

INVESTIGATIVE REPORT REGARDING REPRESENTATIVE DANIEL PATTERSON

PREPARED FOR

THE ARIZONA HOUSE OF REPRESENTATIVES ETHICS COMMITTEE

SUBMITTED MARCH 30, 2012

MICHAEL C. MANNING

CRAIG A. MORGAN

SHARON W. NG

DANELLE G. KELLING

STINSON MORRISON HECKER LLP



**STINSON  
MORRISON  
HECKER**  
— LLP —

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*Preliminary Statement*

Michael C. Manning, Craig A. Morgan, Sharon W. Ng, and Danelle G. Kelling of Stinson Morrison Hecker LLP have been retained to serve as Special Counsel for the House of Representatives Ethics Committee to conduct an independent investigation regarding Representative (“Rep.”) Daniel Patterson (“Patterson”). The scope of this investigation is not limited to the domestic violence allegations made in the February 27, 2012, Ethics Complaint (the “Ethics Complaint”) filed against Rep. Patterson.<sup>1</sup> See **Exhibit 1** (Ethics Complaint). The scope of this investigation, as defined by the House Ethics Committee, is much broader. Specifically, we have been asked to (i) investigate and report whether Rep. Patterson has engaged in a pattern of inappropriate, indecorous, illegal, or unethical conduct in violation of law or the House Rules, and (ii) recommend a course of disciplinary action.<sup>2</sup>

Our investigation was limited to a compressed time frame – approximately two weeks – and consisted of (i) reviewing the Ethics Complaint and Rep. Patterson’s multiple responses; (ii) reviewing public records; (iii) interviews with a number of legislators, staff members, lobbyists, and members of the public who have personally interacted with Rep. Patterson or witnessed his behavior;<sup>3</sup> and (iv) a one and a quarter hour interview with Rep. Patterson.<sup>4</sup> We devoted significant Firm resources to this investigation, including

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<sup>1</sup> But even if the scope of this investigation were limited to the four corners of the Ethics Complaint, that scope is quite broad. Specifically, the Ethics Complaint accuses Rep. Patterson of “conduct impugning the integrity of the House of Representatives” of which the Ethics Complaint’s allegations of a “pattern of domestic violence,” “physical injury,” “mental anguish,” generally “inappropriate conduct,” and “conduct violating the public trust or adversely reflecting upon the House, and unethical or unprofessional conduct” are but examples. See **Exhibit 1** (Ethics Complaint). This investigation has never been just about domestic violence.

<sup>2</sup> See [http://azleg.granicus.com/MediaPlayer.php?view\\_id=13&clip\\_id=10590](http://azleg.granicus.com/MediaPlayer.php?view_id=13&clip_id=10590) which is a link to a House Ethics Committee hearing held on March 13, 2012 (50th Legislature, 2nd Regular Session) wherein the scope of this investigation was defined.

<sup>3</sup> During our investigation, many witnesses were afraid to freely speak with us due to concerns over possible physical, verbal, or other retaliation by Rep. Patterson. A number of Members, lobbyists, and legislative staff in particular expressed such concern. Even some of those who were brave enough to sign Declarations in connection with this investigation expressed concerns about later assault by Rep. Patterson for their cooperation. Accordingly, and only when necessary, we acceded to anonymity.

<sup>4</sup> Rep. Patterson has found plenty of time to speak to the press about this investigation and to insist to his fellow House Members that the Ethics Complaint and this investigation should be abandoned. But, he has not made any real effort

1 assigning a dedicated team of lawyers and other professionals, in an effort to conduct the  
2 most comprehensive investigation possible under such a short timeframe.

3       The gravity of this assignment, and its potential historical impact, were immediately  
4 evident to us. Some level of passion, indecorum, aggressiveness, persuasion, and occasional  
5 loss of professionalism and truthfulness is a predictable facet of the rough and tumble of  
6 politics and public service in the constant spotlight. We assumed this assignment aware that  
7 life in a legislative session is not always – perhaps not even frequently – polite, professional,  
8 dispassionate, or free of adversarial sleight of hand. We also assumed this assignment with a  
9 keen deference to constituents’ right to make an ill-advised, or even deplorable, choice of the  
10 men and women those constituents want to represent them in legislative or executive offices.  
11 Those constituent choices should not be disrupted except in the most egregious of  
12 circumstances. Thus, our investigation was governed by a rebuttable presumption that the  
13 people’s choice, even a very bad one, is nearly inviolable.

14       The witnesses we interviewed agreed with that rebuttable presumption. Over 80% of  
15 the Members, legislative staff, lobbyists, and others we interviewed believe that Rep.  
16 Patterson is a serious discredit and threat to the House, its Members, the legislative process,

17 to discuss the investigation with this Firm at a mutually convenient time. In fact, Rep. Patterson has not been eager to  
18 cooperate with this investigation on anyone’s terms other than his own. Whether through desperate denial or a disturbing  
19 refusal to acknowledge reality, Rep. Patterson insists on ignoring the scope of this investigation and the House’s lawful  
20 ability to discipline him, instead attempting to unilaterally narrow the scope of this investigation. *See Exhibit 2* (E-mail  
correspondence between Rep. Patterson and Michael C. Manning). His March 28, 2012, Supplemental Response to the  
Ethics Committee engages the same delusion. *See Exhibit 3* (Rep. Patterson’s Supplemental Response dated March 28,  
2012).

21       Of course, we repeatedly explained to Rep. Patterson the scope of this investigation. *See Exhibit 2*. Yet, even as  
22 recently as March 27, 2012, Rep. Patterson was quoted in the press as claiming no understanding of the scope of this  
23 investigation and refusing to acknowledge the House’s constitutional authority to discipline its Members – including him.  
24 *See Exhibit 4* (*The Republic* on-line editorial dated March 27, 2012) (quoting Rep. Patterson as stating: “‘I am duly elected  
and lawfully seated so, Laurie, it’s not up to you to decide whether it’s appropriate for me to sit in the Legislature or not,’  
he said. ‘No disrespect, it’s not up to you, it’s not up to Katie Hobbs, it’s not up to anybody in the Legislature. It’s up to my  
voters.’”); *Exhibit 5* (*Yuma Sun* on-line article dated March 26, 2010) (quoting Rep. Patterson as stating: “‘It’s extremely  
frustrating to get the Ethics Committee to define what they’re doing,’ he said. ‘Our feeling is it’s more like a fishing  
expedition.’”); *see also Exhibit 6* (Rep. Patterson’s Tweet dated March 22, 2012 (“Seems Vogt & his investigator Manning  
on ‘fishing expedition’ w little respect for constitution, due process, rules, scope, etc.”)).

25       Unfortunately, we could neither force Rep. Patterson to understand the gravity of this investigation nor persuade  
26 him to meaningfully cooperate with our efforts to find and present the facts.

1 his party, and his constituents. All but a few of the 20% balance otherwise feel that Rep.  
2 Patterson is unfit for office. But many in that minority of witnesses believe that however  
3 unfit, unstable, or dangerous he may be, Rep. Patterson was elected to his position and that  
4 constituent decision is perfectly sacrosanct unless Rep. Patterson is actually convicted of  
5 criminal misbehavior. That well-intentioned minority was not asked to balance the ethereal  
6 protection of Rep. Patterson's District's decision with the very real burden Rep. Patterson  
7 places on the legislative interests of every other legislative district. Nevertheless, our  
8 Constitution and your House Rules are far less tolerant of egregious misconduct that is not  
9 necessarily criminal than that minority view and those principles guided our investigation.

### 10 *Summary Of Conclusions And Recommendations*

11 Based on our investigation, as more fully detailed below, we have reached the  
12 following conclusions:

- 13 • The deep distrust, concern for, and fear of Rep. Patterson is bipartisan,  
14 bicameral, otherwise broad, and is borne of widely experienced incidents  
15 of disruption, deceptions, indecorum, and threats that are too frequent and  
too egregious.
- 16 • Rep. Patterson has a legacy of violating and ignoring both the Rules of the  
17 House of Representatives, 50th Legislature, 2011-2012 (the "House  
Rules") and generally accepted concepts of civility and professionalism.<sup>5</sup>
- 18 • Rep. Patterson routinely verbally abuses, assaults, and harasses his  
19 colleagues, legislative staff, and lobbyists – especially if one dares to  
disagree with him.
- 20 • Rep. Patterson routinely challenges but then ignores admonishment for his  
21 behavior and unprofessional outbursts, often retaliating through verbal  
22 abuse and, on occasion, has either feigned or actually threatened to  
physically assault those that did not agree with him.
- 23 • Rep. Patterson has allegedly violated, and may even continue to violate,  
24 court orders.

