



# Maricopa County Attorney

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## NEWS RELEASE

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### County Attorney Concludes Fiesta Bowl Probe, Issues Recommendations

PHOENIX, AZ (December 21, 2011) – Maricopa County Attorney Bill Montgomery announced the conclusion of an 8-month criminal investigation into whether public officials illegally accepted or failed to report gifts from members of the Fiesta Bowl organization and its representatives. While the investigation did not find evidence leading to criminal liability for those investigated, it did identify areas where Arizona law does not meet legitimate public expectations for transparency in disclosure of the receipt of gifts.

“Despite the public’s legitimate expectations that current laws ensure a reasonable degree of open and honest government, Arizona’s statutes governing receipt of gifts and reporting requirements fall short of meeting those expectations,” Montgomery said. “A combination of inconsistent laws, vague reporting requirements, and a ‘knowing’ standard of conduct created significant hurdles for our investigation in establishing the required mental state to prove criminal liability,” he added.

As a consequence of the difficulties encountered in conducting the investigation, the County Attorney will make the following recommendations to both houses in the State Legislature:

- Create a single reference point in law for lobbyists and legislators that clarifies what, if any, types of gifts are permissible, and establishes consistent definitions of gifts and items that require disclosure.
- Establish an outright ban on gifts, or a minimum value threshold above which reporting and disclosure is mandatory for anything received above the set value (e.g. \$25).
- Establish an increased frequency of reporting, no less than quarterly, to eliminate record-keeping, memory and accuracy issues that can arise with annual reporting requirements. A web-based reporting system is also recommended to facilitate the public’s ability to review officials’ disclosures.
- Adjust penalties for violations of reporting requirements, making “knowing and intentional” violations a felony offense instead of a misdemeanor.
- Establish a “reckless” standard that carries misdemeanor or civil penalties that are significant enough to encourage accurate and timely reporting.

- Remove legislative staff attorneys from the role of providing campaign finance disclosure recommendations, training and advice in order to preclude any claim of attorney-client privilege on these matters.
- Amend lobbying disclosure forms to include a certification of having read the instructions, as required on campaign finance disclosure statements. Add an expenditure reporting category for Principals/Public Bodies to the Principal/Public Body Annual Report of Lobbying Expenditures.

“I trust that members of the legislature sharing my concern for upholding the integrity of our respective offices will address these recommendations in an appropriate manner,” Montgomery said.

The County Attorney’s Office began its investigation in April 2011, after receiving the case from the Arizona Attorney General’s Office which had declared a conflict of interest in the matter. Over the course of the investigation, a team of experienced prosecutors and investigators from the County Attorney’s Office reviewed thousands of pages of documents and conducted interviews with multiple legislators, lobbyists and Fiesta Bowl employees. The investigation looked at 28 legislators and 3 non-legislator elected office holders. The Attorney General also declared a conflict on two Fiesta Bowl-related cases involving three lobbyists, which also became part of the County Attorney’s investigation.

Legislators investigated:

Paula Aboud	Chad Campbell	Linda Lopez	Russell Pearce
Kirk Adams	Rich Crandall	David Lujan	Gary Pierce
Linda Aguirre	Sam Crump	Lucy Mason	Michelle Reagan
Ken Bennett	Adam Driggs	John McComish	Pete Rios
Robert Blendu	Steve Gallardo	Robert Meza	Andrew Tobin
David Bradley	Laurin Hendrix	John Nelson	Steve Tully
Bob Burns	John Kavanagh	Ward Nichols	Thayer Verschoor

Non-legislator elected officials investigated:

Joe Arpaio  
Ben Arrendondo  
Elaine Scruggs

Lobbyists investigated:

Charles Coughlin and Doug Cole as part of the lobbying firm, “HighGround”  
Kevin Demenna

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