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SECRETARY OF STATE

July 19, 2012

2012 JUL 19 PM 12: 20

Mr. Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, AZ 85007

Mr. Tom Horne
Attorney General
1200 W. Washington
Phoenix, AZ 85007

Mr. Bennett and Mr. Horne:

I'm bringing to your attention a number of apparent and potential illegalities regarding the campaign expenditures, contributions, and financial disclosure of Sen. Robert Meza and his campaign committees, Robert Meza State Senate 2010, and Robert Meza for State Senate 2012.

The issues raised in this letter all arise from a layperson's review of publicly available records at the Secretary of State and Corporation Commission webpages. Given the ability of citizens to identify these types of issues, it is important for confidence in our system that the concerns be fully investigated by the appropriate authorities. Therefore, I am requesting that each of you in your respective roles ensure that each of these issues be fully investigated to determine whether Sen. Meza and his campaign committees have engaged in illegal activities.

Conversion of campaign funds to personal use

ARS 16-901.8 defines campaign expenditures to include "any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made by a person for the purpose of influencing an election..."

ARS 16-915.01.B prohibits the use of campaign funds for personal use. "Surplus monies shall not be used for or converted to the personal use of the designating individual, in the case of an individual's exploratory committee, or a candidate, in the case of a candidate's campaign committee, or any person related to the candidate by blood or marriage."

The Robert Meza State Senate 2010 committee reports indicate thousands of dollars of operating expenses paid directly to Senator Meza with literally no explanation or documentation of how the expenditures are intended to "influence an election." The size and regularity of these payments, ***in a cycle in which Sen. Meza had no opposition in the primary or general election***, raise real questions about their purposes and whether in fact they constituted a conversion of campaign funds to personal use. Below are the entries exactly as they appear in the Meza campaign finance report.

<u>Date:</u>	<u>Amount:</u>	<u>Recipient:</u>	<u>Category:</u>	<u>Memo:</u>
2/19/2009	\$105.16	Robert Meza	Miscellaneous-Other	reimb misc exp
4/28/2009	\$1,150.00	Robert Meza	Miscellaneous-Other	
5/29/2009	\$800.00	Robert Meza	Miscellaneous-Other	
6/22/2009	\$530.00	Robert Meza	Miscellaneous-Other	
9/10/2009	\$850.00	Robert Meza	Miscellaneous-Other	
11/17/2009	\$375.00	Robert Meza	Miscellaneous-Other	
12/14/2009	\$800.00	Robert Meza	Miscellaneous-Other	
2/18/2010	\$1,600.00	Robert Meza	Miscellaneous-Other	reimbursement
3/15/2010	\$920.00	Robert Meza	Miscellaneous-Other	
4/26/2010	\$680.00	Robert Meza	Miscellaneous-Other	
5/3/2010	\$350.00	Robert Meza	Miscellaneous-Other	
5/10/2010	\$1,500.00	Robert Meza	Miscellaneous-Other	
5/17/2010	\$350.00	Robert Meza	Miscellaneous-Other	
6/22/2010	\$1,735.00	Robert Meza	Miscellaneous-Other	
9/1/2010	\$600.00	Robert Meza	Miscellaneous-Other	

That is \$12,345.16 in payments to Sen. Meza with no justification or explanations, in a cycle where he was unopposed in both the primary and general elections. I request the appropriate authority determine whether these payments were legitimately made to influence the 2010 election, as required by law; or whether any of them were, in whole or in part, “converted to the personal use” of Sen. Meza.

Apparent deception in the reporting of campaign expenses

There are two additional payments in the 2010 cycle that raise questions of deliberate deception in the reporting of campaign expenses.

The first, dated 7/6/2009 was for \$1,192.00 to a “Rose Max” at 1919 W. Virginia, Phoenix, AZ 85009,” which is Sen. Meza’s address. Occupation and employer of “Max” are listed as “unknown.” The Category is listed as “Travel – Airfare” and the Memo entry is “reimburse robert’s travel expense.” A Google search does not show anyone by that name in Phoenix, let alone at that address. Is Rose Max a real person? Why would a reimbursement for “robert’s travel” be made to a third party? What was the purpose of the travel and how was it related to legitimate campaign activity?

I request that the appropriate authorities determine whether that payment was indeed made to “Rose Max” or if was made to another person at Sen. Meza’s address, if the payment was for legitimate campaign activity, and if any statutes prohibiting false statements on an official document have been violated.

The second, dated 7/7/2010, was for \$4,034.38 to “a.e.” at PO Box 360001, Fort Lauderdale, FL, 33336. The Category is listed as “Professional Services – Other” and there is no Memo entry. A Google search reveals that the Fort Lauderdale address is a processing center for American Express credit card payments. So it appears that the Meza committee made a payment on an American Express credit card account, but attempted to hide that fact by using the company’s initials and listing the expense as a “Professional Service.” Needless to say, it is difficult to envision a situation where a credit card payment could be construed as a “professional service” related to a political campaign.

I request that this payment be investigated by the appropriate authorities, in order to determine whether the payment was for a legitimate campaign activity, and whether any statutes prohibiting false statements on an official document have been violated.

Violation of ban against accepting campaign contributions while the legislature is in session

ARS § 41-1234.01 states: “While registered under this article, a principal, public body, lobbyist, designated public lobbyist or authorized public lobbyist shall not make or promise to make a campaign contribution to or solicit or promise to solicit campaign contributions for ... a member of the legislature when the legislature is in regular session.”

