

April 10, 2012

Honorable Rep. Ted Vogt, Chairman, House Ethics Committee

Mr. Chairman & Committee Members – Here is the best response to the specific allegations in the Manning draft report I could prepare in the very short timeframe I've been allowed.

It is very important for the Committee to meet, discuss and decide the substantial House Rules and other issues raised in my March 28 letter (attached), and the issues here, before making any more moves. I have still received no response to this important letter. If you decide to proceed, we could discuss everything in detail in a real hearing.

The Hobbs complaint should be dismissed now based on Rules violations I raise in my March 28 letter to you.

The Manning report, which fails tests of what a true independent investigation should be, should also be dismissed now. Nearly all of the claims in the Manning report are not substantiated. As a duly elected and lawfully seated legislator, I would like to discuss any and all with the accusers and Committee in person and in detail in a fair hearing process if you decide to proceed.

I believe the current process has not been clear or fair. It is important to consider what should be the process here, which. The *National Conference of State Legislatures* says Basic Elements of a Fair Disciplinary Process should include:

- A confidential, preliminary investigation should take place promptly to determine whether further action is warranted.
- The accused member should be notified of the issues under review.
- Any hearing should be conducted to preserve decorum, restrict evidence and testimony to the written charges and uphold the right of the accused to question witnesses and call witnesses.
- The full membership of the chamber should make the final determination. It may vote to accept, reject or in some instances amend the recommendation.

I will offer specific line-by-line brief responses below. Any that may be unclear or need further explanation I request a full opportunity to discuss with the Committee in person.

I have never violated The House Ethics Code, Rule 34, nor has this even been alleged.

Other lawmakers share my concerns. Please see Rep. Ash & Fillmore's April 9 letter to Speaker Tobin, under attachments below.

Respectfully,

Rep. Daniel Patterson (Tucson-LD29)

Response to Manning's Preliminary Statement (p. 2-6): The scope of this investigation is far too liberal and broad, way outside any specific issues raised in the complaint. Manning refused to answer my questions about the scope of the report, as is documented in e-mails I could provide the Committee if requested. It is clear he used a very liberal view and went on a 'fishing expedition' against me, perhaps far outside what the Committee ever intended.

Manning never names who he interviewed, or who he did not. He doesn't even offer a number of people interviewed. This is a big problem and severely compromises my ability to respond. The supposed anonymous allegations in the report must be dismissed and not considered. It seems many lobbyists, staff and lawmakers were not interviewed by Manning. Why not? At least one lawmaker told me they were interviewed, but their perspective in support of me was not included anywhere in the report. Likely this lawmaker's support of me was not included because the report was prepared to serve a pre-determined political outcome to attack my character.

Manning never made proper time to meet with me and my counsel. We offered up to two full days to meet, March 23 and/or March 30. Despite his claim of devoting significant resources to his report, he declined to travel to Tucson to meet with me. This is all documented in e-mails that I could share with the Committee if requested. I ended up only having a one hour conference with Manning call to discuss, far too short. He never asked me about any of the issues and allegations in his report. Manning's refusal to hold a significant meeting with me has badly compromised his already biased report.

The report's claim that over 80% of those interviewed believed I was a problem for the House is reckless (p. 3, line 14). 80% of whom? The report does not say who was interviewed and who was not. This figure is not reliable and must be dismissed. Manning also makes claims about the other 20% (p. 4, line 3) but dismisses these views. These unreliable and manipulated figures really indicate nothing.

The report's claim that I am 'delusional' is offensive and wrong. Manning is not qualified to make this statement simply because he may disagree with me on the scope and other issues on how he prepared his biased, pre-determined report. The report is littered with derogatory terms and judgments of the lawyers that wrote it, not necessarily consistent with the views of others.

The report pays lip-service to the myth that it was 'governed by a... presumption that the people's choice... is nearly inviolable.' (p. 3, line 12) I agree with this principle of our American Democracy, but it is clear the report does not follow this principle.

The report claims I put burdens on 'the legislative interests of every other legislative district' (p. 4, line 7) but does not say how. This stretch of a claim is unsupported and untrue. No lawmaker has ever come to me with any concerns that I have burdened interests of their district.

Response to Summary of Conclusions and Recommendations: Point 1 (p. 4, line 13) This claim is not substantiated, and for reasons above should be dismissed. These are the claims of Manning and his lawyers, not necessarily a majority of people at the House.

Point 2 (p. 4, line 16) This claim is not substantiated, and for reasons above should be dismissed. I do not ignore the Rules of the House, civility and professionalism.

Point 3 (p. 4, line 18) This claim is not substantiated, and for reasons above should be dismissed. It is also based on supposed anonymous statements that must not be accepted by the Committee. I do not routinely abuse, assault and harass anyone. I would like to discuss this with the accusers and Committee in person and in detail

Point 4 (p. 4, line 20) This claim is not substantiated, and for reasons above should be dismissed. I have never harmed anyone at the House and I never will. As far as I know, no one has ever legitimately sought protection from me at the House.

