

HOUSE OF REPRESENTATIVE ETHICS COMPLAINT

TO: House Ethics Committee

FROM: Representative Ray D. Martinez, LD30

DATE: November 14, 2017

SUBJECT: Minority Leader Rebecca Rios, LD27

I submit this complaint because I am concerned that voters in LD30 who overwhelmingly supported me in my recent election last year are being under-mindd by the actions of Minority Leader Rebecca Rios.

During the end of April 2017, I began to hear that Superior Court Judge Bill Brotherton was running for the Senate in LD30. I began to ask around if this was true and asked Representative Tony Navarette if he knew anything because I had heard that Representative Navarette had met with Mr. Brotherton and had heard that Mr. Brotherton had changed his mind and was now running for the House in LD30. Representative Navarette acknowledged that he met with Mr. Brotherton and that he learned he had changed his mind and was now running for the House in LD30. I continued to monitor this information for months because I knew Mr. Brotherton had served in the past and lived in the district. I also knew that the demographics had changed and LD30 was now predominately a Latino district. I had difficulty figuring out why Mr. Brotherton would be leaving the bench for the salary of a House of Representative.

It was during this period that I learned that Minority Leader Rios had experienced a Domestic Violence Incident at her home. I also learned that this incident with her husband or significant other involved Ms. Rios involving herself with a Lobbyist from Arizona Public Service. This information raised a lot of questions about the race in LD30.

On 7-26-17; 7-27-17; and 8-1-17, Mr. Brotherton did attempt to call me on my cellphone but I ignored the calls because I learned Mr. Brotherton wanted me to run with him as a slate for the House Seats in LD30. I had already decided that I would support Candidate Raquel Teran and that I would run together with her for the House Seats for 2018.

On Monday August 14, 2017, Mr. Brotherton called me and I took the call. Mr. Brotherton asked me to consider running by myself and not with Candidate Teran. I specifically informed him that I would not divide the Latino community by doing this and that I was running with Candidate Teran and would not "sell out" on my district. He became somewhat upset and stated "well Raquel will lose and your Minority Leader Rebecca Rios has already endorsed me.

On Tuesday August 15, 2017 I did not attend the first day of the Dem Retreat because I decided to drive to Tucson and update my US Passport for an impending legislative trip to Mexico and I was upset about what I had learned from Mr. Brotherton. I did attempt to call Minority Leader Rios at 959 a.m. but never received a return call. However that evening, I learned on Facebook of the location of the Happy Hour event for the first day of the retreat at a local establishment at Portland and North Central Avenue in Phoenix. I went there and asked Minority Leader Rios in the presence of Minority Whips Charlene

Fernandez and Randall Friese and explained that I had left her a message this same day to which she stated she never received a call or text from me. I then explained what Mr. Brotherton had stated to me the day before and asked her if she was endorsing Mr. Brotherton. She stated she had known him for years and had served with him in the legislature and that yes she was endorsing him.

I immediately left and went home. I reviewed the House Parliamentary Rules to determine how to proceed in addressing my concerns. I was able to find information in reference to a Motion of a Vote of No Confidence. I arrived on Wednesday August 16, 2017 to the second day of the Dem Retreat and when appropriate raised my hand and asked for permission to address the Dem Caucus Members present. I placed a Motion of A Vote of No Confidence against Minority Leader Rios for deciding to endorse a sitting Superior Court Judge which is to my knowledge against the Judicial Rules of Conduct, specifically Cannon 4, which strictly prohibits those individuals appointed to the bench from being involved in running for office or receiving any endorsements to run for office while still seating on the bench.

On August 17, 2017, at the request of Minority Leader Rios, I met with her for about an hour at 230 pm at the Plta Restaurant at 3rd Avenue and Roosevelt Street in Phoenix. Ms. Rios stated she should not have engaged in any political support of Mr. Brotherton without having at least spoken to me since I was the incumbent in LD30. Ms. Rios also denied any knowledge that Raquel Teran was running for the House seat in LD30. I repeatedly asked her how she as the Minority Leader of the Dem Caucus did not know this when this information was well known by many Latino leaders and even the Arizona Democratic Party. My conversation with Ms. Rios can be substantiated.

During this period I learned of another incident involving Ms. Rios the year before I was elected. This incident happened while the Speaker was House Speaker David Gowan. This incident involved former Assistant Sergeant of Arms Ryan Quimette who was forced to resign for inappropriate relationships with Ms. Rios in her office according to information known by Mr. Gowan and which was passed on to current Speaker Mesnard. According to information received, Speaker Gowan informed Speaker Mesnard in depth about this incident involving Minority Whip Rios (was Minority Whip at the time).

On August 19, 2017, I met with House Speaker J.D. Mesnard around 345 pm at Hamburger Works at 15th Avenue and Thomas Road in Phoenix and spent approximately an hour explaining my concerns. I shared all details about the conduct of Minority Leader Rebecca Rios and have been patiently awaiting some type of resolution as Speaker Mesnard did not state he could do anything to help me with my concerns.

It is my hope that my concerns can be heard and that any corrective action can be made to ensure that we preserve the integrity of the House of Representatives.

