

Carmen Chenal Horne Esq.
7272 East Indian School Suite 540
Scottsdale, Arizona 85251
Phone: 480-207-5180

Via email only

JAllen@azleg.gov

RCobb@azleg.gov

DDeGrazia@azleg.gov

KEngel@azleg.gov

GGriffin@azleg.gov

kokanovichm@ballardspahr.com

RE: Response to your June 11th Report regarding Representative David Cook

First, let me point out that the June 11th report is full of misrepresentations. It is my understanding that the ethics committee is intending on publishing it to the public. If it does so it will be defaming my client Representative David Cook for the reasons set forth below.

Your statement that “Representative Cook did not produce any documents before the subpoena’s deadline.” insisting that Cook was non-responsive and uncooperative (And again, on page 5 the claim is made that: “Because Representative Cook failed to cooperate and produce documents voluntarily, the Ethics Committee issued a legislative subpoena compelling Representative Cook to produce documents that even Representative Cook described as “reasonable” and related to the complaints.”

The very next line says – “Despite the legislative subpoena, Representative Cook produced no additional documents in response to the subpoena before the subpoena deadline.”)

This is false. Representative Cook provided over one thousand documents even before the subpoena was issued. After the subpoena was issued, representative Cook and his attorney, went through the documents previously produced, and identified produced documents to the subpoena request. It must be noted that the subpoena was overbroad.

Notwithstanding , Representative Cook responded completely to the subpoena request. Furthermore, Representative Cook through counsel, sent a request for production of documents early on to the ethics committee . This which was never responded to .There were numerous attempts by representative Cook’s counsel requesting that it be responded to. There was no answer, not ever.

In addition, there was a FOIA request sent to representative Alan which was delegated to a staff member at the legislature, which also was never responded to. It is ironic that the ethics committee is pointing the finger at representative Cook for not complying with request when it was the ethics committee which failed to provide any documents so as to notify representative Cook as to what the investigation had so he could prepare

for an interview. It was only days before the hearing, that representative Cook received some documents. This was not all. For example, none of the documents produced to Representative Cook were the interviews of witnesses. It was not representative Cook that was uncooperative. He cooperated in every way possible even after the interview, in order to cooperate with the ethics committee to the maximum extent possible. He also throughout supplemented the discovery requests from the ethics committee. In return the committee provided nothing to representative Cook in response to Cooks request for production of documents and the FOIA request. It was the ethics committee through their counsel that was totally uncooperative. Not Cook.

Pretending Cook did not produce documents is a sloppy way of trying to make him look uncooperative.

Similarly, with regard to when he testified, their initial date was while he was out of state at his Oklahoma farm. It was also during the Covid-19 lockdown and no one was putting even 3 or 4 people into the same room for four hours. Mr. Cook was following the advice of counsel.

No attorney would allow a client to be ambushed in an interview without one piece of evidence to refer to. Counsel for Cook required a number of

disclosures from the investigators, many of which took forever, or were not delivered until counsel threatened to go to court to force their production.

I would remind the ethics committee that the subpoena itself was ABUSIVELY overbroad and should not have been complied with. That is not just our opinion. That was the opinion of the State Senate's attorneys who objected to how poorly written it was.

It absolutely was a fishing expedition by the ethics committee which resulted in no evidence supportive of the two complaints- one based entirely on hearsay from a lady who says she read about him in the yellow sheet. Based upon what she read the woman claimed he should be investigated for his voting record.

The 2nd is from someone who accuses Representative Cook with facilitating bribes to the Pinal County Sheriff in return for special treatment for his friend. Neither complaint was true. No evidence supported it, despite the ethics committee extensive investigation through their investigator.

ETHICS' COMMITTEE'S CONCLUSIONS

The Conclusions actually offer no real conclusions. Again, we are reminded that the two complaints relate to bribery of a public official and Cook's vote being somehow compromised because of an alleged romantic

relationship. Only one of the so-called conclusions even touch on either of these issues, and it does so in contradiction of the evidence/testimony-exculpating Cook. .

1. The investigators want to believe there was a romantic relationship when there was none. Their basis are the letters that Mr. Cook wrote only while Ms. Knorr was in rehab and only at her request. The investigators know that Mr. Cook based his letters on a letter Ms. Knorr received from her employer that "meant the world to her" yet this information is excluded from the report. Worse still, the "testimony of witnesses" that the investigators claim conflict with the statements of Cook and Knorr come from Knorr's father, who is largely responsible for this entire sham and who has targeted both his own daughter and Cook in unspeakable ways.

