

Timothy A. La Sota, PLC
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October 12, 2016

Mr. Thomas Collins
Executive Director
Arizona Clean Elections Commission
1616 W Adams St # 110
Phoenix, AZ 85007

Re: Residency of clean elections candidate Michael Muscato

Dear Mr. Collins:

This firm represents state Senator Judy Burges, a candidate for the state Senate in legislative district 22.

I write to bring to your attention a very serious matter involving the residency of Michael Muscato, who is a candidate for the state Senate in legislative district 22 and a participant in the Clean Elections system.

Mr. Muscato filed his nomination paper with the Arizona Secretary of State claiming, under oath, to reside at 9601 W. Cielo Grande, Peoria, Arizona 85383. (Attachment 1). This address is in legislative district 22. Pursuant to Arizona Revised Statutes § 16-947, Mr. Muscato was also required to file an application for certification as a Clean Elections Candidate with the Secretary of State's Office. In this form, all participating candidates are required to attest to the district that they reside in. https://www.azsos.gov/sites/azsos.gov/files/campaign_finance_guide_7-21-2015.pdf In addition, A.R.S. § 16-311(A) requires that a candidate reside in the legislative district that he seeks to represent. ("A candidate for public office shall be a qualified elector at the time of filing and shall reside in the county, district or precinct that the person proposes to represent.")

The problem with Mr. Muscato's claim to be a resident of legislative district 22 is that a document he filed with Maricopa County in order to secure more favorable tax treatment on a residential property he owns lists his address as 224 W Ridgecrest in Phoenix. (Attachment 2). This address is not in legislative district 22.

A review of parcel records shows that the address of 9601 W. Cielo Grande in Peoria apparently belongs to Mr. Muscato's parents, Archangel and Linda Muscato. (Attachment 3). This property is also listed as owner occupied.

Mr. Thomas Collins
October 12, 2016

Attachment #3 raises additional questions. Most importantly, why would someone with a family of four who just purchased a home in 2015 insist on living with his parents instead of the home he purchased? And clearly the answer is not that Mr. Muscato is renting out his house outside of legislative district 22. If he were, he would have to change the tax classification on the property.

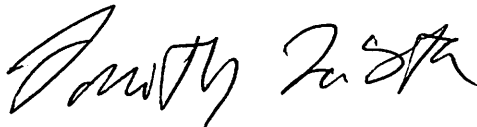
Under Arizona Administrative Code R2-20-704(B)(1), a candidate is responsible for repayment of sums of money that the candidate received from the Clean Elections Commission but was not legally entitled to. If Mr. Muscato is not a resident of legislative district 22, then he was not entitled to run in that district or to obtain funding as a Clean Elections candidate.

The Commission needs to determine whether Mr. Muscato's filings with the Maricopa County Recorder about the property tax status of his property are inaccurate, or if he is simply not a resident of legislative district 22. If the latter is the case, the Commission must seek a return of all monies Mr. Muscato has received from the Clean Elections Commission.

I ask that the Commission look into this as soon as possible and hold Mr. Muscato accountable if it determines he has misused public funds.

Very truly yours,

TIMOTHY A. LA SOTA PLC



Timothy A. La Sota

I, Timothy A. La Sota do solemnly swear that the statements made above are true, to the best of my knowledge and belief.



State of Arizona)
)
County of Maricopa)

Arizona
ss:

The foregoing was subscribed and sworn before me this 12 day of October, 2016.





NOTARY PUBLIC

2010-10-13 10:10:10
10/13/2010 10:10:10

1. The first condition is that the system must be able to handle a large number of users simultaneously. This is achieved by using a distributed architecture where the workload is spread across multiple servers.

2. The second condition is that the system must be able to handle a large number of requests per second. This is achieved by using a load balancer to distribute the traffic evenly across the servers.

3. The third condition is that the system must be able to handle a large number of concurrent connections. This is achieved by using a connection pool to reuse connections instead of creating new ones for every request.

4. The fourth condition is that the system must be able to handle a large number of database queries. This is achieved by using a query cache to store the results of frequently executed queries.

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10/13/2010 10:10:10

1. The first condition is that the system must be able to handle a large number of users simultaneously. This is achieved by using a distributed architecture where the workload is spread across multiple servers.

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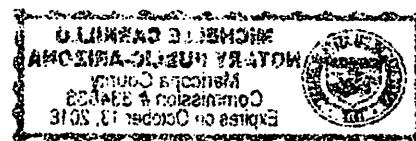
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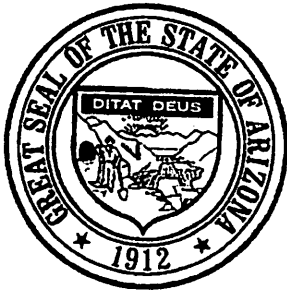
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10/13/2010 10:10:10

1. The first condition is that the system must be able to handle a large number of users simultaneously. This is achieved by using a distributed architecture where the workload is spread across multiple servers.



