

NEWS RELEASE

Arizona House of Representatives
Speaker Pro Tempore Travis Grantham (R-14)
1700 West Washington • Phoenix, Arizona • 85007

Tuesday, October 17, 2023
FOR IMMEDIATE RELEASE

House Members Demand Investigation of City of Phoenix's Intentional Violation of State Firearms Law

STATE CAPITOL, PHOENIX – Following a damning report last month from the Arizona Attorney General finding the City of Phoenix intentionally violated state law approving an ordinance that led to the illegal donation of 599 unclaimed firearms to Ukraine's national police force, three top House Republicans are calling for Maricopa County Attorney Rachel Mitchell to open a criminal and civil investigation of Phoenix Mayor Kate Gallego and the City Councilmembers. In a letter sent Monday by House Speaker Pro Tempore Travis Grantham, Judiciary Committee Chairman Quang Nguyen, and Vice Chair Selina Bliss, the members outline why the city officials must be held accountable for their actions:

As you may know, following our recent request for a S.B. 1487 Investigation, Attorney General Mayes [concluded that the City's Ordinance violated multiple state laws](#). Following that investigation, the City had no choice but to repeal its Ordinance within 30 days or risk losing state shared revenues. See A.R.S. § 41-194.01(B)(1)(a). The City repealed the Ordinance in late September. However, the AG's Report reveals alarming details that confirm the City Council's lawlessness and egregious disregard for state law.

First, the City "did not address the alleged statutory violations or otherwise provide legal authority supporting its position" to explain how its Ordinance authorizing the donation of 599 unclaimed firearms to the National Police of Ukraine complied with state laws. In fact, the City was indisputably aware of those state laws and the Ordinance's illegality as early as July 3, when we alerted them that the Ordinance is unlawful and demanded an immediate repeal of the Ordinance. AG's report, p. 4; Attachment A.

Second, the AG's report notes that, when faced with the threat of the Attorney General's investigation, the City's counsel "disclosed that the City has already completed the firearms transfer contemplated by the Ordinance and the Agreement." AG's Report, p. 5. Undeterred, when the City learned that the Attorney General would not halt her investigation based on this factual development, the City "terminated the Agreement [with the firearms exporter] by written notice and urged the [Attorney General] to find that this action mooted the [AG's] investigation." Id.

The Attorney General also concluded that her office's statutory duties in a S.B. 1487 investigation do not include "punish[ing] past violations" because her role is to "encourage state subdivisions to cure ongoing violations" of state law. AG's Report at 5, n.7.

Neither the AG's Report nor the City's repeal of its Ordinance absolves the City Mayor or Councilmembers of criminal or civil liability for their misconduct. Although we agree with the Attorney General's ultimate legal conclusion that the Ordinance unambiguously violates state law, significant and unsettled legal and factual questions remain. To this day, the City has refused to disclose to us the date that they illegally sent the firearms abroad. We also are not privy to any of the communications that apparently occurred between the City's officials and the Attorney General's office in connection with the S.B. 1487 investigation.

In light of the AG's Report, it is imperative that you initiate an investigation to determine, at a minimum, the extent to which the City's elected officials conspired to: (1) knowingly and repeatedly violate state law—particularly after we alerted them to the illegality of their conduct; (2) conceal their conduct; and (3) interfere with, coerce, or thwart the Attorney General's S.B. 1487 investigation through improper means or communications.

In a free society, it is critical that our elected officials follow the rule of law, even when they may disagree with the underlying policy of the law. Citizens in our state are held to this standard every day. Arizonans reasonably expect—and the law demands—that government leaders likewise comply with state law or risk serious consequences for their intentional disregard of the law. Because their alleged conduct occurred in your jurisdiction, we demand that you hold the City's officials fully accountable for their willful violation of Arizona law and abuse of their authority and seek all appropriate remedies available under Arizona law.

We insist that you investigate these unprecedented actions for potential criminal violations of Title 13. The Mayor and City Councilmembers must also be held fully accountable for facilitating crimes of others through their illegal transfer of weapons, including but not limited to domestic civil offenses, war crimes, and organized crimes defined in Chapter 23 of Title 13. In addition to any criminal and/or civil charges you deem appropriate, we strongly urge you to pursue a quo warranto action under A.R.S. § 12-2042, based on the Mayor's and City Councilmembers' misconduct and unlawful exercise of public office.

A copy of the full letter and attachments is attached below.

Travis Grantham is Speaker Pro Tempore and a Republican member of the Arizona House of Representatives serving Legislative District 14 in Gilbert.

