

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

HOUSE ETHICS COMMITTEE

Report of Interim Meeting
Thursday, March 30, 2023
House Hearing Room 4 -- 1:00 P.M.

Convened 1:03 P.M.
Recessed 1:05 P.M.
Reconvened 1:21 P.M.
Recessed 2:48 P.M.
Executive Session Convened 2:52 P.M.
Executive Session Adjourned 3:13 P.M.
Reconvened 3:17 P.M.
Adjourned 3:17 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

4-6-23

Members Present

Representative Chaplik, Chairman
Representative Grantham, Vice-Chairman
Representative Griffin
Representative Longdon
Representative Mathis

Members Absent

Agenda

Original Agenda – Attachment 1

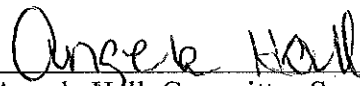
Committee Attendance

Report – Attachment 2

Committee Minutes

Minutes – Attachment 3

<u>Name</u>	<u>Organization</u>	<u>Attachments</u> <u>(Handouts)</u>
Special Order on Rule 15	Arizona House of Representatives	4
Exhibits 1-5 (Placed on file in the Chief Clerks Office).	Arizona House of Representatives	5



Angela Hall, Committee Secretary
April 6, 2023

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

ARIZONA HOUSE OF REPRESENTATIVES

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

HOUSE ETHICS COMMITTEE

Date: Thursday, March 30, 2023

Time: 1:00 P.M.

Place: HHR 4

Members of the public may access a livestream of the meeting here:

<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2023031157>

AGENDA

1. Call to Order
2. Roll Call
3. Ethics Matter Regarding Representative Liz Harris
4. Adjournment

Members:

Representative Joseph Chaplik, Chair
Representative Travis Grantham, Vice Chair
Representative Gail Griffin
Representative Jennifer L Longdon
Representative Christopher Mathis

Pursuant to House Rule 30 and A.R.S. § 38-431.03, the committee may vote to go into executive session, which would not be open to the public, for the purpose of obtaining legal advice and providing directions to the counsel.

The Committee may recess and reconvene to the sound of the gavel or upon announcement.

This is a Rule 15 Hearing pursuant to the House Ethics Committee Rules of Procedure. It is not a judicial proceeding, and the Rules of Evidence do not apply.

Testimony will be received by invitation of the Committee only. Other public testimony, including through the RTS system, will not be received.

03/29/2023
RA

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

Convened: 1:03pm
Recessed: 1:05pm
Re. Convened: 1:21pm
Recessed: 2:48
Executive Session: 2:48
and ex session 3:13
Reconvened: 3:17pm
Adjourned: 3:17pm

ARIZONA STATE LEGISLATURE
Fifty-sixth Legislature - First Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON ETHICS

CHAIRMAN: Joseph Chaplik VICE-CHAIRMAN: Travis Grantham

DATE	03/30/23	/23	/23	/23	/23
Exec Session: 2:48pm CONVENED	1:03pm	m	m	m	m
End Exec Session 3:13pm RECESSED	1:05pm				
Reconvened 3:17pm RECONVENED	1:21pm				
ADJOURNED	3:17pm				
MEMBERS					
Mathis	✓				
Longdon	✓				
Griffin	✓				
Grantham, Vice-Chairman	✓				
Chaplik, Chairman	✓				

✓ Present --- Absent exc Excused

House Ethics Committee Minutes
March 30, 2023, 1:00 p.m.

Chairman Chaplik called the committee to order and had the secretary note the attendance. He began by referring to special Order for Rule 15 that would guide the structure of the committee.

Representative Grantham moved the Motion to adopt the Special Order on Rule 15.

Chairman Chaplik asked if there was any discussion, hearing none he put the question before the members to adopt the Special Order on Rule 15.

The motion was passed by a unanimous voice vote.

Chairman Chaplik explained that the hearing is based on a complaint made by Representative Stahl-Hamilton against Representative Harris and provided an overview of the complaint. The complaint was received on March 6, 2023, and time was provided for Representative Harris to make a written response. Representative Harris provided her written response on March 17, 2023. Both the complaint and the response were then distributed to the members for review.

The complaint is based on Representative Harris' conduct related to the House and Senate Joint Election Committee hearing on February 23, 2023 specifically regarding the presentation given by Jacqueline Breger. The complaint alleges that Representative Harris' personally invited Ms. Breger to testify and that based on a hand gesture Representative Harris made to Ms. Breger at the end of Ms. Breger's testimony, Representative Harris was aware of the content of Ms. Breger's testimony before the hearing and allowed the impugning of members of the body. Also, Representative Harris used her position as a legislator to invite Ms. Breger to testify before the Joint Elections Committee, knowing Ms. Breger's claims had been rejected by a Federal Judge.

