

1 THE STATE OF ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION REPORTER'S TRANSCRIPT OF VIDEOCONFERENCE PUBLIC MEETING Phoenix, Arizona August 14, 2026 10:30 a.m. Prepared By: Angela Furniss Miller, RPR Certified Reporter Certificate No. AZ50127 MILLER CERTIFIED REPORTING, LLC RRF Number R1058 12725 West Indian School Road Suite F-100 Avondale, Arizona 85392 623-975-7472 Office@MillerCertifiedReporting.com Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	3 1 MEMBERS OF THE PUBLIC: 2 Jennifer Esposito, Mohave Free Press 3 Alaina Mencinger 4 April Smith 5 Arizona Family News 6 Art Fesler-Butts 7 Barrett Marson 8 Brenda Gifford 9 Ciara Anderson 10 Dennis Liles 11 Erica Lowe 12 Gayle Peters 13 Jason Hall 14 Jeff Klusmann 15 Jeremy Hall 16 Jeremy Duda 17 Julie Ryan 18 Ken Berger 19 Lisa Green 20 John & Thia 21 Jennifer Esposito 22 Julie Ryan 23 Ken Berger 24 Laura Goodell 25 Manuela C. Maria Grainger Nancy Hawkins Patricia Moore Rivko Knox Thomas M. Ryan, Esq. Wayne Schutsky, KJZZ Zach Buchanan Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
2 1 PUBLIC MEETING, BEFORE THE CITIZENS CLEAN ELECTIONS 2 COMMISSION, convened at 10:30 a.m. on August 14, 2026, via 3 videoconference, in the presence of the following Board 4 Members: 5 Mr. Mark S. Kimble, Chairman 6 Mr. Galen Paton 7 Ms. Christina Werther 8 Mr. Steve Titla 9 Mr. Sam Crump 10 OTHERS PRESENT: 11 Thomas Collins, Executive Director 12 Paula Thomas, Executive Officer 13 Mike Becker, Policy Director 14 Gina Roberts, Voter Education Director 15 Alec Shaffer, Web Content Manager 16 Avery Xola, Voter Education Manager 17 Craig Morgan, Taft Law 18 Alexandria Karpurk, Osborn Maledon 19 Angela Miller, Miller Certified Reporting 20 Cathy Herring, KCA 21 MEMBERS OF THE PUBLIC: 22 Tim LaSota, Timothy LaSota PLC 23 Sorella Barbara Parker 24 Lisa Everett 25 Merissa Caldwell Laura Goodell Beverly A. Goldstein Carey Davis Scott & Maria Grainger Nick Myers Mary Maybeno Gina Swoboda Lynda Patrick-Hayes Ben Stafford Alex Logvin Doni Bond Daryl Groves Sherry Walton Megan Rubino John Davison Tyler Montague (CONTINUED) Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	4 1 P R O C E E D I N G 2 3 CHAIRMAN KIMBLE: Good morning. I'm Mark 4 Kimble, Chair of the Citizens Clean Elections Commission. It 5 is 10:30 a.m. on Friday, August 14th, 2026. I call this 6 meeting of the Citizens Clean Elections Commission to order. 7 With that, we'll take attendance. Commissioners, 8 please identify yourselves for the record. 9 COMMISSIONER PATON: Galen Paton. 10:30:35 10 COMMISSIONER WERTHER: Christina Werther. 11 COMMISSIONER CRUMP: Sam Crump. 12 COMMISSIONER WERTHER: Christina Werther. 13 Sorry. 14 COMMISSIONER TITLA: Good morning, Steve 15 Titla. 16 CHAIRMAN KIMBLE: Good morning. We have all 17 five Commissioners with us this morning. 18 Also present are Tom Collins, the Executive 19 Director of the Arizona Citizens Clean Elections Commission, 10:30:52 20 and Craig Morgan from Taft Law acting solely as the 21 Commission's independent legal advisor. 22 Item II. Review, consideration, discussion, 23 analysis and possible action on release of clean funding to 24 Dr. Ralph Heap pursuant to A.A.C. R2-20-106(A) and 25 A.A.C. R2-20-106(G) and August 7th request to withdraw as a Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

5 1 participating candidate under the Arizona Citizens Clean 2 Elections Act. 3 The purpose of this special meeting is to consider 4 a request we received from Dr. Ralph Heap regarding the 5 Commission's August 4th decision denying Dr. Heap's request 6 to withdraw from the Citizens Clean Elections Commission 7 funding program. 8 For those of you joining us in the meeting in the 9 live stream, the order of this item will be as follows: 10 First we will hear from Tom Collins, the Executive Director 11 of the Clean Elections Commission. Next we will hear from 12 Dr. Heap or whomever is appearing on his behalf. Next we 13 will take public comment on this item. 14 Please keep your mic or your phone on mute until we 15 ask for your comment. 16 I want to note that the Commission has received a 17 written request from Dr. Heap's lawyer Mr. Tim -- Timothy 18 LaSota. One member of the Commission has a hard stop at 19 noon, so we will be mindful of that and manage time 20 accordingly. 21 At any point the members of the Commission may vote 22 to go into executive session to seek legal advice from our 23 independent legal advisor, Craig Morgan. 24 Depending upon the complexity of the issues, we may 25 go into executive session more than once. Neither the public Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	7 1 Mr. LaSota and the Commission in a letter early yesterday, 2 you know, I -- I don't think that that resolves the 3 underlying question under the Rule 106(A), and I think 4 there's a substantial question for us under Rule 106(G). The 5 difference between Rule 106(A) is it's a direction to staff. 6 106(G) is a Commission decision to exercise its discretion if 7 it chooses to not release funding in the event there is 8 evidence of illegal activity. 9 So what we now know -- we also have the response 10 that Mr. LaSota filed respecting the reasons, the complaint 11 MUR 26-06. And I recognize that that's another agenda item 12 and, obviously, you all and Mr. LaSota should have received a 13 recommendation on that from staff. 14 So I'm going to focus my comments here on Rule 106. 15 Obviously, the facts as outlined in the MUR response are 16 relevant there, but I'm -- I'm going to focus principally on 17 that. And then -- and when we get to the MUR, I have 18 additional, obviously, things that I think warrant staff 19 weighing in on. 20 Rule -- so first starting with Rule 106(A). 21 Rule 106(A) says to us as staff members: Don't release the 22 money unless you have a signed sworn statement. And we have 23 an issue of first impression, where whether filing the 24 statement itself requires the staff to release the money when 25 the staff has reason to believe that an aspect of what was Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
6 1 nor Mr. LaSota nor the Executive Director will be permitted 2 in the executive session. 3 I will start by asking Tom Collins to discuss this 4 matter. 5 Tom? 6 MR. COLLINS: Thank you, Mr. Chairman, 7 Commissioners. 8 I'm going to principally focus on what I think is 9 the upshot of the agenda item and the -- and the issue, which 10 is the filing of the affidavit under Rule 106(A) with respect 11 to the release of funding. 12 Since our last -- since you all last met, in fact, 13 I think it was yesterday, Dr. Heap submitted a sworn 14 statement that 106(A) required, so. 15 You'll recall that the Commission has a rule that 16 says before staff can release funding, a candidate has to 17 file a sworn statement notarized that says that they have 18 filed all campaign reports, that those campaign reports are 19 complete and accurate, with spe- -- including with respect to 20 vendors and subvendors, and that those reports are compliant 21 with any rules on consultants. And, finally, an issue that's 22 not present here, that they understand going forward, if they 23 were to fail to file a campaign finance report after funding, 24 the Commission staff could initiate repayment proceedings. 25 So we received the form. And as I communicated to Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	8 1 sworn to is not true or accurate. In this case that all 2 campaign finance reports are complete and accurate. 3 And I don't believe that the rule can be read to 4 state that the staff should ignore any other evidence in the 5 face of the sworn statement. 6 Because the rule doesn't merely require the form, 7 it's establishing conditions for the release of public funds. 8 So filing the sworn statement is necessary, but the statement 9 doesn't conclusively establish its own truth. And if staff 10 has evidence that there's a material campaign transaction 11 that's missing from the reports, the fact that the candidate 12 had sworn the reports are complete doesn't eliminate that 13 evidence. Otherwise, the substantive requirement that 14 reports be complete and accurate doesn't serve its purpose, 15 and the Commission staff would be required to release public 16 comment whenever the candidate signs the form, regardless of 17 what Commission staff already knows. 18 And given that 106 is a direct direction to staff, 19 I -- I -- I don't think that that's a -- I don't think 20 that's -- I don't think that can be a rational reading of it. 21 So on 106(A), my recommendation is a pretty narrow 22 one. Where the staff has reason to believe that the reports 23 are not complete and accurate, Rule 106(A) permits -- or at 24 least it requires -- staff to continue withholding funds 25 until that condition is resolved. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

