

1 THE STATE OF ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION <u>REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING</u> Phoenix, Arizona September 10, 2026 2:30 p.m. MILLER CERTIFIED REPORTING, LLC RRF Number R1058 12725 West Indian School Road Suite F-100 Avondale, Arizona 85392 623-975-7472 Office@MillerCertifiedReporting.com Prepared By: Angela Furniss Miller, RPR Certified Reporter Certificate No. AZ50127 Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	3 P R O C E E D I N G CHAIRMAN KIMBLE: Good afternoon. I'm Mark Kimble, Chair of the Citizens Clean Elections Commission. It's 2:30 p.m. on Thursday, September 10th, 2026. I call this meeting of the Citizens Clean Elections Commission to order. With that, we will take attendance. Commissioners, please identify yourselves for the record. COMMISSIONER CRUMP: Sam Crump. COMMISSIONER TITLA: Steve Titla, present. COMMISSIONER PATON: Galen Paton. COMMISSIONER WERTHER: Christina Werther. CHAIRMAN KIMBLE: Thank you, Commissioners. All five of us are here. We obviously have a quorum. Also present are Tom Collins, the Executive Director of the Arizona Citizens Clean Elections Commission; and Craig Morgan from Taft Law acting solely as the Commission's independent legal advisor for MUR 26-06. Item II. Review, consideration, discussion, analysis and possible action on the participating candidate Dr. Ralph Heap's proposed public administrative settlement of MUR 26-06. The purpose of this special meeting is to consider the proposal we -- we received from Dr. Ralph Heap, a public Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
2 VIRTUAL PUBLIC MEETING, BEFORE THE CITIZENS CLEAN ELECTIONS COMMISSION, convened at 2:30 p.m. on September 10, 2026, at the State of Arizona, Citizens Clean Elections Commission, in the presence of the following Board Members: Mr. Mark S. Kimble, Chairman Mr. Galen Paton Ms. Christina Werther Mr. Steve Titla Mr. Sam Crump OTHERS PRESENT: Thomas Collins, Executive Director Paula Thomas, Executive Officer Mike Becker, Policy Director Gina Roberts, Voter Education Director Avery Xola, Voter Education Manager Alec Shaffer, Web Content Manager Craig Morgan, Taft Law Angela Miller, Miller Certified Reporting Cathy Herring, KCA + tech MEMBERS OF THE PUBLIC: Erica Leavitt, Holtzman Vogel Nick Myers Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	4 administrative settlement of MUR 26-06. For those of you joining us in the meeting and the live stream, the order of this item will be as follows: First, we will hear from Mr. LaSota or another attorney in his stead on behalf of Dr. Heap. Second, we will hear from the Clean Elections' staff. Then we will hear from Mr. LaSota or his co-counsel again today if he has anything to add. Next we will take public comment on this item. We will ask the speakers identify themselves for the record and limit their comments to no more than three minutes. If you're a member of the public and wish to make a comment, please use the "raise hand" feature in Zoom and I will call on individuals one at a time. When your name is called, please unmute -- unmute yourself and state your full name for the record before beginning your comments. To raise your hand in Zoom, click the "react" icon in the bottom tool bar and select "raise hand." Please keep your mic or phone on mute until we ask for your comment. At any point the members of the Commission may vote to go into executive session to seek legal advice from our independent legal advisor, Craig Morgan. Neither the public, nor Mr. LaSota, nor the Executive Director will be permitted in an executive session. With that, does any member of the Commission wish to make a comment or make a motion to go into executive Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