ATTACHMENT 1



STATE OF ARIZONA

**CANDIDATE
NOMINATION PAPER
(A.R.S. §§ 16-311, 16-905(I)(5))**

You are hereby notified that I, the undersigned, a qualified elector, am a candidate for the office of **State Senator - District No. 22** subject to the action of the **Democratic** Party, at the **2016 Primary Election** to be held on **Tuesday, August 30, 2016** and at the **2016 General Election** to be held on **Tuesday, November 8, 2016** should I be nominated.

I do solemnly swear (or affirm) that at the time of filing, I am a resident of the county, district or precinct which I propose to represent, I have no final, outstanding judgments against me of more than an aggregate of \$1,000 that arose from failure to comply with or enforcement of ARS Title 16, Chapter 6, I have read all applicable laws relating to campaign financing and reporting, and as to all other qualifications, I will be qualified at the time of election to hold the office that I seek, having fulfilled the constitutional and statutory requirements for holding said office.

Residential Address:

9601 W Cielo Grande Peoria AZ 85383

Post Office Address:

None supplied.

Name in the exact manner you wish it to appear on the ballot (A.R.S. § 16-311(G)):
Muscato, Michael

ATTACHMENT 2

Unofficial Document

AFFIDAVIT OF PROPERTY VALUE

1. ASSESSOR'S PARCEL IDENTIFICATION NUMBER(S)

Primary Parcel: 211-73-023D
BOOK MAP PARCEL SPLIT

Does this sale include any parcels that are being split / divided?
Check one: Yes ☐ No ☒

How many parcels, other than the Primary Parcel, are included in this sale? _____

Please list the additional parcels below (attach list if necessary):

(1) _____ (2) _____
(3) _____ (4) _____

2. SELLER'S NAME AND ADDRESS:

Pacific Building Supply, LLC
224 West Ridgcrest Road
Phoenix, AZ 85086

3. (a) BUYER'S NAME AND ADDRESS:

Michael Muscato
9601 W. Cielo Grande
Peoria, AZ 85383

(b) Are the Buyer and Seller related? Yes ☐ No ☒
If Yes, state relationship: _____

4. ADDRESS OF PROPERTY:

224 West Ridgcrest Road
Phoenix, AZ 85086

5. (a) MAIL TAX BILL TO: (Taxes due even if no bill received)

Michael Muscato
224 West Ridgcrest Road
Phoenix, AZ 85086

(b) Next tax payment due 10/1/2015

6. PROPERTY TYPE (for Primary Parcel): NOTE: Check Only One Box

- a. ☐ Vacant Land f. ☐ Commercial or Industrial Use
b. ☒ Single Family Residence g. ☐ Agricultural
c. ☐ Condo or Townhouse h. ☐ Mobile or Manufactured Home
i. ☐ Other Use; Specify: _____
d. ☐ 2-4 Plex
e. ☐ Apartment Building

7. RESIDENTIAL BUYER'S USE: If you checked b, c, d or h in Item 6 above, please check one of the following:

- a. ☒ To be used as a primary residence.
b. ☐ To be rented to someone other than a "qualified family member."
c. ☐ To be used as a non-primary or secondary residence.

See reverse side for definition of a "primary residence, secondary residence" and "family member."

8. If you checked e or f in Item 6 above, indicate the number of units: _____
For Apartments, Motels / Hotels, Mobile Home / RV Parks, etc.

9. TYPE OF DEED OR INSTRUMENT (Check Only One Box):

- a. ☒ Warranty Deed d. ☐ Contract or Agreement
b. ☐ Special Warranty Deed e. ☐ Quit Claim Deed
c. ☐ Joint Tenancy Deed f. ☐ Other: _____

10. SALE PRICE: \$ 375,000.00

11. DATE OF SALE (Numeric Digits): 6/2015
Month / Year

12. DOWN PAYMENT \$ 18,750.00

13. METHOD OF FINANCING:

- a. ☐ Cash (100% of Sale Price) e. ☒ New loan(s) from financial institution:
b. ☐ Barter or trade (1) ☒ Conventional
c. ☐ Assumption of existing loan(s) (2) ☐ VA
d. ☐ Seller Loan (Carryback) (3) ☐ FHA
f. ☐ Other financing; Specify: _____

14. PERSONAL PROPERTY (see reverse side for definition):

- (a) Did the Sale Price in Item 10 include Personal Property that impacted the Sale Price by 5 percent or more? Yes ☐ No ☒
(b) If Yes, provide the dollar amount of the Personal Property:

