

1 Scott M. McNair (Complainant, Pro Se)

2 [REDACTED]
Phoenix, Arizona [REDACTED]

3 Telephone [REDACTED]

04 OCT -14 PM 12:56
HUMAN RESOURCES
RECRUITING

4
5 **MARICOPA COUNTY**

6 **EMPLOYEE MERIT SYSTEMS COMMISSION**

8 SCOTT M. MCNAIR
9 Complainant

CASE NO. MC-WB-2004-1

10 V.

**COMPLAINANT'S DEMAND FOR
DISCLOSURE ON HEARING OFFICER**

11 MARICOPA COUNTY, et al
12 Respondents

Assigned to Hearing Officer David Gering

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15 **I. PLEA FOR LENIENCY AND WAIVER OF FORMAL REQUIREMENTS**

16 In that the Complainant (McNair) is neither represented by counsel nor had any formal legal
17 training, he does hereby request leniency from the Commission for the form and content of this
18 pleading, and requests that the Commission waive and/or suspend any formal procedural
19 requirement necessary in order to insure the Complainant due process and equitable justice, and
20 to insure that a fair and just determination can be made. (*"Pro se litigants' pleadings are not to be*
21 *held to the same high standards of perfection as lawyers."*)
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¹ Haines V. Kerner, 92 S.Ct. 594; Jenkins V. McKeithen, 395 US 411, 421 (1969); Picking V. Penna. Rwy. Co. 151 F.2d 240; Puckett V. Cox, 456 F.2d 233.)

1 **II. DISCLOSURE DEMAND**

2 In that the Complainant is entitled to a timely, fair, and impartial hearing of his complaint, and
3 that the manner and method of the selection and assignment of a Hearing Officer all pertain to his
4 ability to receive such, the Complainant does hereby request a full, complete, and detailed
5 disclosure of the selection and assignment of the Hearing Officer in this matter.

6 The disclosure should include, but not be limited to, the following information:

- 7 1) The full name, street address, voice and facsimile phone numbers of David Gering.
- 8 2) A detailed disclosure of all "*Whistleblower*" complaints (ie. complaints filed under ARS
9 38-532) heard by David Gering on behalf of the Maricopa County Employee Merit
10 Commission, during the past five years. Such disclosure should include but not be
11 limited to the full name and contact information of the parties involved, the case numbers
12 of such, the dates of the hearings, and the outcome of such.
- 13 3) A detailed disclosure of all "*Whistleblower*" complaints (ie. complaints filed under ARS
14 38-532) heard by David Gering on behalf of any other political subdivision of the State of
15 Arizona during the past five years. Such disclosure should include but not be limited to
16 the full name and contact information of the parties involved, the name of the agency or
17 political subdivision involved, the case numbers of such, the dates of the hearings, and
18 the outcome of such.
- 19 4) Copies of all correspondence between Maricopa County (including any political
20 subdivisions or agents of such) and David Gering (including Mr. Gering's office staff or
21 agent) during the past six months. Including the dates of each correspondence, the full
22 name, address, and phone number of all persons involved in such, and copies of all such
23 written or electronic correspondence, and any notes pertaining to such. In instances

1 where no written or electronic record exists, a detailed written disclosure of the
2 correspondence by any such person involved and/or ordering such.

3 5) A detailed disclosure and copies of all contracts and business dealings between
4 Maricopa County (and any political subdivision or agent of such) and David Gering,
5 including but not limited to any entity in which Mr. Gering has a business or pecuniary
6 interest for the past five years. Including but no limited to any contracts, bids, proposals,
7 grants, and any notes, memorandum, or other materials related to such. Including but
8 not limited to the full name, address and phone number of any person reviewing and/or
9 awarding or denying such.

10 6) A detailed disclosure of all statutes, rules, regulations, policies, or procedures used,
11 relied upon, invoked, or governing the selection and assignment of "Hearing Officers" or
12 other judicial or quazi-judicial officials authorized to act as representatives or agents on
13 behalf of the Maricopa County Employee Merit Commission in hearings related to
14 appeals or complaints before such.

15 7) A detailed disclosure of all "Hearing Officers" or judicial or quazi-judicial officials other
16 than David Gering authorized to act as representatives or agents on behalf of the
17 Maricopa County Employee Merit Commission in hearings related to appeals or
18 complaints before such. The disclosure should include but not be limited the full name,
19 address and phone number of such, the case numbers of each and every hearing heard
20 by such, the date of each hearing, the full name, phone number, and address of all
21 parties involved, and the outcome of such proceedings.

22 8) A detailed disclosure of all attempts to contact David Gering in relation to his selection as
23 Hearing Officer in this matter. Including but not limited to the dates of each contact, the
24 full name, address, and phone number of all persons involved in such, and copies of all

1 such written or electronic correspondence, and any notes pertaining to such. In
2 instances where no written or electronic record exists, a detailed written disclosure of the
3 correspondence by any such person involved and/or ordering such.

4 9) A detailed disclosure of all persons registered or available to serve as a hearing officer in
5 matters before the Maricopa County Employee Merit Commission. Including but not
6 limited to, all those contacted and all those available but not contacted. To include the
7 full name, address, phone number of such, and copies of all contracts for services of
8 such. Including but not limited to any and all notes, memorandum, or other materials
9 related to the reasoning why persons other than David Gering were not selected or
10 assigned to act as the Hearing Officer in this matter.

11 10) A full disclosure of all persons and materials related to the consideration and assignment
12 of David Gering as the Hearing Officer in this matter. Including but not limited to the full
13 name, address, and phone number of such persons, any materials or memorandum
14 reviewed or considered by such, any minutes, memorandum, notes or materials from
15 any meeting held by any such persons for the consideration of such, and any and all
16 materials related to the award/authorization for David Gering to act as the Hearing
17 Officer in this matter. Including but not limited a detailed list of all dates of such meetings
18 and the full name, address, and phone number of the persons making such decisions,
19 and all materials related which may be used to explain such decision, for or against.

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21 It should be noted that all information supplied will be considered and treated as evidence in
22 this matter, and that any alterations, falsifications, or omissions will be treated as acts of perjury
23 and obstruction of justice, and will be prosecuted accordingly.

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RESPECTFULLY SUBMITTED this 4th day of OCTOBER 2004.

By: _____

Scott M. McNair, Complainant (Pro Se)

ORIGINAL of the foregoing FILED this day with:

Maricopa County Employee Merit System Commission
301 West Jefferson, Suite 219
Phoenix, Arizona 85007

COPY of the foregoing mailed this day to Respondents:

Maricopa County, et. al.
Division of County Counsel
Attn: Mr. Daniel Brenden
222 North Central Avenue, Suite 1100
Phoenix, Arizona 85004