5 1 session? 2 (No audible response.) 3 CHAIRMAN KIMBLE: Anyone? 4 COMMISSIONER WERTHER: Sorry, Chairman. Just 5 for clarification, did you say we were going to hear from 6 members first or... 7 CHAIRMAN KIMBLE: Well, that's a good point. 8 I screwed that up. Yes. 9 Thank -- thank you, Commissioner Werther. 10 Who -- who is here representing Dr. Heap? 11 Ms. Leavitt, is that you? 12 MS. LEAVITT: Yes, that's me. 13 CHAIRMAN KIMBLE: Okay. 14 MS. LEAVITT: I'm here on behalf of Tim LaSota 15 -- or, on behalf of Dr. Heap -- 16 CHAIRMAN KIMBLE: Okay. 17 MS. LEAVITT: -- instead of Tim LaSota. 18 CHAIRMAN KIMBLE: Okay. Thank you. Do you 19 have any comments you wish to make at this time? 20 MS. LEAVITT: Yeah, if -- if you're ready to 21 hear from me, I'm ready to speak. 22 CHAIRMAN KIMBLE: We are ready. 23 MS. LEAVITT: Okay. Perfect. Thank you guys 24 for taking the time to hear what I have to say today. 25 Dr. Heap has proposed a public administrative Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	7 1 administrative settlement with the Commission. 2 And a settlement of course, as you know, requires 3 two parties. If the Commission refuses to engage or even 4 make a counterproposal, the settlement option can never be 5 used. And Arizona courts do not read statutes in a way that 6 makes any provision meaningless. 7 Unfortunately, that's what's happening here. In 8 his September 4th, 2026, letter, Director Collins rejected -- 9 or recommended rejecting Dr. Heap's settlement proposal and 10 said that there would be no counterproposal and that his 11 focus was on completing the investigation. 12 He also argues that the 14-day period concerns only 13 the Respondent's options and is not a deadline for the 14 Commission. But we believe that this is inconsistent with 15 the rule as it requires the Executive Director to attempt 16 settlement as authorized by ARS 16-957(A). 17 That language ties the Executive Director's 18 mandatory duty directly to the statutes. So the rule 19 requires the Executive Director to attempt to settle under a 20 statute that gives the Respondent 14 days to settle before 21 penalties can begin. 22 The duty and the protected window work together. 23 Director Collins cannot say the 14-day period is the 24 Respondent's problem alone, when his own rule requires him to 25 attempt settlement under the authority of the very statute Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
6 1 settlement of MUR 26-06. The proposed terms as you guys are 2 aware is (A), no admission of wrongdoing; (B), resolution of 3 MUR 26-06; (C), Dr. Heap's waiver of claim challenging the 4 validity of the Commission's administrative rules as applied 5 to this matter; and (D), Dr. Heap's withdrawal from the Clean 6 Elections program. 7 Director Collins has indicated that he does not 8 intend to engage in settlement negotiations, but it is our 9 position that the legal framework requires that the 10 Commission engage with settlement negotiations. The 11 Commission's own rules require that the Executive Director 12 attempt settlement. 13 In fact, AAC R2-20-216(A) says that when the 14 Commission finds probable cause, the director, quote, shall 15 attempt, end quote, to settle the matter, and shall attempt 16 to reach a tentative conciliation agreement with the 17 Respondent. 18 And the word is "shall." It's not "may." This is 19 a mandatory duty. The rule ties that duty directly to the 20 statute that governs this very proceeding. 21 It directs the Executive Director to attempt 22 settlement as authorized by ARS 16-957(A), and that's the 23 statute that's before you today. It gives the Respondent the 24 three options during the 14-day compliance period: Provide 25 an explanation, comply with the order, or enter into a public Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	8 1 during that very period. 2 Going on to the letter that he provided, he 3 suggested that the investigation is incomplete and that 4 Dr. Heap has not cooperated, but the record does not support 5 that. Dr. Heap's counsel responded to the complaint on 6 August 7th, 2026, with a detailed legal brief as well as 7 Mr. Torgenson's sworn declaration. On September 7th, counsel 8 provided -- or produced bank statements from Dr. Heap's 9 campaign account, transaction records, cleared checks, vendor 10 invoices from Mesa Sign Shop, Uncle Sam's Petitions, and Moir 11 & Associates -- and the Moir & Associates' agreement, all in 12 response to the Commission's req- -- to the Commission's 13 request. 14 To the extent an objection was raised to the one 15 request, that was on proportionality grounds. The request 16 for records regarding any service provided to the campaign 17 was far beyond the scope of this particular case which 18 concerns a single Mesa Sign Shop transaction. The responsive 19 documents were still produced notwithstanding that objection. 20 As far as the outstanding subpoena, that was 21 directed at Mesa Sign Shop and not at Mr. -- at Dr. Heap. 22 Mesa Sign Shop has a separate -- is a separate business 23 entity and has retained its own independent counsel. 24 Dr. Heap has no legal authority to compel a third-party 25 vendor to respond to the Commission's subpoena. Mesa's Sign Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