\$ 00 AND

briefly describe the Personal Property: _____

15. PARTIAL INTEREST: If only a partial ownership interest is being sold, briefly describe the partial interest: _____

16. SOLAR / ENERGY EFFICIENT COMPONENTS:

- (a) Did the Sale price in Item 10 include solar energy devices, energy efficient building components, renewable energy equipment or combined heat and power systems that impacted the Sale Price by 5 percent or more? Yes ☐ No ☒
If Yes, briefly describe the solar / energy efficient components: _____

17. PARTY COMPLETING AFFIDAVIT (Name, Address, Phone Number): SELLER AND BUYER HEREIN

Phone: _____

18. LEGAL DESCRIPTION (attach copy if necessary):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

THE UNDERSIGNED BEING DULY SWORN, ON OATH, SAYS THAT THE FOREGOING INFORMATION IS A TRUE AND CORRECT STATEMENT OF THE FACTS PERTAINING TO THE TRANSFER OF THE ABOVE DESCRIBED PROPERTY.

Signature of Seller / Agent

State of Arizona County of Maricopa
Subscribed and sworn to before me on this 31 day of July, 2015

Notary Public

Notary Expiration Date 7/2/2016 SANDRA F. RICE



Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
July 2, 2016

Signature of Buyer / Agent

State of Arizona County of Maricopa
Subscribed and sworn to before me on this 3 day of July, 2015

Notary Public

Notary Expiration Date 7/2/2016 SANDRA F. RICE



Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
July 2, 2016

Escrow No. 40115063-040-SR2
Affidavit of Property Value...Continued

EXHIBIT "A"
Legal Description

The South 350.00 feet of the West half of the West half of the Northwest quarter of the Northeast quarter of the Southwest quarter of Section 20, Township 6 North, Range 3 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said parcel described as follows:

Commencing at the Southwest corner of said Section 20;

Thence North 00°14'58" East, a distance of 2641.93 feet to the West quarter corner of said Section 20;

Thence South 89°49'29" East, along the North line of the Southwest quarter of said Section 20, a distance of 1322.30 feet;

Thence South 00°13'32" West, a distance of 310.10 feet to the TRUE POINT OF BEGINNING;

Thence South 89°50'29" East, along the North line of the above said parcel, a distance of 165.30 feet;

Thence South 00°13'21" West, along the East line of said parcel, a distance of 350.00 feet;

Thence North 89°50'29" West, along the South line of said parcel, a distance of 165.32 feet;

Thence North 00°13'32" East, along the West line of said parcel, a distance of 350.00 feet the TRUE POINT OF BEGINNING;

EXCEPT 1/16 of all gas, oil, metals and mineral rights as reserved unto the State of Arizona in the recorded patent of said land.

Unofficial Document

211-73-023D Residential Parcel

This is a residential parcel located at [224 W RIDGECREST RD PHOENIX 85086](#), and the current owner is MUSCATO MICHAEL/ALICIA. It was last sold on 08/01/2015 for \$375,000. Its current year full cash value is \$311,100.

Property Information

[224 W RIDGECREST RD PHOENIX 85086](#)

MCR #

Description: PT W2 NW4 NE4 SW4 SEC 20 DAF COM SW COR SD SEC TH N 2641.93F TO W4 COR SEC 20 TH E 1322.30F S 310.10F TO TPOB TH E 165.30F S 350F W 165.32F N 350F TO TPOB

Lat/Long [33.84811939 | -112.07589362](#)

Lot Size 57,745 sq ft.

Zoning RU-43

Lot #

High School District DEER VALLEY UNIFIED #97

Elementary School District DEER VALLEY UNIFIED SCHOOL DISTRICT

Local Jurisdiction NO CITY/TOWN

S/T/R 20 6N 3E

Market Area/Neighborhood 08/004

Subdivision (0
Parcels)

Owner Information

[MUSCATO MICHAEL/ALICIA](#)

Mailing Address 224 W RIDGECREST RD , PHOENIX, AZ 85086

Deed Number [150564358](#)

Last Deed Date 08/04/2015

Sale Date 08/01/2015

Sale Price \$375,000

Tax Year	2017	2016	2015	2014	2013
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Valuation Information

We provide valuation information for the past 5 years. For mobile display, we only show 1 year of valuation information. Should you need more data, please look at our [data sales](#).