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Arizona House of Representatives
Phoenix, Arizona 85007

October 16, 2023

Via Email and U.S. Mail

Hon. Rachel Mitchell
Maricopa County Attorney
225 West Madison Street
Phoenix, Arizona 85003

Re: Demand for Immediate Criminal and Civil Investigation of Phoenix City Council's Intentional Violation of State Firearms Law

Dear County Attorney Mitchell,

We write to you today to respectfully insist that you immediately undertake a criminal and civil investigation of City of Phoenix ("City") Mayor Kate Gallego and City Councilmembers for their intentional and flagrant violation of state law in connection with their actions surrounding the City's Ordinance S-50010 ("Ordinance").

For context, we have enclosed a timeline of the facts known to us and relevant materials for your review, including emails and links to publicly-available documents, including Arizona Attorney General Kris Mayes' Investigative Report No. 23-003 ("AG's Report"). *See* Attachments A & B.

As you may know, following our recent request for a S.B. 1487 Investigation, Attorney General Mayes concluded that the City's Ordinance violated multiple state laws. Following that investigation, the City had no choice but to repeal its Ordinance within 30 days or risk losing state shared revenues. *See* A.R.S. § 41-194.01(B)(1)(a). The City repealed the Ordinance in late September. However, the AG's Report reveals alarming details that confirm the City Council's lawlessness and egregious disregard for state law.

First, the City "did not address the alleged statutory violations or otherwise provide legal authority supporting its position" to explain how its Ordinance authorizing the donation of 599 unclaimed firearms to the National Police of Ukraine complied with state laws. In fact, the City was indisputably aware of those state laws and the Ordinance's illegality as early as July 3, when we alerted them that the Ordinance is unlawful and demanded an immediate repeal of the Ordinance. AG's report, p. 4; Attachment A.

Second, the AG's report notes that, when faced with the threat of the Attorney General's investigation, the City's counsel "disclosed that the City has already completed the firearms transfer contemplated by the Ordinance and the Agreement." AG's Report, p. 5. Undeterred, when the City learned that the Attorney General would not halt her investigation based on this factual development, the City "terminated the Agreement [with the firearms exporter] by written notice and urged the [Attorney General] to find that this action mooted the [AG's] investigation." *Id.*

The Attorney General also concluded that her office's statutory duties in a S.B. 1487 investigation do not include "punish[ing] past violations" because her role is to "encourage state subdivisions to cure ongoing violations" of state law. AG's Report at 5, n.7.

Neither the AG's Report nor the City's repeal of its Ordinance absolves the City Mayor or Councilmembers of criminal or civil liability for their misconduct. Although we agree with the Attorney General's ultimate legal conclusion that the Ordinance unambiguously violates state law, significant and unsettled legal and factual questions remain. To this day, the City has refused to disclose to us the date that they illegally sent the firearms abroad. We also are not privy to any of the communications that apparently occurred between the City's officials and the Attorney General's office in connection with the S.B. 1487 investigation.

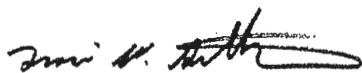
In light of the AG's Report, it is imperative that you initiate an investigation to determine, at a minimum, the extent to which the City's elected officials conspired to: (1) knowingly and repeatedly violate state law—particularly *after* we alerted them to the illegality of their conduct; (2) conceal their conduct; and (3) interfere with, coerce, or thwart the Attorney General's S.B. 1487 investigation through improper means or communications.

In a free society, it is critical that our elected officials follow the rule of law, even when they may disagree with the underlying policy of the law. Citizens in our state are held to this standard every day. Arizonans reasonably expect—and the law demands—that government leaders likewise comply with state law or risk serious consequences for their intentional disregard of the law. Because their alleged conduct occurred in your jurisdiction, we demand that you hold the City's officials fully accountable for their willful violation of Arizona law and abuse of their authority and seek all appropriate remedies available under Arizona law.

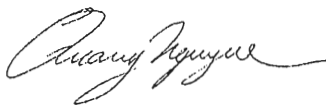
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If you have any questions, please do not hesitate to contact us.

Respectfully,



Travis Grantham
Speaker Pro Tem
Representative, LD14



Quang Nguyen
Judiciary Comm., Chair
Representative, LD1



Selina Bliss
Judiciary Comm., Vice-Chair
Representative, LD1

Attachment A
Supporting Materials and Timeline

The following materials are available on the Attorney General's website, available at:
<https://www.azag.gov/complaints/sb1487-investigations>