Chairman Chaplik stated, therefore, the question before the committee is whether Representative Harris engaged in disorderly behavior in violation of House Rule 1. It is a matter that involves the internal House as it is a complaint made by one House member against another House Member to determine whether Representative Harris attempted to deceive her colleagues, abused her position, or impugned the integrity of the institution. The committee will not consider any collateral issues. The committee will not determine if any statements were defamatory. Only the Court can make that determination.

Chairman Chaplik then reviewed the list of documents provided to the committee by Representative Harris labeled A through N and determined that only four of those documents were relevant to the complaint. He relabeled those 1 through 4. Copies of those four documents were distributed to the committee members. Chairman Chaplik also entered into the record copies of text messages that were left on the desk of General Counsel. These text messages were confirmed to be from Representative Harris' phone

number as well as Ms. Breger and an unidentified third party and were determined to be relevant to the complaint. The text messages were labeled Exhibit 5 and were also distributed to the members of the committee.

A short recess was given to allow committee members an opportunity to review those documents labeled 1 through 5.

Chairman Chaplik called the meeting back to order and stated the committee members will now ask questions of Representative Harris. He would begin by asking a few questions himself.

Chairman Chaplik then asked Representative Harris if she understands that the review is based on her conduct at the Joint Elections Committee on February 23, 2023. Representative Harris responded, "yes I do". He also asked if she understood the hearing was limited to the complaint made by Representative Stahl-Hamilton, to which Representative Harris replied, "yes". Chairman Chaplik asked if she understood the committee would not be considering any allegations against the Joint Elections Committee as a whole or discuss any issues of election integrity as those are matters that should be discussed by other House and Senate Committees and not the House Ethics Committee to which she replied "yes". He then reiterated that the goal of the committee is not to decide whether any of those statements made in the committee were defamatory because that would have to be determined by the Court in a defamation lawsuit. Representative Harris replied, "yes". Chairman Chaplik finished by offering that at the end of the evidentiary hearing, he would provide Representative Harris time to make a closing statement based on only the evidence the committee considered. Representative Harris accepted the opportunity to make a closing statement.

Chairman Chaplik then asked members if they had questions for Representative Harris.

Representative Grantham acknowledged he was curious about Exhibit 5. He asked for verification of the phone number listed on the texts in Exhibit 5. Representative Harris confirmed that the number was hers. He then asked Representative Harris if she knew Ms. Breger was going to present the information she gave before that day in the special elections committee hearing. Representative Harris replied, "Absolutely positively 100% no". He then asked if JacquieLoveofMyLife is Jacqueline Breger in reference to the text messages, and Representative Harris said she's never seen her referred to that way. He then explained that the text messages were between three parties, Representative Harris, JacquieLoveofMyLife, and an unidentified third person. He questioned Representative Harris about page 2 texts regarding a presentation title and that it shouldn't be something that raises a red flag. He asked what that meant, and she replied, "she has no idea" because that was Ms. Breger's words and not hers.

Representative Longdon then raised a point of order because she does not know Representative Harris' phone number and she wanted to clarify which number is associated with Representative Harris in the text screenshots. Clarification was made.

Representative Grantham then asked about page 5 text regarding all electronic presentations would need to be sent to Speaker Ben Toma by a deadline of tomorrow, and for that reason, she suggested handouts the day of the committee. Representative Harris explained she advised this because there was not enough time to get the electronic versions approved through the Speaker's Office before the hearing. Mr. Grantham referenced a text on page 9 of an audio recording sent by Representative Harris and asked what that was. Representative Harris denied any recollection of sending an audio recording. He then referenced a screenshot of a deed sent via text and asked what the basis of those discussions were. Representative Harris said she did not ask for evidence of false deeds; these things were sent by Ms. Breger in reference to the Corporation Commission. He then referenced page 14 of the text messages. Representative Harris replied Speaker Toma wrote to her, and there was some discussion about a book and throwing Speaker Toma under the bus in it. Representative Harris stated "there is a lot of context missing" in the text messages, and she will shed light on it in her closing statements. Representative Grantham then referred to page 15, wherein Representative Harris and Ms. Breger are asking one another if they are ok and that Representative Harris said she might never go back, and Ms. Breger called her brave. He felt it was evidence of a plan and asked Representative Harris if it was part of a plan. Representative Harris denied there was a plan.

