Ballard Spahr LLP

MEMORANDUM

TO The Arizona House of Representatives Ethics Committee

FROM Mark Kokanovich and Jacey Skinner

DATE June 11, 2020

RE Report of Ethics Investigation Regarding Representative David Cook

I. EXECUTIVE SUMMARY

The Arizona House of Representatives Ethics Committee retained an investigation team from Ballard Spahr LLP to find and report facts relevant to ethics complaints lodged against Representative David Cook relating to an alleged improper relationship between Representative Cook and a lobbyist, AnnaMarie Knorr, and potential conflicts of interest resulting from that relationship.

Although Representative Cook and Ms. Knorr both deny a romantic relationship, the evidence demonstrates that they have a close personal relationship, and documents and witness statements are consistent with a close relationship of a romantic nature. Handwritten letters from Representative Cook to Ms. Knorr refer to her by romantic terms of endearment and contain repeated romantic references and sexual allusions.

In one of his letters to Ms. Knorr, Representative Cook references his overconsumption of alcohol. On that topic, evidence and witness statements suggest a pattern of disruptive behavior related to alcohol. Public records confirm Representative Cook was convicted of DUI in December of 2018. Kirk Adams and Basilio Aja described meetings with Representative Cook during work hours when Representative Cook engaged in erratic behavior and appeared to be under the influence of alcohol. Representative Cook confirmed that those meetings occurred, but denied having consumed alcohol prior to the meetings.

The investigation also examined facts pertaining to a planned seizure of assets associated with Knorr Farms, resulting from delinquent taxes owed by various entities associated with Ms. Knorr and her estranged husband, Mr. Robert Knorr. Pinal County Sheriff Mark Lamb called off the scheduled seizure after a call from Representative Cook. Representative Cook's statements on the issue conflict with those of Sheriff Lamb, but neither disputes that they spoke on the phone days before the planned seizure, that they discussed Pinal County's seizure process, or that the planned seizure of the assets associated with Knorr Farms was cancelled shortly after that call. Representative Cook denies mentioning Knorr Farms or the Knorrs in their discussion, but his statement conflicts with Sheriff's Lamb's in that Sheriff Lamb specifically remembers Representative Cook bringing up the Knorrs.

From the beginning of this investigation, rather than attempting to clear himself of the accusations leveled against him in the complaints submitted to the Ethics Committee, Representative Cook has obstructed the investigation by withholding relevant documents. To this day, Representative Cook is still withholding relevant documents from critical time frames.

Delay was also a consistent tactic deployed by Representative Cook to thwart the efficacy of this investigation. He delayed responding to the initial letter informing him of this investigation for more than one month. Although he agreed to produce all documents relevant to the complaints, he thereafter ignored requests for specific documents, including correspondence he had with Ms. Knorr and Sheriff Lamb. Because Representative Cook did not cooperate, the Ethics Committee issued a legislative subpoena—Representative Cook did not produce any documents before the subpoena's deadline.

Representative Cook also refused to participate in the April 6 video-interview date specified in the subpoena and instead proposed sitting for an interview in mid-May. Only after the investigative team interviewed him and confronted him with specific documents that he had failed to provide, did Representative Cook produce any documents responsive to the subpoena. The documents provided after the interview are an incomplete set of documents with obvious gaps during the timeframe identified in the complaints. For instance, Representative Cook withheld all text messages between himself and Ms. Knorr from before the public revelation of their alleged relationship. While the investigation team has been able to obtain some documents withheld by Representative Cook from other sources, Representative Cook's refusal to cooperate and comply with a subpoena significantly undermined the purpose of the interview and unnecessarily drew out the length of the investigation.

This report describes the investigation and factual findings of that investigation.

II. INVESTIGATION INITIATION AND PROCESS

On February 7, 2020,[1] House Ethics Committee Chairman John Allen received a notarized complaint about letters published by AZCentral.com reflecting a "disturbing relationship" between Representative Cook and Western Growers Association ("WGA") lobbyist AnnaMarie Knorr from Janell Alewyn. (Correspondence 0015-16).[2] The complaint was specifically based on at least 45 letters and cards Representative Cook sent Ms. Knorr over a 45-day time period while Ms. Knorr was staying at The Meadows of Wickenburg rehabilitation facility. (Cook Interview 0099-190). In these letters to Ms. Knorr, Representative Cook acknowledges, "coveting another man's wife" (referring to Ms. Knorr) and repeatedly expresses his "love" for Ms. Knorr. (Cook Interview 0122, 0099-190). Ms. Alewyn stated that these letters to a lobbyist reflected a potential conflict of interest with Representative Cook's duties as a legislator and expressed concern over Representative Cook's "inability to separate his questionable personal relationships and the legislative business of the legislator's constituency" given his membership on the Land and Agriculture Committee as well as

[1] Ms. Alewyn stated she originally sent a non-notarized complaint to former Ethics Committee Chairman Representative T. J. Shope on January 29, 2020 before resending the complaint in notarized format to Representative Allen. (Correspondence 0001-2).

[2] For a complete list of documents produced in conjunction with this report and the categories in which they are produced, see **Appendix 2**.

the Natural Resources, Energy and Water Committee—two committees that deal with bills affecting the agriculture industry. (Correspondence 0015).

As further evidence for her complaint, Ms. Alewyn cited Representative Cook's sponsorship of four bills favoring the WGA. (Correspondence 0015). Ms. Alewyn also noted that Representative Cook appeared to act in retribution against Basilio Aja, father of Ms. Knorr, who attempted to stop Representative Cook's relationship with his daughter, by excluding Mr. Aja's organization (Arizona Cattle Feeders) from membership on the Ad Hoc Committee on Groundwater Supply in Pinal County. (Correspondence 0015). Ms. Alewyn further identified an AZFamily.com report in which Mr. Aja revealed Representative Cook directly threatened to exact punishment against Mr. Aja. (Correspondence 0015).

On February 4, 2020, a second complainant, Kevin Cavanaugh, informed House Speaker Russell Bowers that Representative Cook told Mr. Cavanaugh that he had successfully intervened in a planned seizure of property belonging to Ms. Knorr and her husband Rob Knorr by calling Pinal County Sheriff Mark Lamb. (Correspondence 0004). Mr. Cavanaugh alleged that Representative Cook promised to arrange campaign contributions for Sheriff Lamb in return for stopping the planned seizure scheduled for on or about September 26, 2018. (Correspondence 0004). Mr. Cavanaugh further stated his complaint was corroborated through discussions with Sheriff Lamb and Pinal County Assessor Doug Wolf. (Correspondence 0004-5).

Following receipt of Ms. Alewyn's notarized complaint, the Ethics Committee initiated this investigation. As has been done with past investigations overseen by the Ethics Committee, the Ethics Committee obtained outside counsel to investigate allegations contained in the complaints against Representative Cook.

As the Ethics Committee's outside counsel, Ballard Spahr, LLP conducted on-the-record interviews with 14 witnesses.[3] These witnesses include: former Office of the Arizona Governor Chief of Staff Kirk Adams, Arizona Cattle Feeders Association Executive Vice President Basilio Aja, cattle and agricultural lobbyist Patrick Bray, Pinal County Sheriff's Office Deputy Justin Akin, Pinal County Sheriff's Office Lieutenant Leo Aparicio, Pinal County Chief Deputy Treasurer Pat Beckwith, former peace officer Kevin Cavanaugh, former WGA lobbyist AnnaMarie Knorr, Pinal County Sheriff Mark Lamb, Pinal County Assessor's Office employee AnaAlicia Lopez, Pinal County Assessor's Office employee Malina Lopez, Pinal County Assessor Douglas Wolf, Pinal County Supervisor Stephen Q. Miller, and Representative David Cook. (Interviews 0001-29; Audio 0001-14; Cook Summary 001-3; Cook Audio 0001). The investigation further included review of documents provided by the Ethics Committee and multiple witnesses, including e-mails sent to and from Representative Cook, text messages, and other personal records.

Finally, the investigation team's role was to collect evidence bearing on the allegations and concerns raised in the complaints. The ultimate decision regarding what action to take regarding the evidence collected remains vested in the Arizona House of Representatives.

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[3]The investigation team contacted many individuals with relevant information who were not willing to speak on the record. This report and its findings do not rely on any statements not made on the record. Further, this report and its findings do not rely on (or report facts based solely on) any anonymous complaints submitted to the Ethics Committee.

III. APPLICABLE LAW AND CONSTITUTIONAL AUTHORITY

This investigation was undertaken pursuant to Ariz. Rev. Stat. § 38-519(D), which provides that the Ethics Committee "shall investigate complaints and charges against members of its house and, if necessary, report the results of the investigation to its house with recommendations for further action."

The Arizona Constitution authorizes that "[e]ach house may punish its members for disorderly behavior, and may, with the concurrence of two-thirds of its members, expel any member." Ariz. Const. art. IV, pt. 2, § 11. Ariz. Rev. Stat. § 38-519(E) provides that "[a] member is subject to punishment or expulsion as provided by article IV, part 2, section 11, Constitution of Arizona, for any violation of the code of ethics, conflict of interest or financial disclosure requirements." Arizona House of Representatives Rule 1 provides that a "violation of any of the House Rules shall be deemed disorderly behavior." Neither the Arizona Constitution nor any Arizona statute requires that conduct violate a specific rule or statute for the conduct to amount to disorderly behavior.

Rule 33 of the Arizona House of Representatives 54th Legislature Rules directs that "[n]o member shall . . . [k]nowingly disclose or use, other than in the performance of his official duties, information gained as a result of his official position and which is not available to the general public, for his personal financial benefit or the financial benefit of any other person [. . .]." Rule 34, "Personal Financial Interest" states that "[a] personal financial interest exists if it is reasonably foreseeable that an action in the discharge of his official duties will have a material financial benefit or detriment either directly or indirectly on the member, his spouse or any minor child of whom he has legal custody, except that no personal financial interest exists if the legislator or such member of his household is a member of a class of persons and it reasonably appears that a majority of the total membership of that class is to be affected by such action."

Ariz. Rev. Stat. § 41-1153 provides the punishments available for disobedience with legislative subpoenas:

> A. If a witness neglects or refuses to obey a legislative subpoena, or, appearing, neglects or refuses to testify, the senate or the house may, by resolution entered in the journal, commit him for contempt.
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> B. A witness neglecting or refusing to attend in obedience to a subpoena may be arrested by the sergeant-at-arms and brought before the senate or house upon authority of a copy of the resolution signed by the president or speaker, and countersigned by the secretary or chief clerk.

Ariz. Rev. Stat. § 41-1154 further provides:

> A person who, being subpoenaed to attend as a witness before either house of the legislature or any committee thereof, knowingly fails or refuses without lawful excuse to attend pursuant to such subpoena, or being present knowingly refuses to be sworn or to answer any material or proper question, or to produce, upon reasonable notice, any material and relevant books, papers or documents in his possession or under his control, is guilty of a class 2 misdemeanor.

IV. THE INVESTIGATION

The investigation of the complaints made against Representative Cook uncovered facts related to three separate areas of potential disorderly behavior: (1) Representative Cook's failure to cooperate with the Ethics Committee investigation and refusal to comply with a legislative subpoena; (2) Representative Cook's alleged conflicts of interest; and (3) Representative Cook's behavior related to the allegations contained in the complaints. This report examines each of these issues in turn.

A. Representative Cook's Lack of Cooperation Throughout the Investigation.

The investigation team repeatedly informed Representative Cook that the basis for the investigation was to uncover evidence related to the concerns described in the complaints. (Correspondence 0031, 0040, 0042; Cook Transcript 0005). 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. (Correspondence 0058-62, 0101-103).

Despite the legislative subpoena, Representative Cook produced no additional documents in response to the subpoena before the subpoena deadline. Instead, during his interview, Representative Cook stated that the documents he had provided before issuance of the subpoena constituted all relevant documents in his possession. (Cook Transcript 0106). A few days after his interview and over one month after the subpoena deadline, Representative Cook produced 115 pages of communications that are largely responsive to the subpoena. (COOK_001159-1273). Even these communications are, however, incomplete. Representative Cook's refusal to produce evidence in his possession sought through a legislative subpoena delayed the course of the investigation, increased the cost of this investigation, frustrated the purpose of his interview, and limited the information available to the House Ethics Committee.