- June 28 – City Council unanimously approves Ordinance S-50010
- July 3 – Representatives Nguyen and Bliss send a letter to Phoenix City Mayor and Councilmembers demanding an immediate repeal of Ordinance S-50010
- August 3 – The City executes a contract with D.T. Gruelle Company Group, LLC, authorizing unlawful donation of 599 designated firearms to the National Police of Ukraine
- August 16 –Phoenix City Attorney sends a letter to Representatives Nguyen and Bliss stating the City intends to move forward with the transfer of firearms
- August 21 – Representatives Nguyen and Bliss submit a S.B. 1487 Complaint Form and letter requesting Arizona Attorney General Mayes to Investigate Ordinance S-50010 pursuant to A.R.S. § 41-194.01
- September 20 – Arizona Attorney General issues Investigative Report No. 23-003 concluding that Ordinance S-50010 violates A.R.S. §§ 12-943, 12-945, and 13-3108(A)

Attachment B (Enclosed)
**Public Records – Emails exchanged with the City's Representatives and Legal Counsel
from July 3 through August 11**

ATTACHMENT B

From: [Deryck Lavelle](#)
To: [Linley Wilson](#)
Cc: [Quang Nguyen](#); [Selina Bliss](#); [Julie Kriegh](#)
Subject: RE: Correspondence from Representatives Nguyen and Bliss re: Ordinance S-50010
Date: Friday, August 11, 2023 3:21:43 PM
Attachments: [image001.png](#)

Linley:

My apologies for the delay in getting back to you. I've forwarded your emails onto the City Attorney who is currently unavailable and out of the office through at least next Wednesday August 16, 2023. I hope to be able to get back to you regarding availability early next week.

Deryck R. Lavelle | Chief Assistant City Attorney

City of Phoenix Law Department

Main: 602.262.6761

Direct: 602.534.1480

Cell:



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From: Linley Wilson <LWilson@azleg.gov>
Sent: Friday, August 11, 2023 2:55 PM
To: Deryck Lavelle <Deryck.Lavelle@phoenix.gov>
Cc: Quang Nguyen <QNguyen@azleg.gov>; Selina Bliss <SBliss@azleg.gov>; Julie Kriegh <Julie.Kriegh@phoenix.gov>
Subject: RE: Correspondence from Representatives Nguyen and Bliss re: Ordinance S-50010

Hi Deryck—following up on my email from last Friday. Representatives Nguyen and Bliss would very much appreciate an answer to their question in bold below.

I've confirmed that Representatives Nguyen and Bliss are available for a half hour meeting on August 17 at 11:30am, 1:30 p.m., 2:00 p.m., or 2:30 p.m. Please let me know which time works for the City officials and/or employees attending the meeting and I will circulate a calendar invitation.

Best,

Linley

From: Linley Wilson

Sent: Friday, August 4, 2023 8:27 AM

To: Deryck Lavelle <Deryck.Lavelle@phoenix.gov>

Cc: Quang Nguyen <QNguyen@azleg.gov>; Selina Bliss <SBliss@azleg.gov>; Julie Kriegh <Julie.Kriegh@phoenix.gov>

Subject: Re: Correspondence from Representatives Nguyen and Bliss re: Ordinance S-50010

Thank you, Deryck. I'd be happy to check Representative Nguyen's and Representative Bliss's availability for that week and will get back to you later today.

In the meantime, **could you please confirm that the unclaimed firearms have not and will not leave the city's custody before August 18th?** As indicated in their letter, Representatives Nguyen and Bliss have serious concerns about the legality of the authorizing ordinance and have patiently waited for a response. We would appreciate an opportunity to discuss the legal issues before the City takes any further action.

On Aug 3, 2023, at 5:12 PM, Deryck Lavelle <Deryck.Lavelle@phoenix.gov> wrote:

Linley:

Thank you for your email. The City would welcome the opportunity to sit down with Representatives Nguyen and Bliss to discuss the above-referenced ordinance and the specifics on transfer. Unfortunately, those with the most knowledge on this matter are out of the office until the week of August 14, 2023. If you can provide some alternative dates and times for that week that will work for Representatives Nguyen and Bliss, I'll work on my end to get that meeting scheduled.

Regards,

Deryck

Deryck R. Lavelle | Chief Assistant City Attorney

City of Phoenix Law Department

Main: 602.262.6761

Direct: 602.534.1480

Cell:

<image001.png>

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From: Linley Wilson <LWilson@azleg.gov>
Sent: Thursday, August 3, 2023 10:20 AM
To: Julie Kriegh <Julie.Kriegh@phoenix.gov>
Cc: Deryck Lavelle <Deryck.Lavelle@phoenix.gov>; Quang Nguyen <QNguyen@azleg.gov>; Selina Bliss <SBliss@azleg.gov>
Subject: RE: Correspondence from Representatives Nguyen and Bliss re: Ordinance S-50010

Good morning, Julie,

I hope this email finds you well. I gave you a call this morning, but the receptionist informed me that you are out of the office, so I'm copying Deryck here. It's my understanding that he is filling in for you in your absence.