Point 5 (p. 4, line 23) This reckless claim is not substantiated. I expect to be fully cleared of all allegations in a real court of law.

Point 6 (p. 5, line 1) This claim is not substantiated, and for reasons above should be dismissed. I have never said this to staff, and the anonymous nature of this claim cannot be accepted. I also disagree with how Manning claims I responded to him about it.

Point 7 (p. 5, line 7) This reckless claim has been proven false as Ms. Escobar's recanting of her allegations against me on facebook was confirmed to Capitol reporter Howie Fischer and reported in the Arizona Daily Star.

Point 8 (p. 5, line 12) This claim is not substantiated and is totally false. I have never sought personal favors of any kind, including sex, in exchange for my vote. This anonymous claim is offensive and wrong. I would like to discuss this with the accusers and Committee in person and in detail.

Point 9 (p. 5, line 14) This claim is not substantiated. I would like to discuss this with the accusers and Committee in person and in detail.

Point 10 (p. 5, line 16) This claim is not substantiated. I would like to discuss this with the accusers and Committee in person and in detail.

Point 11 (p. 5, line 18) This claim is not substantiated. I would like to discuss this with the accusers and Committee in person and in detail.

(p. 6, line 1) The report's claim that I should be expelled is not substantiated. I would like to discuss this with the Committee in person and in detail. It is also unclear that the Committee even asked Manning for his recommendation on discipline.

Response to Investigative Analysis: (p. 7, line 14) The report disregards common standards for due process accepted as normal in America, including the need for hearing(s). I disagree.

(p. 8, line 8) The Hobbs complaint is not based on real personal knowledge, as I detailed to the Committee in my March 28 letter. Therefore it violates House Ethics Committee Rule 12 and must be dismissed, along with the report it created.

(p. 8, line 21) Manning's claim that I have 'been given the process due him' as of March 30 is offensive, unsupported and wrong. I have not had proper due process.

(p. 9, line 20) The report's claim that I have 'made false statements' and 'without remorse or consideration...' is wrong. This claim is not substantiated. I would like to discuss this with the Committee in person and in detail. This claim appears to be based on the now moot and

confirmed recanted allegations of Ms. Escobar. I expect to be fully exonerated in a real court of law, in which I do not re-appear until April 26. The Committee must wait until this is done.

My ex-wife's March 1 order of protection has been dismissed by the courts.

I never 'invoked' legislative immunity, simply no one has ever asked me to waive it.

It is also disingenuous for Manning to raise these claims relating to orders and minor charges after he says he did not look at any criminal allegation issues. If not, then why does he include all this in footnote 8 and elsewhere throughout the report? Clearly it is to attack me.

Finally, Manning shows contempt for the State Constitution by including a lot of focus on civil process and minor charges that are constitutionally prohibited against a legislator during session (Art. 4, Pt. 2, Sect. 6 of Arizona Constitution).

(p. 10, line 7) This claim is not substantiated. I would like to discuss this with the accusers and Committee in person and in detail.

(p. 10, line 10) These alleged incidents were before the last election. I was re-elected in Nov. 2012. Voters knew about these allegations. I was never formally accused of impugning a former Senator. I was removed from MAPS Committee, but it never 'prevented the MAPS Committee from adequately conducting its business, as the report vaguely claims on p. 11, line 1.

(p. 11, line 4) I disagree with allegations about the ENR hearing. This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 11, line 7) This claim is not substantiated. I would like to discuss this with the Committee in person and in detail. I strongly disagree with these claims made by members who have made it clear they have no interest in dealing with this issue fairly. I never acted inappropriately with Rep. Pancrazi and I never 'pushed' Rep. Farley.

(p. 11, line 9) Rep. Farnsworth and I had a strong disagreement on the House floor. Rep. Farnsworth dealt with this properly and immediately through the House rules. We also later briefly spoke about it and worked it out. I was never disciplined for this. My relationship with Rep. Farnsworth, who I respect, has been cordial since then.

(p. 11, line 10) This claim is not substantiated. I would like to discuss this with the Committee in person and in detail. Sen. Antenori and I have a cordial relationship, although we do not always agree on politics.

(p. 11, line 11) I never made any untruthful representations to Rep. Wheeler. This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 11, line 14) I had a verbal disagreement with Rep. Reeve in committee and on the floor after she went back on her word to help me with a bill. I disagree with her characterization of it. I never blocked her or tried to get in her space, and I'm sorry if she feels that way. I respect Rep. Reeve and our relationship has been cordial since then. This claim is not

substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 11, line 16) Rep. JP Weiers and I had a mutual argument we were both a part of. I regret my part in this and I told him so, contrary to the report's claim I show no remorse. Weiers and I exchanged words, including him confronting me later and telling me he'd 'rip me a new asshole'. This two-way argument never became physical. I respect Rep. Weiers and since then our relationship has been cordial and professional.