1. Background Facts

a. Investigators' Correspondence with Representative Cook

On February 18, 2020, the investigative team informed Representative Cook that the Ethics Committee opened an investigation relating to the complaints lodged against him. (Correspondence 0031; Cook Transcript 0101-102). The investigation team requested that Representative Cook provide all documents in his possession "that may be relevant to the investigation and any material that [he] would like the Committee to consider." (Correspondence 0031). The investigation team further requested that Representative Cook retain "any information, documents, emails text messages, phone records, voicemails, or other records that relate to you, AnnaMarie Knorr, Bas Aja, the Western Growers Association, any legislation you have sponsored in the last two years, or any campaign donations you have given or received." (Correspondence 0031). Representative Cook acknowledges receiving this letter, but he chose not to respond. (Cook Interview 0103).

Receiving no response from Representative Cook, the investigation team sent a follow-up letter 13 days later, on March 2, 2020. (Correspondence 0040). The investigation team reiterated the request for documents relevant to the investigation and sought a response by March 6, 2020. (Correspondence 0040). Representative Cook acknowledged receiving this letter but again did not respond. (Cook Transcript 0103).

Once again, receiving no response from Representative Cook, the investigation team sent a second follow-up letter 22 days after the initial letter, on March 11, 2020. (Correspondence 0042). In addition to reiterating the investigation team's requests for documents, the letter expressed a desire to cooperate with Representative Cook on the investigation. (Correspondence 0042).

On March 12, 2020, the investigation team received the first correspondence from Representative Cook through his attorney Carmen Chenal. (Correspondence 0044-45). Ms. Chenal claimed to have sent a document dated March 5, 2020 one-week earlier to the investigation team's offices.[4] Ms. Chenal further asked the investigators for "a request for production of documents" and noted Representative Cook "will comply." (Correspondence 0044-45).

b. Representative Cook's Document Production

On March 13, 2020, Ms. Chenal delivered a stack of documents without any discernable organization or order at the investigation team's offices. The 1,158 pages were largely a reproduction of the public records made available by the Arizona House of Representatives. (Cook_000001-001274). Specifically, approximately 774 of the 1,158 pages Representative Cook provided (66.8%) were previously disclosed by the House in response to a public records request. (Oxford_PRR_00001-00774). Of the remaining 384 pages of documents, approximately 154 pages (39.6%) were duplicate copies of other pages in the production. Thus, Representative Cook provided approximately only 232 unique pages—approximately 129 of which were a lengthy final report of the Ad Hoc Committee on Groundwater Supply in Pinal County and 80 others of which were Corporation Commission filings of various business entities associated with the Knorr family.

In a letter accompanying the stack of documents, Ms. Chenal noted she was "in the process of Bates stamping" the documents[5] and stated (without elaboration) "[t]hese documents will make it clear that my client has not violated any current standing House rules." (Correspondence 0052-53). Ms. Chenal further stated her belief Representative Cook was "in full compliance with [the investigation team's] requests and willing to work with you on resolving this matter expeditiously and amicably." (Correspondence 0052-53).

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[4] The investigation team never received (via e-mail or U.S. mail) Ms. Chenal's letter she has insisted multiple times that she sent on March 5, 2020. (Correspondence 0044-45). ("I did respond to the original letter on March 5, 2020. I sent you another copy of the March 5 response with my FOIA request."). Nor has Ms. Chenal explained how she sent the March 5 letter, despite multiple requests for this information. (Correspondence 0046-51) (requesting Ms. Chenal "tell us when and how you attempted to send [the March 5 letter] to us"); (Correspondence 0052-53) ("We inquire again as to when and how you attempted to send us the letter dated March 5, 2020."). Concerned that Ms. Chenal's correspondence was somehow overlooked, the investigation team reviewed the metadata of her March 5 electronic letter. Contrary to Ms. Chenal's claim, the metadata of this letter indicates the document was created on March 12. (Cook Interview 0298–99).

[5] "A Bates number is a number affixed to a document for the purpose of identifying and distinguishing it from other documents in a series." *Flores v. Cooper Tire & Rubber Co.*, 218 Ariz. 52, 55 n.2 (Ct. App. 2008). Bates stamping was important here as Representative Cook's stack of documents were not in any discernable order.

Later that day, the investigation team responded to Ms. Chenal's two letters.[6] First, in response to Ms. Chenal's request for a list of documents the investigation team was seeking from Representative Cook, the letter listed 14 document categories.[7] The investigation team asked Representative Cook to produce these documents by March 20, 2020 and sought to schedule an interview with Representative Cook on April 6, 2020. (Correspondence 0046-51). The letter expressed hope that Representative Cook would comply with the request for documents without the need for the Ethics Committee to issue a subpoena. (Correspondence 0046-51).

Despite his agreement to provide all documents responsive to the investigation team's requests, Representative Cook did not produce responsive documents by March 20, 2020. The documents he did provide on March 13 (before he received the relevant document categories) were largely non-responsive to the request categories. Missing from this production were substantially all of the relevant documents identified in the March 13 letter. For instance, Representative Cook failed to provide text messages or handwritten communications with Ms. Knorr, failed to provide text messages with Sheriff Lamb, and only provided one page of a text message exchange between Representative Cook and Mr. Aja.

c. Representative Cook's Failure to Comply with a Legislative Subpoena

Because of this failure to produce the requested documents, on March 23, 2020, the Ethics Committee issued a legislative subpoena to compel production of the previously requested documents. The deadline for the subpoena was March 31, 2020 and required Representative Cook to sit for an interview on April 6, 2020. (Correspondence 0056-62).

In response to the subpoena, Ms. Chenal represented that the original batch of documents Representative Cook had provided were "all that [he] has in his possession but will keep looking if necessary." (Correspondence 0063-65). Ms. Chenal also stated that if the investigation team did not provide Representative Cook with numerous documents "prior to" the interview date of Representative Cook, Representative Cook "will have no choice but to go to court." (Correspondence 0065). Ms. Chenal did not elaborate as to the basis on which she would "go to court."

One day later, on March 25, 2020, the investigation team responded that Ms. Chenal's threat that Representative Cook would not participate in an interview unless the House of Representatives

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[6] After receiving Ms. Chenal's first communication on March 12 (in which she claimed to have sent a response on March 5), the investigation team was determined to transmit all correspondence to Representative Cook or Ms. Chenal in writing to maintain a record of the conversations. (Correspondence 0066-67).

[7] These categories included all correspondence from January 9, 2017 to present between Representative Cook and the following individuals: Ms. Knorr, Mr. Aja, employees of Pinal County, Pinal County Sheriff Lamb, Pinal County Assessor Douglas Wolf, Pinal County Treasurer Michael McCord, Kevin Cavanaugh, employees of the Arizona Farm and Ranch Group, employees of the Arizona Cattle Growers' Association. The letter further sought Representative Cook's calendars since January 9, 2017, documents related to Representative Cook's criminal charges since January 9, 2017, campaign contributions given or received by Representative Cook since January 9, 2017, and documents related to the legislation he sponsored since January 9, 2017. (Correspondence 0046-51).

produced various documents was "wholly inappropriate." (Correspondence 0066-67). The letter reiterated that "[t]he purpose of the interview is to gain information from Representative Cook, not to adjudicate the complaints against him." (Correspondence 0067). The letter further highlighted why the stack of pages provided by Representative Cook was "clearly incomplete." (Correspondence 0066).

Although Representative Cook agreed to cooperate and provide relevant documents, he simultaneously refused to provide requested documents in response to the subpoena—or at any time before his interview. (Correspondence 0090, 0046-51). After agreeing to sit for an interview on May 14, the investigative team provided Ms. Chenal and Representative Cook with all documents the investigation team intended to reference when questioning Representative Cook. (Correspondence 0104-07; Cook Interview 0001-318). The investigation team produced these documents more than three weeks in advance of Representative Cook's interview.[8] In transmitting these documents, the investigation team noted that many of the documents were Representative Cook's communications and, thus, should have been in Representative Cook's possession and produced in response to the Committee's subpoena. (Correspondence 0104-06).

d. Representative Cook's Continued Failure to Produce Responsive Documents

At Representative Cook's interview on May 14, 2020, he initially agreed with Ms. Chenal's statements, that the stack of documents represented "all relevant documents in [his] possession." (Cook Transcript 0106). However, he did acknowledge sending text messages to Ms. Knorr (a category of documents requested in the subpoena). He did not provide an explanation as to why he did not produce any of those messages. He further acknowledged text messages he sent Sheriff Lamb and Bas Aja during time frames required by the subpoena. (*See* Cook Transcript 0031-32, 0083-86). He did not explain why he failed to produce all but one of these messages. (Cook Transcript 0107, 0115).

After being asked, during the interview, about the communications that had been provided by other parties—communications to which Representative Cook was a party and that were clearly in his possession—Representative Cook's new counsel, Dennis Wilenchik, agreed that Representative Cook would look for and provide, if possible, the missing messages. (Cook Transcript 0119). On May 17, 2020, three days after his interview and over one month after the deadline provided in the legislative subpoena, Representative Cook produced 115 pages of previously undisclosed communications. (Cook_001159-1273). Nearly all of these communications were responsive to the legislative subpoena.

However, these communications are also incomplete and contain significant gaps. For example, while Representative Cook included text messages between himself and Ms. Knorr, he withheld all text messages sent or received before January 16, 2020. (Cook_001166-1222). In other words, the supplemental production omits nearly all text messages from before the submission of the ethics complaints (the period most relevant to the investigation). Moreover, Representative Cook's supplemental production reflects that he and Ms. Knorr have texted one another almost daily, but Representative Cook provided no text messages with Ms. Knorr between February 4 and March 5, 2020. Further, Ms. Knorr voluntarily provided text messages to Representative Cook from January 21 through January 26, 2020 yet these messages were omitted from Representative Cook's

[8] Providing relevant documents before an interview was the standard practice in the investigation team's interviews of witnesses.

production. (Knorr 0001-18). Even when considered together with the messages produced by Ms. Knorr, there are clear gaps in the communications.[9]

As another example of Representative Cook's deficient production, Representative Cook did not provide any text messages with Mr. Aja that date after November 7, 2019. Further, although Representative Cook provided some text messages between him, Mr. Aja, and Spencer Kamps, he withheld at least one-year's worth of text messages and produced few (if any) text messages from before August 15, 2019 between only Mr. Aja and Representative Cook.[10] Because Mr. Aja voluntarily provided several text messages from this period between them, it is clear that Representative Cook withheld requested communications in this area as well.

Further, while Representative Cook's post-interview production includes group text messages between him, Sheriff Mark Lamb, and several other elected officials, he produced no text messages solely between himself and Sheriff Lamb. As these examples indicate, despite the legislative subpoena requiring production of all text messages between him and Ms. Knorr, Mr. Aja, and Sheriff Lamb, respectively (communications that Representative Cook acknowledged would be "reasonable" to seek, (Correspondence 0101-103)), Representative Cook withheld the vast majority of these communications, many of which the investigators received separately from other sources.[11] (Correspondence 0058-62, 0101-103).

2. Review of Representative Cook's Conduct Throughout the Investigation

Despite a major focus of this investigation being Representative Cook's conduct with Ms. Knorr, Representative Cook withheld all text messages between him and Ms. Knorr from before January 16, 2020 (shortly before the first ethics complaint was filed) and selectively withheld many text messages between him and Ms. Knorr after January 16, 2020. It is apparent that Representative Cook has withheld text messages because the investigation team has received some messages Representative Cook has withheld from other sources, including Ms. Knorr.

As with his text messages with Ms. Knorr, Representative Cook withheld text messages between him and Sheriff Lamb. Although Representative Cook produced some group text messages that included Sheriff Lamb, the only text messages the investigation team obtained between just

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[9] Ms. Knorr provided some text messages that cannot be read due to the size and image resolution of the reproduction, and although the investigation team asked her to reproduce the text messages in a readable format, she has not done so. (Knorr 0003-8, 0013; Interviews 0001-3). Similarly, Representative Cook provided screenshots of text messages that are four to a page, often without dates or timestamps, many have a white bar running through the image, obscuring portions of text. (Cook_001159-1273).

[10] Representative Cook produced one text message between just him and Mr. Aja in his original production, and produced none in his supplemental production of text messages. Further, it is difficult at times to discern the identities of the parties to text messages produced by Representative Cook, due to a lack of timestamps, the lack of sender and recipient identification, and poor image quality.

