



Arizona House of Representatives  
Phoenix, Arizona 85007

March 27, 2019

The Honorable Russell Bowers  
Speaker  
Arizona House of Representatives  
Phoenix, Arizona 85007

RE: Letter of Resignation

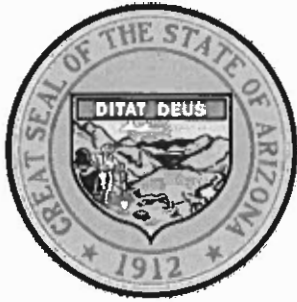
Dear Speaker Bowers,

This is to confirm my resignation as State Representative for Legislative District 1, effective 4 pm this date, March 27, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "David Stringer", written over a horizontal line.

David Stringer  
Representative, District 1  
Arizona House of Representatives



# NEWS RELEASE

**Arizona House of Representatives**  
**Speaker of the House Rusty Bowers (R-25)**  
1700 West Washington • Phoenix, Arizona • 85007-2844

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**Wednesday, March 27, 2019**  
**FOR IMMEDIATE RELEASE**

## Speaker Bowers Accepts Resignation of David Stringer

**STATE CAPITOL, PHOENIX** – House Speaker Rusty Bowers (R-25) today accepted the resignation of David Stringer. The resignation was effective today at 4:00 p.m.

**“Today I accepted the resignation of David Stringer,”** said Speaker Bowers. **“I’m grateful that the House will not be forced to take action against one of our members, and we can begin to put this matter behind us.”**

Mr. Stringer’s resignation ends the House Ethics Committee’s investigation against him. While the Ethics Committee will not release a formal report on the investigation, it will release documents gathered over the course of the investigation as soon as possible.

###

**CONTACT:**  
Matthew Specht  
Director of Communications  
House Republican Caucus  
602-926-5518  
[mspecht@azleg.gov](mailto:mspecht@azleg.gov)





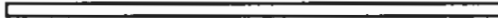
Committed to excellence and the principles inherent in the rule of law...  
every person, every day, every time.

---

**From:** Kanefield, Joseph A. [mailto:KanefieldJ@ballardspahr.com]  
**Sent:** Wednesday, March 27, 2019 2:36 PM  
**To:** Sandra Nageotte - SUPCRTX; carmenchenallaw@gmail.com  
**Cc:** morganv@ballardspahr.com; gr.chili@gmail.com; Kokanovich, Mark; Hart, Tasha  
**Subject:** RE: CV2019-005913, Stringer v. Shope, et al. - EMERGENCY Request for Hearing - OSC Set for 3/27/19

Thank you Sandra. A process server arrived at our office about 2:05 p.m., but he only served us with Judge Mroz's Order to Show Cause.

**Joseph A. Kanefield**



1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | kanefieldj@ballardspahr.com  
LINKEDIN | VCARD



www.ballardspahr.com

---

**From:** Sandra Nageotte - SUPCRTX <nageottes@superiorcourt.maricopa.gov>  
**Sent:** Wednesday, March 27, 2019 2:33 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>; carmenchenallaw@gmail.com  
**Cc:** Morgan, Vicki (PHX) <morganv@ballardspahr.com>; gr.chili@gmail.com; Kokanovich, Mark (PHX) <kokanovichm@ballardspahr.com>; Hart, Tasha (PHX) <HartT@ballardspahr.com>  
**Subject:** RE: CV2019-005913, Stringer v. Shope, et al. - EMERGENCY Request for Hearing - OSC Set for 3/27/19

**⚠ EXTERNAL**

Mr. Kanefield: My understanding was that the documents were being delivered to your office. I spoke with one of Ms. Chenal's staff about 2:15 p.m. and they told me that the documents were minutes away from being delivered.

Ms. Chenal: The Court would like you to email the documents to Mr. Kanefield as soon as possible if they have not already been received.

Thank you.

*Sandy*

**Sandra Nageotte** | Judicial Assistant to the Honorable Rosa Mroz | Maricopa County Superior Court | Civil Court | East Court Building | Suite 414 | Phone: 602-372-0384 | Fax: 602-372-8932



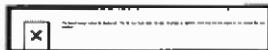
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**From:** Kanefield, Joseph A. [mailto:KanefieldJ@ballardspahr.com]  
**Sent:** Wednesday, March 27, 2019 2:22 PM  
**To:** Sandra Nageotte - SUPCRTX; carmenchenallaw@gmail.com  
**Cc:** morganv@ballardspahr.com; gr.chili@gmail.com; Kokanovich, Mark; Hart, Tasha  
**Subject:** RE: CV2019-005913, Stringer v. Shope, et al. - EMERGENCY Request for Hearing - OSC Set for 3/27/19

Sandra, we have only received the OSC order. We have not received the plaintiff's verified complaint or application for order to show cause and temporary restraining order. We have asked Ms. Chenal to email us a copy of these documents but have not received them.

Joe

**Joseph A. Kanefield**



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1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | kanefieldj@ballardspahr.com  
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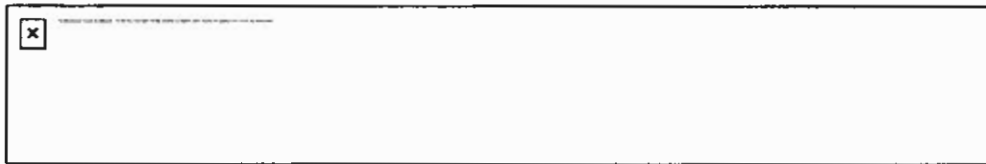
**From:** Sandra Nageotte - SUPCRTX <nageottes@superiorcourt.maricopa.gov>  
**Sent:** Wednesday, March 27, 2019 2:19 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>; carmenchenallaw@gmail.com  
**Cc:** Morgan, Vicki (PHX) <morganv@ballardspahr.com>; gr.chili@gmail.com; Kokanovich, Mark (PHX) <kokanovichm@ballardspahr.com>; Hart, Tasha (PHX) <HartT@ballardspahr.com>  
**Subject:** RE: CV2019-005913, Stringer v. Shope, et al. - EMERGENCY Request for Hearing - OSC Set for 3/27/19

△ EXTERNAL

Thank you, Mr. Kanefield.

*Sandy*

**Sandra Nageotte** | Judicial Assistant to the Honorable Rosa Mroz | Maricopa County Superior Court | Civil Court | East Court Building | Suite 414 | Phone: 602-372-0384 | Fax: 602-372-8932



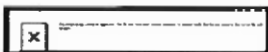
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**From:** Kanefield, Joseph A. [mailto:KanefieldJ@ballardspahr.com]  
**Sent:** Wednesday, March 27, 2019 2:17 PM  
**To:** Sandra Nageotte - SUPCRTX; carmenchenallaw@gmail.com  
**Cc:** morganv@ballardspahr.com; gr.chili@gmail.com; Kokanovich, Mark; Hart, Tasha  
**Subject:** RE: CV2019-005913, Stringer v. Shope, et al. - EMERGENCY Request for Hearing - OSC Set for 3/27/19

Received. Thank you Sandra. See you at 4:00.

Joe

**Joseph A. Kanefield**



---

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | kanefieldj@ballardspahr.com  
LINKEDIN | VCARD

---

www.ballardspahr.com

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**From:** Sandra Nageotte - SUPCRTX <nageottes@superiorcourt.maricopa.gov>  
**Sent:** Wednesday, March 27, 2019 2:16 PM  
**To:** carmenchenallaw@gmail.com; Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Cc:** Morgan, Vicki (PHX) <morganv@ballardspahr.com>; gr.chili@gmail.com  
**Subject:** CV2019-005913, Stringer v. Shope, et al. - EMERGENCY Request for Hearing - OSC Set for 3/27/19  
**Importance:** High

⚠ EXTERNAL

Good afternoon Counsel,

The Court has received and reviewed Plaintiff's **EMERGENCY** Application for Temporary Restraining Order (Request for Emergency Hearing on March 27, 2019), filed late this morning and hand-delivered to our division on the above-mentioned newly filed

case. The Court has granted the Order to Show Cause (OSC) and has set an **Order to Show Cause hearing today, March 27, 2019 at 4:00 p.m.** in this division, before:

**Honorable Judge Rosa Mroz  
Maricopa County Superior Court  
East Court Building  
101 W. Jefferson  
4<sup>th</sup> Floor, Courtroom 414  
Phoenix, AZ 85003  
(Parties are to appear in person.)**

Parties were advised of the hearing at approximately 12:45 p.m. that the hearing was set and to expect this email with the hearing details. A copy of the signed and filed Order to Show Cause setting the hearing is attached. Due to the hearing being less than 24 hours from now, I will need a representative for the following to verify that they have received this message and will be attending:

Carmen A. Chenal  
Joseph A. Kanefield

Please Reply All and indicate for whom you are responding if you are not the party so that the Court knows that all parties are aware of the hearing.

Thank you for your immediate attention to this request.

*Sandy*

**Sandra Nageotte** | Judicial Assistant to the Honorable Rosa Mroz | Maricopa County Superior Court | Civil Court | East Court Building | Suite 414 | Phone: 602-372-0384 | Fax: 602-372-8932



## Kokanovich, Mark (PHX)

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**From:** Kanefield, Joseph A. (PHX)  
**Sent:** Wednesday, March 27, 2019 1:34 PM  
**To:** Carmen chenai  
**Cc:** Kokanovich, Mark (PHX)  
**Subject:** Stringer v. Shoppe, CV2019-005913

Carmen, please email me a copy of your pleadings as soon as possible and before this afternoon's hearing before Judge Mroz. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | [kanefieldj@ballardspahr.com](mailto:kanefieldj@ballardspahr.com)  
LINKEDIN | VCARD

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

**COPY**

MAR 27 2019



CLERK OF THE SUPERIOR COURT  
J. FIERRO  
DEPUTY CLERK

1 Carmen A. Chenal, #009428  
2 **CHENAL LAW FIRM PLLC**  
3 7272 East Indian School Suite 540  
4 Scottsdale, Arizona 85251  
5 Phone: 480-207-5180  
6 Carmenchenallaw@gmail.com  
7 *Attorney for Plaintiff*

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

9 **IN AND FOR THE COUNTY OF MARICOPA**

10 Case No. CV 2019-005913

11 DAVID STRINGER, a single man, aka  
12 Representative David Stringer.

13 **VERIFIED COMPLAINT AND**  
14 **APPLICATION FOR**  
15 **DECLARATORY RELIEF, FOR**  
16 **TEMPORARY RESTRAINING**  
17 **ORDER, AND PRELIMINARY AND**  
18 **FINAL INJUNCTION**

19 Plaintiff,

20 v.

21 THOMAS R. SHOPE JR. in his capacity as  
22 Chairman of the House of Representatives  
23 Ethics Committee of the State Legislature of  
24 Arizona; MEMBERS OF THE HOUSE  
25 ETHICS COMMITTEE OF THE STATE  
26 LEGISLATURE OF ARIZONA; THE  
STATE LEGISLATURE OF ARIZONA;  
JOHN DOES i-x; JANE DOES I-X; BLACK  
CORPORATIONS I-X; BLACK and WHITE  
PARTNERSHIPS I-X.

( REQUEST FOR EMERGENCY  
HEARING TODAY MARCH 27, 2019  
ON TRO)

Defendants

For his Verified Complaint, Plaintiff alleges:

1. Plaintiff resides in Maricopa County Arizona. Defendants reside in Maricopa County, Arizona.
2. Jurisdiction and venue are proper in Maricopa County Arizona.
3. Defendants are investigating plaintiff for alleged ethics violations which

1 have no basis in facts.

2 4. Defendants intend on expelling plaintiff on Wednesday March 27<sup>th</sup> if  
3 plaintiff has not responded to defendants' subpoena which was extended to be due on the  
4 27<sup>th</sup> of March, attached as Ex. 1.

5  
6 5. One of the allegations has to do with a 1983 court case in Maryland, that was  
7 later addressed in a bar complaint to the DC bar. The investigation was dismissed by the  
8 DC bar in 1984 after reviewing the underlying case with the statement that there was no  
9 moral turpitude by plaintiff.

10  
11 6. The May 29, 1984 dismissal letter ( the " letter") from the Bar, stated that  
12 there was no moral turpitude by plaintiff, and he could continue to practice law.

13 7. The Arizona State Bar was investigating the plaintiff regarding the 1983  
14 court matter and requested the letter. It was provided to the Arizona Bar by the DC Bar  
15 through plaintiff's counsel. The Arizona Bar dismissed the investigation of plaintiff.

16  
17 8. Plaintiff is in good standing with the Maryland and DC bat although he is  
18 inactive in them.

19 9. Plaintiff is in good standing with the Arizona Bar and is an active member.

20  
21 10. Plaintiff has never had any discipline from any Bar in all his years of practice  
22 as a lawyer.

23 11. Plaintiff requested a protective order of the letter of dismissal from  
24 disciplinary Judge O'Neil of the Arizona supreme Court which request was granted by  
25 Judge O'Neil. Attached is the Request for protective order and the order of protection ,  
26

1 Ex. 2.

2 12. Judge O'Neil ordered sealing the May 29, 1984 letter from the public. The  
3 public included the Arizona legislature therefore the ethics committee of the House of  
4 Representatives.

5  
6 13. Plaintiff has advised the ethics committee continuously through counsel that  
7 they could have the letter provided that the letter be kept confidential and not  
8 disseminated to the public.

9  
10 14. Judge O'Neil's order states in pertinent part that " a party aggrieved by an  
11 order relating to a request for a protective order may seek review by filing a petition for  
12 special action with the court", Ex. 2.

13  
14 15. Plaintiff has advised defendants on numerous occasions that it appeared  
15 from the Judge's order that defendants would have to file a special action asking for the  
16 letter to be released to them.

17  
18 16. Plaintiff told defendants that plaintiff would not oppose the special action  
19 provided that the letter be kept confidential by the committee.

20  
21 17. Defendants have advised plaintiff in an open meeting at the legislature that  
22 the letter shall be disseminated to the public. Defendants have not filed anything with the  
23 court asking for the same.

24  
25 18. The dismissal letter from the DC bar pursuant to the request for protective  
26 order was "issued in connection with an investigation more than three decades ago by the  
DC Bar- which is confidential and shielded from public disclosure pursuant to DC Bar

1 Rule XI, 17(a), Ex. 3.

2 19. The dismissal letter went to the Arizona State Bar and was kept confidential.

3 20. Both the DC Bar and Arizona Bar dismissed their investigation dealing with  
4 the 1983 allegations of sexual conduct which never resulted in a plea or conviction.

5 21. Now defendants in their subpoena are requesting under item number 1:

6  
7 “ all communication from/to the DC Bar, including the letter referenced in your  
8 counsel’s communication from the Office of D.C. Bar counsel issued May 29,  
9 1984.” See the subpoena attached as Ex. 1

10 22. Plaintiff’s counsel is prohibited by Judge O’Neil’s order ( the “order”) from  
11 providing the dismissal letter from the DC Bar. Defendants may file a special action  
12 with the Arizona state supreme court to obtain the letter , as ordered by Judge O’Neil,

13  
14 Ex. 2.

15 23. Therefore, plaintiff requests that item *number 1* of the subpoena be quashed,  
16 as plaintiff is prohibited from producing it via Arizona State Court order, Ex. 2.

17 24. With respect to *item no. 2* in the subpoena Ex. 1, communications from and  
18 to Yavapai county bar, plaintiff does have one letter which is not relevant,  
19 however, even though defendants can communicate with the Yavapai County and  
20 seek whatever may be there, plaintiff will produce it if need be.

21  
22  
23 25. *Item no. 3*, All video recordings of statements made by Representative  
24 Stringer related to the issue of race, including any information regarding when  
25  
26

1 videos were shared and/or removed on website or social media associated with  
2 representative Stringer. Plaintiff does not have these items in his possession and if  
3 relevant to the defendants' investigation they would be on the internet, Facebook,  
4 and easily reviewable by defendants.  
5

6 26. *Item no. 4* as for all other records relevant to the complaints, which have not  
7 yet been disclosed. Plaintiff has disclosed all he has in his custody and control to  
8 defendants and has no more records.

9 27. *Item no. 5* is for all communication or submissions to any bar organization  
10 including applications, and character and fitness materials. Plaintiff has not kept  
11 the applications or character and fitness materials which are decades old for the  
12 most part . They are not in his custody or control.

13  
14 28. The Arizona State Bar and DC bar have already told plaintiff and defendants  
15 know that the Bars do not have the materials requested in *item no. 5*.

16  
17 29. *Item no. 6* requests “ all applications and related materials regarding attempts  
18 to become a teacher or gain a masters' degree. Again, plaintiff does not have these  
19 in his custody or control.

20  
21 30. *Item no.7* requests: all material submitted regarding all results of any  
22 background checks. Plaintiff does not have any materials or results of background  
23 checks in his custody or control.

24 31. *Item no. 8* requests “ all materials related to application for professional  
25 licensing or membership in professional organizations.” Plaintiff does not have  
26

1 these in his custody or control.

2 32. *Item no. 9*, All documents relating in any way to criminal offense for which  
3 representative Stringer was ever charged, whether or not those charges were later  
4 expunged, sealed, or otherwise shielded from public view. Plaintiff has never had  
5 a criminal charge other than the one from 1983 which never went to judgment and  
6 which was expunged and destroyed by the Maryland courts. He does not have any  
7 of the documents requested under item no. 9 in his custody or control.  
8

9 Therefore, Plaintiff respectfully requests relief as follows:

10  
11 1. For a Declaration that Defendants can take no action on the subpoena, and  
12 that the subpoena attached as Ex. 1, be quashed with the exception of the production of  
13 the Yavapai letter.

14 2. For an immediate Temporary Restraining Order restraining the defendants  
15 from enforcing the subpoena, Ex. 1.

16  
17 3. For temporary and permanent injunctions against Defendants preventing  
18 them from taking action on the subpoena including not permitting defendants from  
19 expelling plaintiff from the House of Representative for allegedly not complying with the  
20 subpoena.  
21

22 4. For any further relief as the Court deems proper.

23 **RESPECTFULLY SUBMITTED** this 26<sup>th</sup> day of March 2019.


24  
25  
26 

Carmen A. Chenal, Esq.  
Attorney for Plaintiff

**VERIFICATION**

I, Carmen A. Chenal, as the person most knowledgeable about this case and under penalty of perjury do hereby swear, avow and affirm that I am the Plaintiff's attorney in the above entitled and numbered cause, that I have read the foregoing Verified Complaint and know the contents therefore; that the matters herein set forth are true and correct based upon information supplied to me.

Dated March 26, 2019.

  
Carmen A. Chenal

# EXHIBIT 1

**IN THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF ARIZONA**

In the Matter of the House of )  
Representatives Investigation of )  
Representative DAVID STRINGER )  
before the House Ethics Committee )  
\_\_\_\_\_ )

SUBPOENA  
(DUCES TECUM)

THE STATE OF ARIZONA EXTENDS  
GREETINGS TO:

Representative David Stringer

Served by agreement Via Email and U.S. Mail  
carmenchenallaw@gmail.com  
Carmen A. Chenal  
Chenal Law Firm, PLLC  
7272 E. Indian School Road, Suite 566  
Scottsdale, Arizona 85251

You, Representative David Stringer, are hereby commanded to personally appear before House Ethics Committee Investigators on Friday, March 22, 2019, at 1:00 pm, at Ballard Spahr LLP, 1 E. Washington St., Suite 2300, Phoenix, Arizona 85003, or at any continuance of said appearance, to testify and give evidence in an investigation of Representative David Stringer currently pending before the House Ethics Committee.

You are further hereby commanded to produce all records or documents related to the following in your possession, custody or control:

- 1) All communication from/to the D.C. Bar, including the letter referenced in your counsel's communication from the Office of D.C. Bar Counsel issued May 29, 1984
- 2) All communication from/to the Yavapai County Bar.

3) All video recordings of statements made by Rep. Stringer related to the issue of race, including any information regarding when the videos were shared and/or removed on websites or social media associated with Rep. Stringer.

4) All other records relevant to the complaints, which have not yet been not disclosed.

5) All communication or submissions to any Bar organization, including applications, and character and fitness materials.

6) All applications and related materials regarding attempts to become a teacher or gain a master's degree.

7) All materials submitted regarding and results of any background checks.


8) All materials related to application for professional licensing or membership in professional organizations.

9) All documents relating in any way to any criminal offenses for which Rep. Stringer was ever charged, whether or not those charges were later expunged, sealed, or otherwise shielded from public view.

If you fail to attend or produce the subpoenaed records, you will be subject to the penalties prescribed by law.

Given under the signature of the Chair of the Ethics Committee of the Arizona House of Representatives of the 54th Legislature pursuant to A.R.S. § 41-1151.

Dated this 11 day of March, 2019.

  
THOMAS R. SHOPE, JR., Chairman  
House Ethics Committee  
Arizona House of Representatives

# EXHIBIT 2

1 Carmen A. Chenal, #009428  
Chenal Law Firm, pllc  
2 7272 East Indian School Road Suite 566  
Scottsdale, Arizona 85251  
3 Carmenchenallaw@gmail.com  
*Attorney for Respondent*

4  
5 **BEFORE THE PRESIDING DISCIPLINARY JUDGE**

6  
7 **IN THE MATTER OF A MEMBER OF THE  
STATE BAR OF ARIZONA**

PO No.

8 **REQUEST FOR PROTECTIVE  
ORDER SEALING THE RECORD**

9 **DAVID H. STRINGER**  
10 **Bar No. 19604**

State Bar File: 19-0274

11  
12  
13  
14 Respondent, David H. Stringer, through counsel undersigned,  
15 respectfully requests that the Presiding Disciplinary Judge of the Supreme  
16 Court of Arizona (PDJ), grant Respondent's Request for a Protective Order,  
17 pursuant to Rule 70(g) of the Rules of the Supreme Court. Rule 70(g) permits a  
18 party or person, with good cause shown, to request that the Presiding  
19 Disciplinary Judge issue an order sealing a portion of the record of a state bar  
20 file and for the PDJ to take other measures to assure the confidentiality of the  
21  
22  
23  
24

1 sealed information. According to the rule, the material sealed shall remain  
2 confidential.

3         The protective order sought here requests that a May 29, 1984, letter of  
4 dismissal from the D.C. Bar ("the letter") relating to its investigation of Mr.  
5 Stringer be disclosed to the State Bar of Arizona, but otherwise sealed from  
6 the public. The public includes but is not limited to all governmental entities  
7 and agencies including but not limited to the Arizona Legislature, Executive  
8 branch agencies, city, county, and other municipal agencies, all public and  
9 private media including print, TV, cable, internet, cellular and wireless  
10 communications, all business entities, private individuals and the general  
11 public.  
12  
13  
14

15         The reason for sealing the information from the public is as follows: The  
16 letter was issued in connection with an investigation more than three  
17 decades ago by the D.C. Bar, "which is confidential and shielded from public  
18 disclosure pursuant to DC Bar Rule XI, 17(a)," per The Office of Disciplinary  
19 Counsel in Washington D.C. The letter also includes references to sensitive  
20 personal matters that have been expunged from record by the Maryland court  
21 since the letter of dismissal was written.  
22  
23

24         The disclosure of the letter or information contained in it would violate  
25 Respondent's right to privacy and could be misinterpreted, selectively  
26

1 reported or otherwise used to harm Respondent's reputation, personal  
2 character, and professional standing.

3 Respondent is an elected official currently serving in the Arizona  
4 legislature. Disclosure of information in the letter could be used by political  
5 opponents to impugn Respondent's reputation and character, harm him  
6 politically, or influence the outcome of an election, causing irreparable harm  
7 to Respondent, his constituents, and the governance of the State of Arizona.  
8

9  
10 The State Bar of Arizona wishes to review and obtain a copy of the  
11 letter and does not oppose this request for a Protective Order, as the Rules of  
12 the originating disciplinary authority state that this material is not publicly  
13 available, as confirmed by The Office of Disciplinary Counsel in Washington  
14 D.C.  
15

16 For all the above reasons, Respondent respectfully requests that the  
17 protective order be granted.  
18

19 A proposed Protective Order is attached as Exhibit A.

20 Counsel for Respondent has given her authority to Staff Bar Counsel  
21 Matt McGregor to sign and file this Request for Protective Order on her behalf.  
22

23 See Exhibit B.  
24  
25  
26

1 DATED this 7<sup>th</sup> day of March 2019.

2 CHENAL LAW FIRM PLLC

3 

#021221

4 FOR

Carmen A. Chenal, Esq.  
7272 East Indian School Road Suite 566  
Scottsdale, Arizona 85251  
CarmenChenallaw@gmail.com  
Attorneys for Respondent

7  
8 Original filed with the Disciplinary Clerk of  
9 the Office of the Presiding Disciplinary Judge  
10 of the Supreme Court of Arizona  
11 this 7<sup>th</sup> day of March, 2019.

12 Copy of the foregoing emailed  
13 this 7<sup>th</sup> day of March, 2019, to:

14  
15 The Honorable William J. O'Neil  
16 Presiding Disciplinary Judge  
17 Supreme Court of Arizona  
18 1501 West Washington Street, Suite 102  
19 Phoenix, Arizona 85007  
20 E-mail: officepdj@courts.az.gov

21 Copy of the foregoing emailed  
22 this 7<sup>th</sup> day of March, 2019, to:

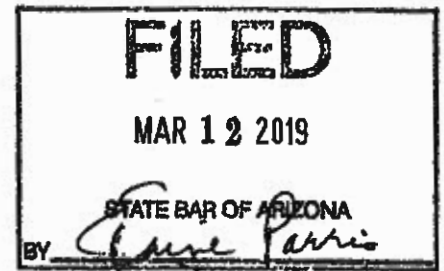
23  
24 Matthew E. McGregor  
25 Staff Bar Counsel  
26

1 Arizona State Bar  
2 4201 North 24<sup>th</sup> Street  
3 Suite 100  
4 Phoenix, Arizona 85016

5  
6 Copy of the foregoing emailed  
7 this 7<sup>th</sup> day of March, 2019, to:

8 Lawyer Regulation Records Manager  
9 State Bar of Arizona  
10 4201 N. 24<sup>th</sup> St., Suite 100  
11 Phoenix, Arizona 85016-6266

12 by: *Luis A. Baldonado*  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

**IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,**

**DAVID H. STRINGER,  
Bar No. 19601**

**Respondent.**

**PO 2019-020**

**PROTECTIVE ORDER**

**State Bar File No. 19-0274**

Respondent filed an unopposed Request for Protective Order (Request).

Accordingly:

**IT IS ORDERED** granting the Request.

**IT IS FURTHER ORDERED** sealing the May 29, 1984 letter of dismissal from the D.C. Bar from the public pursuant to Rule 70(g), Ariz. R. Sup.Ct.

**IT IS FURTHER ORDERED** sealing any references to the contents of the letter between the parties or notes within the State Bar of Arizona file from the public pursuant to Rule 70(g), Ariz. R. Sup.Ct.

Pre-complaint orders sealing material do not seal such material post complaint if the material is sought to be used or referred to in subsequent pleadings

or in any hearing. In such circumstance, the parties are reminded a formal request for protective order with specificity must be filed with the material sought to be sealed and submitted for in-camera review.

Sealed material shall be opened and viewed only by an order of the committee, the presiding disciplinary judge, a hearing panel, the board or the court for use by such body and the parties in pending proceedings, and otherwise only upon notice to and an opportunity to be heard by the parties and the witness or other person who is the subject of the information. A party aggrieved by an order relating to a request for a protective order may seek review by filing a petition for special action with the court.

DATED this 12<sup>th</sup> day of March 2019.

William J. O'Neil  
William J. O'Neil, Presiding Disciplinary Judge

Original filed this 13 day of  
March 2019, with:

Lawyer Regulation Records Department  
State Bar of Arizona  
4201 North 24th Street, Suite 200  
Phoenix, Arizona 85016-6288

Copies of the foregoing were  
mailed/mailed this 13 day of  
March 2019, to:

## Documents relating to David Springer

Inbox

**Julia L. Porter**

Tue, Feb 5,  
8:10 AM

to me

Dear Ms. Chenal – Our case manager says that we have no additional documents for the two matters that were investigated and ultimately dismissed. The dismissal letters were scanned and saved electronically but the other documents in of the files were destroyed. Feel free to contact me if you need anything else from our office.

Sincerely,

Julia Porter  
Deputy Disciplinary Counsel  
515 5<sup>th</sup> Street, NW  
Building A, Room 117  
Washington, D.C. 20001  
(202) 638-1501, ext. 1715  
(202) 638-0862 (Fax)

**Dismissal letter dated May 29, 1984**

**Inbox**

**Julia L. Porter**

**Wed, Feb 13, 2:32 PM (9  
days ago)**

to me

Dear Ms. Chenal – this will confirm that all disciplinary proceedings involving allegations of misconduct by an attorney are confidential unless Disciplinary Counsel files a petition or issues an informal admonition. The confidentiality requirement is set forth in D.C. Bar Rule XI, 17(a). Please let me know if you have any questions.

Sincerely,

Julia Porter  
Deputy Disciplinary Counsel  
515 5<sup>th</sup> Street, NW  
Building A, Room 117  
Washington, D.C. 20001  
(202) 638-1501, ext. 1715  
(202) 638-0862 (Fax)

# EXHIBIT 1

**IN THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF ARIZONA**

In the Matter of the House of )  
Representatives Investigation of )  
Representative DAVID STRINGER )  
before the House Ethics Committee )  
\_\_\_\_\_ )

SUBPOENA  
(DUCES TECUM)

THE STATE OF ARIZONA EXTENDS  
GREETINGS TO:

Representative David Stringer

Served by agreement Via Email and U.S. Mail  
carmenchenallaw@gmail.com  
Carmen A. Chenal  
Chenal Law Firm, PLLC  
7272 E. Indian School Road, Suite 566  
Scottsdale, Arizona 85251

You, Representative David Stringer, are hereby commanded to personally appear before House Ethics Committee Investigators on Friday, March 22, 2019, at 1:00 pm, at Ballard Spahr LLP, 1 E. Washington St., Suite 2300, Phoenix, Arizona 85003, or at any continuance of said appearance, to testify and give evidence in an investigation of Representative David Stringer currently pending before the House Ethics Committee.

You are further hereby commanded to produce all records or documents related to the following in your possession, custody or control:

- 1) All communication from/to the D.C. Bar, including the letter referenced in your counsel's communication from the Office of D.C. Bar Counsel issued May 29, 1984
- 2) All communication from/to the Yavapai County Bar.

3) All video recordings of statements made by Rep. Stringer related to the issue of race, including any information regarding when the videos were shared and/or removed on websites or social media associated with Rep. Stringer.

4) All other records relevant to the complaints, which have not yet been not disclosed.

5) All communication or submissions to any Bar organization, including applications, and character and fitness materials.

6) All applications and related materials regarding attempts to become a teacher or gain a master's degree.

7) All materials submitted regarding and results of any background checks.

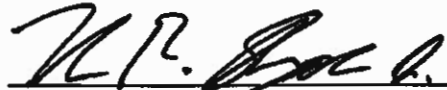
8) All materials related to application for professional licensing or membership in professional organizations.

9) All documents relating in any way to any criminal offenses for which Rep. Stringer was ever charged, whether or not those charges were later expunged, sealed, or otherwise shielded from public view.

If you fail to attend or produce the subpoenaed records, you will be subject to the penalties prescribed by law.

Given under the signature of the Chair of the Ethics Committee of the Arizona House of Representatives of the 54th Legislature pursuant to A.R.S. § 41-1151.

Dated this 11 day of March, 2019.

  
THOMAS R. SHOPE, JR., Chairman  
House Ethics Committee  
Arizona House of Representatives

EX. 2

1 Carmen A. Chenal, #009428  
Chenal Law Firm, pllc  
2 7272 East Indian School Road Suite 566  
Scottsdale, Arizona 85251  
3 Carmenchenallaw@gmail.com  
*Attorney for Respondent*

4  
5 **BEFORE THE PRESIDING DISCIPLINARY JUDGE**

6  
7 **IN THE MATTER OF A MEMBER OF THE  
STATE BAR OF ARIZONA**

PO No.

8 **REQUEST FOR PROTECTIVE  
ORDER SEALING THE RECORD**

9 **DAVID H. STRINGER**  
10 **Bar No. 19604**

State Bar File: 19-0274

11  
12  
13  
14 Respondent, David H. Stringer, through counsel undersigned,  
15 respectfully requests that the Presiding Disciplinary Judge of the Supreme  
16 Court of Arizona (PDJ), grant Respondent's Request for a Protective Order,  
17 pursuant to Rule 70(g) of the Rules of the Supreme Court. Rule 70(g) permits a  
18 party or person, with good cause shown, to request that the Presiding  
19 Disciplinary Judge issue an order sealing a portion of the record of a state bar  
20 file and for the PDJ to take other measures to assure the confidentiality of the  
21  
22  
23  
24

1 sealed information. According to the rule, the material sealed shall remain  
2 confidential.

3       The protective order sought here requests that a May 29, 1984, letter of  
4 dismissal from the D.C. Bar ("the letter") relating to its investigation of Mr.  
5 Stringer be disclosed to the State Bar of Arizona, but otherwise sealed from  
6 the public. The public includes but is not limited to all governmental entities  
7 and agencies including but not limited to the Arizona Legislature, Executive  
8 branch agencies, city, county, and other municipal agencies, all public and  
9 private media including print, TV, cable, internet, cellular and wireless  
10 communications, all business entities, private individuals and the general  
11 public.  
12  
13  
14

15       The reason for sealing the information from the public is as follows: The  
16 letter was issued in connection with an investigation more than three  
17 decades ago by the D.C. Bar, "which is confidential and shielded from public  
18 disclosure pursuant to DC Bar Rule XI, 17(a)," per The Office of Disciplinary  
19 Counsel in Washington D.C. The letter also includes references to sensitive  
20 personal matters that have been expunged from record by the Maryland court  
21 since the letter of dismissal was written.  
22  
23

24       The disclosure of the letter or information contained in it would violate  
25 Respondent's right to privacy and could be misinterpreted, selectively  
26

1 reported or otherwise used to harm Respondent's reputation, personal  
2 character, and professional standing.

3         Respondent is an elected official currently serving in the Arizona  
4 legislature. Disclosure of information in the letter could be used by political  
5 opponents to impugn Respondent's reputation and character, harm him  
6 politically, or influence the outcome of an election, causing irreparable harm  
7 to Respondent, his constituents, and the governance of the State of Arizona.  
8

9         The State Bar of Arizona wishes to review and obtain a copy of the  
10 letter and does not oppose this request for a Protective Order, as the Rules of  
11 the originating disciplinary authority state that this material is not publicly  
12 available, as confirmed by The Office of Disciplinary Counsel in Washington  
13 D.C.  
14

15         For all the above reasons, Respondent respectfully requests that the  
16 protective order be granted.  
17

18         A proposed Protective Order is attached as Exhibit A.

19         Counsel for Respondent has given her authority to Staff Bar Counsel  
20 Matt McGregor to sign and file this Request for Protective Order on her behalf.  
21


22         See Exhibit B.  
23  
24  
25  
26

1 DATED this 7<sup>th</sup> day of March 2019.

2 CHENAL LAW FIRM PLLC

#021221

3  
4 FOR

  
Carmen A. Chenal, Esq.  
7272 East Indian School Road Suite 566  
Scottsdale, Arizona 85251  
[CarmenChenallaw@gmail.com](mailto:CarmenChenallaw@gmail.com)  
Attorneys for Respondent

5  
6  
7  
8 Original filed with the Disciplinary Clerk of  
9 the Office of the Presiding Disciplinary Judge  
10 of the Supreme Court of Arizona  
11 this 7<sup>th</sup> day of March, 2019.

12 Copy of the foregoing emailed  
13 this 7<sup>th</sup> day of March, 2019, to:

14  
15 The Honorable William J. O'Neil  
16 Presiding Disciplinary Judge  
17 Supreme Court of Arizona  
18 1501 West Washington Street, Suite 102  
19 Phoenix, Arizona 85007  
20 E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

21 Copy of the foregoing emailed  
22 this 7<sup>th</sup> day of March, 2019, to:

23  
24 Matthew E. McGregor  
25 Staff Bar Counsel  
26

1 Arizona State Bar  
2 4201 North 24<sup>th</sup> Street  
3 Suite 100  
4 Phoenix, Arizona 85016

5  
6 Copy of the foregoing emailed  
7 this 7<sup>th</sup> day of March, 2019, to:

8 Lawyer Regulation Records Manager  
9 State Bar of Arizona  
10 4201 N. 24<sup>th</sup> St., Suite 100  
11 Phoenix, Arizona 85016-6266

12 by: *Luis H. Baldonado*  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# Exhibit A

1 Carmen A. Chenal, #009428  
Chenal Law Firm, pllc  
2 7272 East Indian School Road Suite 566  
Scottsdale, Arizona 85251  
3 carmenchenallaw@gmail.com  
Attorney for Respondent  
4

5 **BEFORE THE PRESIDING DISCIPLINARY JUDGE**

6 **IN THE MATTER OF A MEMBER OF THE**  
7 **STATE BAR OF ARIZONA**

PO No.

**ORDER SEALING THE RECORD**

**State Bar File:19-0274**

8  
9 **DAVID H. STRINGER**  
**BAR No. 19604**  
10  
11

12  
13 Pursuant to Respondent's request for a Protective Order, according to Rule  
14 70(g) of the Rules of the Arizona Supreme Court 70(g), and for good cause  
15 shown, it is ordered as follows:  
16

17 **IT IS ORDERED** that the May 29, 1984, letter of dismissal from the D.C.  
18 Bar relating to their investigation of Mr. Stringer is to be disclosed to the  
19 State Bar of Arizona, but otherwise sealed from the public. The public  
20 includes but is not limited to all governmental entities and agencies including  
21 but not limited to the Arizona Legislature, Executive branch agencies, city,  
22 county, and other municipal agencies, all public and private media including  
23 print, TV, cable, internet, cellular and wireless communications, all business  
24 entities, private individuals and the general public.  
25  
26



**FILED**

MAR 12 2019

STATE BAR OF ARIZONA

BY

*Carrie Parri*

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,

**DAVID H. STRINGER,**  
Bar No. 19601

Respondent.

**PO 2019-020**

**PROTECTIVE ORDER**

State Bar File No. 19-0274

Respondent filed an unopposed Request for Protective Order (Request).

Accordingly:

**IT IS ORDERED** granting the Request.

**IT IS FURTHER ORDERED** sealing the May 29, 1984 letter of dismissal from the D.C. Bar from the public pursuant to Rule 70(g), Ariz. R. Sup.Ct.

**IT IS FURTHER ORDERED** sealing any references to the contents of the letter between the parties or notes within the State Bar of Arizona file from the public pursuant to Rule 70(g), Ariz. R. Sup.Ct.