Tax Year	2017	2016	2015	2014	2013
Full Cash Value	\$311,100	\$305,300	\$59,000	\$39,700	\$37,000
Limited Property Value	\$243,629	\$232,028	\$41,685	\$39,700	\$37,000
Legal Class	3	3	2	2	2
Description	PRIMARY RESIDENCE	PRIMARY RESIDENCE	AG / VACANT LAND / NON-PROFIT R/P	AG / VACANT LAND / NON-PROFIT R/P	AG / VACANT LAND / NON-PROFIT R/P
Assessment Ratio	10%	10%	16%	16%	16%
Assessed FCV	n/a	n/a	n/a	\$6,352	\$5,920
Assessed LPV	\$24,363	\$23,203	\$6,670	\$6,352	\$5,920
Property Use Code	0134	0134	0014	0014	0004
PU Description	Single Family Residence	Single Family Residence	Vacant Residential Land	Vacant Residential Land	Vacant Land
Tax Area Code	970001	970001	970001	970001	970001
Valuation Source	Notice	Notice	Notice	Notice	Notice

ATTACHMENT 3

201-16-064 Residential Parcel

This is a residential parcel located at [9601 W CIELO GRANDE PEORIA 85383](#), and the current owner is ALMA II REVOCABLE LIVING TRUST. It is located in the Sunrise 5 Phase 1 Lot 1-22 subdivision and MCR 26906. Its current year full cash value is \$376,000.

Property Information

[9601 W CIELO GRANDE PEORIA 85383](#)

MCR #	26906
Description:	SUNRISE UNIT 5 PHASE 1 MCR 269-06
Lat/Long	33.70094313 -112.26610094
Lot Size	23,010 sq ft.
Zoning	R1-18
Lot #	10
High School District	PEORIA UNIFIED #11
Elementary School District	PEORIA UNIFIED SCHOOL DISTRICT
Local Jurisdiction	NO CITY/TOWN
S/T/R	9 4N 1E
Market Area/Neighborhood	15/002
Subdivision (22 Parcels)	SUNRISE 5 PHASE 1 LOT 1-22

Owner Information

[ALMA II REVOCABLE LIVING TRUST](#)

Mailing Address	9601 W CIELO GRANDE , PEORIA, AZ 85382
In Care Of	ARCHANGEL/LINDA MUSCATO TRUSTEES
Deed Number	110271220
Last Deed Date	03/30/2011
Sale Date	n/a
Sale Price	n/a

Tax Year	2017	2016	2015	2014	2013
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Valuation Information

We provide valuation information for the past 5 years. For mobile display, we only show 1 year of valuation information. Should you need more data, please look at our [data sales](#).

Tax Year	2017	2016	2015	2014	2013
Full Cash Value	\$376,000	\$366,500	\$347,700	\$333,000	\$310,200
Limited Property Value	\$376,000	\$365,085	\$347,700	\$333,000	\$304,260
Legal Class	3	3	3	3	3
Description	PRIMARY RESIDENCE	PRIMARY RESIDENCE	PRIMARY RESIDENCE	PRIMARY RESIDENCE	PRIMARY RESIDENCE
Assessment Ratio	10%	10%	10%	10%	10%
Assessed FCV	n/a	n/a	n/a	\$33,300	\$31,020
Assessed LPV	\$37,600	\$36,509	\$34,770	\$33,300	\$30,426
Property Use Code	0143	0143	0143	0143	0143
PU Description	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence	Single Family Residence
Tax Area Code	110000	110000	110000	110000	110000
Valuation Source	Notice	Notice	Notice	Notice	Notice

Additional Property Information

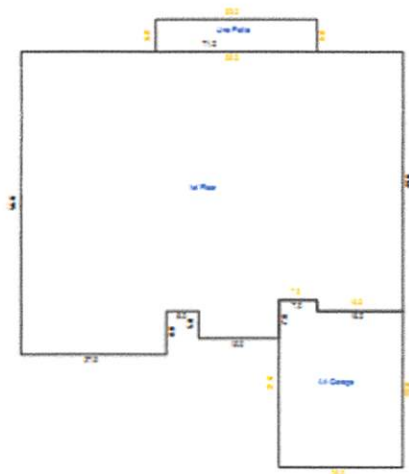
Additional residential property data.

Construction Year	1989
Improvement Quality	R-4 (Above average)
Pool	Yes
Living Area	3,685 sq ft.
Patio(s)	1 Slab (Covered: 0 Uncovered: 1)
Exterior Wall Type	Frame Wood
Roof Type	Concrete Tile
Bath Fixtures	12
Garage Stalls	3
Carport Stalls	

APN	Address	Sale Info	FCV	Size	Livable Sq Ft	Year Built	Pool Foreclosed
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Building Sketches

Sketches that illustrate the external dimensions of a property.



Similar Parcels

Parcels that are similar to this one (known as the reference parcel) are displayed below.