9 1 Rule 10- -- and so I guess, Mr. Chairman, if you'd 2 like, I can stop there and we can talk about 106(A), or I can 3 continue on 106(G). 4 CHAIRMAN KIMBLE: I think we'll take the 5 second item -- we'll just limit ourselves to this first item 6 right now. 7 MR. COLLINS: So I'll keep going on 106(G) 8 now. 9 CHAIRMAN KIMBLE: Okay. 10 MR. COLLINS: Okay. Thank you. So Chairman, 11 Commissioners, you know, 106(G) is a different question, 12 right? It is an authorization to the Commission to exercise 13 its judgment to refuse to distribute public funding when 14 there's evidence of -- in terms of the statute -- of the 15 rule -- fraud or illegal activity. 16 Now, our issues here don't revolve around fraud. 17 They revolve around illegal activity. And the question is 18 whether or not there's evidence of illegal activity. 19 And here, again, you know, you have this question 20 before you on the MUR, but at least for purposes of making a 21 determination on 106(G), we have the response which itself 22 establishes that campaign -- that the Heap campaign received 23 campaign goods and/or services before qualifying for funding 24 and beyond the cash on hand as reported. 25 Rule 104 prohibits participating candidate from Miller Certified Reporting, LLC www.MillerCertifiedReporting.com 10:38:33 10:39:13	11 1 don't have a position as to whether or not this is an "and" 2 or an "or" situation. As my letter communicated yesterday, I 3 believe this is an "and/or" situation. 4 And so that is -- that summarizes my comments on 5 the Rule 106 issues, Mr. Chairman. 6 CHAIRMAN KIMBLE: Thank you, Mr. Collins. 7 Is Dr. Heap here? Mr. LaSota, I see you are. Is 8 Dr. Heap going to appear today? 9 MR. MORGAN: I -- I think he was joining in. 10 But, what difference does that make? I'm here to represent 11 him. 12 CHAIRMAN KIMBLE: Okay. I wanted to call on 13 Dr. Heap first if he wanted to say anything. 14 MR. LA SOTA: No. 15 CHAIRMAN KIMBLE: If not, Mr. LaSota? 16 MR. LA SOTA: No. I will do the speaking for 17 Dr. Heap. 18 CHAIRMAN KIMBLE: Okay. Proceed. 19 MR. LA SOTA: Thank you. So you heard 20 Mr. Collins say this is an issue of first impression, which 21 is a nice way of saying the Commission has never done this to 22 any other participating candidate. 23 I got the letter from -- from Collins in July. We 24 talked about it last day -- last time and it said: You 25 qualified for funding. I'm withholding it; you need to sign Miller Certified Reporting, LLC www.MillerCertifiedReporting.com 10:42:02 10:42:24
10 1 incurring credit beyond cash on hand before qualification. 2 And nothing that we've seen in the response establishes that 3 the campaign had sufficient cash to satisfy its obligation. 4 In fact, the campaign has never once suggested that it did. 5 It doesn't put that in the dispute at all that I'm aware of. 6 And instead, you know, we're dealing with a legal defense 7 there, which is that this is an exemption from a definition 8 of contribution. 9 But the defense doesn't eliminate the defense of 10 illegal activity, particularly where we are in addition to 11 the 104 issue, we have substantial legal reasons to believe 12 the exemption doesn't apply. 13 So the Commission is not being asked as I read 14 Rule 106(G) to make some final finding of liability or impose 15 a penalty. The rule asks whether there's evidence of illegal 16 activity sufficient for the Commission to exercise its 17 discretion to not distribute public funds. And I think on 18 the information before us that that is -- that that is the 19 case. 20 So for those reasons, my recommendation is that, 21 you know, and that the Commission affirm the withholding 22 under 106(A) and choose in its own discretion to refuse to 23 fund under 106(G) at this time. 24 The Commission obviously, you know, has the ability 25 to select between those and among them. And I, you know, Miller Certified Reporting, LLC www.MillerCertifiedReporting.com 10:40:25 10:40:56	12 1 an affidavit. 2 Well, we signed the affidavit and now we're hearing 3 this -- this for the first time 106(A)(G), whatever it is, 4 which I think is ineffective in the face of a statute which 5 says -- specifically 16-950, which says if we turn in -- if 6 we register for the program. We turn in our signatures; we 7 get funded. Period. End of story. 8 I mean this rule that says that essentially allows 9 the Commission to simply withhold money on any evidence of 10 any illegal activity, which is a -- is a way of saying if the 11 Commission just has a politically disfavored candidate it 12 doesn't want to fund, it doesn't have to fund him. 13 Dr. Heap went -- he collected the \$5 contributions. 14 The Secretary of State has certified his number as being 15 sufficient. We deserve our money right now, Mr. Chairman. 16 Now, you know, the election is in a month and a 17 half. The -- excuse me, the early ballots drop in a month 18 and a half. I mean, this thing is not going to wait for 19 another one of the Commission's interminable investigations. 20 And -- and that's why we get our money now. And you can 21 conduct your investigation; you can -- you can do your thing. 22 I'm sure you'll be hounding Dr. Heap for a long time, but 23 that will be a campaign finance complaint essentially. 24 We need our money now because we have a campaign to 25 run. You've already told us we cannot withdraw from the Miller Certified Reporting, LLC www.MillerCertifiedReporting.com 10:43:13 10:43:52

13 1 program, which it -- it I believe is a violation of 2 Dr. Heap's constitutional rights to free speech. 3 So what -- what Tom Collins is saying is: You 4 don't get any money and you can't withdraw from the program. 5 And while you're in the program, you can't raise any private 6 money, including your own, and if you do, you're subject to 7 criminal prosecution. 8 I mean, this is like something out of the old 9 Soviet Union. You can enter but you can't leave. 10:44:43 10 It -- you know, this is -- we were told one thing, 11 do "X" and you'll get your money. You're qualified, but you 12 got to do "X" and you'll get your money. Now we did "X" and 13 now we're [verbatim] saying: Oh, well there's evidence of -- 14 and thank you, I guess I should thank Mr. Collins for -- for 15 saying there was no fraud. 16 But any evidence of illegal activity, I mean, 17 it's -- that's -- that's just not the standard. I know it's 18 in your administrative rule, but it's time to cough up the 19 money for Dr. Heap to run his campaign. 10:45:17 20 And now in terms of -- and, oh, by the way, what 21 evidence is there of wrongdoing? 22 I think Col- -- I think Mr. Collins had to strain 23 very hard to -- to deal with -- with the -- our rebuttal to 24 this complaint by a political detractor, and I think it was 25 ineffective. We -- we produced the affidavit from Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	15 1 there's a reason I did, it's because it's related and -- and 2 I, too, have a hard stop. Nobody -- nobody bothered to ask 3 us if this was a good time, even though we are the only one 4 on the agenda. I happen to be out of state. 5 But -- but regardless, you should just dismiss this 6 whole thing. I don't -- I really have very little confidence 7 that you will, but -- but if you don't do that, if you don't 8 give us your -- the money, then what you need to do is you 9 need to -- and, Mr. Chair, you had said at the beginning that 10:47:39 10 I had asked again to be -- to be allowed to withdraw from the 11 program, that's not accurate. You turned us down, and I did 12 not ask again. 13 But what I would say is if you fail in your legal 14 duty to provide the money to Dr. Heap then, yes, you need to 15 release him from the program. I think this Commission is on 16 very, very thin ice as it is from a constitutional rights 17 standpoint and -- and First Amendment standpoint where you're 18 attempting to sway an election by refusing to allow somebody 19 who hasn't taken a dime of your money to withdraw from this 10:48:18 20 Clean Elections, while at the same time saying: Oh, no, no, 21 no, you know, we know we told you that if you turned in your 22 fives, if you did the affidavit, we'll give you the money. 23 But as a matter of first impression, we are going to withhold 24 it, even though we have never done that before. Never. 25 That's what "matter of first expression" means. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
14 1 Mr. Torgeson about how he conducts business. Some people pay 2 sooner; some people pay later. 3 I'll just give you an example. I do a lot of 4 candidate petition challenges, I think I do more than anyone 5 in the state, and I just got my last check for -- for 6 challenges that were resolved by about the first of May this 7 week. 8 Now, does that make me a -- does that mean I -- I 9 made a gift to the candidate? No. I didn't make a gift. 10:46:11 10 Did I loan the candidate money? No. 11 What I did is I extended the candidate credit -- 12 that other candidates paid sooner. Right? I mean, I prefer 13 it, but I don't control it. And, you know, this -- this 14 particular person was creditworthy. I wasn't particularly 15 put off by it, I just had to wait. 16 You know, I didn't send -- Mr. Collins suggested I 17 didn't send someone out, I didn't refer to a collections 18 agency so I could claim it was reasonable -- reasonable 19 collection efforts. 10:46:47 20 You saw Mr. Torgeson say he's not overdue. He's 21 not concerned with it. It remains an extension of credit. 22 So you should just dismiss this whole thing, and then you 23 won't have to worry about Mr. -- and the first thing is there 24 evidence of illegality? 25 So that kind of gets into the third point. But Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	16 1 So I think this process is -- is shameful. And 2 with that, I don't know if I'm going to be on for the -- for 3 the rest of the Item III, so I've pretty much said what I 4 said there. But we have the affidavit for Mr. Torgeson. I 5 know Mr. Collins tries to -- to find what I would call I 6 think pretty petty problems with it. I think your rule has 7 to yield in the face of a statute. 8 I just had a case against the Clean Elections that 9 I won at Superior Court level because the Commission, as it 10:49:12 10 often tries to do, is -- is when it doesn't like the 11 statutes, it just writes rules that are better for the -- for 12 the Commission. And that -- that doesn't work. 13 And so your effort I think to -- to essentially 14 eradicate this legislative definition I think not only is it 15 legally ineffective, but I think it does open up an entire 16 new can of worms because campaigns don't just -- they don't 17 operate on a completely cash-and-carry basis. You know, if 18 you're going to make your Clean Elections candidates do that, 19 you're going to put them at a substantial disadvantage. 10:49:51 20 And the irony here is, you know, we've got 21 essentially after the end of six months if a -- if an 22 extension of credit has not been collected on, then it does 23 turn into a contribution. And that makes perfect sense. 24 So -- but that's going to happen just by operation of how the 25 Commission has made its decisions. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

17 1 Because, we, you know, if we -- if we got money and 2 extension of credit that needs to be satisfied, but you 3 can't -- you can't use your own money to pay it and -- and 4 you can't -- and the Commission won't give you the money that 5 you've earned by getting \$5 contributions, then what's going 6 to happen? Well, by operation of law, that's going to turn 7 into a -- a contribution after six months. 8 So I think it just demonstrates again the folly of 9 where the Commission has taken us to date. And it's time to 10 give Dr. Heap his money. Absent that, it's time to let him 11 out of the program. 12 Thank you. 13 CHAIRMAN KIMBLE: Thank you, Mr. LaSota. I'm 14 not going to rebut what you say, but I do take issue with one 15 thing you said. That this is a decision that is based on the 16 political leanings of your client, which is nonsense. 17 The -- 18 MR. LA SOTA: What I said is 19 this (simultaneous crosstalk) -- 20 CHAIRMAN KIMBLE: Excuse me. Excuse me, 21 Mr. LaSota. The Commission has two Independents, two 22 Republicans, one Democrat. You're -- the political position 23 of your -- of your client is immaterial to us. 24 Thank you for your comments. 25 At this time we will take public comment on this Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	19 1 opportunity to speak to the Commission. 2 Let me just say that no one, I'm sure, is denying 3 that there is a seriousness to compliance issues. No one is 4 asking the Court to excuse compliance in any way, or the 5 Commission. It's a matter of how we correct mistakes. 6 You know, a first time candidate, it's -- the Clean 7 Elections is a wonderful opportunity for candidates to run 8 who never had a -- would have had a chance to run. And we 9 appreciate that. 10 But it has a lot of rules or reporting deadlines 11 and accounting procedures, very common. And these kind of 12 accounting errors are common, have happened many, many times 13 before. I mean, I -- I can list many, many times: Garcia, 14 there was Horne, Mendez, Bennett, Kiana Sears, I'm sure with 15 Kathy Hoffman. There's been many, many, many issues of these 16 accounting errors, and it's just a difference of campaign 17 paperwork and a mistake, not a lack of integrity and nothing 18 illegal. Again, he's -- the candidate was trying to 19 navigate. 20 But let me just say in conclusion just for the time 21 sake that there's always been a remedy for violations like 22 this, bookkeeping mistakes, and -- and in precedent is before 23 you to -- again, to have a win-win-win on this. You're going 24 to protect the Commission. You're going to protect the Clean 25 Elections. You're going to protect the taxpayers' money and Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
18 1 issue. We will ask that speakers identify themselves for the 2 record and limit their comments to no more than three 3 minutes. 4 If you're a member of the public and wish to make a 5 comment, please use the "raise hand" feature in Zoom, and I 6 will call on individuals one at a time. To raise your hand 7 in Zoom, click the "react" icon in the bottom tool bar and 8 select "raise hand." 9 When your name is called, please unmute yourself 10 and state your full name for the record before beginning your 11 comments. 12 Please note that Commissioners may have questions 13 for you. 14 Are there any members of the public who wish to 15 make a comment? 16 I see quite a number of them. I will take them in 17 the order that they are on my screen. 18 First is Sorella Barbara Parker. 19 Ms. Parker? 20 MS. PARKER: Yes. I'm unmuting now. Can you 21 hear me okay? 22 CHAIRMAN KIMBLE: Yes, we can. 23 MS. PARKER: Yes. And I apologize, it says 24 "Sorella," I was living in Roam and so that was how they 25 referred to me. Anyway, it's a pleasure to have the Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	20 1 protect the choice of the people who overwhelmingly have 2 signed his petition and elected him. 3 So, again, all of these errors that are common that 4 have happened in the past with many, many, many candidates 5 have been handled by administrative enforcement before and 6 the situation has been closed. And you have so many avenues 7 to close this and assist this duly elected candidate by, you 8 know, correcting his report. He can certainly repay, even 9 assessing a fine, releasing him from being on Clean Elections 10 and go traditional. There are so many -- and so many ways of 11 doing this that's been done in the past. 12 So, again, I would encourage the Commission to do 13 that. Let's remedy it. Let's put this to bed. Protect 14 everyone. We're not, you know -- and, again, save the 15 taxpayers, saves everybody's -- taxpayers' time and money, 16 and that's the ultimate key. 17 So thank you for an opportunity to say that. And, 18 again, just to quote a couple of these, you know, 19 R2-20-206(A)(3) does allow this, he [verbatim] allows him to 20 change. 21 And, like I said, let's -- let's err on the side of 22 not disenfranchising the voters and take care of this 23 administratively and put it to bed. 24 Thank you for that opportunity. 25 CHAIRMAN KIMBLE: Thank you, Ms. Parker. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