Pre-complaint orders sealing material do not seal such material post complaint if the material is sought to be used or referred to in subsequent pleadings

or in any hearing. In such circumstance, the parties are reminded a formal request for protective order with specificity must be filed with the material sought to be sealed and submitted for in-camera review.

Sealed material shall be opened and viewed only by an order of the committee, the presiding disciplinary judge, a hearing panel, the board or the court for use by such body and the parties in pending proceedings, and otherwise only upon notice to and an opportunity to be heard by the parties and the witness or other person who is the subject of the information. A party aggrieved by an order relating to a request for a protective order may seek review by filing a petition for special action with the court.

DATED this 12<sup>th</sup> day of March 2019.

William J. O'Neil  
William J. O'Neil, Presiding Disciplinary Judge

Original filed this 13 day of  
March 2019, with:

Lawyer Regulation Records Department  
State Bar of Arizona  
4201 North 24th Street, Suite 200  
Phoenix, Arizona 85016-6288

Copies of the foregoing were  
mailed/emailed this 13 day of  
March 2019, to:

**COPY**

**MAR 27 2019**



CLERK OF THE SUPERIOR COURT  
J. FERRO  
DEPUTY CLERK

1 Carmen A. Chenal, #009428  
2 **CHENAL LAW FIRM PLLC**  
3 7272 East Indian School Suite 540  
4 Scottsdale, Arizona 85251  
5 Phone: 480-207-5180  
6 Carmenchenallaw@gmail.com  
7 *Attorney for Plaintiff*

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 Case No. CV 2019-005913  
11 **PLAINTIFF'S EMERGENCY**  
12 **APPLICATION FOR TEMPORARY**  
13 **RESTRAINING ORDER**  
14 **( REQUEST FOR EMERGENCY**  
15 **HEARING ON March 27, 2019)**

16 DAVID STRINGER, a single man, aka  
17 Representative David Stringer.

18 Plaintiff,

19 v.  
20 THOMAS R. SHOPE JR. in his capacity as  
21 Chairman of the House of Representatives  
22 Ethics Committee of the State Legislature of  
23 Arizona; MEMBERS OF THE HOUSE  
24 ETHICS COMMITTEE OF THE STATE  
25 LEGISLATURE OF ARIZONA; THE  
26 STATE LEGISLATURE OF ARIZONA;  
27 JOHN DOES i-x; JANE DOES I-X; BLACK  
28 CORPORATIONS I-X; BLACK and WHITE  
29 PARTNERSHIPS I-X.

30 Defendants

31 Just recently plaintiff has discovered that it is likely that he will be ousted from his  
32 seat at the House of representative if he does not respond to a subpoena whose return  
33 date is today March 27, 2019. Arizona Revised Statutes Annotated Section 41-1153

1 permits this if a legislator such as Representative David Stringer, does not respond to the  
2 subpoena issued by the House Ethics Committee.

3 Arizona Revised Statutes Annotated Section 41-1153 states as follows:

4 A) If a witness neglects or refuses to obey a legislative subpoena or appearing  
5 neglects or refuses to testify the Senate or the House may, by resolution entered in  
6 the Journal ,commit him for contempt.

7  
8 B) A witness neglecting or refusing to attend in obedience to a subpoena may be  
9 arrested by the sergeant- at – arms and brought before the senate or House upon  
10 authority of a copy of the resolution signed by the president or speaker and co-  
11 signed by the secretary or chief clerk.

12  
13 As set forth in the **Verified Complaint and declaration being submitted this**  
14 **date, and incorporated as if fully set forth herein**, Plaintiff is requesting that  
15 Defendants be temporarily restrained, and then enjoined, from

16  
17 1) proceeding and enforcing the Subpoena issued to defendant on March 11, 2019  
18 and extended to be due today , March 27, 2019. Plaintiff simultaneously herewith is  
19 responding to the 9-item subpoena but can only produce one letter in response to request  
20 no. 2 in the subpoena,which is a letter from plaintiff to the Yavapai County Bar. (Plaintiff  
21 the exception of one letter to the Yavapai County Bar has nothing else responsive to the  
22 subpoena; and, the first request in the subpoena for a 1984 letter from the DC Bar is  
23 under protective order by the Arizona Supreme Court.)

24  
25 2) Expelling plaintiff , Representative David Stringer from the House of  
26

1 Representative today because of not responding to the subpoena to their liking: see  
2 statute above .

3  
4 3) Quashing the subpoena including that Representative Stringer appear before  
5 the House ethics committee investigators on **Friday, March 29, 2019 at what at 1 PM...**  
6  
7 Or any continuance of said appearance, to testify and give evidence in an investigation  
8 represented Davis to the currently pending before the House Ethics Committee.

9 Representative Stringer has been prohibited by the Committee to interview the two  
10 complainants and their letters to the committee. These two complaints are the basis of the  
11 investigation as represented by counsel for the committee, Joe Kenfield. In addition,  
12 counsel for plaintiff had repeatedly requested that the committee provide her with all  
13 their evidence and defendants have not provided anything except the to complaints,  
14 nothing else.  
15

16  
17 In *TP Racing, L.L.P. v Simms*, 232 Ariz. 489 (App. 2013) the Court set forth the  
18 criteria for granting a TRO or preliminary injunctive relief as follows:

19 A party seeking a preliminary injunction must show a strong likelihood of  
20 success on the merits, a possibility of irreparable injury if the injunction is not  
21 granted, a balance of hardships weighing in his favor, and public policy  
22 favoring the requested relief. *Shoen v. Shoen*, 167 Ariz. 58, 63, 804 P.2d  
23 787,792 (App. 1990). The critical factor is relative hardship, for which the  
24 movant must show either “1) probable success on the merits and the  
25 possibility of irreparable injury; or 2) the presence of serious questions and  
26 ‘the balance of hardships tips sharply’ in his favor” *Id.* (quoting *Justice v.*  
*Nat’l Collegiate Athletic Ass’n*, 577 F.Supp. 356, 363 (D.Ariz.1983)

(232 Ariz. at 494)

1 The Court quoted *Justice v. National Collegiate Athletic Ass'n, supra*, which added  
2 the following:

3  
4 These principles are not necessarily separate tests but rather are extremes of a  
5 single continuum (577 F. Supp. at 363)

6 Under the first alternative, probable success on the merits is shown by the facts set  
7 forth in the verified complaint and declaration in support thereof.

8 With respect to irreparable injury, this is shown by A.R.S. §33-811(C) as follows:

9  
10 Therefore, if we do not get a TRO today March 27<sup>th</sup>, the likelihood is that the  
11 plaintiff will lose his seat in the House of representative today, and our remedies are  
12 lost.

13  
14 With respect to relative hardship above, we need to show the presence of serious  
15 questions and the balance of hardships tips sharply in our favor. From the quotation of  
16 A.R.S. §33-811(C), it should be clear that the balance of hardships tips sharply in our  
17 favor. If we do not receive the temporary restraining order and preliminary injunction,  
18 Plaintiff will have lost his seat in the house of Representatives, even though a  
19 determination of the merits might have ultimately gone in his favor. On the other hand, if  
20 we receive the temporary restraining order and Preliminary Injunction, and Defendants  
21 will ultimately prevail on the merits, the only hardship to them would be a delay, which is  
22 not really a hardship .  
23

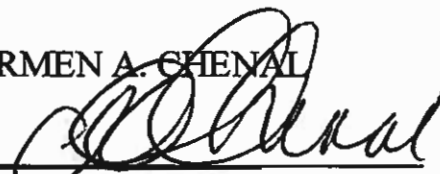
24  
25 Plaintiff will be immediately and irreparably harmed by depriving him of his right  
26

1 to continue as a representative in the House of Representatives in Arizona.

2 It is respectfully requested that the temporary restraining order, preliminary  
3 injunction and permanent injunction, issue to prevent the committee from , appearing at a  
4 hearing this Friday March 29<sup>th</sup>, and expelling Representative David Stringer for allegedly  
5 being non-responsive to a subpoena.  
6

7 **RESPECTFULLY SUBMITTED** this 27<sup>th</sup> day of March 2019.

8 CARMEN A. CHENAL



9  
10 Carmen A. Chenal , Esq. ,  
11 Attorney for Plaintiff

12 **ORIGINAL** of the foregoing filed March 27 , 2019 with:

13 Clerk of Court  
14 Maricopa County Superior Court

15 **COPY** of the foregoing along with all other pleadings  
16 in this matter e-delivered  
17 March 27, 2019 to:

18 Joseph A. Kanefield  
19 Via email  
20 kanefieldj@ballardpahr.com  
21  
22  
23  
24  
25  
26

1 Carmen A. Chenal, #009428  
2 **CHENAL LAW FIRM PLLC**  
3 7272 East Indian School Suite 540  
4 Scottsdale, Arizona 85251  
5 Phone: 480-207-5180  
6 Carmenchenallaw@gmail.com  
7 *Attorney for Plaintiff*

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

9 **IN AND FOR THE COUNTY OF MARICOPA**

10 Case No. CV 2019-005913

11 DAVID STRINGER, a single man, aka  
12 Representative David Stringer.

13 **ORDER TO SHOW CAUSE**

14 Plaintiff,

15 v.

16 THOMAS R. SHOPE JR. in his capacity as  
17 Chairman of the House of Representatives  
18 Ethics Committee of the State Legislature of  
19 Arizona; MEMBERS OF THE HOUSE  
20 ETHICS COMMITTEE OF THE STATE  
21 LEGISLATURE OF ARIZONA; THE  
22 STATE LEGISLATURE OF ARIZONA;  
23 JOHN DOES i-x; JANE DOES I-X; BLACK  
24 CORPORATIONS I-X; BLACK and WHITE  
25 PARTNERSHIPS I-X.

26 Defendants

**To: Defendants Arizona State Capitol Complex, 1700 West Washington Street**  
THOMAS R. SHOPE JR. in his capacity as Chairman of the House Ethics Committee of  
the State Legislature of Arizona; Members of the House of Representatives Ethics  
Committee of the State Legislature of Arizona; and the State Legislature of Arizona.

This matter having come before the Court on plaintiff's "verified complaint"  
and plaintiff's Application for Order to Show Cause and Temporary Restraining Order  
with Notice, ("the Application") and good cause appearing,

1 **IT IS HEREBY ORDERED** that defendants appear before this Court at the address  
2 indicated below on \_\_\_\_\_, 2019 at \_\_\_\_\_ a.m., and then show cause, if any there  
3 be, why a temporary restraining order, pending the outcome of a preliminary injunction  
4 hearing, should not issue as prayed for in the Application.

5  
6 This Court's address is as follows: 101 W. Jefferson, Courtroom \_\_\_\_\_, Phoenix, AZ  
7 85003, the Hon. \_\_\_\_\_

8 **IT IS HEREBY FURTHER ORDERED** that plaintiff it is further ordered that plaintiff  
9 shall serve copies of his "Verified Complaint" the Application, and this Order to Show  
10 Cause on defendants and their counsel by email. Counsel for plaintiff will thereafter call  
11 defendants" counsel notifying them of the hearing.

12  
13 DONE IN OPEN COURT this \_\_\_\_\_ day of March 2019.

14  
15  
16 \_\_\_\_\_  
17 Judge of the Maricopa County Superior Court  
18  
19  
20  
21  
22  
23  
24  
25  
26

**COPY**

**MAR 27 2019**



CLERK OF THE SUPERIOR COURT  
J. FIERRO  
DEPUTY CLERK

1 Carmen A. Chenal, #009428  
2 **CHENAL LAW FIRM PLLC**  
3 7272 East Indian School Suite 540  
4 Scottsdale, Arizona 85251  
5 Phone: 480-207-5180  
6 Carmenchenallaw@gmail.com  
7 *Attorney for I*

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

9 **IN AND FOR THE COUNTY OF MARICOPA**

10 Case No. **CV 2019-005913**

11 **DAVID STRINGER, a single man, aka**  
12 **Representative David Stringer.**

13 **DECLARATION IN SUPPORT OF**  
14 **TRO, OSC, COMPLAINT AND OSC**

15 **Plaintiff**

16 **v.**

17 **THOMAS R. SHOPE JR. in his capacity as**  
18 **Chairman of the House of Representatives**  
19 **Ethics Committee of the State Legislature of**  
20 **Arizona; MEMBERS OF THE HOUSE**  
21 **ETHICS COMMITTEE OF THE STATE**  
22 **LEGISLATURE OF ARIZONA; THE**  
23 **STATE LEGISLATURE OF ARIZONA;**  
24 **JOHN DOES i-x; JANE DOES I-X; BLACK**  
25 **CORPORATIONS I-X; BLACK and WHITE**  
26 **PARTNERSHIPS I-X.**

**Defendants**

1. Defendants intend on expelling I on Wednesday March 27<sup>th</sup> if I has not responded to defendants' subpoena which was extended to be due on the 27<sup>th</sup> of March, attached as Ex. 1 to verified complaint. Hereinafter all references to exhibits are references to exhibits to verified complaint.

1           2.     One of the allegations of the two complaints that are the subject of the House  
2 of Representatives investigation has to do with a 1983 court case in Maryland, that was  
3 later addressed in a bar complaint to the DC bar. The investigation was dismissed by the  
4 DC bar in 1984 after reviewing the underlying case with the statement that there was no  
5 moral turpitude by plaintiff.  
6

7           3.     The May 29, 1984 dismissal letter ( the “ letter”) from the Bar, stated that  
8 there was no moral turpitude by I, and he could continue to practice law.  
9

10          4.     The Arizona State Bar was investigating the I regarding the 1983 court matter  
11 and requested the letter. It was provided to the Arizona Bar by the DC Bar through I’s  
12 counsel. The Arizona Bar dismissed the investigation of plaintiff .

13          5.     Plaintiff is in good standing with the Maryland and DC bat although he is  
14 inactive in them.  
15

16          6.     Plaintiff is in good standing with the Arizona Bar and is an active member.

17          7.     Plaintiff has never had any discipline from any Bar in all his years of practice  
18 as a lawyer.

19          8.     I requested a protective order of the letter of dismissal from disciplinary  
20 Judge O’Neil of the Arizona supreme Court which request was granted by Judge O’Neil.  
21 Attached is the Request for protective order and the order of protection , Ex. 2.  
22

23          9.     Judge O’Neil ordered sealing the May 29, 1984 letter from the public. The  
24 public included the Arizona legislature therefore the ethics committee of the House of  
25 Representatives.  
26

1 10. I have advised the ethics committee continuously that they could have the  
2 letter if they filed a special action for it, provided that the letter be kept confidential and  
3 not disseminated to the public.

4 11. Judge O'Neil's order states in pertinent part that " a party aggrieved by an  
5 order relating to a request for a protective order may seek review by filing a petition for  
6 special action with the court", Ex. 2.

8 12. I have advised defendants on numerous occasions that it appeared from the  
9 Judge's order that defendants would have to file a special action asking for the letter to  
10 be released to them.

11 13. I told defendants that plaintiff would not oppose the special action provided  
12 that the letter be kept confidential by the committee.

14 14. Defendants have advised me in an open meeting at the legislature that the  
15 letter shall be disseminated to the public. Defendants did not give me a chance to argue  
16 why the letter should be kept private at their open meeting. They have not filed anything  
17 with the court asking for the letter as required by the order.

18 15. The dismissal letter from the DC bar pursuant to the request for protective  
19 order was "issued in connection with an investigation more than three decades ago by the  
20 DC Bar- which is confidential and shielded from public disclosure pursuant to DC Bar  
21 Rule XI, 17(a), Ex. 3.

22 16. The dismissal letter went to the Arizona State Bar and was kept confidential.

23 17. Both the DC Bar and Arizona Bar dismissed their investigation dealing with  
24  
25  
26

1 the 1983 allegations of sexual conduct which never resulted in a plea or conviction.

2 18. Now defendants in their subpoena are requesting under item number 1:

3 “ all communication from/to the DC Bar, including the letter referenced in your  
4 counsel’s communication from the Office of D.C. Bar counsel issued May 29,  
5 1984.” See the subpoena attached as Ex. 1

6  
7 19. Plaintiff’s counsel is prohibited by Judge O’Neil’s order ( the “order”) from  
8 providing the dismissal letter from the DC Bar to any third parties including the  
9 committee. Defendants may file a special action with the Arizona state supreme court to  
10 obtain the letter , as ordered by Judge O’Neil, Ex. 2.

11  
12 20. With respect to *item no. 2* in the subpoena Ex. 1, communications from and  
13 to Yavapai county bar, plaintiff does have one letter which is not relevant,  
14 however, even though defendants can communicate with the Yavapai County and  
15 seek whatever may be there, I will produce the letter from plaintiff to the Yavapai  
16 County Bar.

17  
18 21. *Item no. 3*, All video recordings of statements made by Representative  
19 Stringer related to the issue of race, including any information regarding when  
20 videos were shared and/or removed on website or social media associated with  
21 representative Stringer. Plaintiff does not have these items in his possession and if  
22 relevant to the defendants’ investigation they would be on the internet, Facebook,  
23 and easily reviewable by defendants.

24  
25 22. *Item no. 4* asks for all other records relevant to the complaints, which have  
26

1 not yet been disclosed. Plaintiff has disclosed all he has in his custody and control  
2 to defendants and has no more records.

3 23. *Item no. 5* is for all communication or submissions to any bar organization  
4 including applications, and character and fitness materials. Plaintiff has not kept  
5 the applications or character and fitness materials which are decades old for the  
6 most part . They are not in his custody or control.  
7

8 24. The Arizona State Bar and DC bar do not have the materials requested in  
9 *item no. 5*.


10 25. *Item no. 6* requests “ all applications and related materials regarding attempts  
11 to become a teacher or gain a masters’ degree. Plaintiff does not have these in his  
12 custody or control.  
13

14 26. *Item no.7* requests: all material submitted regarding all results of any  
15 background checks. Plaintiff does not have any materials or results of background  
16 checks in his custody or control.  
17

18 27. *Item no. 8* requests “ all materials related to application for professional  
19 licensing or membership in professional organizations.” Plaintiff does not have  
20 these in his custody or control.  
21

22 28. *Item no. 9*, All documents relating in any way to criminal offense for which  
23 representative Stringer was ever charged, whether or not those charges were later  
24 expunged, sealed, or otherwise shielded from public view. Plaintiff has never had  
25 a criminal charge other than the one from 1983 which never went to judgment and  
26

1 which was expunged and destroyed by the Maryland courts. He does not have any  
2 of the documents requested under item no. 9 in his custody or control.

3  
4  
5 

6 Carmen A. Chenal, Esq.  
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# EXHIBIT 3

## Documents relating to David Springer

Inbox

**Julia L. Porter**

Tue, Feb 5,  
8:10 AM

to me

Dear Ms. Chenal – Our case manager says that we have no additional documents for the two matters that were investigated and ultimately dismissed. The dismissal letters were scanned and saved electronically but the other documents in of the files were destroyed. Feel free to contact me if you need anything else from our office.

Sincerely,

Julia Porter  
Deputy Disciplinary Counsel  
515 5<sup>th</sup> Street, NW  
Building A, Room 117  
Washington, D.C. 20001  
(202) 638-1501, ext. 1715  
(202) 638-0862 (Fax)

## Dismissal letter dated May 29, 1984

Inbox

**Julia L. Porter**

Wed, Feb 13, 2:32 PM (9  
days ago)

to me

Dear Ms. Chenal – this will confirm that all disciplinary proceedings involving allegations of misconduct by an attorney are confidential unless Disciplinary Counsel files a petition or issues an informal admonition. The confidentiality requirement is set forth in D.C. Bar Rule XI, 17(a). Please let me know if you have any questions.

Sincerely,

Julia Porter  
Deputy Disciplinary Counsel  
515 5<sup>th</sup> Street, NW  
Building A, Room 117  
Washington, D.C. 20001  
(202) 638-1501, ext. 1715  
(202) 638-0862 (Fax)

1 Carmen A. Chenal, #009428  
2 **CHENAL LAW FIRM PLLC**  
3 7272 East Indian School Suite 540  
4 Scottsdale, Arizona 85251  
5 Phone: 480-207-5180  
6 Carmenchenallaw@gmail.com  
7 *Attorney for Plaintiff*

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

9 **IN AND FOR THE COUNTY OF MARICOPA**

10 Case No. CV 2019-005913

11 DAVID STRINGER, a single man, aka  
12 Representative David Stringer.

13 **TEMPORARY                      RESRAINING**  
14 **ORDER**

15 Plaintiff,

16 v.

17 THOMAS R. SHOPE JR. in his capacity as  
18 Chairman of the House of Representatives  
19 Ethics Committee of the State Legislature of  
20 Arizona; MEMBERS OF THE HOUSE  
21 ETHICS COMMITTEE OF THE STATE  
22 LEGISLATURE OF ARIZONA; THE  
23 STATE LEGISLATURE OF ARIZONA;  
24 JOHN DOES i-x; JANE DOES I-X; BLACK  
25 CORPORATIONS I-X; BLACK and WHITE  
26 PARTNERSHIPS I-X.

Defendants

**To: Defendants Arizona State Capitol Complex, 1700 West Washington Street**  
THOMAS R. SHOPE JR. in his capacity as Chairman of the House Ethics Committee of  
the State Legislature of Arizona; Members of the House of Representatives Ethics  
Committee of the State Legislature of Arizona; and the State Legislature of Arizona.

This matter having come before the Court on plaintiff's "verified complaint"  
and plaintiff's Application for Order to Show Cause and Temporary Restraining Order  
with Notice, ("the Application"), which concerns the subpoena issued by defendants on  
March 11, 2019, and that is due on March 27, 2019, which among other things is

1 overbroad, and good cause appearing, the court makes the following Orders, until such  
2 time as this matter can b heard at a preliminary injunction hearing.

3  
4 **IT IS ORDERED AS FOLLOWS:**

5  
6 That the subpoena attached hereto, issued on March 11, 2019 by defendants , and due on  
7 March 27, 2019, by plaintiff, is quashed until such time as this matter can be heard at a  
8 preliminary injunction hearing.

9  
10  
11 

---

Judge of the Superior Court

**COPY FOR CERTIFICATION**

CERTIFIED COPY

CLERK OF THE SUPERIOR COURT  
FILED

3-27-19 1:15 p.m.

D. Cherbagl, Deputy

1 Carmen A. Chenal, #009428  
2 **CHENAL LAW FIRM PLLC**  
3 7272 East Indian School Suite 540  
4 Scottsdale, Arizona 85251  
5 Phone: 480-207-5180  
6 Carmenchenallaw@gmail.com  
7 *Attorney for Plaintiff*

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MARICOPA**

CV 2019-005913

Case No.

**ORDER TO SHOW CAUSE**

8 DAVID STRINGER, a single man, aka  
9 Representative David Stringer.

10  
11 Plaintiff,

12 v.

13 THOMAS R. SHOPE JR. in his capacity as  
14 Chairman of the House of Representatives  
15 Ethics Committee of the State Legislature of  
16 Arizona; MEMBERS OF THE HOUSE  
17 ETHICS COMMITTEE OF THE STATE  
18 LEGISLATURE OF ARIZONA; THE  
19 STATE LEGISLATURE OF ARIZONA;  
20 JOHN DOES i-x; JANE DOES I-X; BLACK  
21 CORPORATIONS I-X; BLACK and WHITE  
22 PARTNERSHIPS I-X.

23  
24 Defendants

25 **To: Defendants Arizona State Capitol Complex, 1700 West Washington Street**  
26 THOMAS R. SHOPE JR. in his capacity as Chairman of the House Ethics Committee of  
the State Legislature of Arizona; Members of the House of Representatives Ethics  
Committee of the State Legislature of Arizona; and the State Legislature of Arizona.

27 This matter having come before the Court on plaintiff's "verified complaint"  
28 and plaintiff's Application for Order to Show Cause and Temporary Restraining Order  
29 with Notice, ("the Application") and good cause appearing,

1 **IT IS HEREBY ORDERED** that defendants appear before this Court at the address  
2 indicated below on March 27, 2019 at 4:00 p.m., and then show cause, if any there  
3 be, why a temporary restraining order, pending the outcome of a preliminary injunction  
4 hearing, should not issue as prayed for in the Application.

5 This Court's address is as follows: 101 W. Jefferson, Courtroom 414, Phoenix, AZ  
6 85003, the Hon. Rosa Mroz

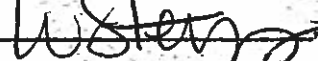
7 **IT IS HEREBY FURTHER ORDERED** that plaintiff it is further ordered that plaintiff  
8 shall serve copies of his "Verified Complaint" the Application, and this Order to Show  
9 Cause on defendants and their counsel by email. Counsel for plaintiff will thereafter call  
10 defendants' counsel notifying them of the hearing.

11 DONE IN OPEN COURT this 27<sup>th</sup> day of March 2019.

12  
13  
14  
15  
16   
17 Judge of the Maricopa County Superior Court  
18 Hon. Rosa Mroz

19  
20  
21  
22 The foregoing instrument is a full, true and correct copy  
of the original on file in this office.

23 Attest MAR 27 2019 20  
JEFF FINE, Clerk of the Superior Court of the  
State of Arizona, in and for the County of Maricopa.

24 By  Deputy Clerk  
25 W. Stevens  
26 Deputy Clerk

# Ballard Spahr LLP

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Phoenix, AZ 85004-2555  
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Fax: 602.798.5595  
herrera@ballardspahr.com

March 26, 2019

Via Email: [carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)

Carmen A. Chenal  
Chenal Law Firm, PLLC  
7272 E. Indian School Road, Suite 566  
Scottsdale, AZ 85251

Re: Subpoena and Requested Extension

Dear Ms. Chenal:

Per your message yesterday evening, you are requesting another extension to produce documents and participate in an interview pursuant to the subpoena. The Ethics Committee has already granted you an extension to accommodate your schedule, after which you told the press that your client would nevertheless refuse to comply with the subpoena. In light of this history of delay tactics, your latest requested extension has been denied by Chairman Shope.

Tomorrow is the deadline for the production of documents, and we would like to meet with you in person to receive any documents that you may have to produce. Also, we have some information that we would like to share with you in advance of the interview scheduled on Friday. Please let us know when you are available to meet with us in our office tomorrow.

Furthermore, it has come to our attention that you have reached out again to Speaker Bowers. You have already been asked to direct your communications regarding this matter through counsel. To facilitate the efficient resolution of this investigation for your client and for the Ethics Committee, we remind you of that instruction.

Best regards,



Joseph A. Kanefield

Carmen A. Chenal  
March 26, 2019  
Page 2

A handwritten signature in black ink, appearing to read 'Roy Herrera', with a stylized flourish at the end.

Roy Herrera

JAK/vlm

Carmen A. Chenal, #009428  
**CHENAL LAW FIRM PLLC**  
7272 East Indian School Rd, Suite 540  
Scottsdale, Arizona 85251  
Phone: 480-207-5180  
[Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

Date: March 26, 2019  
Russell "Rusty" Bowers  
Speaker of the House of Representatives  
Arizona State Legislature

Hand Delivered

Dear Mr. Speaker,

I am writing this letter to you, late Monday night and will have it to your office as quickly as I can Tuesday morning.

I have attempted to reach you previously to lay out my concerns regarding the seemingly biased way the House Ethics Committee is handling its prosecution of Representative David Stringer, but have not heard back from you. I believe I now may know why the committee has been functioning the way it has.

A short while ago I came across an Arizona Capitol Times article from December 7<sup>th</sup>, 2018 wherein the House Ethics Committee Chairman TJ Shope not only spoke disparagingly of Rep Stringer and presumed that there would be a constant flow of negative remarks made by Rep Stringer becoming public, but stated for the record that 'i don't think he deserves to be there' referring to Rep Stringer's position at the Arizona House of Representatives.

Given that Mr. Shope's public position stated 'Rep Stringer should not remain in office 'was spoken before the publicity surrounding Representative Stringer's 1983 false arrest, it is rather obvious that Rep. Shope's opinion has not improved

It is clear Chairman Shope has put us in an impossible situation by not disclosing to you , that he had already publicly pre-judged the case. He failed to tell you this critical fact . As such, he cannot possibly be considered an impartial

or fair member, not to mention the Chairman of the House Ethics Committee prosecuting my client. We may not have known until now what he said, but he knew it then and failed to disclose it . He said nothing.

Rep. Shope's conduct in this matter is the very definition of unethical, and while he has publicly declared these hearings "political" and not "legal," that does not relieve him of the responsibility of behaving ethically.

These are your Committees Mr. Speaker. Should you decide that Chairman Shope remain as Chairman despite his disqualifying remarks there may be nothing, we can do about it. However, to be frank, I am writing this to you first, before I have had a chance to research what options might be available to us regarding the Chairman's conflict of interest.

This is such a crystal-clear situation that I believe that you will act in good faith, do the right thing, and remove Chairman Shope from the committee immediately . I am sure that you will name someone to replace him immediately who has not already prejudged Rep Stringer's guilt, or innocence.

You have a reputation of being fair and ethical. Given this , I expect you will act in good faith and replace Mr. Shope with someone that will be just as ethical in the committee's evaluation of the alleged claims of the two complainants, which are the subject matter of the committee's investigation per Mr. Kenfield.

I await your most urgent reply,

Appreciatively,

  
Carmen Chenal

1 East Washington Street, Suite 2300  
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Roy Herrera  
Tel: 602.798.5430  
Fax: 602.798.5595  
herrera@ballardspahr.com

March 25, 2019

*Via Email Only carmenchenallaw@gmail.com*

Carmen A. Chenal  
Chenal Law Firm, PLLC  
7272 E. Indian School Road, Suite 566  
Scottsdale, Arizona 85251

Re: Rep. David Stringer's Reported Refusal to Comply with the Subpoena

Dear Ms. Chenal:

We are concerned about statements attributed to you in the press on Friday, March 22, 2019. You are quoted in the Yellow Sheet Report saying that "[Rep.] Stringer would not sit for an interview with the House's investigators." See Yellow Sheet Report, Friday, March 22, 2019, at p. 2 (attached to this letter). Please confirm the accuracy of this statement by 5:00 p.m. today.

We are troubled by this press report. If the report is accurate, it is yet another example of Rep. Stringer's obstruction of the work of the Ethics Committee, despite your previous assurances that he would cooperate with the investigation into allegations against him. The Arizona House of Representatives has a constitutional obligation to conduct this investigation to protect the integrity of the institution and preserve public confidence in the Arizona Legislature. The Ethics Committee takes this role seriously, while providing a fair and transparent process to Rep. Stringer and to the citizens of Arizona.

At every point of the Ethics Committee's process, Rep. Stringer has asked for extensions to respond to inquiries, produce documents, and participate in an interview. The Committee has been very generous and accommodating in agreeing to Rep. Stringer's requests. After repeated stalling tactics, Rep. Stringer refused to stipulate to a motion to unseal criminal records under Maryland Code of Criminal Procedure § 10-108, and has refused to disclose documents to the Ethics Committee.

Your client's claim that protections of confidentiality tie his hands and prevent him from cooperating lacks credibility. It is clear from your communications with the D.C. Bar and with this office that you had possession of the May 29, 1984 letter from the Office of D.C. Bar Counsel, with no conditions of confidentiality. Indeed, you had the letter for several

Carmen A. Chenal  
March 25, 2019  
Page 2

weeks before you even requested the protective order from the State Bar of Arizona. That order would not exist, but for the request of your client. You not only notified this office of your possession of the letter well before the protective order's existence, but also selectively quoted from the supposedly "confidential" document. You further offered to share the document with the committee under your own conditions, which directly contradicts your claim of confidentiality. The State Bar of Arizona is in possession of the document, only because you provided it, and you later attempted to shield its contents from the Committee and the public. According to media accounts, your client has now expressed refusal to sit for an interview despite a legislative subpoena and despite rescheduling the interview to accommodate your schedule.

Rep. Stringer's refusals to cooperate and his efforts to obstruct the Ethics Committee's investigation have caused avoidable delay and have prevented the Committee, the House, and the public from quickly accessing information that would assist in evaluating the allegations against Rep. Stringer. The interview is intended to provide Rep. Stringer the opportunity to respond to allegations and to address serious questions. Rep. Stringer has failed to avail himself of the considerable process which has been afforded to him and has instead engaged in efforts to circumvent, delay, and obstruct the process.

If Rep. Stringer intends to disobey the subpoena and refuses to attend the interview with the investigators on Friday, March 29, 2019 (which was originally set for March 22, 2019, but was postponed to accommodate your schedule), we ask that you please inform us by 5:00 p.m. today (March 25, 2019) to prevent additional public resources from being spent to address Rep. Stringer's tactics to interfere with the efficient resolution of this matter.

Sincerely,



Joseph A. Kanefield



Roy Herrera

JAK/mtg

# YELLOW SHEET REPORT

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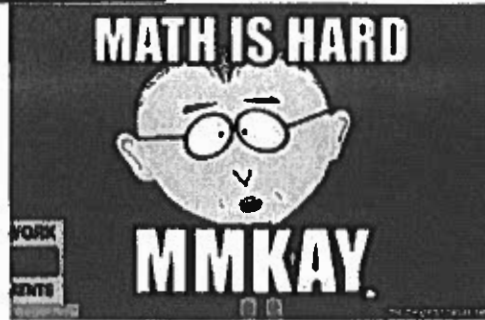
Friday, March 22, 2019

## NEWS NOTES AND GOSSIP

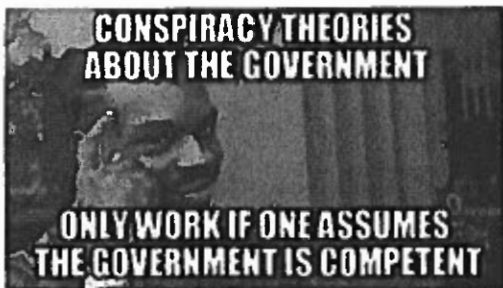
### **LIES, DAMN LIES AND ELECTION MATHEMATICS**

How many people will be kicked off of the PEVL if Ugenti-Rita's S1188 (permanent early voting list) is signed into law varies greatly depending on who you ask. The bill states that anyone who doesn't use their early ballot – either by mailing it back or dropping it off at a polling place – for either the primary or general election for two consecutive election cycles would be kicked off the PEVL. Hobbs' office told our reporter that using data from 2016 and 2018 elections, they estimated 200,000 voters would be removed from the PEVL statewide

([LINK](#)). But Maricopa County Recorder Adrian Fontes' spokeswoman Kathren Coleman said that in Maricopa County, the number of people who would be dropped from the PEVL is 34,440. In 2016 and 2018, between 56 and 60 percent of all votes cast came from Maricopa County, meaning if the Recorder's Office's number were extrapolated statewide, (assuming the percentage of people who did not sue their PEVL in the 2016 or 2018 general or primary elections in other counties are roughly similar) the number would be in the neighborhood of 57,000 – a far cry from the 200,000 that Hobbs' office estimated. Coleman later said the office actually had two different figures – depending on how they crunch the numbers, there could be as many as 44,000 people affected by S1188 in Maricopa County (she wasn't sure as of our deadline which figure was correct). Pima County Recorder F. Ann Rodriguez told our reporter today that 200,000 is an outrageous number, and simply isn't possible. "That math don't work – I'm sorry, it just doesn't work," she said. Rodriguez said she's also crunched the numbers to see how many people she would have to remove from the PEVL if S1188 were signed into law. It was about 9,000 people from Pima County. "I don't know how they're crunching their numbers, but Maricopa County and Pima County are the brunt of the votes," Rodriguez said.



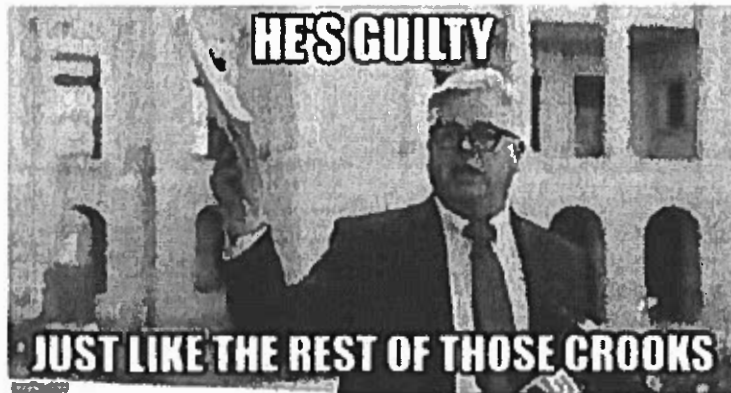
### **CONSPIRACY OR INCOMPETENCE?**



Ugenti-Rita said the estimate from the Secretary of State's Office is so far off from that of the county recorders figures that it makes the whole Seventh Floor suspect. "It really calls into question, and I'm being polite here, the numbers the Secretary of State's Office provided," she said. "Is this incompetence, or is there something nefarious going on?" she mused. Ugenti-Rita said she asked the Secretary of State's Office how they came to that number, but didn't get a satisfactory answer. "I got gibberish," she said. Having such wildly different numbers "does harm to election integrity in general," she said. When our reporter told C. Murphy Hebert, Hobbs' spokeswoman, about the vast disparities between Fontes' numbers and Hobbs, Hebert still wasn't convinced the numbers were wrong, saying the other 150,000 or more people who would be dropped from the PEVL could have come from the other counties. Our reporter asked for a county-by-county breakdown, as well as the office's methodology in coming to that 200,000 figure. The office did not make that available as of our deadline.

**CAN WE GET SOME CLARIFICATION ON THIS CLARIFICATION?**

The *Arizona Mirror* yesterday reported that Disciplinary Judge William O'Neil's order prohibited Stringer from turning over the document to the House Ethics Committee as requested in a subpoena from the committee ([LINK](#)), but that wasn't exactly right. Supreme Court spokesman Aaron Nash clarified today that it would not keep Stringer from providing his own copy of the document ([LINK](#)). However, Nash couldn't say with certainty whether the protective order signed in the course of the Arizona Bar's investigation prohibits Stringer from giving House ethics the document "given the circumstances," as the *Mirror* reported today. Stringer's attorney Carmen Chenal certainly thinks it does. She told our reporter that neither she nor Stringer had a copy of the letter prior to the Arizona Bar's investigation into whether he made all appropriate disclosures when he applied to practice law in Arizona. Stringer has until March 27 to provide documents to House Ethics and until March 29 to sit for an interview. Neither seems likely, as Chenal told our reporter today that the DC Bar intended for the document to be kept confidential, and said Stringer would not sit for an interview with the House's investigators. Nash did not immediately return calls for further comment.