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25 <sup>5</sup> We have not investigated whether Rep. Patterson has violated any *criminal* laws. Our findings and conclusions would be  
26 the same whether Rep. Patterson has violated any criminal laws.

- 1 • Rep. Patterson has admitted to staff that he frequently uses marijuana. Tellingly, during our truncated interview with him, he refused to answer  
2 questions about his “frequent use of marijuana” while steadfastly denying  
3 having ever used cocaine, methamphetamine, or any other illegal drug. In  
4 fact, when asked why he refused to answer questions about “frequent use  
5 of marijuana” his answer was very peculiar; he said: “I am refusing to  
6 answer that question based upon my privacy rights under the U.S.  
7 Constitution and all other rights under our Constitution.” When asked  
8 whether that included or meant the 5th Amendment, he said “No, I am not  
9 invoking the 5th Amendment.”
- 10 • Rep. Patterson appears to have tampered with the complainant in the  
11 pending criminal case against him, presumably in violation of a court  
12 order. In fact, Ms. Georgette Escobar’s peculiar Facebook recantation of  
13 her abuse allegations against Rep. Patterson was one subject of our  
14 truncated interview of Rep. Patterson on March 27, 2012. Rep. Patterson  
15 repeatedly refused to answer our questions about whether he wrote that  
16 recantation for Ms. Escobar without her permission or through his  
17 intimidation of Ms. Escobar. His basis for refusing to answer was  
18 peculiar and strained.
- 19 • Rep. Patterson has sought personal favors in exchange for his votes on  
20 legislation.
- 21 • Substantial evidence exists that Rep. Patterson has engaged in a pattern of  
22 disorderly behavior and other misconduct in violation of the House Rules  
23 (particularly House Rules 1, 14, 18 and 19).
- 24 • Discipline of Rep. Patterson is warranted.
- 25 • Over the last several years, Rep. Patterson has been counseled on  
26 numerous occasions by House leadership concerning his disruptive,  
offensive, and deceptive conduct. That conduct is then repeated in spite  
of that counsel and related discipline. Thus, a minor disciplinary sanction,  
such as censure or reprimand, will not deter Rep. Patterson from future  
misconduct.

21 Accordingly, based on our investigation, the results of which are more fully described  
22 below, we reluctantly recommend that, in light of his extraordinary and very predictable  
23 pattern of disorderly, indecorous, and deceptive behavior, coupled with the ineffectiveness of  
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1 earlier counseling, reprimand, and discipline, Rep. Patterson should be expelled from the  
2 House.

### 4 *Investigative Analysis*

#### 5 **I. THE HOUSE HAS THE POWER TO DISCIPLINE ITS MEMBERS**

6 The House has the power to discipline its Members for both (i) disorderly behavior  
7 and (ii) violating the House Rules.

##### 8 **A. Arizona’s Constitution Permits The House To Discipline Its Members.**

9 Arizona’s Constitution states that:

10 Each house may punish its Members for disorderly behavior and may, with  
11 the concurrence of two-thirds of its Members, expel any Member.

12 Ariz. Const. art. 4, pt. 2, § 11. Arizona’s Constitution does not define the phrases “punish”  
13 and “disorderly behavior.”<sup>6</sup> No Arizona case or other legal authority appears to significantly  
14 narrow the scope of this constitutional provision and there is no reason to interpret this  
15 provision other than in its broadest sense. *See State ex rel. La Prade v. Cox*, 43 Ariz. 147,  
16 178, 30 P.2d 825, 827 (1934) (“It is the general rule that, because *constitutions are for the*  
17 *purpose of laying down broad general principles*, and not the expression of minute details of  
18 law, *their terms are to be construed liberally*, for the purpose of giving effect to the general  
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21 <sup>6</sup> Disorderly *conduct* is, however, defined elsewhere in Arizona law. *See* A.R.S. § 13-2904 (entitled “Disorderly  
22 Conduct; Classification). The terms “conduct” and “behavior” are synonyms. *See* Roget’s International Thesaurus 761 (3d  
ed. 1970). Thus, Section 13-2904 is useful for purposes of determining whether Rep. Patterson has engaged in disorderly  
behavior warranting discipline. Section 13-2904 provides that:

23 A person commits disorderly conduct if, with intent to disturb the peace or quiet of a neighborhood, family or  
24 person, or with knowledge of doing so, such person: . . . Engages in . . . *violent or seriously disruptive behavior*; or .  
25 . . . Makes unreasonable noise; or . . . *Uses abusive or offensive language or gestures to any person present in a*  
*manner likely to provoke immediate physical retaliation by such person*; or . . . *Makes any protracted commotion,*  
*utterance or display with the intent to prevent the transaction of the business of a lawful meeting [or] gathering.*

A.R.S. § 13-2904 (emphasis added). Of course, the examples of disorderly conduct listed in this statute are not exhaustive.

1 meaning and spirit of the instrument, rather than as limited by technical rules of grammar.”)  
2 (emphasis added).<sup>7</sup>

3 Thus, the House has broad constitutional authority to punish its Members for  
4 disorderly behavior as the House determines and defines that behavior.

5 **B. The House Rules Permit The House To Discipline Its Members.**

6 The House Rules state that “[a] violation of *any* of the House Rules shall be deemed  
7 disorderly behavior” warranting discipline, including expulsion. House Rules at 1(A)  
8 (emphasis added), citing Ariz. Const. art. 4, pt. 2, § 11. A House Member who “transgresses  
9 the Rules of the House” always runs the risk of some potential discipline, “and if the case  
10 requires it, he shall be liable to censure or such punishment *as the House may deem proper*.”  
11 House Rules at 19(C) (emphasis added).

12 Thus, like Arizona’s Constitution, the House’s Rules permit the House to discipline its  
13 Members for violating those Rules in any manner the House sees fit, including expulsion.

14 **C. The “Due Process” Required In These Proceedings.**

15 The Arizona Constitution does not instruct or even attempt to describe what process  
16 must be used for the House to discipline its Members; the Arizona Constitution merely states  
17 that it may be done. *See* Ariz. Const. art. 4, pt. 2, § 11. In fact, the Arizona Constitution  
18 specifically permits the House to determine its own procedural rules and the qualification of  
19 its own Members. *See* Ariz. Const. art. 4, pt. 2, § 8 (“Each house, when assembled, shall  
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21 <sup>7</sup> In fact, the United States Constitution contains almost identical language with respect to punishment and  
22 expulsion. *See* U.S. Const., art. I, § 5, cl. 2 (“Each House may determine the Rules of its Proceedings, punish its Members  
23 for disorderly behaviour, and, with the Concurrence of two thirds, expel a Member.”). At least one case considering that  
provision recognized its broad meaning as being in left to the legislature’s tempered interpretation, noting that:

24 The right to expel extends to all cases where the offense is such *as in the judgment of the senate* is inconsistent  
with the trust and duty of a Member.

25 *In re Chapman*, 166 U.S. 661, 668-70 (1897) (noting that a Member’s conduct could be found disorderly, and warrant  
expulsion, even though “[i]t was not a statutable offense, nor . . . committed in his official character, nor . . . committed  
26 during the session of congress, nor at the seat of government”) (emphasis added).

1 choose its own officers, judge of the election and qualification of its own Members, and  
2 determine its own rules of procedure.”).

3 Here, the Rules of Procedure for the Ethics Committee of the Arizona House of  
4 Representatives, 50th Legislature (the “Ethics Rules”) govern this investigative process. The  
5 Ethics Rules incorporate the House Rules. *See* Ethics Rule 12 (incorporating the House  
6 Rules). In connection with ethics complaints generally:

7 The Chairman shall receive any sworn complaint alleging unethical conduct.  
8 Complaints shall be in writing, signed by the person or persons filing the  
9 complaint, and notarized. The sworn complaint shall contain: (a) a statement of  
10 fact within the personal knowledge of the complainant describing the alleged  
unethical conduct; (b) the law or House Rule that is alleged to have been  
violated, and; (c) all documents alleged to support the complaint.

11 Ethics Rule 13. Then, after receipt of a properly filed ethics complaint:

12 The Chairman shall review and distribute a copy of each complaint and  
13 supporting documentation to all Members of the Committee and to the Member  
14 who is the subject of the complaint. The Member who is the subject of the  
complaint shall have the opportunity to respond to the complaint in writing.

15 Ethics Rule 14. No hearing regarding an ethics complaint, related investigation, or response to  
16 an ethics complaint is required. But, if the Ethics Committee decides to conduct a hearing –  
17 and, again, there is no requirement one occur – then:

18 In any hearing before the Ethics Committee, the Member who is the subject of  
19 the complaint shall have the right to present evidence and to examine all of the  
20 evidence against the Member, the right to cross-examine witnesses, and the right  
to be represented by counsel of the Member’s choice and at the Member’s  
expense.