(p. 11, line 18) This claim is not substantiated. I would like to discuss this with the Committee in person and in detail. I've never impugned Rep. Pratt and he has never made this claim. I respect Rep. Pratt and we have a decent working relationship.

(p. 11, line 20-23) This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail. I told Wheeler I didn't do it, not what police reports I hadn't seen might say. I never told Rep. Wheeler what he claims I did, and these alleged issues of domestic abuse have been recanted and shown to be moot. I expect to be fully exonerated in court. Due in part to Manning including all this in his report, and to respect due process, the Committee should wait for it to conclude in the court.

(p. 11, line 24) I was removed from committee assignments only due to the Ethics Complaint, nothing more.

(p. 12) I disagree with Rep. JP Weiers characterization of me on the MAPS Committee and would like to talk with him about it in a hearing. I have not served on this committee since before my last re-election. There were some incidents on this committee I wish I would've handled better, and I am working hard to tone down my rhetoric, in part due to lessons I learned on the MAPS Committee. I respect Rep. JP Weiers.

(p. 13, line 8) This claim is not substantiated. I would like to discuss this with the Committee and accuser in person and in detail. I did not 'glare' at Rep. Wheeler or try to intimidate. Neither Rep. Wheeler nor anyone else has ever said anything to me about this. I'm sorry if Rep. Wheeler is upset about this. My relationship with Rep. Wheeler has been generally cordial.

(p. 14, line 1) I never intended to 'purposely invade (Reeve's) personal space' or suggest any 'physical retaliation' and I never blocked her from exiting the room. A review of the video will show this. I am sorry Rep. Reeve may feel this way. This claim is not substantiated. I would like to discuss this with the Committee and accuser in person and in detail. Also, I'm not sure what the definition is of 'personal space'? It could be different to Rep. Reeve or others than it is to me? I am totally deaf in my right ear, so sometimes I must lean in to hear what is being said, and it is important for me to listen to my colleagues. Since these two minor incidents, Rep. Reeve and I have had a cordial, professional relationship. I respect her.

(p. 14, line 24) This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail. I never became 'belligerent' or 'screamed denunciations' at Rep. Pancrazi. I'm sorry she may feel that way. I absolutely never pushed Rep. Farley. Due to the political nature of this process, and the strong involvement of these two Reps., I do not think their claims here should be fully trusted. I respect Rep. Pancrazi & Farley and have had a largely cordial relationship with both during my time in the House.

(p. 15, line 3) The verbal argument with Rep. JP Weiers is discussed above. I would like to discuss this with the accuser and Committee in person and in detail. I respect Rep. Weiers and since then our relationship has been cordial and professional.

(p. 15, line 18) These claims are not substantiated. I would like to discuss this with the accusers and Committee in person and in detail. I am not a threat to Rep. Pancrazi, Gallego, Hobbs, Alston or anyone at the Capitol. My frequent and recent conversations with Sgt. Mike Ransom of DPS and House Security confirms that law enforcement does not see me as a threat to anyone at the Capitol. I have never brought weapons to the Capitol and I never will. In fact, I believe it may violate building rules to bring weapons to the Captiol. I am sorry Rep. Pancrazi claims she keeps a weapon with her, and I have called her recently to reassure her I am no threat to her or anyone else. I respect Rep. Pancrazi and everyone in the House and my relationship with them has largely been very cordial, especially recently.

(p. 16, lines 1-6) These offense claims about my integrity are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 16, line 9) LD3 is the new legislative district I was drawn into. I have removed this from my e-mail signature, but it was never an attempt to claim I represented the current LD3 and no one has ever asked me about it or made that stretch of a claim. This was not 'dishonest' as I do live in the new LD3.

(p. 16, line 17) This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail. I never told Rep. Chabin 'the Presidents of the three main Arizona universities supported a bill'. I told him the idea for sales of beer and wine at Arizona University athletic events to help support the schools had been discussed with UA supporters, and many liked the idea. I never made any claims about talking with anyone at ASU or NAU about it. I never misrepresented anything to Rep. Chabin here and I regret that he may feel that way. He never raised this issue to me. I respect Rep. Chabin and I have had cordial relations with him in the House.

(p. 17, line 1) This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail. What bill? What member? The Manning report is much too full of vague and unsupported anonymous claims like this, which the Committee should fully reject.

(p. 17, line 7) I have never intentionally been deceptive on or off the record at the Captiol. Manning's claims in this paragraph are vague and unclear. This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 17, line 18) These claims are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail. I can only recall meeting with Rep. Campbell about these issues once, at my request. I have never been asked to not communicate with staff prior to the Hobbs complaint. Campbell never talked with me about 'intimidating and threatening lobbyists.' Campbell has never been fond of my independent politics and has been disrespecting LD29 voters by pushing me to resign from the House for over a year, presumably so he could help install an appointed replacement he could fully control, and/or try to elevate himself politically.