It is also allegedly corroborated by the testimony given by her ex-husband during a custody or divorce hearing in which he also claimed that Ms. Knorr's claims that she was being followed by private investigators was just her being paranoid. Of course, financial records showed that first her father, and then her ex-husband, were in fact paying thousands of dollars to private investigators to have her followed. Worth noting -- all of that money

and all of those investigators turned up ZERO EVIDENCE OF ANY IMPROPER RELATIONSHIP. Had they had evidence, you can be sure it would have made an appearance in the custody hearings and certainly as part of their war against Knorr and Cook, yet there is NO EVIDENCE.

2. The investigators claim that Ms. Knorr lobbied Mr. Cook on legislation and policies pursued by her employer. This is directly contradicted by Ms. Knorr's own testimony, which made it clear that Western Growers Association has a contract lobbyist who dealt with Mr. Cook on matters related to WGA bills. There is no meaningful evidence presented to the contrary.

3. This is not a conclusion at all, rather a continuation of the investigators insisting on an inappropriate relationship that did not occur and was not proven, They then attempted to find Rep Cook guilty of not disclosing this relationship to the House. If there is a process by which legislators are supposed to reveal personal relationships "to the House" we are not aware of them. Is the Committee aware of a process by which each House member is to disclose "the nature of their relationships" with

lobbyists? Even if there were, being friends with a lobbyist is not improper. Not even dear family friends. We also note that this point is immaterial to both complaints that were filed. It has no proper place in the report and certainly not in the conclusions section. Lawyers will recognize it as purposefully prejudicial while some non-lawyers won't recognize it at all.

4. This so-called conclusion is an unsupported smear. It presents something the Committee and the entire House needs to come up with rules to deal with in future investigations. Allowing so-called witnesses to come forward without being placed under oath encourages people to lie in an effort to settle old grudges or to help friends out. The investigators claimed that Kirk Adams gave testimony about an event, but the claims had no corroboration and were directly contradicted by Mr. Cook's description of events. While Mr. Cook has struggled with alcohol in years past, it is one thing for someone to go out and have one drink turn into three or four. But but at no time was he a "day drinker" or someone who drank at work. You, the members he works with, know this to be true. This is also immaterial to either of the complaints.

5. Mr. Cook's detailed description of this call and the Sheriff's telling are both available to the Committee and are worth a listen to. As Mr. Cook said, he did not mention the Knorr farm specifically and you can hear the Sheriff confirm that on multiple occasions. Not only was there nothing improper about the call, but the Sheriff testified that there were multiple instances of problematic seizures that he had been unaware of until that moment. He further testified that Mr. Cook's call did the people of Pinal County a great favor by alerting him to an area where his office could do better. Ultimately, Mr. Cook was asked by Pinal County officials to run legislation to fix the problem, which he did. Even here the investigators omit all those details and try to spin it as some favor to the Knorr farm, when the testimony of everyone they asked about it was to the contrary.

6. This is a lie. As discussed earlier, Rep Cook provided massive numbers of documents in his best effort to satisfy the demands of the investigators. Further, the subpoena was absurdly broad, asking at one point for EVERY DOCUMENT OF ANY KIND THAT RELATES TO ANY LEGISLATION THAT REP COOK HAS BEEN INVOLVED WITH FOR THE ENTIRETY OF HIS TIME AT THE LEGISLATURE. To send such a subpoena is improper. Then the investigators claim that they did not have

what they needed to decipher conversations because they didn't have all of the texts, they believe Mr. Cook should have. Yet they admit that they had those same texts courtesy of whichever other person was involved in those conversations. Why would the investigators need two copies of the same conversation to determine what occurred? It has been the goal of the investigators, since early in the process, to paint Mr. Cook as uncooperative. This includes comments to that effect made directly to the media in violation with protocols. Mr. Cook acted on advice of counsel and was very forthcoming. w reminds you that the State Senate itself objected to full compliance.

There was no improper relationship, much as Ms. Knorr's ex-husband and father might wish there were.

There was no improper conduct related to any legislation. In fact, not a single piece of legislation is even mentioned in this exhaustive final report, except the one requested by Pinal County officials.

There was no bribery. In fact, if you listen to the testimony provided, neither the Sheriff nor Ms. Knorr were even asked about bribery. Why does no one find it odd that in an investigation into the alleged bribery of a Sheriff, the interview of the Sheriff himself would not spend time on

questions of bribery? Instead investigators were interested in Mr. Cook's alcohol consumption, which was not a part of either complaint.

So, there is nothing conclusive in evidence that relates to any of the allegations the Committee is supposed to be reviewing.

Why are we still here?

Any serious prosecutor's office would have dropped this matter months ago and saved the taxpayers tens of thousands of dollars. It is time for this Committee to end this fishing trip and restore, to the degree it is possible, some semblance of David and Diana Cook's and AnnaMarie Knorr's reputations.

Sincerely,

Carmen Chenal Horne