APN	Address	Sale Info	FCV	Size	Livable Sq Ft	Year Built	Pool Foreclosed
200-08-360	8512 W VIA MONTOYA DR	\$473000 / 06-2016	\$373,600	18,300	3,771	1988	
200-08-324	8432 W DONALD DR	\$390000 / 04-2016	\$325,800	18,300	4,166	1985	
200-08-295	8944 W PATRICK LN	\$400000 / 02-2016	\$347,300	16,850	3,469	1987	
200-08-346	8601 W VIA MONTOYA DR	\$372300 / 06-2015	\$318,500	18,200	3,084	1994	
200-08-331	8302 W DONALD DR	\$340000 / 01-2015	\$269,700	18,600	3,413	1987	

COPPERSMITH
BROCKELMAN
LAWYERS

Roopali H. Desai
rdesai@cblawyers.com
PH. (602) 381-5478
FAX (602) 772-3778

2800 North Central Avenue, Suite 1200
Phoenix, AZ 85004
CBLAWYERS.COM

November 7, 2016

VIA U.S. MAIL & E-MAIL

Sara A. Larsen
Financial Affairs & Compliance Officer
Arizona Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, AZ 85007
Sara.Larsen@azcanelections.gov

**Re: CCEC MUR No. 16-006
Response of Michael Muscato to Campaign Finance Complaint**

Dear Sara:

We represent Michael Muscato for purposes of responding to the complaint filed with the Arizona Citizens Clean Election Commission (the "Commission") by Senator Judy Burges on October 12, 2016 (the "Complaint"), as well as the supplement she filed on October 18, 2016 (the "Supplement"). As detailed below, the Complaint is completely unfounded because Mr. Muscato maintains his residence within the boundaries of Legislative District 22, and has done so for years. Further, the Supplement adds nothing of substance to Ms. Burges' conclusory allegations. The Commission should dismiss Ms. Burges' speculative, politically-motivated Complaint.

FACTUAL BACKGROUND

Mr. Muscato is a candidate for the Arizona Senate in Legislative District 22 ("LD 22"), and is running against Ms. Burges – the complainant here – because over the course of her 13 years in the Legislature, she: (1) helped cause the decline of Arizona's economy, (2) refused to fund education as voters authorized, (3) ignored the unemployed and underemployed, (4) ignored the safety of seniors, and (5) refused providing needed social services for children, families and seniors. As noted in the Complaint, Mr. Muscato is a "participating candidate" with the Commission.

Along with his wife (Alicia) and sons (Cooper and Canton), Mr. Muscato resides at 9601 W. Cielo Grande in Peoria (the "Peoria Residence"). This fact is evidenced both by Mr. Muscato's intent, and by the address listed on his:

- Driver's license, issued in 2013 [Exhibit 1];
- Vehicle registration, issued in 2016 [Exhibit 2];
- Chase credit card account [Exhibit 3];
- Bank of America account [Exhibit 4];

- Capital One credit card account [Exhibit 5];
- Current voter registration, dated September 13, 2013 [Exhibit 6];
- Delivery address for campaign materials [Exhibit 7]; and
- Nomination paper [Complaint, Attachment 1].

As the Complaint notes, Mr. Muscato's parents (Archangel and Linda Muscato) also live at the Peoria Residence, and they are the trustees of the Alma II Revocable Living Trust, which holds title to the property. It is not the concern of Ms. Burges, or anyone else for that matter, but Mr. Muscato and his wife have chosen to live with his parents during this time because they provide childcare assistance, family support, and good company.

In August 2015, Mr. Muscato and his wife purchased 224 W. Ridgcrest Road in Phoenix (the "Investment Property") after identifying it as a good investment opportunity. They were told that immediately upon purchasing the Investment Property, they already had more than \$25,000 in equity, and with a few improvements, could dramatically increase its value for purposes of resale. The Muscatos placed a few pieces of furniture and some personal items in the Investment Property, and do spend some time there both to work on the home and obtain some measure of privacy. Recently, the Muscatos have identified a home they would like to purchase and make their residence. In order to make the purchase of this home possible, they need to sell the Investment Property and, therefore, they recently placed the Investment Property on the market. It is their hope that it will sell soon and net them a profit.

ARGUMENT

Although the Complaint purports to raise a "very serious issue" regarding Mr. Muscato's residency, its reliance on conjecture and omission of any discussion of the governing legal principles is telling and dispositive. Indeed, the test for domicile and residency under Arizona law is well-established, and focuses on a person's "intent to permanently remain and be physically present." *Houghton v. Piper Aircraft Corp.*, 112 Ariz. 365, 367, 542 P.2d 24, 26 (1975); *Triano v. Massion*, 109 Ariz. 506, 513 P.2d 935 (1973) (discussing a candidate's testimony regarding his physical residence and intent to remain); Ariz. Op. Att'y Gen. No. 179-261 (Oct. 19, 1979) (noting that Arizona election law "defines residence as equivalent to domicile so that an individual has but one residence which is not changed unless and until the intent of making a new location a home for an indefinite period of time coincides with the person's presence at the new location."). Thus, a person's subjective intent is the most important piece of evidence to consider, one that can be bolstered by objective indicia. In the case of Mr. Muscato, both factors are plainly satisfied.