21 Ethics Rule 15. Thus, based on the foregoing, Rep. Patterson has been given the process due  
22 him as a matter of law.  
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1 **II. REP. PATTERSON’S MISCONDUCT VIOLATES THE ARIZONA**  
2 **CONSTITUTION AND VARIOUS HOUSE RULES**

3 House Rule 14, entitled “Voting,” mandates that, except under very narrow  
4 circumstances, “[w]hen a roll call vote is ordered, no Member shall leave his seat until the  
5 vote is declared.” House Rule 14(E). House Rule 18, entitled “Decorum and Debate,”  
6 provides, in part, that:

7 (A) When a Member desires to speak in debate or deliver any matter to the  
8 House, or make a motion, he shall rise and address himself to the Chair, and on  
9 being recognized may address the House. *He shall confine himself to the*  
*question and avoid personalities. No Member shall impeach or impugn motives*  
*of any other Member’s argument or vote.*

10 . . .

11 (D) *No Member shall interrupt another while speaking except to call to order, to*  
*correct a mistake or to move the previous question.*

12 House Rules at 18(A) and (D) (emphasis added). And, House Rule 19, entitled  
13 “Impermissible Debate,” states that:

14 No Member shall be permitted to indulge in personalities, *use language*  
15 *personally offensive, arraign motives of Members, charge deliberate*  
16 *misrepresentation or use language tending to hold a Member of the House or*  
*Senate up to contempt.”*

17 House Rules at 19(A) (emphasis added). “A violation of any of [the aforementioned] House  
18 Rules shall be deemed disorderly behavior” warranting discipline, including expulsion.  
19 House Rules at 1(A); *see also* Ariz. Const. art. 4, pt. 2, § 11.

20 Rep. Patterson has made false statements as a means to obtain his personal objectives  
21 and engaged in a significant pattern of disorderly, indecorous, and disrespectful behavior  
22 toward his colleagues, staff members, constituents, and lobbyists – all without remorse or  
23 consideration of how his actions may reflect on himself, the House, or others. Accordingly,  
24 for the reasons discussed below, significant evidence exists that Rep. Patterson has committed  
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1 acts in violation of Article 4, Part 2, Section 11 of the Arizona Constitution and House Rules  
2 1(A), 14, 18 and 19.<sup>8</sup>

3 During the course of our investigation we discovered substantial and significant  
4 evidence of Rep. Patterson's dishonest, inappropriate, unprofessional, indecorous, and  
5 disorderly conduct toward other Legislators, legislative staff, lobbyists, and even constituents.  
6 For example, the evidence revealed that:

- 7 • In 2009, Rep. Patterson engaged in harassing and inappropriate actions  
8 towards lobbyists, which was reported to Democratic leadership.
- 9 • In 2010, Rep. Patterson:
  - 10 ○ Had an aggressive, inappropriate, and unprofessional exchange  
11 with Rep. David Gowan.
  - 12 ○ Impugned a former Senator during a Military Affairs and Public  
13 Safety ("MAPS") Committee hearing regarding SB 1027.

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14 <sup>8</sup> Between February 16 and 24, 2012, Rep. Patterson and his then live-in girlfriend, Georgette Escobar, engaged in a  
15 series of events that resulted in the intervention of the City of Tucson Police Department. See **Exhibit 7** (Police Report). A  
16 third-party witness told police that he saw Rep. Patterson "backhand" Ms. Escobar hard enough to "knock the female to the  
17 ground." *Id.* Both Rep. Patterson and Ms. Escobar have alleged claims of violence against one another that occurred at this  
18 time. On February 24, 2012 Ms Escobar filed an Order of Protection against Rep. Patterson in case number M-1041-DV-  
19 12005176 in the Tucson City Court, which was granted. See **Exhibit 8** (Order of Protection). Ms. Escobar, in media  
20 reports, alleged that Rep. Patterson "threw her out of a car" resulting in bruises. See  
21 <http://www.azcentral.com/video/1531323103001> (last accessed March 27, 2012) (news reports showing portions of  
22 interviews with Ms. Escobar); see also **Exhibit 7**. On February 29, 2012, Rep. Patterson moved to vacate the Order of  
23 Protection. On March 2, 2012, Rep. Patterson filed a petition seeking to overturn that same Order of Protection. Rep.  
Patterson denies the allegations Ms. Escobar has made against him.

On March 1, 2012, Rep. Patterson's ex-wife, Ms. Jeneiene Schaffer obtained an Order of Protection against him.  
See **Exhibit 9** (March 1, 2012, Order of Protection). Rep. Patterson has invoked the legislative immunity in defense to  
these charges.

Then, on March 8, 2012, charges of assault intent/reckless/injury (A.R.S. § 13-1203(A)(1), disorderly conduct  
(A.R.S. § 13-2904), and unlawful imprisonment (A.R.S. § 13-1303) were filed against Rep. Patterson based on events that  
occurred on February 24, 2012 between Ms. Escobar and him. See **Exhibit 10** (charges filed in Case # M-1041-CR-  
12019622). That same day, charges of harassment (A.R.S. § 13-2921A) were also filed against Rep. Patterson based on  
events that occurred on March 2, 2012 between Ms. Escobar and him. See **Exhibit 11** (charges filed in Case # M-1041-  
CR-12019621).

*Whether or not there was criminal misconduct by Rep. Patterson in these altercations does not change the  
outcome of our investigation. While these are serious allegations of criminal misconduct, Rep. Patterson has, in addition  
and otherwise, displayed a pattern of serious and unusual disorderly, indecorous, and unprofessional behavior outside his  
personal life warranting discipline.*

- Was removed from the MAPS Committee due to his disorderly conduct, which, among other things, prevented the MAPS Committee from adequately conducting its business.
- In 2011, Rep. Patterson:
  - Had aggressive, inappropriate, and unprofessional exchanges with:
    - Lobbyists and other Representatives during, and after, an Energy and Natural Resources (“ENR”) Committee Hearing regarding HB2122.
    - Reps. Steve Farley and Margaret “Lynne” Pancrazi during a closed Democratic Caucus.
    - Rep. Eddie Farnsworth on the House floor.
    - Senator Frank Antenori at the back of House floor.
  - Made untruthful representations to Rep. Bruce Wheeler regarding HB 2785 in order to receive Rep. Wheeler’s support for the bill.
- In 2012, Rep. Patterson:
  - Had aggressive, inappropriate, and unprofessional exchanges with:
    - Rep. Amanda Reeve in an ENR Committee hearing regarding HB 2746, which was followed by another aggressive exchange on the House floor the following week.
    - Rep. Jerry Weiers, after one of which Rep. Patterson later acknowledged, in writing, was inappropriate.
  - Impugned Rep. Frank Pratt, Chairman of the ENR Committee, regarding HB2775.
  - Was untruthful with Rep. Wheeler regarding domestic violence charges and what police reports of the alleged incidents would show.
  - Was charged with multiple misdemeanors in Tucson Municipal Court, Case Nos. M-1041-CR-12019622 and M-1041-CR-12019621.
  - Was removed from all Committee assignments.

1 The facts and circumstances surrounding the aforementioned, and other misconduct by  
2 Rep. Patterson toward others, and in connection with this investigation, follow.

3 **A. Rep. Patterson's Pattern of Behavior Toward Other Legislators.**

4 Our investigation has confirmed that Rep. Patterson has a long history of being  
5 excessively rude, disrespectful, unprofessional, and at times physically confrontational,  
6 toward his colleagues both within and outside the House chambers. Examples of such  
7 disorderly behavior abound.<sup>9</sup>

8 In March 2010, Rep. Patterson was a member of the MAPS Committee, of which Rep.  
9 Weiers was Chairman. *See Exhibit 12* (Weiers Dec at ¶ 6). On several occasions, while a  
10 member of the MAPS Committee, Rep. Patterson acted in a disorderly, mean-spirited,  
11 aggressive, unprofessional, counterproductive, intimidating, and disrespectful manner toward  
12 Members and constituents alike. *See id.* (Weiers Dec at ¶¶ 6, 7). Rep. Patterson  
13 routinely talked down to and demeaned constituents with whom he disagreed. *See id.*  
14 (Weiers Dec at ¶ 6). An example of such misconduct can be viewed at  
15 [http://azleg.granicus.com/MediaPlayer.php?view\\_id=17&clip\\_id=7104](http://azleg.granicus.com/MediaPlayer.php?view_id=17&clip_id=7104), which is a link to the  
16 MAPS hearing held on March 17, 2010 (49th Legislature, 2nd Regular Session) on SB 1027.  
17 The Speaker of the House eventually removed Rep. Patterson from the MAPS Committee  
18 because, due to his disorderly and indecorous behavior, the MAPS Committee was becoming  
19 unable to get any work done. *See Exhibit 12* (Weiers Dec at ¶ 9); *Exhibit 13* (Reeve Dec at  
20 ¶ 6); *Exhibit 14* (Gowan Dec. at ¶ 4); *Exhibit 15* (House "Standing Committees" list noting  
21 Rep. Patterson's removal from the MAPS Committee on March 23, 2010).