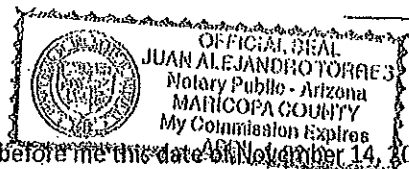
State of Arizona)

Maricopa County)

Subscribed and sworn before me this date of November 14, 2017

BY Raquel Teran

Notary Juan Alejandro Torres



L. TIMOTHY FLEMING
RULES ATTORNEY



1700 WEST WASHINGTON, SUITE H
PHOENIX, ARIZONA 85007-2844
PHONE: (602) 928-4615
tfleming@azleg.gov

Arizona House of Representatives
Phoenix, Arizona 85007

November 17, 2017

Representative Eddie Farnsworth, Chairman
Representative John Allen
Representative Diego Espinoza
Representative Randall Fricse
Representative Jill Norgaard
Members of the Ethics Committee
Arizona House of Representatives
1700 W. Washington Street
Phoenix, AZ 85007

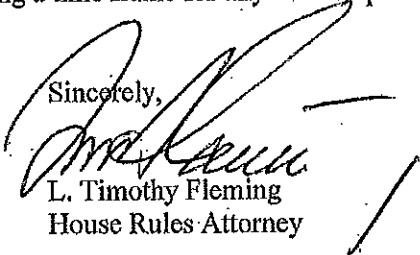
Re: Ethics Complaint dated November 14, 2017

Dear Members of the Committee:

I contact you at the request of the Chairman, Representative Farnsworth. Enclosed please find a copy of the Rules of Procedure, Ethics Committee of the Arizona House of Representatives 53rd Legislature. Pursuant to Rule 14, additionally enclosed is a copy of the ethics complaint that the Chairman has received dated November 14, 2017, regarding Representative Rebecca Rios. While the matter is under consideration, to avoid the possibility of ex parte communications, members are respectfully reminded to refrain from discussing the complaint with each other and with the member who is the subject of the complaint.

A copy of this correspondence together with a copy of the complaint are being provided to Representative Rios. Rule 14 provides "[t]he member who is the subject of the complaint shall have the opportunity to respond to the complaint in writing." The Chairman has indicated that matters of any scheduling, including scheduling a time frame for any such response, will be addressed in the future as appropriate.

Sincerely,


L. Timothy Fleming
House Rules Attorney

Enclosures:

cc:

Speaker J.D. Mesnard
Representative Rebecca Rios
Jim Drake, Chief Clerk

RULES OF PROCEDURE

ETHICS COMMITTEE OF THE ARIZONA HOUSE OF REPRESENTATIVES 53RD LEGISLATURE

RULE 1. A majority of the members of the committee constitutes a quorum. The committee shall take no official action unless a quorum is present.

RULE 2. The Chairman determines the order of business.

RULE 3. The committee shall render advisory opinions pursuant to House Rule 35.

RULE 4. House Rules relating to motions which are relevant are in order including the following motions:

- a. Be adopted, be granted or be approved
- b. Be rejected or be denied
- c. Hold for further study

RULE 5. The affirmative vote of a majority of those voting is required to take any action.

RULE 6. A roll call vote shall be taken on final action of any business before the committee. On a roll call vote the names of committee members shall be called alphabetically by surname, except the Chairman shall be called upon last. Each member present shall be allowed to pass on one call of the roll, and shall vote "yes" or "no" (aye, nay) or respond "present." Members may change their votes before the announcement of the results and members may explain their vote on any business before the committee.

RULE 7. Whenever a motion is adopted in the committee on a divided vote, any member may request a minority report.

RULE 8. With the exception of executive sessions ordered by a majority of the committee constituting a quorum, all committee meetings shall be open to the other Members of the Legislature, the press and public so long as a proper decorum is maintained.

RULE 9. In the absence of the Chairman, some other committee member designated by the Speaker shall preside.

RULE 10. The Chairman shall prepare a notice of the date, time, place and general description of the matters to be considered in each meeting and shall distribute copies to committee members, the Information Desk and the Chief Clerk's Office by at least the previous day before each committee meeting.

RULE 11. Written Committee minutes shall be filed with the Chief Clerk's Office within a reasonable time but not later than two weeks from time of completion of meetings. Attendance records of all committee meetings shall be filed with the Chief Clerk's Office within 24 hours from time of completion of meetings.

RULE 12. The Rules of the Arizona House of Representatives for all other procedures and business before the committee are adopted and shall prevail in the Ethics Committee.

RULE 13. The Chairman shall receive any sworn complaint alleging unethical conduct. Complaints shall be in writing, signed by the person or persons filing the complaint, and notarized. The sworn complaint shall contain: (a) a statement of fact within the personal knowledge of the complainant describing the alleged unethical conduct; (b) the law or House Rule that is alleged to have been violated, and; (c) all documents alleged to support the complaint.

RULE 14. The Chairman shall review and distribute a copy of each complaint and supporting documentation to all members of the Committee and to the member who is the subject of the complaint. The member who is the subject of the complaint shall have the opportunity to respond to the complaint in writing.

RULE 15. In any hearing before the Ethics Committee, the member who is the subject of the complaint shall have the right to present evidence and to examine all of the evidence against the member, the right to cross-examine witnesses, and the right to be represented by counsel of the member's choice and at the member's expense.