**THE BEST LAID PLANS OF MICE AND MEN**

Chenal sought to keep the DC Bar letter away from the Legislature from the very beginning. In her request for the protective order, she argued the letter should be disclosed to the Arizona Bar but not the public, including the state Legislature first. And Chenal made it clear that sealing the document would protect Stringer from political fallout. "Disclosure of information in the letter could be used by political opponents to impugn [Stringer's] reputation and character, harm him politically, or influence the outcome of an election, causing irreparable harm to [Stringer], his constituents, and the governance of the State of Arizona," Chenal wrote in her request to O'Neil. And her specificity did not go unnoticed. "Stringer asked for the protective order knowing the House Ethics Committee was convening on this specific issue! He had his counsel specifically include the state Legislature not to receive the documents! This was not the courts independently acting to protect Stringer!" attorney Tom Ryan wrote on Twitter. And Amy Chan, a Clean Elections commissioner and former elections director, noted Stringer could still request that the order be vacated and that the House Ethics Committee could still hold him liable for refusing to cooperate. In any case, Nash said the ultimate decision was for Chenal and Stringer to make.

Chenal sought to keep the DC Bar letter away from the Legislature from the very beginning. In her request for the protective order, she argued the letter should be disclosed to the Arizona Bar but not the public, including the state Legislature first. And Chenal made it clear that sealing the document would protect Stringer from political fallout. "Disclosure of information in the letter could be used by political opponents to impugn [Stringer's] reputation and character, harm him politically, or influence the

**HOT TAKE, MEET CLAP****BACK**

After *Republic* Columnist Elvia Diaz penned a scathing rebuke of “Ducey’s unmistakable endorsement of Trump’s disdain for Mexico and Mexicans in the U.S.” and the governor backing “Trump’s ‘fake’ national emergency,” Ducey spokesman Daniel Ruiz clapped back on Twitter. In the column -- posted with the headline, “Boost trade with Mexico AND back Trump? Sorry, governor. You can’t do both” ([LINK](#)) – Diaz gives Ducey kudos for increasing bilateral trade between the two countries, and offers some backhanded compliments about an event this week where he “rolled out the red carpet for Mexico’s new ambassador to the U.S.,



Martha Bárcena, and invited the crème de la crème of Arizona business and political trailblazers to boast about his work with Mexico.” But as the headline suggests, she argued that means little if Ducey is siding with Trump on bypassing Congress to pay for more border wall. “Trade with Mexico is great, and Ducey deserves kudos for it. But you know what would be even greater? For the governor to show that he also cares for ordinary Hispanics in Arizona – many of whom are deeply against President Donald Trump and his policies that hurt non-whites,” she wrote. It seems that line is what got under Ruiz’ skin. He told our reporter yesterday that since Diaz was appointing herself as the voice for all Latinos, he felt compelled to defend his boss on Twitter. “Oh, we know he cares, @ElviaDiaz! It’s why he got 44% of the Hispanic vote last November,” he wrote, noting that was against a candidate with a Hispanic surname. Ruiz noted that number dwarfed other Arizona Republicans in recent elections. Citing CNN exit polls, Ruiz noted that Trump earned 31 percent of the Hispanic vote, while McSally earned just 30. McCain, who caught flak from his own party for pushing for comprehensive immigration reform, earned just 40 percent of the Hispanic vote in the 2016 Senate race. “Maybe it’s his focus on the economy and education. Or his diverse appointments to leadership and judicial positions. Or just his general commitment and action to secure opportunity for ALL,” he wrote.

**I DON’T UNDERSTAND TRUMP, BUT I CHOOSE TO IGNORE HIM**

Ducey today took a slightly stronger stance against Trump’s seemingly endless attacks against McCain. In an interview on KTAR this morning, Ducey said he’s baffled at Trump’s criticisms of McCain. “I don’t understand it. I don’t know why he continues to do it,” Ducey said. The governor elaborated, saying that he’s made it very clear how he feels about the late senator and the McCain family. “For the record, I’m a fan of John McCain and always have been,” he said. When KTAR’s morning show hosts asked Ducey if he, like McSally, had talked to or tweeted at Trump to discuss the president’s attacks on McCain, Ducey responded that’s not his style. Out of respect for the McCain family, Ducey said he’s trying to avoid throwing gas on the fire. “I don’t want to amplify this situation. I don’t want to give oxygen to this situation. I want to talk about the senator’s service and the example he set for all in elected life,” Ducey said. But Trump’s harsh critiques of McCain have resulted in consequences for the McCain family. Cindy McCain tweeted earlier this week a message from a stranger, who went on a vicious rant about the late senator. The person, Tiffany Nicole, said she was glad McCain is dead and criticized both McCain and Meghan McCain ([LINK](#)). Cindy McCain posted the message on Twitter to publicly shame the random

person. Meghan McCain has also faced her fair share of Twitter trolls in response to the recent onslaught of attacks from the president.

### **SO LONG STEPTOE**

The Phoenix branch of Steptoe & Johnson, an international law firm, will close its doors later this year. Kathy King, Steptoe's director of media and public relations confirmed the news to our reporter that it will officially close by September. In a statement, Steptoe said, "While this was a difficult decision, Steptoe's strategic plan is focused on growth in priority practices in key regulatory and financial markets in the United States, Europe and Asia, and maintaining an office in Phoenix is not aligned with the strategic direction of the firm." The firm was open for 32 years and according to its statement recorded its best financial year ever in 2018.

### **THE SKY IS NOT THE CONTRIBUTION LIMIT**

Mark Kelly returned \$55,000 from paid speeches he did in the United Arab Emirates after CNN's KFILE questioned Kelly's campaign about the money ([LINK](#)). While Kelly's campaign did not cite a reason for returning the money to Kepler Speakers, it was likely to avoid opening him up to criticisms about being influenced by foreign influence. Kelly spoke at the event with his brother in a speech called "The Sky is not the Limit: Life Lessons from NASA's Kelly Brothers."

### **MEME CONTEST TO BE DISCONTINUED**

The winner of this week's Friday Meme Contest, and the final winner of our little experiment, is Twitter user @leewah, who submitted this meme of Stringer on spring break in Rocky Point. And while we had fun with our meme contest, we feel it has run its course, so will be discontinuing it from here on out. But we're considering alternate contests and other ideas to spice up Friday's report and engage new audiences on Twitter. (We're considering a gif this *Yellow Sheet* item contest, for example.) If you have suggestions, we'd love to hear them. Find us on Twitter at @TheYellowSheet, or shoot us an email at [editor@yellowsheetreport.com](mailto:editor@yellowsheetreport.com)

## **Kanefield, Joseph A. (PHX)**

---

**From:** Carmen Chenal <carmenchenallow@gmail.com>  
**Sent:** Monday, March 25, 2019 8:53 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** URGENT : Your Subpoenae and other issues

### **△ EXTERNAL**

#### **Extension on Subpoenae and other issues**

Hi Joe I need answers to my recent emails and those of today including this one please. I know there is a lot going on and you're being pulled in lots of directions these days with the new job, etc., but is there someone else I should communicate with rather than you?

My primary concern at the moment is the continued lack of due process. We have been reassured we will have it but amazingly we are still waiting to interview the two complainants whose complaints are the subject of the investigation. While we continue to communicate with you we are being denied access to basic information we will need to properly defend my client. I have asked you to make them available before since they have not responded to my requests to interview them, and you have not facilitated my interview of them. The committee has no legal right to interview my client before we can conduct the necessary discovery. That is not due process Joe, it is an abuse of process , which is illegal.

This is all contributing to a growing sense that this is a hanging jury and the mission of at least some committee members is to arrive at a specific outcome, rather than be guided by the facts of the matter. I had the same feeling after the last Ethics Committee meeting when I was not allowed to speak during the public portion of the meeting. Information that could help the committee if reviewed on a confidential basis was turned down because it was deemed more important to get potentially embarrassing details into the public than to see them, but my own comments were not allowed because the committee did not want them in the public record. That is a troubling inconsistency and a reminder that Chairman Shope considers this a political process rather than a legal one, when it is a legal one being managed by politicians.

At this point it would be appropriate to grant us a week extension to respond to the subpoenae and then schedule the interview of my client 2 days after the response to your subpoenae, with the caveat that the committee will make available the 2 complainants for my interview of them in the meantime.

Thank you,  
Carmen

Sent from my iPhone

**Kanefield, Joseph A. (PHX)**

---

**From:** Kanefield, Joseph A. (PHX)  
**Sent:** Monday, March 25, 2019 4:12 PM  
**To:** 'Carmen chenal'  
**Subject:** RE: Please respond to my correspondence of today.

Carmen, I respectfully disagree with your interpretation of the requirements of due process in this matter. Consequently, we will not facilitate interviews with the complainants at this time. The Ethics Committee understands your reasons for requesting that the D.C. Bar Counsel letter dated May 29, 1984, remain confidential as they were explained in the motion for protective order you filed with Judge O'Neil on March 7, 2019. I look forward to receiving your response to my letter before 5:00 p.m. Take care,

Joe

Joseph A. Kanefield

Ballard Spahr LLP

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE  
kanefieldj@ballardspahr.com

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

-----Original Message-----

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 25, 2019 3:38 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** Please respond to my correspondence of today.

⚠ EXTERNAL

Dear Joe,

As soon as I receive your responses to my various correspondence of today, I shall respond to yours which came later in the day. You seem to ignore all my requests which is terribly disrespectful of the legal process, and not like you. We are not obstructing justice. I am disappointed in you Joe because it is your committee under your advisement that is clearly obstructing justice. I expect more of you. Answer my correspondence to you and I will immediately respond to yours.

Sent from my iPad

## **Morgan, Vicki (PHX)**

---

**From:** Carmen chenall <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 25, 2019 3:38 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Please respond to my correspondence of today.

⚠ EXTERNAL

Dear Joe,

As soon as I receive your responses to my various correspondence of today, I shall respond to yours which came later in the day. You seem to ignore all my requests which is terribly disrespectful of the legal process, and not like you. We are not obstructing justice. I am disappointed in you Joe because it is your committee under your advisement that is clearly obstructing justice. I expect more of you. Answer my correspondence to you and I will immediately respond to yours.

Sent from my iPad

**Morgan, Vicki (PHX)**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 25, 2019 12:01 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Due process

⚠ EXTERNAL

It is premature for you to interview my client representative STRINGER when we have not been able to have a right to do process and confront the complainants. When will you make them available? Also the committee at their last meeting did not allow me to explain why we needed the letter to remain with the ethics committee and not to go to the public. Thanks so much Carmen

Sent from my iPhone

## **Morgan, Vicki (PHX)**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 25, 2019 11:43 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** 2 complainants

⚠ EXTERNAL

Joe one of the rights under due proces is to be able to confront the individuals that are accusing you. I have tried to set up a meeting with both complainants with the ethics committee and have been unsuccessful. Can you please make them available for me to interview this week. It should take no more than 30 minutes at the very very most one hour. Again I appreciate your help. Carmen  
Sent from my iPhone

**Morgan, Vicki (PHX)**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 25, 2019 10:10 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Congrats

△ EXTERNAL

Congrats on your new position. Can you give me a call when you get a chance?

Sent from my iPhone

## Kanefield, Joseph A. (PHX)

---

**From:** Stephen Polk <SPolk@BPCWS.com>  
**Sent:** Friday, March 22, 2019 12:19 PM  
**To:** Kokanovich, Mark (PHX)  
**Cc:** Kanefield, Joseph A. (PHX); Herrera, Roy (PHX)  
**Subject:** YCBA Response to Subpoena re Stringer  
**Attachments:** Stringer Subpoena Response - YCBA to Kokanovich 3.22.19.pdf; Stringer Membership Release Letter 12.10.18.pdf; Stringer to YCBA 12.26.18.pdf

△ EXTERNAL

Mark,

Attached please find the YCBA's response to your legislative subpoena.

Thanks,  
Stephen

Stephen W. Polk, Esq.  
Attorney at Law  
(928) 445-0122  
spolk@bpcws.com  
125 N Granite St.  
Prescott, AZ 86301

Law Offices  
Boyle, Pecharich, Cline, Whittington & Stallings, P.L.L.C.  
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This email is protected by law and may be privileged and confidential.  
Please call me and delete the email if it was not intended for your use.

-----Original Message-----

From: Kokanovich, Mark <kokanovichm@ballardspahr.com>  
Sent: Monday, March 18, 2019 2:44 PM  
To: Stephen Polk <SPolk@BPCWS.com>  
Cc: Kanefield, Joseph A. <KanefieldJ@ballardspahr.com>; HerreraR@ballardspahr.com  
Subject: Re: Subpoena (Polk 3-18-19).pdf

Stephen,

Thank you, and an email production by Friday is acceptable.

Best regards,  
Mark

Mark S. Kokanovich

Ballard Spahr LLP

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5532 DIRECT  
602.798.5595 FAX

kokanovichm@ballardspahr.com

-----  
www.ballardspahr.com

On Mar 18, 2019, at 2:18 PM, Stephen Polk <SPolk@bpcws.com<mailto:SPolk@bpcws.com>> wrote:

⚠ EXTERNAL

Mark - This email confirms that the YCBA, through its governing board, accepts service of the emailed subpoena re: Rep. Stringer communications.

Please confirm that email response to you by Friday is acceptable.

Thanks,  
Stephen

Stephen W. Polk, Esq.  
Attorney at Law  
(928) 445-0122  
spolk@bpcws.com<mailto:spolk@bpcws.com>  
125 N Granite St.  
Prescott, AZ 86301

Law Offices  
Boyle, Pecharich, Cline, Whittington & Stallings, P.L.L.C.  
Prescott, Arizona · Serving Arizona since 1950 · prescottlawoffices.com<http://prescottlawoffices.com>

This email is protected by law and may be privileged and confidential.  
Please call me and delete the email if it was not intended for your use.

-----Original Message-----

From: Kokanovich, Mark <kokanovichm@ballardspahr.com<mailto:kokanovichm@ballardspahr.com>>  
Sent: Monday, March 18, 2019 10:53 AM  
To: Stephen Polk <SPolk@BPCWS.com<mailto:SPolk@BPCWS.com>>  
Cc: Kanefield, Joseph A. <KanefieldJ@ballardspahr.com<mailto:KanefieldJ@ballardspahr.com>>;  
HerreraR@ballardspahr.com<mailto:HerreraR@ballardspahr.com>  
Subject: Subpoena (Polk 3-18-19).pdf

Stephen,

As discussed, I have attached the subpoena to this email. Please confirm that you have received it and that you accept email service. Feel free to let us know if you have any questions.

Best regards,  
Mark



YAVAPAI COUNTY BAR ASSOCIATION  
Post Office Box 11679 Prescott, AZ 86304-1679  
www.yavbar.org

March 22, 2019

**VIA EMAIL**

Mark Kokanovich, Esq.  
Ballard Spahr LLP  
1 E. Washington St., Suite 2300  
Phoenix, Arizona 85003  
[kokanovichm@ballardspahr.com](mailto:kokanovichm@ballardspahr.com)

**Re: Response to Legislative Subpoena dated March 18, 2019**  
In the Matter of the House of Representatives Investigation of Representative  
David Stringer before the House Ethics Committee

Dear Mark,

In response to your legislative subpoena dated March 18, 2019, the Yavapai County Bar Association ("YCBA") hereby produces all communications in YCBA's possession, custody, or control between Representative David Stringer and YCBA as follows:

1. Letter from YCBA to Rep. Stringer dated December 10, 2018
2. Letter from Rep. Stringer to YCBA dated December 26, 2018

We have omitted from our response routine communications sent to all members of YCBA which included Representative Stringer. We have also omitted routine communications from Representative Stringer to YCBA, namely event RSVP's. Please advise if you wish for us to produce these communications and, if so, for what time period.

You can reach me at (928) 445-0122 or [spolk@bpcws.com](mailto:spolk@bpcws.com).

Sincerely,

YAVAPAI COUNTY BAR ASSOCIATION

Stephen W. Polk, Esq.  
YCBA President



YAVAPAI COUNTY BAR ASSOCIATION  
Post Office Box 11679 Prescott, AZ 86304-1679  
www.yavbar.org

**RE: Yavapai County Bar Association Membership; Personal and Confidential**

David Stringer  
231 S. Marina St.  
Prescott, AZ 86303

December 10, 2018

Member David Stringer:

The Yavapai County Bar Association, an Arizona Non-Profit organization, was formed for the purpose of educating and facilitating continuing legal education and community events for members of the State Bar of Arizona and their staff, living in Yavapai County.

Membership in this organization is conditioned on the requirement that members comport themselves to the highest level of dignity, compassion, and as a member of the State Bar, adherence to the oath taken when becoming a member of the State Bar of Arizona. This standard of behavior is intentionally high so as to promote confidence in our members by the public we serve.

Your recent comments in public regarding race, diversity, and the burdens of minorities on Arizona, do not comport with this high level of dignity and respect we expect from our members or other Arizona attorneys. These comments fail to promote public trust in our membership and our profession in general.

As such, the Yavapai County Bar Association board has preliminarily determined that your membership renewal for 2019 will be declined, and as such, we are returning your check for membership; see enclosed. Your membership shall end December 31, 2018.

Pursuant to A.R.S. § 10-3621, you have an opportunity to be heard, orally or in writing, at least five days before the effective date of the termination, December 31, 2018, by the members of the Yavapai County Bar Association board.

Thank you for your time and attention on this matter.

Regards,

Bryan Shaw, Esq.

**Stringer\_083**

**DAVID H STRINGER  
ATTORNEY AT LAW  
231 S MARINA STREET  
PRESCOTT, ARIZONA 86303  
928.848.1518**

December 26, 2018

Yavapai County Bar Association  
PO Box 11679  
Prescott, Arizona 86304-1679

**PERSONAL AND CONFIDENTIAL**

RE: YCBA Membership

Attention: Brian Shaw, Esq.  
YCBA President

Sir:

This is in response to your letter of December 10, 2018, advising that my application to renew my membership in the Yavapai County Bar Association has been "preliminarily" declined. The stated reason is "recent comments in public regarding race, diversity, and the burdens of minorities" that do not comport with the "high level of dignity and respect we expect from our members...". For the reasons stated below, I respectfully disagree and urge you to review my comments in their full context and totality.

I am offering a response with the understanding that our communications regarding this matter will be held in the strictest confidence and are privileged from disclosure. To date, I have refrained from a detailed public response to statements attributed me in the media regarding the matters you allude to. I have no plans to offer public comment. However, concerns expressed by an association of my fellow attorney's is a different matter. Out of respect for my profession and a Bar association I hold in high esteem, a response is warranted, with the understanding that our communications are privileged.

First, I should point out that the check of September 26<sup>th</sup>, returned with your letter is for my 2018 YCBA dues, as noted in the memo line, not an early payment of dues for 2019. (Attachment 1) Your letter is dated December 10<sup>th</sup>, which suggests that the check was held for an unusually long time. I mention this because my most "recent comments" were not publicized until November 30<sup>th</sup>, over a month after the check was tendered. This suggests that the decision to "preliminarily" decline my membership was under consideration before my "recent comments" were publicized.

I typically pay my dues at the door early in the year. Since I have been in the legislature I have missed most to the monthly meetings. I did receive an invitation to the Bar picnic and attended with two guests, one of whom is a prelaw major at ASU. My attendance was cleared in

advance with Mr. Polk. My first monthly luncheon was on September 26<sup>th</sup>, when I paid my yearly dues at the door. I also attended a Federal Bar presentation November 9<sup>th</sup>, which was paid separately. Although I have missed most of the meetings in the last two years, I do find value in the programs offered by YCBA and have attended when my schedule permits. I support my local Bar, value collegial relationships with my fellow attorney's, and will renew my membership if allowed to do so.

Second, I urge the YCBA Board to carefully review my actual statements and not simply what I am said to have said in newspaper reports. I am attaching a transcript of the audio of my most recent exchanges on November 19<sup>th</sup> with students at ASU. (Attachment 2) A review of this transcript makes clear that statements attributed to me in the media have been excerpted and reported without context. The result is an incomplete and distorted version of what I actually said. The same is true of my June 11<sup>th</sup> statements before the Republican Men's Forum. An audio of my remarks is available on YouTube and can be accessed thru my Facebook page.

Third, I submit that an association of attorney's sworn to uphold Constitutional rights should be especially vigilant in evaluating political speech. Your letter states that my comments "fail to promote public trust in our membership....". I beg to differ. My comments, read in context and in full were offered with civility and good faith and reflect intellectual honesty and respect for the truth. Everything I have said is factually accurate and can be supported by academic research and the public record. To take four of the most widely reported statements:

1. ".....there aren't enough White kids to go around." The full statement was made in the context of our state's changing demographics and the fact that Arizona's public schools are now 60% minority. The full sentence is "This complicates racial integration because there aren't enough White kids to go around." This is not a racially pejorative statement but a statement of fact. It explains why the Tucson Unified School District is now at 48% capacity due in large part to White flight to charter and private schools. Residential segregation and White Flight from district schools to private and charter schools is a fact of life in Arizona and throughout the country generally. As a member of the House Education Committee for the past two years, I am informed on this issue and the challenge it presents to integration and assimilation in Arizona's public schools.
2. ".....non English speaking children are a burden to our public schools." I recently completed a MA in Education at ASU with a concentration in teaching English as a Second Language (ESL). My capstone project was on Arizona's Structured English Immersion program for English Language Learners. The financial cost of this program born by Arizona taxpayers is 11.5% higher funding than for native English speakers. (ARS 15.943 (ELL). Additional millions are allocated for compensatory education programs and teacher bonuses to ESL teachers. (ARS 15.943.04) Although roughly 80% of ELLs in Arizona's public schools are Hispanic, there are many other language groups represented. My statement referred to non English speaking students. There was no allusion to race or ethnicity.

3. "...immigration represents an existential threat to the United States." This is not an original idea. Many public intellectuals and commentators including Mark Levin, Patrick Buchanan, Tucker Carlson, Heather McDonald, Ann Coulter, and many others have made similar comments about the erosion of national identity and unity as a result of uncontrolled borders and high levels of immigration. Harvard professor, Robert Putnam wrote a bestselling book about how diversity undermines social cohesion and social capital. (Bowling Alone, 2000,). Heather McDonald's "The Diversity Delusion" is a recent bestseller. The ideas behind my statements inform the discussion about Brexit and the migration crises in Europe and the southern border of the United States. Voters have a right to be informed on these issues. Telling the truth is not racism.
  
4. ".....Blacks don't blend in." A review of my full comments to ASU students reveals this statement, widely reported in the media, to be close to a fabrication. The context was the metaphor of the Melting Pot. There is an extensive academic literature on this subject going back to Nathan Glazer and Danial Patrick Moynihan's work "Beyond the Melting Pot, 1963). The basic idea is that immigrants of European decent more easily assimilated because they shared a more or less common racial and cultural background, but that other immigrant groups who did not share this background have been marginalized in American society. My full statement, referring to Europeans: "By the 2<sup>nd</sup> or 3<sup>rd</sup> generation, everybody looks the same, everybody talks the same, but that's not the case with African-Americans or other racial groups because they don't melt in. They don't blend in, they always look different." The fact that they "always look different" goes a long way to explain racial discrimination, residential segregation, voting patterns and racial profiling. My comment was descriptive of reality, not racially pejorative.

Fourth, I urge you to consider the effect on both your members and the community at large of an association of attorney's imposing a politically correct speech code. Such an action raises troubling questions about YCBA's commitment to political freedom and constitutional principles of free speech. Although you describe my comments as "public", I must point out that the Republican Men's Forum where I spoke on June 9, 2018, is a private organization, much like the YCBA. Although my comments have been excerpted and widely publicized, they were not offered publically. Similarly, my exchanges with students at ASU were made in the context of a private, academic discussion. They were recorded without my knowledge and disseminated by the students themselves. It was the media, not the students, who distorted my comments. None of the media accounts that I have seen, with the exception of prescottnews, of which I am the publisher, has reported my full statements. I mention this not because it would change anything I said but to clarify that I have not sought a public forum to offer what some have characterized as racially insensitive statements.

In reviewing this matter, it may be relevant to consider my personal and professional background. I was first admitted to practice law in 1978 in Washington DC. I am also admitted in Maryland since 1990, and Arizona since 2002. I retired from the active practice of law in 2010, although I have kept my Arizona license active. I have owned a home and business in Prescott since 2004. In forty years of practicing law I have no history of ethical violations,

professional lapses or attorney discipline. Over a span of roughly 25 years, my practice encompassed a substantial amount of court appointed and pro bono legal work, both criminal and civil, principally in the District of Columbia. The client base associated with this work was focused in minority communities, predominantly the African American community. In my career as an attorney, I have provided literally thousands of hours of pro bono legal services to people of color.

My legal work in Arizona has been confined to pro bono work. I frequently offer legal advice to friends and associates without fee. In 2017, I handled the appeal of an African American woman living in the Cliff Rose area of Prescott who was targeted for racial harassment by a White neighbor. I have attached my pleading in that matter. (Attachment 3) It was a small case. My client proceeded pro se in the Prescott Municipal Court. When she was found guilty on perjured testimony, it was not a small matter to her. Or to me. I accepted the case on a pro bono basis and bore the costs of investigation and the preparation of transcripts. As outlined in the pleading, I discovered that the complainant had a history of racial animus and harassment.

On appeal to the Yavapai County Superior Court, the case was dismissed without prejudice by Judge Napper in March of last year. (In the interest of full disclosure, my client has since passed away and in a Will prepared by local attorney's Walker and Walker shortly before her death, left me her BMW and a \$20,000 insurance policy.) I am currently handling on a pro bono basis the case of Rep. Paul Mosley, (State vs Stephen Paul Mosley) which involves issues of legislative immunity that are of first impression in Arizona.

Since retiring to Prescott, I have been active in civic and philanthropic work. I have served as a Commissioner on the Prescott Planning and Zoning Commission, as a founding Board Member of the Yavapai County Reentry Program, and as a member of the Board of Trustees of the Sharlot Hall Museum and the Prescott Historical Society, to name a few. I have also served as General Counsel to the Citizen's Tax Committee and spearheaded campaigns opposing local tax initiatives. I am particularly proud of my role in defeating the 2014 Jail District Sales Tax, which is saving the residents of Yavapai County 300 million dollars in additional taxes. Since 2016, I have represented LD1 in the State Legislature. In 2017, I co founded a bipartisan study group on criminal justice reform. We are currently in the process of rewriting Arizona's criminal code, which is one of the harshest in the nation.

This past November, I was honored by the voters of LD1 with a second term in the State Legislature. My views on race, immigration and diversity are no secret to the voters of my district. I campaign on these issues. The voters responded by returning me to office as the second highest vote getter for a House seat in the history of Arizona. I mention this not as a boast, but in rebuttal to your assertion that my statements have failed to "promote public trust in our membership and our profession generally." That's not quite what last month's vote of the people is telling us. I readily concede that as a political figure I am controversial. At the moment, I am getting a lot of attention in the press. But I do not complain of this. As FDR once said, "I'm proud of my enemies. I've earned every one of them."

Talking about race, immigration and diversity is not racism. My comments have not been directed at persons but have been phrased in academic and philosophical terms. You will search in vain for any pejorative or demeaning language in anything I have said. Although my statements may be controversial and offensive to some, they are cheered by others as refreshingly honest and truthful. Most importantly, they do not constitute hate speech. The Supreme Court has recently held that under the First Amendment, there is no such thing as hate speech. (*Matal v Tam*, July 17, 2017). As an association of attorney's, the YCBA should be setting an example as champions of free speech, however politically incorrect or offensive some members may find it. By proposing to deny me membership in the YCBA over political speech, you are acting in direct conflict with the letter and the spirit of the First Amendment.

As an elected official in a state whose public institutions are directly impacted by high levels of immigration, I have a duty to share my views with voters. People are free to agree or disagree, but my constituents have a right to know what I think. The challenges associated with these issues cannot be solved by ignoring them.

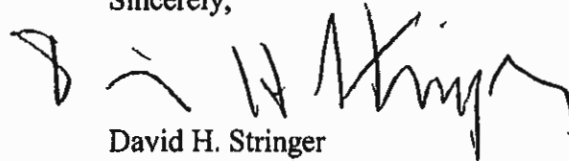
As I write this letter, our national government is shut down due to political divisions over border security and building a wall to stem illegal immigration. Race, immigration and diversity are divisive and inflammatory issues in our society. As an elected official and a member of the Bar, I understand my responsibility to be cautious in what I say and respectful of persons. If some of my colleagues believe my words have been clumsy or if I have given unintended offense to persons, I apologize. However, in resolving this matter, I urge the Board of the YCBA to consider the high duty of attorney's to serve justice as defenders of the constitutional rights of the public. I urge your full throated support of free speech.

A letter about potential litigation would not be complete without a settlement offer. I make no admission of wrong doing. However, as a practical matter, I will be at the state legislature beginning January 14<sup>th</sup>. I will not be in Prescott on Wednesday's to attend YCBA functions until recess in May. My suggestion is that you vacate your preliminary decision to decline my membership application and defer ruling on my renewal for 2019, until I formally apply and tender dues when I return from the legislature. At that time I would expect you to consider my application for membership de novo and without prejudgment.

I have reviewed ARS 10-3621 and believe your notice of December 10, 2018, is defective on a number of points including vagueness and lack of specificity, improper motivation, meritless allegations, abuse of discretion, personal animus and conflict of interest among one or more Board members, and violation of constitutional protections for political speech. In order to provide the Board adequate time to consider the information provided herein, including the settlement offer, I hereby waive the time limits set forth in ARS 10-3621, although I reserve the right to file suit within six months of any definitive action you might take. I also waive legislative immunity for the purpose of civil process as provided in the Arizona State Constitution. In other words, take as much time as you need.

I am available to discuss this matter in person if you think that would be helpful. Again, I emphasize that this letter and any subsequent communication related to my membership in the YCBA be held in the strictest confidence and privileged from public disclosure. To this end, I request that any copies of this correspondence needed for Board review be numbered and reviewed in a controlled setting.

Sincerely,

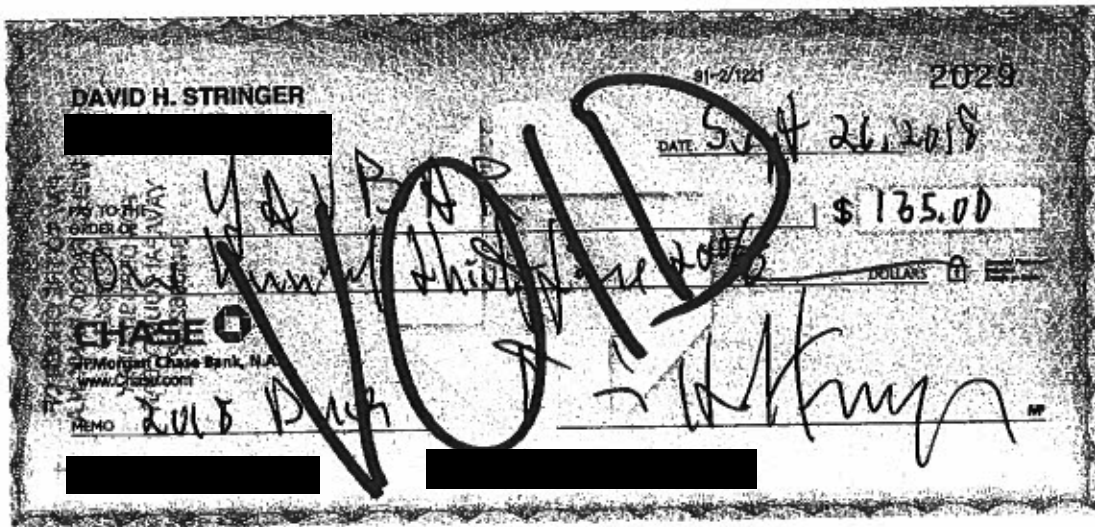
A handwritten signature in black ink, appearing to read "David H. Stringer". The signature is written in a cursive style with a large, sweeping initial "D".

David H. Stringer

Attachments:

1. Photo copy of check dated September 26, 2018
2. Transcript of Audio dated November 19, 2018.
3. Pleading in the case of Zena Mitchel

A Hachment 1



## So, What Did Representative David Stringer Really Say?



(/media/k2/items/cache/93ce32036561bc1cc590fd61bb8e9273\_XL.jpg)

Representative David Stringer was in attendance at the Menorah Lighting Sunday night. *Photos from various political events over the years.*

### **Representative David Stringer (LD1) once again made headlines last week.**

*Note: This article's date has been changed to allow it to be found more easily by readers. The original date of the article is December 3, 2018.*

Representative Stringer is under the microscope once again for making comments that some have interpreted to be racist. He has lost his Chairmanship of a legislative committee. And according to Cindy Barks, of the Daily Courier, the Prescott City Council will call a special meeting on Tuesday to discuss whether or not they should make a special statement or recommendations regarding Stringer's statement.

Were the comments really racist? Frequently, media, in its zeal to push a chosen narrative, carefully picks out comments in order to make a point. Often that media will have limitations on exactly what they can report - only so many words in an article, only so long in a newscast. In order to attract readers or viewers, they choose a few words they think will be salacious.

In this case, does the total context of Representative Stringer's comments make a difference?

## Background

Representative Stringer had attended a lecture by Professor Don Critchlow. Afterwards, Stringer was in the elevator with a couple of students who started asking him questions, and, unknown to him, recorded the conversation. Here is a transcript - as complete as possible, a few words or phrases were not understandable - of both recordings.



The first recording is evidently from a discussion during the lecture:

### 4:21 Clip

**David Stringer:** ...Uh, the African American vote is probably over 90% Democrat, and it's been that way for decades. The Asian-American vote, the Asian Americans are an educated culture, affluent, relatively speaking, and in our society are not an under-class, they vote overwhelmingly Democratic. The Hispanics, even middle-class Hispanics, they vote overwhelmingly Democrat, because the number one issue is immigration, and bringing more of their co-religionists

and people like them, into the country. So, you're never going to get Hispanics elected as Republicans as long as the Republican Party is for border security and lowering levels of immigration. Not going to work, they're not that stupid. They understand which party will do more for them. And that's a divide we're never going to be able to breach.

**John (a student):** We should go out sometime and have a talk about this. I have something to say about this. I'm agreeing with you that...

**David Stringer:** It's a very sensitive issue.

**John:** I thought it was a bit underwhelming for a Democrat election, dating back to 2010, midterm election, during Obama's first term... But even, look at that. Barak Obama won reelection in 2012, the midterms didn't really give us much to work with the upcoming presidential election. But Republicans gained, what was the final count in the Senate? Three in the Senate? And the GOP House, as you have pointed out, didn't do anything anyway on immigration, healthcare. They were pretty much sitting on the sidelines. I don't think that this was the big victory that people were hoping for. And then that middle class observation - it is pretty clear, at least to me, especially after this election, thought it was clear before, but this election confirmed it, that the Democratic has now become the party of the wealthy, of elites. And it's an uneasy alliance of very, very elite, wealthy coastal Americans and lower class urban voters, but not just money to the media, I think there was a Harvard study that showed that 90% of media coverage was anti-Trump against Republicans, who turn on late-night television, who one after another, hammering away, Silicon Valley, I have friends that work in IT that's like, 100% um, consensus on the side of the left, so there are just so many institutional, not to mention university, so many institutional challenges here, that it's actually amazing the Republicans do as well as they do, considering all the obstacles that, uh, that are there.

**Don Critchlow:** So, I am flying tomorrow for an interview for a documentary in New York City to benefit (unintelligible). So, if something happens to me, John, I want you to raise money for us by asking questions, 'Was Don Critchlow assassinated as we are making too much progress here in university as you can see by this...'



### 7:30 Clip:

**David Stringer:** ...been going on for decades, have to remedy those things. The point is, we're spending more money than anyone else, and not getting very much. You say, 'By what measure are we failing?' I would say our educational system is failing, I would say our military system is failing. We've been fighting these wars now over there now for a decade and a half or longer, and they don't seem to be successful at all. Do you know how long World War...

**Unknown Student:** Is that because this is multi cultural?

**David Stringer:** It's a lack of political will...

**Unknown Student:** Through mob culture.

**David Stringer:** A lot of problems within our military. Talk to our soldiers. Huge racial conflicts and tensions in our military. Costs a fortune to run our military. Soldiers cost a lot...

**Unknown Student:** Because we have black people in our military.

**David Stringer:** No, I didn't say that. Sir, don't put words in my mouth now.

**Unknown Student:** Well, you implied that.

**David Stringer:** No, I didn't imply that.

(Unable to discern conversation.)

**David Stringer:** I said there is racial tension in the military. I didn't blame it on blacks or any particular ethnic group. But, uh...

**Unknown Student:** You're beating around the bush here.

**David Stringer:** I'm not beating around the bush. Your basic premise is that we don't have any problems here.

**Unknown Student:** Yes.

**David Stringer:** Your basic point is that we are a very successful nation. And I would suggest to you that I don't think that's the case.

**Unknown Student:** But, why are there test...?

**David Stringer:** Also, diversity in our country is relatively new.

**Unknown Student:** What do you mean? Irish and Italian - my great-grandfather... (difficult to understand)

**David Stringer:** They were all Europeans. By the 2nd or 3rd generation, everybody looks the same, everybody talks the same, but that's not the case with African-Americans or other racial groups because they don't melt in. They don't blend in, they always look different.

**Unknown Student:** Sure they do.

**Unknown Student:** Why does looking different matter?

**David Stringer:** I don't know. And maybe it doesn't. It doesn't to you. Maybe it doesn't to a lot of people. But it seems to matter to a lot of people who move out of Detroit, who move out of Baltimore - you know, we have white flight in this country.

**Unknown Student:** Well, just because the guy... unintelligible...

**David Stringer:** Well, people are making free choices about where they live. Why is Anthem mostly white, and South Phoenix mostly Hispanic, right? I don't know why, I chose people (unintelligible)

**Unknown Student:** I sort of want to readdress what you said about how our test scores are lower because of multiculturalism.

**David Stringer:** No, I said that there is an achievement gap. I said that when you look at different ethnicities...

**Unknown Student:** You said, 'When you break it down...'

**David Stringer:** When you drill down, you find that there are achievement gaps. You've heard about this.

**Unknown Student:** I have not.

**David Stringer:** You really have not? You have not? It's a big debate in education.

**Unknown Student:** Why?

**David Stringer:** About why is it that some groups seem to perform better than other groups over long periods of time in spite of huge resources being put into the school.

**Unknown Student:** Why?

**David Stringer:** I don't know why. I honestly don't know why. But it seems to be an enduring, persistent feature of American education that not everybody is getting an equal education, or the same education, even though we're spending roughly the same amounts of money.

**Unknown Student:** So, what you're saying is,

**David Stringer:** But you did not know this. I am sorry. I just assumed... I'm in the Department of Education, I'm getting my Master's degree... I'm just suggesting this is why I'm paying attention to this.

**Unknown Student:** I am very aware...

**Unknown Student:** Ok, so taking your premise here, uh, so, here in the US, your proposal here, is just to cap it off, cap off immigration.