22 In February, 2011, Rep. Patterson acted unprofessionally during an ENR Committee  
23 hearing regarding HB2122, a bill Rep. Patterson sponsored (and which was heard merely for

24 \_\_\_\_\_  
25 <sup>9</sup> For a recent example of Rep. Patterson's penchant for rude, disorderly, and indecorous misconduct on the Hosue  
26 floor *see, e.g.,* [http://azleg.granicus.com/MediaPlayer.php?view\\_id=13&clip\\_id=10404&meta\\_id=191020](http://azleg.granicus.com/MediaPlayer.php?view_id=13&clip_id=10404&meta_id=191020) (50th  
Legislature, Second Regular Session) last accessed March 29, 2012).

discussion purposes). See [http://azleg.granicus.com/MediaPlayer.php?view\\_id=19&clip\\_id=8358&meta\\_id=146110](http://azleg.granicus.com/MediaPlayer.php?view_id=19&clip_id=8358&meta_id=146110) (50th Legislature, Second Regular Session) (last accessed March 29, 2012) (video clip exhibiting Rep. Patterson's misconduct). Related to that same ENR Committee hearing, Rep. Patterson had failed to obtain a fiscal note in anticipation of the bill's costs. See **Exhibit 18** (Wheeler Dec at ¶ 6). Rep. Wheeler asked Rep. Patterson whether he had obtained the required fiscal note, to which he responded in the negative. See *id.* But, rather than move on and allow the ENR Committee to finish its business, Rep. Patterson proceeded to glare at Rep. Wheeler during the remainder of the hearing in an apparent effort at intimidation. See *id.* Then, after the hearing, Rep. Patterson followed Rep. Wheeler to his office and instigated a heated discussion wherein Rep. Patterson's face became flushed and contorted and he raised his voice in an effort to intimidate Rep. Wheeler. See *id.*; see also **Exhibit 19** (Saldate Dec at ¶ 6); **Exhibit 20** (Gonzales Dec at ¶ 6).

In 2012, Rep. Patterson sponsored HB2724 which was, for all intents and purposes, the same bill as HB2122 – a bill he had proposed in the prior session. See [http://azleg.granicus.com/MediaPlayer.php?view\\_id=13&clip\\_id=9971&meta\\_id=177503](http://azleg.granicus.com/MediaPlayer.php?view_id=13&clip_id=9971&meta_id=177503) (50th Legislature, Second Regular Session) (last accessed March 29, 2012) (video clip exhibiting Rep. Patterson's misconduct). On February 6, 2012, HB2724 was heard in an ENR Committee hearing. During the hearing, Rep. Patterson stated that the bill in the prior session failed to advance because the sponsor failed to work out issues concerning the proposed bill. See *id.* Rep. Patterson failed to disclose during this discussion that *he* was the sponsor in the prior session who failed to move the bill along or work out issues with its content. See *id.* During the discussion, Rep. Reeve confronted Rep. Patterson with that fact. See *id.* These questions provoked, agitated, and angered Rep. Patterson, and following adjournment of the hearing, as Rep. Reeve gathered her materials, Rep. Patterson

1 purposefully invaded her personal space suggesting some physical retaliation for her  
2 comments. He also blocked her from exiting the room. *See Exhibit 13* (Reeve Dec at ¶ 8).  
3 Then, determined to have HB2724 heard, Rep. Patterson continued to harass Rep. Reeve. *See*  
4 *id.* (Reeve Dec at ¶ 9). Eventually, after realizing his bill would not be heard, on the House  
5 floor, Rep. Patterson again invaded Rep. Reeve's personal space, leaned into her in an  
6 intimidating manner, told her she had no integrity, and stalked away. *See id.* (Reeve Dec at  
7 ¶ 10); **Exhibit 16** (Gallego Dec at ¶ 6); **Exhibit 17** (Tovar Dec at ¶ 9). Having observed this  
8 grossly unprofessional and disorderly behavior, several Democratic House Members  
9 immediately approached Rep. Reeve – including the Minority Whip – and apologized for  
10 Rep. Patterson's misconduct. *See Exhibit 16* (Gallego Dec at ¶ 6); **Exhibit 17** (Tovar Dec at  
11 ¶ 9).

12 During a February 13, 2012 ENR Committee hearing, Rep. Patterson inappropriately  
13 intimated that his colleague (and Chairman of the ENR Committee at the time) Rep. Pratt had  
14 a conflict of interest in connection with HB2775, a bill about swimming pool pumps that Rep.  
15 Pratt sponsored. *See Exhibit 18* (Wheeler Dec at ¶ 7). This was a clear attempt to impugn  
16 Rep. Pratt in violation of House Rules 18 and 19. Rep. Patterson's lack of professionalism in  
17 this regard can be viewed at  
18 [http://azleg.granicus.com/MediaPlayer.php?view\\_id=13&clip\\_id=10072](http://azleg.granicus.com/MediaPlayer.php?view_id=13&clip_id=10072) which is a link to  
19 the ENR hearing held on February 13, 2012 (50th Legislature, 2nd Regular Session).

20 In 2010, domestic violence allegations against Rep. Patterson by his now ex-wife, Ms.  
21 Jeneiene Schaffer, began to surface. Concerned that a House Member was accused of such a  
22 serious matter, Rep. Pancrazi raised her concerns in a closed House Democratic Caucus  
23 meeting. *See Exhibit 21* (Pancrazi Dec at ¶ 7). During this discussion, Rep. Patterson  
24 became extremely defensive, angry, belligerent, and screamed denunciations at Rep.  
25 Pancrazi. *See id.* Rep. Farley attempted to interject and diffuse Rep. Patterson's anger, but  
26

1 Rep. Patterson pushed Rep. Farley away and continued his unhinged tirade against Rep.  
2 Pancrazi. *See Exhibit 22* (Hobbs Dec at ¶ 6).<sup>10</sup>

3 On another occasion in April or early March, 2012, Rep. Weiers was discussing a bill  
4 related to internet hunting – a bill Rep. Patterson had sponsored – with an individual in the  
5 first floor hallway of the House building. *See Exhibit 12* (Weiers Dec at ¶ 11). Rep.  
6 Patterson, apparently having overheard the conversation, rudely interrupted and immediately  
7 began acting in an aggressive, confrontational, and disrespectful manner. *See id.* Rep.  
8 Patterson insisted that the internet hunting bill had to be heard, called Rep. Weiers an  
9 “asshole,” and began to puff his chest out and exclaim, loudly so others in the hallway could  
10 hear, “you gonna hit me, you gonna hit me.” *See id.* (Weiers Dec at ¶ 12). Eventually, Rep.  
11 Patterson very publicly called Rep. Weiers a “prick” and stormed away. *See id.* After this  
12 incident, Rep. Patterson had someone deliver to Rep. Weiers a note in which Rep. Patterson  
13 acknowledged and apologized for his behavior. *See id.* (Weiers Dec at ¶ 13, Exhibit A  
14 (Apology Note)).

15 Rep. Patterson’s indecorous, inappropriate, deceptive, and threatening misconduct,  
16 coupled with his reputation as physically abusive and combative, is far beyond what might be  
17 expected in the adversarial atmosphere of a legislature. Indeed, some of his colleagues so  
18 fear for their personal safety, they have taken actions such as securing a weapon and  
19 requesting additional security measures at the Capitol. *See Exhibit 21* (Pancrazi Dec at  
20 ¶ 16); *Exhibit 16* (Gallego Dec at ¶ 10); *Exhibit 22* (Hobbs Dec at ¶ 8); *Exhibit 23* (Alston  
21 Dec at ¶ 5).

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23  
24 <sup>10</sup> As a result of what she calls Rep. Patterson’s aggressive “Dr. Jekyll and Mr. Hyde” behavior, Rep. Pancrazi goes  
25 out of her way to avoid interactions with Rep. Patterson – an approach contrary to how Rep. Pancrazi deals with other  
26 House Members. *See Exhibit 21* (Pancrazi Dec at ¶ 9). In fact, Rep. Pancrazi fears for her safety since the Ethics  
Complaint was filed and has “made a habit of keeping a weapon near [her] when [she] sleeps” and has requested security  
escort her to her vehicle after hours. *See id.* (Pancrazi Dec at ¶ 15).