(p. 17, line 11) This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail. I haven't seen Rep. Tovar's claimed 'notes'. Tovar has never told me she's "...had to personally apologize to other members" for me. Why not? Did this ever really happen?

(p. 19, line 8) I've never been informed that Speaker Tobin supposedly was considering removing me from the floor. Why not? This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 19, line 12) It has never been 'the custom' to always speak with me with at least one witness present. This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail. I have often had one-on-one conversations with legislators and staff.

(p. 19, line 17) Tovar never 'convinced me to leave the floor instead of being thrown out.' This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 19, line 18) Tovar never told me she 'had to apologize' to Reeve, and I don't believe she even witnessed our short disagreement. This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 20, line 1) The claims about me 'untruthful, aggressive, disorderly and unprofessional' appear to be the words of Manning, not any members. His biased, pre-determined report is full of him inserting his views. This claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

Response to anonymous claims supposedly made by some staff: These anonymous claims should not be allowed by the committee. It is also unclear what staff members were talked to, and who was not, or even how many were talked to. Several staff members have told me they were never asked anything. Did Manning only talk with staff hand-picked to support the attack against me by Hobbs, Farley and Campbell?

(p. 20, line 3) All anonymous claims are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail. Prior to the Hobbs complaint, I've never been told by staff or anyone about these supposed concerns. I have always met with staff individually until Campbell said no after the Hobbs complaint. I disagree with all these anonymous claims, which the Committee should not allow.

(p. 21, line 8) I never said I would 'kick Rep. Weiers ass.' This anonymous claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 21, line 10) I never called other Members these names and I would not. This anonymous claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 21, line 12) I never called Sheriff Babeu a 'fag'. I respect him and I have no bias against homosexuals. This offensive anonymous claim is not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 21, line 18-22) The mention of my vasectomy came up during a discussion on birth control policy. I never told any staff I used marijuana. No staff member has ever told me they were ‘uncomfortable’ or I needed to stop talking about anything. These anonymous claims are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 22, line 2) As a prominent Arizona alumni of Michigan State University, my 2009 letter to Coach Izzo was to congratulate the team. I never intended to use my position to get anything inappropriate. If Coach Izzo chooses to send me a signed basketball – which I would never sell – as a prominent alumni and supporter of MSU then he is free to do so. I also learned recently that a family member arranged to have the basketball sent and fully compensated MSU for it. This is a non-issue and an example of how far Manning has gone to attack me. This, and most of the claims in the report, have nothing to do with the Ethics Complaint.

Response to anonymous claims supposedly made by some lobbyist: These anonymous claims should not be allowed by the committee. It is also unclear what lobbyists were talked to, and who was not, or even how many lobbyists were talked to. Some lobbyists have told me they were never asked anything. It is also unclear what staff members were talked to, and who was not. Several staff members have told me they were never asked anything. Did Manning only talk with staff hand-picked to support the attack against me by Hobbs, Farley and Campbell? These anonymous claims are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 22, line 14) These are Manning’s words, again, apparently not those of anyone else. This type of demonizing me is heavy throughout the biased report, and inappropriate.

(p. 23, line 8-9) It is unclear what Manning is talking about here, but it is very common for members to ask key lobbyists to work with them to improve bills when the legislature is not in session. This helps bills be improved for the next session.

(p. 23, line 16) I never ‘indicated’ to a lobbyist or anyone else that I ‘would trade my vote for sex.’ This is an outrageous lie. I would never do this. This anonymous claims are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

Response to claims of past draft complaints: I have never heard about these and these claims in the report should not be considered by the committee. I cannot respond to claims of actions considered but never taken. If the committee is interested, I am willing to discuss this with the accuser and Committee in person and in detail.

Response to claims involving Ms. Escobar: These claims are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail. Escobar has fully recanted her allegations and confirmed it to veteran capitol reporter Howie Fischer as reported in the Arizona Daily Star. I have not violated any court orders. I cannot get back in court in Tucson until April 26 and the Committee should wait until those legal due-process proceedings are done before considering any move against me. I expect to be fully cleared of any wrongdoing.

Response to claims of limited cooperation with investigation: These claims are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail. I was the first to contact Mike Manning and his colleagues. I offered up to two full days to meet with me and my counsel in Tucson, March 23 and/or March 30. Mr. Manning refused and the only arrangement including my counsel we could reach with him was a very limited phone call. In that call, he did not mention or question me about most of the issues in this report, therefore I had no opportunity to respond. Manning also refused repeated inquiries to define the scope of his investigation, simply stating he viewed my take as 'too narrow' but never defining in detail what he was looking for.

