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ARIZONA CORPORATION COMMISSION
OFFICE OF COMMISSIONER ANNA TOVAR

November 15, 2024

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Re: Arizona Corporation Commission – Commission Discussion, Consideration and Possible Vote Regarding Annual Performance Evaluation and Compensation of Executive Director Doug Clark. The Commission May Move into Executive Session Pursuant to A.R.S. Section 38-431.03 (A)(1), (3) & (4).

Dear Commissioners:

I am taken aback by the majority of this Commission believing that the Executive Director Doug Clark deserved a bonus for the work that he has done since being hired in April 2023. To my knowledge, the Commission has never performed a performance evaluation for the position of executive director previously. There were no objective metrics or criteria that were used by the majority to evaluate Mr. Clark's performance. Given that the evaluation was very subjective in nature, I would simply state that nothing has improved during Mr. Clark's time at the helm as executive director of the Commission.

In fact, I would say things have remained the same if not become worse. The Legal Division is a shell of its former self with the change in leadership. There are far less attorneys than prior to Mr. Clark being hired. Further, the Commission is now subject to a lawsuit from the prior Chief Counsel alleging discrimination and a violation of the Equal Pay Act. This is unprecedented. The Utilities Division also continues to be a revolving door with the hiring of new employees, and other employees deciding to find other employment.

While I don't necessarily solely fault Mr. Clark for these issues, this is why I do not think he is deserving of a bonus. As I stated at the Open Meeting, it is my understanding that Mr. Clark is already one of, if not the, highest paid directors of any agency in Arizona. Although it is my understanding his compensation is paid from the Securities Division, not from the Utilities Division, it is also my understanding that any bonus paid reduces the amount of money available that could be used for bonuses to deserving and underpaid staff in that Division. This is contrary to what the Chief Counsel Mr. Van Flein indicated during Open Meeting.

I completely understand that the job of an executive director is not an easy one, but given Mr. Clark's current compensation, and the fact that in my opinion nothing has changed for the better under his tenure, I was compelled to vote no in awarding him a bonus.

Sincerely,

Anna Tovar

Anna Tovar
Commissioner