1 On another occasion, another Member who has asked to remain unnamed, was  
2 similarly misled. Rep. Patterson told this Member that certain groups supported a bill. The  
3 Member agreed to vote in a certain way based on Rep. Patterson's representation regarding  
4 support. Yet, after reviewing the bill fact sheets more closely, the Member learned that those  
5 groups Rep. Patterson claims supported the bill actually did *not* support the bill. Again, it  
6 appears that Rep. Patterson engaged in an intentional and material deception.

7 Of greater concern is that Rep. Patterson has been deceitful *on the record* in order to  
8 keep a bill in which he is interested moving forward. Specifically, as recent as February  
9 2012, Rep. Patterson, in response to a direct question from another Member during a  
10 discussion on a bill he sponsored, failed to acknowledge that he sponsored similar  
11 legislation in the prior session which did not advance. Instead he made general statements  
12 that the "sponsor" (*i.e.*, a third party not himself) failed to work the bill and that was why  
13 it did not advance. See generally [http://azleg.granicus.com/MediaPlayer.php?view](http://azleg.granicus.com/MediaPlayer.php?view_id=13&clip_id=9971&meta_id=177503)  
14 [id=13&clip\\_id=9971&meta\\_id=177503](http://azleg.granicus.com/MediaPlayer.php?view_id=13&clip_id=9971&meta_id=177503) (50th Legislature, Second Regular Session) (last  
15 accessed March 29, 2012) (evidencing same).

### 16 **C. Rep. Patterson's Conduct Toward Democratic Leadership.**

17 The House Democratic leadership has had to separately meet with Rep. Patterson on  
18 several occasions as a result of his disorderly and unprofessional behavior toward other  
19 Members. See **Exhibit 17** (Tovar Dec ¶ 12); **Exhibit 25** (Campbell Dec ¶ 4).<sup>11</sup>

20 Specifically, Rep. Campbell has had to reprimand Rep. Patterson for his failure to  
21 follow House Rules and Democratic leadership's request that he not communicate with staff.  
22 See **Exhibit 25** (Campbell Dec at ¶ 5). In fact, Rep. Campbell has been unable to keep track  
23 of all of Rep. Patterson's vitriolic and aggressive attacks against others because "they occur  
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25 <sup>11</sup> Our interviews with prior Democratic leadership, who preferred not to provide a declaration, confirmed that they,  
26 too, had to meet with Rep. Patterson due to his disorderly and unprofessional behavior.

1 on such a frequent basis.” *Id.* (Campbell Dec at ¶ 6). And then, on one occasion, leadership  
2 spoke to Rep. Patterson, asking him to refrain from intimidating and threatening lobbyists.<sup>12</sup>  
3 *See id.* (Campbell Dec at ¶ 4). On another occasion, leadership had to ask Rep. Patterson to  
4 apologize for his outburst during a MAPS Committee hearing, which, again, led to his  
5 removal from that Committee. *See id.* (Campbell Dec at ¶ 4); **Exhibit 15** (House “Standing  
6 Committees” list noting Rep. Patterson’s removal from the MAPS Committee on March 23,  
7 2010). Generally, whenever leadership confronted Rep. Patterson, he would initially deny  
8 that he had a disruptive behavioral problem, but would eventually state that he would work on  
9 being less disruptive and aggressive. Occasionally he would apologize for his misconduct,  
10 then repeat that misconduct. *See Exhibit 12* (Weiers Dec at Exhibit A (Apology Note)).

11 Rep. Tovar, the Minority Whip, has gone so far as to take notes memorializing Rep.  
12 Patterson’s aggressiveness and disorderly behavior that she witnessed. *See Exhibit 17*  
13 (Tovar Dec at ¶ 7). For example, on March 29, 2011, after a closed caucus meeting  
14 adjourned, Rep. Tovar witnessed Rep. Patterson in a heated discussion with Rep. Farley. *See*  
15 *id.* Rep. Tovar saw Rep. Wheeler try to pull Rep. Patterson away from Rep. Farley. *See id.*  
16 Eventually, Rep. Wheeler walked away, but Rep. Patterson continued to exchange words with  
17 Rep. Farley. *See id.* Rep. Tovar heard Rep. Patterson demand Rep. Farley stop “spreading  
18 lies” about Rep. Patterson, and that if Rep. Farley did not stop doing so, he would “regret” his  
19 actions. *See id.* Rep. Patterson’s tone, conduct, and demeanor shocked Rep. Tovar to the  
20 point that she immediately memorialized her observations after witnessing this incident. *See*  
21 *id.*

22 Rep. Tovar has even had to personally apologize to other Members after being the  
23 target of Rep. Patterson’s outbursts and disorderly behavior and has had to take Rep.  
24

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25 <sup>12</sup> One prior House Member of Democratic leadership, who preferred not to provide a declaration, confirmed having  
26 to discuss these issues with Rep. Patterson.

1 Patterson aside due to his misconduct on the House floor. *See id.* (Tovar Dec at ¶ 9); *see also*  
2 **Exhibit 22** (Hobbs Decl. at ¶ 7). In one instance, in approximately March/April, 2011,  
3 during budget negotiations, there was a very heated discussion between Reps. Patterson and  
4 Farnsworth. *See Exhibit 17* (Tovar Dec at ¶ 8). Rep. Tovar observed the two of them go  
5 toward the back of the House chambers to have this heated discussion. *See id.* Rep.  
6 Patterson's behavior during this discussion quickly deteriorated. *See id.* Rep. Patterson has  
7 also acted combatively and unprofessionally toward Rep. Pancrazi by raising his voice and  
8 pointing his finger at her. *See id.* Speaker Tobin informed Rep. Tovar that Rep. Patterson  
9 had become so out of control that the Speaker was considering removing Rep. Patterson from  
10 the House floor. *See id.* So, as the only member of Democratic leadership on the floor at the  
11 time, Rep. Tovar had to address Rep. Patterson's disorderly behavior. And, because the  
12 custom with regard to Rep. Patterson is to always speak with him with at least one witness  
13 present,<sup>13</sup> Rep. Tovar had the Chief of Staff locate Rep. Patterson so the two could address  
14 Rep. Patterson's misconduct. *See id.* Typical of Rep. Patterson when confronted with his  
15 behavioral outbursts, he denied doing anything and appeared not to understand why his  
16 misconduct was inappropriate or questionable. *See id.* Rep. Tovar eventually, however,  
17 convinced Rep. Patterson to leave the floor instead of being thrown out. *See id.* Then, as  
18 recently as late February 2012, Rep. Tovar had to apologize to Rep. Reeve for Rep.  
19 Patterson's verbally attacking Rep. Reeve on the House floor. *See id.* (Tovar Dec at ¶ 9)  
20 (noting that Rep. Patterson's conduct was "disorderly, unprofessional, and nothing short of a  
21 verbal assault on Rep. Reeve").

22 In sum, rather than legislate for the collective constituents of our State and attend to  
23 the Members' daily lives at the Capitol, bipartisan House leadership has, unsuccessfully,

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24 <sup>13</sup> It was instructive to us that Rep. Patterson's bicameral, bipartisan, and otherwise broad reputation for  
25 untruthfulness and intimidation gave birth to an unwritten rule that personnel were never to speak with Rep. Patterson  
26 without a witness present. This was both impactful and astonishing to us.

1 attempted to manage the untruthful, aggressive, disorderly, and unprofessional behavior of  
2 Rep. Patterson since his first day in the Legislature. *See Exhibit 25* (Campbell Dec at ¶ 12).

3 **D. Rep. Patterson’s Conduct Toward Legislative Staff.**

4 The legislative staff members with whom we spoke describe Rep. Patterson as a  
5 person who “does not care about anyone around him,” is “a double personality type person,”  
6 “in his own world,” “creepy,” “out of control,” unable to control his temper, and who is  
7 making his fellow Democratic House Members “look like they are crazy.”<sup>14</sup> In fact, we were  
8 told that another special House policy necessitated by Rep. Patterson’s conduct is that no  
9 legislative staff members are allowed to meet with Rep. Patterson alone.<sup>15</sup> A House “on  
10 notice” of his potential to injure others, particularly staff, puts the House and the State in the  
11 crosshairs of civil liability for a subsequent injury. Ultimately, legislative staff members’  
12 observations of Rep. Patterson confirm a pattern of inordinately disorderly, unprofessional,  
13 and, at times, abusive behavior.