(p. 30, line 7) I discussed these allegations as much as possible based on the advice of my counsel. These claims are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail. The Schaffer allegations are old, never went anywhere and were known to my constituent voters before they re-elected me in Nov. 2010 as the top House vote-winner in LD29. The Escobar allegations have been fully recanted and confirmed as such.

(p. 30, line 9) I disagree with Manning's claim here or how he recalls our conversation. I discussed these allegations as much as possible based on the advice of my counsel. This is a current legal matter I am dealing with and the Committee should respect that. These claims are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 30, line 16) I disagree with Manning's claim here or how he recalls our conversation. I have never traded my vote for anything and I never would. These claims are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

(p. 31, line 7) I disagree with Manning's claim here or how he recalls our conversation. I did tell Manning I regretted a few of my actions in the House, that I was working to tone down my rhetoric and had apologized to some members, but that nothing I had done violated House Rules or the law or warranted my resignation or removal from the House. These claims are not substantiated. I would like to discuss this with the accuser and Committee in person and in detail.

This is all I have time to respond to in the very short 7 days I was allowed to respond to a report 4 lawyers had two weeks to prepare. If needed, I would like to discuss any and all accusations, including any made in declarations, with the accusers and Committee in person and in detail. If the committee decides to proceed, I request a full hearing before the Committee before any recommendation may be moved to the full House to consider.

Rep. Farley has very recently made strong and unsupported statements against me on the floor of the House, including making a motion calling for an immediate vote to remove me from office. It seems clear he is unable fairly and without bias to serve on Ethics Committee on this issue. I respect Farley, but he has not and will not be fair and should be removed from the Ethics Committee on this issue today.

Finally, any recommendation of the committee should be subject to approval, denial or amendment of the full House before being considered final.

Thank you,

Rep. Daniel Patterson

Attachments:

Rep. Cecil Ash, Rep. John Fillmore

April 10, 2012

To: Representative Andy Tobin, Speaker

Representative Ted Vogt, Ethics Chair

Arizona House of Representatives

Re: Ethics Investigation of Representative Daniel Patterson

Dear Mr. Speaker and Representative Vogt:

Over the last several weeks, as the ethics committee has launched its investigation of Representative Daniel Patterson and comments have been made on the House floor, John Fillmore and myself have become concerned about the similarities between this situation and the media's attempt to try the Trayvon Martin case in the public arena without the benefit of the protections of due process and proper procedure. We are skeptical that justice can be done with such an approach.

As one who has read many police reports and investigations, I have learned that such reports frequently do not contain all the relevant facts and often include error, notwithstanding the conscientious efforts of the investigators.

So it is with the report of Rep. Daniel Patterson. John Fillmore shares these concerns with me.

The report includes numerous hearsay statements, sometimes attributed to anonymous sources. No one is under oath in making these statements. The references to behavior in committees was not substantiated, in our view, by watching and listening to the videos of the committees, and the entire investigative report is replete with innuendo and unsubstantiated allegations.

Inasmuch as what we do here may establish a precedent for future similar situations, we are hopeful that the Ethics Committee will provide Rep. Patterson the opportunity to present his case in the setting of a hearing, and allow him to confront the witnesses against him. We believe by doing so, we will achieve a more just result.

This weekend, I personally received a telephone call from the former district chairman of the Republican Party in Rep. Daniel Patterson's district. He expressed his outrage at the attempts of the legislature to remove a duly elected representative at this critical time, with only a few weeks remaining in the session. Even though he is from a different political party, he believes his district is entitled to representation as we finish this session. Abruptly removing a representative should be done only in the most egregious circumstances.

From a fairness point of view, although Representatives are paid over the course of the calendar year, the bulk of the work is done during the session -- even more so in election years. It would be highly unjust, in our opinion, to remove Mr. Patterson at this point in the calendar year, and allow a replacement to receive the balance of Rep. Patterson's earned compensation through the remainder of the year.

Thank you for your consideration of this matter.

Respectfully submitted,

concurring

Representative Cecil Ash
Legislative District 18

Representative John Fillmore
Legislative District 23

Rep. Daniel Patterson

March 28, 2012

To: Honorable Rep. Ted Vogt, Chairman, House Ethics Committee

Mr. Chairman & Committee Members – Under Committee Rule 13, the Hobbs complaint is not valid.

Rule 13 states: *The sworn complaint shall contain: (a) a statement of fact within the personal knowledge of the complainant describing the alleged unethical conduct*

Hobbs has no direct ‘personal knowledge’ of alleged incidents cited in the statement of facts of her complaint.

Personal knowledge must be something she would have seen or heard directly. It’s not hearsay, rumors or claims she read on blogs. Hobbs was not present in Tucson, nor were any of the co-signers on her complaint. Neither she nor any co-signers made any effort to substantiate the claims before rushing to file the complaint. Her complaint is clearly not based on real ‘personal knowledge’.