[11] Ms. Knorr provided more than 100 text messages between her and Representative Cook. (Knorr 0001-18). Sheriff Lamb provided more than 200 text messages between him and Representative Cook. (Lamb 0058-0168). Mr. Aja provided more than 20 text messages between him and Representative Cook. (Aja 0001-17).

Representative Cook and Sheriff Lamb were voluntarily produced by Sheriff Lamb. (Lamb 0058-168). The text messages Representative Cook withheld relate directly to the allegations in Mr. Cavanaugh's complaint, including discussions between Representative Cook and Sheriff Lamb about campaign fundraisers and campaign contributions. (Lamb 0118). Other text messages Representative Cook withheld include conversations between Representative Cook and Sheriff Lamb about this investigation. (Lamb 0129-133).

Further, as to text messages between Representative Cook and Mr. Aja (who was referenced in both complaints), Representative Cook provided a small number of text messages. Notably, instead of producing all relevant and required text messages with Mr. Aja, Representative Cook produced only text messages that could paint Mr. Aja in a poor light. For example, Representative Cook ultimately produced text messages between him and Mr. Aja from September 14 through September 16, 2019 (but omitted text messages before September 14 and after September 16); Representative Cook characterized these text messages as not "relevant" but as showing Mr. Aja "showing his disgusting sexual language self." (Cook_001270-1273).

Rather than cooperating in the collection of relevant information, Representative Cook refused to provide information sought by the Ethics Committee through legislative subpoena and stated that he did not possess the communications and information, or refused to provide the information that was in his possession. Nonetheless, Representative Cook's phone records and communications produced by other witnesses contradict Representative Cook's statements that he has produced all relevant documents.

3. Representative Cook's Characterization of His Failure to Cooperate with the Investigation

In an e-mail to all members of the House of Representatives on April 14, 2020, Representative Cook attempted to explain his failure to provide documents in response to the subpoena. (Correspondence 0101-103). First, Representative Cook stated he produced documents after he was "asked for a massive quantity of documents" and later received "a subpoena requesting the same things [the investigation team] asked for originally." (Correspondence 0101). Representative Cook misstated the timeline and requests. Originally, the investigation team asked Representative Cook for any documents he believed were relevant. The documents he produced, and which are described in detail above, were in response to this initial request. After reviewing these documents, *then* the investigation team asked for documents in specific categories. When Representative Cook failed to produce any documents in response to the requests in these specific categories, the Committee sought those documents through a legislative subpoena. Although Representative Cook states he "spent three working days responding to the subpoena in detail," he did not provide documents in response to the subpoena—he only produced additional documents after his May 14 interview.

Representative Cook also stated the requests "were a poorly disguised fishing trip," yet acknowledged many of the documents sought were "reasonable given the charge." (Correspondence 0102). For example, Representative Cook disputed that the Committee needed his communications with Sheriff Lamb dating back to 2017. Although, Representative Cook expressed a belief that some documents were irrelevant, he indiscriminately withheld both irrelevant documents and documents he acknowledged were "reasonable given the charge." Representative Cook did not provide any explanation for his failure to produce any messages between only him and Sheriff Lamb or any of the other required documents. Representative Cook's failure to cooperate and failure to comply

with the subpoena has deprived the Ethics Committee of a full picture of all of the relevant evidence related to the complaints.

B. Conflicts of Interest Related to Representative Cook's Relationship with Ms. Knorr

The two ethics complaints allege that Representative Cook used his authority as a legislator to serve his personal interests and the interests of AnnaMarie Knorr, a lobbyist. Specifically, Ms. Alewyn's complaint suggests Representative Cook's position on legislation was at least partially influenced by his relationship with Ms. Knorr. Before allegations pertaining to her relationship with Representative Cook became public, Ms. Knorr was employed by Western Growers Association, and her primary lobbying focus was agricultural issues. Representative Cook serves on the Land and Agriculture Committee as well as the Natural Resources, Energy and Water Committee. Both committees are tasked with reviewing and drafting legislation related to agriculture. Ms. Knorr's work with Western Growers focused on agricultural issues. Mr. Cavanaugh's complaint alleges that Representative Cook intervened in the property seizure related to Knorr Farms' tax delinquency to benefit the personal interests of Ms. Knorr, a person with whom he had a close personal relationship.

Based on the allegations in the complaint, the investigation gathered facts regarding Representative Cook's relationship with Ms. Knorr. While both deny any romantic relationship, statements of other witnesses, as well as communications and facts gathered during the course of the investigation, contradict those assertions. The allegation that Representative Cook took actions in his official capacity that benefitted Ms. Knorr and may have constituted a conflict of interest, arises from any sort of close relationship between Representative Cook and Ms. Knorr—romantic or not. At the forefront of both complaints is the allegation that Representative Cook intervened in order to prevent the seizure of property owned by entities associated with Knorr Farms when Pinal County officials otherwise would have taken action to remedy the tax delinquency. Despite contradictory statements from Pinal County Sheriff Mark Lamb, Representative Cook denies taking any such action.

Finally, allegations in the complaints, suggest that Representative Cook threatened to exact some sort of revenge on Ms. Knorr's father, Bas Aja after Mr. Aja voiced opposition to Representative Cook's potentially romantic relationship with Ms. Knorr. Representative Cook denies this allegation.

1. Representative Cook's Relationship with AnnaMarie Knorr

Representative Cook and Ms. Knorr have known each other for ten to fifteen years. (Interviews 0001; Cook Transcript 0006). Ms. Knorr describes her relationship for that entire time with both Representative Cook and his wife, Diana Cook, as "close friends, like family." (Interviews 0001). Representative Cook claims that he was only aware of who Ms. Knorr was until he first ran for office five years ago. (Cook Transcript 0007). Ms. Knorr says that she became even closer to Representative Cook during her time at the Meadows rehabilitation facility undergoing treatment for alcoholism. (Interviews 0002). During that 45-day period, Ms. Knorr and Representative Cook spoke on the phone around once a day, and on occasion more than once a day (Cook Transcript 0046; Interviews 0002), and he sent her approximately one letter every day.[12] Ms. Knorr explained

[12] Ms. Knorr was only permitted to access a telephone at limited times during her treatment at the Meadows, but could receive and send mail. During his interview, when originally asked how often he communicated with Ms. Knorr during her time at the Meadows, Representative Cook said 30 out of the 45 days. (Cook Transcript 0046). But when told that his letters reveal daily communication,

that she brought a bag of the letters home from the Meadows rehabilitation facility, and that her husband found it.[13] (Interviews 0002). Representative Cook recalled that Ms. Knorr sent him two or three letters during her time at the Meadows rehabilitation facility, but says he did not keep them. (Cook Transcript 0048–49).

a. Representative Cook's Letters to Ms. Knorr

In his 46 letters, Representative Cook used the word "love" 51 times. He referred to Ms. Knorr as "honey," "my love," and "my woman." (Cook Interview 0116, 0110). Representative Cook wrote several messages that both he and Ms. Knorr insist are not romantic or sexual in nature but are difficult to interpret in any other way. (*See, e.g.*, Cook Interview 0111 ("I deeply love you and on many occasions I find myself trying to protect me from being hurt by having these deep feelings for you."); Cook Interview 0123 ("all I know is you have gotten me to love you – more than you can imagine – with any fault or mis deeds – I am your man."); Cook Interview 0141 ("As far as missing you – I have said all the time it is like they ripped my guts out.")). This includes one letter in which Representative Cook wrote that he needed to "find a bird and bee card" to send her; in another letter, Representative Cook spoke about "coveting another man's wife." (Interviews 0001-3; Cook Transcript 0106, 0122). Other examples of Representative Cook's affectionate messages are excerpted in Appendix 1.

Several of the greeting cards Representative Cook sent contain romantic messages of their own. (Cook Interview 0099, 0103, 0108, 0113, 0118, 0120, 0122, 0123, 0127, 0137, 0141, 0143, 0148, 0160, 0175)[14]. Representative Cook claims he did not select the cards based on their messages, but in many of the cards, Representative Cook himself altered the text and he frequently references the messages in the cards, and underlines or circles their messages for emphasis (*See, e.g.*, Cook Interview 0100; 0103; 0104; 0106; 0131; 0147; 0148; 0160; 0187; 0188; App'x. 1). Further, some of Representative Cook's own written messages plainly contradict his claim that he did not select the cards for their romantic messages. (Cook Interview 0147 ("I picked this card because I liked it); Cook Interview 0148 ("I saw this card and had to get it for you.")).

When asked in his interview about the letters, Representative Cook provided various explanations for the romantic references. He said that the "bird and bee" card was a reference to his love for nature and to birds who are free to fly away. (Cook Interview 0054-55). He also claimed he was not aware of the common meaning of the phrase "birds and bees" until his attorney told him the day before his interview. (Cook Transcript 0056). Ms. Knorr made similar statements in her interview, and said that she did not construe the letters as romantic, but only as a symbol of support from Representative Cook and his wife. (Interviews 0002). None of the letters are from Diana Cook.

Representative Cook altered his statement to say that daily communication was more accurate. (Cook Transcript 0046).

[13] It was unclear in Ms. Knorr's interview whether she believed Mr. Knorr found the letters in their home or elsewhere. (Interviews 0001-3). In verified divorce pleadings, Ms. Knorr avowed that Mr. Knorr found the letters in her car. (Knorr 0039). In his own verified pleading, Mr. Knorr said he found the letters in the couple's home. (Knorr 0053).

[14] *See* **Appendix 1** containing images taken from Representative Cook's letters and cards sent to Ms. Knorr.

In one letter to Ms. Knorr, Representative Cook recounted a conversation with his wife, in which she asked if Representative Cook was going to divorce her. (Cook Transcript 0056–57). When asked why he told Ms. Knorr this, Representative Cook explained that Ms. Knorr had tried to help his family navigate issues surrounding his son not wanting to attend college, which he claimed had caused the rift in his marriage. (Cook Transcript 0057–58). Relatedly, when asked how he knew that Ms. Knorr did not want to stay in her own marriage, Representative Cook said he only knew about it because he had read something in the newspaper. (Cook Transcript 0021–22).

b. Conferences and Events Attended by Representative Cook and Ms. Knorr

Both Representative Cook and Ms. Knorr attended the annual conference of the American Legislative Exchange Council ("ALEC") in Austin, Texas in 2019. (Interviews 0003; Cook Transcript 0044–45). Representative Cook forwarded Ms. Knorr his hotel reservation information and flight information before the conference, but both denied staying together in a hotel room.[15] (Interviews 0003; Cook Transcript 0044–45; Cook Interview 0092–94). During the dates of ALEC 2019, phone records[16] indicate that Representative Cook called Ms. Knorr on August 13, 2019 at 2:45 PM local time—around 15 minutes before his scheduled hotel check-in. (Cook Interview 0305). The night before check-in, Representative Cook was in Oklahoma and Ms. Knorr called him around 2:00 AM, Tulsa time. (Cook Interview 0305). The two spoke for eight minutes. (Cook Interview 0305). In addition to the ALEC conference, Ms. Knorr said that she and Representative Cook have often attended the same legislative events, and that she has accompanied Representative Cook to events in the past, but only to assist with his sobriety. (Interviews 0003). Representative Cook said the two have been at the same events, but have never attended an event together, despite an agreement with his wife that Ms. Knorr may accompany him to events that his wife or daughter cannot attend. (Cook Transcript 0040, 0044).

c. Contradictory Statements Regarding Representative Cook's Relationship with Ms. Knorr

Both Representative Cook and Ms. Knorr deny having a romantic relationship, but, in addition to Representative Cook's own written words, the statements of others contradict their denials. Mr. Aja told investigators that he knew that Representative Cook and Ms. Knorr were romantically involved. (Interviews 0007). Ms. Knorr's estranged husband, Mr. Robert Knorr, Jr., also asserted in a publicly filed verified court document that "[i]n her capacity as a Lobbyist, [Ms. Knorr] had contact with a State Representative and she began having an affair."[17] (Knorr 0052).

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[15] Western Growers Association produced Ms. Knorr's August 2019 expense report, which documents her charges for a hotel room during ALEC, at a different hotel than Representative Cook. (WGA 0018).