EDDIE FARNSWORTH
1700 WEST WASHINGTON, SUITE H
PHOENIX, ARIZONA 85007-2844
CAPITOL PHONE: (602) 926-5735
TOLL FREE: 1-800-352-8404
efarnsworth@azleg.gov



COMMITTEES:
JUDICIARY & PUBLIC SAFETY,
CHAIRMAN
BANKING & INSURANCE,
VICE-CHAIRMAN
RULES

HOUSE ETHICS COMMITTEE
CHAIRMAN

DISTRICT 12

Arizona House of Representatives
Phoenix, Arizona 85007

December 6, 2017

Representative Ray Martinez
Arizona House of Representatives
1700 W. Washington Street
Phoenix, AZ 85007

Re: Martinez Ethics Complaint Dated November 14, 2017

Dear Representative Martinez:

I am in receipt of your ethics complaint dated November 14, 2017. Pursuant to Rule 14, Rules of Procedure for the House Ethics Committee, I have reviewed the complaint and a copy of the complaint has been distributed to each member of the Committee and to Representative Rebecca Rios, the member who is the subject of the complaint.

You have been interviewed by outside counsel for the House of Representatives regarding the allegations. I have received a briefing from counsel regarding the interview. Reviewing the matter in consultation with attorneys for the House Ethics Committee, the majority of your complaint involves a political dispute that you perceive with Representative Rios regarding the 2018 election cycle and candidates for Legislative District 30. The complaint also makes reference to "inappropriate relationships" by Representative Rios. Based on the complaint and my briefing regarding your knowledge of events in the complaint, neither of these issues amounts to a violation of law, rule or policy.

House Rule 1 provides: "The House may punish its members for disorderly behavior and may, with the concurrence of two-thirds of the members elected to the House, expel any member (Arizona Constitution, Article IV, Part 2, Section 11). A violation of any of the House Rules shall be deemed disorderly behavior." A.R.S. § 38-519(E) in part states that "[a] member is subject to punishment or expulsion . . . for any violation of the code of ethics, conflict of interest or financial disclosure requirements." These are found in House Rules 34 and 35 respectively. There are no allegations in your complaint that could adequately support a claim of a violation of House Rule 34 or 35.

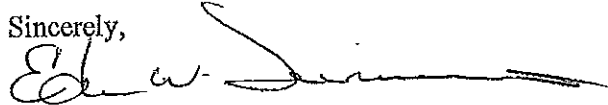
The Arizona Constitution does not specify the types of conduct that amount to "disorderly behavior" within the meaning of Article IV, Part 2, Section 11. Instead, the Constitution commends the application of that standard to the discretion of each chamber. To that end, the investigation of complaints against members is the purview of the Ethics Committee in each chamber. A.R.S. § 38-519(D). Each Ethics Committee, in turn, promulgates its own rules governing the complaint process. *See generally*, Rules of Procedure for the House Ethics Committee. Under our rules, not every complaint requires a hearing. Instead the investigation process is left to the discretion of the Ethics Committee Chairman.

Representative Ray Martinez
December 6, 2017
Page 2

Regarding allegations of conduct and the propriety of "relationships", the investigation process must safeguard an appropriate balance between individual liberty, privacy and the rule of law. I have concern for the process when the Ethics Committee may be invited down a path of inquiry into conduct not prohibited by law, rule or policy. Accordingly, under the Ethics Committee Rules, ethics complaints must be made based on facts within the personal knowledge of the individual making the complaint and given under oath. While your complaint is made under oath, you do not allege that your knowledge of "inappropriate relationships" complained of is due to your own observation of those events at the time they are alleged to have occurred. Instead, your complaint appears largely to be based upon information you have overheard from others. But even if you or any other individual did have first-hand knowledge of the "relationship" events alleged in your complaint, there has been no violation of a law, rule or policy.

In my opinion, your complaint to the Ethics Committee is about a political dispute. The matters you have presented do not meet the preliminary legal or evidentiary standard for Ethics Committee jurisdiction. I do not believe the inferences drawn and conclusions you make in your complaint are adequate to support a claim of a violation of a law, rule, policy or disorderly behavior. Further investigation and a hearing is not warranted and the matter is closed.

Sincerely,



Eddie Farnsworth
Chairman
House Ethics Committee

cc:
Speaker J.D. Mesnard
Representative Rebecca Rios
Jim Drake, Chief Clerk

Defendant's copy

TRIAL COURTS OF ARIZONA IN MARICOPA COUNTY

Encanto Justice Court/AZ007163J/0718 620 W. Jackson St., Suite 1045 Phoenix, AZ 85003

INJUNCTION AGAINST WORKPLACE HARASSMENT

Case No. **CC2015170900000**

Court ORI No. AZ007163J

County **Maricopa** State **AZ**

Former Case No. _____

PLAINTIFF EMPLOYER

Arizona House of Representatives

AUTHORIZED AGENT

Lesli Sorensen

v.

DEFENDANT

Sylvia Winter
First Middle Last

Defendant/Plaintiff Relationship: Constituent of Arizona
Defendant's Address:

640 E Bird Lane
Litchfield, AZ 85340

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
Female	White	1/1/1961	5' 7"	185
EYES	HAIR	<i>Arizona Prohibits Release of Social Security Numbers</i>		
Green	Blond			
DRIVER'S LICENSE #	STATE	EXP DATE		
	AZ			

CAUTION: Estimated Date of Birth

WARNINGS TO DEFENDANT: This Injunction shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial or tribal boundaries to violate this Injunction may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C § 922(g)(8)). Only the Court in writing, can change this Injunction.

