
The Superior Court of Arizona in Maricopa County – Adult Probation Department
Chief Probation Officer Barbara A. Broderick

PRESENTENCE INVESTIGATION

State of Arizona v. **Susan Marie Rall, CR2015-107409-001-DT**

Superior Court Criminal Division **CRJ08**

Sentencing Date: **September 22, 2015**

Sentencing Judge: **Warren J. Granville**
PSI Officer: **Laura Carr**

Prosecutor: **Brett Harames, AAG**
Defense Counsel: **David E. Wood, PVT**

Present Offense:

The following information is summarized from Arizona Attorney General's Factual Basis and plea agreement:

On August 5, 2014, the defendant obtained property of another by means of material misrepresentations when she knowingly used the entities of D&S Investors Enterprises, LLC, and Cerca Trova Enterprises, LLC, to acquire in excess of \$3,000.00, but less than \$4,000.00 from the Arizona Department of Environmental Quality (ADEQ) and the State of Arizona through a series of false procurement requisitions and purchase orders submitted and processed through the Arizona Procurement website. The defendant deprived ADEQ and the State of Arizona of money. She was a member of both D&S Investors Enterprises, LLC, and Cerca Trova Enterprises, LLC at the time of her employment at ADEQ. She, in her capacity at ADEQ, had the authority to use procureAZ.gov to approve, reject, and/or cancel orders or requisitions involving ADEQ funds. She created false purchase orders listing D&S Investors Enterprises, LLC, and Cerca Trova Enterprises, LLC as vendors, which caused ADEQ to pay both companies for products and services that did not exist and were never rendered. The defendant's husband, David Rall, had no knowledge of her illegal conduct. The defendant's criminal enterprise resulted in a financial loss of \$34,651.25 to the State of Arizona Department of Environmental Quality (ADEQ).

Statutory Offense Requirements:

Pursuant to A.R.S. 13-713, the Court shall order the defendant's membership in the Arizona State Retirement System (ASRS) terminated, and the Court shall forfeit all rights and benefits earned under ASRS. Upon forfeiture of all rights and benefits the defendant is entitled to receive, in a lump sum amount, the member's contribution to ASRS, less any benefits received.

Victim's Statement:

Attempts to contact David Bryant, of the Arizona Department of Environmental Quality, have been unsuccessful as of the time of this writing.

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Defendant's Statement:

Regarding the present offense, the defendant explained that she was in a hostile work environment created by a supervisor who constantly told her she did not know her job and that she “sucked” at her job. She admits she took funds from her employer. The police contacted her six months later and arrested her. She spent twenty-four hours in jail. She indicated she “snapped” after working in a hostile environment. She indicated she was told how bad she was at her job by her superior and the next day she was told she was responsible for training three new employees. She hopes to receive probation. She avows she will never do anything like this again. She indicated she has never been in trouble with the law before.

Statements of Interested Parties:

Assistant Attorney General Brett Harames recommends the maximum term of probation to include an initial jail term. He submitted a sentencing memorandum, which has been considered and is attached to this report for the Court’s review.

Risk/Needs Assessment:

The Offender Screening Tool (OST) uses a detailed interview and scoring system to determine an offender’s risk to re-offend and identifies the risk factors (domains) of their life that would benefit from intervention. There are nine domains grouped by their impact on the offender’s overall risk level. Scores of 60% or higher (50% for mental health domain) in each individual domain contribute the most to the offender’s total risk level, whereas lower scores may contribute moderately or not at all. The identified risk factors provide the Court and other agencies information to match supervision and treatment interventions that will address an offender’s greatest risk factors, potentially reducing their risk to re-offend. The OST has been validated for statewide use on Arizona’s adult population and has been approved by the Administrative Office of the Courts. A graph showing this defendant’s scores on the OST is attached to this report.