[16] Phone records obtained from Verizon do not include reports of messages sent through iMessage—Apple's proprietary messaging technology—or any other external messaging application. However, the phone records include other communications with Ms. Knorr that Representative Cook failed to produce, including several exchanges of picture messages. (Cook Interview 0307). On one day, June 2, 2019, Representative Cook sent Ms. Knorr seven picture messages. (Cook Interview 0307). Several of them were sent after midnight Phoenix time. (Cook Interview 0307).

[17] In her verified court pleading, Ms. Knorr denies having an affair. (Knorr 0045).

2. Events Related to the Knorr Farms Tax Delinquency

Based on the allegations in the Cavanaugh complaint, investigators gathered facts related to the allegation that Representative Cook improperly intervened to prevent the seizure of business personal property owned by Ms. Knorr's family after the various entities associated with Knorr Farms became delinquent in business personal property ("BPP") taxes.

Knorr Farms is a property apparently owned by several entities controlled by AnnaMarie Knorr, her estranged husband, Robert Knorr Jr., and his father, Robert Knorr Sr.[18] These entities have been delinquent in county BPP taxes of assets at Knorr Farms since at least January 2018. (Pinal 0001).

a. The Planned Seizure of Assets Associated with Knorr Farms

The Pinal County Sheriff's Office—specifically, the deputy in charge of the Sheriff's response to the delinquency, Sergeant Leo Aparicio—planned a seizure of assets at Knorr Farms, scheduled for September 25, 2018.[19] (Interviews 0018). On September 21, 2018, Mr. Knorr called Malina Lopez from the County Assessor's Office to discuss the delinquent taxes. (Pinal 0009–10). During that call, Ms. Lopez believed that she "convinced him to come in on Monday morning and pay" $84,155.15—the majority of the outstanding tax debt. (Pinal 0009–10). Ms. Lopez sent this e-mail to the other members of the seizure task force, and stated that, if Mr. Knorr failed to make payment on Monday, the seizure was set to go forward on Tuesday, September 25. (Pinal 0009–10).

Several minutes after Malina Lopez e-mailed the task force with her update, Sgt. Aparicio sent an e-mail that said "Per my command staff, I am to stand down on the Knorr Farms seizure at this time." (Pinal 0008). Members of the task force who gave voluntary interviews were asked if they knew, at that time, why Sgt. Aparicio had been ordered to stand down. AnaAlicia Lopez, Malina Lopez, and Pat Beckwith all indicated that they did not know officially, and that the e-mail from Sgt. Aparicio was the extent of their knowledge. (Pinal 0004–05, 0023–24, 0025–26).

Sgt. Aparicio explained, during his voluntary interview, that he sent the e-mail calling off the seizure after receiving a call from Lt. Garric Berry, who informed Sgt. Aparicio that Deputy Chief Bryan Harrell had ordered him to stand down on the Knorr Farms seizure. (Interviews 0018). Sgt. Aparicio never received independent confirmation as to why Deputy Chief Harrell gave that order, but heard rumors that the property owner had a connection who was able to convince someone in the sheriff's chain of command to cancel the seizure. (Interviews 0018–19). Sgt. Aparicio was "shocked" that the seizure was canceled, as he felt that his team had put in all the work necessary to ensure the operation was successful. (Interviews 0019). Malina Lopez assumed that Mr. Knorr had called

[18] While Ms. Knorr was not entirely sure of the ownership arrangement of Knorr Farms or its various related entities, she characterized its ownership as shared between herself, her estranged husband, and his father. (Interviews 0002). Based on Mr. Knorr's communications with Pinal County tax officials, it appears that several entities owned by various members of the Knorr family owed delinquent BPP taxes for assets associated with Knorr Farms. (Pinal 0001-2).

[19] Members of a Pinal County task force dedicated to the collection of BPP tax discussed seizing the delinquent BPP on Knorr Farms on several occasions. (Pinal 0001-2). After a seizure scheduled for June 26, 2018 was postponed, the task force representatives engaged Robert Knorr, Jr. in regular contact about the delinquent taxes. (Pinal 0006-7).

someone who intervened in the chain of command after she spoke with him on the phone on September 21. (Pinal 0022).

b. Representative Cook's Phone Call with Sheriff Mark Lamb

In his voluntary interview, Sheriff Mark Lamb revealed that Representative Cook called him on September 21, 2018 to discuss the seizure. (Interviews 0020). Sheriff Lamb was unable to access phone records of September 2018 to verify what time the phone call occurred. On that same evening, between 4:46 pm and 7:25 pm, Representative Cook sent Sheriff Lamb a text message asking "Is this your private number," to which Sheriff Lamb responded "Yes sir it is." Representative Cook replied "Ok just checking mine to [*sic*]." At 7:25 that evening, Sheriff Lamb texted "It's in the vault." (Lamb 0064).

Sheriff Lamb recalled that, during their conversation, Representative Cook asked if Sheriff Lamb was aware of a seizure set to occur on a property in Maricopa, Arizona. (Interviews 0020). Later in the call, Sheriff Lamb remembers Representative Cook mentioning that the assets set to be seized belonged to the Knorrs. (Interviews 0021). Sheriff Lamb did not know how Representative Cook learned about the planned seizure or when it was set to occur. (Interviews 0021). In direct contradiction with Sheriff Lamb's interview, Representative Cook said he did not call about any specific property. (Cook Interview 0029–30). Representative Cook later represented that, at the time he called Sheriff Lamb, he "didn't know Knorr Farms existed," let alone that a seizure was planned for assets related to that property. [20] (Cook Interview 0030). Representative Cook maintained that he called Sheriff Lamb to discuss Pinal County's tax seizure process generally, but did not explain whether any specific incident prompted him to make the call on September 21—just a few days before the planned seizure of assets at Knorr Farms. (Cook Interview 0029).

When Representative Cook called him on the afternoon of September 21, 2018, Sheriff Lamb claims he was unaware of the planned seizure, and that he lacked knowledge of the operation or of the seizure process generally, which concerned him. (Interviews 0021). Sheriff Lamb also stated he did not know anything about Representative Cook's connection to the Knorrs at the time of their phone call, nor did he know the Knorrs personally. (Interviews 0021). Sheriff Lamb explained that he had general concerns about the seizure, given his unfamiliarity with the process and the fact that a previous seizure during his tenure resulted in deputies having to detain someone on the subject property. (Interviews 0021). Sheriff Lamb said it was due to these concerns that he gave the order to Chief Deputy Harrell to call off the seizure. Chief Deputy Harrell gave the order to Lt. Berry, who then called Sgt. Aparicio. (Interviews 0021).

The following day, September 22, 2018, Representative Cook sent two text messages to Sheriff Lamb, referencing the BPP delinquent tax process. (Lamb 0064-65). Those messages expressed concerns about the constitutionality of certain tax procedures that require taxpayers to file documentation with Pinal County in order to be entitled certain tax benefits. (Lamb 0064-65).

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[20] During their respective interviews, Representative Cook and Mr. Aja provided conflicting information as to when and from whom they learned about the tax delinquency related to Knorr Farms. Representative Cook recalled learning of the tax delinquency from Mr. Aja. (Cook Transcript 0022). During his interview, Mr. Aja recalled learning of the tax delinquency from Representative Cook. (Interviews 0006-7).

Several days later, on September 26, 2018, Sheriff Lamb attended a fundraiser for Representative Cook at a winery. (Interviews 0021). During the event, Sheriff Lamb met Mr. and Ms. Knorr for the first time, and while he had met Bas Aja previously, he realized for the first time that Ms. Knorr is Mr. Aja's daughter. (Interviews 0021). At that event, Mr. Aja offered a campaign contribution check to Sheriff Lamb, who turned it down because it felt it "would look bad," considering he had just called off the seizure of assets at Knorr Farms. (Interviews 0021).

On Monday, September 24, 2018 —the day before the planned seizure, which had already been called off—Mr. Knorr came to the Assessor's Office and spoke with Malina Lopez and AnaAlicia Lopez. (Pinal 0022–23). During that visit, Mr. Knorr paid a portion of the outstanding tax liability owed by Knorr Farms and its related entities, and advised Malina Lopez that his attorney would be in contact with her office. (Pinal 0022). To date, entities related to Knorr Farms owe outstanding delinquent BPP taxes in an amount of approximately $130,000. (Interviews 0005, 0010). The Sheriff's office has not rescheduled the seizure of any delinquent property. (Interviews 0019, 0026). Members of the task force met with Sheriff Lamb to give a presentation about the workings of the seizure process. (Interviews 0009, 0026). The Sheriff's Office worked on changing the seizure process, in part so that Sheriff Lamb would have more personal involvement with it. (Interviews 0019).

c. *Representative Cook's Continued Involvement in Issues Related to Business Personal Property Tax and Agricultural Exemptions*

On December 6, 2018, Representative Cook wrote a letter to Pinal County Assessor Douglas Wolf regarding "the requirement from [the Assessor's] office to annually file a form" in order to be treated under the agricultural personal property tax exemption allowed by article 9 of the Arizona Constitution. (Pinal 00033-34). Representative Cook's letter asserted that the version of Ariz. Rev. Stat. § 42-15053 in force at the time of his letter prevented Assessor Wolf's office from seeking documentation of any taxpayer's agricultural status before allowing that taxpayer's property to be exempted in any given tax year. (Pinal 00033-34). Assessor Wolf was "taken aback" by this letter and maintained that his office's process was compliant with Arizona law. (Interviews 0010). Assessor Wolf wrote a reply letter to Representative Cook, explaining this position. (Pinal 00035).

In January 2019, Representative Cook sponsored H.B. 2097, pertaining to the issue raised in his letter to Assessor Wolf. Signed into law on May 14, 2019, the bill amended Ariz. Rev. Stat. § 42-15053 to prohibit county assessors from requiring taxpayers who own property exempt from property taxes (such as agricultural personal property) to file any type of report annually when other taxpayers submit their reports of taxable personal property to the Assessor's office.

Around the same time, Representative Cook also sponsored H.B. 2095. This bill amended Ariz. Rev. Stat. § 42-12152 in a way that Assessor Wolf and other county assessors worried would make it more difficult for their offices to establish which properties were exempt from valuation under the agricultural exemption. (Pinal 0025–28). Pinal County officials, in particular, expressed concern that he and other assessors believed the proposed change to the law would allow a taxpayer to submit an affidavit as irrebuttable evidence that their property constitutes agricultural property and is therefore exempt from future valuation. (Pinal 0026–28). The bill, which was signed into law on April 9, 2019, also gives county treasurers the authority to set up payment plans with property owners who are delinquent in their BPP taxes. Ariz. Rev. Stat. § 42-18056(G).

Although both of these bills have general applicability and benefit more than Knorr Farms, Knorr Farms is the type of property the bill was intended to benefit. Representative Cook personally sent Ms. Knorr an email notifying her of when H.B. 2097 was scheduled for a committee hearing. (Cook Interview 0086).

Though the Knorr family's entities were—and continue to be—delinquent in their BPP taxes such that the Pinal County Sheriff's Office planned a seizure of assets at Knorr Farms, such seizure has never occurred. Representative Cook's statements that he did not speak with Sheriff Lamb about Ms. Knorr or Knorr Farms, despite calling just a few days before the property's scheduled seizure, are contradicted by Sheriff Lamb's recollections of that call. After the cancelled seizure, Representative Cook remained involved in issues related to BPP taxes and the exemptions applicable to agricultural BPP.

3. Events Related to Bas Aja and the Pinal County Groundwater Supply Ad Hoc Committee

Ms. Alewyn's complaint alleged that Representative Cook took retributive action against Ms. Knorr's father, Bas Aja. Mr. Aja is a registered lobbyist in the state of Arizona and has known Representative Cook for many years. Mr. Aja's work focuses on agricultural policy and he has worked closely with Representative Cook. He worked to help Representative Cook win his election when he first ran for office.

Bas Aja reported that he first learned his daughter, AnnaMarie Knorr, and Representative Cook were having an affair in September 2019. (Interviews 0007). At this same time, Mr. Aja was concerned that Ms. Knorr's alcohol abuse was escalating. (Interviews 0007). Mr. Aja originally learned of the affair from his son-in-law, Robert Knorr, and it was later confirmed to him during an intervention staged for Ms. Knorr by her family and friends. (Interviews 0007). On September 18, Mr. Aja sent a text message to Representative Cook, pleading with him to "please tell her to go home and listen to her dad" if Ms. Knorr contacted him. (Aja 0016). On September 27, Mr. Aja sent another text message insisting that Representative Cook "to stop sending emails/texts or calling AnnaMarie . . . . NOW!" (Aja 0009).