This Injunction is effective for one year from date of service. VERIFY VALIDITY (call Holder of Record):

County Sheriff's Office — (602) 876-1061

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter.

Additional warnings are set forth on the next page(s).

THE COURT, FINDING REASONABLE CAUSE, HEREBY ORDERS:

NO CONTACT. Defendant shall have no contact with Plaintiff employer or other person while that person is on or at the employer's property or place of business or is performing official work duties except through attorneys, legal process, court hearings .

THE COURT FURTHER ORDERS:

PROTECTED LOCATIONS. Defendant shall not go to or near the Plaintiff employer's or other Protected Person's:

Workplace:

- Arizona House of Representatives: 1700 W Washington Street Unit Suite H; Phoenix, AZ 85007

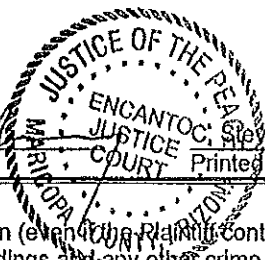
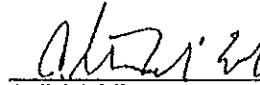
OTHER ORDERS.

The Defendant shall have no contact with any Member of the House of Representatives, any staff working or volunteering for the House of Representatives, or any guest visiting the House of Representatives.

9/11/2015

Date

Judicial Officer



Steven McMurry
Printed Name

ADDITIONAL WARNINGS TO DEFENDANT:

This is an official Court Order. If you disobey this Injunction (even if the Plaintiff contacts you), you may be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this Injunction. If you disagree with this Injunction, you have the right to request a hearing which will be held within 10 business days after your written request has been filed in the Court that issued this Injunction. Nothing Plaintiff does can stop, change, or undo this Injunction without the Court's written approval. You must return to Court to ask a judge to modify (change) or quash (dismiss) this Injunction. All violations of this Injunction should be reported to a law enforcement agency, not the court.

Arizona House of Representatives Plaintiff / Plaintiff Employer (Work Injunction ONLY)	Sylvia Winter Defendant
Birth Date: _____	640 E Bird Lane Address
Lesli Sorensen Agent's Name (Work Injunction ONLY)	Litchfield, AZ 85340 City, State, ZIP Code
	Case No. CC2015170900

This is not a court order.

PETITION for
 Order of Protection
 Injunction Against Harassment
 Workplace Injunction

DIRECTIONS: Please read the Plaintiff's Guide Sheet before filling out this form.

1. Defendant/Plaintiff Relationship: Married now or in the past Live together now or lived together in the past,
 Child in common One of us pregnant by the other Related (parent, in-law, brother, sister or grandparent) Dating-never lived together
 Other: Constituent of Arizona

2. If checked, there is a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time or support in _____ county.

Case #: _____

3. Have you or the Defendant been charged or arrested for domestic violence OR requested a Protective Order?
 Yes No Not sure

If yes or not sure, explain:

4. I need a Court Order because: (PRINT both the dates and a brief description of what happened):

Date(s) Tell the judge what happened and why you need this order. A copy of this petition is provided to the defendant when the order is served.

9/9/2015 See Attached: Ms. Winter has been contacting Representative Montenegro's office, been to his church and has stated she will go to his home. He has filed a separate Injunction Against Harassment. During the course of this contact, Ms Winter has made several statements to staff that have them concerned for their safety and Mr. Montenegro's including a reference to the Sandy Hook Elementary School shooting. The decision to prevent a citizen from contacting their State Representative is not taken lightly, but the escalating amount of contact, as well as the content, make this petition necessary.

Encanto Justice Court/AZ007163J/0718 620 W. Jackson St., Suite 1045 Phoenix, AZ 85003

- 5. The following persons should also be on this Order. As stated in number 4, the Defendant is a danger to them:

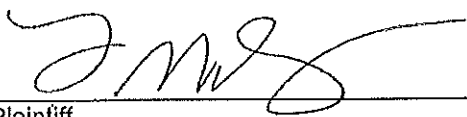
- 6. Defendant should be ordered to stay away from these locations, at all times, even when I am not present:
 - Home:
 - Work: Arizona House of Representatives: 1700 W Washington Street, Suite H, Phoenix, AZ 85007;
 - School/Others:

- 7. If checked, because of the risk of harm, order the defendant NOT to possess firearms or ammunition.



- 8. If checked, order the Defendant to participate in domestic violence counseling or other counseling. This can be ordered only after a hearing of which Defendant had notice and an opportunity to participate.

- 9. Other: I understand that Ms. Winter has been evicted from the address listed above, but it was the last valid address I had. During one of her conversations, Ms. Winter noted that she had moved to Utah, but I have not been able to confirm that. DPS has contacted her, but I don't know if it was a phone call or in person. She can be reached at the cell number listed.;

Under penalty of perjury, I swear or affirm the above statements are true to the best of my knowledge, and I request an Order / Injunction granting relief as allowed by law.