21 1 The next person I have on my screen is Lisa 2 Everett. 3 Ms. Everett? 4 MS. EVERETT: Hi. My name is Lisa Everett, 5 and I'm the one that filed the original complaint. 6 Let's face it, signs work. That's why politicians 7 pay thousands and thousands of dollars for these signs. This 8 gave Heap an advantage in this race. And he knew that. 9 The reality is since I filed my complaint in late 10:55:46 10 June, starting in late July, I started noticing signs 11 disappearing as other people have. They've reported it to 12 the Commission, on X, e-mailed me, called me, et cetera. And 13 the reality is they're covering this up by removing the 14 signs. So that to me is an admission of guilt. 15 These rules, although they do have a lot of 16 details, they have to be followed. They're in place for a 17 reason, to protect the voters and the other candidates. And 18 we've got to follow those rules. If basic rules for Clean 19 Elections can't be followed, how in the world can we expect 10:56:29 20 this person to handle all of the very tedious details at the 21 ACC? 22 I'm just deeply concerned that this has gone on. 23 And it troubled me to have to complain about it, but the 24 reality is it happened, and we need to address it. If we 25 don't follow the rules, if we don't enforce them, what good Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	23 1 them send out, and they mailed it out and didn't even tell 2 me. I found out from other people that it had been mailed 3 out, and they hadn't sent me an invoice or anything yet. 4 And so it is -- I don't think Dr. Ralph Heap should 5 be penalized for a standard business practice of a vendor who 6 does that same business practice with tons of campaigns and 7 tons of organizations across the entire state. 8 I'm also -- I am a customer going back to 2020 when 9 I ran for Phoenix mayor, and it was a similar -- it was a 10:59:01 10 similar arrangement. And so as a candidate, I don't -- I 11 don't think that it's fair the way that Dr. Ralph Heap has 12 been treated in this. 13 I'm not saying that the Commission hasn't been 14 fair. I'm saying that -- that the rules are ambiguous on 15 this and I think that he -- I know him personally, and he had 16 no intention of violating anything. I haven't spoken to him 17 on this, but I know him personally. I've known him for a 18 long time, and I know his integrity. 19 And so I do think the requests that Dr. Heap, 10:59:38 20 Dr. Ralph Heap, has made should be met. And I also agree 21 with what his attorney has argued, and I think that all of 22 that should be considered. 23 Also, there are other candidates in this same race 24 who are -- have previously been part of the Clean Elections. 25 I put in a complaint yesterday because I was, as Ms. Everett Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
22 1 is Clean Elections? This is taxpayer dollars. 2 I am encouraging all of the board members to vote 3 appropriately. There has to be a -- a consequence to this. 4 So don't release the funds because we know for a fact the 5 rules were violated. 6 My hope is that for the sake of the voters and the 7 party that he withdraws. But the reality is it's not up to 8 this body. But the reality is the rules were broken and we, 9 the public, need -- should want the rule to be followed. 10:57:29 10 It's our money. The people that scream election integrity 11 the most need to step up now and start speaking for the 12 integrity of clean elections. 13 Thank you. 14 CHAIRMAN KIMBLE: Thank you, Ms. Everett. 15 Next we have Merissa Caldwell. 16 MS. CALDWELL: Hi. Thank you. I'm only going 17 to be on audio today. 18 I am a national election integrity expert, so I 19 appreciate the previous speaker wanting election integrity 10:58:04 20 proponents and experts to speak on this. 21 I am also a long-time customer of Mesa Sign Shop, 22 and what Dr. Heap's attorney Tim LaSota testified to as far 23 as the relationship with the Mesa Sign Shop is exactly the 24 same relationship that I have experienced with the Mesa Sign 25 Shop. In fact, most recently there was a mailer that I had Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	24 1 said that she wants to see election integrity people put 2 in -- hold candidates accountable to the Clean Elections 3 Commission's standards. 4 And so I think this should all be taken into 5 consideration and that there should be justice and fairness, 6 and I have full confidence in the Commission that that will 7 occur. 8 Thank you. 9 CHAIRMAN KIMBLE: Thank you very much, 11:00:22 10 Ms. Caldwell. 11 The next speaker is identified only as "Legend." 12 Could you please speak -- give your full name for the record. 13 We can't hear you. You're on mute. 14 MS. GOODELL: Hi. My name is Laura Goodell. 15 CHAIRMAN KIMBLE: Could -- could you spell 16 that for our court reporter? 17 MS. GOODELL: Yes. (Audio disruption) -R-A. 18 Goodell, G-O-O-D-E-L-L. 19 CHAIRMAN KIMBLE: Okay. Thank you. 11:00:50 20 MS. GOODELL: I know Dr. Heap. He's 21 definitely not a fraudster. And Mr. Collins actually pointed 22 that out as well. There was no fraud committed. 23 I really appreciate Mr. LaSota coming on here. I 24 agree with what he said. 25 My first impression of this Commission -- this is Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

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1 my first time knowing much about it at all -- is it's not
 2 really a good one right now, especially since this is a bit
 3 unprecedented. It's never happened before where they
 4 withheld the money from Dr. Heap.
 5 I voted for Dr. Heap. Me and a lot of my friends,
 6 hundreds of thousands of them, it sounds like.
 7 So I think we should definitely not disenfranchise
 8 what the voters have decided. I think that's very important.
 9 That's the most important thing.
 11:01:46 10 I don't see any fraud. And if there was any, I'm
 11 sure Dr. Heap would have taken care of that.
 12 And I just -- I just have a -- I just want to say,
 13 I hope this isn't an attempt for what the people who lost
 14 couldn't -- couldn't accomplish at the ballot box, and
 15 they're trying to do it this way.
 16 So I stand for a lot of voters. Especially up here
 17 in Mohave County, and all over the state, and we voted him
 18 in. And we think the fair thing would be to either release
 19 the money to him or release him so he can raise his own
 11:02:31 20 funds.
 21 Thank you.
 22 CHAIRMAN KIMBLE: Thank you, Ms. Goodell.
 23 The next speaker is Beverly Goldstein.
 24 Ms. Goldstein?
 25 Ms. Goldstein, you're on mute. Ms. Goldstein, we
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1 can't hear you.
 2 MS. GOLDSTEIN: How about now?
 3 CHAIRMAN KIMBLE: Yes, we can hear you.
 4 MS. GOLDSTEIN: Okay. Commissioner Chair and
 5 Commissioners, thank you for allowing me to speak. I wrote
 6 out a five-minute presentation which I will submit by e-mail.
 7 I want to say that I'm representing myself,
 8 although I chair a portion of the Republican party in Pinal
 9 County, I'm on here as a private citizen.
 11:03:19 10 Ralph Heap received 299,319 votes and the
 11 third-place candidate received 16,000 votes fewer.
 12 I'm sure everybody on this call is completely
 13 familiar with how hard it is to find enough people, take
 14 enough of their time to get them to fill out the petition
 15 for -- the Clean Elections' petition carefully and to collect
 16 the \$5 for each petition. I spent tremendous numbers of
 17 hours accomplishing that on behalf of Dr. Heap.
 18 I don't know him personally. I met him through
 19 going to speeches that he gave regarding his visions for the
 11:04:08 20 Corporation Commission, and I support those visions very
 21 strongly.
 22 And I think administrative rules are valuable and I
 23 don't poo-poo them. But almost 400,000 people went to the
 24 ballot box this year and said I want Dr. Ralph Heap to
 25 resent -- represent me on the Corporation Commission.
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1 And elections are like the top of everything we do
 2 in my -- in my opinion. They -- they have to be
 3 constitutional and they have to follow procedures and
 4 all of -- and the laws. But 400,000 people have said "I want
 5 this man."
 6 So now we're sitting here in a meeting trying to
 7 figure out how long we can drag this out so we don't give him
 8 any Clean Elections money. And we don't let him do anything
 9 with his own money or money that he can collect from people
 11:05:14 10 who would be willing to donate to him.
 11 I think the most important thing that you folks
 12 need to do is decide one way or another that you're going to
 13 move forward to do one of these two things. Because I don't
 14 see this as getting resolved. I'm not going to be satisfied
 15 as a voter if at the end of this, you don't do either of
 16 those two things.
 17 And I don't see where there was fraud committed. I
 18 don't think I've read everything that's available -- and
 19 maybe there's not a lot available. But I did read Mesa Sign
 11:05:50 20 Shop's affidavit, and it seems the company is doing business
 21 with Dr. Heap the same way they do business with everybody
 22 else.
 23 CHAIRMAN KIMBLE: Ms. --
 24 MS. GOLDSTEIN: And you're trying to put that
 25 in a special category.
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1 CHAIRMAN KIMBLE: -- Goldstein, could you --
 2 MS. GOLDSTEIN: So I would ask you to just
 3 move forward. Either give him the money or give him his
 4 freedom.
 5 Thank you very much.
 6 CHAIRMAN KIMBLE: Thank you, Ms. Goldstein.
 7 Next we have Carey Davis.
 8 Mr. Davis?
 9 Mr. Davis, are you --
 11:06:24 10 MR. DAVIS: Yes. Yes.
 11 CHAIRMAN KIMBLE: Okay.
 12 MR. DAVIS: Can you hear me?
 13 CHAIRMAN KIMBLE: Yes.
 14 MR. DAVIS: Yes. My name is Carey Davis, and
 15 good morning to you, Chairman Kimble.
 16 I just want to not reiterate the comments that have
 17 already been made, but I would respectfully request that
 18 Dr. Heap be released from the Clean Elections program or you
 19 release his money. I think that it's a fairly simple
 11:06:56 20 solution to release him from the Clean Elections or to let
 21 him raise his own money and let him bear his own campaign
 22 expenses.
 23 And so those are my comments regarding this issue.
 24 Thank you again for the opportunity to have addressed the
 25 Commission.
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29 1 Thank you. 2 CHAIRMAN KIMBLE: Thank you, Mr. Davis. 3 Next, Scott Grainger. 4 MR. GRAINGER: Yes, we're here. That's Scott 5 and Maria Grainger. I did ask to have my wife's name added, 6 but that didn't seem to happen. 7 MRS. GRAINGER: That's okay. 8 MR. GRAINGER: Commissioners and members of 9 the public. We, Scott and Maria Grainger, captain and both 11:07:42 10 PCs of Precinct LD-10 have the following comments regarding 11 the subject of Dr. Ralph Heap, candidate for Arizona 12 Corporation Commission as a very successful candidate in the 13 2026 Republican primary election. 14 We live in a constitutional republic that uses a 15 democratic process to elect our leaders in an election such a 16 primary election was held recently. The results, Candidate 17 Heap won overwhelmingly against two incumbents. Candidate 18 Heap is now set to represent us in a general election. 19 The Clean Elections Commission has not provided any 11:08:29 20 funds to Candidate Heap's campaign. There are no tax dollars 21 to recover, no money that was misspent by Candidate Heap. 22 Candidate Heap fully understands that he is responsible for 23 his financial responsibilities. 24 The Commission is being weaponized in that it is 25 being used in an attempt to overturn the results of the Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	31 1 CHAIRMAN KIMBLE: Mr. Grainger, your time has 2 expired. 3 MR. GRAINGER: Thank you for your attention to 4 this matter, Scott and Maria Grainger. 5 CHAIRMAN KIMBLE: Thank you both Scott and 6 Maria Grainger for your comments. 7 MRS. GRAINGER: Thank you. 8 CHAIRMAN KIMBLE: Next we have Nick Myers. 9 Mr. Myers? 11:10:44 10 MR. MYERS: Yes, thank you. Good morning, 11 Chairman and Commissioners. My name is Nick Myers, and I 12 currently serve as the chairman of the Arizona Corporation 13 Commission. 14 I am the immediate past candidate in this race and 15 I am here today to raise additional concerns regarding the 16 Heap campaign's compliance with Clean Elections' requirement. 17 I want to start with the most basic rule of the 18 system. The Clean Elections -- the Citizens Clean Elections 19 Candidate Guide states on the very first substantive page 11:11:09 20 what may be the single most fundamental requirement of 21 participating in the program. And I quote: A participating 22 candidate must adhere to expenditure limits and may not make 23 expenditures in excess of cash on hand. Cash on hand 24 includes both early contributions received and candidate 25 funding. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
30 1 recent primary election. Candidate Heap won his primary by a 2 healthy margin. We voted for him and have volunteered to 3 support his campaign to become a member of the Arizona 4 Corporation Commission. 5 Removing Candidate Heap from the ballot would not 6 merely punish him, it would negate all of the hundreds of 7 thousands of votes of his supporters that support him. We 8 believe that even an attempt to remove Candidate Heap is 9 unjust, antidemocratic, unconstitutional and very 11:09:31 10 un-American. 11 This also creates a terrible precedent. 12 Unsuccessful candidates and their allies should never be able 13 to weaponize an unelected administrative commission to 14 nullify our votes. This Commission should not attempt to 15 keep a candidate, in this case Dr. Heap, in limbo by refusing 16 to fund Candidate Heap while refusing to allow him to leave 17 the program and finance his own campaign with no Commission 18 funding. 19 This is particularly onus when the Candidate Heap 11:10:07 20 has met the requirements for Commission funding. We voted 21 for Heap, and he won the election fair and square without any 22 input from the Commission. 23 The Commission has no right to steal the hundreds 24 of thousands of votes of his supporters that brought 25 Candidate Heap to victory in the primary election. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	32 1 It is presented to every candidate as Rule 1. And 2 by the Respondent's own counsel's letter, that rule was 3 broken. 4 I don't believe that's where the concerns end. 5 There have been a number of additional questions raised that 6 simply cannot be resolved without the Commission examining 7 the campaign's finances directly. One example, Mr. Heap and 8 his running mate did not file their statement of organization 9 until the night before their public announcement press 11:11:58 10 conference. Yet, at that press conference, they already had 11 signs bearing both names in a design and color -- color 12 scheme substantially similar to several other campaigns 13 around the Valley, including the Biggs, Farnsworth and 14 Hendrix campaign and in Gilbert. 15 That similarity isn't necessarily improper on its 16 own, but it raises real questions the Commission should be 17 positioned to answer. Was there a coordination between these 18 campaigns? Was this an independent expenditure or an in-kind 19 contribution? Did the order and timing of that printed -- 11:12:29 20 printing violate spending limits or contribution limits? Did 21 the sign printer extend credit for that order? It was placed 22 over a year ago at this point and I don't -- I ask whether 23 the invoice for that has even been sent. 24 I won't know until -- or, we won't know until the 25 full financial picture is accounted for, every receipt and Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