**OVERALL RISK/NEEDS LEVEL
(Female Risk/Needs Range)**

8			
Low (0-8)	Medium-Low (9-13)	Medium-High (14-20)	High (21-42)

DOMAINS THAT DO NOT CONTRIBUTE TO OVERALL RISK/NEED LEVEL

DOMAIN	SCORE		SUMMARY
Alcohol Use	0/3	0%	• No dysfunction reported.
Drug Abuse	0/3	0%	• Avows no drug use during lifetime.
Education	0/3	0%	• Bachelor’s degree and Master’s degree.
Residential	0/2	0%	• Stable residence in a non-crime ridden area.

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DOMAINS THAT MAY CONTRIBUTE TO OVERALL RISK/NEED LEVEL

DOMAIN	SCORE		SUMMARY
Attitude	1/7	14%	<ul style="list-style-type: none">• Attitudes at odds with societal norms.• Amenable to probation.• Respectful attitude toward authority figures.• Appears motivated to improve life.
Family and Social Relationships	1/8	13%	<ul style="list-style-type: none">• Married for thirty years to David Rall.• One grown child.• No pro-social companions.• Two sisters and four brothers.• Positive relationship with family.
Criminal Behavior	1/9	11%	<ul style="list-style-type: none">• Present offense is a felony.

DOMAINS THAT SIGNIFICANTLY CONTRIBUTE TO OVERALL RISK/NEED LEVEL

DOMAIN	SCORE		SUMMARY
Mental Health	2/2	100%	<ul style="list-style-type: none">• Please refer to confidential section of this report.
Vocational	3/5	60%	<ul style="list-style-type: none">• Business manager, database programmer and administer, and clerical job skills.• Fired from her job due to the present offense.• Unemployed since January 25, 2015.• Able to meet financial obligations.

Additional Assessments:

Eligible for Work Furlough.

Ineligible for Intensive Probation Supervision (IPS) due to risk/assessment score.

Financial Assessment:

The defendant is able to meet financial obligations. She possesses marketable job skills. She should be able to pay restitution and court-ordered financial assessments. A restitution ledger is attached to this report for the Court's review. Should restitution be ordered, a \$20.00 time payment fee should be applied. A \$20.00 probation assessment is recommended. A standard probation service fee of \$65.00 per month is recommended.

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Discussion and Evaluation:

The defendant, age forty-eight, is before the Court for her only known transgression with the law. She abused her position of trust while employed with the Arizona Department of Environmental Quality (ADEQ), and her criminal enterprise resulted in a financial loss to ADEQ in an amount in excess of \$34,000.00. The defendant admits culpability for her actions and explained that she “snapped” after being treated poorly by her superior, and that led to her criminal conduct.

Standard assessments indicate the defendant presents a low risk to re-offend. Her mental health issues and vocation contribute significantly to her overall risk/needs. Her attitude, criminal behavior, and family/social relationships (no pro-social companions) may also contribute to her overall risk/needs. Her education level, residence, and reported lack of drug or alcohol abuse issues do not present as criminogenic factors.

Considering the nature of the defendant’s crime, coupled with her mature age and lack of any prior known contact with the criminal justice system, it appears a supervised probation grant, to include the White Collar Addendum to probation would be appropriate to hold her accountable for her actions, as well as provide her with rehabilitative services. The maximum length of probation (4 years) is recommended to ensure the defendant has ample time to pay restitution in full. Should she fail to pay restitution in full prior to expiration from probation, her probation grant may be extended. An initial jail term of at least three month(s) is recommended given the severity of her crime and the significant dollar loss to her former employer.

Identification Status:

The defendant has provided documentation verifying her identity in the form of an Arizona Driver License.

Recommendation:

It is respectfully recommended that the defendant be granted three year(s) supervised probation to begin on September 15, 2015. Abide by the following additional conditions:

- Condition #15 I will be financially responsible by paying all restitution, fines, and fees in my case as imposed by the Court. I understand, if I do not pay restitution in full, the Court may extend my probation.
- 15a. Restitution per the attached ledger sheet.
 - 15b. Probation Service Fee of \$65.00 per month beginning on December 1, 2015.
 - 15r. Probation Surcharge in the total amount of \$20.00 beginning on December 1, 2015.
 - 15s. Time Payment Fee of \$20.00.

