz County even hired a special consultant to train Kathy Field how to do the job.

- **Hiding the Flores Settlement**

During Drum's tenure as Sheriff, Jesse Flores was able to commit suicide in the La Paz County Jail due to negligence of the staff. Florez's family filed suit against the County and Sheriff John Drum. ACIP quickly settled the case. The settlement occurred during John Drum's re-election campaign. Instead of placing the settlement on the BOS agenda for approval (and public acknowledgement of a significant blunder under Drum's administration), Field deliberately hid the settlement from the public to protect Drum. Field did not submit the settlement to the Board of Supervisors for approval and public comment.

- **Free Lawyer for Irwin**

In 2014 Larry Irwin, while off duty, harassed a woman in a hardware store. Irwin's conduct was so outrageous the woman obtained an order of protection (OOP) against Irwin. Ordinarily this sort of conduct would result in termination from the Sheriff's Office. Instead Larry Irwin was given a free lawyer at taxpayers' expense. Field contacted ACIP and arranged for it to assign a lawyer to defend Irwin. Just as he had done before, as the legal bills came in, Field passed them off as garden variety ACIP defense bills and submitted them to the County for payment. Using ACIP as a conduit, Field again circumvented oversight and used the County to pay over \$18,000 in Irwin's personal legal fees.

- **Field Takes Over La Paz County Administration**

With the assistance and support of the Irwins and Drum, Dan Field was able to amass almost all administrative power in La Paz County. In addition to his duties as County Manager, Dan Field was appointed Clerk of Board of Supervisors and acting Finance Director. In those roles he controlled matters before the Board and as well as the County finances. When finance department employees began

question the propriety of Field's activities, Field called on Sheriff Drum to open an investigation. Drum assigned Irwin, now the Chief Deputy, to handle the investigation and intimidate the finance employees.

- **Kathy Field Claim Against County**
By December 2016 La Paz County dismissed both Dan and Kathy Field. Kathy submitted a notice of claim against La Paz County. ACIP received a copy of the notice and unilaterally and unlawfully paid \$42,000 to Field without the approval of the La Paz County Board of Supervisors.

II. Facts Establishing Liability

By 2015 and into 2016, Buckelew began to uncover the misconduct and criminal behavior of the Fields, Irwins and Drum. Buckelew began gathering materials proving what he had always suspected, that the Fields, Irwins and Drum had engaged in a staggering amount of illegal conduct. In September 2016, Buckelew confronted Field over his ACIP malfeasance writing in an email:

It appears I guessed wrong concerning settlement of the Beverly Pool Estate wrongful death lawsuit filed against Sheriff Drum et al (death at the jail of an overdose) that I had asked be placed on the BOS agenda for its approval on 9/19 contingent ("If this is true") upon your confirmation that the case had in fact been settled. The BOS wisely tabled the matter.

I realize now it was NOT the Pool Estate lawsuit that was settled by you and ACIP without OML compliance (Pool died in the jail of an overdose) but rather the claim by the Estate of Jesse Flores (who hung himself in the jail) thus rendering the settlement ineffective due to OML non-compliance.

I make no apology for confusing one case for the other in the face of 8 years of hidden agendas, intentional deceit, unlawful and unethical actions, and illegal activities by you and your crew, including multiple and intentional OML violations in 2009, 2010, 2014, 2015 and 2016 for purposes of hiding from this office, other county officials and from the public your activities and those of your crew.

Accordingly, demand is made that you place the matter of ACIP settlement of the claim of Estate of Jesse Flores v. Sheriff Drum et al on the 10/3 BOS agenda for its approval and/or ratification (provided a settlement has been effected). If you fail to do so I will press the matter myself at the 10/17 BOS meeting in which event you may expect new public revelations about your illegal activities and those of your crew.

And Buckelew did not stop there. Buckelew provided the materials he had gathered to various investigative agencies. Buckelew identified and provided materials pertaining to years of Open Meeting Law violations to the Attorney General's Office's Open Meeting Law Enforcement Team, and provided materials pertaining to Field's

ACIP activities to the Attorney General's Office Criminal Division. Buckelew also made reports to the FBI and the State Bar. In each instance Buckelew copied the report to his superior, Tony Rogers. After Field's dismissal, Buckelew continued to investigate and discover issues, to include years of RICO financial reports that had not been filed with the US Department of Justice. Buckelew reported this matter to Rogers as well as the County's auditors. Over the course of 2017 and 2018 Buckelew made additional reports and began to insist that the County, consistent with requirements imposed by law, attempt to recover County funds from the Fields and Irwins.

As Buckelew continued to investigate, County Attorney Rogers tried to distance himself from Buckelew's efforts. Rogers did not support Buckelew's continued efforts and reporting.

It was clear that Rogers was deeply uncomfortable with Buckelew's investigations, reporting and push for criminal prosecutions. Two other issues also appeared to bother Rogers, the RICO reporting and Buckelew's continued investigation into ACIP's settlement practices and failures to comply with the open meeting law. Buckelew continued to press forward in spite of Rogers' resistance.

On August 1, 2018 Buckelew learned that a case file he had retrieved from storage had not been delivered to Hobbs. Staff had returned the file to storage. Buckelew grew irate and yelled at the responsible employee. He then left for day. Deputy County Attorney Hobbs then took up upon herself to send an email and a text to Buckelew directing him to apologize and "take the week off." Hobbs is not Buckelew's supervisor and, in any event, the directive did not conform to La Paz County personnel policies.

The next day Buckelew returned to work. Hobbs sent Buckelew an email announcing that she had placed him on administrative leave and that he should leave the building. Buckelew refused to leave. Hobbs came to speak with Buckelew. The conversation grew heated. Buckelew refused to leave until he had spoken with his actual supervisor, Rogers.

Hobbs then directed Deputy Rodriguez to remove Buckelew. Rodriguez and/or Hobbs summoned Sheriff Risen. It appears that Rodriguez, Hobbs and Risen completely overreacted and ordered all employees to exit the building for "safety reasons." The three, Rodriguez, Hobbs and Risen, deliberately created a giant and embarrassing spectacle by parading Buckelew out of the building in front of a multitude of County employees with whom he had worked for years.

These events created the perfect opportunity for Rogers to halt Buckelew's activities. Rogers dismissed Buckelew. Rogers told Buckelew the reason for his termination was that staff feared for their personal safety. And this reason is purely

pretextual. All of the staff involved staff were interviewed by police officers that very day. All of the staff members told the police that they had known Buckelew for years and were and each person specifically indicated that she did not fear for her safety around Buckelew. Rogers' real and illegal reason for the termination was Buckelew's whistleblowing.

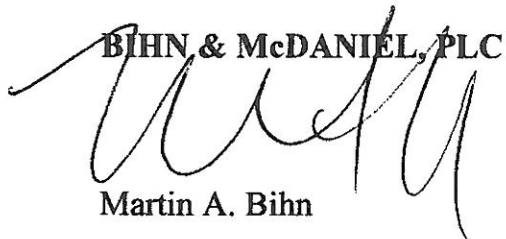
III. Damages

As a result of the conduct of Rogers, Hobbs, Risen and Rodriguez, Buckelew has suffered financial and emotional harm to include impairment of his reputation and standing in the community. Buckelew intended and expected to work for several more years. Not only has Buckelew lost the wages that he would have earned, but the termination has profoundly impacted his expected ASRS retirement.

IV. Specific Amount for which Claims Can Be Settled

Mr. Buckelew's claims can be settled for \$350,000.

Best regards,

BIHN & McDANIEL, PLC

Martin A. Bihn