14 For example, a legislative staff member recalled having seen Rep. Patterson “freaking  
15 out” during a committee discussion to the point that he eventually ran to his office, slammed  
16 the door, and began “ranting and raving.” This legislative staff member noted this was  
17 simply a “pattern” of behavior on Rep. Patterson’s part that “all of us have witnessed.”<sup>16</sup>

18 One legislative staff member recounted Rep. Patterson yelling at other legislators,  
19 including Reps. Weiers and Gowan, and described Rep. Patterson as “bi-polar,” “crazy,”  
20 “very on and off,” and “one minute really nice and the next minute very ugly” with “no in-

21 \_\_\_\_\_  
22 <sup>14</sup> The legislative staff members with whom we spoke only agreed to do so under the condition that they would  
23 remain anonymous due to fears of physical or professional repercussions for cooperating with this investigation. In a  
criminal court context, that anonymity could not be preserved or honored. Under our circumstances, we believe that  
protecting their anonymity is prudent.

24 <sup>15</sup> It is impossible to know whether every legislative staff member follows this directive and it is possible that some  
legislative staff members do not abide this rule. The relevant point, however, is that Rep. Patterson’s conduct has become  
so alarming and perceived to be so threatening that such a directive has been put in place.

25 <sup>16</sup> It is noteworthy that, according to a legislative staff member, after the Ethics Complaint was filed, Rep. Patterson  
suddenly became conspicuously and uncomfortably “overly nice” to others.

1 between.” This legislative staff member recalled Rep. Patterson having “random outbursts”  
2 and a generally “aggressive attitude.”

3 One legislative staff member also recalled Rep. Patterson having confronted Rep.  
4 Weiers in the hallway and accusing him of not hearing Rep. Patterson’s bills and challenging  
5 the way that Rep. Weiers ran a committee. According to this legislative staff member, Rep.  
6 Patterson called Rep. Weiers “unethical” during this confrontation, taking a tone described as  
7 “heated,” “angry” and “pissed off.” Another legislative staff member recalled Rep. Patterson  
8 stating at some point that he would “kick [Rep.] Weiers’ ass.”<sup>17</sup> Rep. Patterson’s vitriolic  
9 outbursts were not reserved just for Rep. Weiers or just for Republicans. A legislative staff  
10 member described Rep. Patterson as having called other Members “fucking idiots,”  
11 “backstabbers,” “idiot,” a “fucking baby” and “fucked up.” A legislative staff member even  
12 recalled Rep. Patterson calling Pinal County Sheriff Paul Babeu – a homosexual – that “fag.”  
13 These outbursts were done in a tone and volume obviously designed to be heard by all within  
14 earshot.

15 In addition, it seems that even when Rep. Patterson interacts with legislative staff  
16 members in a relatively civil tone, he acts unprofessionally, displays little discretion, and  
17 demonstrates very poor judgment. For example, a legislative staff member recalls  
18 Rep. Patterson discussing his vasectomy and explaining his sexual performance,  
19 notwithstanding the procedure, as being “just fine.” A legislative staff member also claims  
20 that Rep. Patterson admitted to using marijuana but disliking “tweakers” and described  
21 having to explain to Rep. Patterson that his discussions about personal matters made the  
22 legislative staff member “uncomfortable” and needed to cease.

23 Finally, a legislative staff member described Rep. Patterson having sent  
24 correspondence to the head coach of the Michigan State University men’s basketball team.

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25 <sup>17</sup> It is unclear whether this statement was made during or after the aforementioned confrontation.

1 This correspondence – on official House letterhead with reference to Rep. Patterson’s official  
2 elected position and the House committees on which he served – sought free sports  
3 memorabilia. *See Exhibit 26* (Correspondence from Rep. Patterson to Mr. Tom Izzo).<sup>18</sup>  
4 While this conduct may not constitute a violation of any ethical rules, Rep. Patterson’s use of  
5 official House letterhead and prominent display of his position was clearly an attempt to use  
6 his elected position in an effort to obtain something of value (autographed sports  
7 memorabilia) without payment. While we expect this particular form of misconduct is not  
8 unique to Rep. Patterson, it is yet another example of Rep. Patterson’s impulsive, reckless,  
9 and self-centered behavior and general failure to consider how his actions may (i) be  
10 perceived by others, particularly the public; or (ii) reflect on himself, the House, his fellow  
11 legislators, and the State.

#### 12 **E. Rep. Patterson’s Conduct Toward Lobbyists.**

13 Lobbyists generally avoid Rep. Patterson because of his reputation for being difficult,  
14 unpredictable, combative, and untruthful.<sup>19</sup>

15 Lobbyists noted that Rep. Patterson’s non-cooperative conduct – especially when  
16 things do not go his way – hinders his ability to do his job and garner support for his cause  
17 (and thus effectively represent his constituents’ interests). For example, rather than  
18 acknowledging that others may oppose his proposed legislation or have differing points of  
19 view and working to address those concerns in advance of proposing his legislation, Rep.

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21  
22 <sup>18</sup> That correspondence did not indicate that Rep. Patterson would be willing to pay for any memorabilia received. It  
23 appears, however, that Rep. Patterson’s plea was successful, having received a Michigan State University basketball  
24 personally autographed by Mr. Izzo that, at one time during this investigation, was viewed on Rep. Patterson’s desk in the  
25 House chamber. According to one website, such memorabilia is valued over \$300.00. *See Exhibit 27* (printout from  
26 <http://auctions.cbssports.com/auctiondisplay.cfm?auctionnbr=25765> (last accessed Mar. 26, 2012)).

<sup>19</sup> Like legislative staff members, the lobbyists with whom we spoke only agreed to do so under the condition that  
they would remain anonymous due to their fear of repercussions and reprisals for cooperating with this investigation. In a  
criminal court context, that anonymity could not be preserved or honored. Under our circumstances, we believe that  
protecting their anonymity is prudent.

Patterson presses his various positions regardless of whether there may be an opportunity for compromise and without compunction lashes out at those who oppose him.

Worse yet, lobbyists who dare oppose Rep. Patterson are often harassed to the point of taking great care to avoid him. For example, in 2009, when a lobbyist spoke in opposition to legislation Rep. Patterson proposed, he obsessively contacted that lobbyist to request meetings and inquire into the status of the lobbyist's opposition to the legislation. When it became apparent that the lobbyist unequivocally would not support Rep. Patterson's proposed legislation, he ignored this obvious reality and continued to request meetings *after the legislative session had ended*. In fact, Rep. Patterson bombarded this lobbyist with so many e-mails, telephone calls, and meeting requests that the lobbyist took extreme measures to avoid Rep. Patterson whenever possible, including refusing to walk in the hallway past his office. And on at least one occasion, Rep. Patterson's inappropriate behavior toward a lobbyist had arisen to such a level of harassment that the lobbyist brought the situation to the Democratic leadership's attention in order to end the harassment.

And finally, we were told that a lobbyist stated that Rep. Patterson indicated that he would trade his vote on a bill for sex.

#### **F. Prior Draft Ethics Complaints Against Rep. Patterson.**

The Ethics Complaint, while it is the only one filed against Rep. Patterson, it is not the only such complaint that has been drafted for filing. In fact, in 2011, at least two House Members, based on separate and distinct facts, independently drafted ethics complaints against Rep. Patterson based on his pattern of disorderly conduct, inordinately aggressive behavior, potential criminal acts, and inordinately offensive exchanges with other Members.

Specifically, in April, 2011, Rep. Proud, based on Rep. Patterson’s acts of domestic violence, criminal record, and disorderly conduct against another legislator, drafted an ethics complaint. *See* **Exhibit 28** (Proud Dec. at ¶ 8; Exhibit A (Proud Ethics Complaint)).

1 Separately, in May 2011, Rep. Chabin prepared a complaint asking the House Ethics  
2 Committee to investigate Rep. Patterson's violation of the House Rules, specifically Rule 1,  
3 due to his disorderly behavior and based on Rep. Chabin's knowledge of Rep. Patterson's  
4 pattern of inappropriate behavior – from his criminal history to specific inappropriate  
5 encounters with other Members, including Reps. Farley and Farnsworth. *See Exhibit 24*  
6 (Chabin Dec. at ¶ 6; Exhibit A (Chabin Ethics Complaint)).

7 But, because of the political concerns of those involved in the altercations with Rep.  
8 Patterson, Reps. Chabin and Proud ultimately chose not to file their separate ethics  
9 Complaints. *See Exhibit 28* (Proud Dec. at ¶ 9); *Exhibit 24* (Chabin Dec. at ¶ 8).