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- Condition #16 I will not consume or possess any substances containing alcohol.
Condition #18 I will serve 3 month(s), in the county jail beginning September 22, 2015.
I will report to the APD within 72 hours of release from jail.
I will comply with all program rules.
Shall participate in Work Furlough, if eligible.
Condition #19 I will not have any contact with the victim(s) in any form, unless approved in writing by the APD.
Condition #21 I will abide by the attached special conditions of probation:
White Collar

Reviewed by: _____

Judge: _____

Date: _____

Respectfully submitted by:



Laura Carr, Senior Adult Probation Officer

Cell: 602-619-5424/ Office: 602-506-7173

September 17, 2015

<mailto:carrL001@apd.maricopa.gov>

Michele Saldana, Supervisor

Phone: 602-526-4188

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

-v-

SUSAN MARIE RALL (001)
DOB: 10/12/1966,

Defendant.

No. CR 2015-107409-001 DT

PLEA AGREEMENT

The State of Arizona and the defendant hereby agree to the following disposition of this case:

Plea: The defendant agrees to plead GUILTY to:

Count 3 (as amended): Theft, a class 4 felony, in violation of A.R.S. §§13-1801,-1802,-301,-302,-303,-304,-305,-306,-604,-701,-702,-703,-713,-801,-811 committed on or about August 5, 2014.

This is a non-dangerous, non-repetitive offense under the criminal code. **The deadline for accepting this plea agreement is July 15, 2015, after which date it is withdrawn.**

Terms: On the following understandings, terms and conditions:

1. The crimes in Count 3 carries a presumptive sentence of 2.5 years; a minimum sentence of 1.5 years (1 year if trial court makes exceptional circumstances finding), and a maximum sentence of 3 years (3.75 years if trial court makes exceptional circumstances finding). Probation is available. Restitution of economic loss to the victim and waiver of extradition for probation revocation procedures are required. The maximum fine that can be imposed is \$150,000 fine amount plus an 83% surcharge (plus a \$20.00 probation surcharge and a penalty assessment of \$13.00). If the defendant is sentenced to prison, the defendant shall also be sentenced to serve a term of community supervision equal to one-seventh of the prison term to be served consecutively to the actual period of imprisonment. If the defendant fails to abide by the conditions of community supervision, the defendant can be required to serve the remaining term of community supervision in prison. Special conditions regarding sentence imposed by statute (if any) are: Pursuant to A.R.S. § 13-610, the defendant must submit to Deoxyribonucleic Acid (DNA) testing for law enforcement identification purposes. As a condition of probation, the defendant could be sentenced to up to one year in the county jail as a condition of probation. Pursuant to A.R.S. § 13-713, the Court shall order the defendant's membership in the Arizona State Retirement System (ASRS) and the Court shall forfeit all rights and benefits earned under ASRS. Upon forfeiture of all rights and benefits the defendant is entitled to receive, in a lump sum amount, the member's contribution to ASRS, less any benefits received.

SM 2. The parties stipulate to the following additional terms: The defendant shall be placed on supervised probation with white collar probationary terms. The Defendant shall pay restitution to the victim State of Arizona (Arizona Department of Environmental Quality (ADEQ)) in the amount of \$34,651.25 prior to the time of sentencing in this case. Pursuant to A.R.S. § 13-713, the defendant shall forfeit the portion of her Arizona State Retirement System (ASRS) account balance previously paid to her but contributed by ADEQ, her employer, as "matching contributions" since July 20, 2011. The total amount to be forfeited to ADEQ is \$19,394.39. The defendant has previously forfeited \$14,254.16 contributed by ADEQ. The remaining balance of ASRS contributions the defendant shall forfeit to ADEQ is \$5,139.93. This amount, \$5,139.93, can be reduced pursuant to the Court's determination of David Jerome Rall's rights to the amount under A.R.S. § 13-713(c). The penalty assessment shall be paid to the Maricopa County Treasurer, pursuant to A.R.S. §12-116.04. For purposes of A.R.S. §12-116.04, the investigating agency was the Arizona Attorney General's Office, Special Investigations Section. The defendant fully agrees with the written factual basis attached to this plea agreement as Addendum A.