Without these elements the complaint does not meet the requirements of Rule 13. The Hobbs complaint should be dismissed and any related investigation ended now.

Rule 13 also states: *The sworn complaint shall contain: (b) the law or House Rule that is alleged to have been violated*

Hobbs' complaint fails to cite any specific rule or section of law that I allegedly violated. The complaint cites A.R.S. § 32-1901.01 for definition of unethical and unprofessional conduct, but this law appears to apply only to permittees and licensees of the state, not lawfully elected and duly seated legislators. The complaint cites Ariz. Const. art. 4, pat. 1, § 11 but this seems to be about publication of measures, having nothing to do with ethics investigations.

There is also a conflict between Rule 12 and 13. Committee Rule 12 states the *'Rules of the House of Representatives... shall prevail'*

The investigation must start and end with House Rule 34, the Code of Ethics. House Rule 34 is the only legitimate issue you may look at as part of this process. I have not violated House Rule 34 and no one has ever alleged that I have.

Moreover, the allegations against me have no validity.

I will prevail and my good name will be fully cleared through my due process rights in a court of law. My next court date is April 26 as a part of my constitutionally protected due process rights, which this committee must respect.

On March 12 a court in Tucson dismissed my accuser's recent protective order against me, one of the two issues raised in the complaint statement of facts.

On March 25 my accuser publicly recanted her allegations, stating:

I had a breakdown recently. I'm now stabilized and working on getting better.

Daniel Patterson never hit or committed domestic violence against me. I never needed an order of protection against him. I'm sorry.

I disagree with the ethics complaint, investigation and charges against him. He should be found innocent.

Georgette Escobar facebook.com/georgette.escobar

My ex-wife's 2010 order, the only other specific item in the complaint, was quashed by a court soon after my due process hearing. We had a difficult divorce, but I did not abuse her. I was never arrested or charged with any crime related to her false allegations. Voters knew about her claims, but re-elected me that year as the top House vote winner in my district. The November 2010 decision of my voting constituents to re-elect and trust me to represent them in the House must be respected by this Committee.

My defense has been further hamstrung since I have not had the opportunity to view the investigative report. The investigators have been unwilling to clearly answer my questions, to describe the scope and timeframe of their investigation or report. They appear to be on a 'fishing expedition,' which could likely violate my constitutional rights to privacy, due process and other rights.

Any report submitted to the Committee should be considered a confidential draft until you've had proper time to review and I've had fair time to comment on it, at least 30 days. If you decide to proceed, I request an Executive Session of the Committee be called 30 days after any report may be submitted so I may join you in candidly discussing whatever may be claimed in any report, as well as possible remedies.

Under Committee Rule 14, I request 30 days for my opportunity to respond to any investigation report related to the complaint, not before April 30. If you then decide you may want to proceed with hearings or further investigation, which seems very unnecessary, then I'll need 45 days for additional response. My workload, constituent demands during session, my family responsibilities and other job prevent me from responding any earlier. I believe this is a reasonable and fair timeframe for all if you feel you must press on.

At this time I'm not sure what the Committee may be considering. I've made some mistakes that I've learned from, as we all have. I am working on improving myself always, but I'm not an abuser and I have not committed any unethical acts. Nothing I've done warrants removal from the House. I am focused on serving my constituents. I will not resign.

Very Respectfully,

Representative Daniel R. Patterson
Tucson-LD29

cc: Ethics Committee Members; Speaker Tobin

E-mails to Ethics Committee Chairman Vogt related to investigation:

From: Daniel Patterson

Thu
Sent: 3/22/2012
9:38 AM

To: Ted Vogt

Cc: Andy M. Tobin

Subject: Request to meet with Ethics Comm.

Ted -- I request House Ethics Comm. meet in Exec. Session Tues. Mar. 27 to discuss unclear scope of your investigator Manning's 'investigation'.

So far Manning has refused to provide us with any answers on what he may be looking at. As far as we can tell your current rushed process shows little respect for the constitution, due process, rules or proper scope.

This seems now like a political 'fishing expedition' not a fair process.

Please let me know by 5p Friday. Thanks.

Representative Daniel Patterson

From: Daniel Patterson

Sun
Sent: 4/1/2012
5:06 PM

To: Andy M. Tobin; Ted Vogt

Cc: Tim Fleming

Subject: URGENT: Release of Manning report Mon. would violate House Ethics Comm.
Rule 14

Mr. Speaker & Mr. Vogt -- The Manning report should not be released Monday.

Under House Ethics Committee Rules, I am allowed due process to question and examine any witnesses. I have not been offered that opportunity. Release of a report with statements against me when I've had no opportunity for that due process would violate House Rules.