 Plaintiff

Attest:   _____
 Judicial Officer / Clerk / Notary Date 9/1/15

Narrative from House Legislative Staffer Ingrid Garvey

On or about August 11th, 12th or 13th was the first time I had a conversation with the constituent. This was at the request of Representative Montenegro's office. The constituent had called wanting *the* law changed.

I called the constituent and based on our conversation I had concerns that the constituent was dealing with mental health issues.

The constituent voiced a number of concerns but I was unable to determine what law she wanted changed. The items I noted from our conversation were:

DOJ is the grand master to everything that is going on.

She relayed that the U.S. Marshall's, who hate the DOJ came to her office and told her there was a government conspiracy.

Her name is on some type of registry.

Jesus went into poverty and she is walking in his footsteps.

Denny's along with a veterinarian clinic wouldn't hire her and won't call her back.

She wants to stop the blackballing against employment and to make a movie about taking out the DOJ. Stop the DOJ from dictating to Americans. JFK was able to keep the DOJ in check.

The constituent indicated there is an International Surveillance Court that dictates to the DOJ and the DOJ controls the press.

She does not have one mental health disorder.

Wants Representative Montenegro to help her make her movie.

The conversation would go from her being agitated and using foul language to her crying about her rights being violated. I informed her I would do some research and call her on Monday August 17th.

Based on our conversation and information I had from Jana Babel, Representative Montenegro's assistant, I compiled various information. I pulled A.R.S. §§ 36-501, 36-520, 36-521, 36-523, 36-501, 36-520, 36-521 and 36-523. Additionally, I received from AHCCCS a link to a document that outlines the process for Involuntary Evaluation and Civil Commitment <http://www.azdhs.gov/bhs/pdf/Involuntary-Evaluation-and-Treatment.pdf>. I also pulled information from the ADHS website regarding the Bureau of Consumer Rights <http://www.azdhs.gov/bhs/bcr.htm>.

I was unable to reach her on Monday, August 17th. As I recall, I phoned her 2 or possibly 3 times that day. I talked with her again on or about August 19th. (I do not have any notes from that conversation).

During that time I encouraged her to contact the Bureau of Consumer Rights at the Department of Health Services. Link is above. I also mentioned some of the process in the Involuntary Commitment and Civil Commitment Process and she seemed to be familiar with it.

September 2, 2015 I received a message to contact the constituent.

I called her and she was agitated. Outlined below are brief notes:

Her court appointed attorney cannot guarantee her a win.

She has no rights but is not going to do anything bad.

Currently under court ordered treatment but is not in Arizona. Has no protection under the law. DOJ is doing this to her. Powers of the DOJ. Everyone is scared. She can't get a job and is up in Utah.

Talked about when she was arrested/handcuffed at her home, taken to a facility in Peoria and from there was transferred to Desert Vista Mental Health Treatment Facility.

The Mob has influence on policy.

U.S. Marshall's said DOJ is controlling the press.

She wants to put a movie on the internet.

She's about 51 years old and has 15 years left to live.

Sandy Hook elementary -- I know why this happened.

Talked again about her court appointed attorney and there was nothing she needed to do.

The attending physician at Desert Vista integrated falsehoods into her record and was biased in writing it.

International System of Law -- Americans are the last people to know. She has been in the mental health system since 1996.

There is a DOJ whistle blower (Jesilyn Radac -- I don't know the spelling).

She won't go along with the court order.

Denny's won't hire her. Her name is on a database that employer's check.

Wants a job at the House of Representatives.

Again, the conversation was all over the place. She would be agitated using inappropriate language, then she would be fine and then she would work herself into a frenzy and start crying and then be ok again. This conversation lasted approximately 1 hour 15 minutes. I asked her if she contacted the Bureau of Human Rights and she indicated they were no help at all.

These are my recollections as best I can remember.

Why this person needs to stay away from me: 09/09/2015

I am an elected State Representative and Ms. Winter is my constituent. I met her a few years ago when I was working for a Congressman's office and I helped her with a concern she was having. She then started calling regularly, and would only want to talk to me. At some point, she was told that she couldn't talk to me anymore. After I was elected, she contacted my legislative office and my staff, and came to my church several times. She waited for me after church services, which made my wife and me very uncomfortable. My staff tried to assist her as well, but she made several statements and used language that made them and me uncomfortable, including "I will go to his house" and she made a reference to the Sandy Hook Elementary School shooting. She has also privately Facebook messaged me. The messages have been turned over to the Department of Public Safety. I am concerned that she may come to my home, church, or other workplaces. I am also concerned for the safety of my staff, and I don't want her to contact them either. Despite being asked not to contact the Arizona House again, she called on September 9, 2015. She asked for a specific staff member and was told she couldn't talk to her and Ms. Winter abruptly hung up.

Steve Montenegro

Case No. CC201517090000 Defendant: Sylvia Winter

Date: 9/11/2015

Defendant's Guide Sheet for Protective Orders - Please Read Carefully

The following information is provided to further explain the protective order that has been served upon you and your responsibilities as the Defendant.

