

STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION

MUR: No. 14-010 JAMESCITA PESHAKAI

STATEMENT OF REASONS OF EXECUTIVE DIRECTOR

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On behalf of the Citizens Clean Elections Commission (“Commission”), the Executive Director hereby provides the Statement of Reasons showing reason to believe that violations of the Citizens Clean Elections Act and or the Commission rules (collectively, the “Act”) may have occurred.

**I. Procedural Background**

On July 21, 2014, the Commission sponsored a candidate debate for state legislative candidates in District 7. Jamescita Peshlakai, a participating candidate, submitted an RSVP indicating she would attend the scheduled the debate. On July 22, 2014, Ms. Peshlakai notified Commission staff was unable to attend the debate the prior evening. She indicated she became very ill prior to traveling to the debate and had to seek medical attention from her physician. On July 24, 2014, Ms. Peshlakai provided a letter detailing her absence and a signed note from her physician confirming her illness. (Exhibit A)

**II. Alleged Violations**

1. Respondent failed to attend mandatory debate

Participating candidates are required to attend and participate in a candidate debate sponsored by the Commission in accordance with A.R.S. § 16-956(A)(2) and A.A.C. R2-20-107(E). Although A.A.C. R2-20-107 requires a participating candidate submit a written request for exemption at least one week prior to the debate, Ms. Peshlakai could not have foreseen her illness at that time. She notified Commission staff as soon as possible that she had been unable

to attend the required debate. Additionally, Ms. Peshlakai's physician confirmed she was unable to attend the debate due to her illness. Ms. Peshlakai should be granted an exemption for good cause, as defined by A.R.S. §16-918(E). For these reasons, I recommend the Commission find there is no reason to believe the Respondent violated A.R.S. § 16-956(A)(2) and A.A.C R2-20-107(E).

### **III. Investigation After Reason to Believe Finding**

If the Commission determines by an affirmative vote of at least three (3) of its members that it has reason to believe a respondent has violated a statute or rule over which the Commission has jurisdiction, the Commission shall notify such respondent of the Commission's finding setting forth: (i) the sections of the statute or rule alleged to have been violated; (ii) the alleged factual basis supporting the finding; and (iii) an order requiring compliance within fourteen (14) days. During that period, the Respondent may provide any explanation to the Commission, comply with the order, or enter into a public administrative settlement with the Commission. A.R.S. § 16-957(A) & A.A.C. R2-20-208(A).

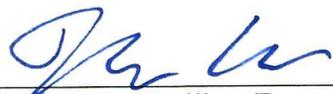
After the Commission finds reason to believe that a violation of a statute or rule over which the Commission has jurisdiction has occurred, the Commission shall conduct an investigation. A.A.C. R2-20-209(A). The Commission may authorize the Executive Director to subpoena all of the Respondent's records documenting disbursements, debts, or obligations to the present, and may authorize an audit.

Upon expiration of the fourteen (14) days, if the Commission finds that the alleged violator remains out of compliance, the Commission shall make a public finding to that effect and issue an order assessing a civil penalty in accordance with A.R.S. § 16-942, unless the

Commission publishes findings of fact and conclusions of law expressing good cause for reducing or excusing the penalty. A.R.S. § 16-957(B).

After fourteen (14) days and upon completion of the investigation, the Executive Director will recommend whether the Commission should find probable cause to believe that a violation of a statute or rule over which the Commission has jurisdiction has occurred. A.A.C. R2-20-214(A). Upon a finding of probable cause that the alleged violator remains out of compliance, by an affirmative vote of at least three (3) of its members, the Commission may issue of an order and assess civil penalties pursuant to A.R.S. § 16-957(B). A.A.C. R2-20-217.

Dated this 19<sup>th</sup> day of August, 2014.

By:   
Thomas M. Collins, Executive Director

# EXHIBIT A

July 24,2014

Jamecita Mae Peshlakai  
Candidate LD7 Senate  
PO Box 344  
Cameron, Arizona  
86020  
928-606-4998  
tinapesh@gmail.com

Arizona Clean Elections Commission  
Commissioner Collins  
C/O Sara Larsen  
1616 W. Adams, Suite 110  
Phoenix, AZ 85007  
602-364-3477  
[ccec@azcleelections.gov](mailto:ccec@azcleelections.gov)

Dear Commissioner Collins,

Please accept this letter as formal notification that I was unable to attend the Clean Election Commission's mandatory candidate debate on July 21<sup>st</sup>, 2014 due to illness.

It was a sudden, unexpected physical event that made it impossible for me to drive the second half of the 200 mile, 3 hour long drive.

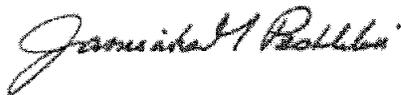
I was able to see my regular doctor the next day and I am taking a few days off. It is a private matter that may impact the rest of my campaign schedule. My doctor wrote a note for me as I was not sure how much information was required. I will be able to fully address the matter after the primary.

I respectfully request that I not be penalized the fine for missing the Clean Elections candidate debate. During the 2012 campaign, I did attend the debate in Pinetop-Lakeside and was prepared to attend this time as well. I understand the importance of the debate and was not able to attend for reasons beyond my control.

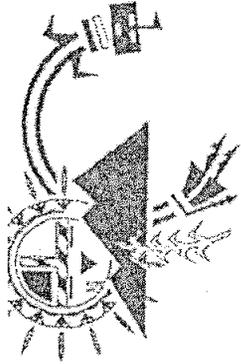
With my issued medication and I will be able to make the Clean Elections Training on 7/29/2014.

Please let me know if I can provide any further information.

Sincerely,



Jamecita Mae Peshlakai  
Candidate for Legislative District 7 Senate



Sacred Peak Health Center  
Tuba City Regional Health Care Corporation

3480 East Route 66  
Flagstaff, Arizona 86004  
(928) 863-7333

7/22/14

Jansanta Pishlakai was seen today.

Please excuse from work and other  
responsibilities as needed.

Thank you

Gwen Breiher MD