**David Stringer:** Slow it down...

**Unknown Student:** You're very conservative.

**David Stringer:** To create more opportunity for assimilation. So it's not too much too fast.

**Unknown Student:** So, you end up, so you're still where we are, which is still a fairly diverse society,

**David Stringer:** Yes, very diverse.

**Unknown Student:** So, what's your solution then? How would you go about..

**David Stringer:** I don't have a solution. I'm just pointing out the problem. I don't have a solution. I don't know how to fix Detroit. I don't know if anybody does know how to fix Detroit. I don't know how to fix that. I lived in Baltimore a few years. I don't know how to fix that. Okay? But that's a different issue than immigration, ok? Those cities are primarily African-American. They're diverse, they have other groups, but they're primarily African-American. The immigration thing is affecting Arizona, California, Texas, Florida, states like that in a very dramatic way. And it's not - You know, it's producing tensions and producing burdens on our system. Did you know that in Arizona we have a very large Hispanic-speaking school children. And that's what I'm studying, ESL. But we have a bunch of overrides for ESL, 11.5%, so it costs a lot more to educate a child that doesn't speak English as a native language. So, that's a burden on the taxpayers, and it's a pretty significant burden.

**Unknown Student:** Wouldn't they also be included in the taxpayers?

**David Stringer:** It's not, who pays taxes? Who actually pays the taxes? We just learned that 49% of the people don't pay any taxes at all.

**Unknown Student:** Just income taxes.

**David Stringer:** 51% pay taxes, yes - sales tax. Everybody pays sales tax. But then, some people spend more than others. But if you look at who's paying the taxes in the State of Arizona or in the United States, you'd say that some people are paying a lot more than others.

**Unknown Student:** I just don't see the difference between my great-grandfather, who's a Polish immigrant wanting a better life and somebody from Venezuela who wants to escape a socialist regime.

**David Stringer:** I don't see a big difference either. I mean, you're coming here for similar purposes, I think that's true.

**Unknown Student:** There were ethnic issues for that Polish immigrant, who was called a Polack, they were discriminated against, but they assimilated.

**David Stringer:** The difference between the Polack, I shouldn't say Polack, you said Polack, but I shouldn't say

Polack, the difference between the Polish-American immigrant and the immigrant from say, Somali, is that the 2nd generation Polish immigrant looks like the Irish kid and the German kid and every other kid. But, the immigrant from Somall does not.

**Unknown Student:** Does it matter?

**David Stringer:** Well, that's a question. That's a legitimate question. It doesn't matter to you. Maybe that's a good thing. It seems to matter to a lot of people.

**Unknown Student:** Does it matter to you?

**David Stringer:** Uh, I don't know. I honestly don't know.

**Unknown Student:** C'mon, you've got to take a position on that.

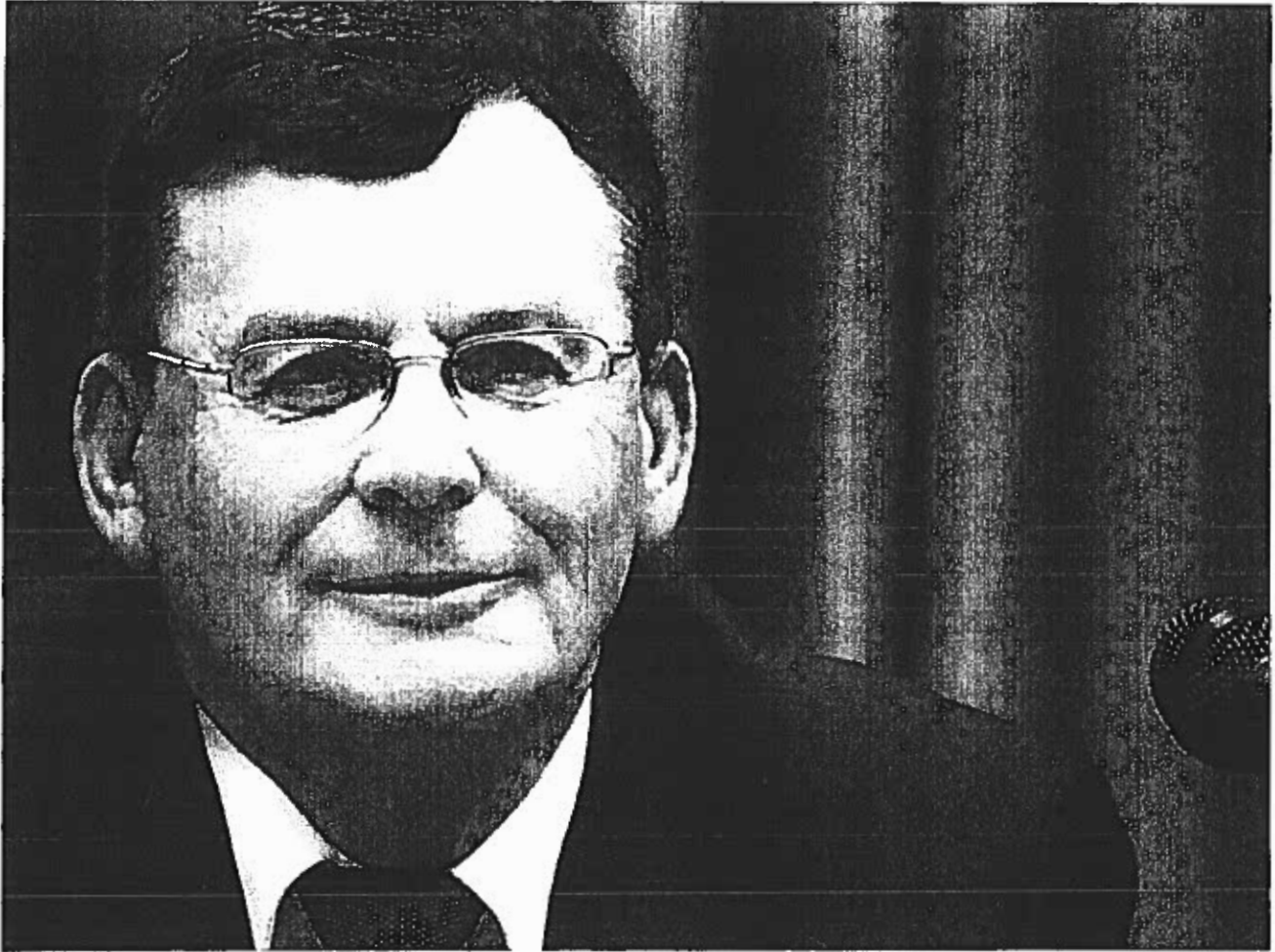
**David Stringer:** No, no, because we're talking philosophically here. My opinion and my preferences really don't. I'm an old white guy, so I look like an old white guy, you know? My career, you might be interested to know this, I spent my career in Washington, D.C., doing a lot of legal aid work for the African American community. I did literally thousands of cases. So, I had a sense that you were maybe trying to stereotype me into this old angry white man, and I am anything but. I spent my life, not in Arizona, but in a very cosmopolitan working with a lot of minorities.

**David Stringer:** Ok, I have to go. But thank you, nice chatting with you guys.

**Unknown Student:** Yes.

After that, Representative Stringer received directions to where he was going, and then thanked the students once again as he went on his way.

The first report on these recordings was in a Phoenix New Times article, "In Latest Racist Remarks, Rep. David Stringer Says Black People Don't 'Blend In (<https://www.phoenixnewtimes.com/news/arizona-lawmaker-resigns-as-commission-chair-after-racist-comments-11057287>)" At the beginning of the article, it is explained that, "New Times embedded highlights from the audio throughout this piece and posted the full files at the bottom." This transcript was taken from the full files at the bottom of the article.



**Note from the Editor:**

*In full disclosure, Representative Stringer is a partner in Specialized Publishing, the parent company of Prescott eNews. However, he has no input in the editorial content of this publication. Comments he makes as a politician, or as a guy on an elevator, are comments he makes for himself.*

*We will not try to defend or justify his comments in this forum. We will defend his right to express his opinions - it's a matter of free speech. He will reap the good and bad consequences of his words on his own.*

*The LD1 voters decided overwhelmingly in an August primary and a November general election that he should continue representing this district. Stringer received the 2nd highest number of votes for the Arizona Legislature - only behind Representative Noel Campbell.*

*In the meantime, it is only appropriate that Stringer's comments be considered in full context before he is judged.*

**K2\_TAGGED** #Representative David Stringer (/index.php/news/current-news/itemlist/tag/Representative%20David%20Stringer)



## **Lynne LaMaster (/index.php/news/current-news/itemlist/user/62-lynne-lamaster)**

Lynne LaMaster is the Founder and Editor of the eNewsAZ Network of websites. She asks a lot of questions! In her spare time, she loves photography, cooking and hanging out with her family.

A Hachment 3

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,  
(APPELLEE)

P1300CR201601098

VS.

DIVISION PTB  
HONORABLE JOHN D. NAPPER

ZENA MITCHELL,  
(APPELLANT).

**APPELLANT'S MOTION TO STAY APPEAL PENDING**

**TRIAL COURT'S RULING ON MOTION FOR NEW TRIAL**

Appellant, thru counsel, respectfully requests that the proceedings in the above referenced appeal be stayed for sixty days pending the trial court's ruling on defendant's motion for a new trial based on newly discovered evidence. In support of this request, counsel states as follows:

1. On July 15, 2016, following a two day trial in the Justice Court of the City of Prescott, defendant, Ms. Zena Mitchell, was found guilty of one count of failing to control a barking dog in violation Section 5-2-5A1, Prescott City Code, said offense alleged to have occurred on March 1, 2016. Defendant filed a timely appeal. By order of Judge Cele Hancock, dated January 5, 2017, the matter has been assigned to this court.

2. The underlying facts concern a complaint from a neighbor of Ms. Mitchell's, Mr. Patrick Swafford, that her dog barked continuously and unreasonably on numerous occasions, including March 1, 2016. At trial, Mr. Swafford testified that he reported the matter to the Cliff Rose HOA and called the police on a number of occasions. Officer Shannon Gray testified that she responded to calls several times but was unable to substantiate the claim.

3. Appellant is untrained in the law and was a pro se defendant at trial. She denied that her dog barked unreasonably and claimed that Mr. Swafford deliberately provoked the dog as a form of racial harassment. Ms. Mitchell is the sole African American resident of the Cliff Rose community. She claimed that Mr. Swafford was harassing her in an attempt to force her out of her home.
4. Upon examination, Mr. Swafford, who is White, denied that his complaint against Ms. Mitchell was motivated by racial bias or that he harbored prejudicial views toward racial minorities. Ms. Mitchell's effort to impeach his testimony was unsuccessful.
5. Although the state presented testimony from another neighbor claiming that Ms. Mitchell's dog barked excessively, Mr. Swafford was the complainant on the March 1<sup>st</sup> incident and the government's key witness.
6. The court found Ms. Mitchell guilty and imposed a \$150 fine which was suspended.
7. Subsequent to trial, difficulties between the parties continued with Ms. Mitchell experiencing continued harassment. On December 2, 2016, while her dog was outdoors, she discovered Mr. Swafford on the sidewalk in front of her home provoking her dog to bark and recording the event with a camcorder. She called the police who responded but declined to intervene because Mr. Swafford was not on her property. However, the officer reportedly told Ms. Mitchell that she could apply to the court for a civil protective order.
8. On December 5, 2016, Ms. Mitchell applied for a protective order in Superior Court and the matter was set for a hearing. However, she was unable to obtain service on Mr. Swafford who was reportedly staying at another residence in Phoenix. The matter was continued several times in an effort to accomplish service. A private process server, Mr. John

Semerau was retained for this purpose. After several attempts, Mr. Semerau spoke to neighbors of Mr. Swafford in an effort to determine his whereabouts. As a result of these contacts, Mr. Semerau learned that Patrick Swafford was currently under a civil protective order in Maricopa County for racial harassment of his neighbors. (See Attachment #1)

9. According to Mr. Rasshi Kapoor, who is of Indian decent, for a period from November 2015 thru June of 2016, Mr. Swafford made threats and racially offensive remarks to him and his family, referring to them as "sand niggers" and "camel jockies". (See Attachment 2). As a result of Mr. Swafford's provocations, Mr. Kapoor installed security cameras and recording equipment on his property and was able to record Mr. Swafford's remarks which were reviewed by the Justice Court in Maricopa County.

10. On January 24, 2017, Mr. Swafford was served with Ms. Mitchel's petition for a protective order and notice to appear in Yavapai County. At the subsequent hearing on February 2, 2017, one of the witnesses in the case, Ms. Georgia Sparks, the former President of the Cliff Rose HOA, provided Ms. Mitchell with copies of several documents relating to Mr. Swafford's background and credibility as a witness. One document is an email Mr. Swafford sent to Ms. Sparks on March 12, 2016, advising her to lie about correspondence she received from Ms. Mitchel's counsel and encouraging the Cliff Rose HOA to do everything possible to drive up Ms. Mitchel's legal costs. (See Attachment 3). A second document refers to a 2006 settlement order filed in United States District Court by the Equal Employment Opportunity Commission against Mr. Swafford and in favor the Danka Office Imaging Company which assesses attorney's fees against Mr. Swafford in the amount of \$25,000. (See Attachment 4).

Although the settlement order does not provide details about the Commission's findings, it is reasonable to infer that a judgment entered by the Equal Employment Opportunity Commission very likely involved an allegation of employment discrimination and that Mr. Swafford was found liable.

11. All of the material described herein reflects on Mr. Swafford's credibility as a witness and predates appellant's July 15<sup>th</sup> trial. Had this information been known at the time, it would have provided significant impeachment of Mr. Swafford's testimony and support for Ms. Mitchell's claim that his complaint against her was inspired by racial animus. The information in the hands of Ms. Sparks was unknown to Ms. Mitchell until February 2, 2017. With regard to Mr. Swafford's harassment of the Kapoor family and the current injunction against him in Maricopa County, it is unreasonable to expect that a pro se defendant in Justice Court would have the means to discover this on their own.

12. These materials have only recently come to the attention of appellant and counsel. Additional time is needed to further investigate Mr. Swafford's background and pattern of targeting people of color for racial harassment.

WHEFREFORE, for these as such other reasons as may appear to the court, it is respectfully requested that this motion be granted and that appellant's appeal be stayed for sixty days from the date hereof for the purpose of filing a motion for new trial.

Respectfully submitted,

David H. Stringer, Bar No. 019604  
Attorney for Appellant  
1290 White Spar Road  
Prescott, Arizona 86303

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the foregoing motion has been served by hand upon the Office of the City Attorney for the City of Prescott, 211 Cortez Street, Prescott, Arizona, 86303, on this 6<sup>th</sup> day of February 2017.

\_\_\_\_\_  
David H. Stringer

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,  
APPELLEE,

P1300CR201601098

VS.

DIVISION PTB  
HONORABLE JOHN D. NAPPER

ZENA MITCHELL,  
APPELLEE.

**ORDER**

FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED THAT APPELLANT'S  
MOTION FOR A STAY OF THE ABOVE REFERENCED APPEAL FOR THE PURPOSE  
OF FILING A NEW TRIAL MOTION IN THE TRIAL COURT IS **GRANTED**,  
AND IT IS FURTHER ORDERED THAT COUNSEL FOR THE APPELLANT SHALL  
NOTIFY THE COURT AND PARTIES WITHIN SIXTY DAYS OF THE DATE HEREOF  
OF THE STATUS OR DISPOSTION OF SAID MOTION FOR NEW TRIAL  
SO ORDERED ON THIS \_\_\_\_\_ DAY OF FEBRUARY, 2017.

\_\_\_\_\_  
JUDGE JOHN D. NAPPER  
YAVAPAI COUNTY SUPERIOR COURT

CC:

Office of Prescott City Attorney  
David H. Stringer, Atty.

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 20, 2019 11:45 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Fwd: Stringer: Interim Meeting Notice of House Ethics Committee

### ⚠ EXTERNAL

I did not contact the chairman Joe

Sent from my iPhone

Begin forwarded message:

**From:** "Kanefield, Joseph A." <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Date:** March 20, 2019 at 11:42:02 AM MST  
**To:** Carmen chenal <carmenchenallaw@gmail.com>  
**Cc:** "Kokanovich, Mark" <[kokanovichm@ballardspahr.com](mailto:kokanovichm@ballardspahr.com)>  
**Subject:** RE: Stringer: Interim Meeting Notice of House Ethics Committee

Carmen, the purpose of today's Ethics Committee meeting is to discuss your request to keep the D.C. letter confidential. The Committee will need counsel in executive session regarding this request. The Committee's decision will be made in open session. I understand you called Chairman Shope this morning regarding this meeting. Please direct future communications with the Ethics Committee through counsel. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | [kanefieldj@ballardspahr.com](mailto:kanefieldj@ballardspahr.com)  
LINKEDIN | VCARD

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 20, 2019 9:34 AM  
**Cc:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Re: Stringer: Interim Meeting Notice of House Ethics Committee

⚠ EXTERNAL



<032019 House Ethics.1.1R (002)FINAL.DOCX>

## Kanefield, Joseph A. (PHX)

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**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Wednesday, March 20, 2019 9:26 AM  
**To:** Carmen Chenal  
**Cc:** Mark S. Kokanovich (kokanovichm@ballardspahr.com)  
**Subject:** RE: Smith - SV201800033

Received. Thank you Carmen. This provides us what we need to confirm the schedule for next week. The subpoena deadlines for Representative Stringer have been extended. **Representative Stringer shall produce documents on Wednesday, March 27, as specified in the subpoena, and appear for an interview on Friday, March, 29, 2019, at 1:00 p.m. at Ballard Spahr.** Today's House Ethics Committee meeting is scheduled to begin at 2:00 p.m. or upon Recess/Adjournment of the Floor. See you this afternoon. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**

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LINKEDIN | VCARD

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 20, 2019 9:07 AM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** Fwd: Smith - SV201800033

### ⚠ EXTERNAL

Please confirm you received this minute entry . It is forwarded to you from Judge White's JA Judge White. It clearly says I am in trial this Friday. I also sent it yesterday. Please confirm.

Sent from my iPhone

Begin forwarded message:

**From:** "Hancock, Judy" <[JHancock@courts.az.gov](mailto:JHancock@courts.az.gov)>  
**Date:** March 18, 2019 at 1:34:12 PM MST  
**To:** "[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)" <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)>  
**Subject:** Smith - SV201800033

Hi Carmen. Here is a copy of the minute entry you requested which has the date of the non-jury trial. Contact me if you have any questions.

Thank you,

*JUDY HANCOCK*  
JUDICIAL ASSISTANT TO THE  
HONORABLE KEVIN D WHITE  
PINAL COUNTY SUPERIOR COURT  
PHONE: 520-866-5425  
FAX: 520-866-5485

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 20, 2019 9:34 AM  
**Cc:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Stringer: Interim Meeting Notice of House Ethics Committee

### △ EXTERNAL

I read Mark's email- it appears the agenda for today has been expanded . The return on the subpoenae is due next Wednesday given my trial this Friday. Why would you be discussing action on the subpoena today at the 2 pm meeting when the due date is next Wednesday? Please confirm my understanding from you Joe, that the agenda for the ethics committee meeting at 2 pm today is only about the 1984 letter and keeping it confidential with the committee.

My best,  
Carmen

Sent from my iPad

On Mar 19, 2019, at 1:41 PM, Kokanovich, Mark <[kokanovichm@ballardspahr.com](mailto:kokanovichm@ballardspahr.com)> wrote:

Carmen,

Joe has asked me to send you this notice regarding the scheduled interim meeting of the House Ethics Committee concerning discussion and possible action regarding the subpoena issued by the Committee to Representative Stringer. The Committee will address the request made by Representative Stringer through counsel that he be permitted to present documents, that are the subject of the subpoena, in executive session. The Committee may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing directions to counsel. (A.R.S. § 38-431.03(A)(3)).

Best regards,  
Mark

**Mark S. Kokanovich**

**Ballard Spahr**  
LLP

Ballard Spahr LLP is a member firm of the Ballard Spahr LLP network of law firms.

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555

602.798.5532 DIRECT  
602.798.5595 FAX

kokanovichm@ballardspahr.com

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[www.ballardspahr.com](http://www.ballardspahr.com)

<032019 House Ethics.1.1R (002)FINAL.DOCX>

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 20, 2019 9:07 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Fwd: Smith - SV201800033  
**Attachments:** S1100SV201800033\_-\_1-14-2019\_-\_S\_N-R\_Y\_-\_PE-PE-1-.docx

**△ EXTERNAL**

Please confirm you received this minute entry . It is forwarded to you from Judge White's JA Judge White. It clearly says I am in trial this Friday. I also sent it yesterday. Please confirm.

Sent from my iPhone

Begin forwarded message:

**From:** "Hancock, Judy" <[JHancock@courts.az.gov](mailto:JHancock@courts.az.gov)>  
**Date:** March 18, 2019 at 1:34:12 PM MST  
**To:** "[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)" <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)>  
**Subject:** **Smith - SV201800033**

Hi Carmen. Here is a copy of the minute entry you requested which has the date of the non-jury trial. Contact me if you have any questions.

Thank you,

*JUDY HANCOCK*  
JUDICIAL ASSISTANT TO THE  
HONORABLE KEVIN D WHITE  
PINAL COUNTY SUPERIOR COURT  
PHONE: 520-866-5425  
FAX: 520-866-5485

**IN THE SUPERIOR COURT**

**PINAL COUNTY, STATE OF ARIZONA**

**Date: 01/14/2019**

**HONORABLE BARBARA A HAZEL,**

**Courtroom: 3A**

**Court Reporter: Judy Griffin**

**AMANDA STANFORD, CLERK**

**By Deputy Clerk: Paula Alberts**

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**IN THE MATTER OF:**

**[REDACTED]**

**A person(s) under the age of 18 years.**

)  
)  
)  
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)  
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)

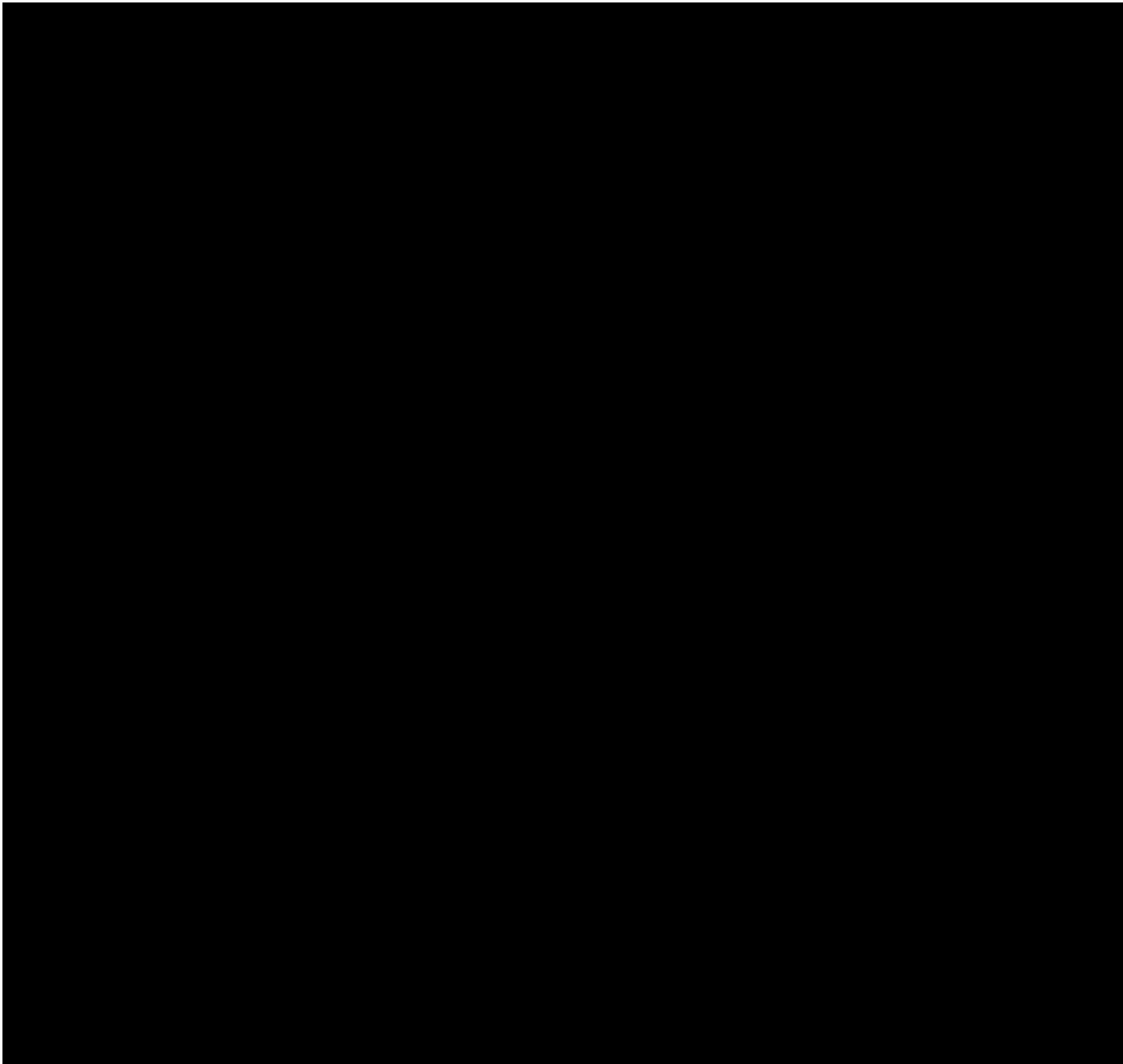
**[REDACTED]**

**MINUTE ENTRY ACTION:**

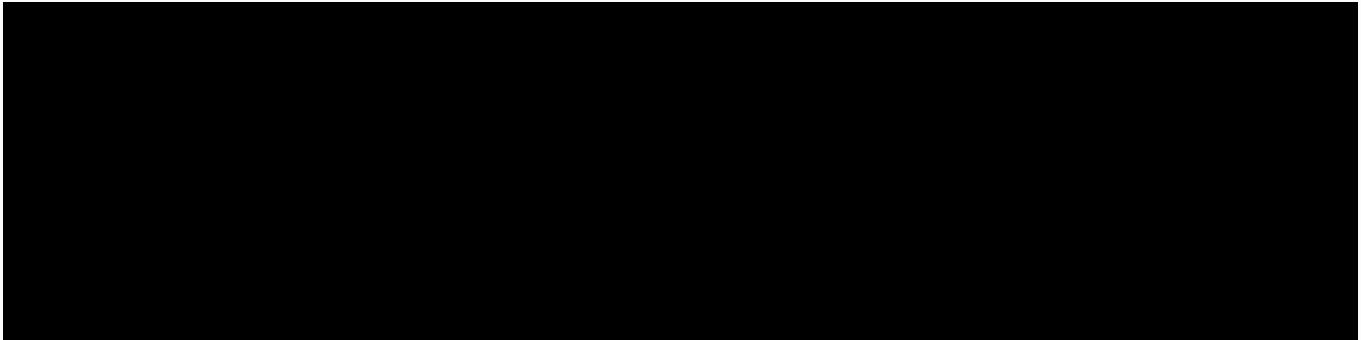
**CONTESTED SEVERANCE HEARING –**  
**DAY 1**

---

[REDACTED]



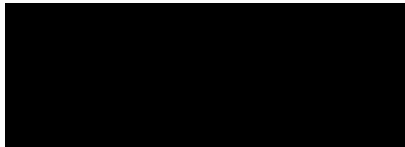
IT IS HEREBY ORDERED ***setting Day 2*** of the **Contested Severance Trial** in this matter on Friday, March 22, 2019, at 1:30 p.m. (1/2 day) before the Honorable Barbara A. Hazel.





**Mailed/distributed copy: 01/16/2019**

Carmen Chenal  
Chenal Law Firm PLLC  
7272 East Indian School, #566  
Scottsdale, Arizona 85251



**Office Distribution:**  
**JUDGE/HAZEL**

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallow@gmail.com>  
**Sent:** Wednesday, March 20, 2019 9:04 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Urgent

△ EXTERNAL

I sent it to you yesterday. It went through. Check your trash. I actually forward the email from his Jay directly to you. It took a great deal of time to get that so I will resend it to you now.

Sent from my iPhone

> On Mar 19, 2019, at 7:27 PM, Kanefield, Joseph A. <KanefieldJ@ballardspahr.com> wrote:

>

> Carmen, I have cut and paste the email I sent you at 5:15 p.m. below. Please confirm receipt. I have not received any information from you regarding Judge White. Take care,

>

> Joe

>

>

> Joseph A. Kanefield

>

> Ballard Spahr LLP

>

> 1 East Washington Street, Suite 2300

> Phoenix, AZ 85004-2555

> 602.798.5468 DIRECT

> 602.798.5595 FAX

>

> 602.625.6223 MOBILE

> kanefieldj@ballardspahr.com

> -----

> www.ballardspahr.com

>

>

> Thanks Carmen. Per my email from last Friday, Chairman Shope asked us to confirm that you will be in trial and unavailable to attend an interview with Representative Stringer on March 22. I understand you are in the process of getting us documentation of the case and hearing. If the trial is not continued and prevents you from attending on March 22, Chairman Shope has agreed to extend the subpoena deadlines and to allow Representative Stringer to produce documents on Wednesday, March 27, and to appear for an interview on Friday, March, 29, 2019, at 1:00 p.m. at Ballard Spahr. Regarding your request to have the letter from the D.C. Bar disclosed in executive session and kept confidential, Chairman Shope has scheduled a meeting of the Ethics Committee tomorrow at 2:00 p.m. to consider this request. Mark provided you the notice and agenda earlier this afternoon. Take care,

>

> Joe

>

> -----Original Message-----

> From: Carmen Chenal <carmenchenallow@gmail.com>

> Sent: Tuesday, March 19, 2019 7:03 PM  
> To: Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
> Subject: Urgent

>  
> ⚠ EXTERNAL

>  
> Joe I thought if I proved to you that I have a trial this Friday that everything would be pushed to next week. I sent you that information from Judge White.

> I think that the return of the subpoena is next Wednesday and the hearing with the executive committee and/or you would be Friday of next week. Please confirm this. Also if there is a meeting with the committee tomorrow I need to know and I need to go. I have a hearing tomorrow morning but I can be there in the afternoon.

>  
> All my best  
> Carmen  
> Sent from my iPhone

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 20, 2019 9:19 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Urgent

△ EXTERNAL

Joe please confirm the ethics committee meeting this afternoon at 2 pm and the location. Looking forward to having the 1984 letter issue resolved. I shall be there and hope all goes well. My best Carmen

Sent from my iPad

> On Mar 20, 2019, at 9:12 AM, Carmen chenal <carmenchenallaw@gmail.com> wrote:

>

> I did. Did you receive it. Resent just minutes ago.

>

> Sent from my iPad

>

>> On Mar 20, 2019, at 9:10 AM, Kanefield, Joseph A. <KanefieldJ@ballardspahr.com> wrote:

>>

>> I checked my trash folder as well as our spam filter and cannot find any email from you regarding Judge White. Please resend. Thanks.

>>

>> Joe

>>

>> Joseph A. Kanefield

>>

>> Ballard Spahr LLP

>>

>> 1 East Washington Street, Suite 2300

>> Phoenix, AZ 85004-2555

>> 602.798.5468 DIRECT

>> 602.798.5595 FAX

>>

>> 602.625.6223 MOBILE

>> kanefieldj@ballardspahr.com

>> -----

>> www.ballardspahr.com

>>

>>

>> -----Original Message-----

>> From: Carmen Chenal <carmenchenallaw@gmail.com>

>> Sent: Wednesday, March 20, 2019 9:04 AM

>> To: Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>

>> Subject: Re: Urgent

>>

>> △ EXTERNAL

>>

>> I sent it to you yesterday. It went through. Check your trash. I actually forward the email from his Jay directly to you. It took a great deal of time to get that so I will resend it to you now.

>>

>> Sent from my iPhone

>>

>>> On Mar 19, 2019, at 7:27 PM, Kanefield, Joseph A. <KanefieldJ@ballardspahr.com> wrote:

>>>

>>> Carmen, I have cut and paste the email I sent you at 5:15 p.m. below. Please confirm receipt. I have not received any information from you regarding Judge White. Take care,

>>>

>>> Joe

>>>

>>>

>>> Joseph A. Kanefield

>>>

>>> Ballard Spahr LLP

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>>> 602.625.6223 MOBILE

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>>> -----

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>>>

>>>

>>> Thanks Carmen. Per my email from last Friday, Chairman Shope asked us to confirm that you will be in trial and unavailable to attend an interview with Representative Stringer on March 22. I understand you are in the process of getting us documentation of the case and hearing. If the trial is not continued and prevents you from attending on March 22, Chairman Shope has agreed to extend the subpoena deadlines and to allow Representative Stringer to produce documents on Wednesday, March 27, and to appear for an interview on Friday, March, 29, 2019, at 1:00 p.m. at Ballard Spahr. Regarding your request to have the letter from the D.C. Bar disclosed in executive session and kept confidential, Chairman Shope has scheduled a meeting of the Ethics Committee tomorrow at 2:00 p.m. to consider this request. Mark provided you the notice and agenda earlier this afternoon. Take care,

>>>

>>> Joe

>>>

>>> -----Original Message-----

>>> From: Carmen Chenal <carmenchenallaw@gmail.com>

>>> Sent: Tuesday, March 19, 2019 7:03 PM

>>> To: Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>

>>> Subject: Urgent

>>>

>>> ⚠ EXTERNAL

>>>

>>>

>>> Joe I thought if I proved to you that I have a trial this Friday that everything would be pushed to next week. I sent you that information from Judge White.

>>> I think that the return of the subpoena is next Wednesday and the hearing with the executive committee and/or you would be Friday of next week. Please confirm this. Also if there is a meeting with the committee tomorrow I need to know and I need to go. I have a hearing tomorrow morning but I can be there in the afternoon.

>>>

>>> All my best

>>> Carmen

>>> Sent from my iPhone

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallow@gmail.com>  
**Sent:** Tuesday, March 19, 2019 8:42 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Cc:** Kokanovich, Mark (PHX)  
**Subject:** Re: Rep. Stringer response to your March 4th letter

### △ EXTERNAL

Thanks Joe and Mark

Sent from my iPhone

On Mar 19, 2019, at 5:15 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Thanks Carmen. Per my email from last Friday, Chairman Shope asked us to confirm that you will be in trial and unavailable to attend an interview with Representative Stringer on March 22. I understand you are in the process of getting us documentation of the case and hearing. If the trial is not continued and prevents you from attending on March 22, Chairman Shope has agreed to extend the subpoena deadlines and to allow Representative Stringer to produce documents on Wednesday, March 27, and to appear for an interview on Friday, March, 29, 2019, at 1:00 p.m. at Ballard Spahr. Regarding your request to have the letter from the D.C. Bar disclosed in executive session and kept confidential, Chairman Shope has scheduled a meeting of the Ethics Committee tomorrow at 2:00 p.m. to consider this request. Mark provided you the notice and agenda earlier this afternoon. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

11400 N. 19th Avenue, Suite 2000, Phoenix, AZ 85022-3200

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | [kanefieldj@ballardspahr.com](mailto:kanefieldj@ballardspahr.com)  
LINKEDIN | VCARD

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

**From:** Carmen chenal <[carmenchenallow@gmail.com](mailto:carmenchenallow@gmail.com)>  
**Sent:** Monday, March 18, 2019 12:07 PM  
**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Re: Rep. Stringer response to your March 4th letter

△ EXTERNAL

Attached is our response. Thank you .

Friday is the last day of trial on the [REDACTED] case. It starts at 1:30 pm in Florence. I will meet with my clients in the morning in Florence, and takes 1.5 hours to get there. They do not send minute entries to attorneys in Phoenix on custody or any cases, but I am trying to get a process server down there to get something that shows I am in trial. First chair. Assuming I can prove it to you then our response to the subpoena is due Wednesday March 27? And meet with committee Friday 29th at 1:00pm. Please confirm as I do not have my calendar with me.

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: Carmenchenallaw@gmail.com

## Kanefield, Joseph A. (PHX)

---

**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Tuesday, March 19, 2019 7:27 PM  
**To:** 'Carmen Chenal'  
**Cc:** Kokanovich, Mark (PHX)  
**Subject:** RE: Urgent

Carmen, I have cut and paste the email I sent you at 5:15 p.m. below. Please confirm receipt. I have not received any information from you regarding Judge White. Take care,

Joe

Joseph A. Kanefield

Ballard Spahr LLP

1 East Washington Street, Suite 2300  
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-----  
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Thanks Carmen. Per my email from last Friday, Chairman Shope asked us to confirm that you will be in trial and unavailable to attend an interview with Representative Stringer on March 22. I understand you are in the process of getting us documentation of the case and hearing. If the trial is not continued and prevents you from attending on March 22, Chairman Shope has agreed to extend the subpoena deadlines and to allow Representative Stringer to produce documents on Wednesday, March 27, and to appear for an interview on Friday, March, 29, 2019, at 1:00 p.m. at Ballard Spahr. Regarding your request to have the letter from the D.C. Bar disclosed in executive session and kept confidential, Chairman Shope has scheduled a meeting of the Ethics Committee tomorrow at 2:00 p.m. to consider this request. Mark provided you the notice and agenda earlier this afternoon. Take care,

Joe

-----Original Message-----

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Tuesday, March 19, 2019 7:03 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** Urgent

⚠ EXTERNAL

Joe I thought if I proved to you that I have a trial this Friday that everything would be pushed to next week. I sent you that information from Judge White.

I think that the return of the subpoena is next Wednesday and the hearing with the executive committee and/or you would be Friday of next week. Please confirm this. Also if there is a meeting with the committee tomorrow I need to know and I need to go. I have a hearing tomorrow morning but I can be there in the afternoon.

All my best

Carmen

Sent from my iPhone

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Tuesday, March 19, 2019 7:03 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Urgent

△ EXTERNAL

Joe I thought if I proved to you that I have a trial this Friday that everything would be pushed to next week. I sent you that information from Judge White.

I think that the return of the subpoena is next Wednesday and the hearing with the executive committee and/or you would be Friday of next week. Please confirm this. Also if there is a meeting with the committee tomorrow I need to know and I need to go. I have a hearing tomorrow morning but I can be there in the afternoon.