As far as I know the Ethics Committee has not yet met to decide how to specifically acknowledge and respond to my Mar 28 letter to the Committee. This letter (attached) included specific points on Rule 13 and other critical issues on the validity of the complaint to be decided by the committee, and specific requests to be decided by the committee on how to handle the report.

The Committee should at least meet with me to discuss and decide these important issues before any report is released.

At the very least, when and if the report may be released after a meeting and decision by the full committee, it should be clearly considered only a draft at least until I've had a fair chance to comment and have all my due process rights under Rules, the constitution and all other applicable rules.

Mr. Fleming, please advise.

Respectfully,
Rep. Daniel Patterson

From: Daniel Patterson

Tue
Sent: 4/3/2012
10:05
PM

To: Andy M. Tobin; Ted Vogt

Cc:

Subject: Mike Manning

Mr. Speaker & Chairman Vogt -- I'm disappointed we only got to talk for an hour on the phone to Mike Manning because he refused our offer to meet all day Mar 23 &/or Mar 30 with me and my counsel in Tucson.

My counsel could not coordinate schedules to travel to Phoenix, as I told him.

I believe Mike's decision to reject our offer for long face-to-face meeting(s) was harmful to his heavily speculative and often quite vague draft report, which contains many inaccuracies.

With Respect,

Representative Daniel Patterson

From: Daniel Patterson

Wed
Sent: 4/4/2012
9:41 PM

To: Ted Vogt

Cc: Andy M. Tobin; Tim Fleming

Subject: RE: Response to your inquiry

Ted -- Just saw this. I will try for 9:30am. Was that time in the motion?

If you decide to proceed, it is essential to fairness and process that the Ethics Committee hold a hearing(s) and other opportunity for me to discuss matters and answer questions directly before the committee. Otherwise I have no way to have my due process rights under Ethics Committee Rule 15, etc.

This important and complicated matter cannot fairly or effectively be reduced to only written comments. If you decide to continue on, I deserve a fair hearing.

Please advise.

Thanks,
Daniel

Representative Daniel Patterson (I-Tucson-LD29)
Arizona House of Representatives
602.926.5342 Capitol
520.398.6000 Tucson
azleg.gov

Celebrate Arizona Centennial 2012 az100years.org

-----Original Message-----

From: Ted Vogt
Sent: Wed 4/4/2012 4:55 PM

To: Daniel Patterson
Cc: Andy M. Tobin
Subject: Response to your inquiry

Representative Patterson,

Please be advised that your deadline for submitting a written comment to the Special Counsel's Investigative Report remains at April 10, 2012 at 9:30 a.m. You may deliver your written comment directly to me. A meeting agenda will be forthcoming.

I further anticipate that any recommendation of the Ethics Committee will be based exclusively on the Investigative Report, exhibits and your written comments. Accordingly, as soon as I receive your comments, I will immediately copy and distribute them to the Committee members. I do not believe the committee will be entertaining any formal presentations, witness testimony, or any matters other than the written papers submitted.

Respectfully

Ted Vogt

Chairman

From: Daniel Patterson

Thu
Sent: 4/5/2012
3:18 PM

To: All House Users

Cc:

Subject: Ethics process

Hon. House Members & Staff -- I sincerely regret that I've offended anyone at the House. This has never been intentional. I realize that perhaps I've sometimes been too passionate, and I'm working hard to change my behavior. Please forgive me.

I want to assure you that I'm not a threat to you and I have no harmful intent toward anyone at the House. I do not believe in violence.

I've requested a hearing in the Ethics Committee for a full opportunity to answer questions and address members respectfully face-to-face. This fair due process is needed to ensure the House does not set a very bad precedent, and it would go a long way toward getting to the truth of this matter.

I disagree with the tone and accusations in the wide-scope Manning report. I plan to respond to the Ethics Committee again on Apr 10, although the anonymous nature of most of the report, and the rushed time frame, severely limits my ability to respond under Committee Rule 14 & 15, etc.

Although I've made some mistakes, nothing I've done warrants my resignation or removal from the House. The decision of voters who elected me should be respected. Furthermore, I do not intend to run for re-election to the House in 2012.

Many of us have worked well together for the public interest of Arizonans. You have my respect. Thank you for reading this and please call me anytime if you want to discuss, 520.906.2159

Respectfully,
Representative Daniel Patterson

ARIZONA REPUBLIC

Laurie Roberts, Apr 9, 2012

Rep. Patterson is right (about one thing, at least)

The House Ethics Committee meets at 9:30 a.m. Tuesday to review Rep. Daniel Patterson's response to an ethics investigation that calls for his expulsion from the Legislature.

Here's a hint: Patterson is going to say he never hit his ex-girlfriend or his ex-wife and that though he has a temper, he's done nothing to warrant the old heave ho. Attorney Mike Manning, tapped by the ethics panel to investigate, has recommended that Patterson be bounced, citing, among other things, an eyewitness report that Patterson backhanded his girlfriend during a February fight, and statements from his colleagues that he picks fights with everyone.