Mr. Muscato has stated publicly – and repeats here again – that he is a resident of LD 22 and lives at the Peoria Residence. Beyond that, *all* of the evidence provided with this Response points to that inexorable conclusion, and thus that Mr. Muscato is a resident of the district from which he seeks election as required by Arizona law. That Mr. Muscato and his wife purchased the Investment Property proves nothing, and the Commission should not indulge Ms. Burges' pejorative and intrusive questioning of their motives. [See Complaint at 2] And to the extent that there is any issue with the "tax classification" of the Investment Property [*id.*], it is

firmly within the purview of the Maricopa County Assessor – and **not** the Commission – to resolve.¹

Based on the foregoing, Mr. Muscato violated none of the Commission's rules, and Ms. Burges' baseless Complaint should be dismissed. The voters of LD 22 surely deserve better than this abuse of the Commission's complaint procedure to score cheap political points.

Sincerely,



Roopali H. Desai

RHD:slm

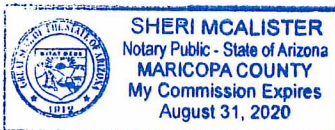
cc: Timothy A. La Sota
2198 E. Camelback Road, Suite 305
Phoenix, AZ 85016
tim@timlasota.com

Hon. Mark Brnovich
Arizona Attorney General
1275 W. Washington Street
Phoenix, AZ 85007

VERIFICATION

State of Arizona)
)
County of Maricopa)

Subscribed and sworn (or affirmed) before me this 7th day of November, 2016.



Notary Public

¹ Though not directed to the Commission, we briefly address the Supplement. As a threshold matter, it plainly fails to comply with the Commission's unambiguous requirements for complaints, and thus should not be considered for any purpose. See A.A.C. § R2-20-203(B)(2) (requiring that the contents of a complaint "be sworn to and signed in the presence of a notary public and shall be notarized"). Beyond that, the Supplement's suggestion that Mr. Muscato has given "inherently contradictory" statements regarding his residency is belied by (1) the statements themselves, in which Mr. Muscato reiterates his intent to maintain his residence at the Peoria Residence, and (2) more fundamentally, the fact that the Supplement relies exclusively on cherry-picked characterizations of reporters, which are neither quotes nor "statements" that can be attributed to Mr. Muscato. The Supplement is political theater, and nothing more.

Exhibit 1

ARIZONA
Driver License

Number D00997195
Expires 01/10/2049
Date of Birth 01/10/1984
Issued 09/13/2013

MICHAEL ARCHANGEL MUSCATO
9601 W CIELO GRANDE
PEORIA AZ 85382

Class D Sex M
Eyes BRO Height 6-01
Hair BR Weight 200

Michael Muscato

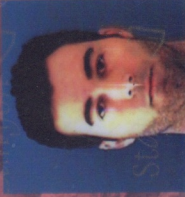


Exhibit 2



Motor Vehicle Division

96-0356 R01/14

azdot.gov

ARIZONA VEHICLE REGISTRATION

Print Date/Time
06/06/2016 07:30

Carry In Vehicle At All Times

Expiration Date
05/31/2018

MICHAEL ARCHANGEL MUSCATO
9601 W CIELO GRANDE
PEORIA AZ 85382

Vehicle Identification Number
8953

Record Number 13031375
Plate Number

Veh Lic Tax	\$151.85
Registration	\$8.25
Air Quality	\$3.00
Penalty	\$8.00

Unit Number
Year / Make 2007 CHEV
Body Style 12PU
First Registered 06/2007
List Price 023510
Fuel Type G
Category I
Weight (GVW) 000000
County MARICOPA
Registration Type FUL

Total \$171.10


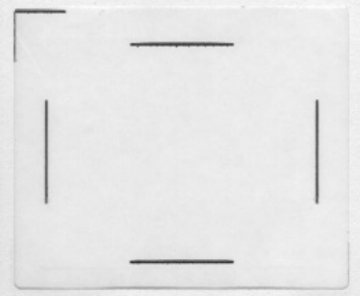
VISA



Detach Here - Apply Tab Below To Plate - Carry Registration Above In Vehicle At All Times

THIS
IS YOUR NEW
LICENSE PLATE
TAB.

TAB VOID IF ALTERED

Tab Instructions

Peel the tab attached above from the backing and place on a clean, dry surface in the **UPPER RIGHT** corner of your license plate. It is not necessary to remove the old tabs.

The new tab must be clearly visible on the plate.