All my best  
Carmen  
Sent from my iPhone

**Kanefield, Joseph A. (PHX)**

---

**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Tuesday, March 19, 2019 5:15 PM  
**To:** 'Carmen chenal'  
**Cc:** Kokanovich, Mark (PHX)  
**Subject:** RE: Rep. Stringer response to your March 4th letter

Thanks Carmen. Per my email from last Friday, Chairman Shope asked us to confirm that you will be in trial and unavailable to attend an interview with Representative Stringer on March 22. I understand you are in the process of getting us documentation of the case and hearing. If the trial is not continued and prevents you from attending on March 22, Chairman Shope has agreed to extend the subpoena deadlines and to allow Representative Stringer to produce documents on Wednesday, March 27, and to appear for an interview on Friday, March, 29, 2019, at 1:00 p.m. at Ballard Spahr. Regarding your request to have the letter from the D.C. Bar disclosed in executive session and kept confidential, Chairman Shope has scheduled a meeting of the Ethics Committee tomorrow at 2:00 p.m. to consider this request. Mark provided you the notice and agenda earlier this afternoon. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

---

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX  
  
602.625.6223 MOBILE | kanefieldj@ballardspahr.com  
LINKEDIN | VCARD

---

www.ballardspahr.com

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 18, 2019 12:07 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** Re: Rep. Stringer response to your March 4th letter

**EXTERNAL**

Attached is our response. Thank you .

Friday is the last day of trial on the [REDACTED] case. It starts at 1:30 pm in Florence. I will meet with my clients in the morning in Florence, and takes 1.5 hours to get there. They do not send minute entries to

attorneys in Phoenix on custody or any cases, but I am trying to get a process server down there to get something that shows I am in trial. First chair. Assuming I can prove it to you then our response to the subpoena is due Wednesday March 27? And meet with committee Friday 29th at 1:00pm. Please confirm as I do not have my calendar with me.

*Carmen A. Chenal, Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale, Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: [CarmenChenallaw@gmail.com](mailto:CarmenChenallaw@gmail.com)

**Kanefield, Joseph A. (PHX)**

---

**From:** Kokanovich, Mark (PHX) <kokanovichm@ballardspahr.com>  
**Sent:** Tuesday, March 19, 2019 1:41 PM  
**To:** Carmen chenal  
**Cc:** Kanefield, Joseph A. (PHX); Herrera, Roy (PHX)  
**Subject:** Stringer: Interim Meeting Notice of House Ethics Committee  
**Attachments:** 032019 House Ethics.1.1R (002)FINAL.DOCX

Carmen,

Joe has asked me to send you this notice regarding the scheduled interim meeting of the House Ethics Committee concerning discussion and possible action regarding the subpoena issued by the Committee to Representative Stringer. The Committee will address the request made by Representative Stringer through counsel that he be permitted to present documents, that are the subject of the subpoena, in executive session. The Committee may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing directions to counsel. (A.R.S. § 38-431.03(A)(3)).

Best regards,  
Mark

**Mark S. Kokanovich**

**Ballard Spahr**  
LLP

Ballard Spahr LLP is a member firm of the Ballard Spahr Law Firm, a national law firm with offices in Phoenix, AZ, San Francisco, CA, and Washington, DC.

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5532 DIRECT  
602.798.5595 FAX

kokanovichm@ballardspahr.com

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

## ARIZONA STATE LEGISLATURE

### INTERIM MEETING NOTICE OPEN TO THE PUBLIC

#### HOUSE ETHICS COMMITTEE

**Date:** Wednesday, March 20, 2019  
**Time:** 2:00 P.M. or Upon Recess/Adjournment of the Floor  
**Place:** HHR 4

#### AGENDA

1. Call to Order
2. Legal briefing, discussion and possible action relating to Ethics complaints filed against Representative David Stringer, including discussion and possible action regarding subpoena issued by the Committee to Representative Stringer. The Committee will address the request made by Representative Stringer through counsel that he be permitted to present documents, that are the subject of the subpoena, in executive session. The Committee may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing directions to counsel. (A.R.S. § 38-431.03(A)(3)).\*

#### Members:

Representative Thomas "T.J." Shope Jr., Chair  
Representative Kirsten Engel  
Representative Gail Griffin  
Representative Diego Rodriguez  
Representative John Allen

\* NO PUBLIC TESTIMONY

3/19/19  
jy

**People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.**

## **Kanefield, Joseph A. (PHX)**

---

**From:** Stephen Polk <SPolk@BPCWS.com>  
**Sent:** Monday, March 18, 2019 11:40 AM  
**To:** Kokanovich, Mark (PHX)  
**Cc:** Kanefield, Joseph A. (PHX); Herrera, Roy (PHX)  
**Subject:** RE: Subpoena (Polk 3-18-19).pdf

△ EXTERNAL

Mark - I have received your subpoena. I will let you know once the YCBA board has approved waiver of formal service. I hope to have an answer later today.

Thanks,  
Stephen

Stephen W. Polk, Esq.  
Attorney at Law  
(928) 445-0122  
spolk@bpcws.com  
125 N Granite St.  
Prescott, AZ 86301

Law Offices  
Boyle, Pecharich, Cline, Whittington & Stallings, P.L.L.C.  
Prescott, Arizona · Serving Arizona since 1950 · prescottlawoffices.com

This email is protected by law and may be privileged and confidential.  
Please call me and delete the email if it was not intended for your use.

-----Original Message-----

**From:** Kokanovich, Mark <kokanovichm@ballardspahr.com>  
**Sent:** Monday, March 18, 2019 10:53 AM  
**To:** Stephen Polk <SPolk@BPCWS.com>  
**Cc:** Kanefield, Joseph A. <KanefieldJ@ballardspahr.com>; HerreraR@ballardspahr.com  
**Subject:** Subpoena (Polk 3-18-19).pdf

Stephen,

As discussed, I have attached the subpoena to this email. Please confirm that you have received it and that you accept email service. Feel free to let us know if you have any questions.

Best regards,  
Mark

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 18, 2019 12:07 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Rep. Stringer response to your March 4th letter  
**Attachments:** 99999finalmarch4.pdf

△ EXTERNAL

Attached is our response. Thank you .

Friday is the last day of trial on the [REDACTED] case. It starts at 1:30 pm in Florence. I will meet with my clients in the morning in Florence, and takes 1.5 hours to get there. They do not send minute entries to attorneys in Phoenix on custody or any cases, but I am trying to get a process server down there to get something that shows I am in trial. First chair. Assuming I can prove it to you then our response to the subpoena is due Wednesday March 27? And meet with committee Friday 29th at 1:00pm. Please confirm as I do not have my calendar with me.

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: Carmenchenallaw@gmail.com

## Kanefield, Joseph A. (PHX)

---

**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Monday, March 18, 2019 10:10 AM  
**To:** Carmen chenal  
**Subject:** RE: response to your March 4th letter.

Thank you Carmen.

**Joseph A. Kanefield**

**Ballard Spahr**

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | [kanefieldj@ballardspahr.com](mailto:kanefieldj@ballardspahr.com)  
LINKEDIN | VCARD

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 18, 2019 9:45 AM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** response to your March 4th letter.

⚠ EXTERNAL

Joe, thank you for your patience. You will have it very soon- definitely before noon. I am calling Florence court to obtain proof of the hearing this Friday. All my best, Carmen

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

IN THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF ARIZONA

In the Matter of the House of )  
Representatives Investigation of )  
Representative DAVID STRINGER )  
before the House Ethics Committee )

---

SUBPOENA

THE STATE OF ARIZONA EXTENDS  
GREETINGS TO:

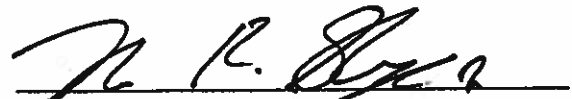
Steven Polk, as President of the Yavapai County Bar Association

You are hereby commanded to produce all communications in your possession, custody, or control between Representative David Stringer and the Yavapai County Bar Association for purposes of an investigation currently pending before the House Ethics Committee. Production shall be made by March 22, 2019 at Ballard Spahr LLP, 1 E. Washington St., Suite 2300, Phoenix, Arizona 85003.

Failure to produce these communications will be subject to the penalties prescribed by law.

Given under the signature of the Speaker of the House of Representatives of the 54<sup>th</sup> Legislature pursuant to A.R.S. § 41-1151.

Dated this 18 day of March, 2019.

  
THOMAS R. SHOPE, JR., Chairman  
House Ethics Committee  
Arizona House of Representatives

*IN THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF ARIZONA*

In the Matter of the House of )  
Representatives Investigation of )  
Representative DAVID STRINGER )  
before the House Ethics Committee )  
\_\_\_\_\_ )

SUBPOENA

THE STATE OF ARIZONA EXTENDS  
GREETINGS TO:

Merissa Hamilton

Served Via Email

[kory@statecraftlaw.com](mailto:kory@statecraftlaw.com)

Kory Langhofer, counsel for Merissa Hamilton

You, Merissa Hamilton, are hereby commanded to personally appear before House Ethics Committee Investigators on March 21, 2019 at 2:30 at pm, at Ballard Spahr LLP, 1 E. Washington St., Suite 2300, Phoenix, Arizona 85003, or at any continuance of said appearance, to testify and give evidence in an investigation of Representative David Stringer currently pending before the House Ethics Committee.

You are further hereby commanded to produce any original recordings in your possession, custody, or control of conversations involving Representative David Stringer.

Given under the signature of the Speaker of the House of Representatives of the 54<sup>th</sup> Legislature pursuant to A.R.S. § 41-1151.

Dated this 18 day of March, 2019.



THOMAS R. SHOPE, JR., Chairman  
House Ethics Committee  
Arizona House of Representatives

**Kanefield, Joseph A. (PHX)**

---

**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Friday, March 15, 2019 4:16 PM  
**To:** 'Carmen chenal'  
**Subject:** RE: MOTION FOR PO

Carmen, I have a copy of the motion for protective order. Regarding your request for an extension to respond to the subpoena, Chairman Shope has asked us to confirm that you will be in trial and unavailable to attend an interview with Representative Stringer on March 22. Please provide us the matter name and case number. If the trial is not continued and prevents you from attending on March 22, Chairman Shope has agreed to extend the subpoena deadlines and to allow Representative Stringer to produce documents on Wednesday, March 27, and to appear for an interview on Friday, March, 29, 2019, at 1:00 p.m. at Ballard Spahr.

Regarding your request to have the letter from the D.C. Bar disclosed in executive session and kept confidential, Chairman Shope has agreed to hold a committee meeting to determine whether the Ethics Committee would agree to this request. We will let you know as soon as that hearing gets scheduled. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

---

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | kanefieldj@ballardspahr.com  
LINKEDIN | VCARD

---

www.ballardspahr.com

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Friday, March 15, 2019 1:34 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** MOTION FOR PO

**△ EXTERNAL**

Dear Joe,

do you still need the MPO?

*Carmen A. Chenal, Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: Carmenchenallaw@gmail.com

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Friday, March 15, 2019 4:22 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: MOTION FOR PO

**△ EXTERNAL**

Thank you Joe. I will send you the documentation for my trial on the 22nd in a few minutes. I am responding to your March 4th letter and will get it to you this evening latest tomorrow. I will also be sending you 3 certificates of good standing for my client with the Maryland, DC and Arizona Bar. Have a great weekend. Carmen

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale, Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

On Fri, Mar 15, 2019 at 4:15 PM Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Carmen, I have a copy of the motion for protective order. Regarding your request for an extension to respond to the subpoena, Chairman Shope has asked us to confirm that you will be in trial and unavailable to attend an interview with Representative Stringer on March 22. Please provide us the matter name and case number. If the trial is not continued and prevents you from attending on March 22, Chairman Shope has agreed to extend the subpoena deadlines and to allow Representative Stringer to produce documents on Wednesday, March 27, and to appear for an interview on Friday, March, 29, 2019, at 1:00 p.m. at Ballard Spahr.

Regarding your request to have the letter from the D.C. Bar disclosed in executive session and kept confidential, Chairman Shope has agreed to hold a committee meeting to determine whether the Ethics Committee would agree to this request. We will let you know as soon as that hearing gets scheduled. Take care,

Joe

**Joseph A. Kanefield**  
**Ballard Spahr**

1 East Washington Street, Suite 2300  
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602.798.5595 FAX

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LINKEDIN | VCARD

-----  
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**From:** Carmen chenal <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)>  
**Sent:** Friday, March 15, 2019 1:34 PM  
**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** MOTION FOR PO

△ EXTERNAL

Dear Joe,

do you still need the MPO?

*Carmen A. Chenal, Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale, Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

CHENAL LAW FIRM PLLC

Carmen A. Chenal  
7272 East Indian School Rd  
Suite 540  
Scottsdale, Arizona 85251  
Phone: 480-207-5180  
Carmenchenallaw@gmail.COM

March 15, 2019

Re: Response to your March 4<sup>th</sup> letter

Dear Mr. Kanefield,

First, thank you for allowing me adequate time to respond to your March 4<sup>th</sup> letter. As you know, I had a number of pending matters before I took on this very complex and sensitive matter involving Representative Stringer.

We previously provided you with a preliminary and final response to your February 13<sup>th</sup> letter. This letter serves to address your letter of March 4<sup>th</sup>, 2019.

As I believe you know, on March 14<sup>th</sup> the State Bar of Arizona dismissed the bar charge against Representative Stringer and closed the file. In the dismissal letter from the State Bar, it states with respect to the 1983 arrest of my client, which is apparently of interest to the Committee that:

*"In early 1984, the matter was referred to the District of Columbia Office of Disciplinary Counsel. Following a review by that office no action was taken against Representative Stringer and the matter was dismissed."*

The letter from the State Bar dismissing the charge goes on to state that:

*"I also confirmed with the District of Columbia Office of Disciplinary counsel that the referral made in 1983 regarding this matter was dismissed without any action against Representative Stringer's license to practice law"* (you have the dismissal letter from the Bar).

The quoted statements above are important and obviously pertinent to the Committee's investigation, because they come from an independent and reliable source, the State Bar of Arizona. It confirms that the DC Bar investigated and dismissed the 1983 matter which is now,

inexplicably of interest to the Committee. In your March 4<sup>th</sup> letter, you assert that Mr. Stringer's cooperation, "will save the Arizona taxpayers thousands of dollars in legal fees." In view of that statement, one has to ask how the Ethics Committee can justify spending thousands of dollars of taxpayers' money on legal fees investigating a charge that was investigated and dismissed by the District of Columbia Bar 35 years ago and dismissed again on March 14<sup>th</sup> by the State Bar of Arizona?

The dismissals by the District of Columbia Bar and the State Bar of Arizona Bar obviously support and justify our position that the Committee's investigation of my client should be dismissed. However, despite the objective justification for dismissal of the Committee's investigation, my response to your letter of March 4<sup>th</sup> follows. On Page 1 of your March 4<sup>th</sup> letter (the "letter") you claim that some unspecified records relating to these matters still exist because the *New Times* has them. So far as I am aware, the *New Times* does not have the unspecified records to which you refer. More to the point, is it your position that due process would be satisfied on the basis of information in unauthenticated records from an unofficial source like the *New Times*?

***The Court File of the 1983 Case is Destroyed***

You also request that we stipulate to open the case file of records apparently expunged more than 30 years ago. It is a mystery why you believe we can provide records that were expunged, and then destroyed decades ago. As recently stated by DC Bar Counsel, who investigated this same issue about the status of the case file: DC Bar counsel Julia Porter stated in her email of February 5, 2019 ( already provided to you) regarding the Stringer 1983 matter:

"Dear Ms. Chenal - Our case manager says that we have no additional documents for the two matters that were investigated and ultimately dismissed. The dismissal letters were scanned and saved electronically but the other documents in of the files were destroyed".

The investigation was professionally done, and the finding was entirely in Representative Stringer's favor. There is no possible just outcome that can result from trying to better the work product of those professionals some 35 years later with no record or some partial unauthenticated record. The committee might be able to generate some negative headlines for Rep. Stringer by promoting speculation, but while that might be the goal of the 2 complaints, it cannot be the goal of the committee itself. In short, your work was done for you 35 years ago by a team of professionals who had everything they needed to do the job right. On what grounds would you or anyone seek to set aside those findings?

It would be disingenuous for us to stipulate to obtain court records that do not exist.

***Records Request from the Committee to my Client***

At page 2 of your letter you ask: "that you (Rep. Stringer) provide any records in Rep. Stringer's possession, custody, or control relating to the criminal charges he faced in Maryland, court records relating to those charges (including those already published), or the expungement that the Maryland court presumably granted for the charges Rep. Stringer referred to in the Arizona Daily Independent article." As I have previously informed you relating to this request --- my client has only the two emails previously forwarded to you from DC Bar counsel and the May 29<sup>th</sup>, 1984 dismissal letter which we will be happy to share with the committee under a protective order or similar protection such as a non-disclosure agreement. It is my understanding that you are asking the committee chairman about this and I appreciate it.

At the bottom of page 3 of your letter, you ask for: "Specifically, please provide his Maryland Bar application, DC Bar Application, Arizona Bar Application, and Certified Public Accountant license application". The State Bar stated in its March 14<sup>th</sup>, 2019 dismissal letter, page 1, par. 4, that the Arizona Bar Application does not exist, and Rep. Stringer no longer possesses any of the

other requested items most of which are decades old. Nor does Rep. Stringer have the results of any background checks, which you have also requested.

#### ***Purpose of the Investigation***

I appreciate your clarifying that "the purpose of this investigation is to gather evidence surrounding these complaints to assist the Ethics committee in determining how best to address the complaints and allegations" (Your March 4<sup>th</sup> letter, bottom of pg. 2). I assume the allegations to which you are referring are those in the two complaints filed with the ethics committee, correct? Please confirm that my assumption is correct. Finally, I want to take the opportunity in this response to address other relevant matters.

#### ***Due Process***

I am requesting an executive session meeting with the committee, or you, that can be kept confidential but where all the evidence on both sides is presented. For now, this informal meeting would just be myself and the committee or just the two of us. I have briefly outlined some case law below which entitles us to due process.

#### **The Court Will Review the Expulsion of a Legislator When It is Alleged that the Legislative Action Violated the Member's Right to Due Process.**

In *Mecham v. Gordon*, 156 Ariz. 297, 751 P.2d 957, the Arizona Supreme Court held that the Court would not interfere in the political decisions of the legislature "**when all constitutional requirements undisputedly were met.**" 62 Ariz. at 268. (emphasis added)

In *Arizona Independent Redistricting Commission v. Brewer*, 229 Ariz. 347, 275 P.3d 1267(2012) The Court stated: "But it is well settled that when one with standing challenges a duly enacted law on constitutional grounds, the judiciary is the department to resolve the issue even though promulgation and approval of statutes are constitutionally committed to the other two political branches." 229 Ariz. at 355.

Although both the Mechem and Brewer cases involved impeachment, the principles of due process are equally applicable to our case. We are entitled to interview his accusers (neither have responded to my request to meet). Perhaps you can facilitate this short meeting between them and me. We are also entitled to review the evidence on which the committee bases its charges prior to any formal decision being made by the Committee.

The right of the judiciary to review the expulsion of a member of the legislature was first squarely faced in *Sweeney v. Tucker*, 473 Pa. 493, 375 A.2d 698 (1977). The Pennsylvania Supreme Court relied in part on the decision of the United States Supreme Court in *Powell v. McCormick*, 395 US 488 (1969). There, the Supreme Court found unconstitutional the U.S. Congress' refusal to seat Representative Adam Clayton Powell because of improprieties allegedly committed by him. In *Montoya v. The Law Enforcement Merit System Council*, 148 Ariz. 108, 713P.2d 309 (1985) the Arizona Court of Appeals held that an individual terminated by government has a liberty interest if that individual is libeled at the same time, and a property interest if the individual has a fixed term of employment. Charles Montoya was discharged by the Arizona Department of Public Safety due to suspicion regarding his honesty. Montoya was a "limited term employee" who could be "terminated at any time". 40 Ariz. at 108 -109. The Court held that because he had no fixed term of employment, he had no property right in the employment. This implied that if he had had a fixed term in employment, he would have a justiciable property right. In the case of Representative Stringer, he was elected by the voters in his district to a fixed term and therefore he has a property right in this position.

Arizona law makes clear that the Court has jurisdiction to resolve an allegation which implicates the unconstitutional denial of a **property** right, and under the law of all jurisdictions, courts have jurisdiction to resolve an allegation which implicates the denial of a **liberty** interest, especially when the allegation is that he/she was libeled as part of the termination.

If the legislature had unfettered discretion to expel members, without any possibility for judicial intervention and review when violations of due process are involved, a member could be expelled because of his or her ideology concerning such

basic issues as race, gender and religion. The case law confirms that judiciary has the jurisdiction to review expulsion cases as well, especially when due process issues are implicated. E.g., *Powell v. McCormick*, 395 US 488 (1969); *Sweeney v. Tucker*, 473 Pa. 493, 375 A.2d 698 (1977); *Montoya v. The Law Enforcement Merit System Council*, 148 Ariz. 108, 713P.2d 309 (1985).

### ***Conclusion***

It is difficult to imagine an investigation more unjustified and unfair to Rep. Stringer, to taxpayers and to the people who elected Rep. Stringer than to ask him to address an issue that was resolved more than 30 years ago. It is also painfully obvious that no member of the legislature -- as a condition of holding office -- is required to provide medical records, tax returns, school records, or any other records of a personal and confidential nature. It is the obligation of the committee to justify this investigation --- Rep Stringer bears no burden of proof in this matter; that burden rests with his accusers. I cannot help thinking that this may be political.

*First*, nothing Mr. Stringer has said was either terribly original or unusual, his positions mirror those of countless politicians, elected officials, professors, and authors.

*Second*, not only is Mr. Stringer not a racist but his entire life has been spent helping minorities, often at no cost to them with a real personal and financial cost to Mr. Stringer. And he has long placed himself in harm's way politically to support criminal justice reform which is an issue of tremendous importance to the minority community in Arizona.

*Third*, his 1983 matter was dismissed by the court in Maryland, and by the DC bar with no moral turpitude found, and with no effect on his license. And, neither of the allegations had anything to do with child pornography which was both the most sensational part of the hit job at the New Times and the main thrust of Mr. Townsend's complaint.

The committee chairman has already stated on the record that he believes this investigation is political and the complaints come from members with political motives. Representative Townsend, one of the two complainants, publicly stated that she believes my client should be kicked out of office to protect her party from losses in 2020.

I hope that you can and will advise your client that in view of the dismissal of these charges by the District of Columbia Bar and the State Bar of Arizona this investigation is not justified either as a matter of law or as a matter involving taxpayer dollars.

Sincerely,

Carmen A. Chenal

Attorney for Rep. David Stringer

## Kanefield, Joseph A. (PHX)

---

**From:** Sandra Montoya <Sandra.Montoya@staff.azbar.org>  
**Sent:** Thursday, March 14, 2019 4:31 PM  
**To:** Kanefield, Joseph A. (PHX); Herrera, Roy (PHX)  
**Subject:** Public records request  
**Attachments:** Kanefield - Herrera letter.pdf; 19-0274 Public Record updated.pdf

### ⚠ EXTERNAL

Attached is the response to your records request. A hard copy will also be placed in the mail.

If you have any questions please email me at [Sandra.montoya@staff.azbar.org](mailto:Sandra.montoya@staff.azbar.org).

Thank you.



---

**Sandra Montoya, Legal Administration Manager**  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7353 F : 602.416.7553  
EMAIL: [Sandra.Montoya@staff.azbar.org](mailto:Sandra.Montoya@staff.azbar.org)  
[www.azbar.org](http://www.azbar.org)

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These records are being provided pursuant to a public records request. Documents pertaining to the State Bar's deliberations and work product of staff are confidential pursuant to Rule 70(b) and withheld from disclosure. The official record for formal Court pleadings and other documents related to hearings, if any, may be obtained from the Supreme Court's disciplinary clerk's office.

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Ballard Spahr LLP

March 14, 2019

Via U.S. Mail and Email: [kanefieldj@ballardspahr.com](mailto:kanefieldj@ballardspahr.com) and [herrerar@ballardspahr.com](mailto:herrerar@ballardspahr.com)

Joseph Kanefield

Roy Herrera

Ballard Spahr, LLP

1 East Washington Street

Suite 2300

Phoenix, Arizona 85004-2555

Re: Public Records request for Rep. David Stringer

Dear Mr. Kanefield and Mr. Herrera:

The documents enclosed are a scan of the public record in the David Stringer File No. 19-0274.

These records are being provided in response to your public records request. Documents pertaining to the State Bar's deliberations and work product of staff are confidential pursuant to Rule 70(b) and withheld from disclosure. There is a Protective Order within the record.

If you have any questions or require anything further you may contact me either by email at [Sandra.montoya@staff.azbar.org](mailto:Sandra.montoya@staff.azbar.org), or by phone at 602-340-7353.

Respectfully,

A handwritten signature in black ink that reads "Sandra E. Montoya".

Sandra Montoya

Legal Administration Manager

**Sandra Montoya**

---

**From:** Maret Vessella  
**Sent:** Tuesday, January 29, 2019 8:49 AM  
**To:** Sulema Bucio  
**Cc:** Matt McGregor  
**Subject:** David Stringer

<https://www.azcentral.com/story/news/politics/arizona/2019/01/25/arizona-rep-david-stringer-faces-another-scandal-1983-sex-crime-charges-pornography/2680283002/>

Good morning, Sulema. Would you please open a file against David Stringer. The complainant is the State Bar. Please assign to Matt. Thanks

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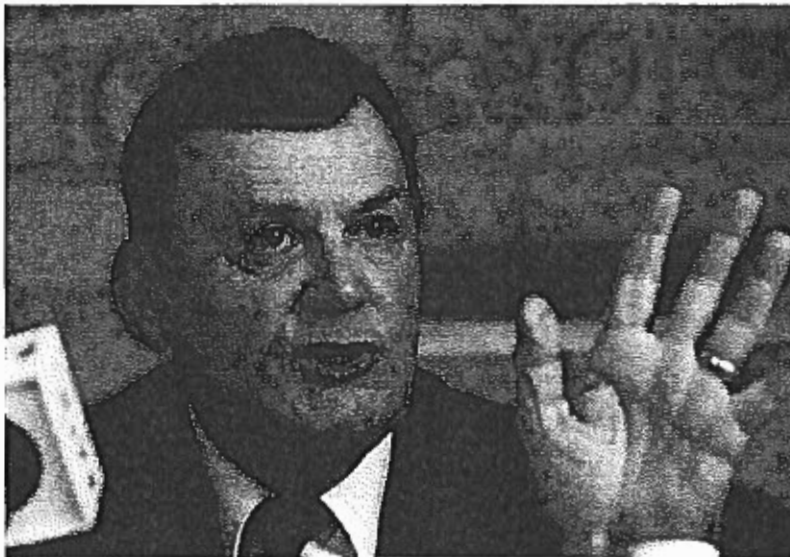
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## Arizona Rep. David Stringer faces expulsion calls after charges from 1983 revealed

Dustin Gardiner, Arizona Republic Published 8:29 p.m. MT Jan. 25, 2019 | Updated 9:35 a.m. MT Jan. 26, 2019



Rep. David Stringer (Photo: Associated Press)

Democrats in the Arizona House of Representatives are demanding state Rep. David Stringer resign or face expulsion over a report that he was charged with sex offenses in 1983.

The *Phoenix New Times* published a story (<https://www.phoenixnewtimes.com/news/court-records-arizona-lawmaker-david-stringer-charged-child-porn-1983-11183294>) Friday about Stringer facing several sex-related charges, according to Maryland state court records obtained by the publication.

At least one of the offenses was related to child pornography, the records state. It's unclear, from available court records, what happened with that charge.

The revelations have again led to calls for Stringer's resignation, and a fellow Republican lawmaker said she plans to file an ethics complaint against him.

Last year, numerous Republicans and Democrats called for Stringer, R-Phoenix, to step down after a series of his racist comments made international

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But the embattled lawmaker has no plans to step down, according to 12News (<http://www.12news.com/video/news/politics/rep-david-stringer-responds-to-child-porn-charges/75-99eb6149-bcd4-4eb3-81a-39c9e5d48d9>). He told the station he's never been convicted of a crime.

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In a text message to a 12News reporter, he said, "Resigning over a 35 year old allegation for which I was not convicted and which was expunged would set an incredibly bad precedent.

"My life was touched by the criminal justice system many years ago but I escaped the worst consequences."

Stringer didn't respond to repeated requests for comment from *The Arizona Republic* about details of his 1983 case. However, a right-leaning media outlet reported about his case earlier this month.

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*The Arizona Daily Independent* (<https://arizonadailyindependent.com/2019/01/16/experience-drives-david-stringers-empathy-for-those-trapped-in-unjust-system/>) reported that the case started in September 1983, when police officers showed up at Stringer's home over "false" accusations that he had pornography and had patronized prostitutes.

"Stringer didn't have pornography of any kind in his home and those charges were later dropped," the *Independent's* report states. "But two prostitutes who had been arrested earlier were offering up names in exchange for leniency from prosecutors, and one of the people they claimed was a client was David Stringer."

The article did not cite a source or any other evidence for those statements.

### What Stringer's court records show

Court records posted online by the *New Times* include a case history that states in two places, "Charge is child pornography." The outcome of the charge or charges is unclear from the documents.

It's also unclear what other specific charges he faced, with entries in the document stating "SEX02" and "SEX04" under different case numbers.

Many details of what happened are unknown given the matter was reportedly expunged, meaning records of the case were erased.

Microfilm of his case history was mistakenly provided to the *New Times*, according to a Maryland Judiciary spokeswoman quoted in that publication's report.

The spokeswoman instructed the paper to destroy the records.

According to the case history, the court entered a judgment of guilt on some combination of charges. Stringer was sentenced to 5 years of probation and ordered to complete 208 hours of community service per year.

Court records also list another part of Stringer's apparent sentence: "Defendant is to seek admission to Dr. Berlin's Program at Hopkins." The *New Times* reported a man named Dr. Frederick Berlin is currently the director of the Sexual Behavior Consultation Unit at Johns Hopkins University School of Medicine.

Stringer reportedly told the *Daily Independent* that he accepted a plea of "probation before judgment" on two misdemeanor counts to avoid the possibility of a conviction.

"Weighing the litigation risk against a sure thing, he accepted the deal, completed his community service probation, and the matter was later expunged," the conservative publication's article states, apparently quoting the lawmaker.

### Democrats and some Republicans: Time for Stringer to resign

House Minority Co-Whip Reginald Bolding, D-Phoenix, said the latest revelations about Stringer show he can no longer be an effective legislator for his district.

"We believe that he needs to resign," Bolding told *The Arizona Republic*. "In the absence of a resignation, the House has to show leadership and push for expulsion. It gives Arizona a black eye... we have to take action."

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## Rep. David Stringer faces another scandal with 1983 sex crime charges

Page 3 of 4

Prior to Friday's revelations, holding had led an effort to formally censure Stringer on the House floor over his "white supremacist" comments about race.

The Arizona Democratic Party echoed that call for expulsion in a press statement from spokesman Les Braswell: "These latest revelations of sexual misconduct go beyond the pale of his already disgusting behavior as an elected official in Arizona."

Stringer also faces increasing calls for his resignation from fellow Republicans. Gov. Doug Ducey on Friday called for him to step down — for the third time in a year.

"I've already said he should resign and step down, and I stand by that statement," Ducey told reporters.

State Rep. Kelly Townsend, R-Mesa, said she plans to file a complaint against Stringer with the House Ethics Committee, the body that typically investigates ethical issues involving lawmakers, on Monday. She also called for him to resign.

"The reputation of our institution must remain intact, and the cumulative and escalating nature of the recent unfortunate events places that in jeopardy," Townsend said in a statement.

## House speaker: Stringer needs to 'reflect'

But House Speaker Rusty Bowers, R-Mesa, stopped short of calling for Stringer's resignation.

"I spoke to him and expressed my deep concern with the article and its implications," Bowers said in a statement. "Rep. Stringer may have fulfilled the legal consequences of his actions, but I believe that charges of this nature cast a shadow over the entire Legislature and his ability to be an effective legislator."

Bowers said he's asked Stringer to "reflect" on demands that he step down.

Calls for Stringer's resignation started last June, when he was filmed telling a room of Republican activists that immigration poses an "existential threat" to America, adding "there aren't enough white kids to go around" in Arizona public schools.

He continued to make waves throughout the year with controversial comments and writings about race. Ducey and numerous other leaders demanded he resign.

In November, the *New Times* published recordings of comments Stringer made to a group of university students. Among other remarks, the lawmaker said, "African-Americans and other racial groups don't ... blend in."

Stringer blamed both controversies on media outlets misreporting his statements. He pointed to his re-election margin as his chief defense — 67,023 voters returned him to office in November.

"I am not going to disenfranchise the thousands and thousands of people who just returned me to office a month ago," he said last year.

On Thursday, Stringer surprised his House colleagues when he apologized for his comments on the House floor.

"I believe, on reflection, I have a duty to apologize to you as my colleagues," he said. "I apologize to you. I apologize to the speaker. I apologize to our staff here at the House. And I apologize to the public."

## Stringer an advocate for reform of criminal justice system

Stringer has been one of the Legislature's most vocal advocates for criminal justice reform. This session, he's sponsoring a bill that would allow convicted adult sex offenders to petition a court to remove their duty to register after 10 years.

He's also an attorney and has been a member of the State Bar of Arizona since January 2004, according to online records.

Attorneys are admitted to the bar through the Arizona Supreme Court.

A spokeswoman for the court said it cannot release records from Stringer's application, citing a rule that requires admission applications be kept confidential.

<https://www.azcentral.com/story/news/politics/arizona/2019/01/25/arizona-rep-david-stringer-faces-anot...> 1/29/2019

## Rep. David Stringer faces another scandal with 1983 sex crime charges

Page 4 of 4

The court's [rules of admission \(https://www.azcourts.gov/PDF/Forms/26/admis/2017/RulesOfAdmission\\_2017.pdf\)](https://www.azcourts.gov/PDF/Forms/26/admis/2017/RulesOfAdmission_2017.pdf) for attorneys state there is a presumption that applicants who have "been convicted of a misdemeanor involving a serious crime or of any felony must be denied admission." However, an evaluation committee can recommend applicants with a prior conviction be admitted.

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It's unclear if Stringer disclosed his Maryland plea in his application to practice law in Arizona.

The *Independent* reported that Stringer's bar admission in Arizona, and earlier Maryland, "required not just technical competence but police clearances and character and fitness investigations, which meant disclosing not just convictions, but arrests themselves.

"He said that he has always fully complied with those requirements and is proud that since his first admission to practice law in 1978, over 40 years ago, he has maintained an unblemished record as an attorney," the article states.

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## Sandra Montoya

---

**From:** Matt McGregor  
**Sent:** Tuesday, January 29, 2019 10:16 AM  
**To:** 'dhsndc@msn.com'  
**Subject:** SBA File No. 19-0274, Complainant State Bar of Arizona

Good Morning, Representative Stringer,

I am writing to you in follow up to a voicemail that I just left for you.

My name is Matt McGregor and I am Staff Bar Counsel with the State Bar of Arizona's Intake Department.

I called and am writing to advise you that a charge has been opened here at the State Bar of Arizona based of the recent information found in local media. The file no. is 19-0274, and the State Bar of Arizona is listed as the Complainant.

At your convenience, please call me so that we may discuss the matter. The issue that is being looked into mainly is whether or not the information being referenced in the recent media reports was disclosed as part of your admission's process as a Member of the State Bar of Arizona.

My contact information, including my direct phone number, can be located below.

Thank you in advance, Sir.



---

**Matt McGregor, A/CAP Bar Counsel**  
State Bar of Arizona  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7252 F : 602.416.7452  
EMAIL: Matt.McGregor@staff.azbar.org  
www.azbar.org

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## Sandra Montoya

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, January 30, 2019 2:28 PM  
**To:** Matt McGregor  
**Subject:** Re: File No. 19-0274, Respondent David Stringer

Yes Matt . I may in the future but not now. All my best, Carmen not Ms. Chenal 😊

Sent from my iPhone

On Jan 30, 2019, at 2:17 PM, Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)> wrote:

Hi, Ms. Chenal,

So, just to confirm, you are not representing Representative Stringer on this bar charge matter, and I can direct my communications to Representative Stringer, correct?

Please advise at your convenience.

Thank you, Ms. Chenal.

<image001.gif>

---

**Matt McGregor, A/CAP Bar Counsel**  
State Bar of Arizona  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7252 F : 602.416.7452  
EMAIL: [Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)  
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---

**From:** Carmen Chenal [<mailto:carmenchenallaw@gmail.com>]  
**Sent:** Wednesday, January 30, 2019 2:13 PM  
**To:** Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)>  
**Subject:** Re: File No. 19-0274, Respondent David Stringer

Matt so great to hear from you. I just called and left a message for David. I represent him in the legislature matter but not in the bar matter. I may down the road if there is a complaint. I told him that you are fair and if I were him I would cooperate with you 100%.

All my best,  
Carmen

Sent from my iPhone

On Jan 30, 2019, at 12:44 PM, Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)> wrote:

Good Afternoon, Ms. Chenal,

I just received a phone call from Representative David Stringer, who advised me that he has retained you to represent him in the above referenced matter. We will add you to our file as Respondent's Counsel.

Representative Stringer was calling me back from a voicemail that I just left for him minutes before. When I spoke with Representative Stringer about this matter over the telephone yesterday, he advised me that the D.C. Bar took the matter up in 1984 and then dismissed it.

I reached out to the folks in Washington D.C. to see if they had any records or documentation of the 1984 matter that they opened and dismissed regarding the criminal matter from 1983.

They may have something, but if they do, they would need Representative Stringer's consent and permission to provide those materials, whatever they have, if they have anything at all, to me so I can add it to our file here and review it.

Would Representative Stringer be willing to provide that consent and permission to the Washington D.C. bar?

Please advise at your convenience. If there is anything that you need from me, please do not hesitate to contact me at your convenience. My direct phone number is listed below. I look forward to working with you on this matter.

<image001.gif>

---

**Matt McGregor, A/CAP Bar Counsel**  
**State Bar of Arizona**  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7252 F : 602.416.7452  
EMAIL: [Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)  
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## Sandra Montoya

---

**From:** Matt McGregor  
**Sent:** Wednesday, January 30, 2019 3:28 PM  
**To:** Lawrence Bloom; 'Julia L. Porter'; 'dhsndc@msn.com'  
**Subject:** Washington DC Bar matter David H Stringer

Good Afternoon, Representative Stringer, Ms. Porter, and Mr. Bloom,

I am sending this email in reference to our conversation earlier today.

Representative Stringer informed me that he wished to contact you and discuss what, if anything, that your office maintained as a record or documentation from this 1984 matter, and also wanted to discuss the D.C. rules governing its public availability at this time, as he may wish to seek a protective order here in Arizona over anything obtained.

Representative Stringer, Ms. Julia Porter is the Deputy Disciplinary Counsel for the Office of Disciplinary Counsel in Washington D.C., and Mr. Lawrence Bloom is the Senior Staff Attorney in that same office.

The general phone number for the office is 202-638-1501.

You can reach Ms. Porter at ext. 1715.

You can reach Mr. Bloom at ext. 1744.