House Democrats want him gone yesterday, saying people are afraid of the guy. Any concerns about safety were presumably eased when House Speaker Andy Tobin limited Patterson's access to much of the building last week.

So now, what to do?

There's talk that House Ethics Chairman Ted Vogt won't be holding a hearing, that the panel may make its recommendation Tuesday based on the written report and Patterson's response. There's even speculation that the full House may vote Tuesday, sending the Tucson Democrat packing by the end of the day.

That would be a mistake.

In addition to domestic violence, this report is full of astonishing accusations, some by legislators, some by unnamed lobbyists and staffers. Patterson has asked for a hearing. Given the gravity of the penalty, it seems only fair to give him one.

To do otherwise leaves the public wondering just what the heck is going on

Already some in the community are wondering why Patterson is being given the bum's rush out of the Capitol and what sort of precedent it sets. Can the Legislature simply eject someone because the members don't like him? Because he has a bad personality?

Because they don't agree with his politics?

"What if we elected somebody that just went all out to make sure an urban constituency was heard, and was unorthodox but not unlawful and was just very very passionate," the Rev. Jarrett Maupin asked me. "To me it leaves the door open for them to get rid of people that voters have sent there because of who they are, because of the color of their personality."

To some, it's going to look that way if the House votes tomorrow.

Patterson needs to go. But if he won't resign, then he should get a hearing. I'm guessing there's a pretty good chance that Patterson -- who has an excuse or an explanation for everything -- will basically hang himself. So call the legislators and lobbyists who fear him. Call the eyewitness who says he saw Patterson backhand his girlfriend, knocking her to the ground. Offer an opportunity for his ex-wife and ex-girlfriend (who has since recanted) to speak their peace, should they want to.

At least then the public will have a clear understanding for why the House is prepared to take the extraordinary step of expelling a duly elected legislator.

If there's no hearing, no chance for a full airing of the accusations made against him? If he's just ridden out of town on a rail?

Somebody will look bad all right....or a group of somebodies. They're called the Arizona House.

ARIZONA REPUBLIC

Patterson: Due process lost in a rush to judgment

by **Daniel Patterson** - Apr. 10, 2012 12:00 AM

My Turn

At the Capitol, I represent my constituents first and foremost, not any political party or lobbyists. This independence has caused me problems in the Legislature. I work hard for the people in southern Arizona's District 29 and would like to continue.

I have never physically assaulted any woman. I have been accused by two women, the second of whom knew all the details of the first. While such accusations have caused irreparable damage to me, I am grateful the second woman has admitted the alleged abuse did not happen.

Democratic legislators are attempting to rush to remove me from office. An ethics complaint was filed concerning allegations of domestic abuse, which have since been shown moot. Political lawyers were brought in to look into that complaint. When concern arose over a rush to judgment, the focus was switched to my alleged behavior at the Capitol.

The lawyers themselves state the report would not be admissible in a court of law. That's because it is largely hearsay, anonymous sources, supposition and fiction. Those giving interviews were not sworn in. Many sources are unnamed. The number of people interviewed is never given. There were legislators who made positive comments about me and spoke in my defense. None of those statements was included in this biased report.

I have asked for a hearing and the right to defend myself. That request has so far been ignored. This biased report has been represented as if it were fact, and some of you may already have an opinion, based on what you've heard, as to what kind of person I am. I am asking you to keep an open mind. I'm not a bad guy.

The outcome of this politically motivated report was determined before the first interview was conducted. The objective was to assassinate my character to try to justify my removal. The fact that I wasn't allowed to review it and respond before it was released is a violation of House rules. The whole process is unfair and has turned into a witch hunt.

I've had intense discussions at times, but contrary to what has been reported, I've not threatened anyone with bodily harm, nor have I had any physical confrontations with legislators or staff at the Capitol. That said, I take these concerns seriously, and I am toning down my rhetoric.

The question is: Shouldn't the voters decide who represents them through their vote? If they don't approve of their representation, they will vote for someone else. That's the way our democracy works, and it must be protected.

Legislators write laws and should respect them. The idea of removing a duly elected and lawfully seated representative from office without due process, the ability to mount a defense and an opportunity to face his accusers is un-American. It goes against our democracy. The bad precedent of this type of action goes way beyond me and this story.

I'm submitting a response today. I hope you'll read it. It's an honor to serve you.

Rep. Daniel Patterson is an Independent.

Supplemental Response to Preliminary Statement (attached)

NCSL General Legislative Process (attached)

NCSL Legisbrief on State Ethics Process (attached)

Arizona Legislative Manual (attached)

US House Report of Committee on Standards of Official Conduct (attached) to show proper ethics procedure at US level for comparison.

Rules of the US House of Reps (attached) to show US procedure for comparison.