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October 13, 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,
MORE NEW EVIDENCE**

Mark Brnovich;

Robert Burns, in his October 8, 2015 letter to you, has provided more evidence that legally compels you to proceed in *Quo Warranto* against Burns for having usurped the office of Arizona Corporation Commission (ACC) commissioner.

Attachment E in his letter to you is Burns' resignation letter from his telecommunications lobbying outfit, the Arizona Telecommunications and Information Council (ATIC). The resignation letter is dated February 15, 2013, one month and a half *after* Burns took office as ACC commissioner.

Regardless of any stories Burns tells or excuses he gives, Burns' resignation letter (date stamped by the Arizona Secretary of State) is more hard evidence that Burns was in fact a telecommunications lobbyist both while seeking office and after taking office. As such, Burns usurped the office of ACC commissioner as I have previously proved in my Complaint and Demand *Quo Warranto* letters of September 24 and September 28, 2015.

That said, Burns' excuse stretches credulity anyway, and its failings are multiple.

First of all, it is simply not believable that ATIC corporate officer and Designated Lobbyist, Michael Keeling (who is also an attorney), signs others up as lobbyists without telling them. Yet that is essentially what Burns is claiming.

Burns freely admits in his letter to you that he had “conversations” (plural!) with Keeling and “ATIC representatives” about the legislative bills Burns promoted. It is simply not believable that in any of those conversations no one ever mentioned Burns being signed up as an ATIC lobbyist, that Keeling, an evidently experienced, accomplished and educated man, just went ahead and signed Burns up without telling him.

Also in his letter to you, Burns makes much of signing in to speak as representing himself and not as an ATIC lobbyist when he promoted telecommunication legislation at the legislature. That Burns signed in to speak as himself and not as a lobbyist proves nothing. It could mean he was deceiving the legislature. In Burns' Attachment C, note the other ATIC members who, on March 15, 2012, signed in to speak on SB1403 as representing themselves:

- “Orin Friesen, representing self” – In actual fact, Friesen was then and is now a

Director of ATIC since 2008 (<http://ecorp.azcc.gov/Details/Corp?corpId=07629711>).

- “Mark Goldstein, representing self” – In actual fact, Goldstein was then and is now a Director of ATIC and its Secretary since 2008 (<http://ecorp.azcc.gov/Details/Corp?corpId=07629711>).
- “Robert Smith, representing self” – In actual fact, Smith was an “ATIC associate” (which is how he signed in when he spoke in favor of SB1402 previously on March 8, 2012; see Burns' Attachment C).
- “Aaron Sandeen, representing self” - In actual fact, Sandeen was an ATIC board member (http://www.zoominfo.com/CachedPage/?archive_id=0&page_id=1749653620&page_url=//www.arizonatele.com/atic/board.html&page_last_updated=2012-10-19T15:28:47&firstName=Aaron&lastName=Sandeen).
- “Ronald Schott, representing self” – In actual fact, Schott was an ATIC board member (http://www.zoominfo.com/CachedPage/?archive_id=0&page_id=6866436223&page_url=//arizonatele.com/wp-content/uploads/atic_minutes_2013_06_12pdf/&page_last_updated=2014-07-16T10:49:09&firstName=Ron&lastName=Schott).
- “Al Crawford, representing self” – In actual fact, Crawford was an ATIC board member and also served as Treasurer and Chairman at various times over the years. (http://www.zoominfo.com/CachedPage/?archive_id=0&page_id=572483846&page_url=//atic.researchedge.com/board.html&page_last_updated=2006-05-01T01:01:35&firstName=Al&lastName=Crawford *and* http://www.zoominfo.com/CachedPage/?archive_id=0&page_id=6866436223&page_url=//arizonatele.com/wp-content/uploads/atic_minutes_2013_06_12pdf/&page_last_updated=2014-07-16T10:49:09&firstName=Al&lastName=Crawford).

So, when Burns signed in as “Robert Burns, retired Arizona Senator, representing self,” it meant nothing then, and it proves nothing now regarding his status as ATIC lobbyist.

The indisputable truth is that we now have – thanks to Burns himself – more proof via the Attachment E resignation letter that Burns was in fact conflicted as a telecommunications lobbyist both *during* and *after* the ACC election. That's all that matters according to A.R.S. 40-101.

Another item of interest in Burns' latest story is this: Burns wrote,

“In early 2013, I became aware that I was listed as an Authorized Lobbyist for ATIC. Upon learning this information, I immediately sent a letter to the Secretary of State's office requesting my removal (Attachment E).”

Note that Burns does not say *how* he became aware. Burns' letter to you is full of all kinds of

details and attachments, but leaving out how he became aware he was a lobbyist is a huge and curious omission to say the least. In any case, Burns' latest story conflicts with what Burns said on TV: "Had no knowledge of the lobbyist issue, and so I thought I was out of it until just recently." And *neither* of Burns' stories jibe with Michael Keeling's September 11, 2015 letter in which Keeling claims Burns asked to be removed as a lobbyist *before* Burns took office (see Burns' Attachment F).