Representative Stringer, please contact Ms. Porter or Mr. Bloom to discuss this documentation and your questions.

Thanks to you all in advance for your assistance.



---

**Matt McGregor, A/CAP Bar Counsel**  
State Bar of Arizona  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7252 F : 602.416.7452  
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## **Sandra Montoya**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Thursday, January 31, 2019 12:51 PM  
**To:** Matt McGregor  
**Subject:** Representative David H. Stringer

Dear Mr. McGregor,

This email serves to confirm that I am representing Representative David Stringer in the State Bar file number 19 - 0274 matter. I would appreciate it if you could forward to me the contact information from the DC bar so that I can obtain the pertinent records. Looking forward to resolving this with you. All my best Carmen

Sent from my iPhone  
Carmen A. Chenal  
7272 East Indian School  
Suite 540  
Scottsdale, Arizona 85251  
(Work 480-207-5180)  
( Cell 480-612-1452)

## Sandra Montoya

---

**From:** Matt McGregor  
**Sent:** Thursday, January 31, 2019 1:25 PM  
**To:** 'Julia L. Porter'; 'Lawrence Bloom'  
**Subject:** RE: Former DC Bar Member David Stranger

Good Afternoon, Ms. Porter and Mr. Bloom,

I just wanted to give you a heads up. Representative Stringer has retained counsel in the matter here in Arizona. Her name is Carmen Chenal. I will be forwarding to her the email I sent to everyone yesterday afternoon. She will be the one contacting you.

Thank you again for the help and assistance!



---

**Matt McGregor, A/CAP Bar Counsel**  
State Bar of Arizona  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7252 F : 602.416.7452  
EMAIL: [Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)  
[www.azbar.org](http://www.azbar.org)

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---

**From:** Matt McGregor  
**Sent:** Wednesday, January 30, 2019 3:26 PM  
**To:** 'Julia L. Porter' <[porterj@dcodc.org](mailto:porterj@dcodc.org)>; Lawrence Bloom <[blooml@dcodc.org](mailto:blooml@dcodc.org)>  
**Subject:** RE: Former DC Bar Member David Stranger

Thank you both, so very much!



---

**Matt McGregor, A/CAP Bar Counsel**  
State Bar of Arizona  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7252 F : 602.416.7452  
EMAIL: [Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)  
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---

**From:** Julia L. Porter [<mailto:porterj@dcodc.org>]  
**Sent:** Wednesday, January 30, 2019 3:25 PM  
**To:** Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)>; Lawrence Bloom <[blooml@dcodc.org](mailto:blooml@dcodc.org)>  
**Subject:** RE: Former DC Bar Member David Stranger

That's fine to use us both as points of contact. Our telephone number is (202) 638-1501. I'm at extension 1715, and Lawrence is 1744. Julia

---

**From:** Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)>  
**Sent:** Wednesday, January 30, 2019 5:23 PM  
**To:** Julia L. Porter <[porterj@dcodc.org](mailto:porterj@dcodc.org)>; Lawrence Bloom <[blooml@dcodc.org](mailto:blooml@dcodc.org)>  
**Subject:** RE: Former DC Bar Member David Stranger

Hi, Ms. Porter and Mr. Bloom,

I have spoken with Representative Stringer. He would like to speak with you regarding what, if anything, you guys have, and then also he may have some questions about what, if anything, is publicly available pursuant to your Rules, as he may wish to seek a protective order here in Arizona over whatever we obtain from you, if anything.

So, I am going to send an email to Representative Stringer and to you both stating that, and also providing the generic phone number for the Office of Disciplinary Counsel.

Is it OK if Representative Stringer uses both of you as a point of contact?

Thanks again in advance for your help!



---

**Matt McGregor, A/CAP Bar Counsel**  
State Bar of Arizona  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7252 F : 602.416.7452  
EMAIL: [Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)  
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---

**From:** Matt McGregor  
**Sent:** Wednesday, January 30, 2019 8:49 AM  
**To:** 'Julia L. Porter' <[porterj@dcodc.org](mailto:porterj@dcodc.org)>; Lawrence Bloom <[blooml@dcodc.org](mailto:blooml@dcodc.org)>  
**Subject:** RE: Former DC Bar Member David Stranger

Hi, Ms. Porter,

Understood. I will reach out to him. Thank you!



---

**Matt McGregor, A/CAP Bar Counsel**  
**State Bar of Arizona**  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7252 F : 602.416.7452  
EMAIL: [Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)  
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---

**From:** Julia L. Porter [<mailto:porterj@dcodc.org>]  
**Sent:** Wednesday, January 30, 2019 8:48 AM  
**To:** Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)>; Lawrence Bloom <[blooml@dcodc.org](mailto:blooml@dcodc.org)>  
**Subject:** RE: Former DC Bar Member David Stranger

Dear Matt, You would have to get Mr. Stringer's permission before we could disclose the contents of our files. Julia

---

**From:** Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)>  
**Sent:** Wednesday, January 30, 2019 10:47 AM  
**To:** Lawrence Bloom <[blooml@dcodc.org](mailto:blooml@dcodc.org)>  
**Cc:** Julia L. Porter <[porterj@dcodc.org](mailto:porterj@dcodc.org)>  
**Subject:** RE: Former DC Bar Member David Stranger

Hi, Mr. Bloom and Ms. Porter,

It absolutely helps, thank you so much.

I know it is a shot in the dark, but is there any chance that any documentation still exists from the 1984 matter? I am assuming not, but thought I would take the shot in the dark.

Thanks to you both!



---

**Matt McGregor, A/CAP Bar Counsel**  
**State Bar of Arizona**

4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266

T : 602.340.7252 F : 602.416.7452

EMAIL: [Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)

[www.azbar.org](http://www.azbar.org)

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---

**From:** Lawrence Bloom [<mailto:blooml@dcodc.org>]  
**Sent:** Wednesday, January 30, 2019 8:41 AM  
**To:** Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)>  
**Cc:** Julia L. Porter <[porterj@dcodc.org](mailto:porterj@dcodc.org)>  
**Subject:** FW: Former DC Bar Member David Stranger

Hi Matt –

Our electronic database reveals there were two docketed matters against Mr. Stringer, one in 1984 and one in 1999, both of which were dismissed within several months of being opened. Mr. Stringer is also licensed in Maryland according to our records.

Hope that helps.

Best regards,

Lawrence

### Find A Member Search Results

[Search Again](#)

Records matching your search criteria: 1

To learn if there is any disciplinary proceedings for the following attorneys, please visit the [disciplinary system](#).

1.  
**David H Stringer**

Membership Status: Good Standing  
Membership Type: INACTIVE ATTORNEY  
Date of Admission: 05/26/1978

---

**From:** Matt McGregor <Matt.McGregor@staff.azbar.org>  
**Sent:** Wednesday, January 30, 2019 9:58 AM  
**To:** Lawrence Bloom <blooml@dcodc.org>  
**Subject:** RE: Former DC Bar Member David Stranger

Good Morning, Mr. Bloom,

Absolutely no apologies are necessary. Thank you for returning my call via email.

No, Mr. Stringer's full name "David H Stringer."

Here is a hyperlink to what I found on the DC Bar website for attorney searches, with a screenshot attached in case the hyperlink does not work.

<https://join.dcbbar.org/eweb/DynamicPage.aspx?Site=dcbbar&WebCode=FindMemberResults>

Thank you so much for whatever assistance you and your staff can provide!!



---

**Matt McGregor, A/CAP Bar Counsel**  
State Bar of Arizona  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7252 F : 602.416.7452  
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---

**From:** Lawrence Bloom [<mailto:blooml@dcodc.org>]  
**Sent:** Wednesday, January 30, 2019 4:17 AM  
**To:** Matt McGregor <Matt.McGregor@staff.azbar.org>  
**Cc:** Sarah N. Lee <[lee@dcodc.org](mailto:lee@dcodc.org)>  
**Subject:** Former DC Bar Member David Stranger

Hi Matt –

I was in New York City yesterday and am sorry to have missed your call.

Does the Respondent who was a former DC Bar member and is currently under investigation in Arizona spell his name "David Stranger." I do not see him listed in our system but before I asked Sarah to check old paper records I wanted to ensure we had the correct name spelling.

Best regards,

Lawrence

Lawrence Bloom  
Senior Staff Attorney  
Office of Disciplinary Counsel  
515 Fifth Street, NW  
Building A, Room 117  
Washington, DC 20001  
(202) 638-1501

## Sandra Montoya

---

**From:** Matt McGregor  
**Sent:** Thursday, January 31, 2019 1:26 PM  
**To:** 'Carmen Chenal'  
**Subject:** FW: Washington DC Bar matter David H Stringer

Good Afternoon, Ms. Chenal,

I got your voicemail and email. I am sorry to have missed your call.

Below you will find the email I sent to Representative Stringer and the folks out in D.C. There contact information is within.

Please let me know if you need anything else.



---

**Matt McGregor, A/CAP Bar Counsel**  
**State Bar of Arizona**

4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7252 F : 602.416.7452  
EMAIL: Matt.McGregor@staff.azbar.org  
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---

**From:** Matt McGregor  
**Sent:** Wednesday, January 30, 2019 3:28 PM  
**To:** Lawrence Bloom <blooml@dcodc.org>; 'Julia L. Porter' <porterj@dcodc.org>; 'dhsndc@msn.com' <dhsndc@msn.com>  
**Subject:** Washington DC Bar matter David H Stringer

Good Afternoon, Representative Stringer, Ms. Porter, and Mr. Bloom,

I am sending this email in reference to our conversation earlier today.

Representative Stringer informed me that he wished to contact you and discuss what, if anything, that your office maintained as a record or documentation from this 1984 matter, and also wanted to discuss the D.C. rules governing its public availability at this time, as he may wish to seek a protective order here in Arizona over anything obtained.

Representative Stringer, Ms. Julia Porter is the Deputy Disciplinary Counsel for the Office of Disciplinary Counsel in Washington D.C., and Mr. Lawrence Bloom is the Senior Staff Attorney in that same office.

The general phone number for the office is 202-638-1501.  
You can reach Ms. Porter at ext. 1715.  
You can reach Mr. Bloom at ext. 1744.

Representative Stringer, please contact Ms. Porter or Mr. Bloom to discuss this documentation and your questions.

Thanks to you all in advance for your assistance.



---

**Matt McGregor, A/CAP Bar Counsel**  
**State Bar of Arizona**

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T : 602.340.7252 F : 602.416.7452

EMAIL: [Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)

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## Sandra Montoya

---

**From:** Matt McGregor  
**Sent:** Friday, February 1, 2019 2:04 PM  
**To:** 'Carmen Chenal'  
**Subject:** RE: Representative David Stringer

Hi, Carmen,

If you have any further questions, please do not hesitate to call or email.

Also, as an FYI, I heard from the Court today that they do not have a copy of Representative Stringer's application and character and fitness information. I just wanted to let you know.

Please let me know where we stand on the documentation from D.C., when you can. Thanks, Carmen!

Matt McGregor, A/CAP Bar Counsel  
State Bar of Arizona  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T: 602.340.7252 F: 602.416.7452  
EMAIL: Matt.McGregor@staff.azbar.org  
www.azbar.org

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-----Original Message-----

**From:** Carmen Chenal [mailto:carmenchenallaw@gmail.com]  
**Sent:** Friday, February 1, 2019 1:59 PM  
**To:** Matt McGregor <Matt.McGregor@staff.azbar.org>  
**Subject:** Representative David Stringer

Thank you so much for your voice mail clarified everything for me. I have a trial this coming week but will call you. All my best, Carmen Sent from my iPhone

**Sandra Montoya**

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Friday, February 22, 2019 3:46 PM  
**To:** Matt McGregor  
**Subject:** Representative Stringer Matter  
**Attachments:** Dismissal letter dated May 29.docx; DC BAR COUNSEL PORTER CONFIRMING DISMIDAL OF 1984 STRINGER MATTER.docx; DC BAR COUNSEL PORTER EMAIL.docx; DISMISSAL LETTER.pdf

Dear Mr. McGregor,

Simultaneously with this email I am handdelivering to you copies of the attached documents which include a dismissal by the D.C.Bar of the 1984 investigative matter in question, and several emails from the D.C. Bar regarding the same.

As you know Representative Stringer has never been disciplined during his entire legal career. Please let me know if you need anything further. Thank you for your assistance.

Appreciatively,  
Carmen

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

## Documents relating to David Springer

Inbox



**Julia L. Porter**

Tue, Feb 5,  
8:10 AM

to me

Dear Ms. Chenal – Our case manager says that we have no additional documents for the two matters that were investigated and ultimately dismissed. The dismissal letters were scanned and saved electronically but the other documents in of the files were destroyed. Feel free to contact me if you need anything else from our office.

Sincerely,

Julia Porter  
Deputy Disciplinary Counsel  
515 5<sup>th</sup> Street, NW  
Building A, Room 117  
Washington, D.C. 20001  
(202) 638-1501, ext. 1715  
(202) 638-0862 (Fax)

## Dismissal letter dated May 29, 1984

Inbox



**Julia L. Porter**

Wed, Feb 13, 2:32 PM (9  
days ago)

to me

Dear Ms. Chenal – this will confirm that all disciplinary proceedings involving allegations of misconduct by an attorney are confidential unless Disciplinary Counsel files a petition or issues an informal admonition. The confidentiality requirement is set forth in D.C. Bar Rule XI, 17(a). Please let me know if you have any questions.

Sincerely,

Julia Porter  
Deputy Disciplinary Counsel  
515 5<sup>th</sup> Street, NW  
Building A, Room 117  
Washington, D.C. 20001  
(202) 638-1501, ext. 1715  
(202) 638-0862 (Fax)

**carmen chen** <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)> Thu, Feb 21, 2:49 PM (1 day ago)

to Julia, bcc: Carmen, bcc: Jeff

I apologize for any inconvenience but can you please confirm by return email to me the following: that the May 29, 1984 dismissal letter you sent me regarding David Stringer's bar investigation is the only document the D.C. Bar has, and the other documents from Mr. Stringer's 1984 matter were destroyed.

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)



**Julia L. Porter**

Thu, Feb 21, 2:54 PM (1 day ago)

to me

That's what the email of February 5, 2019 below says.

Carmen A. Chenal, #009428  
**CHENAL LAW FIRM PLLC**  
7272 East Indian School Rd, Suite 540  
Scottsdale, Arizona 85251  
Phone: 480-207-5180  
Carmenchenallaw@gmail.com

Re: Representative David Stringer  
Date: August 22, 2018

**To: Bar Counsel Mr. Matt McGregor**

Dear Matt,

I am writing this letter quickly as the runner arrived early. Enclosed is our response.

Please know how much I have appreciated your help. I hope this suffices.

Sincerely,

Carmen

## Documents relating to David Springer



**Julia L. Porter**

Tue, Feb 5,  
8:10 AM

to me

Dear Ms. Chenal – Our case manager says that we have no additional documents for the two matters that were investigated and ultimately dismissed. The dismissal letters were scanned and saved electronically but the other documents in of the files were destroyed. Feel free to contact me if you need anything else from our office.

Sincerely,

Julia Porter  
Deputy Disciplinary Counsel  
515 5<sup>th</sup> Street, NW  
Building A, Room 117  
Washington, D.C. 20001  
(202) 638-1501, ext. 1715  
(202) 638-0862 (Fax)

**Dismissal letter dated May 29, 1984**

Inbox

**Julia L. Porter**

Wed, Feb 13, 2:32 PM (9  
days ago)

to me

Dear Ms. Chenal – this will confirm that all disciplinary proceedings involving allegations of misconduct by an attorney are confidential unless Disciplinary Counsel files a petition or issues an informal admonition. The confidentiality requirement is set forth in D.C. Bar Rule XI, 17(a). Please let me know if you have any questions.

Sincerely,

Julia Porter  
Deputy Disciplinary Counsel  
515 5<sup>th</sup> Street, NW  
Building A, Room 117  
Washington, D.C. 20001  
(202) 638-1501, ext. 1715  
(202) 638-0862 (Fax)

**carmen chenai <carmenchenallaw@gmail.com>** Thu, Feb 21, 2:49 PM (1 day ago)

to Julia, bcc: Carmen, bcc: Jeff

I apologize for any inconvenience but can you please confirm by return email to me the following: that the May 29, 1984 dismissal letter you sent me regarding David Stringer's bar investigation is the only document the D.C. Bar has, and the other documents from Mr. Stringer's 1984 matter were destroyed.

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: Carmenchenallaw@gmail.com



**Julia L. Porter**

Thu, Feb 21, 2:54 PM (1 day ago)

to me

That's what the email of February 5, 2019 below says.



CARMEN A. CHENAL  
Attorney at Law

  
CHENAL LAW FIRM, PLLC  
carmenchenal@lawfirm.com  
www.chenal-lawfirm.com

430-297-5180  
1776 E. Indian School Rd Ste. 305  
Scottsdale, AZ 85251

Officing Address:  
3104 E. Camelback Rd. #201  
Phoenix, AZ 85016

RECEIVED

FEB 22 2019

State Bar Of Arizona

Mr Matt Mc Gregor  
Bar Counsel

## Sandra Montoya

---

**From:** Matt McGregor  
**Sent:** Monday, February 25, 2019 11:46 AM  
**To:** 'Carmen Chenal'  
**Subject:** PO Motion Template  
**Attachments:** DRAFT Motion for Protective Order.docx

Good Morning, Carmen,

Here is a template for a Motion for Protective Order.



---

**Matt McGregor, A/CAP Bar Counsel**  
State Bar of Arizona  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7252 F : 602.416.7452  
EMAIL: Matt.McGregor@staff.azbar.org  
www.azbar.org

*Serving the public and enhancing the legal profession.*

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## Sandra Montoya

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 6, 2019 5:45 PM  
**To:** Matt McGregor  
**Subject:** Re: Request for PO and Order

I give you permission to file it for me . Thank you so much. Carmen

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

On Wed, Mar 6, 2019 at 3:12 PM Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)> wrote:

Good Afternoon, Carmen,

Everything looks fine to me.

So, either we can file it for you, which means that you will have to give me permission in writing to sign and file it on your behalf, or, you can fill out the signature and mailing cert and file it with the Disciplinary Clerk, and then send conformed copies to everyone on the cert.

If you want me to sign and file on your behalf, just email me that we have your permission, and I will add your email as an exhibit to the Request itself, and add a small line at the end of the Request stating that you have given me permission to do so.

Thanks in advance,



**Matt McGregor, A/CAP Bar Counsel**

**State Bar of Arizona**

4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266

T : 602.340.7252 F : 602.416.7452

EMAIL: [Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)

[www.azbar.org](http://www.azbar.org)

*Serving the public and enhancing the legal profession.*

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**From:** Carmen chenai [mailto:[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)]

**Sent:** Wednesday, March 6, 2019 12:14 PM

**To:** Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)>

**Subject:** Request for PO and Order

**Matt if caption etc. correct please file for us. If not please let me know.  
Thanks for all your patience and help. Have a nice day. Carmen**

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

## Sandra Montoya

---

**From:** Teri A. Baldonado  
**Sent:** Thursday, March 7, 2019 10:44 AM  
**To:** 'officepdj@courts.az.gov'  
**Cc:** Matt McGregor; 'carmenchenallaw@gmail.com'  
**Subject:** SBA File no. 19-0274  
**Attachments:** Order.doc; 19-0274 Request for PO.PDF

Good Morning PDJ,

Attached Order and Request for PO will be sent in today's court run.

Thank you,



---

**Teri Baldonado, Legal Secretary To  
Thomas E. McCauley, Matt E. McGregor, and Blair H. Moses**  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7244 F : 602.416.7444  
EMAIL: Teri.Baldonado@staff.azbar.org  
www.azbar.org

*Serving the public and enhancing the legal profession.*

## Sandra Montoya

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Thursday, March 7, 2019 2:03 PM  
**To:** Teri A. Baldonado  
**Cc:** officepdj@courts.az.gov; Matt McGregor  
**Subject:** Re: SBA File no. 19-0274

Thank you Teri. Carmen

Sent from my iPhone

On Mar 7, 2019, at 10:43 AM, Teri A. Baldonado <[Teri.Baldonado@staff.azbar.org](mailto:Teri.Baldonado@staff.azbar.org)> wrote:

Good Morning PDJ,

Attached Order and Request for PO will be sent in today's court run.

Thank you,

<image001.gif>

---

**Teri Baldonado, Legal Secretary To**  
**Thomas E. McCauley, Matt E. McGregor, and Blair H. Moses**  
4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266  
T : 602.340.7244 F : 602.416.7444  
EMAIL: [Teri.Baldonado@staff.azbar.org](mailto:Teri.Baldonado@staff.azbar.org)  
[www.azbar.org](http://www.azbar.org)

*Serving the public and enhancing the legal profession.*

<Order.doc>

<19-0274 Request for PO.PDF>

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

MAR 07 2019

FILED

BY



1 Carmen A. Chenal, #009428  
2 Chenal Law Firm, pllc  
3 7272 East Indian School Road Suite 566  
4 Scottsdale, Arizona 85251  
5 Carmenchenallaw@gmail.com  
6 *Attorney for Respondent*

7 **BEFORE THE PRESIDING DISCIPLINARY JUDGE**

8 **IN THE MATTER OF A MEMBER OF THE**  
9 **STATE BAR OF ARIZONA**

10 PO No. 2019-020

11 **REQUEST FOR PROTECTIVE**  
12 **ORDER SEALING THE RECORD**

13 **DAVID H. STRINGER**  
14 **Bar No. 19604**

15 State Bar File: 19-0274

16 Respondent, David H. Stringer, through counsel undersigned,  
17 respectfully requests that the Presiding Disciplinary Judge of the Supreme  
18 Court of Arizona (PDJ), grant Respondent's Request for a Protective Order,  
19 pursuant to Rule 70(g) of the Rules of the Supreme Court. Rule 70(g) permits a  
20 party or person, with good cause shown, to request that the Presiding  
21 Disciplinary Judge issue an order sealing a portion of the record of a state bar  
22 file and for the PDJ to take other measures to assure the confidentiality of the  
23  
24  
25

1 sealed information. According to the rule, the material sealed shall remain  
2 confidential.

3         The protective order sought here requests that a May 29, 1984, letter of  
4 dismissal from the D.C. Bar ("the letter") relating to its investigation of Mr.  
5 Stringer be disclosed to the State Bar of Arizona, but otherwise sealed from  
6 the public. The public includes but is not limited to all governmental entities  
7 and agencies including but not limited to the Arizona Legislature, Executive  
8 branch agencies, city, county, and other municipal agencies, all public and  
9 private media including print, TV, cable, internet, cellular and wireless  
10 communications, all business entities, private individuals and the general  
11 public.  
12  
13  
14

15         The reason for sealing the information from the public is as follows: The  
16 letter was issued in connection with an investigation more than three  
17 decades ago by the D.C. Bar, "which is confidential and shielded from public  
18 disclosure pursuant to DC Bar Rule XI, 17(a)," per The Office of Disciplinary  
19 Counsel in Washington D.C. The letter also includes references to sensitive  
20 personal matters that have been expunged from record by the Maryland court  
21 since the letter of dismissal was written.  
22  
23

24         The disclosure of the letter or information contained in it would violate  
25 Respondent's right to privacy and could be misinterpreted, selectively  
26

1 reported or otherwise used to harm Respondent's reputation, personal  
2 character, and professional standing.

3         Respondent is an elected official currently serving in the Arizona  
4 legislature. Disclosure of information in the letter could be used by political  
5 opponents to impugn Respondent's reputation and character, harm him  
6 politically, or influence the outcome of an election, causing irreparable harm  
7 to Respondent, his constituents, and the governance of the State of Arizona.  
8

9  
10         The State Bar of Arizona wishes to review and obtain a copy of the  
11 letter and does not oppose this request for a Protective Order, as the Rules of  
12 the originating disciplinary authority state that this material is not publicly  
13 available, as confirmed by The Office of Disciplinary Counsel in Washington  
14 D.C.  
15

16         For all the above reasons, Respondent respectfully requests that the  
17 protective order be granted.  
18

19         A proposed Protective Order is attached as Exhibit A.

20         Counsel for Respondent has given her authority to Staff Bar Counsel  
21 Matt McGregor to sign and file this Request for Protective Order on her behalf.  
22

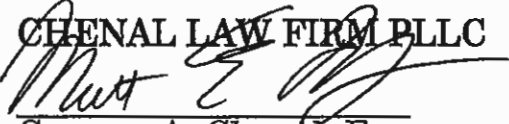
23 See Exhibit B.  
24  
25  
26

1 DATED this 7<sup>th</sup> day of March 2019.

2 CHENAL LAW FIRM PLLC

#021221

3  
4 FOR

  
Carmen A. Chenal, Esq.  
7272 East Indian School Road Suite 566  
Scottsdale, Arizona 85251  
CarmenChenallaw@gmail.com  
Attorneys for Respondent

5  
6  
7  
8 Original filed with the Disciplinary Clerk of  
9 the Office of the Presiding Disciplinary Judge  
10 of the Supreme Court of Arizona  
11 this 7<sup>th</sup> day of March, 2019.

12 Copy of the foregoing emailed  
13 this 7<sup>th</sup> day of March, 2019, to:

14  
15 The Honorable William J. O'Neil  
16 Presiding Disciplinary Judge  
17 Supreme Court of Arizona  
18 1501 West Washington Street, Suite 102  
19 Phoenix, Arizona 85007  
20 E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

21 Copy of the foregoing emailed  
22 this 7<sup>th</sup> day of March, 2019, to:

23  
24 Matthew E. McGregor  
25 Staff Bar Counsel  
26

1 Arizona State Bar  
2 4201 North 24<sup>th</sup> Street  
3 Suite 100  
4 Phoenix, Arizona 85016

5  
6 Copy of the foregoing emailed  
7 this 7<sup>th</sup> day of March, 2019, to:

8 Lawyer Regulation Records Manager  
9 State Bar of Arizona  
10 4201 N. 24<sup>th</sup> St., Suite 100  
11 Phoenix, Arizona 85016-6266

12 by: *Luis Baldonado*  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# Exhibit A

1 Carmen A. Chenal, #009428  
Chenal Law Firm, pllc  
2 7272 East Indian School Road Suite 566  
Scottsdale, Arizona 85251  
3 [carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)  
Attorney for Respondent

4  
5 **BEFORE THE PRESIDING DISCIPLINARY JUDGE**

6 **IN THE MATTER OF A MEMBER OF THE**  
7 **STATE BAR OF ARIZONA**

PO No.

**ORDER SEALING THE RECORD**

State Bar File:19-0274

8  
9 **DAVID H. STRINGER**  
BAR No. 19604

10  
11  
12  
13 Pursuant to Respondent's request for a Protective Order, according to Rule  
14 70(g) of the Rules of the Arizona Supreme Court 70(g), and for good cause  
15 shown, it is ordered as follows:

16  
17 **IT IS ORDERED** that the May 29, 1984, letter of dismissal from the D.C.  
18 Bar relating to their investigation of Mr. Stringer is to be disclosed to the  
19 State Bar of Arizona, but otherwise sealed from the public. The public  
20 includes but is not limited to all governmental entities and agencies including  
21 but not limited to the Arizona Legislature, Executive branch agencies, city,  
22 county, and other municipal agencies, all public and private media including  
23 print, TV, cable, internet, cellular and wireless communications, all business  
24 entities, private individuals and the general public.  
25  
26



# Exhibit B

**Teri A. Baldonado**

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 6, 2019 5:45 PM  
**To:** Matt McGregor  
**Subject:** Re: Request for PO and Order

I give you permission to file it for me . Thank you so much. Carmen

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: Carmenchenallaw@gmail.com

On Wed, Mar 6, 2019 at 3:12 PM Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)> wrote:

Good Afternoon, Carmen,

Everything looks fine to me.

So, either we can file it for you, which means that you will have to give me permission in writing to sign and file it on your behalf, or, you can fill out the signature and mailing cert and file it with the Disciplinary Clerk, and then send conformed copies to everyone on the cert.

If you want me to sign and file on your behalf, just email me that we have your permission, and I will add your email as an exhibit to the Request itself, and add a small line at the end of the Request stating that you have given me permission to do so.

Thanks in advance,



**Matt McGregor, A/CAP Bar Counsel**

**State Bar of Arizona**

4201 N. 24th St., Suite 100 | Phoenix, AZ 85016-6266

T : 602.340.7252 F : 602.416.7452

EMAIL: [Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)

[www.azbar.org](http://www.azbar.org)

*Serving the public and enhancing the legal profession.*

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**From:** Carmen chenai [mailto:[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)]  
**Sent:** Wednesday, March 6, 2019 12:14 PM  
**To:** Matt McGregor <[Matt.McGregor@staff.azbar.org](mailto:Matt.McGregor@staff.azbar.org)>  
**Subject:** Request for PO and Order

Matt if caption etc. correct please file for us. If not please let me know.  
Thanks for all your patience and help. Have a nice day. Carmen

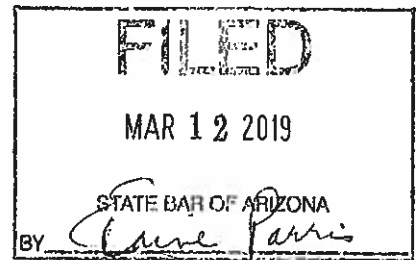
*Carmen A. Chenal, Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale, Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

| Email: [Carmenchenallow@gmail.com](mailto:Carmenchenallow@gmail.com)



**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,

**DAVID H. STRINGER,**  
**Bar No. 19601**

Respondent.

**PO 2019-020**

**PROTECTIVE ORDER**

State Bar File No. 19-0274

Respondent filed an unopposed Request for Protective Order (Request).

Accordingly:

**IT IS ORDERED** granting the Request.

**IT IS FURTHER ORDERED** sealing the May 29, 1984 letter of dismissal from the D.C. Bar from the public pursuant to Rule 70(g), Ariz. R. Sup.Ct.

**IT IS FURTHER ORDERED** sealing any references to the contents of the letter between the parties or notes within the State Bar of Arizona file from the public pursuant to Rule 70(g), Ariz. R. Sup.Ct.

Pre-complaint orders sealing material do not seal such material post complaint if the material is sought to be used or referred to in subsequent pleadings

or in any hearing. In such circumstance, the parties are reminded a formal request for protective order with specificity must be filed with the material sought to be sealed and submitted for in-camera review.

Sealed material shall be opened and viewed only by an order of the committee, the presiding disciplinary judge, a hearing panel, the board or the court for use by such body and the parties in pending proceedings, and otherwise only upon notice to and an opportunity to be heard by the parties and the witness or other person who is the subject of the information. A party aggrieved by an order relating to a request for a protective order may seek review by filing a petition for special action with the court.

**DATED** this 12<sup>th</sup> day of March 2019.

*William J. O'Neil*

**William J. O'Neil, Presiding Disciplinary Judge**

Original filed this 13 day of  
March 2019, with:

Lawyer Regulation Records Department  
State Bar of Arizona  
4201 North 24th Street, Suite 200  
Phoenix, Arizona 85016-6288

Copies of the foregoing were  
mailed/emailed this 13 day of  
March 2019, to:

Matthew McGregor  
Staff Bar Counsel  
State Bar of Arizona  
4201 North 24<sup>th</sup> St., Suite 100  
Phoenix, AZ 85016-6288  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

Carmen Chenal  
Chenal Law Firm, PLLC  
7272 East Indian School Road, Suite 566  
Scottsdale, AZ 85251  
Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

By: SBM

March 14, 2019

**PERSONAL AND CONFIDENTIAL**

Carmen A. Chenal Esq.  
Chenal Law Firm PLLC of counsel to Law Offices of David Dow  
7272 E. Indian School Road, Ste. 540  
Scottsdale, AZ 85251-3996

**Re: File No:** 19-0274  
**Complainant:** State Bar of Arizona  
**Respondent:** David H. Stringer

Dear Ms. Chenal:

The State Bar recently opened a bar charge against your client, Representative David H. Stringer. After our review of the charge and subsequent inquiry, we have determined that no further investigation is warranted at this time. We therefore consider this file closed.

On January 29, 2019, the State Bar of Arizona initiated this matter due to news reports that had surfaced about your client's criminal history. The matter was opened to determine if Representative Stringer had made all appropriate disclosures of this criminal matter during the admissions process to become a member of the State Bar of Arizona in 2004.

I initially spoke with Representative Stringer regarding his application for admission in Arizona. He indicated that he made all appropriate disclosures. During that contact he advised that when he was arrested in 1983 he was licensed to practice law in the District of Columbia. In early 1984, the matter was referred to the District of Columbia Office of Disciplinary Counsel. Following a review by that Office no action was taken against Representative Stringer and the matter was dismissed.

I thereafter contacted the Arizona Supreme Court Admissions Office to determine whether that office had a copy of Representative Stringer's application for admission. I was advised that the application no longer existed. I also confirmed with the District of Columbia Office of Disciplinary Counsel that the referral made in 1983 regarding this matter was dismissed without any action against Representative Stringer's license to practice law.

At this time, it does not appear that there is clear and convincing evidence or that such evidence could be developed to support the allegation that Representative Stringer failed to make the required and appropriate disclosures in seeking admission to the State Bar of Arizona.

This matter is dismissed, and our file closed. However, if additional information should come to our attention, the State Bar may reopen this matter for further investigation.

Pursuant to Rule 70(a) (4), Ariz. R. Sup. Ct., the record of this charge will be public for six months from the date of this letter. This charge has no adverse impact on your client's standing with the State Bar. The record shows a charge that was dismissed. Pursuant to Rule 71, Ariz. R. Sup. Ct., the State Bar file may be expunged in three years.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt E. McGregor". The signature is fluid and cursive, with the first name "Matt" being particularly prominent.

Matthew E. McGregor  
Bar Counsel - Intake

MEM/sb

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen chenai <carmenchenallaw@gmail.com>  
**Sent:** Thursday, March 14, 2019 11:22 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Rep. Stringer Matter

### ⚠ EXTERNAL

Not in office today . Will send to you tomorrow. Please let me know about 29 Th for return on subpoena at 1 pm . Have a nice day. Carmen

Sent from my iPad

On Mar 14, 2019, at 9:54 AM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Dear Carmen, please consider this my response to your emails from yesterday. As I noted in my prior email, I will ask Chairman Shope if he would be willing to extend the subpoena deadline to Friday, March 29. I will let him know you have requested the extension because you are in trial on March 22 in another matter and need additional time to gather the requested documents. Please let me know if that is not correct. I am meeting with Chairman Shope tomorrow morning. I will let you know his decision shortly thereafter.

You asked who is the investigator in this matter. Ballard Spahr was hired by the House Ethics Committee chair to conduct this investigation. The investigation is being led by me and my team. The lawyers at Ballard Spahr will ask Representative Shope questions as part of our investigation for the Committee. You also asked how many copies we need of the documents requested in the subpoena. We would prefer that the documents be provided electronically if possible. If the documents must be provided in paper form, please provide us three copies.

Thank you for providing me the case number of the matter involving Representative Stringer that is pending before the State Bar of Arizona as well as Judge O'Neil's protective order issued on March 12, 2019. You asked if I will agree that "the State Supreme Court's order applies to the ethics committee". Please clarify this request. The subpoena issued by the Ethics Committee Chair on March 11, 2019, is directed to Representative Stringer and not the State Bar of Arizona.

Finally, you have offered to share the May 29, 1984 letter of dismissal from the D.C. Bar with the House Ethics Committee subject to it being kept under seal. It would be helpful if you could provide more information as to why Representative Stringer is requesting this letter be kept confidential. This will be helpful as Chairman Shope considers this request. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | [kanefieldj@ballardspahr.com](mailto:kanefieldj@ballardspahr.com)  
LINKEDIN | VCARD

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

## Kanefield, Joseph A. (PHX)

---

**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Thursday, March 14, 2019 10:58 AM  
**To:** Carmen Chenal  
**Subject:** RE: Rep. Stringer Matter

Please provide me a copy of the motion. Thanks.

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
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---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Thursday, March 14, 2019 10:25 AM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** Re: Rep. Stringer Matter

**⚠ EXTERNAL**

The motion for protective order which I filed and was granted explains why.

Sent from my iPhone

On Mar 14, 2019, at 9:54 AM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

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subpoena. We would prefer that the documents be provided electronically if possible. If the documents must be provided in paper form, please provide us three copies.

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Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
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## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Thursday, March 14, 2019 10:25 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Rep. Stringer Matter

### ⚠ EXTERNAL

The motion for protective order which I filed and was granted explains why.

Sent from my iPhone

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**Joseph A. Kanefield**

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LINKEDIN | VCARD

---

[www.ballardspahr.com](http://www.ballardspahr.com)

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Thursday, March 14, 2019 10:24 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Rep. Stringer Matter

### ⚠ EXTERNAL

Looking forward to hearing about the 29th since it will be virtually impossible to be there on the 22nd since I have a trial in Mesa and it's the second day of trial. There is no way that I can continue that.

Sent from my iPhone

On Mar 14, 2019, at 9:54 AM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Dear Carmen, please consider this my response to your emails from yesterday. As I noted in my prior email, I will ask Chairman Shope if he would be willing to extend the subpoena deadline to Friday, March 29. I will let him know you have requested the extension because you are in trial on March 22 in another matter and need additional time to gather the requested documents. Please let me know if that is not correct. I am meeting with Chairman Shope tomorrow morning. I will let you know his decision shortly thereafter.

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## Kanefield, Joseph A. (PHX)

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**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Thursday, March 14, 2019 9:54 AM  
**To:** Carmen Chenal  
**Subject:** Rep. Stringer Matter

Dear Carmen, please consider this my response to your emails from yesterday. As I noted in my prior email, I will ask Chairman Shope if he would be willing to extend the subpoena deadline to Friday, March 29. I will let him know you have requested the extension because you are in trial on March 22 in another matter and need additional time to gather the requested documents. Please let me know if that is not correct. I am meeting with Chairman Shope tomorrow morning. I will let you know his decision shortly thereafter.

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LINKEDIN | VCARD

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[www.ballardspahr.com](http://www.ballardspahr.com)

**Kanefield, Joseph A. (PHX)**

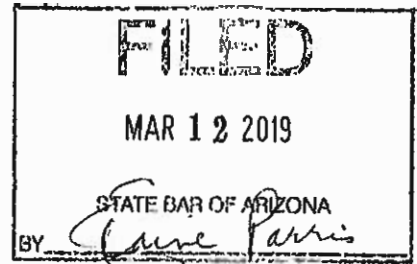
---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 13, 2019 9:07 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Protective Order 19-0274.pdf  
**Attachments:** Protective Order 19-0274.pdf

△ EXTERNAL

Please let me know if you can open this. If not I will send it from work computer tomorrow

Sent from my iPhone



**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,

**DAVID H. STRINGER,**  
Bar No. 19601

Respondent.