According to the Meza for State Senate 2012 campaign finance report for the period ending December 31, 2011, the following registered lobbyists donated to his campaign after the first regular session of the 50th Legislature convened on January 10, 2011:

Michael Green, 1/18/2011, \$100
Lanny Hair, 1/18/2011, \$100
Don Isaacson, 1/18/2011, \$50
Marie Jo McDonald, 1/18/2011, \$100
Brian Tassinari, 1/18/2011, \$150
Joseph Abate, 1/20/2011, \$100
Todd Baughman, 1/20/2011, \$150
Mark Briggs, 1/20/2011, \$50
Wendy Briggs, 1/20/2011, \$50
Marcus Dell Artino, 1/20/2011, \$100
Janice Goldstein, 1/20/2011, \$100
Michael Haener, 1/20/2011, \$100
Gregory Harris, 1/20/2011, \$100
Rebecca Hill, 1/20/2011, \$100
Eileen Klein, 1/20/2011, \$100
Richard Marmor, 1/20/2011, \$100
Norman Moore, 1/20/2011, \$100
Anna Solley, 1/20/2011, \$100
Terry Stevens, 1/20/2011, \$100

In addition, employees of registered lobbying companies that donated in the same time three-day period were:

Michael Gardner for Triadvocates, 1/20/2011, \$100
John Kelly for Triadvocates, 1/20/2011, \$100
Kimberly Knox for Triadvocates, 1/20/2011, \$100
Karen Kruse for Veridus, 1/20/2011, \$100
Julie Rees for Triadvocates, 1/20/2011, \$100
Jeff Sanquist for Steptoe and Johnson, 1/20/2011, \$100
Scarlet Spring for VisionGate, 1/20/2011, \$100

Jennifer Woods for Triadvocates, 1/20/2011, \$100

In addition, the following Political Action Committees donated to Meza's campaign committee during this same period. If any of these contributions were solicited or facilitated by a registered lobbyist, they too would be illegal contributions:

Apollo Group political Organization for Legislative Leadership in Arizona, 1/18/2011, \$200

Arizona State Lodge PAC #1897, 1/18/2011, \$200

Arizona Technology Council State PAC, 1/18/2011, \$200

Cox AZ Political Action Committee Fund for Effective Leadership, \$500

Fennemore Craig Citizens for Prudent Government, 1/18/2011, \$300

GenenPAC, 1/18/2011, \$150

Lewis and Roca Partners' Political Action Committee, 1/18/2011, \$250

Optometric Political Action Committee of Arizona, 1/18/2011, \$150

Arizona Podiatry PAC, 1/20/2011, \$100

AZ Licensed Beverage Association (BEV-PAC), 1/20/2011, \$100

United for Health PAC, 1/20/2011, \$100

Finally there are two individuals who appear to be spouses or family members of registered lobbyists who contributed during this same time period. If they were solicited for the contribution by their spouses, their contributions would be illegal as well:

K.A. Green, 1/18/2011, \$100, same address as lobbyist Michael Green

Marie Isaacson, 1/18/2011, \$50, same address as lobbyist Don Isaacson

This is a total of \$5,050 in apparently illegal campaign contributions that should be immediately refunded by the Meza for Senate Committee. In addition, Sen. Meza should be investigated for his role in soliciting and accepting these contributions in clear violation of state law.

Failure to disclose his position as an officer within an Arizona corporation

According to Arizona Corporation Commission records, Senator Meza incorporated a non-profit entity called "Don't Let Medical Marijuana Die!" on May 27, 2011 (ACC filing number 16846620). He is listed as the statutory agent and as a director. A press release on the Rose Law Group webpage lists him as the chair of the organization.

<http://www.roselawgroup.com/philosophy/MedicalMarijuanalawsuit.php>

Arizona law requires public officials to annually disclose "Offices or Fiduciary Relationships in Businesses, Nonprofit Organizations or Trusts."

Specifically, in Section 7 of the Financial Disclosure Statement filed each January, the public official is required to describe: "... the name and address of each business, organization, trust or nonprofit organization or association in which you or any member of your household held any office OR had a fiduciary relationship during the period covered by this Statement."

Even though Senator Meza's position with "Don't Let Medical Marijuana Die!" is clearly

covered by this requirement, his 2011 Disclosure Statement, filed January 30, 2012, does not include this position. He included a board position with another organization, however, so it is apparent he understands the reporting requirement.

Additionally, according to this weblink, "Don't Let Medical Marijuana Die!" was actively soliciting funds.

<https://secure.piryx.com/donate/2uqvCtwQ/Don-t-Let-Medical-Marijuana-Die/>

As statutory agent, chair and director of the organization, was Senator Meza being paid a salary or consulting fee from the proceeds of this fundraising effort? If so, that income should also be reported on the 2011 Financial Disclosure Statement, but since he has hidden his position in the corporation, it seems just as likely that he would be hiding any income.

I request the appropriate authority investigate the failure of Sen. Meza to report the business entities in which he holds office, and whether he has failed to report income as required by state law.

Other 2011 campaign finance violations

Other illegal donations reflected on the Meza for State Senate 2012 campaign finance report for the period ending December 31, 2011, include:

- (page 4) a \$300 donation from Salt River Project, a quasi-governmental body that is prohibited from directly donating to political candidates
- (page 5) a \$100 donation from Ecoverde LLC, a Limited Liability Corporation that is prohibited from making donations under Arizona law.

Thank you for your attention to these very serious issues. It is very important that a state lawmaker's behavior be exemplary by first respecting campaign laws. We must return public trust to our AZ legislature. Given the public scrutiny given to the integrity of public officials, your speedy review of these concerns is respectfully requested.

Sincerely,



Esther Durán Lumm
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Please note that after July 24, my new address will be:
15433 W. Shangri La Rd., Surprise, AZ 85379
If my home phone changes, you may call my cell.