Burns has also now treated us to a new Keeling story, recounted by Keeling in Burns' Attachment A. In this new, October 7, 2015 story, no mention is made of Burns asking Keeling to be removed as a lobbyist. Instead, this new story is that ATIC was supposed to have removed Burns as its lobbyist after the passage of SB1402, but it didn't. It's as though Burns' ATIC lobbying had an automatic, prearranged expiration date that simply passed unnoticed. Unfortunately for Burns this new story, even if true, still does not satisfy the legal requirement that Burns be free of conflict as an ACC candidate. Burns filed to run for the position of ACC commissioner in January 2012; SB1402 was signed into law in April 2012.

Both Burns and Keeling make much of Burns not being paid by ATIC. As I pointed out originally, such an argument is an irrelevant distraction. Whether Burns was paid or not is irrelevant to his violation of A.R.S. 40-101 since Burns held while campaigning – and continued to hold while in office – “an official relation to a corporation or person subject to regulation by the commission” (A.R.S. 40-101 wording). That said, it is simply not believable that Burns (or anyone) would lobby for industry for free in his spare time. Additionally, let's not forget that favors can be traded just as well and even easier than real money.

Burns presented his lobbying efforts as some kind of noble “public service.” Yet according to the website that tracks political donations that are a matter of public record, FollowTheMoney.org, over his career in the legislature Burns took money from a number of telecommunications players including Cox, AT&T, US West, Motorola and Qwest. So Burns' promotion of legislative bills that facilitate telecommunications companies' ability to make money could be attributed to “industry service,” not necessarily “public service.” As I pointed out in my original Complaint and Demand *Quo Warranto*, this is the same M.O. as ATIC's. At its website, <http://www.arizonatele.com/>, ATIC presents itself as a noble promoter of economic development, education and health care. But from looking at how ATIC is registered at the ACC, and from looking at who is involved in ATIC, it appears ATIC's real purpose is to further the business interests of its directors and members.

Lastly, Burns ended his letter to you by nonsensically saying, “I take my oath of office seriously and am disappointed that my commitment to public service was questioned by Mr. Woodward.”

Mr. Woodward did not question anything! Mr. Woodward proved via Burns' own statements, via Burns' own documents and via State records that Burns is a usurper of office. Indeed, the issue is not whether Burns is committed to what he euphemistically calls “public service,” but whether Burns usurped public office by violating A.R.S. 40-101.

Additionally, there are only two people involved in this issue who have performed a true public service. One of them is *Arizona Republic* newspaper reporter Ryan Randazzo who uncovered and broke the Burns story despite the fact that the ACC, behind the scenes, tried to get Burns unlisted as a lobbyist in the wake of ACC commissioner Susan Smith's similar controversy.

The other person is me. Unpaid and on my own time, I proved that we have a usurper in office – something *you*, Mark Brnovich, should have done right after Randazzo broke the Burns story. You should be ashamed that I have done your job for you. The only thing remaining for you to do is your

legal duty under A.R.S. 12-2041 and proceed in *Quo Warranto* against the usurper, Burns, without further delay.

Two weeks ago I received a letter from your “Deputy Public Information Officer” acknowledging receipt of my Complaint and Demand *Quo Warranto* against Burns. But I did not write your “Deputy Public Information Officer.” I wrote *you*, Mark Brnovich. Additionally I asked you this:

Mark Brnovich, Burns's disregard for A.R.S. 40-101 and A.R.S. 38-503 is just a part of the overall pattern of ACC lawlessness I have brought to your office's attention over the years, and about which you (and your predecessor) have done nothing. Many Arizonans and I are wondering if you will *ever* do your job and enforce the law at the ACC. Will you surprise us all and do it this time? Yes or no?

The question still stands. Yes or no, Mark Brnovich?

Your “Deputy Public Information Officer” can't answer for you, nor can the anonymous “appropriate authorities within the Attorney General's Office” who are supposedly “reviewing” my Complaint and Demand. Only *you* can answer, Mark Brnovich. It's *your* responsibility. Stop stalling, hiding behind a “Deputy Public Information Officer” and “appropriate authorities” and answer.

Sincerely,

Warren Woodward

PS – Mark Brnovich, while I have your attention, I would like to ask you another question. I noticed that ACC commissioner Bob Stump was able to destroy State property (his State issued phone plus the Public Records and evidence it contained) with impunity. Could you please provide me with a list of State property that anyone can destroy without repercussions? Is it just phones and records or are there other items? Also, can anyone destroy State property and get away with it or is it just Republicans, Republican ACC commissioners, or who? I am a registered Republican, but not a commissioner, what State property am I allowed to destroy?

Cc: Phoenix FBI