

**Is Arizona Attorney General Mark Brnovich Complicit in ACC Crime?
Information and Perspective by Warren Woodward
Sedona, Arizona ~ December 20, 2015**

One year ago this month I made a Public Records Request of the Arizona Corporation Commission (ACC). Upon reading the documents and emails I received from the ACC, it was clear that the ACC had redacted things that should not have been redacted, and that also the ACC had not given me all the documents and emails they should have. Particularly egregious was the ACC's invention of a new reason for redaction called "state of mind."

I gave the ACC another chance to do my Request over and get it right. They didn't get it right.

I then went to the "Citizen Ombudsman," an office set up by the Arizona Legislature that's supposed to resolve disputes between citizens and state government agencies. That went nowhere even though three and one half months passed.

I then tried to find a lawyer to take the issue up but was unsuccessful.

Just when I was about to take the ACC to court over the matter myself, I saw a power-point presentation put together by the Arizona Attorney General's office. Educational in nature, it dealt with Conflicts of Interest, Open Meeting Law, and Public Records Requests. In the power-point I learned that what the ACC had done was actually felonious (violations of both A.R.S. 13-2407 & A.R.S. 38-421).

So I thought I should phone the Attorney General's office and report the crime. Why should I take the ACC to civil court myself when the ACC really belongs in criminal court with the A.G. doing the prosecutorial work?

I phoned the A.G. office last November 1st and reported the crime. The following two letters to A.G. Mark Brnovich tell the rest of the story. It's a sorry story of willful neglect, dereliction of duty and incompetence at the A.G. office. It's the type of story that earned Arizona the title of most corrupt state by [a Harvard study](#) last year. It's a story that raises the question, *Is Arizona Attorney General Mark Brnovich Complicit in ACC Crime?*

**Warren Woodward
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December 10, 2015

Attorney General Mark Brnovich
1275 West Washington Street
Phoenix, AZ 85007-2926

Mark Brnovich;

On November 1st, 2015, forty days ago, I reported Public Records Law related felony

lawbreaking by the Arizona Corporation Commission (ACC) to your office. I am writing you today because I am exasperated with the incompetent neglect your office has shown regarding my allegation. The number of fruitless, “cage rattling” phone calls I have had to make is absurd.

Timeline:

November 1 – Called and explained ACC's felonious activity to Georgia Davies (I believe her last name is) at your office. Mentioned I have proof. She said someone would call me back.

November 5 – No one called me back so I called again. Left voice mail message with “duty officer.”

November 6 – Georgia left me a voice mail message saying John Lopez was going to call me.

November 10 – Lopez had not called so I left him a voice mail message.

November 13 – Lopez had not called so I left him a voice mail message.

November 16 – Lopez and I exchanged voice mail messages.

November 17 – Lopez and I finally speak, two weeks and four days after my initial phone call. I am informed by him that felony violations are not his department, and that he will inform Don Conrad whose department it is. Lopez told me I should expect a return call from Conrad in about one to two weeks. Note that, as of this writing, three weeks and two days have passed since Lopez made that statement.

November 20 – Somebody (I did not note the name) from your office left me a voice mail message.

November 23 – I left a voice mail message back.

November 24 – I called again. Whoever took the call said someone (unnamed) would call me back.

November 25 – Ryan Anderson, A.G. Office Director of Communication, phoned me. I expressed my exasperation with your office's foot dragging on this and other issues. Anderson said he would get back to me next week.

December 3 – Anderson phoned. I reiterated my exasperation with no one at your office seeming to care that the ACC had committed a felony violation of the Public Records Law. Anderson said he would mention my concern to Conrad.

December 8 – Not having heard from Conrad I left him a voice mail message briefly explaining the ACC violation and asking for a call back.

December 10 – As of this writing I am still being ignored by Conrad.

Mark Brnovich, how is this acceptable?

Mark Brnovich, I very much resent being placed in the position of having to become a nag to get action from your office after bringing a felony to its attention. How many more phone calls am I supposed to make?

Mark Brnovich, in your press conference regarding ACC commissioner Susan Smith, you said, "No one is above the law." Was that the empty rhetoric of someone grandstanding an issue or did you really mean that? If you really meant it, then why haven't I gotten even the courtesy of phone call from Conrad about a felony I am trying to report?

Mark Brnovich, I realized the ACC had committed a felony violation by watching a power point presentation that your office has shown to the newly elected. It explains Open Meeting Law, Public Records Law, and Conflicts of Interest. In the section on Public Records Law, it explains that willfully concealing public records is felonious. Are the laws highlighted in the power point just a collection of idle threats or are you going to enforce the law? If so, when? If not, why not?

Sincerely,

Warren Woodward

**Warren Woodward
55 Ross Circle
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December 19, 2015

Attorney General Mark Brnovich
1275 West Washington Street
Phoenix, AZ 85007-2926

Mark Brnovich;

Over a week has passed since I last wrote you concerning felony violations of the Public Records Law by the Arizona Corporation Commission (ACC), felony violations that your office has willfully ignored since last November 1st, forty-nine days ago.

I have positive proof of these violations. Why is your office uninterested? Is it not your job to prosecute felony violations of Public Records Law? Why are you ignoring me and the law you swore to uphold? Why are you not doing the job you sought and were elected to do? Lazy? Incompetent? Think that all you have to do is make a spectacle of Susan Smith and the rest of the corruption at the ACC will fade from public scrutiny? What? What is it, Mark Brnovich? What's wrong with you?

By ignoring ACC felonies, you are complicit in them. You are also complicit in denying me my right as a citizen to the public records I have requested. The longer you delay, hide from me and ignore ACC crimes, the worse you look.

This week I followed up on last week's letter to you with phone messages on Wednesday, Thursday, and two on Friday. All were ignored. Why are you hiding? Grow up, Mark Brnovich, the issue is not going away. Be responsible – even if you have to fake it – and find the courtesy to contact me and the guts to enforce the law.

Sincerely,

Warren Woodward