9 1 Shop's timeline should not be attributed to Dr. Heap or used 2 as a basis to reject his settlement proposal. 3 Dr. Heap has provided everything within his 4 possession and control. 5 The -- this -- this Commission is very aware of 6 Dr. Heap's position on the credit terms extended to 7 Dr. Heap's campaign, so I won't go through that again unless 8 the -- the Commission would like me to. 9 Right now the election is two months away. 14:39:20 10 Dr. Heap wants to put this behind him and he wants to run his 11 campaign. And he's hopeful that this Commission will either 12 accept his terms or provide a counteroffer and engage in good 13 faith settlement negotiations as it's required to under its 14 rule and under its statute. He's come to the table in good 15 faith and he's hopeful that the Commission will do the same. 16 That's all I have. 17 CHAIRMAN KIMBLE: Thank you, Ms. Leavitt. 18 MS. LEAVITT: You're welcome. 19 CHAIRMAN KIMBLE: Mr. Collins, do you have any 14:39:55 20 comments you wish to make at this time? 21 MR. COLLINS: Just a few clarifying comments. 22 I think that the rule that Ms. Leavitt cited, R2-20-216, is a 23 rule that by its terms has not come into effect yet. The 24 rule's premise is that upon a finding of probable cause, 25 which is a later decision before the Commission, the Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	11 1 So that's the timeline here. There was a period of 2 time, we got a letter Tuesday, we got documents Wednesday, 3 and here we are. 4 My letter, which is in the record, you can read it 5 if you haven't -- it was addressed to you, so I presume you 6 have -- you know, merely states that, yeah, I -- I'm not in a 7 position where I -- I have a counter to make because I don't 8 have the information that the Commission found reasonable 9 cause, reason to believe on, and I am in the process of 14:43:26 10 determining that. 11 So how I might go beyond where I am as a practical 12 matter doesn't make a lot of sense. We're not under 13 R2-20-216 by its terms and 16-957 speaks for itself. It does 14 not place a burden on the Commission and -- and so I guess 15 that's pretty -- that's all I really have to say. 16 I -- I -- and I'm happy to take questions if you 17 have any, Commissioners. Thank you. 18 CHAIRMAN KIMBLE: Thank you, Mr. Collins. 19 Ms. Leavitt, do you have any brief comments you 14:44:03 20 want to make in response? 21 MS. LEAVITT: Just simply if -- if -- 22 if Director Collins doesn't believe that he is under an 23 obligation, how, again, I stress for section (A) if -- if he 24 doesn't believe that he is required to enter into or engage 25 in any settlement negotiations, it completely negates the end Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
10 1 Executive Director shall engage in a conciliation discussion. 2 So I don't think that's ripe. I don't think 3 that -- whatever that "shall" means there, we aren't at that 4 point. 5 I think with respect to the documents that -- 6 Mr. LaSota produced a letter to me on the 7th that stated he 7 was producing documents; he did not provide the documents 8 until September -- it looks like -- well, I should say this. 9 The letter is dated September 7th, it was received 14:41:27 10 September 8th; and then on September 9th we received the 11 documents. And, you know, I got to be honest with you, I 12 would -- I, you know, I'm a little uncomfortable getting into 13 the details in front of the Commission of what those 14 documents do and do not cover, because that's getting ahead 15 of the -- that's getting ahead of ourselves and -- and 16 putting -- frankly, putting -- puts the Commission and me in 17 an awkward position with respect to Mr. Heap's own rights 18 we're trying to respect. 19 So I -- I think that -- suffice it to say, that 14:42:25 20 letter promising the documents was received the 8th, 21 documents were received the 9th. My letter was the 2nd -- or 22 the sec- -- my letter was the 4th. So -- but yes, the 23 request had been outstanding since the 17th, or something 24 like that, or the 20th, somewhere in there; there has been at 25 least one extension granted. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	12 1 of 16-957(A), which -- that's contrary to case law. 2 CHAIRMAN KIMBLE: Okay. Thank you. 3 Do any members of the Commission have any comments 4 at this time or any questions for either Mr. Collins or 5 Ms. Leavitt? 6 (No audible response.) 7 CHAIRMAN KIMBLE: Hearing none, does any 8 member of the Commission wish to make a motion to go into 9 executive session? 14:45:08 10 COMMISSIONER WERTHER: Mr. Chairman, I would 11 like to make a motion to go into executive session for this 12 matter. 13 CHAIRMAN KIMBLE: Thank you, Commissioner 14 Werther. 15 Is there a second? 16 COMMISSIONER PATON: I'll second. Paton. 17 COMMISSIONER TITLA: Yeah, I'll -- 18 CHAIRMAN KIMBLE: Is that Commissioner Paton 19 seconded? 14:45:24 20 COMMISSIONER PATON: Correct. 21 CHAIRMAN KIMBLE: It's moved and seconded we 22 go into executive session. I will call the roll. 23 Commissioner Werther. 24 COMMISSIONER WERTHER: Aye. 25 CHAIRMAN KIMBLE: Commissioner Crump. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