After this series of messages, Mr. Aja did not speak directly with Representative Cook until January 2020. (Interviews 0008). However, Mr. Aja received a text message from Representative Cook on November 4, 2019 at 1:20 am. (Aja 0008). That message read: "I know you stabbed me in the back – and your [*sic*] hiding from the truth – but it's ok – just wot [*sic*] and see." (Aja 0008). Given the timestamp, the spelling errors, and the sentiment, Mr. Aja concluded that Representative Cook sent this message while intoxicated. (Interviews 0008). Mr. Aja also noted that it was not uncommon for Representative Cook to call or text him while drinking, estimating that he has spoken on the phone with Representative Cook around 15 times while it was apparent Representative Cook was intoxicated. (Interviews 0007).

A few days after the text message, on November 7, Mr. Aja sent an e-mail to Michael Hunter, Chief of Staff for the Arizona House of Representatives. (Cook_000016). Mr. Aja reported to Mr. Hunter that "Representative Cook did not list the Arizona Cattle Feeders or Arizona Farm and Ranch Group as a member for "ag interest" on the [Pinal County Ad Hoc Committee on Groundwater Supply]." (Cook_000016). Mr. Aja, who had regularly participated in similar committees in his professional capacity, believes that Representative Cook intentionally excluded Mr. Aja's organization from the committee, as revenge, possibly for Mr. Aja offering to help Representative Cook with his drinking.

(Interviews 0008; Cook_000016). Mr. Aja further believes that Representative Cook's 1:20 am text message of November 4, and its threat that Mr. Aja should "just wot [*sic*] and see" was a reference to Representative Cook's decision to keep Mr. Aja from the committee. (Interviews 0008).

On November 13, Representative Cook sent a letter to Pinal County Supervisor Stephen Miller, the chairman of the Pinal AMA Stakeholder Project, which the Ad Hoc Committee oversaw. (Cook_000017). Representative Cook's letter insisted that he "specifically requested that the Arizona Cattle Feeders," which is Mr. Aja's employer, "be invited to take part in the Pinal AMA stakeholder group." (Cook_000017). During his voluntary interview, Supervisor Miller recalled receiving this letter. (Interviews 0029). While he does not specifically recall having a conversation with Representative Cook about the inclusion of the Arizona Cattle Feeders, he does remember various potential stakeholders being discussed at a meeting, and expects that Arizona Cattle Feeders was among them. (Interviews 0029). Supervisor Miller explained that Mr. Aja had recently become affiliated with a different group, and suggested that there may have been confusion about the proper name of Mr. Aja's group. (Interviews 0029).

One morning in January 2020, Representative Cook arrived at Mr. Aja's office uninvited. (Interviews 0008; Cook Transcript 0081). Mr. Aja recounted that Representative Cook appeared to be intoxicated and that he was remorseful and started crying. (Interviews 0008). Representative Cook denies drinking before arriving at Mr. Aja's office. (Cook Transcript 0081). Mr. Aja stated that Representative Cook promised Mr. Aja that he had heeded Mr. Aja's requests to stay away from Ms. Knorr. (Interviews 0008). Mr. Aja does not believe that to be true due to Representative Cook's ongoing interaction with Ms. Knorr. (Interviews 0008). Mr. Aja recalls Representative Cook saying that he would step down from the legislature to try to make things right. (Interviews 0008).

Both Representative Cook and Mr. Aja acknowledge that the two have a contentious relationship. While Mr. Aja believes that Representative Cook took retributive action against him by attempting to prevent his organization's membership on the Pinal County Ad Hoc Committee for Groundwater Supply, Representative Cook insists that he intended for Mr. Aja's group to be included. The two also have divergent interpretations of the text message that Representative Cook sent just before Mr. Aja's group was excluded from the committee, saying he should "wot [*sic*] and see." Representative Cook denies he intended the message to threaten any action against Mr. Aja, while Mr. Aja believes the messages was a reference to Representative Cook's actions to exert revenge against Mr. Aja. Supervisor Miller's statements suggest that in his view the omission of Mr. Aja's group was a mistake.

C. Representative Cook's Behavior Related to the Conduct Identified in the Complaints

In addition to conflicts of interests, the complaints submitted to the Ethics Committee and information provided to the investigation team raised concerns of Representative Cook's use of alcohol and threatening conduct as a public official. Evidence collected by the investigation team suggested a pattern of threatening behavior related to Representative Cook's consumption of alcohol. Indeed, Representative Cook's use of alcohol was discussed by multiple witnesses as part of this investigation and even alluded to as his "downfall" in a letter Representative Cook sent to Ms. Knorr. (Cook Interview 0120). Because Ms. Alewyn's complaint discusses Representative Cook's threats to Mr. Aja, this section of the report recounts evidence gathered relating to Representative Cook's threats and their relation to alcohol use.

1. Public Intoxication and Threatening Behavior as a Legislator

a. Representative Cook's Pre-DUI Arrest Conduct

Representative Cook has reportedly engaged in threatening behavior in conjunction with alcohol use. For example, leading up to a December 2018 DUI arrest, Mr. Aja described Representative Cook as frequently smelling of alcohol, at times having bloodshot eyes in the morning, and at times telling Mr. Aja that he was hungover. (Interviews 0007). In total, Mr. Aja described seeing Representative Cook intoxicated at least 20 times at legislative events, campaign fundraisers, or annual meetings for organizations in which they both were involved. Mr. Aja also recalled speaking to Representative Cook on the phone at least 15 times while Representative Cook sounded intoxicated. While Representative Cook was intoxicated, Mr. Aja describes Representative Cook as a "belligerent bully" who becomes uncomfortably close with women and acts overly flirtatious. Representative Cook referred to his "drinking" and liking "women too much" in a letter to Ms. Knorr. (Interviews 0007).

As another example of Representative Cook's reported excessive drinking and behavior, Kirk Adams, former chief of staff for the Office of the Arizona Governor, who complied with a subpoena to be interviewed, recalled an incident during the 2017 legislative session when an intoxicated Representative Cook unexpectedly arrived at the eighth floor Governor's Office reception area around 2:30 P.M. on a weekday demanding to meet with the Office's legislative liaison. (Interviews 0014-15). Representative Cook appeared enraged and red-faced with bloodshot eyes and smelling of alcohol. Mr. Adams interceded and met with Representative Cook on behalf of the legislative liaison. (Interviews 0014-15). During the meeting, one or two officers of the Governor's DPS detail were made aware of Representative Cook's demeanor and presence and stood outside of Mr. Adams's office. (Interviews 0014-15). During the meeting, Representative Cook's speech was so slurred that Mr. Adams often could not understand what Representative Cook was attempting to say or why he was upset. (Interviews 0014-15). Mr. Adams told Representative Cook that his actions were inappropriate and that in the future he should call the Governor's Office to set up an appointment. (Interviews 0014-15).

Mr. Adams felt that Representative Cook's demeanor during this incident was frightening for the Governor's Office staff. As a result of Representative Cook's actions, Mr. Adams directed the legislative liaison to ensure a second party was present for any further interactions with Representative Cook.

When asked about this incident at the Governor's Office, Representative Cook stated he did not show up unannounced to the Governor's Office and, instead, the Governor's Office asked him "to come up there." (Cook Transcript 0071–72, 0077–79). Representative Cook stated he was not intoxicated and that there were "two other [r]epresentatives" (whose names he did not specify) who were involved. (Cook Transcript 0072, 0078-79).

b. DUI Arrest and Guilty Plea

On December 19, 2018, Mr. Aja recalled speaking with Representative Cook on the phone around 9:00 P.M. Like many times before, Mr. Aja believed Representative Cook to be intoxicated based on his speech, and Mr. Aja asked Representative Cook to call him the next day. (Interviews 0007).

Later that same night, an officer observed Representative Cook's vehicle swerving in-and-out of lanes and signaled for Representative Cook to pull his vehicle to the side of the road. (Cook Interview 0008). When the officer approached Representative Cook's vehicle, the officer "immediately detected the strong odor of an alcoholic beverage" and "observed [Representative Cook] to have bloodshot and watery eyes" as well as "slurred speech." (Cook Interview 0008-09). The officer observed Representative Cook's "decreased motor skills" based on his inability to pick up a cell phone Representative Cook dropped "after several attempts." (Cook Interview 0008-09).

The officer asked for Representative Cook's driver's license but instead of handing over his license, Representative Cook handed the officer his Arizona House of Representatives identification card. (Cook Interview 0009). When the officer asked Representative Cook to exit his vehicle, Representative Cook told the officer "No, I'm not getting out." (Cook Interview 0009). After further requests to exit the vehicle, Representative Cook stated, "Do you know what you're doing son? You're making a mistake." (Cook Interview 0009).

Throughout the officer's attempts to conduct a field sobriety test Representative Cook was uncooperative. (Cook Interview 0009). For example, the officer described Representative Cook as "ignor[ing] the instructions" and refusing to assume "the intended position for the test." Representative Cook's lack of cooperation caused the officer to call for a backup officer. (Cook Interview 0009). Even after the second officer arrived, Representative Cook "would not perform the test as instructed" and "became argumentative, and began to raise his voice." (Cook Interview 0009). After arriving at a DPS station, where Representative Cook's blood alcohol concentration was measured at 0.158, Representative Cook told the officer "don't worry, you'll get yours." (Cook Interview 0009).

According to Ms. Knorr, after he was taken into custody, Representative Cook called Mr. Knorr—Ms. Knorr's now estranged husband—to pick him up from jail. (Interviews 0002). It was late at night, and Mr. Knorr did not answer, so Representative Cook next called Ms. Knorr. (Interviews 0002). Ms. Knorr recalled during her interview that she was also asleep, and missed Representative Cook's call. (Interviews 0002). She believes that Representative Cook next called his wife, who drove from Globe to pick him up. (Interviews 0002).

Representative Cook was charged with three crimes—driving under the influence, driving under the influence with a blood-alcohol concentration of over 0.08, and driving under the influence with a blood-alcohol concentration between 0.15 to 0.19 (extreme DUI). *See* Ariz. Rev. Stat. §§ 28-1381(A)(1), -1381(A)(2), -1382(A)(1). In March 2019, Representative Cook pleaded guilty to driving while under the influence with a blood-alcohol concentration of 0.08 or higher, Ariz. Rev. Stat. § 28-1381A2. (Cook Interview 0218-220). Representative Cook was sentenced to participate in an alcohol and drug screening as well as the Mothers Against Drunk Driving Victim Impact Panel. (Cook Interview 0215). In addition to serving one day at the Maricopa County Jail, the court sentenced Representative Cook to five years of probation (concluding March 8, 2024). (Cook Interview 0215). As part of the probation, Representative Cook was ordered not to "drink intoxicating and / or alcoholic beverages to excess." (Cook Interview 0215).

Representative Cook served the one-day in jail, completed the MADD Victim Impact Panel, and completed 36 hours of alcohol education and treatment. On October 30, 2019, the Court granted Representative Cook's motion to terminate his probation early. (Cook Interview 0195).

c. Representative Cook's Post-DUI Arrest Conduct

Following Representative Cook's DUI arrest, his alcohol abuse continued according to some evidence and witness statements. For example, Mr. Aja recalled that Representative Cook continued to appear with bloodshot eyes on some mornings and would send Mr. Aja what he characterized as "drunken" text messages at 1:00 or 2:00 A.M. Mr. Aja based his characterizations of text messages as "drunken" on the timing of the messages[21] and spelling errors[22]. One particular "drunken" text message Mr. Aja highlighted was sent at 1:20 A.M. on November 4, 2019 by Representative Cook to Mr. Aja. The text message stated "I know you stabbed me in the back – and your [*sic*] hiding from the truth – but it's ok just wot [*sic*] and see." (Aja 0008). Concerned for Representative Cook, Mr. Aja (who describes himself as an alcoholic who has not consumed alcohol since 1988 and frequently sponsors individuals with alcohol addictions through recovery) offered to take Representative Cook to a treatment facility and invited him to various alcohol treatment meetings. Representative Cook did not accept Mr. Aja's offers. (Interviews 0006-8).

