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6 *Attorney for ABC Ambulance, LLC*

7 **BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS**

8
9 In the Matter of:

10 **RBR Management LLC, dba Community
11 Ambulance**

12 Applicant.

Docket No. 2017-EMS-0104-DHS
(EMS No. 0283)

**REQUEST FOR SUBPOENA TO DEAN
TAYLOR TO APPEAR AT HEARING**

(Assigned: The Hon. Tammy Eigenheer)

13 Pursuant to A.R.S. 41-1092.07(a) and A.A.C. R2-19-113, Intervenor ABC Ambulance,
14 LLC, respectfully requests that the Administrative Law Judge issue the attached subpoena to
15 compel the attendance of Mr. Dean Taylor, the drafter of Applicant's ARCRs, at the hearing
16 scheduled to begin on October 22, 2018, and re-convening on November 5, 2018, in particular, to
17 appear on November 6, 2018 (a date on which Mr. Taylor has indicated he is available).
18

19 It became apparent from emails submitted by Applicant at the last minute, in response to a
20 subpoena issued by the ALJ on June 22, 2018, that Applicant's *pro forma* ARCRs submitted with
21 its Application in 2016, and its revised ARCRs submitted in 2017, were drafted by Mr. Taylor.
22 Applicant has not named Mr. Taylor as a witness at the hearing.
23

24 On September 18, 2018, the deadline for the parties to file their "final witness and exhibit
25 list," Applicant finally complied with the subpoena served on it by ABC and dumped a massive
26 amount of documents on ABC and the other Intervenors. Hidden deep within that document-
27 dump were emails identifying Mr. Taylor as the author of its ARCRs in 2016 and 2017. This
28

1 directly contradicts Applicant's "Final Witness and Exhibit List" (filed on September 18, 2018),
2 in which Applicant puts the parties on notice that a Mr. Michael Evans will testify to "his
3 experience in preparing Ambulance Cost and Revenue Reports" (strongly implying that *he*
4 drafted Applicant's ARCRs, when in fact he did *not*). Mr. Evans can only testify to what he was
5 told by Mr. Taylor regarding what instructions Mr. Taylor received from Applicant and/or
6 Dignity regarding the data included and omitted from the ARCR (hearsay upon hearsay). Given
7 the fundamental importance of the ARCRs in these proceedings, at a very minimum the author of
8 the ARCRs should be present to testify to the data included in the ARCRs, and the Applicant's
9 instructions and intent relating to what was included and what was omitted.
10

11 These issues go to the accurateness and reliability of the ARCRs (used by the Department
12 to *inter alia* set rates), to the veracity of what Applicant represented to the Department in its
13 ARCRs, and to whether Applicant is "fit and proper" to be granted a CON in Arizona.

14 Mr. Taylor has indicated that he is available to testify on November 6, 2018. ABC
15 requests that the ALJ issue a subpoena for that date (attached hereto as **Exhibit A**), and that the
16 other parties accommodate this request in terms of the timing of his testimony.
17

18 RESPECTFULLY SUBMITTED this 16th day of October, 2018.

19 HOFMEYR LAW PLLC
20 By /s/ Adriane J. Hofmeyr
21 Adriane J. Hofmeyr
22 *Attorney for ABC Ambulance, LLC*

23
24 **CERTIFICATE OF SERVICE**

25 Original filed using the OAH electronic document filing system <https://portal.azoah.com/oedf> this
26 16th day of October, 2018 with copies provided to all parties on the approved mailing list by
27 posting through the designated OAH website at [https://portal.azoah.com/oedf/documents/2017-
28 EMS-0104-DHS/index.html](https://portal.azoah.com/oedf/documents/2017-EMS-0104-DHS/index.html).

Exhibit A

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(EMS No. 0283)

11 **SUBPOENA TO DEAN TAYLOR TO
APPEAR AT HEARING
Under the Authority of A.R.S § 41-1092.07C**

(Assigned: The Hon. Tammy Eigenheer)

12 TO: Mr. Dean Taylor
13 c/o GAMPAC
14 16100 N. 71st Street, Suite 400
15 Scottsdale AZ 85254

16 YOU ARE HEREBY COMMANDED TO ATTEND a hearing in this matter at the date,
17 time and location listed below and to remain until excused.

18 Date: Tuesday, November 6, 2018

19 Time: 9 a.m.

20 Location: Office of Administrative Hearings
1740 West Adams Street, Lower Level
21 Phoenix AZ 85007

22 The Office of Administrative Hearings endeavors to ensure the accessibility of its hearings to all
23 persons with disabilities. Should you need special accommodations, please contact the Office of
Administrative Hearings at (602)-542-9826 at least three working days prior to the hearing.

24
25 DATED this ____ day of _____, 2018.

26 By _____
27 The Honorable Tammy Eigenheer

28 AT THE REQUEST OF: ABC AMBULANCE LLC