33 1 complete timeline of fundraising against spending. It seems 2 clear that the activities supporting these campaigns was 3 coordinated presumably by a single consultant. 4 While we don't -- we can't know with certainty 5 until Clean Elections obtains financial records and invoices, 6 it's reasonable to conclude that Jake Hoffman played a 7 central role given his publicly acknowledged -- 8 acknowledgment recruiting of Heap and Marshall and his role 9 as Mr. Kolodin and Ms. Yee's consultant, both of whose signs 11:13:24 10 were placed next to each other at the same time as 11 Mr. Heap's. 12 This is, of course, assuming the printing vendor's 13 records reflect what actually occurred. That assumption is 14 exactly what I'd ask the Commission to test. The sworn 15 statement submitted by Mesa Sign Shop leaves more questions 16 than answered -- than answers. It's worth the Commission 17 asking directly whether the statements hold up, because the 18 incentives matter here. A relatively unknown, first-time 19 statewide candidate is not, in my assessment, the kind of 11:13:52 20 customer that a reputable sign shop would put its business on 21 the line for. Someone who -- 22 CHAIRMAN KIMBLE: Mr. Myers, your time is 23 expired. 24 MR. MYERS: Okay. Thank you. Thank you for 25 your attention. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	35 1 general election race. Release him from Clean Elections and 2 let the voters' choice stand. 3 Thank you for listening. 4 CHAIRMAN KIMBLE: Thank you very much for your 5 comments. 6 Next is Gina Swoboda. 7 Ms. Swoboda? 8 MS. SWOBODA: Thank you, Mr. Chairman. Can 9 you hear me okay? 11:15:43 10 CHAIRMAN KIMBLE: Can hear you fine, yes. 11 MS. SWOBODA: Thank you. Thank you, 12 Mr. Chair, members of the Commission. 13 I did -- I filed a declaration. I -- I just wanted 14 to say that it appears based on the vendor's affidavit that 15 the line of credit reflecting what the candidate's counsel 16 indicates he feels would not become an expenditure until some 17 point in the future, that that occurred in April. So we're 18 in August, and to my knowledge the campaign finance reports 19 have not been amended to reflect what the amount of that line 11:16:15 20 of credit is. It would appear that that is to avoid a 21 further rule violation, because based on common, reasonable, 22 customary costs, it would exceed the amount of cash on hand. 23 So I would ask the Commission to make sure that the 24 candidate is fully in compliance should they continue as a 25 Clean Elections candidate, and that their campaign finance Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
34 1 CHAIRMAN KIMBLE: Thank you. Thank you, 2 Mr. Myers. 3 Next we have Mary Maybeno. I apologize if I 4 mispronounced your name. 5 MS. MAYBENO: Yes. It's Mary Maybeno. 6 CHAIRMAN KIMBLE: Okay. Thank you. 7 MS. MAYBENO: Hi. And these are my thoughts. 8 Honestly, I've never seen in my life such vitriol and 9 obsession being directed towards a candidate who just won his 11:14:23 10 primary. Dr. Ralph Heap is a well-respected retired 11 orthopedic surgeon who has even used his skills doing 12 charitable work overseas. He's being accused of not fully 13 reporting campaign costs and of inadvertently making a Clean 14 Election mistake. But the facts also show that he has never 15 received a dime from any Clean Elections money and that there 16 is no taxpayer money -- money to recover. 17 He has asked to be released from this program so 18 that he can finance his own campaign. 19 I voted for Dr. Heap and not because of any sign. 11:15:03 20 Thousands of other voters put their trust in him to be their 21 choice on the Arizona Corporation Commission. He won by a 22 healthy margin. Please don't take away our voice in this 23 matter. 24 Losing candidates should not use their machinations 25 to pressure this Commission to remove Dr. Heap from his Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	36 1 reports need to be amended to reflect all of the 2 expenditures, whether future or current. 3 Thank you so very much. 4 CHAIRMAN KIMBLE: Thank you, Ms. Swoboda. 5 Next, Lynda Patrick-Hayes. 6 MS. PATRICK-HAYES: Good morning, Mr. Chairman 7 and Commission members. 8 I'm going to probably just reiterate what everyone 9 else has said. Thousands of people across the State of 11:17:00 10 Arizona voted for Dr. Heap in this most recent primary. He 11 never spent one dime of Clean Election money or taxpayers' 12 money for his campaign. Please do not set a precedent with 13 this particular case. Do what the reasonable man would do. 14 If you don't give him the money, then release him from the 15 Clean Elections. Let Dr. Heap raise his own money. Let him 16 pay his own campaign expenses, and don't disenfranchise all 17 of us Arizonans who gave him a primary victory. 18 Thank you so much. 19 CHAIRMAN KIMBLE: Thank you very much for your 11:17:32 20 comments. 21 Next, Ben Stafford. 22 MR. STAFFORD: All right. Can you hear me? 23 CHAIRMAN KIMBLE: Can hear you fine, yes. 24 MR. STAFFORD: All right, super. Outside 25 working on a car here. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