22637001



② Remove Side Edges First

Then Fold and Tear Along This Perforation



ADOT
Motor Vehicle Division

MOTOR VEHICLE DIVISION
4005 N 51ST AVE
PHOENIX AZ 85031-2688

PRESORTED
FIRST-CLASS MAIL
US POSTAGE PAID
PHOENIX AZ 85007
PERMIT NO. 373



006867

MICHAEL ARCHANGEL MUSCATO
9601 W CIELO GRANDE
PEORIA AZ 85382



DMY-EP1 85382

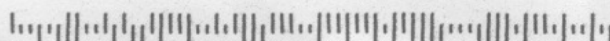


Exhibit 3

[My Accounts](#)[Send Payments](#)[Collect & Deposit](#)[Transfer Funds](#)[Investing](#)[Customer Center](#)CHASE ONLINESM

Friday, October 21, 2016

Change Address, Phone and/or Email

[Help with this page](#)

Change
information for:

MICHAEL A MUSCATO

The information you see on this page may not reflect any recent changes you've provided us. Be assured that we always use your most recent contact details, even if you don't see them online. To update your information, click "Edit" or "Delete."

I'd like to...

- [Change User ID](#)
- [Change Password](#)
- [Nickname my accounts](#)
- [Show/hide accounts](#)
- [Manage paperless preferences](#)

Address: 9601 W CIELO GRANDE
PEORIA AZ 85383

(Primary)

[Edit](#)[Related Accounts](#)[Add an Address](#)

Mobile: 623-687-5037

(Primary)

[Edit](#)[Preferences](#)[Related Accounts](#)[Add a Phone Number](#)

E-mail: nsucatcher@gmail.com

(Primary)

[Edit](#)[Related Accounts](#)[Add an E-mail Address](#)[Privacy Notice](#) | [Security](#) | [Terms of Use](#) | [Legal Agreements and Disclosures](#) | [AdChoices](#)

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Exhibit 4

Exhibit 5

[Contact Us](#) | [Sign Out](#)

MICHAEL MUSCATO

[Home](#) [ACCOUNTS ▾](#) [PAYMENTS ▾](#) [MESSAGES & ALERTS ▾](#) [BENEFITS ▾](#) [MY INFO ▾](#) [SERVICES ▾](#)

My Info

To review or update your personal information and account settings, click the (+) symbol to expand that section.

Update my contact information

Select an account: Spark Visa Signature Business3636 ▾

Name & Email

Customer Name: MICHAEL MUSCATO

[Edit](#)

Primary Email: nsucatcher@gmail.com

Phone Numbers

Home: [\(623\) 687-5037](#)[Edit](#)Business: [\(623\) 687-5037](#)

Cell:

Alternate:

Mailing Address

Address Line 1: 9601 W CIELO GRANDE

[Edit](#)Address Line 2:
(optional)

City: PEORIA

State: AZ

Zip Code: 85383 - 1151

[Add separate addresses for correspondence and credit card mailings](#)

Update my income information

Update my login information

Update my paperless settings

Exhibit 6


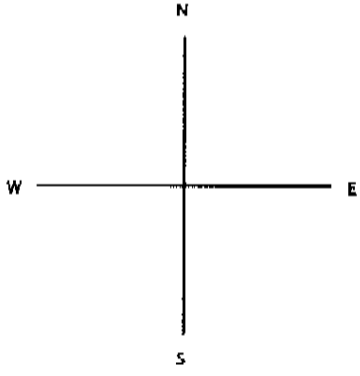

[1] Permanent Early Voting List - Early Ballot (see instructions above) <input checked="" type="checkbox"/> YES, I want to automatically receive an early ballot for each election for which I am eligible. <input type="checkbox"/> NO, I DO NOT want to automatically receive an early ballot. I understand CHECKING THIS BOX will remove my name from the list if it was previously included.		BOX FOR OFFICE USE ONLY 203233470 		
[2] Last Name MUSCATO		First Name MICHAEL	Middle Name ARCHANGEL	Jr./Sr./III
[3] Address where you live - If no street address, describe residence location using mileage, cross streets, parcel #, subdivision name and lot, or landmarks. Do not use post office box or business address. Draw a map below if located in rural area. 9601 W CIELO GRANDE				[4] Apt./Unit/Space
[5] City PEORIA	[6] Zip 85382	[7] Address where you get your mail, if mail is not delivered to your home		
[8] Last four digits of Social Security Number	[9] AZ Driver License Number or AZ Nonoperating License Number REDACTED	[10] Optional Tribal Identification Number	[11] Alien Registration Number	
[20] Are you willing to work at a polling place on election day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		[21] E-mail address		[23] If no street address draw a map here: 
[22] • Are you a citizen of the United States of America? • Will you be 18 years of age on or before election day? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <i>If you checked 'No' to either one of these questions, do not submit this form.</i>				
VOTER DECLARATION - By signing below, I swear or affirm that the above information is true, that I am a RESIDENT of Arizona, I am NOT a convicted FELON or my civil rights are restored, and I have NOT been adjudicated INCOMPETENT.  X		This is a printed representation of the completed ServiceArizona web form 20130913103238058 M		
SIGN HERE		09/13/2013 DATE		
[24] If you are unable to sign the form, the form can be completed at your direction. The person who assisted you must sign here. SIGNATURE OF PERSON ASSISTING				DATE