1. You have been served with one of the following protective orders:

ORDER OF PROTECTION: An Order of Protection is used for a "family" relationship between you and the Plaintiff. This can include any of the following:

1) married now or in the past, 2) live together now or lived together in the past, 3) parent of a child in common, 4) one of you is pregnant by the other, 5) you are a relative (parent, in-law, brother, sister, or grandparent), or 6) current or previous romantic or sexual relationship. The Plaintiff has alleged that you have committed or may commit an act of domestic violence.

INJUNCTION AGAINST HARASSMENT: The Plaintiff has alleged that you have committed a series of acts (more than one) of harassment against the Plaintiff within the last year.

INJUNCTION AGAINST WORKPLACE HARASSMENT: This Injunction, alleging a single act or series of acts of harassment, has been filed against you by an employer or owner of a business or operation for the benefit of an employee or the business

2. **OTHER PROTECTED PERSONS:** It is possible that you will be referred to Superior Court if your children are listed as protected persons in this order. Only a Superior Court Judge can decide child custody or parenting time in a separate action.

3. **SERVICE AND EFFECT:** This protective order is valid for one year from the date it was served on you and is enforceable by law enforcement in any state or tribal nation in the United States.

4. **PROTECTIVE ORDER HEARING:** If you disagree with this protective order, you have the right to request a hearing which will be held within 5 to 10 business days after your written request has been filed in the court that issued this order. If a hearing is held and the Order remains in effect or is modified, and you and the Plaintiff 1) are married now or in the past, 2) live together now or lived together in the past, or 3) are parents of a child in common, you may be prohibited from possessing a firearm. This firearms prohibition may apply even if you fail to appear for the hearing. If you have questions as to whether your request for a hearing can result in this firearms prohibition, you should contact an attorney. The Court cannot give you legal advice.

5. **MODIFYING OR QUASHING (DISMISSING) THIS PROTECTIVE ORDER:** Only a judge can modify or quash (dismiss) this protective order. If you file an action for maternity, paternity, annulment, legal separation, or dissolution against the Plaintiff, you need to advise this court at once. **Nothing the Plaintiff does can stop, change, or undo this protective order without the Court's written approval.**

6. **PLAINTIFF CONTACT:** Even if the Plaintiff initiates contact, you could be arrested for violating this protective order. You have the right to request a protective order against the Plaintiff if you do not want the Plaintiff to contact you. However, orders are not automatically granted upon request. Legal requirements must be met.

7. **LAW ENFORCEMENT STANDBY:** If standby has been ordered by the judge on this protective order, you may return to the residence once with a law enforcement officer to obtain necessary personal belongings. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

8. **FIREARMS:** If the judge has ordered under state law that you shall not possess, receive, or purchase firearms or ammunition, you must surrender them within 24 hours after service to the law enforcement agency named on this protective order and should request them to issue proof of that surrendering. You may also be required to provide documentation to the court that firearms were transferred to the appropriate law enforcement agency.

Encanto Justice Court/AZ007163J/0718 620 W. Jackson St., Suite 1045 Phoenix, AZ 85003

Lesli Sorensen Plaintiff Birth Date: v. Sylvia Winter Defendant	CC2015170900000 Court Case No.	DECLARATION OF SERVICE OP/IAH/IAWH Issue Date ___/___/___ (mm/dd/ccyy)
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USE THIS FORM ONLY IF YOU ARE A PERSON AUTHORIZED UNDER A.R.C.P. 4 OR ARS § 13-3602(Q) TO SERVE LEGAL PAPERS.

The undersigned, being first duly qualified by law, swears or certifies that a copy of the following was served:

upon Plaintiff Defendant on ___/___/___ at ___ a.m./p.m.
(Date) (Time)

(address)

- Petition and Order of Protection (OP) Modified OP, dated ___/___/___
- Petition and Injunction Against Harassment (IAH) Modified IAH, dated ___/___/___
- Petition and Injunction Against Workplace Harassment (IAWH) Modified IAWH, dated ___/___/___
- Notice of Hearing Other _____

Plaintiff advised of service: Yes No

Declarant is a: registered process server OR peace/correction/detention officer authorized by the Court

Print the following: Name/Agency/Identification No.

Charges*: Services \$ _____ Mileage \$ _____ Fees Paid \$ _____ Total \$ _____
* No charges/fees of any type for IAH that arises from a dating relationship or any OP.

I declare under penalty of perjury that the foregoing is true and correct pursuant to ARCP 80(i)

Signature of Person Serving Document _____ Date _____

Defendant description:

Sex	Race	DOB	HT	WT	Eyes	Hair	Driver's License #	State	Distinguishing Features
F	White	1/1/1961	5' 7"	185	GRN	BLN		AZ	

Darci Johnson

From: Catherine Miranda
Sent: Tuesday, April 9, 2013 10:57 AM
To: Tim Fleming; Rhonda Barnes; Don Jansen
Subject: Meeting
Attachments: Letter to Tim Fleming 040913.doc

Hello,

Please read the attachment in regards to our meeting yesterday.

Thank You,
Catherine Miranda
State Representative, District 27

CATHERINE H. MIRANDA
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PHOENIX, ARIZONA 85007-2844
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COMMITTEES:
AGRICULTURE AND WATER,
RANKING MEMBER
COMMERCE
EDUCATION

DISTRICT 27

April 09, 2013

Tim,

Thank you for the meeting yesterday. I have no interest in a prolonged investigation regarding the allegations of sexual harassment and improper conduct against a member of this legislative body. Can we proceed with prompt interviews to resolve this matter based on facts? My sole interest is to protect my personal integrity as a woman and a member of the state Legislature, in the face of remarks which are insulting and degrading.