37 1 Yeah, I echo what many of the others have said 2 here. It seems to be fairly plain to me that you either have 3 to, you know, release him or you just -- just honor what's 4 been done by the voters. You have to recognize that there's 5 a difference between statute and a rule. And as far as I 6 know in my research, he followed all the statutes. Maybe the 7 issue is that rules need to be changed, but you can't change 8 a rule in the middle of the game if this rule seems to be 9 that important. So maybe the Commission needs to look at 11:18:25 10 doing that here, I don't know, next year or something. 11 So, yeah, I'm a voter. I don't know him personally 12 but I think -- I voted and others I know voted for him 13 because we liked his campaign and what he stands for. 14 So I hope that the votes and the voters will not be 15 ignored. And, again, what seems to me the common sense thing 16 to do here, it doesn't appear that there's been fraud here. 17 Those -- those words in the initial -- or one of the initial 18 speakers are really off-putting because that's -- especially 19 when you look at the case on its -- on its face. Fraud is 11:19:01 20 not an issue here. 21 So it would be helpful if things are talked about 22 plainly and -- and looked at just reasonable with 23 commonsense. 24 I hope that's helpful. Thank you for taking the 25 time to listen to the public here. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	39 1 Mr. Torgeson's credibility carefully because this isn't the 2 first time he's told a filing officer that paid work was 3 actually free. 4 In his own recent run for Gilbert Town Council, a 5 seat he lost, Mr. Torgeson told the Gilbert Town Clerk that a 6 signature collection company volunteered to gather his 7 petitions. That same -- the same collectors were paid by 8 every other candidate who used that firm. He reported it 9 neither as an expense nor as an in-kind contribution. 11:21:01 10 The man asking you to trust his sworn word has a 11 habit of using "it was free" to make reportable spending 12 disappear. 13 And that raises a fair question for Mr. LaSota 14 himself. Dr. Heap's campaign finance reports for this entire 15 cycle do not show a single payment to his attorney. We know 16 Mr. LaSota has represented Dr. Heap since at least July 13th. 17 Yet, Dr. Heap's post-primary report, the one covering 18 July 1st through the 21st was filed no zero -- shows zero 19 dollars -- zero dollars spent. 11:21:28 20 So I'd ask Mr. LaSota to clear something up: Did 21 you also extend Dr. Heap an undocumented line of credit? Is 22 that standard practice for your firm? And if this is pro 23 bono work, or is somebody else paying for it, then there 24 should be an in-kind contribution on Dr. Heap's report dated 25 back at least to July 13th. Right now there's nothing. The Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
38 1 CHAIRMAN KIMBLE: Thank you, Mr. Stafford. 2 Next is Alex Logvin. I apologize if I'm not 3 pronouncing that right. 4 MR. LOGVIN: It's good enough. Thank you. 5 Good morning, Commissioners. My name is Alex 6 Logvin. I follow Arizona campaign finance closely, and I've 7 spoken to this Commission before. 8 Dr. Heap's defense is one idea: The signs were 9 just credit so nothing has to be reported until the bill gets 11:19:42 10 paid. That falls apart on the facts. Here's the rule that 11 decides this: The Clean Elections candidate cannot run up 12 debt beyond the cash they have on hand before they qualify 13 for funding. 14 Dr. Heap raised about \$17,000. He ordered a 15 statewide sign program before he qualified. And notice what 16 his attorney's six-page letter never mentions, not once. 17 "Cash on hand." Not a word. That silence is your answer. 18 Even if you take the "it's just credit" story at 19 face value, the law still requires unpaid credit to be listed 11:20:15 20 on every report as an outstanding obligation. Dr. Heap left 21 it off. His own attorney now offers to amend the reports. 22 You don't amend something that was already accurate. 23 Now before I ask you -- I'd like to ask you to 24 focus on something. This whole defense rests on the sworn 25 statement of Jim Torgeson of Mesa Sign Shop. So weigh Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	40 1 attorney telling you un -- unreported credit is no big deal 2 may be carrying the sum of his own. 3 Mr. LaSota has communicated that Dr. Heap has no 4 intention of filing amended reports to properly document the 5 credit he suppor- -- supposedly received from Mesa Sign Shop. 6 Other speakers today have whined about the Clean 7 Elections' rules ad nauseam. If Dr. Heap didn't like the 8 rules, he should not have signed up as a Clean candidate. He 9 agreed to these rules multiple times and that means he agreed 11:22:15 10 to the consequence. 11 I'm sorry, Ralph Heap is not the mayor of 12 Scottsdale and this is not a photo radar ticket. He can't 13 just ignore the law and avoid consequences. 14 Please find reason to believe, continuing 15 withholding the funds, and let the investigation do its job. 16 Thank you. 17 CHAIRMAN KIMBLE: Thank you, Mr. Logvin. 18 Next, Daryl Groves -- no, I'm sorry. I apologize. 19 Doni Bond. 11:22:42 20 You're -- 21 MS. BOND: Hi. Did I do that right? 22 CHAIRMAN KIMBLE: Yes. You're -- go ahead. 23 MS. BOND: Okay. My name is Doni Bond. I am 24 an Arizona voter. I am a PC in my area, and I do a lot of 25 other community and political work. But I am representing Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

41 1 myself. I just wanted to say that. 2 From what I've understood here, Dr. Heap never 3 received or spent a dime of public funding. And the what -- 4 and the things that you keep pointing out are that you 5 withheld the funding even though he applied, and to me it's 6 kind of like asking for a loan for a house, but if you don't 7 give me the money, I don't get the house. 8 So I would just question that he thought he was in 9 limbo and he's still in limbo, so why would he be reporting 11:23:29 10 anything because if he doesn't know if he has to report it, 11 if you would just allow him to withdraw from Clean Elections 12 because of maybe the ambiguousness of the understanding of 13 these rules. 14 I do believe that it would be unjust. I am a voter 15 and many of my -- my whole family voted for him. And just so 16 that you know, I'm fairly new to this, but I also know Justin 17 Heap is his son and he ran a candidate, you know, for 18 election as well and so his name is around. And the first 19 thing that I asked was, is he related to Justin Heap? 11:24:04 20 So a lot of us equate one with the other and -- 21 whether that's good or bad, but we felt that we trusted one 22 so we could trust the other. 23 So as far as name recognition and being a first 24 candidate, I think that has something that you might 25 consider. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	43 1 classified and reported under two overlapping sets of 2 requirements. 3 When you look at the Arizona statutes along the 4 Clean Election rules, it's understandable there could be 5 confusion. But the Clean Election rules says some credit 6 must be reported as an expenditure versus, you know, credits, 7 and I think it gets confusing. So I understand that. I 8 think that we need to allow some grace and allow Dr. Heap to 9 report at this point and allow him to have the money that he 11:26:21 10 is entitled to. 11 If you look at Arizona statutes, the Arizona law 12 actually allows reporting deficiencies to be corrected. And 13 so I think with that in mind, it seems to me that Clean 14 Elections should do the same thing in the spirit of that. 15 When you look at the ambiguity between Clean 16 Election rules and the law itself, I think that there is no 17 reason to think that there was intentional fraud here. And 18 because he received what would be deemed as a credit from the 19 sign company and that time has not expired yet, I think it's 11:27:03 20 understandable in the way that he reported it. And so I 21 think that you need to hold that into balance. 22 And so I would respectfully ask the Commission to 23 be reasonable and allow Dr. Heap the opportunity to cure his 24 reporting deficiency, let him correct the report and satisfy 25 Rule 106(A), and then he can receive his funding. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
42 1 I do think, again, that it's unfair to keep him 2 trapped indefinitely. Especially since so many voters did 3 elect him, you know, we have put our faith in him. And I 4 would just ask and encourage you to release him from the 5 Clean Elections since this was such an ambiguous situation. 6 And let him raise his own money because then it wouldn't have 7 been an issue at all. 8 And I voted for him. I'm -- please, just don't 9 silence the rest of us on this issue because he obviously did 11:24:56 10 get the vote to be on the ballot. 11 Thank you so much. 12 CHAIRMAN KIMBLE: Thank you, Ms. Bond. 13 Next, Daryl Groves. 14 Mr. Groves? 15 MR. GROVES: Thank you for allowing me to 16 speak. 17 My wife and I voted for Dr. Heap along with 18 thousands of others, and we would implore the Commission not 19 to become a vehicle for overturning the choice of voters who 11:25:21 20 have made their decision. And the reason for that, is I -- I 21 do believe from what I've read that there is ambiguity 22 between the Arizona statutes and the Commission's Clean 23 Elections' rules. 24 The underlying commercial credit appears to be 25 lawful. The question is how that credit should have been Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	44 1 Now if you -- if you don't want to do that, then 2 release him, and then he can clean up his reporting to the 3 Secretary of State, and he can run as self-funded. 4 So we would ask you to make a choice and do one or 5 the other, but don't keep him locked down. 6 Thank you very much for your time. 7 CHAIRMAN KIMBLE: Thank you, Mr. Groves. Next 8 is Sherry Walton. 9 Ms. Walton? 11:27:51 10 MS. WALTON: Hello. Good morning. 11 CHAIRMAN KIMBLE: Good morning. 12 MS. WALTON: I'm asking you to do the fair and 13 democratic thing and release Dr. Heap from the Clean 14 Elections program. He never received or spent a dime of 15 public funding. There are no taxpayer dollars to recover and 16 no public money that was misspent. If there are campaign 17 expenses he must account for, let him pay for himself. 18 What should not happen in [verbatim] this 19 Commission to be used as a vehicle to overturn the choice 11:28:23 20 voters already made. He won his primary by a healthy margin. 21 I voted for him. Hundreds of thousands of others 22 voted for him too. Removing him from the ballot now would 23 not merely punish a candidate, it would take away our votes 24 after they were cast and substitute the judgment of a handful 25 of commissioners for the judgment of the electorate. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

45 1 I believe that would be profoundly unjust, 2 antidemocratic and unconstitutional. It would also create a 3 terrible precedent. Losing candidates and their allies 4 should never be able to weaponize an administrative 5 commission to accomplish after an election what they could 6 not accomplish at the ballot box. 7 The Commission also cannot keep a candidate trapped 8 indefinitely, refusing to fund him while refusing to let -- 9 to let him leave the program and finance his own campaign. 11:29:16 10 There is a simple and fair solution: Release him 11 from Clean Elections. Let him raise his own money. Let him 12 bear his own campaign expenses. He never touched Clean 13 Elections dollars. 14 I voted for Ralph Heap and this is silencing the 15 hundreds of thousands of people who voted for him and 16 bringing him to victory in the primary election. 17 Most importantly, let the voters' decision stand. 18 Thank you. 19 CHAIRMAN KIMBLE: Thank you, Ms. Walton. 11:29:48 20 Next, Meg Rubino. 21 MS. RUBINO: Yes, sir. Thank you, 22 Mr. Chairman and commission members. It's Megan Rubino, PC 23 for Legislative District 10, Dr. Ralph Heap. 24 I'm here for more of a character reference. I've 25 worked for him for many years, and Dr. Heap has just only Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	47 1 thousands of, I mean, upon thousands of others need to be 2 heard. 3 And -- and -- and please -- please look at this 4 closely, all right. It can be dealt with so simply. 5 And -- and thank you so much for having me. And 6 God bless you all. 7 CHAIRMAN KIMBLE: Thank you, Mr. Davidson. 8 Next we have Tyler Montague. 9 Mr. Montague? 11:32:01 10 MR. MONTAGUE: Thank you, Mr. Chairman, 11 members of the Commission. 12 I think when you sign up to be a Clean Elections 13 candidate, you sign up to follow the rules. And I think 14 there are very clear rules violations here and evidence that 15 there may be additional rule violations that could be 16 discovered upon subpoena of various records from vendors. 17 And I think we shouldn't only focus on the signs but should 18 focus also on the signature-gathering process. 19 I submitted a supplement to my original complaint 11:32:38 20 detailing what I think those are. There is solid evidence 21 for professional gathering of at least 45 percent. Those 22 gatherers, those circulators, are also registered, paid 23 circulators. And then another additional approximately 24 40 percent of the signatures gathered by people who appear to 25 be professional gatherers. That's something that the Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
46 1 shown me the utmost respect for his constituents. He's 2 highly respected. His door was always open to any issues 3 that I ever had that were extremely important to me. I've 4 worked with him for many years. 5 And I just don't want you guys to take away my 6 vote. I voted for him, along with so many others. Please 7 don't silence us. 8 Thank you. 9 CHAIRMAN KIMBLE: Thank you. 11:30:28 10 Next is someone identified only as "John." 11 John, could you state your last name? 12 MR. DAVISON: Can you hear me? 13 CHAIRMAN KIMBLE: Yes, I can hear you. John, 14 state your last name. 15 MR. DAVISON: I'm sorry, my dogs just see 16 something out there. 17 But my name is John Davison and I'm a -- I'm a Mesa 18 resident. And I'll voice what many have said here. Number 19 one, thank you so much for allowing us all to speak. And 11:31:05 20 please release Dr. Heap from Clean Elections. That would be 21 the simplest thing to do. Allow him to raise his own money. 22 Let him pay for his own campaign expenses. My goodness. 23 He's never used Clean Election money, and, of 24 course, many have voiced that, and I'm going to voice it 25 also. And -- and I voted for -- for Dr. Heap. My voice and Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	48 1 Commission could determine. 2 And also I noted the market value charged by the 3 same vendors to other candidates in the same time period, and 4 that would put that expenditure well beyond what is allowed 5 by the Clean Elections' rules. 6 A further comment, if we can avoid reporting by 7 simply doing all the spending that a candidate does on 8 credit, then I guess we wouldn't have to report anything, 9 right? We can just do all on credit and not report any of 11:33:36 10 it. And then -- that can't be it. That's kind of a silly 11 proposition. 12 Furthermore, harm has been done. Other candidates 13 following the rules lost by close margins. This should not 14 be dismissed. I -- I -- I don't even think Dr. Heap has to 15 have intentions to break the rules, but he did. And harm was 16 done so that has to be addressed. Otherwise, the playbook 17 could be: Come in, cheat the rules, if you don't get caught, 18 great. You get your money. If they catch you say, oh, I'm 19 sorry, just let me drop out of the program. 11:34:14 20 That can't be it. That's not fair. That's not 21 what the public designed when they created this process and 22 these rules. 23 And so I think for the integrity of this system, 24 the rules should be enforced and there should be penalties 25 for -- for severely breaking the rules, which is what appears Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