Mr. Aja stated that in January 2020, Representative Cook unexpectedly arrived at Mr. Aja's office one morning. (Interviews 0008). Mr. Aja stated that Representative Cook reeked of alcohol and began crying. (Interviews 0008). Representative Cook told Mr. Aja that he was going to resign as a Representative and began discussing Ms. Knorr. (Interviews 0008). Representative Cook told Mr. Aja that he had followed Mr. Aja's wishes that he stay away from Ms. Knorr (a statement that Mr. Aja believes was false). (Interviews 0008). After a short discussion, Mr. Aja escorted Representative Cook out of his office. (Interviews 0008). Mr. Aja stated that he believed from firsthand experience that Representative Cook's alcohol abuse "impairs" Representative Cook's judgment as a legislator and causes Representative Cook to disregard boundaries.

During his interview, Representative Cook corroborated that he showed up at Mr. Aja's office in January 2020 unannounced. (Cook Transcript 0081). Representative Cook stated the purpose of his visit was "[t]o try to show [Mr. Aja] that . . . conversations can be had, we can [sit] down and talk this stuff out instead of the attacks and what he was doing." (Cook Transcript 0081). In contrast

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[21] Representative Cook has stated that communicating late at night is a sign of substance abuse issues. In response to a question about Ms. Knorr by Dennis Welch, political editor for 3TV (KTVK-TV) and CBS 5 (KPHO-TV), Representative Cook stated "If you have a problem with substance abuse, I am more than willing to talk to you any time you need, because I think you do because you call me and other members late at night." *See* Dennis Welch (@dennis_welch), Twitter (Jan. 22, 2020, 1:29 PM), https://twitter.com/dennis_welch/status/1220081016435462144.

[22] Similarly, Representative Cook has recently made statements on Twitter that resulted in comments from other people regarding his sobriety. For example, at 10:12 P.M. on May 1, 2020, Representative Cook tweeted: "What get from people I actually know and love in my district 'Dave sure disappointed with our governor again. He is buying into the plot to break our country and then democrates [*sic*] can but everyone one Government check and we are then a socialist society.'" (Cook Tweets 0003). At 8:05 P.M. on April 3, 2020, Representative Cook tweeted: "Big 30 year lobbist [*sic*] still trying. No one but the @dougducey can shut down a sate [*sic*] highway. This is nothing bu [*sic*] that person to drive a wedge. #bigmoney #Lobbist #Truth #Water." (Cook Tweets 0001). In his interview, Representative Cook stated the incomprehensible nature of this tweet was not due to alcohol but due to being "in a different time zone than Arizona," that he "had been up for almost three days straight working," that he "ha[d] severe eye infections," and that "it was 30-some degrees outside." (Cook Transcript 0090).

with Mr. Aja's recollection, Representative Cook states that he had not been drinking alcohol before going to Mr. Aja's office. (Cook Transcript 0081).

Not all individuals interviewed characterized his alcohol consumption as excessive. For example, Sheriff Lamb could not recall any particular instance when he interacted with Representative Cook when Representative Cook was visibly intoxicated. (Interviews 0020). Further, while Ms. Knorr initially told the investigation team that Representative Cook had quit drinking altogether after his DUI arrest, she later stated she had seen him drink alcohol and then revised her statement again to say to the best of her knowledge Representative Cook "has not been drunk" since his DUI arrest. (Interviews 0002).

V. CONCLUSION

The evidence examined in this investigation demonstrates the following:

1. Representative Cook and Ms. Knorr denied the existence of a romantic relationship. Their denials are in conflict with Representative Cook's own written correspondence to her and the testimony of witnesses interviewed during this investigation.

2. Ms. Knorr was working as a registered lobbyist for Western Growers Association and was lobbying Representative Cook on legislation and policies pursued by her employer. Ms. Knorr separated from her employer after Representative Cook's letters to her became public.

3. Representative Cook never disclosed the nature of his relationship with Ms. Knorr to the House, and to this day, he has denied the same to his colleagues, his constituents, and investigators for the House Ethics Committee.

4. Representative Cook's own words in his letters to Ms. Knorr also reference his use of alcohol as a potential weakness. Witnesses provided statements regarding Representative Cook's use of alcohol while conducting official business including a meeting at the Governor's Office. Representative Cook denied those allegations and, on advice of counsel, refused to answer some questions about his alcohol use as beyond the scope of the investigation.

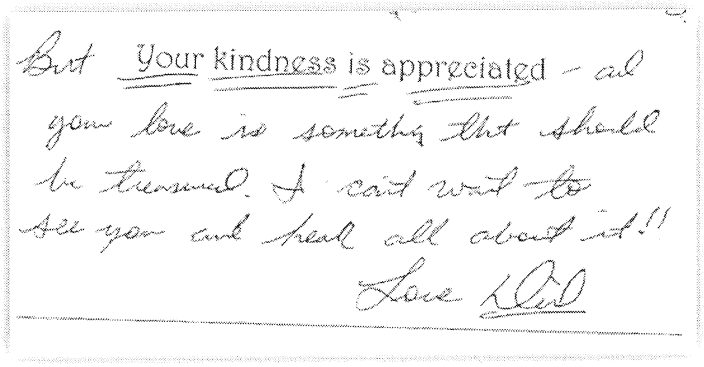
5. While many facts are in dispute related to the planned seizure of assets related to Knorr Farms, it is undisputed that Representative Cook called Sheriff Lamb days before the planned seizure, that Sheriff Lamb called off the scheduled seizure, and that no seizure has yet occurred. Sheriff Lamb stated that he learned of the planned seizure from Representative Cook. Although Representative Cook admits that he called Sheriff Lamb, Representative Cook denied that he called Sheriff Lamb about Knorr Farms and denied knowing about Knorr Farms before he called Sheriff Lamb.

6. Representative Cook's refusal to cooperate with the investigation and refusal to comply with the subpoena issued by the Ethics Committee frustrated the purpose of having an interview, prolonged the investigation, and deprived the Ethics Committee of a full accounting of the relevant evidence and communications between Ms. Knorr and Representative Cook.

APPENDIX 1

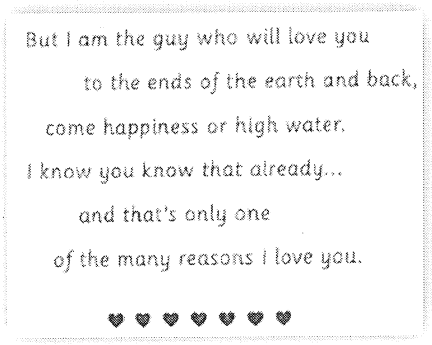
APPENDIX 1

Card, p. 2: [Cook Interview 0100]



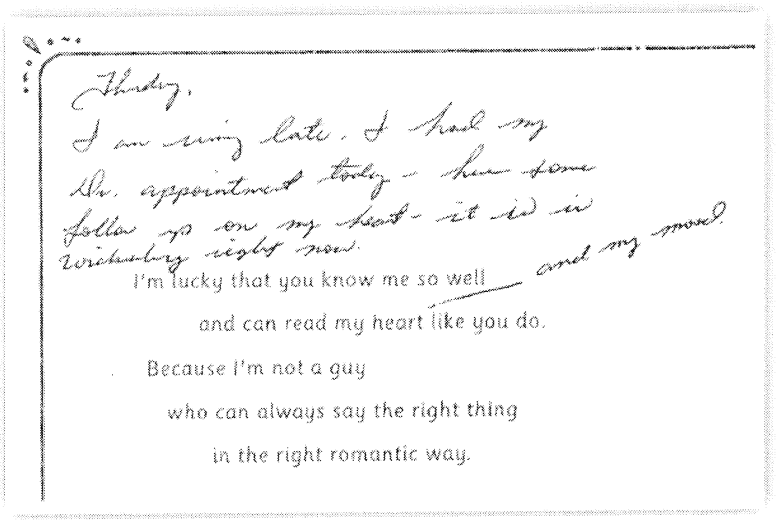
But Your kindness is appreciated – and
your love is something that should
be treasured. I can't wait to
see you and read all about it!!
Love Dad

Card, p. 5: [Cook Interview 0103]



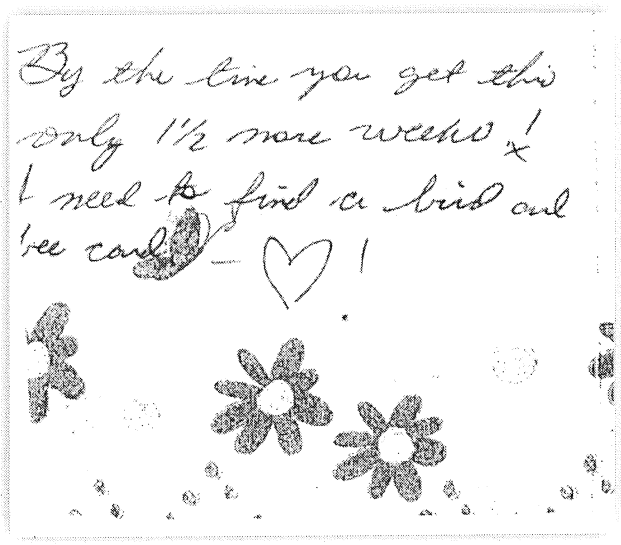
But I am the guy who will love you
to the ends of the earth and back,
come happiness or high water.
I know you know that already...
and that's only one
of the many reasons I love you.

Card, p. 5: "I had my Dr. appointment today – have some follow up on my heart – it is in Wickenburg right now" **[Cook Interview 0103]**

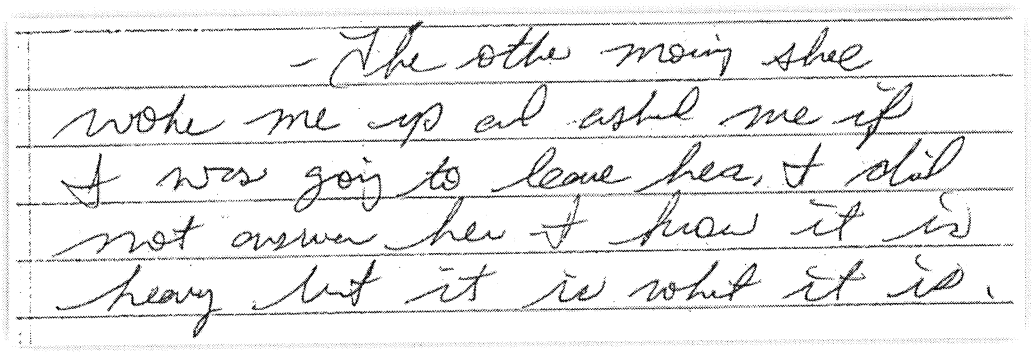


Thanks,
I am running late. I had my
Dr. appointment today – have some
follow up on my heart – it is in
Wickenburg right now.
I'm lucky that you know me so well and my mood
and can read my heart like you do.
Because I'm not a guy
who can always say the right thing
in the right romantic way.