Chairman Chaplik asked to-that-point question about page 15, "I left there today with a thought that I would never go back" and inquired what that meant. Representative Harris explained that she was so disillusioned by everything that was in the 81-page report and that Senator Bennet asked who invited Jacqueline Breger to attend and when her name was given after the mention of the Sinaloa Cartel and at the completion of Ms. Jones's presentation and during the MAPs committee presentation where she explained the cartels behead and throw heads over the border, hence her hand motion across the neck, after the presentation she didn't want to return because she felt she would be blamed for everything.

Representative Grantham then asked to continue on page 18, regarding talking to the Arizona Republic; he asked for clarification on a statement made and asked again if she was pre-coordinating the presentation given by Ms. Breger. He then asked Representative Harris to explain what FrankSpeech was. She explained that it is a conservative platform on the internet, and she used to have a podcast on it that she ended once she was elected. He asked if she knew Mr. Thaler or Ms. Breger for long prior to the Elections committee presentation. She stated no she did not, but that she did have knowledge that Mr. Thaler was writing a book. She was not privy to Mr. Thaler's full history prior to the presentation.

Representative Mathis referenced the text messages in Exhibit 5 and asked Representative Harris to confirm whether or not she had prior knowledge of the presentation by Ms. Breger. Representative Harris explained that she was not expecting Ms. Breger to arrive with a box full of documents and an 81-page document that listed the names of people. She said she specifically told Ms. Breger not to impugn any member of the House (or Senate) and not to impugn any religious institution. Representative Mathis asked Representative Harris what surprised her about the testimony given. She explained just about everything outside of the two things she previously mentioned.

Representative Grantham asked for a point of order and reminded members they are speaking of her ethical behavior and not to get into anything else, and could he rephrase his question. Representative Mathis said he was trying to get a sense of what she knew prior to the testimony. Representative Harris explained she has never seen the list of names contained in the 81-page document before.

Representative Grantham asked Representative Harris if she knew about the deed scheme being part of the presentation. She acknowledged that she did. He asked if she knew Representative Toma would be mentioned. She said she had already stated that no House members were supposed to be mentioned, and she was extremely upset that Representative Toma was mentioned on page 70. When asked if she believed the stuff contained in that report, Representative Harris stated she did not know what to believe and what not to believe, and she believed an investigation needs to be done.

Representative Grantham brought up a Tweet from Jenn Wright, the former Assistant Attorney General of the Elections Integrity Unit, dated February 27th at noon, wherein she wished to dispel any claim that she had a prior meeting or discussion with Mr. Thaler. She mentioned a January meeting with Representative Harris where Representative Harris claimed to have evidence of a deed scheme. Representative Grantham asked if that meeting took place and questioned the content of the meeting. Representative Harris denied the claims by Ms. Wright and said there were other people present at the lunch meeting, a lobbyist and a former legislator. He asked if she knew the information regarding the deed scheme would be part of the presentation given by Ms. Breger. Representative Harris replied that she did not know.

Representative Longdon asked why Representative Harris mentioned not impugning religious institutions specifically. Representative Harris referenced the House rule regarding impugning other members and that she had not seen any evidence to support the deed scheme being real, and that she doesn't believe any religious institution should ever be harmed because she believes every religious institution has bad actors and amazing actors. Representative Longdon continued with question about why she specified religious institutions over other institutions. Representative Harris said she's very sensitive to the fact that many members are part of the Latter-Day Saints. When asked if she believed any religious institution would have been on the table, Representative Harris said no but referenced a statement in the texts by Mr. Thaler about the Latter-Day Saints.

Chairman Chaplik asked Representative Harris if she believed a committee hearing is an appropriate forum for someone to make criminal allegations. She replied that she does not believe criminal allegations were made, but no, it would not be an appropriate forum to make criminal allegations.

Representative Harris was given an opportunity to provide evidence and testimony. She stated she believed the complaints against her were false and should be dismissed with prejudice. She referenced the Arizona Constitution and then outlined the role of legislators and read a statement regarding freedom of speech. She proceeded to reference exhibits 1-5. She explained that she initially had a set group of speakers, as outlined in Exhibit 2, and