10 **G. Rep. Patterson's Apparent Willful Violation Of Court Order And Successful**  
11 **Post-Ethics Complaint Manipulation Of Ms. Georgette Escobar In An**  
12 **Apparent Effort To End This Investigation.**

13 Rep. Patterson has displayed a clear willingness to shun authority, from ignoring the  
14 House Rules to, it appears, ignoring court orders. For example, in connection with certain  
15 criminal charges, a city court issued an order requiring, among other things, that Rep.  
16 Patterson have “no contact of any kind” with the alleged victim (Ms. Escobar) or leave  
17 Arizona without court permission. *See Exhibit 29* (Court Order and Conditions of Release).  
18 It seems that, according to prosecutors, Mr. Patterson has willfully violated that court order  
19 by contacting Ms. Escobar. *See Exhibit 30* (City's Petition to Revoke Release). Moreover,  
20 Rep. Patterson may also have left Arizona without court permission, also violating a court  
21 order. We understand that on March 29, 2012, Mr. Patterson had the Department of Public  
22 Safety drive him to the airport. According to Rep. Patterson, he has gone on vacation. *See*  
23 *Exhibit 31* (Tweet from Rep. Patterson dated March 29, 2012). If that vacation is outside  
24 Arizona, and if the court did not grant him permission to leave, then he may have violated a  
25 court order.

1 In addition, throughout this investigation, Rep. Patterson showed a fundamental  
2 misunderstanding of the Ethics Complaint and the gravity of his general pattern of  
3 inappropriate behavior. Incorrectly focusing only on the allegations of Ms. Escobar as the  
4 sole and only justification for the Ethics Complaint, Rep. Patterson likely engaged in an effort  
5 to manipulate Ms. Escobar in what he thought would thwart or otherwise impede our  
6 investigation. Our review of emails and our interview of Rep. Patterson revealed evidence  
7 that he likely managed to successfully manipulate, force, forge, or otherwise improperly  
8 influence Ms. Escobar, to recant her allegations of domestic violence by facilitating (if not  
9 himself crafting) a public statement posted on Ms. Escobar's Facebook page. The import of  
10 this disturbing behavior is that it corroborates Rep. Patterson's pattern of deception, poor  
11 decision-making, and willingness to stop at nothing – even if it means possibly violating a court  
12 order or tampering with a witness – to get what he wants.

13 It is undeniable that some type of a dispute occurred between Rep. Patterson and Ms.  
14 Escobar. See **Exhibit 32** (Various media reports); **Exhibit 8** (Order of Protection); **Exhibits**  
15 **10-11** (City of Tucson Court dockets); **Exhibit 7** (Police Report). In fact, correspondence  
16 from Rep. Patterson to Ms. Escobar appears to support the conclusion that a dispute occurred  
17 between them. See **Exhibit 33** (text message from Rep. Patterson to Georgette Escobar dated  
18 March 13, 2012, stating “Pls call me. I’m not against you. Love Daniel.”); **Exhibit 34** (e-mail  
19 from Rep. Patterson to Georgette Escobar dated February 16, 2012 and stating, in part,  
20 “Please call or come home. I love you and we can work it out”). In fact, until March 25,  
21 2012, Ms. Escobar told the media, investigators, and the world that Rep. Patterson had  
22 physically and mentally abused her through an avalanche of e-mails, telephone calls,  
23 voicemails, and media statements in which she repeatedly announced her severe emotional  
24 and physical distress due to Rep. Patterson. See **Exhibit 35** (E-mail from Georgette Escobar  
25 to Rep. Patterson dated February 17, 2012 and forwarded to Chairman Vogt on March 13,  
26

2012); **Exhibit 36** (E-mail from Georgette Escobar to Ted Vogt dated March 18, 2012);  
**Exhibit 32** (The Main Stream, *Patterson denies allegations on camera*, February 28, 2012);  
**Exhibit 37** (voice mail message from Ms. Escobar); *see also*  
<http://www.azfamily.com/video/yahoo-video/Democrats-call-for-Ariz-lawmaker-to-resign-140615493.html> (last accessed March 28, 2012) (Ms. Escobar describing Rep. Patterson's alleged physical abuse). Also, on March 24, Ms. Escobar sent the following to the Tucson City Prosecutor handling the criminal action based on Ms. Escobar's allegations of abuse:

I wanted to alert you that I am overwhelmed by the illegal tactics and threats of the defendant who is scaring people from offering me any meaningful assistance [sic]. I am being taken to the hospital to be admitted as inpatient for undetermined amount of time for the PTSD and anxiety disorder already suffering from and made much worse under the circumstances. I hope to be able to participate in your next court proceedings either telephonically or via skype or other modes that don't [sic] require my personal presence within 1000 miles of Daniel Patterson and his cronies.

*See Exhibit 38* (E-mail from Georgette Escobar to MJ Raciti dated March 24, 2012).

Yet, despite Ms. Escobar's unequivocal statements to multiple sources about Rep. Patterson's abuse, she allegedly suddenly recanted her position in a too succinctly crafted Facebook post:

March 25, 2012

Statement of Georgette Escobar about Daniel Patterson

I had a breakdown recently. I'm now stabilized and working on getting better.

Daniel Patterson never hit or committed domestic violence against me. I never needed an order of protection against him. I'm sorry.

I disagree with the ethics complaint, investigation and charges against him. He should be found innocent.

Georgette Escobar

*See Exhibit 39* (print out from <http://www.facebook.com/#!/georgette.escobar> (last accessed March 27, 2012)). This sudden change in position is most puzzling given Ms. Escobar's

1 apparent need to tell her story and, according to her, get as far away from Rep. Patterson as  
2 possible. Most notably, on *the day before Ms. Escobar recanted her allegations of violence*  
3 *against Rep. Patterson*, Ms. Escobar exchanged e-mail correspondence with Channel 12 news  
4 anchor Brahm Resnik — wherein she stated:

5 I am suffering from extreme trauma from Daniel's violence, threats, and stalking  
6 behavior.

7 See **Exhibit 40** (Blog report incorporating email from Ms. Escobar to Brahm Resnik); see  
8 also <http://www.azcentral.com/members/Blog/Brahm1700/158346> (last accessed March 28,  
9 2012). She expressed the same sentiments to us in a brief discussions that occurred on  
10 Friday, March 23, 2012. This, combined with her written correspondence in which she  
11 desperately sought to speak with us regarding our investigation, makes Ms. Escobar's recant  
12 all the more suspicious. See **Exhibit 37** (transcription of voicemail messages to Ms. Danelle  
13 G. Kelling and Ms. Sharon W. Ng); **Exhibit 41** (E-mail from Georgette Escobar to Ted Vogt  
14 dated March 24, 2012) ("please alert them" – meaning this Firm – "that due to the extreme  
15 and outrageous continuing course of conduct, I am being hospitalized for the horrific anxiety,  
16 trauma, and ptsd issues I already had but got very aggravated by the continued abuse"). It is  
17 noteworthy that, to our knowledge, Ms. Escobar has not spoken with or otherwise engaged in  
18 any communication *with anyone* who can validate her recantation since it was posted on  
19 Facebook on March 25, 2012.

20 During our interview with Rep. Patterson, we asked him whether he authored Ms.  
21 Escobar's Facebook recantation. After a lengthy, awkward silence, Rep. Patterson first  
22 answered that this issue had no bearing on the Ethics Complaint because Ms. Escobar's  
23 recantation occurred after the Ethics Complaint was filed. We insisted that he answer. Then,  
24 upon advice of his counsel in the criminal action related to Ms. Escobar's allegations, Rep.  
25  
26

Patterson declined to answer the question because of a “pending motion” related to his alleged violation of a court order prohibiting him from contacting Ms. Escobar.

The calm and clarity of the alleged recantation, its peculiar timing, coupled with Rep. Patterson’s evasiveness, refusal to answer the question, and the very odd basis of his refusal to answer our question strongly indicates inculpatory misconduct in connection with the alleged recantation. It seems obvious that he somehow forged, forced, or cajoled Ms. Escobar to recant her abuse allegations in an effort to end this investigation. This only further highlights Rep. Patterson’s failure to understand that his relationship with Ms. Escobar is not the outer limit of this investigation and his apparent success in forcing her to recant her allegations fails to remedy the myriad of other professional misbehavior that has plagued Mr. Patterson and the since his arrival.