49 1 to have happened. These aren't minor infractions or -- or 2 minor errors. These are significant errors. 3 Thank you. 4 CHAIRMAN KIMBLE: Thank you, Mr. Montague. 5 Are there any other people who have not yet spoken 6 who wish to speak? I don't have anyone else who I can see 7 has raised a hand. 8 Cathy, do you have anyone else who is asking to 9 speak? 11:35:07 10 MS. HERRING: The only other request was in 11 the chat from Jennifer Esposito. I'm not sure if Jennifer is 12 still with us. 13 CHAIRMAN KIMBLE: Okay. Jennifer, are you 14 there? 15 Jennifer Esposito. I believe, if you're here -- 16 MS. ESPOSITO: Can you hear me? Can you hear 17 me? 18 CHAIRMAN KIMBLE: I can hear you, yes. 19 MS. ESPOSITO: Yes, thank you. My name is 11:35:34 20 Jennifer Esposito. 21 CHAIRMAN KIMBLE: Okay. Go ahead, Jennifer. 22 MS. ESPOSITO: Thank you. 23 My name is Jennifer Esposito. My husband and I are 24 precinct committeemen in LD-30 in Kingman, Arizona. But I am 25 not speaking in that capacity today. I am speaking as an Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	51 1 signs that he was handing out at that meeting. I did not 2 know him. I was willing to give him the benefit of the 3 doubt. I even gave him a print copy of my newspaper in case 4 he might be interested in doing any advertising or something 5 prior to the meeting. 6 But when he spoke, my general impression as an 7 investigative reporter and as someone who has run for county 8 supervisor and previously run for the State House of 9 Representative and knows a thing or two about the system was 11:37:45 10 that Mr. Heap was a dishonest person. I mean, maybe he 11 thought he could come to Mohave County and we would not know 12 anything about how the Corporation Commission worked or what 13 they had done over the last few years. But because I had 14 reported on that, I was quite familiar. 15 So I knew he was not only lying to me but to the 16 entire room of Republicans, and that is the reason that I did 17 not vote for him is because I did not feel he was an honest 18 person. 19 Now, I photographed multiple corners of signs in 11:38:12 20 Kingman, and I noticed -- I pay attention to when signs go up 21 and I -- you know, which candidates have got theirs up, which 22 candidates are lagging because I report on these things. 23 And so I noticed that Mr. Heap's signs went up on 24 the same corners at about the same time as the Kolodin and 25 Yee signs. And I also know that it's not just the cost of Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
50 1 investigative reporter and as the publisher of an independent 2 newspaper called the <i>Mohave Free Press</i>. 3 I would like to say Ms. Laura Goodell does not 4 speak for everyone in Mohave County. And for context, I 5 would just like to point out to the Commission that she works 6 for Turning Point USA who endorsed Mr. Heap. And I know that 7 because she was my roommate two years ago in training for 8 Turning Point Action, and I was also an employee of that 9 organization. 11:36:21 10 I would like to say that, you know, we've heard 11 over and over again ignorance of the law is no excuse. And 12 the Republican Party, you know, says: Oh, but we believe in 13 election integrity and, you know, we always attack the other 14 side if they don't follow the rules. 15 But because Mr. Heap was endorsed by both Turning 16 Point and the Free Enterprise Club, it was not like he was 17 just some ignorant, rude candidate who'd never done this 18 before and could not avail himself of advice. Could not make 19 a phone call and say: Hey, do I need to do something? Or is 11:37:01 20 this legal? Or can I -- you know, I don't believe that for a 21 minute. 22 Now I want to say that I had not met Mr. Heap until 23 June 8th until he spoke at the Kingman Conservative 24 Republican Club of Kingman. And although a lot has been made 25 of the large 4-by-4 signs, he did have a stack of 18-by-24 Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	52 1 purchasing the signs, but to come out to this far out away 2 from the great megalopolis, you don't pound signs in triple 3 digit heat yourself. You also have to purchase a rebar as 4 well as the labor involved in having someone -- 5 CHAIRMAN KIMBLE: Ms. -- Ms. Esposito, your 6 time has expired. 7 MS. ESPOSITO: Okay. Thank you. I just would 8 like to say thank you very much for giving me the opportunity 9 to speak and -- 11:38:56 10 CHAIRMAN KIMBLE: Thank you. 11 MS. ESPOSITO: -- he also has signs in La Paz 12 County. 13 Thank you. 14 CHAIRMAN KIMBLE: Thank you. 15 I believe we have heard from everyone who wanted to 16 speak. 17 Mr. LaSota, do you have -- want to take one or 18 two minutes to make any other comments? 19 MR. LA SOTA: Yeah. I mean, I just have a few 11:39:16 20 comments in rebuttal. 21 I mean, I think Ms. Everett gave up the game right 22 off the bat where she says her agenda is to have Dr. Heap 23 withdraw. This is just political. She's still in denial 24 that -- that he won the election, you know. 25 And then Nick Myers joins us again. It's kind of a Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

53 1 little bit sad to see that the losing candidate who thinks 2 maybe holding out a hope that -- that he's going back on the 3 ballot. 4 But I understand he's facing his own complaint, 5 which is one of the things I predicted is that if we're going 6 to adhere to this -- this new rule, this -- I forget what 7 Mr. Collins called it, first impression, we're going to find 8 a -- a lot of people run campaigns the way they -- they run 9 campaigns, they've always run campaigns, and but now it's 11:40:09 10 going to be illegal as a matter of first impression. 11 Mr. Logvin, attorney's fees. You know, attorney's 12 fees actually are not contributions or expenditures. 13 But, you know, I think we just need to kind of step 14 back and -- and talk, what -- what are we -- what are we 15 talking here? That, you know, no free speech and no right to 16 an attorney? I mean, that's just -- I think that's 17 fundamentally unfair. 18 You know, the last thing. The only person to 19 actually question Dr. Heap's honesty was -- was Ms. Esposito 11:40:46 20 who really does think she's a reporter. She's not. I mean, 21 she -- I mean, unless -- a reporter needs an audience. I 22 mean, it -- I thought it was disgusting for her to say that 23 and she's the only one who has said anything like that. It's 24 just -- it's -- it's baloney. 25 But I think fundamentally, we're right back where Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	55 1 Werther. 2 Is there a second? 3 COMMISSIONER PATON: I'll second. Paton. 4 CHAIRMAN KIMBLE: Thank you, Commissioner 5 Paton. 6 It's been moved and seconded that we go into 7 executive session. I will call the roll. 8 Commissioner Werther. 9 COMMISSIONER WERTHER: Aye. 11:42:31 10 CHAIRMAN KIMBLE: Commissioner Paton. 11 COMMISSIONER PATON: Aye. 12 CHAIRMAN KIMBLE: Commissioner Titla. 13 COMMISSIONER TITLA: Aye. 14 CHAIRMAN KIMBLE: Commissioner Crump. 15 COMMISSIONER CRUMP: Aye. 16 CHAIRMAN KIMBLE: Chair votes aye. We are 17 going to go into executive session. 18 MS. HERRING: Chairman Kimble, I'd just like 19 to confirm it's all Commissioners, our court reporter and 11:42:50 20 Craig Morgan for executive session; is that correct? 21 CHAIRMAN KIMBLE: That's correct. 22 MS. HERRING: Thank you. 23 MR. GRAINGER: How long will that be? 24 CHAIRMAN KIMBLE: I -- I can't predict. We'll 25 make it as brief as possible while still addressing the Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
54 1 we are. And it's time to end this -- this enforcement 2 action. It's time to give Dr. Heap his money. And if you 3 won't follow the law in that respect, then it's time to allow 4 him to go raise his own. 5 CHAIRMAN KIMBLE: Okay. 6 MR. LA SOTA: Thank you. 7 CHAIRMAN KIMBLE: Thank you, Mr. LaSota. 8 Tom Collins, is there any further remarks you wish 9 to make briefly? 11:41:28 10 MR. COLLINS: I don't have any -- I don't have 11 anything to add unless the Commission has questions. 12 I do want to make, you know, clear we -- I know 13 there's some hard stops coming up and so, you know, the MUR 14 issue is -- is there and I do -- at some -- if the Commission 15 determines whether or not we're going to determine that 16 today, that will be helpful to know at some point -- not 17 immediately, but -- but, you know, we do have a substantive 18 presentation on that. 19 Thank you. 11:41:58 20 CHAIRMAN KIMBLE: Okay. Thank you, Tom. 21 Is there a motion from a member of the Commission 22 to go into executive session? 23 COMMISSIONER WERTHER: Mr. Chairman, I move 24 that we go into executive session for Item II. 25 CHAIRMAN KIMBLE: Thank you, Commissioner Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	56 1 issues we need to address. 2 (Whereupon the proceeding is in executive session 3 from 11:43 a.m. until 12:03 p.m.) 4 5 * * * * * 6 7 (Whereupon all members of the public are present 8 and the proceeding resumes in general session.) 9 CHAIRMAN KIMBLE: Okay. We're back in regular 12:03:16 10 session and we're going to move on to Item III. Review, 11 consideration, discussion, analysis and possible action on 12 reason to believe in MUR 26-06, Dr. Ralph Heap complaint 13 concerning transactions for political signs, including 14 campaign finance limits and reporting requirements. 15 Tom, is there -- are there comments you wish to 16 make on this? 17 MR. COLLINS: Yes, Mr. Chairman. I do. 18 I think that -- I mean, the first point is -- that 19 I'd like to make is that we do believe that there's reason to 12:03:58 20 believe that a violation of the Clean Elections Act and rules 21 may have occurred. 22 So this is reason to believe determination, right? 23 So this is not a decision, an ultimate decision. This is a 24 preliminary determination that the Commission makes, and it 25 doesn't address the -- it's not -- it does not require a Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