Exhibit 7



FEB 13 2017

MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
CRIMINAL DIVISION

Friday, February 10, 2017

Timothy A. La Sota, Esq.
2198 East Camelback Road, Suite 305
Phoenix, Arizona 85016-4747
Attorney for Hon. Judy Burges

Re: Michael Muscato, P002-2016-002622

Dear Mr. La Sota,

I am writing to inform you of our office's decision to close our criminal investigation of Michael Muscato, a former candidate for the State Senate seat from Legislative District 22. Our office has determined that there was no violation of Title 16, Arizona Revised Statutes (Elections), and determined that there is no reasonable likelihood of a conviction for a violation of Title 13, Chapter 27, Arizona Revised Statutes (Perjury and Related Offenses) arising from the facts alleged in your complaint dated October 12, 2016.

Our office investigated the apparent inconsistency involving Muscato's May 27, 2016, candidate nomination paper filed with the Secretary of State's Office declaring his residence to be 9601 West Cielo Grande in Peoria – an address within the boundaries of District 22. This declaration was inconsistent with documents from the August 2015 purchase of 224 West Ridgecrest in Phoenix which declare that home as Muscato's primary residence – an address outside District 22. See A.R.S. §13-2705.

There is insufficient support for an allegation that Muscato intended to make a false declaration on the documents which purportedly declare 224 West Ridgecrest his primary residence. Facts developed during the investigation show that the documents relating to the purchase of that property were signed by Muscato's wife using a power of attorney because Muscato was working out of state during the summer of 2015 when the purchase occurred. Muscato was not aware that the particular document – an "Affidavit of Property Value" form, one of many signed at the closing – contained a declaration that the property was to be his primary residence. Muscato did indicate that at the time of the purchase that he and his wife had been looking for property to live in, but Muscato stated that he did not visit the property prior to the purchase. When Muscato returned to Arizona in the fall of 2015 he discovered that "the scope of the property was enormous" and that there were "a whole bunch of issues with the property" which made it unsuitable as a primary residence. Muscato subsequently listed the property for sale in October of 2016. It should also be noted that Muscato informed the investigators that when he inquired about the "Affidavit of Property Value" form, his wife had told him that the particular box on the form declaring it their primary residence had been already checked before she signed the document. Our office has concluded that these facts make it unlikely that the State would be able to prove to a jury that the declaration was perjury under A.R.S. §13-2702 to the "beyond a reasonable doubt" standard used in criminal prosecutions.

The investigation has determined that the "Affidavit of Property Value" form did not affect the property tax rate on the Ridgecrest property, but instead permitted Muscato to claim a "homestead exception" for that property. A.R.S. §42-12052 prohibits individuals from claiming a homestead exception when property is not being used as that person's primary residence, but a violation of that prohibition is not a crime. Remedy for a violation for that statute would be a civil penalty, and the duty to enforce that provision rests with the Maricopa County Assessor. The State is not aware whether Muscato actually claimed that homestead exception for taxes paid in 2015 or 2016. It will be up to the Maricopa County Assessor to determine if a false exception was claimed, and any penalty that should be imposed for it.

Muscato said that while some furniture was placed inside the home "to make it look like a house would look like" and that the family spent some time at the home on weekends, his primary residence remained at the Cielo Grande address in Peoria. This assertion meets the requirements of A.R.S. §16-101(B), and our office has therefore concluded that Muscato's statements on his May 27, 2016, declaration of candidacy were truthful.

Moreover, even if one were to assume that in August of 2015 Muscato did in fact intend to make the 224 West Ridgecrest property his residence and that the "Affidavit of Property Value" declaration was not made unintentionally, Muscato's statement to investigators clearly indicated that he no longer intended to live at the home after visiting it in the fall of 2015. It is therefore entirely possible that a jury could find both statements to be true – that Muscato did intend to live at the home on Ridgecrest in 2015, but by the time that he filed his declaration of candidacy in 2016 he intended to live at the home on Cielo Grande. See A.R.S. §16-311(B) ("A candidate for office shall reside *at the time of filing* in the county, city, town, district, ward or precinct that the person proposes to represent.) (emphasis added). The investigation has not located any other evidence which would support an assertion that Muscato did not intend to reside at the Cielo Grande address at the time he filed the candidate nomination paper on May 27, 2016.

For these reasons, our office has determined that no criminal violation of the Election Code (Title 16) occurred, and if the declaration on the "Affidavit of Property Value" form was pursued as a perjury that there is no reasonable likelihood of a conviction beyond a reasonable doubt. Please feel free to contact me if you have any questions about our decision not to prosecute.

Sincerely,



Todd C. Lawson
Assistant Attorney General
Fraud & Special Prosecutions Section

cc: Andrew Gaona, Esq., attorney for Michael Muscato