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September 28, 2015

Arizona Attorney General Mark Brnovich
1275 West Washington Street
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Re: **September 24, 2015 Complaint and Demand *Quo Warranto* pursuant to A.R.S. 12-2041, NEW EVIDENCE**

Mark Brnovich;

New evidence has surfaced in the matter of Robert Burns, The Usurper, that, with this letter, I am now adding to my original Complaint and Demand *Quo Warranto* of September 24, 2015. This new evidence comes from Burns' own mouth.

On September 23, 2015, Burns appeared on Arizona State University's PBS 8 TV, the Arizona Horizons show with Ted Simons. I have enclosed a transcript of the relevant segment (and the show can be viewed here: <http://www.azpbs.org/arizonahorizon/detailvid.php?id=15740>).

At 11:09 into the program Burns was asked by Simons about being a registered lobbyist.

Burns stated, "So, I ended up being registered without my knowledge because that's how the system works." If Burns knows "how the system works" -- that is, how allegedly easy it can be to be registered as a lobbyist -- then he should have known to check the list of registered lobbyists at the Arizona Secretary of State's website *before* filing to run for the position of Arizona Corporation Commission (ACC) commissioner.

Instead, and by his own admission, Burns waited until *after* he was elected to concern himself with his conflict of interest. Burns said, "I didn't even know I was on the list. So, when I got to the commission I asked Legal, I said, this council I'm on, do I need to get away from there? And they said, yes, you need to resign."

Burns was too late, and what he really needed to resign from was his position as ACC commissioner. As I mentioned and cited originally, the Arizona Supreme Court has stated: "They must be free of conflict ... **at the point of election** ..." -- *not* after the election. Additionally, according to A.R.S. 40-101, "A person ... holding an official relation to a corporation or person subject to regulation by the commission ... **shall not be elected**, appointed to, or hold the office of commissioner" (Emphasis mine) So Burns was ineligible even as a candidate, and as such, his subsequent election was void *ab initio*.

Also, if Burns truly did not know he was a lobbyist or conflicted, then why did he ask ACC Legal about "this council I'm on?" Burns obviously suspected he was conflicted or else he would not have

consulted with ACC Legal to begin with. Burns should have vetted himself to make sure he met the qualifications for office *before* running for office. Instead, Burns waited until *after* he was in office to review his conflict. In short, Burns made himself a usurper of office. He has only himself to blame.

In the *Arizona Republic* newspaper article entitled, “Second Arizona Corporation Commission regulator found to be lobbyist” (which was enclosed in my original Complaint), we learn that:

“On Friday [September 11, 2015], Michael Keeling, an attorney and lobbyist representing ATIC, sent a letter to the Arizona Secretary of State's Office asking that Burns be removed as a lobbyist for the group. It said Burns requested such a removal before he took office with the Corporation Commission but that Keeling misunderstood and thought Burns was referring to the former GITA.”
[GITA = Arizona Government Information Technology Agency, ATIC = Arizona Telecommunications and Information Council. Keeling's letter is enclosed.]

But wait, if Burns did not know he was a lobbyist (as he stated on TV), then how he could he have asked Keeling to be removed as one “before he took office with the Corporation Commission?” Someone is not telling the truth.

In the newspaper story and according to Keeling's letter “Burns requested such a removal before he took office with the Corporation Commission.” But later, on TV, Burns said, “So, when I got to the commission I asked Legal. I said, this council I'm on, do I need to get away from there? And they said, yes, you need to resign. So I resigned. Had no knowledge of the lobbyist issue, and so I thought I was out of it until just recently.”

The two stories are inconsistent. Keeling said Burns asked him to be removed as a lobbyist *before* Burns took office. Yet Burns said he inquired of ACC Legal *after* taking office and that he did not know he was a lobbyist!

Throwing yet another inconsistent story into the misleading mix – this time from the ACC – the *Arizona Republic* newspaper reported in that same article:

“Commission spokesman Barrett Marson said Burns resigned from ATIC when he took office as a commissioner. He said ATIC should have terminated Burns' registration as a lobbyist.”

So, Burns did not know he was a lobbyist but Marson knew that Burns had resigned as a lobbyist.

Magical! It seems like everyone but Burns knew Burns was a lobbyist.

But there's more. In a wacky twist, Marson evidently “proved” his statement to the *Arizona Republic* newspaper by providing a letter (enclosed) that Burns supposedly wrote a month *after* taking office. In the letter, Burns resigned from the Digital Arizona Council (DAC), a completely different outfit! So, it looks like Marson has provided evidence that, in addition to being conflicted by ATIC, Burns was also conflicted by DAC both during and after his election.

Didn't these guys learn in high school that the first thing you do when you're in trouble is get your stories straight?

So, for the reasons set forth herein as well as in my prior Complaint, *you*, Mark Brnovich, as Arizona Attorney General, *must enforce the law* and proceed in *Quo Warranto* against Robert Burns without delay.

Sincerely,

Warren Woodward

Cc: Phoenix FBI