57 1 finding -- it's not a finding of fact, and it's not 2 appealable agency action. 3 The question is whether reason to believe -- reason 4 to believe that a violation may have occurred. 5 The complaint here is relatively simple, right? 6 That there -- substantial number of their Heap campaign signs 7 authorized by Dr. Heap, at least by the terms of the signs 8 themselves, and there's no corresponding expenditure to that 9 volume reported on the campaign finance reports. The reports 12:04:56 10 only show one payment to Mesa Sign Shop. 11 And -- and the response -- and I would also note in 12 my memo we outline, you know, what other folks are doing in 13 this context, Mesa -- Mesa Sign Shop's other payments from 14 other candidates and the like, to give a set -- to give 15 evidence of the scope of the issue. And -- and I have not 16 heard yet in the response or anywhere else, any discussion 17 from Mr. LaSota about, you know, what their estimates are. 18 So what we do know is that the sign shop's owner 19 confirmed that the signs were ordered in April and were 12:05:40 20 completed in May, and that the company has not been paid. 21 So, there's no dispute about the existence of the 22 transaction; Dr. Heap obtained campaign signs. Mesa Signs 23 produced them. They've not been paid for, and the 24 transaction is not on the campaign (inaudible). 25 I'd start with the Clean Elections rule because it Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	59 1 specific statutory basis for that rule. 2 So then we get to the question of whether or not 3 this is a contribution. So let's assume there wasn't a 4 Rule 104 that addressed this directly. Is this a 5 contribution? 6 The fact that the response starts with the premise 7 that it's an exception to a contribution, tells us a lot 8 about whether it's contribution. Right? Because if it's not 9 an exemption -- it's not a contribution, why would you argue 12:07:59 10 about whether or not it's an exemption to the contribution, 11 right? 12 So I think that's an important point to make. 13 The exemption is not for all credit. The exemption 14 is for credit on committee's behalf on terms substantially 15 similar to -- similar extensions of credit to nonpolitical 16 debtors. And there must be commercially reasonable attempt 17 to collect the debt. 18 And I think that when you look at the affidavit 19 from Jim Torgeson on behalf of Mesa Sign Shop, you find that 12:08:24 20 it creates a very clear narrative about what happened here, 21 and that narrative clearly removes this from the exemption. 22 First of all, the statute requires this to be 23 credit extended on the committee's behalf. And I think the 24 easiest way to understand this issue is by analogy, which I 25 mention in my memo. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
58 1 is the clearest direct issue. 2 Rule 104(D)(6) says that prior to qualifying for 3 Clean Elections funding, a candidate shall not incur debt or 4 make an expenditure in excess of the cash on hand. 5 Dr. Heap ordered the signs in April. They were 6 completed in May. He didn't qualify until July 20th. 7 Nothing in the response establishes that the 8 campaign had enough cash on hand to pay for those signs. 9 Doesn't tell you -- and it doesn't tell you the total amount. 12:06:31 10 We know from looking at those campaign finance 11 reports that there's not enough money to cover the ranges 12 that the facts established, as we have. And I also note that 13 we received a declaration from Ms. Swoboda last night, that I 14 distributed to all of you, respecting the business practices 15 of Mesa Sign Shop. 16 So that's -- so that's where we are, right? We 17 have a clear rule that says you ought -- you must have cash 18 on hand prior to qualification. That's your limit. We have 19 clear evidence that the amount in question is greater than 12:07:06 20 any cash on hand that's ever been reported, and then we have 21 a response that principally focuses on the idea that this is 22 all off the books anyway. 23 So, you know, that's the upshot there. 24 And the memo -- and I would point you to it -- does 25 get into why we have this rule under Rule 104 and cites the Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	60 1 If Dr. Heap went to buy a Buick and wanted to 2 finance it, the lender's going to look at his profession, his 3 income, his financial resources, his personal issue, his 4 ability to repay the loan. And the lender would be extending 5 credit on that basis to Dr. Heap. We wouldn't say that the 6 lender extended credit to his campaign committee because he 7 happened to be a candidate. 8 And Mesa Sign and Mr. Torgeson make that express 9 throughout their -- throughout his declaration. He talks 12:09:23 10 about Dr. Heap's standing on the Commission -- in -- on -- in 11 the community; talks about Dr. Heap's financial wherewithal 12 as a successful doctor. They talked about Dr. Heap's 13 honorableness and trustworthiness. 14 But what there is no assessment of is the committee 15 or his role as a candidate. The company as a 16 creditworthiness question, could only repay this conceivably 17 and lawfully -- if at all lawfully, right? I'm not conceding 18 it would be lawful -- but if it received the money from the 19 Clean Elections Fund. 12:10:01 20 And likewise, Dr. Heap could not pay it off of his 21 own resources as it relates to the committee because he's 22 limited to a very small amount of personal money -- \$1,910 or 23 something like that -- by his voluntary decision to join the 24 Clean Elections programs. 25 So that's -- so that's what we have there. We have Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

61 1 a sworn statement from Mr. Torgeson that says: I trust 2 Dr. Ralph Heap because he has the money to repay me for his 3 debts. And that is not the question the statute asks for an 4 exemption. It is, in fact, the opposite of what the statute 5 is talking about. And so it's quite clear that Dr. Heap is 6 not entitled to that exception. 7 The thing about the idea of substantially similar 8 terms, we don't get on details on what that -- we hear in the 9 sworn declaration that, that "I'm telling you, this is what I 10 do." But we don't get any details about what those other 11 transactions look like or what they are. 12 We happen to have another Clean candidate whose 13 reports are in the memo who waited until he was authorized by 14 the Secretary of State and then made a purchase from Mesa 15 Sign Shop under the same set of rules. 16 And that deci- -- and that, you know, reporting by 17 David Richardson, that's what the report should look like. 18 And that's not what Dr. Heap's reports looked like at all. 19 We don't have any evidence of any of these 20 contracts, similar or otherwise. We don't have any sense of 21 non- -- you know, you know, they're always, you know, just 22 sort of out in the ether. We don't have an explanation for 23 why if there is an invoice, it hasn't been delivered of 24 Dr. Heap. 25 So we are left with knowledge that there's an Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	63 1 they were deployed; someone incurred an obligation to pay for 2 them and, yet, the transaction should appear nowhere. 3 We know the reason that that's supposed to happen 4 is this exemption, we don't qualify there. 5 So then we get to this question of is there a 6 reason to believe that a loan or advance was made, accepted, 7 and whether or not that was lawful. 8 And that loan -- or advance was not lawful to be 9 accepted by Dr. Heap under 16-941(A)(1) because it was not 10 one of the limited amounts of money that he can take or 11 resources or in-kind contributions, nor could he personally 12 have paid for it on the terms that Mr. Torgeson testified he 13 expects to be repaid because he can only donate \$1,910 to 14 that same campaign. 15 In other words, there is a side transaction outside 16 of the -- that is Dr. Heap, that is outside of Dr. Heap's 17 obligations to the Clean Elections Act and the obligations he 18 signed up for, and that -- and that's not -- that is simply 19 not -- neither falls -- doesn't fall within the exemptions. 20 It is an advance or loan. It had to be reported. 21 It had to be reported whether or not it was lawful 22 to take it had to be reported, and that brings you to his 23 obligations under 16-947 where there are -- and 16-948, his 24 obligations to do his finances through one account in the 25 campaign and his obligation to report that properly. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
62 1 invoice that states the value of this. It states this value 2 is exactly what everybody else was charged, but we don't see 3 it. And Dr. Heap apparently hasn't seen it either. 4 I think that that all makes the affidavit, you 5 know, where it is express and clear, it is saying things to 6 take it out of the statute. And where we probe beyond that 7 to see how we would assess the substantially similar 8 questions, the terms, all of those things, we don't hear 9 anything at all. 10 So, you know, we don't need to resolve all these 11 questions of commercially reasonable collection every 12 circumstance. We need to look at what the affidavit says, 13 what it presents, and what it presents is a business owner 14 making a decision entirely on the basis of the candidate, the 15 person who happens to be a candidate's personal ability to 16 repay. That is not the analysis that the statute calls for. 17 The statutes asks what can the committee do. And to the 18 extent the candidate is part of the committee, how does he 19 fit into that. Well, he's limited to \$1,910. 20 So I think that -- so, I think that takes it out of 21 it. 22 And so, you know, effectively what the response 23 asked the Commission to conclude is the signs existed. They 24 were campaign signs. They were ordered by the candidate or 25 at least on the candidate's good name. They were produced; Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	64 1 So for all those reasons, I don't want to belabor 2 this, I understand the time, but I did want to make those 3 points clear. All of these are briefed extensively in our 4 memo. I think our memo outlines in -- in great detail how 5 other transactions of Mesa Sign Shop operate. They have 6 specific example of another Clean candidate who reported this 7 the way it ought to. And I think that if you hold 8 Mr. Torgeson to his word, which is sworn, that he made this 9 agreement with -- whatever it is and however it's done -- 10 with Dr. Heap, because of Dr. Heap's personal ability to 11 repay and personal trustworthiness, it makes emphatically 12 clear that this was not subject to an exemption. This is the 13 kind of loan or advance that must be reported and in -- and 14 there's a reasonable -- reason to believe that it was 15 unlawful to take. 16 CHAIRMAN KIMBLE: Okay. 17 MR. COLLINS: So that, I think I'll leave it 18 there unless the Commission has any questions. 19 CHAIRMAN KIMBLE: Okay. Any questions for Tom 20 from members of the Commission? 21 COMMISSIONER CRUMP: Mr. Chairman, I have a 22 question. 23 CHAIRMAN KIMBLE: Mr. Crump. 24 COMMISSIONER CRUMP: Yeah, thank you. 25 Mr. Collins, I heard in the allegations today Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

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1 during comments and I think prior to today, that the -- the
2 allegation was that you on behalf of the Commission said he
3 needs to submit his candidate's affidavit to the
4 Commission --
5 MR. COLLINS: Right.
6 COMMISSIONER CRUMP: -- and then he'll get his
7 funds released.
8 MR. COLLINS: Yeah.
9 COMMISSIONER CRUMP: And -- and it was alleged
10 he did submit his candidate's affidavit and therefore now
11 we're bound by that.
12 MR. COLLINS: Yeah.
13 COMMISSIONER CRUMP: My question is --
14 MR. COLLINS: Yeah.
15 COMMISSIONER CRUMP: -- can you tell us, I
16 think it's rather brief, what's in the candidate's affidavit
17 but what -- what those, you know, what he is swearing to I
18 believe under penalty of perjury on that candidate's
19 affidavit for -- for our purposes here?
12:16:27 20 MR. COLLINS: Yeah, and would you like me to
21 address what was alleged as well or no?
22 What -- what -- you want me to address whether or
23 not what I said to -- to --
24 COMMISSIONER CRUMP: No. Thank you,
25 Mr. Chairman.