that, in all high probability, some of those speakers would not be available. She said she worked with Senator Borelli to arrange the speakers and that the speakers were instructed not to use the words decertify or nullify. She then went over the specifications for the hearing as outlined by the House Speaker. She explained that she was made aware on February 18th that one more of the speakers may not be available for the February 23rd hearing. She stated she had a short amount of time to find replacement speakers. She reached out to Jacqueline Breger on Saturday, February 18th, because she believed she had information on election issues. She stated February 18th was the first time she reached out to Ms. Breger. On February 19th she met Ms. Breger in person for a two-hour meeting, and she asked if anyone had conducted any investigations as it related to her election information because she was trying to determine if there was someone more suitable to give the presentation. Ms. Breger was to speak about Ballots found outside a Mesa residence, and that information was shared with Senator Borelli as evidence regarding portals that had backdoor access. She expressed to Ms. Breger that this was an election integrity hearing, as indicated by the headline in Exhibit 3, a handwritten draft document of the agenda. It is noted at this time that the members did not receive a complete copy of the text messages shared between Representative Harris and Ms. Breger because they were delivered anonymously and only contained snippets. On February 21st she noted on the agenda that Ms. Breger would be included as a substitute speaker at the hearing. Exhibit 4 is a copy of the published Agenda.

Representative Longdon asked why Representative Harris did not ask for a postponement when she was notified that her preferred speakers would not be available. Representative Harris replied that could have been an option. Representative Longdon asked how she came about choosing Ms. Breger as a substitute speaker. Representative Harris explained that she had received a press release containing Ms. Breger's contact information back in November of 2022 and that the press release was related to an advertisement for a book to the Governor. Representative Longdon asked how Ms. Breger was categorized prior to Representative Harris determining she would be an appropriate substitute speaker for the hearing. Representative Harris responded that she had never met her before the first face-to-face meeting, and it was during that initial meeting that she identified her as a potential speaker. Ms. Breger was to testify about ballots fed into the system.

Representative Mathis asked Representative Harris to clarify how she met Ms. Breger. Representative Harris said she was part of a group that received the press release containing Ms. Breger's contact information.


Representative Harris stated that the complaint fails to provide any basis for an ethics violation to be determined and, therefore, should be dismissed. She stated that her actions did not fall under the definition of disorderly conduct. She claimed the complainant has based her argument on personal opinion rather than fact.

Representative Grantham asked Representative Harris what her definition of disorderly behavior is and asked her to give an example like fist fighting. Representative Harris offered an extreme DUI, or something pretty major.

Chairman Chaplik called for recess to move into an Executive Session.

Chairman Chaplik reconvened the meeting after adjournment of the Executive Session and explained that the members would take into consideration all that was discussed during the hearing and thanked everyone for their participation.

Chairman Chaplik adjourned the meeting at 3:17 p.m.

A handwritten signature in cursive script that reads "Angela Hall". The signature is written in black ink and is positioned above a horizontal line.

Angela Hall
Committee Secretary

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session

IN THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA
IN PROCEEDINGS BEFORE THE COMMITTEE ON ETHICS

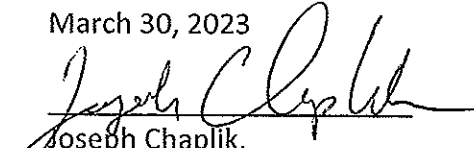
In the Matter of the Ethics Complaint against) SPECIAL ORDER
Representative LIZ HARRIS.) ON RULE 15 HEARING
_____) 03/30/2023

AND NOW, in proceedings before the House Ethics Committee in the matter of Representative Harris, the Committee has received a complaint from Representative Stahl Hamilton, dated March 6, 2023, and response from Representative Harris dated March 13, 2023 (updated March 17, 2023). Pursuant to Rule 15, Ethics Committee Rules of Procedure, a hearing being set for March 30, 2023 at 1:00 p.m. in House Hearing Room 4, and upon adoption of this Special Order by the Committee:

IT IS THE ORDER OF THE COMMITTEE that:

1. Two hours will be the time allotted to this hearing, unless in the discretion of the Chair additional time is necessary. The Rule 15 hearing in this matter is not a court proceeding and the Rules of Evidence do not apply.
2. The business before the Committee shall be:
 - a.) Introduction and comments by the Chair and members of the Committee, as appropriate.
 - b.) Review of the list of documents to be considered by the Committee.
 - c.) Distribution of documents to the Committee and Rep. Harris.
 - d.) Questions from the Committee for Rep. Harris.
3. Subject to the discretion of the Chair, Rep. Harris shall be permitted to present evidence within the scope of the complaint.
4. Subject to the discretion of the Chair, Rep. Harris shall be permitted to examine and comment on documents under consideration by the Committee within the scope of the complaint.
5. The Committee may go into executive session or recess and reconvene as appropriate.
6. At the conclusion of the hearing, the matter will be taken under advisement.
7. Notice of any future hearings will be posted by separate agenda.

March 30, 2023


Joseph Chaplik,
Ethics Committee Chairman