SM 3. The following charges are dismissed, or if not yet filed, shall not be brought against the defendant: Counts 1, 2, 4 and 5 through 13; and allegation of A.R.S. § 13-703.

SM 4. This agreement serves to amend the complaint or information, to charge the offense to which the defendant pleads, without the filing of any additional pleading. However, if the plea is rejected by the court or withdrawn by either party, or if the conviction is subsequently reversed, the original charges and any charges that are dismissed by reason of this plea agreement are automatically reinstated.

SM 5. If the defendant is charged with a felony, she hereby waives her rights to a preliminary hearing or other probable cause determination on the charges to which she pleads. The defendant agrees that this agreement shall not be binding on the State should the defendant be charged with or commit a crime between the time of this agreement and the time for sentencing in this cause; nor shall this agreement be binding on the State until the State confirms all representations made by the defendant and her attorney, to-wit: Defendant avows that she has no prior felony convictions and was not on probation, parole or community supervision at the time of this offense.

If the defendant fails to appear for sentencing, the court may disregard the stipulated sentence and impose any lawful sentence which is the same as or exceeds the stipulated sentence in the plea agreement. In the event the court rejects the plea, or either the State or the defendant withdraws the plea, the defendant hereby waives and gives up her right to a preliminary hearing or other probable cause determination on the original charges.

SM 6. Unless this plea is rejected by the court or withdrawn by either party, the defendant hereby

waives and gives up any and all motions, defenses, objections, limitation periods or requests which she has made or raised, or could assert hereafter, to the court's entry of judgment against her and imposition of a sentence upon her consistent with this agreement. By entering this agreement, the defendant further waives and gives up the right to appeal.

7. The parties hereto fully and completely understand and agree that by entering into a plea agreement, the defendant consents to judicial fact-finding by preponderance of the evidence as to any aspect or enhancement of sentence. In making the sentencing determination, the court is not bound by the rules of evidence. If after accepting this plea the court concludes that any of the plea agreement's provisions regarding the sentence or the term and conditions of probation are inappropriate, it can reject the plea. If the court decides to reject the plea agreement provisions regarding the sentencing, it must give both the state and the defendant an opportunity to withdraw from the plea agreement. In case this plea agreement is withdrawn, all original charges will automatically be reinstated. The defendant in such case waives and gives up her right to a probable cause determination on the original charges.

8. I understand that if I am not a citizen of the United States that my decision to go to trial or enter into a plea agreement may have immigration consequences. Specifically, I understand that pleading guilty or no contest to a crime may affect my immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. My plea or admission of guilt could result in my deportation or removal, could prevent me from ever being able to get legal status in the United States, or could prevent me from becoming a United States citizen. I understand that I am not required to disclose my legal status in the United States to the court.

9. If the court decides to reject the plea agreement provisions regarding sentencing and neither the State nor the defendant elects to withdraw the plea agreement, then any sentence either stipulated to or recommended herein in paragraph 2 is not binding upon the court, and the court is bound only by the sentencing limits set forth in paragraph 1 and the applicable statutes.

10. This plea agreement does not in any way compromise, or provide any protection or defense with regard to, any civil action, whether by or on behalf of a victim or any government entity, and whether previously or later filed, including but not limited to an action pursuant to A.R.S. Title 13, Chapter 23 or §§ 13-4301, -4315; nor does it abrogate or limit the provisions of A.R.S. § 13-2314(H) or A.R.S. § 13-4310(C), or in any other way adversely affect the State in any current or future forfeiture proceeding or other civil action pursuant to A.R.S. § 13-2314, §§ 13-4301, -4315, or § 32-1993, if applicable.