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1 But, Mr. Collins, what I want to know is really
2 what did he attest to in that candidate's affidavit? Because
3 I believe it is that his -- you know, his -- his financial
4 reporting is true and accurate --
5 MR. COLLINS: That's correct. So -- so --
6 COMMISSIONER CRUMP: -- and based on what you
7 just discussed, in my opinion, it was not.
8 MR. COLLINS: So -- yes. So the form asks him
9 to attest to the fact that he has filed all campaign reports;
10 it asks him to attest that his campaign reports are complete
11 and accurate, including with respect to vendors and
12 subvendors. And it asks him to swear that he has complied
13 with all requirements respecting consultants. And then it
14 asks him to attest that he is, you know, and aver that he
15 knows that if he were to file a late campaign finance report,
16 that the Commission, staff, can initiate a repayment
17 obligation if he doesn't tell the Commission -- and it's the
18 public, really -- where his Clean Elections dollars are
19 within the five-day window, you know, sort of before an
12:17:21 20 enforcement on the Secretary of State's side would start.
21 COMMISSIONER CRUMP: Okay. Thank you,
22 Mr. Chair, Mr. Collins.
23 So if I as one of the Commissioners believe and I
24 look at the signed candidate affidavit under that Subsection
25 (A) --

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1 MR. COLLINS: Yeah.
2 COMMISSIONER CRUMP: -- and I find it not to
3 be true and correct because of this sign and, you know,
4 incurring debt, et cetera, then would it be logical in your
5 assessment of this Subsection (G) that I could form an
6 opinion that that was either fraudulent -- fraudulent or
7 illegal activity?
8 MR. COLLINS: Well, I think that -- yes. I
9 think that if you found that the actual document itself in --
10 in lieu of the facts was itself an illegal act, essentially,
11 because it does not represent the reality that it swears it
12 represents, I believe that it would be illegal activity.
13 And I would add one other legal point under
14 R2-20-222, were the Commission were to find reason to
15 believe, the Commission can withhold funds under that basis
16 as well.
17 So, you know. So -- so, you know, so -- so, yes.
18 I think the answer to your direct -- your question, I agree
19 with you that if you were to file -- swear out something that
12:18:42 20 is true and the evidence is that that's not true, that that
21 is illegal activity.
22 COMMISSIONER CRUMP: Thank you, Mr. Chairman.
23 CHAIRMAN KIMBLE: Thank you, Commissioner
24 Crump.
25 Any other questions or comments from members of the

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1 Commission?
2 (No audible response.)
3 CHAIRMAN KIMBLE: Mr. LaSota, do you have any
4 brief comments to make regarding Item III?
5 MR. LA SOTA: I do. And I think -- I think
6 Mr. Collins his -- his attempt to -- to rebut the affidavit
7 continues to fail. It continues to be a moving target. Now
8 he seizes on this -- I don't know what he's talking about
9 with this, that there's a difference between the candidate
10 and the candidate's committee. I think Mr. Torgeson and
11 anyone else who is actually in business would disagree.
12 And -- and, by the way, that's not true that --
13 that payment is conditioned on -- on qualifying for Clean
14 Elections, because if he doesn't qualify, then he's not a
15 Clean Elections candidate, and he can raise personal funds.
16 So that's not true.
17 But this whole -- this whole attempt to -- to draw
18 this distinction between the committee and the candidate
19 is -- is just a total fiction. And it's just, again --
12:20:02 20 it's -- it sort of speaks to an agenda here, which is to
21 basically -- basically deprive Dr. Heap of his funds. There
22 is a clear agenda.
23 And now I know Mr. Collins thinks that the
24 integrity of Clean Elections is at stake, but he always
25 thinks that. I mean, and -- and, you know, he starts out his

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69 1 comments with, oh, well, you know, this is really, really 2 preliminary, and, you know, this is not any kind of a 3 finding. There is a whole process and this is preliminary 4 and we need to -- to really get into the details, and -- but 5 it's cut off Dr. Heap's money based on that preliminary 6 finding that he poo-poops. 7 So now in terms of -- the other thing that he 8 doesn't mention is the statute makes a comparison not between 9 political debtors or people who are extended credit -- 12:21:36 10 debtors is the wrong word -- not between political. It 11 makes the distinction between political and nonpolitical. 12 And if you saw Mr. Torgeson's affidavit, it talked 13 about a large institutional investor -- excuse me, not 14 investor. Large, large institutional player that orders 15 signs from him, that I think is 120 days overdue. 16 So, I mean, you know, again we shift around. Now 17 we've settled on this distinction, and we have this analogy 18 with buying a Buick. That is just -- I don't really even 19 understand what he's saying. It's not true. It's not 12:22:11 20 commercially realistic. It's once again trying to find 21 something to seize on. 22 Now the last thing -- I also wanted to say that -- 23 yeah. I mean, if -- if Heap is out, then he can raise 24 personal funds. 25 And -- and he could have withdrawn before, right? Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	71 1 release the funds. If you don't, then I would ask that 2 you -- you discharge him from the program. 3 Thank you. 4 CHAIRMAN KIMBLE: Thank you, Mr. LaSota. 5 Any comments from members of the Commission, or 6 does any member of the Commission wish to make a motion? 7 COMMISSIONER WERTHER: Mr. Chairman, I don't 8 need to go into executive session, but I didn't want to speak 9 for anybody else in case someone else wanted to do that. 12:24:22 10 CHAIRMAN KIMBLE: I -- I didn't -- I haven't 11 heard any motion from anyone that we go into executive 12 session. 13 COMMISSIONER WERTHER: Okay. So Mr. Chairman, 14 I wanted to make a motion, but before I did that, I just 15 wanted to thank all those who were speaking today, especially 16 those voters. Specifically, I just wanted to clarify we were 17 never here to remove anybody from the ballot. I just wanted 18 to make that clarification. This is just about funding. 19 And so my motion would be -- there's going to be 12:24:52 20 two separate motions I think is what I -- I think is probably 21 the best course of action. 22 So one is to move to release the Clean funding to 23 Dr. Heap pursuant to that rule, R2-20-106(A). Yeah, that's 24 the first motion. 25 CHAIRMAN KIMBLE: Okay. Thank you, Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
70 1 I mean, just because, you know, he chooses to -- to -- to not 2 go through this process. And he made the application to 3 withdraw before. I mean, he could have just decided right in 4 the middle of it he wanted to raise private money, and then 5 could, you know, in any -- anything that there was that 6 extension of credit on he could pay with -- with private 7 funds to raise. 8 So I -- I think that -- I think we're -- we're sort 9 of grasping for a reason to -- to stick it to Dr. Heap as a 12:22:57 10 matter of first impression, a nice euphemism that Mr. Collins 11 used at the outset. 12 So I don't know if the fact that we just went 13 straight to Item III means we're not making a decision on 14 Item I. But, you know, I think the committee needs to -- 15 needs to release the funds. And if it fails to do the job 16 it's legally required to do, then -- then we would ask that 17 he be released from the overall program. 18 And I think this is a word to the wise, especially 19 those of a certain political persuasion about, you know, you 12:23:35 20 might want to think twice about becoming a Clean Elections 21 candidate. Because -- and I know what you said, 22 Mr. Chairman. I disagree with you completely. This 23 Commission has always been more interested in complaints 24 against Republicans than complaints against Democrats. 25 So I would ask that you -- that you release Dr. -- Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	72 1 Commissioner Werther. 2 Is there a second? 3 Commissioner Paton, were you seconding that? 4 COMMISSIONER PATON: I'll second it, yes. 5 CHAIRMAN KIMBLE: Okay. Thank you. 6 It's been moved and seconded that we release the 7 funds to Dr. Heap. I will call the roll. 8 Commissioner Werther. 9 COMMISSIONER WERTHER: Aye. 12:25:30 10 CHAIRMAN KIMBLE: Commissioner Paton. 11 COMMISSIONER PATON: Aye. 12 CHAIRMAN KIMBLE: Commissioner Crump. 13 COMMISSIONER CRUMP: No. 14 CHAIRMAN KIMBLE: Chair votes aye. 15 Commissioner Titla had a commitment and had to 16 leave. So the motion passes 3-to-1. 17 Am I correct about that? Yes. 18 Okay. Commissioner Werther, you said you had a 19 second motion. 12:25:58 20 COMMISSIONER WERTHER: Yes, Mr. Chairman. And 21 I'm just trying to make sure I have the right language here 22 for how to do this. I'm looking at the... 23 I'd like to move that the Commission finds there is 24 reason to believe that Dr. Heap has violated a statute or 25 rule of which the Commission has jurisdiction and to proceed Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

1 with an investigation.
2 CHAIRMAN KIMBLE: Is there a second to
3 Commissioner Werther's motion?
4 COMMISSIONER PATON: I'll second it. It's
5 Paton.
6 CHAIRMAN KIMBLE: Thank you.
7 It's been moved and seconded that we find that
8 there's reason to believe in MUR 26-06 that he has -- can you
9 restate?
12:26:50 10 COMMISSIONER WERTHER: Violated a statute or
11 rule for which the Commission has jurisdiction.
12 CHAIRMAN KIMBLE: -- violated a statute or
13 rule.
14 It's been moved and seconded. I will call the
15 roll.
16 Commissioner Werther.
17 COMMISSIONER WERTHER: Aye.
18 CHAIRMAN KIMBLE: Commissioner Paton.
19 COMMISSIONER PATON: Aye.
12:27:01 20 CHAIRMAN KIMBLE: Commissioner Crump.
21 COMMISSIONER CRUMP: Aye.
22 CHAIRMAN KIMBLE: Chair votes aye.
23 The motion is approved 4-to-nothing.
24 We're going to move straight to adjournment. Item
25 V, adjournment.

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1 If there's no further business, I would entertain a
2 motion to adjourn.
3 COMMISSIONER WERTHER: Mr. Chairman, I move to
4 adjourn.
5 CHAIRMAN KIMBLE: Thank you, Commissioner
6 Werther.
7 Is there a second?
8 COMMISSIONER PATON: I'll second it. Paton.
9 CHAIRMAN KIMBLE: Thank you, Commissioner
12:27:26 10 Paton.
11 It's moved and seconded that we adjourn. I will
12 call the roll.
13 Commissioner Werther.
14 COMMISSIONER WERTHER: Aye.
15 CHAIRMAN KIMBLE: Commissioner Paton.
16 COMMISSIONER PATON: Aye.
17 CHAIRMAN KIMBLE: Commissioner Crump.
18 COMMISSIONER CRUMP: Aye.
19 CHAIRMAN KIMBLE: Chair votes aye.
12:27:39 20 We are adjourned. Thank you.
21 (Proceedings conclude at 12:27 p.m.)
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24
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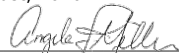
C E R T I F I C A T E

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2
3 STATE OF ARIZONA)
4) ss.
5 COUNTY OF MARICOPA)
6
7

8 BE IT KNOWN that the foregoing proceedings were
taken before me, Angela Furniss Miller, Certified Reporter
No. 50127, all done to the best of my skill and ability;
that the proceedings were taken down by me in shorthand and
thereafter reduced to print under my direction.
9

10 I CERTIFY that I am in no way related to any of the
parties hereto nor am I in any way interested in the outcome
thereof.
11

12 I FURTHER CERTIFY that I have complied with the
requirements set forth in ACJA 7-206. Dated at Litchfield
Park, Arizona, this 17th of August, 2026.
13
14


Angela Furniss Miller, RPR, CR
CERTIFIED REPORTER (AZ50127)
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17
18 I CERTIFY that Miller Certified Reporting, LLC, has
complied with the requirements set forth in ACJA 7-201 and
7-206. Dated at LITCHFIELD PARK, Arizona, this 17th of
August, 2026.
19
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