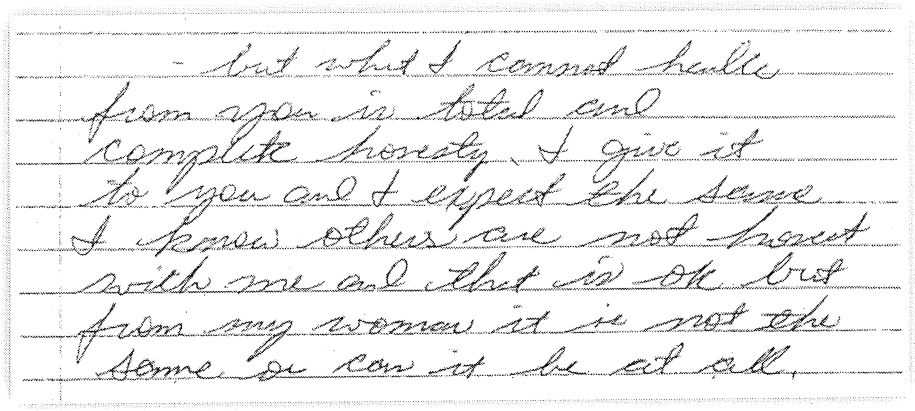
Card, p. 8: "By the time you get this only 1½ more weeks! I need to find a bird and bee card ♥!" **[Cook Interview 0106]**



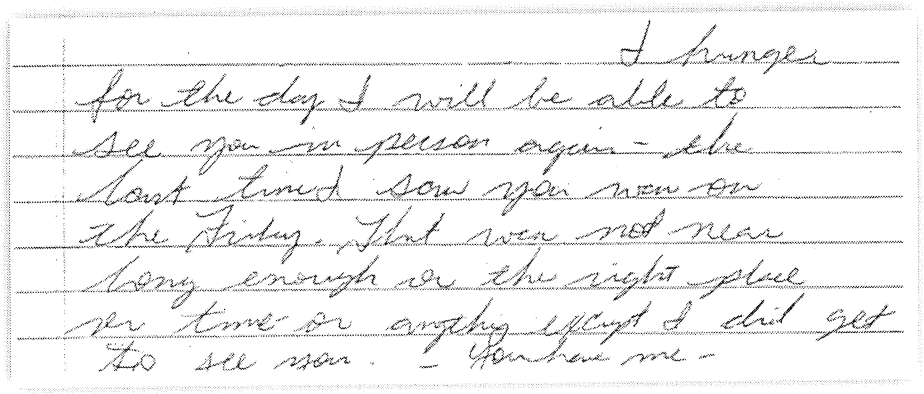
Letter, p. 10: "The other morning [Diana] woke me up and asked me if I was going to leave her, I did not answer her – I know it is heavy but it is what it is." **[Cook Interview 0108]**



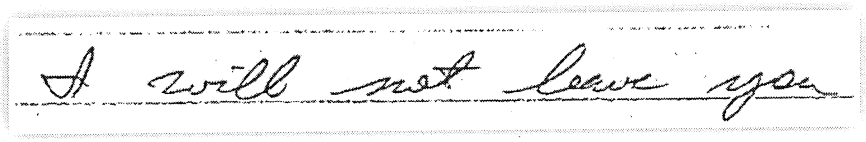
Letter, p. 15: "… total and complete honesty, I give it to you and I expect the same. I know others are not honest with me and that is ok but from my woman it is not the same or can it be at all" **[Cook Interview 0113]**


- but what I cannot handle
from you is total and
complete honesty. I give it
to you and I expect the same
I know others are not honest
with me and that is ok but
from my woman it is not the
same or can it be at all.

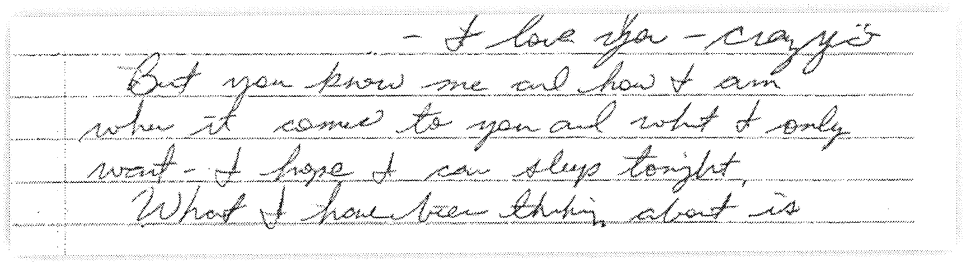
Letter, p. 15: "I hunger for the day I will be able to see you in person again – the last time I saw you was on the Friday. That was not near long enough or the right place or time or anything except I did get to see you. You have me" **[Cook Interview 0113]**


I hunger
for the day I will be able to
see you in person again - the
last time I saw you was on
the Friday. That was not near
long enough or the right place
or time or anything except I did get
to see you. - You have me -

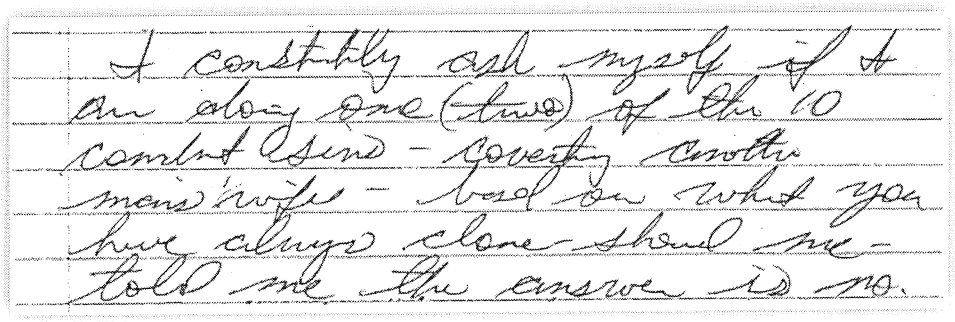
Letter, p. 20: "I will not leave you" **[Cook Interview 0118]**


I will not leave you

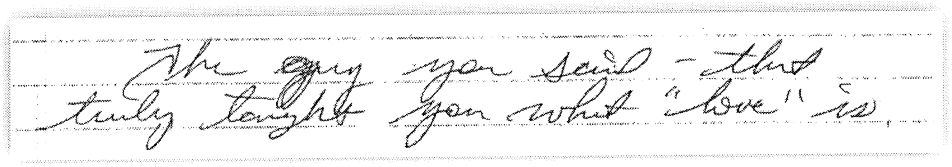
Letter, p. 22: "But you know me and how I am when it comes to you and what I only want – I hope I can sleep tonight." **[Cook Interview 0120]**


- I love you - crazy is
But you know me and how I am
when it comes to you and what I only
want - I hope I can sleep tonight,
What I have been thinking about is

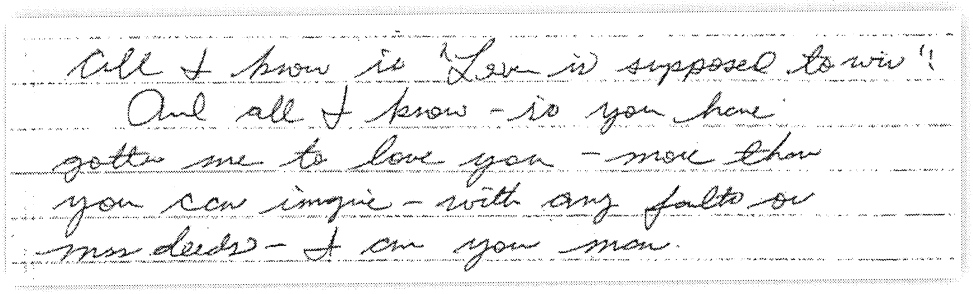
Letter, p. 24: "I constantly ask myself if I am doing one (two) of the 10 [] sins – coveting another man's wife..." **[Cook Interview 0122]**


I constantly ask myself if I
am doing one (two) of the 10
comdmt sins - Coveting another
mans wife - based on what you
have always done - shown me -
told me the answer is no.

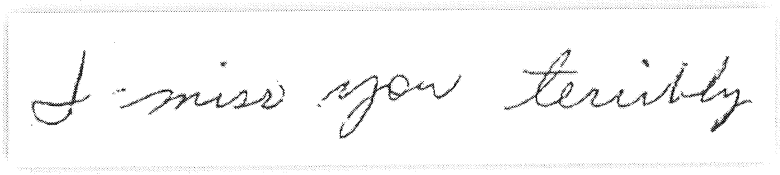
Letter, p. 25: "The guy you said truly taught you what 'love' is." (referring to himself) **[Cook Interview 0123]**


The guy you said - that
truly taught you what "love" is

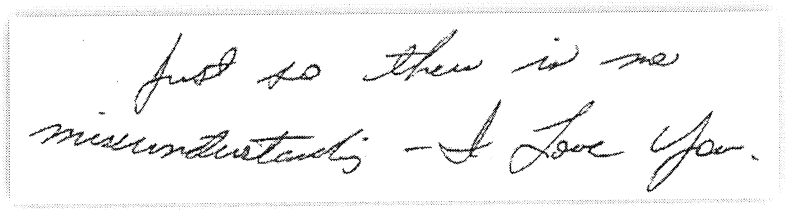
Letter, p. 25: "All I know is 'Love is supposed to win!' And all I know is you have gotten me to love you – more than you can imagine – with any fault or mis deeds – I am your man." **[Cook Interview 0123]**


All I know is "Love is supposed to win"!
And all I know - is you have
gotten me to love you - more than
you can imagine - with any faults or
mis deeds - I am your man.

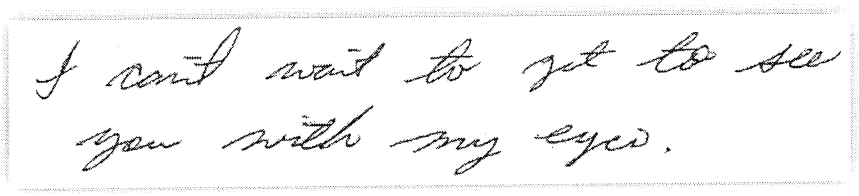
Card, p. 28: "I miss you terribly" **[Cook Interview 0126]**



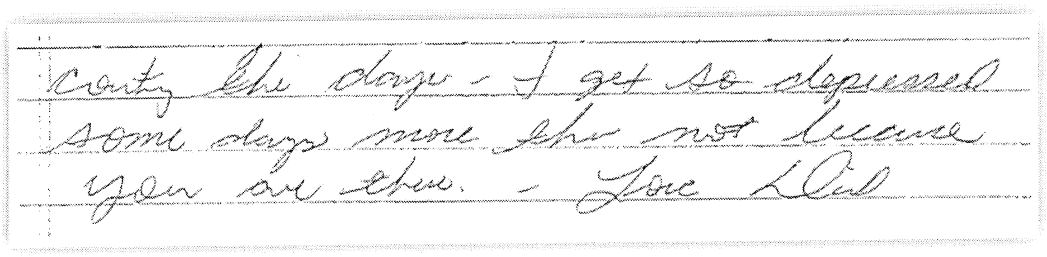
Card, p. 29: "Just so there is no misunderstanding – I Love You." **[Cook Interview 0127]**



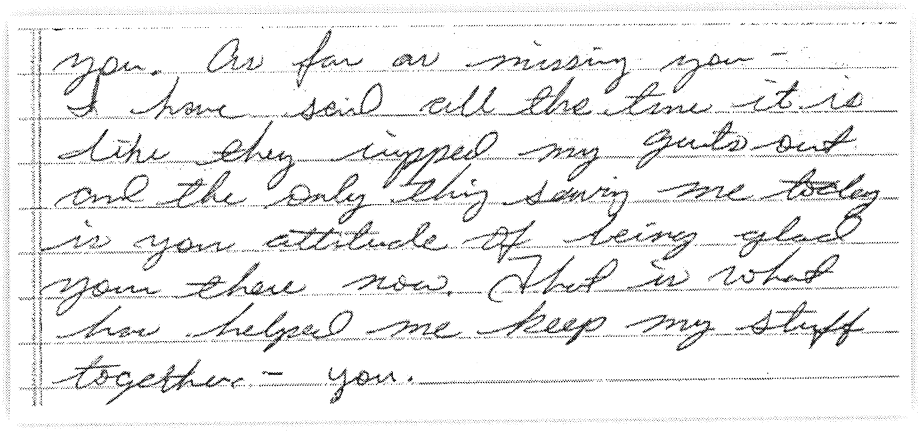
Card, p. 29: "I can't wait to get to see you with my eyes." **[Cook Interview 0127]**



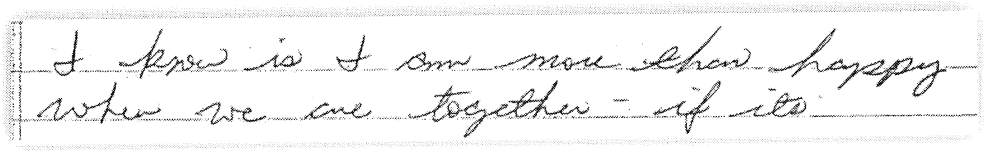
Letter, p. 39: "I am counting the days – I get so depressed some days more than not because you are there." **[Cook Interview 0137]**



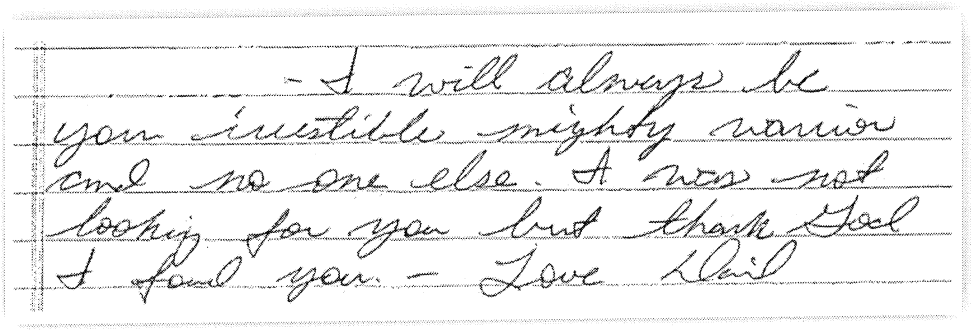
Letter, p. 43: "As far as missing you – I have said all the time it is like they ripped my guts out and the only thing saving me today is your attitude of being glad you are there now." **[Cook Interview 0141]**


you. As far as missing you –
I have said all the time it is
like they ripped my guts out
and the only thing saving me today
is your attitude of being glad
you there now. That is what
has helped me keep my stuff
together – you.