**PO 2019-020**

**PROTECTIVE ORDER**

State Bar File No. 19-0274

Respondent filed an unopposed Request for Protective Order (Request).

Accordingly:

**IT IS ORDERED** granting the Request.

**IT IS FURTHER ORDERED** sealing the May 29, 1984 letter of dismissal from the D.C. Bar from the public pursuant to Rule 70(g), Ariz. R. Sup.Ct.

**IT IS FURTHER ORDERED** sealing any references to the contents of the letter between the parties or notes within the State Bar of Arizona file from the public pursuant to Rule 70(g), Ariz. R. Sup.Ct.

Pre-complaint orders sealing material do not seal such material post complaint if the material is sought to be used or referred to in subsequent pleadings

or in any hearing. In such circumstance, the parties are reminded a formal request for protective order with specificity must be filed with the material sought to be sealed and submitted for in-camera review.

Sealed material shall be opened and viewed only by an order of the committee, the presiding disciplinary judge, a hearing panel, the board or the court for use by such body and the parties in pending proceedings, and otherwise only upon notice to and an opportunity to be heard by the parties and the witness or other person who is the subject of the information. A party aggrieved by an order relating to a request for a protective order may seek review by filing a petition for special action with the court.

**DATED** this 12<sup>th</sup> day of March 2019.

*William J. O'Neil*

**William J. O'Neil, Presiding Disciplinary Judge**

Original filed this 13 day of  
March 2019, with:

Lawyer Regulation Records Department  
State Bar of Arizona  
4201 North 24th Street, Suite 200  
Phoenix, Arizona 85016-6288

Copies of the foregoing were  
mailed/mailed this 13 day of  
March 2019, to:

Matthew McGregor  
Staff Bar Counsel  
State Bar of Arizona  
4201 North 24<sup>th</sup> St., Suite 100  
Phoenix, AZ 58016-6288  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

Carmen Chenal  
Chenal Law Firm, PLLC  
7272 East Indian School Road, Suite 566  
Scottsdale, AZ 85251  
Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

By: SBM

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 13, 2019 9:05 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** PO

△ EXTERNAL

I will send it to you tomorrow for sure. Thank you Carmen

Sent from my iPhone

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 13, 2019 9:01 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: PROTECTIVE ORDER FROM JUDGE O'Neil.

△ EXTERNAL

The request to extend subpoenae to 29th is important because I am first chair for a trial on the 22nd!

Sent from my iPhone

> On Mar 13, 2019, at 5:10 PM, Kanefield, Joseph A. <KanefieldJ@ballardspahr.com> wrote:

>

> Carmen, I will do my best to respond to your multiple email today or tomorrow. Please send me a copy of Judge O'Neil's order that you reference above. Take care,

>

> Joe

>

> Joseph A. Kanefield

>

> Ballard Spahr LLP

>

> 1 East Washington Street, Suite 2300

> Phoenix, AZ 85004-2555

> 602.798.5468 DIRECT

> 602.798.5595 FAX

>

> 602.625.6223 MOBILE

> kanefieldj@ballardspahr.com

> -----

> www.ballardspahr.com

>

>

> -----Original Message-----

> From: Carmen Chenal <carmenchenallaw@gmail.com>

> Sent: Wednesday, March 13, 2019 4:58 PM

> To: Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>

> Subject: PROTECTIVE ORDER FROM JUDGE O'Neil.

>

> △ EXTERNAL

>

> Dear Joe,

> First hope we have extension through the 29th for the response to your subpoena. I have little control over trial dates and this is a firm trial date on one of my cases on the 22nd .

>

> Hopefully the committee and you will agree to this reasonable extension through the 29th. Thank you.

>

> Meanwhile, please send me an email to agree that the State Supreme Court's order applies to the ethics committee .

- >
- > Court's PO extends to the committee and covers contacts by all committee members with the media regarding the same.
- >
- > All my best,
- > Carmen
- >
- > Sent from my iPhone

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallow@gmail.com>  
**Sent:** Wednesday, March 13, 2019 8:59 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: PROTECTIVE ORDER FROM JUDGE O'Neil.

△ EXTERNAL

The protective order is just with respect to the May 1984 one page letter from DC bar. Unless bar says we cannot do so we will happily share the letter with you in our response to your subpoenae - subject to it being kept under seal and not given to the public ( meaning anyone outside the ethics committee). This would be somewhat consistent with what the protective order says.

Sent from my iPhone

> On Mar 13, 2019, at 5:10 PM, Kanefield, Joseph A. <KanefieldJ@ballardspahr.com> wrote:

>

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>

> Joseph A. Kanefield

>

> Ballard Spahr LLP

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> 602.625.6223 MOBILE

> kanefieldj@ballardspahr.com

> -----

> www.ballardspahr.com

>

>

> -----Original Message-----

> From: Carmen Chenal <carmenchenallow@gmail.com>

> Sent: Wednesday, March 13, 2019 4:58 PM

> To: Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>

> Subject: PROTECTIVE ORDER FROM JUDGE O'Neil.

>

> △ EXTERNAL

>

> Dear Joe,

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- > Court's PO extends to the committee and covers contacts by all committee members with the media regarding the same.
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- > Carmen
- >
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**Kanefield, Joseph A. (PHX)**

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**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Wednesday, March 13, 2019 5:10 PM  
**To:** Carmen Chenal  
**Subject:** RE: PROTECTIVE ORDER FROM JUDGE O'Neil.

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Joseph A. Kanefield

Ballard Spahr LLP

1 East Washington Street, Suite 2300  
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602.625.6223 MOBILE  
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-----Original Message-----

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 13, 2019 4:58 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** PROTECTIVE ORDER FROM JUDGE O'Neil.

⚠ EXTERNAL

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Court's PO extends to the committee and covers contacts by all committee members with the media regarding the same.

All my best,  
Carmen

Sent from my iPhone

**Kanefield, Joseph A. (PHX)**

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**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 13, 2019 4:58 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** PROTECTIVE ORDER FROM JUDGE O'Neil.

△ EXTERNAL

Dear Joe,

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Hopefully the committee and you will agree to this reasonable extension through the 29th. Thank you.

Meanwhile, please send me an email to agree that the State Supreme Court's order applies to the ethics committee .

Court's PO extends to the committee and covers contacts by all committee members with the media regarding the same.

All my best,  
Carmen

Sent from my iPhone

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen chenai <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 13, 2019 12:03 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** State Bar MPO

△ EXTERNAL

Dear Joe,

Here is the case number : PO2019-020  
State Bar File 19-0274

Please call me when you have a chance . Carmen 480-612-1452

Sent from my iPad

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 13, 2019 11:11 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** I have a trial in Mesa on March 22nd!

**△ EXTERNAL**

Joe, i have the second day of trial on March 22nd in one of my cases. It will be impossible for me to be with my client in front of the committee that day, sorry. Please explain this reason as well to the Committee Chairman. Hopefully he will approve the 29th of March at 1:00 pm. Best,  
Carmen

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: Carmenchenallaw@gmail.com

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 13, 2019 10:59 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Subpoane on REpresentative Stringer's matter

**EXTERNAL**

We need an extension of time to make a good faith effort to obtain the records you are requesting. The statute, 41-1154 requires reasonable notice for the production of documents. Who is the investigator please? And, how many copies of the response to your subpoenae should I make. I will ask Bar counsel if I can disclose case number and get back to you ASAP. Thanks Joe!  
Carmen

Sent from my iPad

On Mar 12, 2019, at 8:21 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Carmen, I will ask Chairman Shope if he would be willing to extend the subpoena deadline to Friday, March 29. Please let me know the reason why Representative Stringer is requesting the extension. Also, please note that this is not a subpoena to appear before the full Ethics Committee. Rather, this subpoena requires the production of records and Rep. Stringer's appearance to be questioned by the Ethics Committee investigators on behalf of the Committee at my office on Friday, March 22 at 1:00 p.m. Also, during our last phone call you referenced a legal proceeding to seal records related to Representative Stringer at the State Bar of Arizona. Please provide the case name and number of this civil action. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
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LINKEDIN | VCARD

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[www.ballardspahr.com](http://www.ballardspahr.com)

**From:** Carmen chenal <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)>  
**Sent:** Tuesday, March 12, 2019 1:22 PM  
**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Subpoane on REpresentative Stringer's matter

△ EXTERNAL

Joe,

Thank you for offering to give us more time to respond to the record subpoena and for David to appear before the ethics committee. Does next Friday the 29th at 1pm work for David to appear before the committee members, and you at your office and provide the records that are available. We will be happy to answer any of the committee members questions. Please let me know.

All my best,

Carmen

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 13, 2019 10:47 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re Representative David Stringer

△ EXTERNAL

Hi Joe,

You were kind to offer us more time to appear and respond to recently subpoenaed records by the ethics committee. I imagine our response to the records request and our appearance before the committee will be next Friday March 22nd, at 1:00 pm correct? Please let me know ASAP .

On another note, we will have the response to your March 4th letter to you this Friday March 15th.

All my best,  
Carmen

480 -612-1452 is my cell as I am in and out of Court best number to reach me on .

480-207-5180 is work number

Sent from my iPad

**IN THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF ARIZONA**

In the Matter of the House of )  
Representatives Investigation of )  
Representative DAVID STRINGER )  
before the House Ethics Committee )

---

AFFIDAVIT OF SERVICE

STATE OF ARIZONA ) ss:  
County of Maricopa )

CHUCK FITZGERALD, being first duly sworn, deposes and says:

1. That I am eighteen years of age or older.
2. That I have no interest in the matter described in the attached Subpoena (Duces Tecum).
3. That I am Sargant at Arms of the Arizona House of Representatives, 54<sup>th</sup> Legislature.
4. That I personally served the attached Subpoena (Duces Tecum) directed to DAVID STRINGER dated March 11, 2019, by leaving a true and correct copy of same with DAVID STRINGER, an individual known to me, at the date time and place set forth below:

PERSON: DAVID STRINGER

DATE: March 12, 2019

TIME: 1:18 PM

PLACE: 1700 West Washington, Arizona House of Representatives, Phoenix, Arizona  
85007

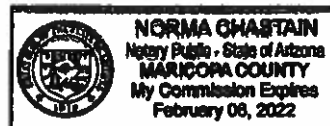
Dated this 12<sup>th</sup> day of March, 2019

*Chuck Fitzgerald*  
CHUCK FITZGERALD

SUBSCRIBED AND SWORN TO this 12<sup>th</sup> day of March, 2019

*Norma Chastain*  
Notary Public

My commission expires: February 6, 2022



**IN THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF ARIZONA**

In the Matter of the House of )  
Representatives Investigation of )  
Representative DAVID STRINGER )  
before the House Ethics Committee )  
\_\_\_\_\_ )

SUBPOENA  
(DUCES TECUM)

THE STATE OF ARIZONA EXTENDS  
GREETINGS TO:

Representative David Stringer

Served by agreement Via Email and U.S. Mail  
carmenchenallaw@gmail.com  
Carmen A. Chenal  
Chenal Law Firm, PLLC  
7272 E. Indian School Road, Suite 566  
Scottsdale, Arizona 85251

You, Representative David Stringer, are hereby commanded to personally appear before House Ethics Committee Investigators on Friday, March 22, 2019, at 1:00 pm, at Ballard Spahr LLP, 1 E. Washington St., Suite 2300, Phoenix, Arizona 85003, or at any continuance of said appearance, to testify and give evidence in an investigation of Representative David Stringer currently pending before the House Ethics Committee.

You are further hereby commanded to produce all records or documents related to the following in your possession, custody or control:

- 1) All communication from/to the D.C. Bar, including the letter referenced in your counsel's communication from the Office of D.C. Bar Counsel issued May 29, 1984
- 2) All communication from/to the Yavapai County Bar.

3) All video recordings of statements made by Rep. Stringer related to the issue of race, including any information regarding when the videos were shared and/or removed on websites or social media associated with Rep. Stringer.

4) All other records relevant to the complaints, which have not yet been disclosed.

5) All communication or submissions to any Bar organization, including applications, and character and fitness materials.

6) All applications and related materials regarding attempts to become a teacher or gain a master's degree.

7) All materials submitted regarding and results of any background checks.

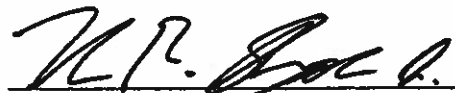
8) All materials related to application for professional licensing or membership in professional organizations.

9) All documents relating in any way to any criminal offenses for which Rep. Stringer was ever charged, whether or not those charges were later expunged, sealed, or otherwise shielded from public view.

If you fail to attend or produce the subpoenaed records, you will be subject to the penalties prescribed by law.

Given under the signature of the Chair of the Ethics Committee of the Arizona House of Representatives of the 54th Legislature pursuant to A.R.S. § 41-1151.

Dated this 11 day of March, 2019.

  
THOMAS R. SHOPE, JR., Chairman  
House Ethics Committee  
Arizona House of Representatives

## Kanefield, Joseph A. (PHX)

---

**From:** Kanefield, Joseph A. (PHX)  
**Sent:** Thursday, March 14, 2019 9:54 AM  
**To:** 'Carmen Chenal'  
**Subject:** Rep. Stringer Matter

Dear Carmen, please consider this my response to your emails from yesterday. As I noted in my prior email, I will ask Chairman Shope if he would be willing to extend the subpoena deadline to Friday, March 29. I will let him know you have requested the extension because you are in trial on March 22 in another matter and need additional time to gather the requested documents. Please let me know if that is not correct. I am meeting with Chairman Shope tomorrow morning. I will let you know his decision shortly thereafter.

You asked who is the investigator in this matter. Ballard Spahr was hired by the House Ethics Committee chair to conduct this investigation. The investigation is being led by me and my team. The lawyers at Ballard Spahr will ask Representative Shope questions as part of our investigation for the Committee. You also asked how many copies we need of the documents requested in the subpoena. We would prefer that the documents be provided electronically if possible. If the documents must be provided in paper form, please provide us three copies.

Thank you for providing me the case number of the matter involving Representative Stringer that is pending before the State Bar of Arizona as well as Judge O'Neil's protective order issued on March 12, 2019. You asked if I will agree that "the State Supreme Court's order applies to the ethics committee". Please clarify this request. The subpoena issued by the Ethics Committee Chair on March 11, 2019, is directed to Representative Stringer and not the State Bar of Arizona.

Finally, you have offered to share the May 29, 1984 letter of dismissal from the D.C. Bar with the House Ethics Committee subject to it being kept under seal. It would be helpful if you could provide more information as to why Representative Stringer is requesting this letter be kept confidential. This will be helpful as Chairman Shope considers this request. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | [kanefieldj@ballardspahr.com](mailto:kanefieldj@ballardspahr.com)  
LINKEDIN | VCARD

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Tuesday, March 12, 2019 1:22 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Subpoane on REpresentative Stringer's matter

△ EXTERNAL

Joe,

Thank you for offering to give us more time to respond to the record subpoena and for David to appear before the ethics committee. Does next Friday the 29th at 1pm work for David to appear before the committee members, and you at your office and provide the records that are available. We will be happy to answer any of the committee members questions. Please let me know.

All my best,

Carmen

*Carmen A. Chenal, Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: Carmenchenallaw@gmail.com



# Carmen

*Carmen A. Chenal, Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale, Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

## Kanefield, Joseph A. (PHX)

---

**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Monday, March 11, 2019 5:40 PM  
**To:** Carmen Chenal  
**Subject:** RE: Subpoena Duces Tecum

The authority is specified in the subpoena: A.R.S. § 41-1151 et seq.

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

---

1 East Washington Street, Suite 2300  
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---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 11, 2019 4:48 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** Re: Subpoena Duces Tecum

⚠ **EXTERNAL**

What gives you subpoenaed power? Please send me authority.

Sent from my iPhone

On Mar 11, 2019, at 4:32 PM, Carmen Chenal <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)> wrote:

See Rule 45(e)(2)(A) and (B) of the **Arizona** Rules of Civil Procedure. The motion must be filed before the **timespecified** for compliance or within 14 days after the **subpoena** is served, whichever is earlier. Joe we have 14 days to respond or object. Please let me know why the subpoenas has 10 days please?

Sent from my iPhone

On Mar 11, 2019, at 4:22 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Carmen, please find attached a subpoena duces tecum for Representative Stringer to produce documents and appear at my office on Friday, March 22, 2019, at 1:00 p.m. Per our prior conversation, you have agreed to accept service of the subpoena on behalf of Representative Stringer. Please confirm receipt and acceptance of the subpoena. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

---

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[www.ballardspahr.com](http://www.ballardspahr.com)

<Subpoena (Stringer 3-11-19).pdf>

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallow@gmail.com>  
**Sent:** Monday, March 11, 2019 5:08 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Subpoena Duces Tecum

### ⚠ EXTERNAL

Joe again, not a proper subpoenae so it does not even get to the issue of objection. I cannot accept and you cannot serve it on my client. Please call to discuss. It is better for you than going through emails I think.

Sent from my iPhone

On Mar 11, 2019, at 4:47 PM, Carmen Chenal <carmenchenallow@gmail.com> wrote:

What gives you subpoenaed power? Please send me authority.

Sent from my iPhone

On Mar 11, 2019, at 4:32 PM, Carmen Chenal <carmenchenallow@gmail.com> wrote:

See Rule 45(e)(2)(A) and (B) of the **Arizona** Rules of Civil Procedure. The motion must be filed before the timespecified for compliance or within 14 days after the **subpoena** is served, whichever is earlier. Joe we have 14 days to respond or object. Please let me know why the subpoenas has 10 days please?

Sent from my iPhone

On Mar 11, 2019, at 4:22 PM, Kanefield, Joseph A. <KanefieldJ@ballardspahr.com> wrote:

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Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
L.L.P.

1 East Washington Street, Suite 2300  
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<Subpoena (Stringer 3-11-19).pdf>

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 11, 2019 5:03 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Not a proper subpoenae

⚠ EXTERNAL

Joe I tried to get a hold of you just now and couldn't. This is not a proper subpoenae. Therefore since it is not a proper subpoena I cannot help you on this one. I cannot accept service, nor can my client. Please give me a call ASAP so we can discuss .

Sent from my iPhone

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 11, 2019 4:48 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Subpoena Duces Tecum

### ⚠ EXTERNAL

What gives you subpoenaed power? Please send me authority.

Sent from my iPhone

On Mar 11, 2019, at 4:32 PM, Carmen Chenal <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)> wrote:

See Rule 45(e)(2)(A) and (B) of the **Arizona** Rules of Civil Procedure. The motion must be filed before the timespecified for compliance or within 14 days after the **subpoena** is served, whichever is earlier. Joe we have 14 days to respond or object. Please let me know why the subpoenas has 10 days please?

Sent from my iPhone

On Mar 11, 2019, at 4:22 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Carmen, please find attached a subpoena duces tecum for Representative Stringer to produce documents and appear at my office on Friday, March 22, 2019, at 1:00 p.m. Per our prior conversation, you have agreed to accept service of the subpoena on behalf of Representative Stringer. Please confirm receipt and acceptance of the subpoena. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

Ballard Spahr LLP is a member firm of the Ballard Spahr LLP network of law firms.

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<Subpoena (Stringer 3-11-19).pdf>

## Kanefield, Joseph A. (PHX)

---

**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Monday, March 11, 2019 4:35 PM  
**To:** Carmen Chenal  
**Subject:** RE: Subpoena Duces Tecum

Carmen, does Representative Stringer plan to object to the subpoena or does he need additional time? I'm sure it won't be any issue to extend the date another week.

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

1 East Washington Street, Suite 2300  
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602.625.6223 MOBILE | kanefieldj@ballardspahr.com  
LINKEDIN | VCARD

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---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 11, 2019 4:33 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** Re: Subpoena Duces Tecum

**⚠ EXTERNAL**

See Rule 45(e)(2)(A) and (B) of the **Arizona** Rules of Civil Procedure. The motion must be filed before the **timespecified** for compliance or within 14 days after the **subpoena** is served, whichever is earlier. Joe we have 14 days to respond or object. Please let me know why the subpoenas has 10 days please?

Sent from my iPhone

On Mar 11, 2019, at 4:22 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Carmen, please find attached a subpoena duces tecum for Representative Stringer to produce documents and appear at my office on Friday, March 22, 2019, at 1:00 p.m. Per our prior conversation, you have agreed to accept service of the subpoena on behalf of Representative Stringer. Please confirm receipt and acceptance of the subpoena. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

<http://www.ballardspahr.com>



## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallow@gmail.com>  
**Sent:** Monday, March 11, 2019 4:26 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Subpoena Duces Tecum

⚠ EXTERNAL

Sure.

Sent from my iPhone

On Mar 11, 2019, at 4:22 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Carmen, please find attached a subpoena duces tecum for Representative Stringer to produce documents and appear at my office on Friday, March 22, 2019, at 1:00 p.m. Per our prior conversation, you have agreed to accept service of the subpoena on behalf of Representative Stringer. Please confirm receipt and acceptance of the subpoena. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**

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<Subpoena (Stringer 3-11-19).pdf>

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 11, 2019 4:24 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Follow up on our answer of today

⚠ EXTERNAL

Joe per our conversation you are fine with our giving an answer to your most recent letter as soon as we can. I will have an answer for you probably on Wednesday, possibly the latest Friday.

I feel that we have been cooperating and acting in good faith and knowing you, I expect the same.

This is an ongoing process so it is going to be going back-and-forth like this. You wanted an answer on the stipulation and I told you that we may stipulate but as of today we won't stipulate. I think there is a possibility we will stipulate but not today. Let's keep this amicable. All my best Carmen  
Sent from my iPhone

## Kanefield, Joseph A. (PHX)

---

**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Monday, March 11, 2019 4:22 PM  
**To:** Carmen Chenal  
**Subject:** Subpoena Duces Tecum  
**Attachments:** Subpoena (Stringer 3-11-19).pdf

Carmen, please find attached a subpoena duces tecum for Representative Stringer to produce documents and appear at my office on Friday, March 22, 2019, at 1:00 p.m. Per our prior conversation, you have agreed to accept service of the subpoena on behalf of Representative Stringer. Please confirm receipt and acceptance of the subpoena. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

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**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 11, 2019 4:03 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Wednesday or Friday

△ EXTERNAL

In addition to a very comprehensive response to you, I will send you research that shows that we are entitled to a hearing before the ethics committee and Not just paperwork going back-and-forth. I look forward to your call today and to Give us through Friday so that you can have a totally comprehensive response to everything from us and can make decisions from there. If not Wednesday will will do. All my best, Carmen

Sent from my iPad

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen chenai <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 11, 2019 4:00 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Last response from us

⚠ EXTERNAL

Joe please call me it is important.

Sent from my iPad

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 11, 2019 3:40 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Hi

⚠ EXTERNAL

Ok get letter due today to you Friday? If not this Wednesday? Please let me know. Just got home from court. David just back Mexico I think last night .Have not spoken to him yet. I will get an answer on stip one way or another by this Wednesday. Sorry Joe I have a full case load and Wednesday or Friday is reasonable.

Sent from my iPhone

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 11, 2019 10:39 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Cc:** Kokanovich, Mark (PHX); Herrera, Roy (PHX)  
**Subject:** Re: Representative Stringer's Preliminary Response

### ⚠ EXTERNAL

Just back from court hearing. I will respond to your most recent email today. Expect to hear from the Bar this week. My best, Carmen

Sent from my iPad

On Mar 6, 2019, at 9:26 AM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Thank you Carmen. We look forward to hearing back from you today regarding whether Representative Stringer will cooperate in our effort to obtain the records in Maryland.

We also look forward to receiving your response to our letter dated March 4, 2019, no later than March 11, 2019. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

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---

**From:** Carmen Chenal <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)>  
**Sent:** Tuesday, March 5, 2019 8:32 AM  
**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Re: Representative Stringer's Preliminary Response

### ⚠ EXTERNAL

Joe you will get an answer to the request to stipulate to see the court records and our response to your original letter tomorrow. However may we have one week to respond to your most recent letter please. Call me if you need to. Warm regards Carmen

Sent from my iPhone

On Feb 26, 2019, at 2:13 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Received. Thank you Carmen.

**Joseph A. Kanefield**

**Ballard Spahr**

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**From:** Carmen chenal <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)>  
**Sent:** Tuesday, February 26, 2019 12:53 PM  
**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Representative Stringer's Preliminary Response

⚠ EXTERNAL

Dear Joe,

Attached is our preliminary response. Thank you for all your cooperation. Also attached is the Maryland expungment brochure referenced in my letter. Please call me anytime to discuss. My cell is 480-612-1452.

All my best,  
Carmen

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

## Kanefield, Joseph A. (PHX)

---

**From:** Carmen Chenal <carmenchenallow@gmail.com>  
**Sent:** Tuesday, March 12, 2019 9:48 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Subpoena Duces Tecum

⚠ EXTERNAL

Thanks

Sent from my iPhone

On Mar 11, 2019, at 5:39 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

The authority is specified in the subpoena: A.R.S. § 41-1151 et seq.

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

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**From:** Carmen Chenal <[carmenchenallow@gmail.com](mailto:carmenchenallow@gmail.com)>  
**Sent:** Monday, March 11, 2019 4:48 PM  
**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Re: Subpoena Duces Tecum

⚠ EXTERNAL

What gives you subpoenaed power? Please send me authority.

Sent from my iPhone

On Mar 11, 2019, at 4:32 PM, Carmen Chenal <[carmenchenallow@gmail.com](mailto:carmenchenallow@gmail.com)> wrote:

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Sent from my iPhone

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**Joseph A. Kanefield**

**Ballard Spahr**  
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<Subpoena (Stringer 3-11-19).pdf>

## Kanefield, Joseph A. (PHX)

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**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Friday, March 8, 2019 1:09 PM  
**To:** 'Carmen chenal'  
**Subject:** RE: Arizona House Ethics Committee Investigation of Rep. David Stringer

Carmen, I don't understand why Representative Stringer will not stipulate to releasing the Maryland records at this time. Please explain how this consent is connected to the pending "Bar issue" and why we must wait any longer for his decision. As it stands now, I don't see a connection between the two matters and I'm not sure how to explain Representative Stringer's reluctance to consent to the disclosure of these records to the Ethics Committee Chair. I look forward to hearing back from you soon. Take care,

Joe

**Joseph A. Kanefield**

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**From:** Carmen chenal <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)>  
**Sent:** Wednesday, March 6, 2019 6:10 PM  
**To:** Morgan, Vicki (PHX) <[morganv@ballardspahr.com](mailto:morganv@ballardspahr.com)>; Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Re: Arizona House Ethics Committee Investigation of Rep. David Stringer

△ EXTERNAL

Joe I will send the final response to your original letter in just a few. And, with respect to your most recent letter we need until a week from today, March 15, 2019 to respond. Representative Stringer is in Mexico.

We should hear from the bar next week and I will let you know what happens there- and let you know whether we will stipulate to the Maryland court records. It is simply impossible in light of the pending Bar issues to do that today. Best, Carmen.

*Carmen A. Chenal, Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: Carmenchenallaw@gmail.com

On Mon, Mar 4, 2019 at 5:34 PM [morganv@ballardspahr.com](mailto:morganv@ballardspahr.com) <[morganv@ballardspahr.com](mailto:morganv@ballardspahr.com)> wrote:

Ms. Chenal:

Please find attached correspondence from Mr. Kanefield and Mr. Herrera. The original will follow via U.S. Mail.

Cordially,

**Vicki L. Morgan**  
*Legal Administrative Assistant*

**Ballard Spahr**  
LLP

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Carmen.

*Carmen A. Chenal, Esq.*

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Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

On Mon, Mar 4, 2019 at 5:34 PM [morganv@ballardspahr.com](mailto:morganv@ballardspahr.com) <[morganv@ballardspahr.com](mailto:morganv@ballardspahr.com)> wrote:

Ms. Chenal:

Please find attached correspondence from Mr. Kanefield and Mr. Herrera. The original will follow via U.S. Mail.

Cordially,

**Vicki L. Morgan**  
*Legal Administrative Assistant*

**Ballard Spahr**  
LLP

LEGAL ADMINISTRATIVE ASSISTANT - PHOENIX

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## Kanefield, Joseph A. (PHX)

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**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 11, 2019 10:39 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Cc:** Kokanovich, Mark (PHX); Herrera, Roy (PHX)  
**Subject:** Re: Representative Stringer's Preliminary Response

### ⚠ EXTERNAL

Just back from court hearing. I will respond to your most recent email today. Expect to hear from the Bar this week. My best, Carmen

Sent from my iPad

On Mar 6, 2019, at 9:26 AM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Thank you Carmen. We look forward to hearing back from you today regarding whether Representative Stringer will cooperate in our effort to obtain the records in Maryland.

We also look forward to receiving your response to our letter dated March 4, 2019, no later than March 11, 2019. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
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**From:** Carmen Chenal <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)>  
**Sent:** Tuesday, March 5, 2019 8:32 AM  
**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Re: Representative Stringer's Preliminary Response

### ⚠ EXTERNAL

Joe you will get an answer to the request to stipulate to see the court records and our response to your original letter tomorrow. However may we have one week to respond to your most recent letter please. Call me if you need to. Warm regards Carmen

Sent from my iPhone

On Feb 26, 2019, at 2:13 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Received. Thank you Carmen.

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

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**From:** Carmen chenallaw <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)>  
**Sent:** Tuesday, February 26, 2019 12:53 PM  
**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Representative Stringer's Preliminary Response

⚠ EXTERNAL

Dear Joe,

Attached is our preliminary response. Thank you for all your cooperation. Also attached is the Maryland expungment brochure referenced in my letter. Please call me anytime to discuss. My cell is 480-612-1452.

All my best,  
Carmen

*Carmen A. Chenal, Esq.*

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kanefieldj@ballardspahr.com

Roy Herrera  
Tel: 602.798.5430  
Fax: 602.798.5595  
herrerar@ballardspahr.com

March 8, 2019

Via U.S. Mail and Email: [lisa.panahi@staff.azbar.org](mailto:lisa.panahi@staff.azbar.org)  
Lisa Panahi, General Counsel  
State Bar of Arizona  
4201 N 24th St, Suite 100  
Phoenix, AZ 85016

Re: Request for Public Records re Rep. David Stringer

Dear Ms. Panahi:

We are writing to you in connection with the Arizona House of Representatives Ethics Committee Investigation regarding complaints against Rep. David Stringer. We have been retained to assist the Committee with its investigation, and are seeking information and public records relating to Representative Stringer.

Please accept this formal request for all publicly available records relating to any bar complaints against Representative David Stringer.

Please let us know if you have any questions or if we can provide any clarification.

Best regards,



Joseph A. Kanefield



Roy Herrera

JAK/tmh

**Kanefield, Joseph A. (PHX)**

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**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 6, 2019 6:37 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Final response to original letter.  
**Attachments:** Second responseto Kanefield.docx; exh1and2.pdf

**△ EXTERNAL**

Joe, here it is along with two attachments. Best, Carmen

*Carmen A. Chenal, Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: Carmenchenallaw@gmail.com

March 6, 2019

Mr. Joseph A. Kanefield

Ballard Spahr

1 E. Washington Street, Suite 2300

Phoenix, AZ 85004

Via Email: kanefieldj@ballardspahr.com

**Re: Arizona House Ethics Committee Investigation of Representative David Stringer**

Dear Mr. Kanefield:

This is our response to your letter of February 13, 2019, regarding an ethics investigation concerning Representative David Stringer. Our understanding is that the investigation concerns 1) a claim of disorderly conduct based on a newspaper article alleging a 1983 arrest in Baltimore, Maryland, and 2) a claim of disorderly conduct based on statements by Mr. Stringer on issues of immigration, race, and diversity.

On February 26, 2019, we provided you with a preliminary response regarding the 1983 matter. At that time, we raised several threshold questions about the ethics committee's evidentiary and procedural process which have yet to be answered. Set forth below we address the remaining concerns of your February 13, 2019 letter, namely Mr. Stringer's statements which have been the subject of news reports.

***House Members' Political Speech is protected by the First Amendment of the United States Constitution , and Article 2, Section 6 of the Arizona Constitution***

First, political speech by a member of the legislature cannot constitute disorderly conduct . In fact, expressions of opinion by a legislator, and by any Arizonan, are constitutionally protected under the First Amendment of the United States Constitution and Article 2, Section 6, of the Arizona State Constitution. Every member of the legislature, including Representative Stringer has sworn to uphold our state and federal constitutions. There is no exception that allows the state legislature to sanction or censure a member's political speech.

The Supreme Court of Arizona has clearly stated that the Constitution of Arizona provides an additional layer of protection for free speech and has "a greater scope than the first amendment." *Mountain State Telephone and Telegraph Co. v. Arizona Corporation Commission*. 773 P.2d. 455, 459. (Ariz. 1989). The Court has held that the right to free speech for all Arizonans is a "personal right". *Phoenix Newspapers, Inc. v. Superior Court.*, 418 P.2d. 594. For these reasons, any effort to censure or otherwise discipline Representative Stringer, or any member of the state legislature, for exercising their constitutionally protected right to free speech would constitute a violation of their civil rights and would be actionable under both state and federal law. Any effort to censure, silence, or punish free speech is an affront to the dignity of constitutional government.

Rep. Stringer's statements on the politically sensitive topics of immigration, race and diversity, are expressions of opinion. The statements of June 11, 2018 were part of a speech delivered at the Republican Men's Forum in Prescott, Arizona; the remarks of November 19, 2018, were made to a small group of students following a seminar at ASU about the November 2018 election. Rep. Stringer's statements were not addressed to legislative colleagues or staff of the

House of Representatives or to the general public. Second, we encourage members of the Ethics Committee to review Mr. Stringer's actual statements and not simply what he is reported to have said in newspaper articles. We note that the two complainants did not cite Mr. Stringer's actual statements or specify what they found offensive, but simply attached copies of newspaper articles in support of their claims.

With all due respect to the media, journalists are not the self-appointed arbiters of what constitutes racism. Members of the media often have their own biases and agendas and standards of political correctness. They have a right to their opinions, but those opinions are of no more validity or worth than those of anyone else.

Creating an eye-catching headline characterizing statements as "racist" does not in fact make them racist. Relevant portions of Mr. Stringer's June 11<sup>th</sup> statements are available for review on YouTube. We are forwarding a transcript of the audio recording of his November 19<sup>th</sup> statements at ASU, **Ex. 1**.

A review of these records clearly shows the statements attributed to him in the media have been excerpted and reported without context. The result is an incomplete and distorted version of what Mr. Stringer said.

As members of an elected body sworn to uphold the constitutional rights of Arizonans, the House Ethics Committee should be especially vigilant in evaluating political speech. Mr. Stringer's comments, read in context, were offered with civility and good faith and reflect intellectual honesty and respect for the truth. Everything he has said is supported by academic research and the public record. The following is a detailed response to four of the most widely reported statements:

1. “.....there aren’t enough white kids to go around.” The full statement was made in the context of our state’s changing demographics and quotes or paraphrases many educators and education advocates who have described a trend where white flight to charter and private schools from district schools is creating re-segregation in our schools and this is doing a disservice to newly arrived students. Increasing segregation prevents integration . And, a lack of native-born students who can help assimilate newly arrived students is making life much more difficult for those who have to teach in those school districts, particularly when there is a great deal of emphasis placed on English proficiency.

Residential and educational segregation is often a fact of life in Arizona and throughout the country generally. As a member of the House Education Committee from 2016 to 2018, Rep. Stringer is informed on this issue and the challenge it presents to integration and assimilation in Arizona’s schools. Mr. Stringer’s statements are factually accurate and promote open public discourse. Attempting to punish or silence debate on this topic does a disservice both to our democratic institutions and the cause of public education in Arizona.

2. “....non-English-speaking children are a burden to our public schools.” Rep. Stringer recently completed a MA in Education at ASU with a concentration in teaching English as a Second Language (ESL). His capstone project was on Arizona’s Structured English Immersion program for English language learners. The financial cost of this program borne by Arizona taxpayers is 11.5% higher funding than for native English speakers. (ARS 15.943 (ELL)).

Additional millions are allocated for compensatory education programs and teacher bonuses to ESL teachers. (ARS 15.943.04). Although roughly 80% of ELLs in Arizona are Hispanic, there are many other language groups represented.

Rep. Stringer's statement referred to non-English speaking students. There was no allusion to race or ethnicity.

Further, in their effort to attribute racism to Rep. Stringer's motives, the media and the accusers in this matter have chosen to ignore that Stringer himself has invested several years of effort and substantial personal resources to earn a master's degree in ESL so he can help the very students he is accused to being biased against. This pattern of ignoring Mr. Stringer's actions in favor of misleading newspaper headlines is visible again and again in this matter.

3. "...immigration represents an existential threat to the United States." This is not an original observation and statement by Representative Stringer. Many public officials and commentators, including Mark Levin, Tucker Carlson, President Trump, and many others have made similar comments about the erosion of national identity and unity as a result of uncontrolled borders and high levels of both legal and illegal immigration. Nor is this strictly a Republican or conservative observation or opinion. Harvard professor Robert Putnam, a nationally recognized liberal, has written a bestselling book that addresses how diversity can undermine social cohesion and social capital. (*Bowling Alone*, 2000). The ideas behind Rep. Stringer's belief that unlimited legal and illegal immigration overwhelms a nation's ability to properly assimilate newcomers paraphrases our own Governor Doug Ducey, among others, yet no one who has made such statements has been on the receiving end of such concentrated and hostile media attention or targeted for an ethics investigation.

Merely a decade ago it was accepted truth within the Democratic Party that illegal immigration was wrong, bad for the country, and something that needed to be completely shut down. The 2008 Democratic Party Platform warned that "We cannot continue to allow people to enter the United States undetected,

undocumented, and unchecked, adding that “those who enter our borders illegally, and those who employ them disrespect the rule of law and they are showing disregard for those who are following the law. We simply cannot allow people to pour into the United States undetected, undocumented, unchecked and circumventing the line of people who are waiting patiently, diligently and lawfully to become immigrants into this country.”

And who addressed the “challenge” of illegal immigrants and said, “we certainly do not want any more coming in.”? It was Nancy Pelosi.

Mr. Stringer’s views are not only very much in the mainstream of American views today, he is only a decade removed from the same viewpoint as the leadership of the Democratic Party. Mr. Stringer’s views inform the discussion about Calexit, and Brexit and the migration crises in Europe and on the southern border of the United States. As an elected official, Rep. Stringer has a right to discuss these issues with his constituents. Telling them the truth on a topic that is about national security, economic strength, public safety, and more, is not racist. At the risk of incurring further backlash by once again merely repeating what countless officials and leaders have said before, the issue of illegal immigration is not about race.