Sincerely,



Catherine Miranda
State Representative, District 27

Representative Andy Tobin
Speaker of the House
1700 W. Washington
Phoenix, AZ 85007

Re: Rep. Catherine Miranda; report of sexual slur attributed to Rep. Ruben Gallego;
summary of Rules Attorney Office investigation and recommendations.

Dear Mr. Speaker:

At the House of Representatives, staff and elected members receive formal training intended to heighten awareness regarding matters of unlawful harassment. Members and staff are encouraged to report suspected matters of harassment to the House Rules Attorneys.

This follows up on our preliminary contact and report to the Chief of Staff regarding a verbal complaint received at the Rules Attorney Office by Representative Catherine Miranda. The complaint involves an allegation of the use of language in the nature of a sexual slur directed to or about her by or on behalf of Rep. Ruben Gallego, House Assistant Minority Leader. Because Rep. Miranda, Rep. Gallego, and all others involved in the events described herein are members of the Democrat Caucus, Caucus Counsel Rhonda Barnes has participated at our request in investigating this matter and House Minority Leader Chad Campbell has been notified. The following summary outlines the actions that have been taken to investigate and follow up on Rep. Miranda's complaint, to interview and counsel with all persons believed to have personal knowledge of relevant facts, and to make recommendations regarding any further investigation, remedial action or other follow-up.

Rep. Miranda contacted our office on the afternoon of April 4, 2013. Rep. Miranda was initially interviewed by Tim Fleming. Two follow-up meetings occurred with Rep. Miranda on the following day, April 5, 2013, the first with Tim Fleming and Don Jansen, and then later with Tim Fleming, Don Jansen and Rhonda Barnes. At each of these meetings, Rep. Miranda explained her complaint about the sexual slur she believed to have been made in Spanish by Rep. Gallego and how she believed it was offensive and should not be tolerated. She indicated she wanted an apology from Rep. Gallego. Listening to Rep. Miranda at each of these meetings, she believed the slur occurred following a disagreement on April 1, 2013, between members of the Democrat Caucus on the floor of the House in connection with action on SB1075. Regarding the disagreement, Rep. Miranda, Rep. Lydia Hernandez and Rep. Juan Escamilla had voted in opposition to their own caucus leadership on SB1075. Following that floor action, Rep. Hernandez had made a posting on facebook about the disagreement.

In reaction to the facebook posting, on April 3, 2013, Rep. Gallego had requested a meeting with Rep. Escamilla where the disagreement was discussed between Rep Gallego and Rep. Escamilla. Rep. Miranda and Rep. Hernandez were not at this meeting, however, Rep. Miranda believes the slur was made by Rep. Gallego at the meeting. Rep. Miranda says she learned of the slur from Rep. Hernandez who had spoken to Rep. Escamilla on the same day following the meeting. Rep. Miranda further indicated that because she is not fluent in Spanish, she pressed Rep. Hernandez, who is fluent in Spanish, to explain the meaning of the slur which was understood by Rep. Miranda, as explained by Rep. Hernandez, to have sexual connotation.

At the meeting with Tim Fleming, Don Jansen, Rhonda Barnes and Rep. Miranda on Friday, April 5, 2013, options were discussed with Rep. Miranda regarding investigating the matter and exploring possible options for resolution to her satisfaction. She indicated she wanted further investigation and agreed to a meeting with Rep. Gallego.

On the afternoon of Monday, April 8, 2013, a meeting was held with Rep. Miranda, Rep. Gallego, Rhonda Barnes and Tim Fleming in Rhonda Barnes' office. Rep. Miranda set out her complaint about the slur and explained how she was offended by it and how she wanted an apology. Rep. Gallego was interviewed during the course of the meeting. Rep. Gallego, acknowledged the disagreement within the Caucus and his meeting with Rep. Escamilla. When questioned about the slur made in Spanish, he indicated he did not say it and therefore could not apologize for something that he had not said. Rep. Gallego recommended interviewing Rep. Escamilla. Responding to questions, he acknowledged his understanding that comments or slurs that might be understood to have a sexual connotation and that might be offensive to some must be avoided. At the end of the meeting, Rep. Miranda concurred that there should be further investigation.

On April 9, 2013, Rep. Escamilla was interviewed by Tim Fleming and Rhonda Barnes in Rep. Escamilla's office. Rep. Escamilla acknowledged that he had met with Rep. Gallego on April 3, 2013 and that the meeting was about the disagreement within his Caucus. When questioned about the slur that had been reported, he stated that he had been the one who had made the slur, which he now regrets, but it did not happen in his meeting with Rep. Gallego. Instead, Rep. Escamilla indicates that the slur was made for the first time when he was describing his meeting with Rep. Gallego to Rep. Hernandez in the hallway between their offices. He states that the meeting in the hallway was at the insistence of Rep. Hernandez while Rep. Escamilla was trying to leave for the day, keys in hand. When asked whether Rep. Gallego had also made the slur in question Rep. Escamilla stated that Rep. Gallego did not. Rep. Escamilla went on to explain that the slur in question, made in Spanish, had apparently been misunderstood. That when he stated the slur to Rep. Hernandez, he explained to interviewers that he believed the slur to have a non-sexual connotation and a meaning to be understood as "I'm untouchable" when describing to Rep. Hernandez what Rep. Gallego had said.