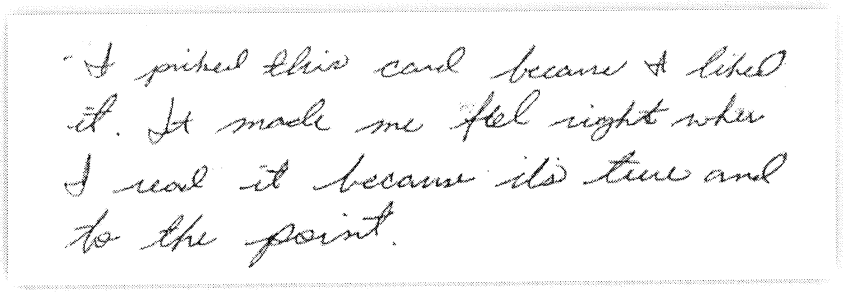
Letter, p. 43: "All I know is I am more than happy when we are together…" **[Cook Interview 0141]**

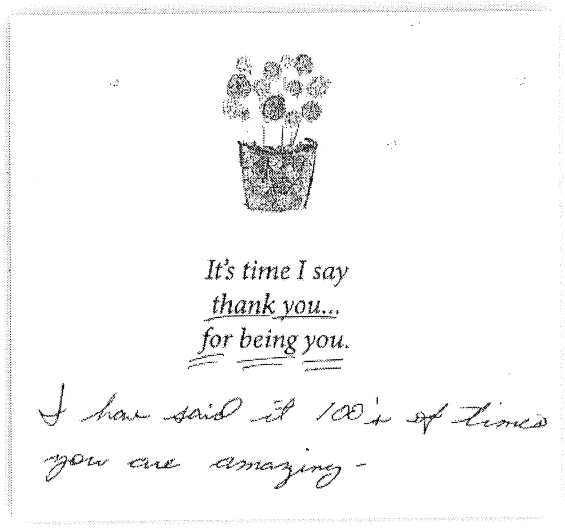

I know is I am more than happy
when we are together – if its

Letter, p. 45: "I will always be your irresistible mighty warrior and no one else. I was not looking for you but thank God I found you" **[Cook Interview 0143]**

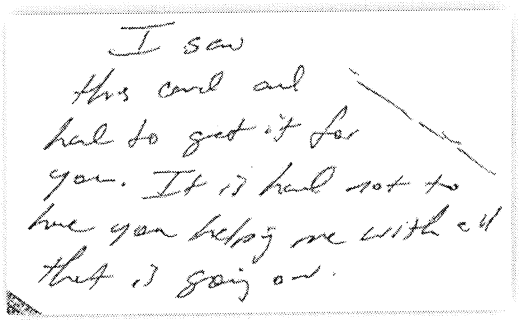

– I will always be
your irresistible mighty warrior
and no one else. I was not
looking for you but thank God
I found you. – Love Dad

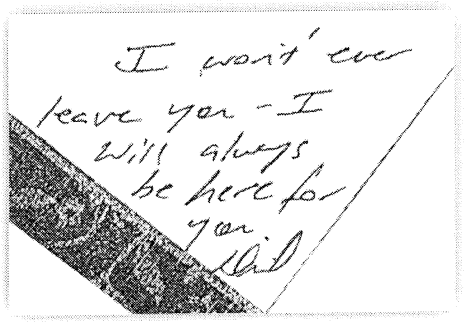
Letter, p. 49: "I picked this card because I liked it. It made me feel right when I read it because it's true and to the point." **[Cook Interview 0147]**



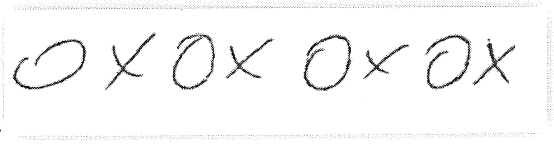


Letter, p. 50: "I saw this card and had to get it for you. It is hard not to have you helping me with all that is going on…. I won't ever leave you – I will always be here for you." **[Cook Interview 0148]**

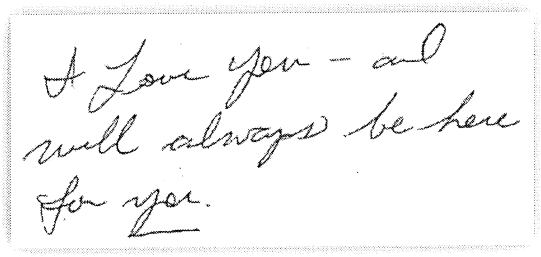


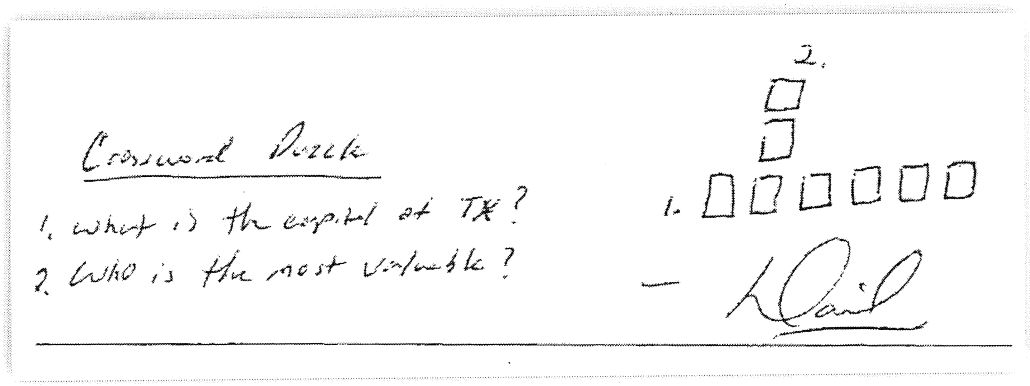


Letter, p. 62: "OXOXOXOX" **[Cook Interview 0160]**



Letter, p. 62: "I love you – and will always be here for you." **[Cook Interview 0160]**

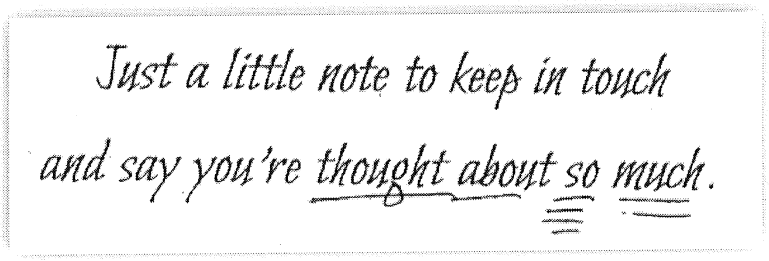




1. Across: What is the capitol of TX? Answer: Austin
2. Down: Who is the most valuable? Answer: You

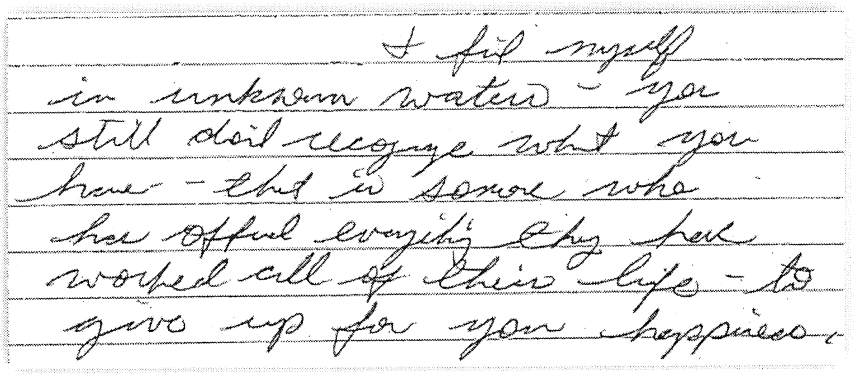
Hand-written crossword puzzle contained in letters from David Cook to Ms. Knorr.
Letter, p. 69 [Cook Interview 0167]

Card, p. 71:

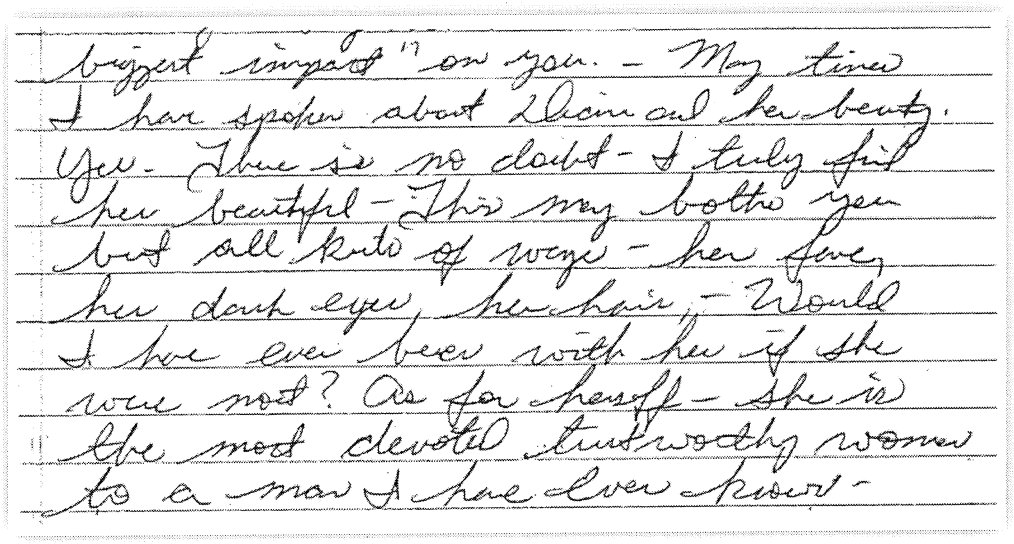


[Cook Interview 0175]

Letter, p. 77: "I find myself in unknown waters – you still don't recognize what you have – that is someone who has offered everything they have worked all of their life – to give up for your happiness… I have always and still have doubts about you understanding that – and in reality you may never" **[Cook Interview 0175]**



Letter, p. 81: "Many times I have spoken about Diana and her beauty… there is no doubt- I truly find her beautiful- This may bother you but all kinds of ways- her face, her dark eyes, her hair- Would I have ever been with her if she were not?" **[Cook Interview 0179]**



APPENDIX 2

Description	Bates Range
Documents produced by Representative Cook	COOK_000001- COOK_001273
Documents provided to Representative Cook before his interview	Cook Interview 0001-0318
Representative Cook interview transcript Representative Cook interview summary Representative Cook interview audio file	Cook Transcript 0001-0143 Cook Summary 001-003 Cook Audio 0001
Correspondence	Correspondence 0001-0142
Media coverage of Representative Cook and the ethics complaints	Media 0001-0111
Representative Cook's emails	Cook Emails 0001-0098
Representative Cook's Tweets	Cook Tweets 0001-0008
Documents provided by or public documents relevant to AnnaMarie Knorr	Knorr 0001-0060
Documents provided by Kevin Cavanaugh	Cavanaugh 0001-0024
Documents provided by Basilio Aja	Aja 0001-0106
Documents provided by Western Growers Association	WGA 0001-0019
Documents provided by or public documents relevant to Sherriff Lamb	Lamb 0001-0169
Documents provided by Pinal County	Pinal 0001-0094
Interview summaries Interview audio files	Interviews 0001-0029 Audio 0001-0014
Documents produced in response to Oxford 1/22/2020 public records request	OXFORD_PRR_00001-00774