13 1 COMMISSIONER CRUMP: Aye. 2 CHAIRMAN KIMBLE: Commissioner Paton. 3 COMMISSIONER PATON: Aye. 4 CHAIRMAN KIMBLE: Commissioner Titla. 5 COMMISSIONER TITLA: Aye. 6 CHAIRMAN KIMBLE: Chair votes aye. We will go 7 into an executive session. 8 (Whereupon the proceeding is in executive session 9 from 2:45 p.m. until 3:01 p.m.) 14:45:41 10 11 * * * * * 12 13 (Whereupon all members of the public are present 14 and the proceeding resumes in general session.) 15 CHAIRMAN KIMBLE: We are back in open session. 16 Do any members of the Commission have any 17 additional comments or questions at this time? 18 (No audible response.) 19 CHAIRMAN KIMBLE: Hearing none, does any 15:01:43 20 member of the Commission wish to make a motion? 21 COMMISSIONER WERTHER: Mr. Chairman, I'd like 22 to make a statement and then make a motion. 23 So at this time, you know, the Commission's only 24 made reason-to-believe findings, we've not yet even gotten to 25 the probable cause stage. So I believe the statute that was Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	15 1 Public comment. We now move to Item III. This is 2 the time for comments and suggestions from the public. If 3 you're a member of the public and wish to make a comment, 4 please use the "raise hand" feature in Zoom and I will call 5 on individuals one at a time. Please note the Commissioners 6 may have questions for you. Please limit your remarks to 7 items within the Commission's authority. 8 Action taken as a result of public comment is 9 limited by statute to directing staff to study the matter, 15:03:37 10 responding to criticism, or scheduling it for further 11 consideration. You may also send comments to the Commission 12 at ccec@azcleelections.gov. 13 Do we have anyone in person or on Zoom wishing to 14 comment? 15 (No audible response.) 16 CHAIRMAN KIMBLE: I don't believe we do. 17 So we'll move on to Item IV, adjournment. There's 18 no further business, I would entertain a motion to adjourn. 19 COMMISSIONER WERTHER: Mr. Chairman, I move to 15:04:11 20 adjourn. 21 CHAIRMAN KIMBLE: Thank you, Commissioner 22 Werther. 23 Is there a second? 24 COMMISSIONER CRUMP: I'll second. 25 CHAIRMAN KIMBLE: Thank you, Commissioner Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
14 1 referenced, 16-957, and also the rule, the R2-20-216, are not 2 even operative at this point. I think when we get there, I 3 think we'd welcome good faith discussions. But we're not 4 there yet because it's just not proper at this time. 5 So I would move to reject Dr. Heap's proposed 6 public administrative settlement of MUR 20-06 [verbatim]. 7 CHAIRMAN KIMBLE: Thank you, Commissioner 8 Werther. 9 Is there a second to Commissioner Werther's motion? 15:02:36 10 COMMISSIONER CRUMP: I'll second. 11 COMMISSIONER PATON: Second. Paton. 12 CHAIRMAN KIMBLE: I heard Commissioner Paton 13 first. 14 So it's been moved and seconded that we reject the 15 proposal by Dr. Heap. I will call the roll. 16 Commissioner Werther. 17 COMMISSIONER WERTHER: Aye. 18 CHAIRMAN KIMBLE: Commissioner Crump. 19 COMMISSIONER CRUMP: Aye. 20 CHAIRMAN KIMBLE: Commissioner Paton. 21 COMMISSIONER PATON: Aye. 22 CHAIRMAN KIMBLE: Commissioner Titla. 23 COMMISSIONER TITLA: Aye. 24 CHAIRMAN KIMBLE: Chair votes aye. Commission 25 votes to reject Dr. Heap's proposal 5-to-0. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	16 1 Crump. 2 It's been moved and seconded that we adjourn. I 3 will call the roll. 4 Commissioner Werther. 5 COMMISSIONER WERTHER: Aye. 6 CHAIRMAN KIMBLE: Commissioner Crump. 7 COMMISSIONER CRUMP: Aye. 8 CHAIRMAN KIMBLE: Commissioner Paton. 9 COMMISSIONER PATON: Aye. 10 CHAIRMAN KIMBLE: Commissioner Titla. 11 COMMISSIONER TITLA: Aye. 12 CHAIRMAN KIMBLE: Chair votes aye. We are 13 adjourned. Thank you. 14 (Whereupon the proceeding concludes at 15 3:04 p.m.) 16 17 18 19 20 21 22 23 24 25 Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