Rep. Escamilla indicates that while on the floor on Thursday, April 4, 2013, he received word from another member of the Democrat Caucus, that Rep. Miranda wanted

to meet with him. Rep. Escamilla reports that he met with Rep. Miranda in the member's lounge and Rep. Miranda informed him of her understanding of the slur incident. He states that he believed there had been a misunderstanding of events and of the meaning of the slur. Rep. Escamilla states that in speaking to Rep. Miranda he thought he had cleared up the misunderstanding, and that at the end of his meeting with her she told him "ok, I'm not going to worry about it." He also states that he apologized to Rep. Miranda.

Later on April 9, 2013, Rep. Hernandez was interviewed by Tim Fleming and Rhonda Barnes in Rep. Hernandez office. Rep. Hernandez indicated that she was familiar with the situation and she acknowledged she had met with Rep. Escamilla after he had met with Rep. Gallego on April 3, 2013. She further indicated that she believed the meeting between Rep. Gallego and Rep. Escamilla had been about a disagreement between members of the Caucus. When asked about the slur, she stated that it had been reported to her by Rep. Escamilla. Rep. Hernandez stated she believed the slur had a sexual connotation that she understood to mean the giving of "a sexual favor". She stated she believes the statement had actually been meant in that way and that it had been directed towards to her and Rep. Miranda by Rep. Gallego, however she acknowledged that she did not hear Rep. Gallego make the statement himself. She stated that she knew Rep. Escamilla and did not believe he would make a slur like that on his own. This is a reason, she says, she believes the slang was really "from Ruben". She stated that later she called Rep. Miranda on the phone to talk to her about the slang term that had been used and what it meant.

Based on the foregoing, we believe Rep. Miranda has been genuinely offended by the slur language at issue that has been reported to her. However, there is insufficient information available to reach a conclusion that there has been unlawful harassment. We are unable to corroborate the allegation of the making of a sexual slur by Rep. Gallego because Rep. Gallego denies making such a slur and no one interviewed says they heard him say it. While by Rep. Escamilla has admitted making a slur in Spanish while speaking to Rep. Hernandez, and Rep. Hernandez reports hearing the same slur in that conversation, each of those two parties attribute different meanings to the slur and to whether the slur was made by or on behalf of Rep. Gallego based on varying interpretations of context and words spoken. We believe there are no other witnesses to the conversation between Rep. Hernandez and Rep. Escamilla. No one interviewed has raised a complaint about Rep. Escamilla, and he has stated to us that he has nevertheless apologized to Rep. Miranda for any misunderstanding. No information gathered during interviews suggests any pattern of unlawful harassment.

Because Rep. Gallego and Rep. Escamilla have now been interviewed, they are fully aware of the type of slurs and other statements that are more potentially sensitive and therefore unwelcome. During the interviews, Rep. Gallego and Rep. Escamilla have been reminded of the restrictions against unlawful harassment. By way of additional remedial action, we recommend that you meet with Rep. Miranda and Rep. Hernandez so that they understand your involvement in this process. We believe these individuals should be informed to report any future incidents immediately including any incidents of suspected retaliation.

Sincerely,

L. Timothy Fleming

April 11, 2013

Speaker Andy Tobin
1700 West Washington Street, Suite H
Phoenix, Arizona 85007

Dear Speaker Tobin,

As you know an investigation regarding sexual remarks attributed to Representative Ruben Gallego has been conducted with interviews of Representative Ruben Gallego, Representative Catherine Miranda, Representative Lydia Hernandez, and Representative Juan Carlos Escamilla. The sexual remarks made were insulting, degrading, and personally offensive to women and I believe impugn the personal integrity and reputation of ourselves, Representative Miranda and Representative Hernandez.

It is my understanding that the report submitted to you indicates that these sexual remarks were not specifically stated by Representative Gallego but were paraphrased by Representative Escamilla of words expressed by Representative Gallego. There is no doubt that the sexual remarks have been spoken and directed to ourselves, Representative Catherine Miranda and Representative Lydia Hernandez. With regards to myself, Representative Catherine Miranda, on 03/23/2013 the following Tweet was posted by Representative Gallego, "Secret is out Harvard kids aren't afraid to get dirty. Certain announced State Senate candidates should remember that."

The following Monday while in the House elevator with Representative Gallego I asked if the Tweet was directed at me. His response was, "Absolutely." It is also known that Representative Gallego does possess and carry a firearm, which under the circumstances are disturbing to both of us. Furthermore in relationship to the sexual remarks made we have been informed that an assistant to a Legislator was threatened with termination by Representative Ruben Gallego.

Regardless of the outcome and whether this proceeds to another level of review we are entitled to protection and respect consistent with the Rules of the House of Representatives. We are requesting that at a minimum an apology be made regarding the sexual remarks and whatever other actions are deemed appropriate to ensure that the dignity and protection of House Members is maintained.

Sincerely,

Lydia Hernandez
State Representative, District 29

Catherine Miranda
State Representative, District 27