Representatives Nguyen and Bliss would like to have an informal in-person meeting with you or a representative from the City to discuss this ordinance and learn specifics of the City's plan to transfer the firearms. They are available for a meeting on Wednesday, August 9, 2023, at 3:00 p.m. at the Arizona House of Representatives (2nd Floor, Majority Leader's conference room).

Please let me know if you will be attending the meeting or sending someone else to the meeting on the City's behalf.

Thank you,

Linley

From: Julie Kriegh <Julie.Kriegh@phoenix.gov>
Sent: Wednesday, July 26, 2023 11:39 AM
To: Linley Wilson <LWilson@azleg.gov>
Subject: RE: Correspondence from Representatives Nguyen and Bliss re: Ordinance S-50010

The contract has not yet been fully executed when I checked today. I am not sure when that will happen. I also do not know when we are sending firearms. Sorry I do not have more information to share.

sincerely,
Julie M. Kriegh
City Attorney

City of Phoenix Law Department

200 W. Washington St.
Phoenix, Arizona 85003-1611
telephone: (602) 262-6761
7-1-1 Friendly

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From: Linley Wilson <LWilson@azleg.gov>

Sent: Tuesday, July 25, 2023 1:31 PM

To: Julie Kriegh <Julie.Kriegh@phoenix.gov>

Subject: Re: Correspondence from Representatives Nguyen and Bliss re: Ordinance S-50010

Thank you for the update. Is the City planning to move forward with the contract, execute the contract, or transfer the firearms in the near future? I'm just trying to get a sense of the City's plans so I can let my members know. Anything you are about to share about the status of this matter is greatly appreciated.

On Jul 25, 2023, at 3:16 PM, Julie Kriegh <Julie.Kriegh@phoenix.gov> wrote:

Apologies for any delay in the city's response, we have had several people out of office the past few weeks. Therefore, our review and response may take another two or three weeks.

sincerely,
Julie M. Kriegh
City Attorney
City of Phoenix Law Department

200 W. Washington St.
Phoenix, Arizona 85003-1611

telephone: (602) 262-6761

7-1-1 Friendly

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From: Linley Wilson <LWilson@azleg.gov>

Sent: Monday, July 17, 2023 3:28 PM

To: Julie Kriegh <Julie.Kriegh@phoenix.gov>

Subject: RE: Correspondence from Representatives Nguyen and Bliss re: Ordinance S-50010

Thank you for the response; I will let Representatives Nguyen and Bliss know.

From: Julie Kriegh <Julie.Kriegh@phoenix.gov>

Sent: Monday, July 17, 2023 3:24 PM

To: Linley Wilson <LWilson@azleg.gov>

Subject: FW: Correspondence from Representatives Nguyen and Bliss re: Ordinance S-50010

We will be responding on behalf of the City later this week or next. If you have any questions let me know.

sincerely,

Julie M. Kriegh

City Attorney

City of Phoenix Law Department

200 W. Washington St.

Phoenix, Arizona 85003-1611

telephone: (602) 262-6761

7-1-1 Friendly

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From: Linley Wilson <Linley.Wilson@azleg.gov>

Sent: Monday, July 17, 2023 12:02 PM

To: Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>

Cc: Selina Bliss <SBliss@azleg.gov>; Quang Nguyen <QNguyen@azleg.gov>

Subject: RE: Correspondence from Representatives Nguyen and Bliss re: Ordinance S-50010

Dear Mayor Gallego & Phoenix City Councilmembers,

On behalf of Representative Nguyen, I am writing to follow-up on the letter that he and Representative Bliss sent to you two weeks ago. Please let us know if you intend to submit a written response to Representative Nguyen and Representative Bliss addressing their concerns.

Thank you,

Linley

Linley Wilson
General Counsel
Arizona House of Representatives
1700 West Washington
Phoenix, AZ 85007
602.926.5544

<image001.png>

From: Linley Wilson

Sent: Monday, July 3, 2023 11:47 AM

To: mayor.gallego@phoenix.gov; council.district.1@phoenix.gov;
council.district.2@phoenix.gov; council.district3@phoenix.gov;
council.district.4@phoenix.gov; council.district.5@phoenix.gov;
council.district.6@phoenix.gov; council.district.7@phoenix.gov;
council.district.8@phoenix.gov

Cc: Selina Bliss <SBliss@azleg.gov>; Quang Nguyen
<QNguyen@azleg.gov>

Subject: Correspondence from Representatives Nguyen and Bliss re:
Ordinance S-50010

Mayor Gallego & Phoenix City Councilmembers,

Attached please find correspondence from Representatives Nguyen and
Bliss regarding Ordinance S-50010.

Best,

Linley Wilson
General Counsel
Arizona House of Representatives
1700 West Washington
Phoenix, AZ 85007
602.926.5544

<image001.png>