1 C E R T I F I C A T E

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

7 BE IT KNOWN that the foregoing proceedings were
8 taken before me, Angela Furniss Miller, Certified Reporter
9 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.

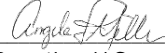
10 I CERTIFY that I am in no way related to any of the
11 parties hereto nor am I in any way interested in the outcome
thereof.

12 I FURTHER CERTIFY that I have complied with the
13 requirements set forth in ACJA 7-206. Dated at Litchfield
14 Park, Arizona, this 15th of September, 2026.

15 
Angela Furniss Miller, RPR, CR
16 CERTIFIED REPORTER (AZ50127)

17 * * *

18 I CERTIFY that Miller Certified Reporting, LLC, has
19 complied with the requirements set forth in ACJA 7-201 and
20 7-206. Dated at Avondale, Arizona, this 15th of
September, 2026.

21 
Miller Certified Reporting, LLC
22 Arizona RRF No. R1058
23
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1	adjourn [3] - 15:18, 15:20, 16:2 adjourned [1] - 16:13 adjournment [1] - 15:17 administrative [6] - 3:22, 4:1, 5:25, 6:4, 7:1, 14:6 admission [1] - 6:2 advice [1] - 4:20 advisor [2] - 3:19, 4:21 afternoon [1] - 3:3 agreement [2] - 6:16, 8:11 ahead [2] - 10:14, 10:15 alone [1] - 7:24 analysis [1] - 3:21 applied [1] - 6:4 argues [1] - 7:12 Arizona [2] - 3:17, 7:5 ARS [2] - 6:22, 7:16 Associates [1] - 8:11 Associates' [1] - 8:11 attempt [7] - 6:12, 6:15, 6:21, 7:15, 7:19, 7:25 attendance [1] - 3:8 attorney [1] - 4:5 attributed [1] - 9:1 audible [4] - 5:2, 12:6, 13:18, 15:15 August [1] - 8:6 authority [3] - 7:25, 8:24, 15:7 authorized [2] - 6:22, 7:16 aware [2] - 6:2, 9:5 awkward [1] - 10:17 aye [15] - 12:24, 13:1, 13:3, 13:5, 13:6, 14:17, 14:19, 14:21, 14:23, 14:24, 16:5, 16:7, 16:9, 16:11, 16:12	brief [2] - 8:6, 11:19 burden [1] - 11:14 business [2] - 8:22, 15:18	4:24, 6:10, 6:14, 7:1, 7:3, 7:14, 9:5, 9:8, 9:11, 9:15, 9:25, 10:13, 10:16, 11:8, 11:14, 12:3, 12:8, 13:16, 13:20, 14:24, 15:11	criticism [1] - 15:10 CRUMP [6] - 3:10, 13:1, 14:10, 14:19, 15:24, 16:7 Crump [5] - 3:10, 12:25, 14:18, 16:1, 16:6
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