11. **I have read and understand all of the provisions, on all of the pages, of this agreement, and I have discussed the case and my constitutional rights with my lawyer. I understand that, by pleading guilty, I will be waiving and giving up my right to a determination of probable cause, to a trial by jury, to confront, cross-examine, and compel the**

attendance of witnesses, to present evidence in my behalf, my right to remain silent, my privilege against self-incrimination, presumption of innocence, my right to a determination by a jury of any fact used to impose a sentence within the sentencing range, and my right to appeal. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as part of this plea agreement, I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated and I can be sentenced to any term or terms stated above in paragraph one, without limitation.

I have personally and voluntarily placed my initials in each of the above boxes and signed the signature line below to indicate I read and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement.

Date

7-22-15

Defendant

Susan Marie Rall, DOB: 10/12/1966

I have discussed this case with my client in detail and advised her of her constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

Date

Alan Baskin - #013155
Defense Counsel

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

Date

7/22/15

Brett Harames - #024701
Assistant Attorney General

#4356506

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

SUSAN MARIE RALL (001)
DOB: 10/12/1966

Defendant.

CR2015-107409-001DT

ADDENDUM A

FACTUAL BASIS ADDENDUM:

1. The parties hereto fully and completely agree to the following factual basis for the offenses committed by Defendant:

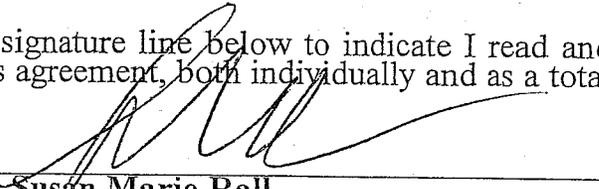
On August 5, 2014, I, Susan Marie Rall, obtained property of another by means of material misrepresentations when I knowingly used the entities D&S Investors Enterprises, LLC, and Cerca Trova Enterprises, LLC to acquire U.S. currency in excess of \$3,000, but less than \$4,000, from the Arizona Department of Environmental Quality (ADEQ) and the State of Arizona through a series of false procurement requisitions and purchase orders submitted and processed through the Arizona Procurement website, procureAZ.gov. I intended to permanently deprive ADEQ and the State of Arizona of the U.S. currency. I, Susan Marie Rall was a member of both D&S Investors Enterprises, LLC, and Cerca Trova Enterprises, LLC at the time of my employment at ADEQ. In my capacity at ADEQ, I had the authority to use procureAZ.gov to approve, reject and/or cancel orders or requisitions involving ADEQ funds. I created false purchase orders listing D&S Investors Enterprises, LLC, and Cerca Trova Enterprises, LLC as vendors, which caused ADEQ to pay both companies for products and services that did not exist and were never rendered.

My husband, David Jerome Rall, had no knowledge of my illegal conduct. David Jerome Rall did not knowingly participate in my illegal conduct. For the duration of my illegal conduct David Jerome Rall could not have had any knowledge of this crime because I concealed it from him totally.

I have personally and voluntarily signed the signature line below to indicate I read and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement.

Date: 7-22-15

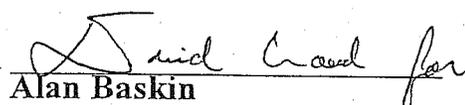
Defendant


Susan Marie Rall

I have discussed this case with my client in detail and advised her of her constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

Date: 7/22/15

Defense Counsel


Alan Baskin

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

Date: 7/22/15

Prosecutor


Brett Harames #024701

MICHAEL K. JEANES
CLERK OF THE SUPERIOR COURT
MARICOPA COUNTY, ARIZONA
WWW.CLERKOF COURT.MARICOPA.GOV

Loc: 0010332 OP# 01041

Description	Qty	Amount
----- CASE# CR2015-107409-001 -----		
RFR PAYMENTS	001	34651.25
Payer Name: RALL, SUSAN		
SUB TOTAL		34651.25

TOTAL AMOUNT DUE		34651.25

CHECK (8560)		651.25
CHECK (8561)		1000.00
CHECK (8562)		1000.00
CHECK (8563)		1000.00
CHECK (8564)		1000.00
CHECK (8565)		1000.00
CHECK (8566)		1000.00
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