#### **H. Rep. Patterson’s Limited Cooperation With This Investigation.**

We interviewed Rep. Patterson telephonically on March 28, 2012, at 8:30 a.m. This was the only time he would make himself available at a mutually convenient time and place before our report was due for submission to the House Ethics Committee. We offered to meet with Rep. Patterson again before the report’s deadline and gave him the option to submit written statements to us. He refused because he was going to be busy with legislative affairs and would be traveling. He did not reveal to us, however, that he was about to leave on a “vacation.” It is beyond peculiar that Rep. Patterson would not have devoted some of his “vacation” time to an investigation so momentous to his public service.

Initially, Rep. Patterson would only allow us 30 minutes to speak with him, provided his legal counsel in his two domestic violence actions could be present.<sup>20</sup> That said, Rep.

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<sup>20</sup> Rep. Patterson requested that his two attorneys, David Lipartito and Joe St. Louis, be a part of the interview insofar as we had questions with respect to the pending litigation involving Ms. Schaffer and Ms. Escobar. Mr. Lipartito represents Rep. Patterson in connection with litigation pertaining to Ms. Schaffer. Mr. St. Louis represents Rep. Patterson in connection with litigation pertaining to Ms. Escobar. Neither represent him in connection with this investigation. According to Rep. Patterson, he has no legal counsel in connection with this investigation.

1 Patterson allowed us to speak with him for approximately one and one quarter of an hour. Of  
2 course, that was nowhere near enough time to discuss the myriad of allegations made against  
3 him concerning his pattern of untruthfulness and disorderly, inappropriate, and threatening  
4 behavior. But, eager to hear Rep. Patterson's version of events and seek his defenses, we did  
5 our absolute best with the very limited time given us.<sup>21</sup>

6 Prior to his interview, Rep. Patterson and we exchanged several e-mails wherein Rep.  
7 Patterson (i) claimed not to understand the scope of our investigation, and (ii) attempted to  
8 unilaterally narrow the scope of our investigation. *See Exhibit 2* (E-mail exchanges between  
9 Rep. Patterson and Michael C. Manning). Of course, we carefully and completely explained  
10 the scope of our investigative charge to Rep. Patterson. *See id.* This behavior continued into  
11 our questioning of Rep. Patterson, with him often complaining that our questions were  
12 outside the scope of the Ethics Complaint and that he still had no understanding of the scope  
13 of our investigation.

14 When asked to articulate what "due process" rights he felt were being, or had been,  
15 violated by this investigation, Rep. Patterson stated that he was concerned about the "rushed  
16 nature" of the investigation and that in the process, he was not afforded his "due process"  
17 rights. When we asked him specifically to define what he meant by "due process" rights,  
18 Rep. Patterson was unable to coherently respond. And, his legal counsel remained silent.  
19 Rep. Patterson merely stated that it was inappropriate to conduct this investigation while the  
20 Tucson criminal action is ongoing because the criminal action somehow interfered with his  
21 ability to speak freely with us. In the end, Rep. Patterson could not articulate any specific due  
22 process associated with this investigation, the House Rules governing this process, or any  
23 other law or authority he is due but being denied.

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24 <sup>21</sup> We offered to meet with Rep. Patterson again before the report's deadline and gave him the option to submit a  
25 written statement to us. He refused.

1 We also queried Rep. Patterson in connection with (i) Ms. Schaffer's and Ms.  
2 Escobar's allegations of domestic abuse, (ii) Rep. Patterson's alleged drug use,  
3 (iii) allegations pertaining to Rep. Patterson's aggressive and hostile conduct at the  
4 Legislature, and (iv) several potentially mitigating and "exculpatory" factors that might  
5 explain his pattern of disorderly, dishonest, and threatening misconduct. Our discussion,  
6 though short, was telling. For example:

- 7 • Rep. Patterson refused to fully discuss his alleged abuse of Ms. Schaffer  
8 and Ms. Escobar.
- 9 • Rep. Patterson made it appear that he either authored Ms. Escobar's  
10 Facebook recantation or intimidated her into making the post – actions  
11 that, arguably, may have violated a court order and/or involved witness  
12 tampering.
- 13 • Rep. Patterson denied using cocaine and methamphetamines, yet when  
14 asked whether he was a *frequent* user of marijuana, stated that the  
15 question fell outside the scope of the investigation, violated his  
16 constitutional right to privacy, and refused to answer.
- 17 • Rep. Patterson denied telling a lobbyist that he would give his vote in  
18 exchange for sexual favors from that lobbyist.
- 19 • With respect to other "quid pro quo" allegations concerning trading votes  
20 with other Legislators, Rep. Patterson stated that there is nothing unethical  
21 about "exchanging support."
- 22 • Rep. Patterson stated that he did not recollect Democratic leadership, or  
23 anyone, ever counseling him on misbehavior or asking him to apologize  
24 for his indecorous conduct toward others.
- 25 • Rep. Patterson stated that he had never left the House floor during "Third  
26 Read" votes.
- Rep. Patterson stated that he had never had to be pulled off the House  
Floor by his colleagues.
- Rep. Patterson stated that he was never asked to leave the Floor, caucus,  
or committee hearings. Instead, he stated that he had a right to debate and  
that his style of debate differed from other Members.


- Rep. Patterson stated he is completely deaf in his right ear, which might cause him to lean in close to hear others and that disability might cause other Members to believe Rep. Patterson was invading their space for a hostile purpose.
- Rep. Patterson refused to provide information as to whether he was taking any medication for anxiety, anger, or mental health-management purposes, stating that the question was personal and not relevant to the investigation. We only explored this uncomfortable issue because we believed that a medically unmanaged mental health issue might be exculpatory of his misconduct.
- Rep. Patterson generally denied he ever acted in the manner that multiple of his peers – on both sides of the aisle – witnessed.
- Rep. Patterson stated, on multiple occasions, that he never violated any House Rules or Ethics Rules.


Moreover, Rep. Patterson indicated that certain Legislators “had it out for him,” including Reps. Farley, Hobbs, and Campbell. Rep. Patterson stated that Rep. Farley had been running around the Legislature stating that he was going to “throw Rep. Patterson out.” Accordingly, Rep. Patterson claims, Rep. Farley should not sit on the Ethics Committee. Rep. Patterson stated that Rep. Hobbs was politically motivated in pushing the Ethics Complaint forward because she is a crusader against what she “perceives” as domestic violence and that she needed the additional political capital because she is running for a Senate position against a popular incumbent. Rep. Patterson also complained that Rep. Hobbs failed to approach him to substantiate the claims of domestic violence against him. And, perhaps most telling, Rep. Patterson outlined what he perceives as a conspiracy against him, complaining that Rep. Campbell and the “Phoenix Democrats” were trying to replace Rep. Patterson because he was of “independent” mind and did not bow to the Democratic Party’s instructions. Thus, he opined, the group clearly wants to replace him with someone who will do whatever he or she is told without question.

1 In the end, our too-brief discussion with Rep. Patterson's revealed that he is unwilling  
2 or unable to grasp the gravity of his behavior. To blame the Ethics Complaint, political  
3 pressures, or claim his Caucus seeks a less "independent" colleague, is without support based  
4 upon our investigation. Rep. Patterson's excessive and chronic misbehavior clearly spreads  
5 House-wide and continues to negatively impact Republican and Democratic Members and his  
6 constituents. His reputation for untruthfulness, intimidation, explosiveness, and unreliability  
7 effectively leaves his District without representation in the House. He otherwise impairs the  
8 legislative process effecting all other Districts, and thus, Arizona as a whole. His evasiveness  
9 and refusal to completely cooperate with this investigation truly corroborates his reputation as  
10 non-cooperative and belligerent toward those he perceives as not completely aligned with his  
11 position. His refusal to acknowledge whether he frequently uses marijuana while readily  
12 denying the use of other illegal substances raises a strong inference that he, in fact, frequently  
13 uses marijuana – another in a long line of poor decisions that surely affect his ability to be an  
14 effective legislator. His insistence that not one time has he ever been questioned or cautioned  
15 about his outbursts or behavior fully collapses beneath the weight of the sworn statements  
16 supplied with this report. And, the fact that Rep. Patterson so readily denied having access to  
17 Ms. Escobar's Facebook account but flatly refused to answer whether he authored her  
18 purported recantation of her domestic abuse claims which were posted on her Facebook page  
19 is highly suspect and, at a minimum, makes both his complicity in securing that recantation  
20 and its lack of authenticity far too probable.


21 Rep. Patterson simply lacks any credibility with regard to the allegations of  
22 misconduct outlined in this report and has failed to provide us with any reason to believe that  
23 the sworn allegations made against him in the various Declarations presented with this report  
24 and our other witness statements are inaccurate or over-stated.

1 Respectfully submitted this 30th day of March, 2012.

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4 Michael C. Manning

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6 Craig A. Morgan

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8 Sharon W. Ng

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10 Danelle G. Kelling  
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