4. “.....blacks don’t blend in.” A review of Rep. Stringer’s full comments to ASU students reveals this statement, widely reported in the media without context, is close to a fabrication. And as with the other statements that form the basis for these complaints, it is not some original creation of David Stringer. Rather, it is the life experiences of Mr. Stringer’s own clients and friends as black Americans that give him the anecdotal information, that he relayed to the ASU students. Those students may or may not have agreed, but they are real feelings based on real life

experiences and they deserve respect and consideration. The metaphor of the Melting Pot was the context of Mr. Stringer's remarks.

There is an extensive academic literature on this subject going back to Nathan Glazer and Daniel Patrick Moynihan's work, "Beyond the Melting Pot" (1963). The basic idea is that immigrants of European decent more easily assimilated into the dominant, European society because they shared a common racial and cultural background. Other immigrant groups who did not share this background have been marginalized to varying degrees. The full statement, referring to Europeans: "By the 2nd or 3rd generation, everyone looks the same, everybody talks the same, but that's not the case with African-Americans or other racial groups because they don't melt in. They don't blend in. They always look different." The fact that they "always look different" goes a long way to explain racial discrimination, racial profiling, residential and school segregation, and more. This studied observation of a very long time ago is supported by the far more current real-life experiences of Mr. Stringer's friends and clients—making it descriptive of reality, not racially pejorative.

It is racist for a policeman to pull someone over for driving while black. It is not racist to point out that driving while black is something that happens. Mr. Stringer's statement was descriptive of reality; In reviewing Mr. Stringer's statements it is relevant to consider his personal and professional background. He has been a practicing attorney for over forty years. He has no history of ethical violations, lapses of professional judgment or attorney discipline. Over a span of twenty-five years, roughly 1985 to 2010, he was an active trial attorney in Washington DC.

He accepted many court appointed cases both civil and criminal and performed literally thousands of hours of pro bono legal work. The client base for

this work was primarily focused in minority communities, predominantly the African American community but also other communities of color in Washington DC and suburban Maryland. It is this personal experience working with minority communities that informs Mr. Stringer's views on the marginalization and alienation that many people of color feel in a society that is predominantly white. Rep. Paten spoke to this the other day on the House floor when she referred to "code switching" and "how we talk when ya'all are not around." When Mr. Stringer states that ".....blacks don't blend in", he is expressing the angst of what hundreds of black clients have told him over twenty-five years of fighting for their civil and constitutional rights in courts of law. This personal history is incompatible with the idea that Mr. Stringer harbors uncharitable or racist views towards people of color. His entire career is a testament to racial justice and protecting the civil and constitutional rights of his clients.

Since retiring to Prescott, Arizona in 2010, Mr. Stringer has been active in civic and philanthropic work. He has served on many local boards and commissions. And he has continued with his longtime practice of providing pro bono legal services to his community. In 2017, he accepted the appeal of an African American woman in Prescott who had been targeted for racial harassment by a white neighbor. She had represented herself in the Prescott Justice Court and was found guilty on perjured testimony. Mr. Stringer accepted the case pro bono and bore the costs of investigation and preparation of transcripts. He discovered that the complainant had a history of racial animus and harassment. Mr. Stringer's investigation of the case and Motion for New Trial led to his client's conviction being vacated and the case dismissed with prejudice on appeal. A copy of the pleading is attached as Ex. 2.

In his first term in the Arizona legislature, Rep. Stringer co-founded a bipartisan study group on criminal justice reform. Championing criminal justice reform has brought Rep. Stringer to the attention of powerful interests in our state who are opposed to reform. Yet he has persisted despite the political cost. Placing his political future at risk so that tens of thousands of people, many of whom are minorities, can make it out of the criminal justice system earlier is not only an issue of importance to minorities, but it is entirely inconsistent with racial prejudice or bias against people of color by Representative Stringer.

Mr. Stringer's statements about immigration, race and diversity are not evidence of racism. His comments have not been directed against persons but have been phrased in academic and philosophical terms. The Ethics Committee will search in vain for any pejorative or demeaning language in anything he has said. Although his views may be threatening or offensive to some, others find them refreshingly honest and truthful. Most importantly, they do not constitute hate speech. The Supreme Court has recently held that under the First Amendment, there is no such thing as hate speech, *Matal v Tam*, July 17, 2017. For the Ethics Committee to find that Mr. Stringer's statements violate a standard of conduct of the state legislature is to act in direct conflict with the letter and spirit of the First Amendment.

### ***Conclusion***

On January 23rd, Rep. Stringer stood before an open session of the House of Representatives and tendered a formal apology to his colleagues and House staff, the Speaker, and the general public, for any offense he might have given. He did so out of concern that they had been misled by reports in the media that he made racist statements or was prejudiced toward people of color. His purpose was to assure his colleagues of his respect for them and willingness to work with them as

legislators for the good of our state. Mr. Stringer recognizes that the issues surrounding immigration, race and diversity are highly sensitive in our society. As a Member the House of Representatives, he recognizes his responsibility to be cautious in his choice of words and respectful of persons. To the extent that he has unintentionally given offense, he has apologized.

However, Mr. Stringer urges the Ethics Committee to examine his statements in their full context and to recognize that they are intended to promote an honest and open discussion about these issues that are of concern to people who come from every part of society.

Considering the foregoing, it is respectfully requested that the ethics complaint concerning Representative . Stringer's statements be dismissed.

Sincerely,

*Carmen A. Chenal*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

# EXHIBIT 1

## So, What Did Representative David Stringer Really Say?



(/media/k2/items/cache/93ce32036561bc1cc590fd61bb8e9273\_XL.jpg)

Representative David Stringer was in attendance at the Menorah Lighting Sunday night. *Photos from various political events over the years.*

### **Representative David Stringer (LD1) once again made headlines last week.**

*Note: This article's date has been changed to allow it to be found more easily by readers. The original date of the article is December 3, 2018.*

Representative Stringer is under the microscope once again for making comments that some have interpreted to be racist. He has lost his Chairmanship of a legislative committee. And according to Cindy Barks, of the Daily Courier, the Prescott City Council will call a special meeting on Tuesday to discuss whether or not they should make a special statement or recommendations regarding Stringer's statement.

Were the comments really racist? Frequently, media, in it's zeal to push a chosen narrative, carefully picks out comments in order to make a point. Often that media will have limitations on exactly what they can report - only so many words in an article, only so long in a newscast. In order to attract readers or viewers, they choose a few words they think will be salacious.

In this case, does the total context of Representative Stringer's comments make a difference?

## Background

Representative Stringer had attended a lecture by Professor Don Critchlow. Afterwards, Stringer was in the elevator with a couple of students who started asking him questions, and, unknown to him, recorded the conversation. Here is a transcript - as complete as possible, a few words or phrases were not understandable - of both recordings.



The first recording is evidently from a discussion during the lecture:

### 4:21 Clip

**David Stringer:** ...Uh, the African American vote is probably over 90% Democrat, and it's been that way for decades. The Asian-American vote, the Asian Americans are an educated culture, affluent, relatively speaking, and in our society are not an under-class, they vote overwhelmingly Democratic. The Hispanics, even middle-class Hispanics, they vote overwhelmingly Democrat, because the number one issue is immigration, and bringing more of their co-religionists

and people like them, into the country. So, you're never going to get Hispanics elected as Republicans as long as the Republican Party is for border security and lowering levels of immigration. Not going to work, they're not that stupid. They understand which party will do more for them. And that's a divide we're never going to be able to breach.

**John (a student):** We should go out sometime and have a talk about this. I have something to say about this. I'm agreeing with you that...

**David Stringer:** It's a very sensitive issue.

**John:** I thought it was a bit underwhelming for a Democrat election, dating back to 2010, midterm election, during Obama's first term... But even, look at that. Barak Obama won reelection in 2012, the midterms didn't really give us much to work with the upcoming presidential election. But Republicans gained, what was the final count in the Senate? Three in the Senate? And the GOP House, as you have pointed out, didn't do anything anyway on immigration, healthcare. They were pretty much sitting on the sidelines. I don't think that this was the big victory that people were hoping for. And then that middle class observation - it is pretty clear, at least to me, especially after this election, thought it was clear before, but this election confirmed it, that the Democratic has now become the party of the wealthy, of elites. And it's an uneasy alliance of very, very elite, wealthy coastal Americans and lower class urban voters, but not just money to the media, I think there was a Harvard study that showed that 90% of media coverage was anti-Trump against Republicans, who turn on late-night television, who one after another, hammering away, Silicon Valley, I have friends that work in IT that's like, 100% um, consensus on the side of the left, so there are just so many institutional, not to mention university, so many institutional challenges here, that it's actually amazing the Republicans do as well as they do, considering all the obstacles that, uh, that are there.

**Don Critchlow:** So, I am flying tomorrow for an interview for a documentary in New York City to benefit (unintelligible). So, if something happens to me, John, I want you to raise money for us by asking questions, 'Was Don Critchlow assassinated as we are making too much progress here in university as you can see by this...'



### 7:30 Clip:

**David Stringer:** ...been going on for decades, have to remedy those things. The point is, we're spending more money than anyone else, and not getting very much. You say, 'By what measure are we falling?' I would say our educational system is failing, I would say our military system is failing. We've been fighting these wars now over there now for a decade and a half or longer, and they don't seem to be successful at all. Do you know how long World War...

**Unknown Student:** Is that because this is multi cultural?

**David Stringer:** It's a lack of political will...

**Unknown Student:** Through mob culture.

**David Stringer:** A lot of problems within our military. Talk to our soldiers. Huge racial conflicts and tensions in our military. Costs a fortune to run our military. Soldiers cost a lot...

**Unknown Student:** Because we have black people in our military.

**David Stringer:** No, I didn't say that. Sir, don't put words in my mouth now.

**Unknown Student:** Well, you implied that.

**David Stringer:** No, I didn't imply that.

(Unable to discern conversation.)

**David Stringer:** I said there is racial tension in the military. I didn't blame it on blacks or any particular ethnic group. But, uh...

**Unknown Student:** You're beating around the bush here.

**David Stringer:** I'm not beating around the bush. Your basic premise is that we don't have any problems here.

**Unknown Student:** Yes.

**David Stringer:** Your basic point is that we are a very successful nation. And I would suggest to you that I don't think that's the case.

**Unknown Student:** But, why are there test...?

**David Stringer:** Also, diversity in our country is relatively new.

**Unknown Student:** What do you mean? Irish and Italian - my great-grandfather... (difficult to understand)

**David Stringer:** They were all Europeans. By the 2nd or 3rd generation, everybody looks the same, everybody talks the same, but that's not the case with African-Americans or other racial groups because they don't melt in. They don't blend in, they always look different.

**Unknown Student:** Sure they do.

**Unknown Student:** Why does looking different matter?

**David Stringer:** I don't know. And maybe it doesn't. It doesn't to you. Maybe it doesn't to a lot of people. But it seems to matter to a lot of people who move out of Detroit, who move out of Baltimore - you know, we have white flight in country.

**Unknown Student:** Well, just because the guy... unintelligible...

**David Stringer:** Well, people are making free choices about where they live. Why is Anthem mostly white, and South Phoenix mostly Hispanic, right? I don't know why, I chose people (unintelligible)

**Unknown Student:** I sort of want to readdress what you said about how our test scores are lower because of multiculturalism.

**David Stringer:** No, I said that there is an achievement gap. I said that when you look at different ethnicities...

**Unknown Student:** You said, 'When you break it down...'

**David Stringer:** When you drill down, you find that there are achievement gaps. You've heard about this.

**Unknown Student:** I have not.

**David Stringer:** You really have not? You have not? It's a big debate in education.

**Unknown Student:** Why?

**David Stringer:** About why is it that some groups seem to perform better than other groups over long periods of time in spite of huge resources being put into the school.

**Unknown Student:** Why?

**David Stringer:** I don't know why. I honestly don't know why. But it seems to be an enduring, persistent feature of American education that not everybody is getting an equal education, or the same education, even though we're spending roughly the same amounts of money.

**Unknown Student:** So, what you're saying is,

**David Stringer:** But you did not know this. I am sorry. I just assumed... I'm in the Department of Education, I'm getting my Master's degree... I'm just suggesting this is why I'm paying attention to this.

**Unknown Student:** I am very aware...

**Unknown Student:** Ok, so taking your premise here, uh, so, here in the US, your proposal here, is just to cap it off, cap off immigration.

**David Stringer:** Slow it down...

**Unknown Student:** You're very conservative.

**David Stringer:** To create more opportunity for assimilation. So it's not too much too fast.

**Unknown Student:** So, you end up, so you're still where we are, which is still a fairly diverse society,

**David Stringer:** Yes, very diverse.

**Unknown Student:** So, what's your solution then? How would you go about..

**David Stringer:** I don't have a solution. I'm just pointing out the problem. I don't have a solution. I don't know how to fix Detroit. I don't know if anybody does know how to fix Detroit. I don't know how to fix that. I lived in Baltimore a few years. I don't know how to fix that. Okay? But that's a different issue than immigration, ok? Those cities are primarily African-American. They're diverse, they have other groups, but they're primarily African-American. The immigration thing is affecting Arizona, California, Texas, Florida, states like that in a very dramatic way. And it's not - You know, it's producing tensions and producing burdens on our system. Did you know that in Arizona we have a very large Hispanic-speaking school children. And that's what I'm studying, ESL. But we have a bunch of overrides for ESL, 11.5%, so it costs a lot more to educate a child that doesn't speak English as a native language. So, that's a burden on the taxpayers, and it's a pretty significant burden.

**Unknown Student:** Wouldn't they also be included in the taxpayers?

**David Stringer:** It's not, who pays taxes? Who actually pays the taxes? We just learned that 49% of the people don't pay any taxes at all.

**Unknown Student:** Just income taxes.

**David Stringer:** 51% pay taxes, yes - sales tax. Everybody pays sales tax. But then, some people spend more than others. But if you look at who's paying the taxes in the State of Arizona or in the United States, you'd say that some people are paying a lot more than others.

**Unknown Student:** I just don't see the difference between my great-grandfather, who's a Polish immigrant wanting a better life and somebody from Venezuela who wants to escape a socialist regime.

**David Stringer:** I don't see a big difference either. I mean, you're coming here for similar purposes, I think that's true.

**Unknown Student:** There were ethnic issues for that Polish immigrant, who was called a Polack, they were discriminated against, but they assimilated.

**David Stringer:** The difference between the Polack, I shouldn't say Polack, you said Polack, but I shouldn't say

Polack, the difference between the Polish-American immigrant and the immigrant from say, Somall, is that the 2nd generation Polish immigrant looks like the Irish kid and the German kid and every other kid. But, the immigrant from Somall does not.

**Unknown Student:** Does it matter?

**David Stringer:** Well, that's a question. That's a legitimate question. It doesn't matter to you. Maybe that's a good thing. It seems to matter to a lot of people.

**Unknown Student:** Does it matter to you?

**David Stringer:** Uh, I don't know. I honestly don't know.

**Unknown Student:** C'mon, you've got to take a position on that.

**David Stringer:** No, no, because we're talking philosophically here. My opinion and my preferences really don't. I'm an old white guy, so I look like an old white guy, you know? My career, you might be interested to know this, I spent my career in Washington, D.C., doing a lot of legal aid work for the African American community. I did literally thousands of cases. So, I had a sense that you were maybe trying to stereotype me into this old angry white man, and I am anything but. I spent my life, not in Arizona, but in a very cosmopolitan working with a lot of minorities.

**David Stringer:** Ok, I have to go. But thank you, nice chatting with you guys.

**Unknown Student:** Yes.

After that, Representative Stringer received directions to where he was going, and then thanked the students once again as he went on his way.

The first report on these recordings was in a Phoenix New Times article, "In Latest Racist Remarks, Rep. David Stringer Says Black People Don't 'Blend In (<https://www.phoenixnewtimes.com/news/arizona-lawmaker-resigns-as-commission-chair-after-racist-comments-11057287>)" At the beginning of the article, it is explained that, "New Times embedded highlights from the audio throughout this piece and posted the full files at the bottom." This transcript was taken from the full files at the bottom of the article.



**Note from the Editor:**

*In full disclosure, Representative Stringer is a partner in Specialized Publishing, the parent company of Prescott eNews. However, he has no input in the editorial content of this publication. Comments he makes as a politician, or as a guy on an elevator, are comments he makes for himself.*

*We will not try to defend or justify his comments in this forum. We will defend his right to express his opinions - It's a matter of free speech. He will reap the good and bad consequences of his words on his own.*

*The LD1 voters decided overwhelmingly in an August primary and a November general election that he should continue representing this district. Stringer received the 2nd highest number of votes for the Arizona Legislature - only behind Representative Noel Campbell.*

*In the meantime, it is only appropriate that Stringer's comments be considered in full context before he is judged.*

**K2\_TAGGED** #Representative David Stringer (/index.php/news/current-news/itemlist/tag/Representative%20David%20Stringer)



**Lynne LaMaster (/index.php/news/current-news/itemlist/user/62-lynne-lamaster)**

Lynne LaMaster is the Founder and Editor of the eNewsAZ Network of websites. She asks a lot of questions! In her spare time, she loves photography, cooking and hanging out with her family.

# EXHIBIT 2

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,  
(APPELLEE)

P1300CR201601098

VS.

DIVISION PTB  
HONORABLE JOHN D. NAPPER

ZENA MITCHELL,  
(APPELLANT).

**APPELLANT'S MOTION TO STAY APPEAL PENDING**

**TRIAL COURT'S RULING ON MOTION FOR NEW TRIAL**

Appellant, thru counsel, respectfully requests that the proceedings in the above referenced appeal be stayed for sixty days pending the trial court's ruling on defendant's motion for a new trial based on newly discovered evidence. In support of this request, counsel states as follows:

1. On July 15, 2016, following a two day trial in the Justice Court of the City of Prescott, defendant, Ms. Zena Mitchell, was found guilty of one count of failing to control a barking dog in violation Section 5-2-5A1, Prescott City Code, said offense alleged to have occurred on March 1, 2016. Defendant filed a timely appeal. By order of Judge Cele Hancock, dated January 5, 2017, the matter has been assigned to this court.

2. The underlying facts concern a complaint from a neighbor of Ms. Mitchell's, Mr. Patrick Swafford, that her dog barked continuously and unreasonably on numerous occasions, including March 1, 2016. At trial, Mr. Swafford testified that he reported the matter to the Cliff Rose HOA and called the police on a number of occasions. Officer Shannon Gray testified that she responded to calls several times but was unable to substantiate the claim.

3. Appellant is untrained in the law and was a pro se defendant at trial. She denied that her dog barked unreasonably and claimed that Mr. Swafford deliberately provoked the dog as a form of racial harassment. Ms. Mitchell is the sole African American resident of the Cliff Rose community. She claimed that Mr. Swafford was harassing her in an attempt to force her out of her home.

4. Upon examination, Mr. Swafford, who is White, denied that his complaint against Ms. Mitchell was motivated by racial bias or that he harbored prejudicial views toward racial minorities. Ms. Mitchell's effort to impeach his testimony was unsuccessful.

5. Although the state presented testimony from another neighbor claiming that Ms. Mitchell's dog barked excessively, Mr. Swafford was the complainant on the March 1<sup>st</sup> incident and the government's key witness.

6. The court found Ms. Mitchell guilty and imposed a \$150 fine which was suspended.

7. Subsequent to trial, difficulties between the parties continued with Ms. Mitchell experiencing continued harassment. On December 2, 2016, while her dog was outdoors, she discovered Mr. Swafford on the sidewalk in front of her home provoking her dog to bark and recording the event with a camcorder. She called the police who responded but declined to intervene because Mr. Swafford was not on her property. However, the officer reportedly told Ms. Mitchell that she could apply to the court for a civil protective order.

8. On December 5, 2016, Ms. Mitchell applied for a protective order in Superior Court and the matter was set for a hearing. However, she was unable to obtain service on Mr. Swafford who was reportedly staying at another residence in Phoenix. The matter was continued several times in an effort to accomplish service. A private process server, Mr. John

Semerau was retained for this purpose. After several attempts, Mr. Semerau spoke to neighbors of Mr. Swafford in an effort to determine his whereabouts. As a result of these contacts, Mr. Semerau learned that Patrick Swafford was currently under a civil protective order in Maricopa County for racial harassment of his neighbors. (See Attachment #1)

9. According to Mr. Rasshi Kapoor, who is of Indian decent, for a period from November 2015 thru June of 2016, Mr. Swafford made threats and racially offensive remarks to him and his family, referring to them as "sand niggers" and "camel jockies". (See Attachment 2). As a result of Mr. Swafford's provocations, Mr. Kapoor installed security cameras and recording equipment on his property and was able to record Mr. Swafford's remarks which were reviewed by the Justice Court in Maricopa County.

10. On January 24, 2017, Mr. Swafford was served with Ms. Mitchel's petition for a protective order and notice to appear in Yavapai County. At the subsequent hearing on February 2, 2017, one of the witnesses in the case, Ms. Georgia Sparks, the former President of the Cliff Rose HOA, provided Ms. Mitchell with copies of several documents relating to Mr. Swafford's background and credibility as a witness. One document is an email Mr. Swafford sent to Ms. Sparks on March 12, 2016, advising her to lie about correspondence she received from Ms. Mitchel's counsel and encouraging the Cliff Rose HOA to do everything possible to drive up Ms. Mitchel's legal costs. (See Attachment 3). A second document refers to a 2006 settlement order filed in United States District Court by the Equal Employment Opportunity Commission against Mr. Swafford and in favor the Danka Office Imaging Company which assesses attorney's fees against Mr. Swafford in the amount of \$25,000. (See Attachment 4).

Although the settlement order does not provide details about the Commission's findings, it is reasonable to infer that a judgment entered by the Equal Employment Opportunity Commission very likely involved an allegation of employment discrimination and that Mr. Swafford was found liable.

11. All of the material described herein reflects on Mr. Swafford's credibility as a witness and predates appellant's July 15<sup>th</sup> trial. Had this information been known at the time, it would have provided significant impeachment of Mr. Swafford's testimony and support for Ms. Mitchell's claim that his complaint against her was inspired by racial animus. The information in the hands of Ms. Sparks was unknown to Ms. Mitchell until February 2, 2017. With regard to Mr. Swafford's harassment of the Kapoor family and the current injunction against him in Maricopa County, it is unreasonable to expect that a pro se defendant in Justice Court would have the means to discover this on their own.

12. These materials have only recently come to the attention of appellant and counsel. Additional time is needed to further investigate Mr. Swafford's background and pattern of targeting people of color for racial harassment.

WHEREFORE, for these as such other reasons as may appear to the court, it is respectfully requested that this motion be granted and that appellant's appeal be stayed for sixty days from the date hereof for the purpose of filing a motion for new trial.

Respectfully submitted,

David H. Stringer, Bar No. 019604  
Attorney for Appellant  
1290 White Spar Road  
Prescott, Arizona 86303

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the foregoing motion has been served by hand upon the Office of the City Attorney for the City of Prescott, 211 Cortez Street, Prescott, Arizona, 86303, on this 6<sup>th</sup> day of February 2017.

\_\_\_\_\_  
David H. Stringer

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,  
APPELLEE,

P1300CR201601098

VS.

DIVISION PTB  
HONORABLE JOHN D. NAPPER

ZENA MITCHELL,  
APPELLEE.

**ORDER**

FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED THAT APPELLANT'S  
MOTION FOR A STAY OF THE ABOVE REFERENCED APPEAL FOR THE PURPOSE  
OF FILING A NEW TRIAL MOTION IN THE TRIAL COURT IS **GRANTED**,  
AND IT IS FURTHER ORDERED THAT COUNSEL FOR THE APPELLANT SHALL  
NOTIFY THE COURT AND PARTIES WITHIN SIXTY DAYS OF THE DATE HEREOF  
OF THE STATUS OR DISPOSTION OF SAID MOTION FOR NEW TRIAL  
SO ORDERED ON THIS \_\_\_\_\_ DAY OF FEBRUARY, 2017.

\_\_\_\_\_  
JUDGE JOHN D. NAPPER  
YAVAPAI COUNTY SUPERIOR COURT

CC:

Office of Prescott City Attorney  
David H. Stringer, Atty.

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 6, 2019 6:10 PM  
**To:** Morgan, Vicki (PHX); Kanefield, Joseph A. (PHX)  
**Subject:** Re: Arizona House Ethics Committee Investigation of Rep. David Stringer

**△ EXTERNAL**

Joe I will send the final response to your original letter in just a few. And, with respect to your most recent letter we need until a week from today, March 15, 2019 to respond. Representative Stringer is in Mexico.

We should hear from the bar next week and I will let you know what happens there- and let you know whether we will stipulate to the Maryland court records. It is simply impossible in light of the pending Bar issues to do that today. Best, Carmen.

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

On Mon, Mar 4, 2019 at 5:34 PM [morganv@ballardspahr.com](mailto:morganv@ballardspahr.com) <[morganv@ballardspahr.com](mailto:morganv@ballardspahr.com)> wrote:

Ms. Chenal:

Please find attached correspondence from Mr. Kanefield and Mr. Herrera. The original will follow via U.S. Mail.

Cordially,

## Kanefield, Joseph A. (PHX)

---

**From:** Kanefield, Joseph A. (PHX)  
**Sent:** Wednesday, March 6, 2019 9:27 AM  
**To:** 'Carmen Chenal'  
**Cc:** Mark S. Kokanovich (kokanovichm@ballardspahr.com); Herrera, Roy (PHX)  
**Subject:** RE: Representative Stringer's Preliminary Response

Thank you Carmen. We look forward to hearing back from you today regarding whether Representative Stringer will cooperate in our effort to obtain the records in Maryland.

We also look forward to receiving your response to our letter dated March 4, 2019, no later than March 11, 2019. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**

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---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Tuesday, March 5, 2019 8:32 AM  
**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Re: Representative Stringer's Preliminary Response

**⚠ EXTERNAL**

Joe you will get an answer to the request to stipulate to see the court records and our response to your original letter tomorrow. However may we have one week to respond to your most recent letter please. Call me if you need to. Warm regards Carmen

Sent from my iPhone

On Feb 26, 2019, at 2:13 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Received. Thank you Carmen.

**Joseph A. Kanefield**

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, March 6, 2019 8:45 PM  
**To:** Kokanovich, Mark (PHX)  
**Cc:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Maryland Code, Criminal Procedure § 10-108 | FindLaw

△ EXTERNAL

Thank you

Sent from my iPhone

> On Mar 4, 2019, at 12:30 PM, Kokanovich, Mark <kokanovichm@ballardspahr.com> wrote:  
>  
> Carmen,  
>  
> As we discussed on the phone today, here is the relevant portion from Section 10-108:  
>  
> "(b) A court may order the opening or review of an expunged record or the disclosure of information from that  
record:  
>  
> (1) after notice to the person whom the record concerns, a hearing, and the showing of good cause;"  
>  
> <https://codes.findlaw.com/md/criminal-procedure/md-code-crim-proc-sect-10-108.html>  
>  
> We will send a more detailed letter later today.  
>  
> Best regards,  
> Mark  
>  
> Mark S. Kokanovich  
>  
> Ballard Spahr LLP  
>  
> 1 East Washington Street, Suite 2300  
> Phoenix, AZ 85004-2555  
> 602.798.5532 DIRECT  
> 602.798.5595 FAX  
>  
> kokanovichm@ballardspahr.com  
> -----  
> www.ballardspahr.com

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Tuesday, March 5, 2019 8:32 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Representative Stringer's Preliminary Response

**△ EXTERNAL**

Joe you will get an answer to the request to stipulate to see the court records and our response to your original letter tomorrow. However may we have one week to respond to your most recent letter please. Call me if you need to. Warm regards Carmen

Sent from my iPhone

On Feb 26, 2019, at 2:13 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Received. Thank you Carmen.

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

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**From:** Carmen chenal <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)>  
**Sent:** Tuesday, February 26, 2019 12:53 PM  
**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Representative Stringer's Preliminary Response

**△ EXTERNAL**

Dear Joe,

Attached is our preliminary response. Thank you for all your cooperation. Also attached is the Maryland expungment brochure referenced in my letter. Please call me anytime to discuss. My cell is 480-612-1452.

All my best,

# Carmen

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

**Kanefield, Joseph A. (PHX)**

---

**From:** Kokanovich, Mark (PHX)  
**Sent:** Monday, March 4, 2019 12:31 PM  
**To:** carmenchenallaw@gmail.com  
**Cc:** Kanefield, Joseph A. (PHX)  
**Subject:** Maryland Code, Criminal Procedure § 10-108 | FindLaw

Carmen,

As we discussed on the phone today, here is the relevant portion from Section 10-108:

“(b) A court may order the opening or review of an expunged record or the disclosure of information from that record:

(1) after notice to the person whom the record concerns, a hearing, and the showing of good cause;”

<https://codes.findlaw.com/md/criminal-procedure/md-code-crim-proc-sect-10-108.html>

We will send a more detailed letter later today.

Best regards,  
Mark

**Mark S. Kokanovich**

**Ballard Spahr**  
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**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Monday, March 4, 2019 12:07 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Ethics Committee Meetings re: Representative Stringer

△ EXTERNAL

Dear Joe,

I want to attend the ethics committee meetings that discuss Representative Stringer. Rule 8, Ethic Committee Rules of Procedure, that the ethics committee meetings are open to the public.

I also understand that Rule 10 provides that the Chairman of the Ethics Committee shall prepare a notice with the date, time, place and description of the matters to be considered in each meeting; and shall distribute copies to the committee members, the Information Desk and the Chief Clerk's Office by at least the previous day before each committee meeting.

Would you be kind enough to ask Mr. Thomas Shope, Jr. , to provide me with the following: 1) 24 hours notice via email ( perhaps through you), prior to each meeting with the date, time and location of the ethics committee meeting that has as an agenda item, the investigation of my client; 2) the description of the matters to be considered at the meeting.

I would very much appreciate this professional courtesy Joe.

All my best,  
Carmen

*Carmen A. Chenal, Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale, Arizona 85251

Tel: 480-207-5180, Fax: 480-207-5101,

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

**Kanefield, Joseph A. (PHX)**

---

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Sunday, March 3, 2019 12:45 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Ethics Committee Meetings re: Representative Stringer

△ EXTERNAL

Dear Joe,

I want to attend the ethics committee meetings that discuss Representative Stringer. Rule 8, Ethic Committee Rules of Procedure, that the ethics committee meetings are open to the public.

I also understand that Rule 10 provides that the Chairman of the Ethics Committee shall prepare a notice with the date, time, place and description of the matters to be considered in each meeting; and shall distribute copies to the committee members, the Information Desk and the Chief Clerk's Office by at least the previous day before each committee meeting.

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I would very much appreciate this professional courtesy Joe.

All my best,  
Carmen

*Carmen A. Chenal. Esq.*

**CHENAL LAW FIRM PLLC,**

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Roy Herrera  
Tel: 602.798.5430  
Fax: 602.798.5595  
herrera@ballardspahr.com

March 4, 2019

Via Email and U.S. Mail (carmenchenallaw@gmail.com)

Carmen A. Chenal  
Chenal Law Firm, PLLC  
7272 E. Indian School Road, Suite 566  
Scottsdale, Arizona 85251

Re: Arizona House Ethics Committee Investigation of Rep. David Stringer

Dear Ms. Chenal:

Thank you for your preliminary response to our request for any evidence you or your client may have regarding his statements reported in the Arizona Daily Independent on January 16, 2019, and the complaints against him.

In your preliminary response, you state that you are not aware of any provision enabling Rep. Stringer to unilaterally waive MARYLAND CODE ANN., CRIMINAL PROCEDURE § 10-108, which states that "a person may not open or review an expunged record or disclose to another person any information from that record without a court order." During our telephone conversation with you this morning and in a follow up e-mail message, we directed you to subsection (b)(1) of § 10-108, which outlines the process for the court to open an expunged record: after notice to the person who is the subject of the record, a hearing, and a showing of good cause. The Committee is not asking for a unilateral solution from Rep. Stringer. Rather, the Committee is requesting that Rep. Stringer cooperate in the investigation and stipulate to a simple motion to open, review, and disclose any expunged records that may still exist.

Your response also suggests that there is no purpose to this consent, because according to the court's retention schedule, these records have been destroyed. In fact, you claim they were destroyed decades ago. While that may be the usual process, based upon the records published in the Phoenix New Times, it appears that at some records related to these criminal matters still exist. Additionally, the court can open not only court records, but any existing police investigation records. Further, the brochure you rely on states that "[y]ou can petition to have the case reopened." (See Expungement: Information About Removing Criminal Records From Public Access in Maryland, at 10.) Again, consistent with Maryland law, we

Carmen A. Chenal  
March 4, 2019  
Page 2

are asking for your client's cooperation to disclose expunged records. This can be done without your client's consent, but moving forward with Rep. Stringer's cooperation will save the Arizona taxpayers thousands of dollars in legal fees.

You assert that Maryland law prohibits your client from disclosing any information related to these records. The relevant provision, however, does not prohibit the records from doing so, but rather prohibits only the government custodians of those records from disclosing such information. Even assuming that this provision extends to the subject of the records, it still does not prohibit the subject from discussing the underlying conduct, arrest, and his own experience. Indeed, your client has provided information related to the arrest and charges regarding this matter to media sources, including the Arizona Daily Independent. To claim Rep. Stringer can discuss the information that was the basis for the expunged criminal charges in a widely-distributed publication in a voluntary interview, but not as part of the Committee's investigation, would be disingenuous.

In any event, nothing in Maryland law prohibits your client from disclosing information related to his own expunged records. The Maryland Judiciary brochure you provided, under the heading "*Must I Disclose Expunged Charges?*", p. 11, makes this clear: it states that disclosure of expunged information "may not be required by an employer or educational institute"; that "[a] person need not refer to or give information concerning an expunged charge."; and that "you may be required to disclose information about expunged cases in certain situations not governed by Maryland law." This language all shows that while employers or others may not require your client to divulge expunged information, he is free to do so, and may be required to do so in appropriate situations.

Accordingly, we ask that you provide any records in Rep. Stringer's possession, custody, or control related to the criminal charges he faced in Maryland, court records relating to those charges (including those already published), or the expungement that the Maryland court presumably granted for the charges Rep. Stringer referred to in the Arizona Daily Independent article.

You have asked for specific information related to the ethics standards that will be relied upon by the Arizona House of Representatives Ethics Committee. The Committee will apply the standard of "disorderly behavior," as found in Article 4, Part 2, Section 11 of the Arizona Constitution, and Rule 1, of the Rules of the Arizona House of Representatives. The complaints submitted against Rep. Stringer allege violations of this standard. As you know, these complaints are based upon Rep. Stringer's own statements, as reported in the press and elsewhere, and documentation of past criminal conduct. The purpose of this investigation is to gather the evidence surrounding these complaints to assist the Ethics Committee in determining how best to address the complaints and allegations.

Carmen A. Chenal  
March 4, 2019  
Page 3

Your client's cooperation will ensure that we are able to provide a thorough and accurate review of the facts and circumstances. We continue to invite you to provide any relevant evidence you or your client possesses. The evidence gathered as part of this investigation will be provided to you when the investigation is complete and you, and Rep. Stringer will be provided notice of any Ethics Committee proceedings. Please let us know if you have further questions on this topic.

The purpose of this letter is not to debate the veracity of the information provided in your response, which we understand was a preliminary response. During our call this morning, you asked for a brief extension to provide your final response, and we have agreed to give you until Wednesday, March 6, 2019, at 5:00 p.m., to provide any documents that you have that are relevant to this inquiry. We hope that Rep. Stringer will cooperate and provide all documents to the Committee willingly.

Thank you for informing us of the letter issued by the District of Columbia Office of Bar Counsel. We look forward to reviewing that letter.

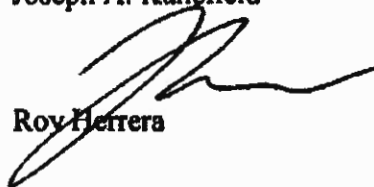
Finally, you referred to the number of background checks to which Rep. Stringer has submitted. We ask that you provide copies of any applications for professional licensing that Rep. Stringer has submitted in Arizona or other states and the results of any background checks. Specifically, please provide his Maryland Bar application, D.C. Bar application, Arizona Bar application, and Certified Public Accountant license application. Additionally, please provide the results of any background checks Rep. Stringer has in his possession, custody, or control.

Thank you again for your preliminary response. We look forward to your final response on Wednesday.

Best regards,



Joseph A. Kanefield



Roy Herrera

JAK/mtg

## Kanefield, Joseph A. (PHX)

---

**From:** Byers, Dave <DByers@courts.az.gov>  
**Sent:** Friday, March 1, 2019 1:43 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** RE: Notebook

### ⚠ EXTERNAL

There is no record we can locate as the time for maintaining any such records has long passed. I did confirm that there is no record of conditional admission.

---

**From:** Kanefield, Joseph A. <KanefieldJ@ballardspahr.com>  
**Sent:** Friday, March 1, 2019 1:32 PM  
**To:** Byers, Dave <DByers@courts.az.gov>  
**Cc:** Wilson, Mark <mawilson@courts.az.gov>; Kokanovich, Mark <kokanovichm@ballardspahr.com>  
**Subject:** RE: Notebook

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dave, thank you for following up so quickly on this request. Can you confirm whether there would be any record of whether Mr. Stringer's application to Character & Fitness would have been referred for an informal or formal hearing?

Joe

### Joseph A. Kanefield



---

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | [kanefieldj@ballardspahr.com](mailto:kanefieldj@ballardspahr.com)  
LINKEDIN | VCARD

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---

**From:** Byers, Dave <DByers@courts.az.gov>  
**Sent:** Friday, March 1, 2019 1:29 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Cc:** Wilson, Mark <mawilson@courts.az.gov>  
**Subject:** Notebook

### ⚠ EXTERNAL

Per your call regarding a notebook which might have contained information pertinent to Rep Stringer's ethics investigation, we have conducted a search and have not found any such notebook. Feel free to contact me if you have any questions.

## Kanefield, Joseph A. (PHX)

---

**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Tuesday, February 26, 2019 3:13 PM  
**To:** Alex Vakula  
**Subject:** RE: Stringer

Alex, are you by chance available this afternoon for a call? If not, let know what your schedule looks like this week. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

---

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Phoenix, AZ 85004-2555  
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---

**From:** Alex Vakula <alex@vakulalaw.net>  
**Sent:** Tuesday, February 5, 2019 12:38 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** Stringer

⚠ **EXTERNAL**

Joe,

I saw your recent appointment. Please let me know if you are interested in other Stringer stories from Prescott.

Good luck in your investigation.

Alex B. Vakula  
THE VAKULA LAW FIRM, PLC  
325 West Gurley Street, Suite 102  
Prescott, Arizona 86301

(928) 445-3500  
[alex@vakulalaw.net](mailto:alex@vakulalaw.net)

**THE VAKULA LAW FIRM**  
PLC  
ATTORNEYS AT LAW

## Kanefield, Joseph A. (PHX)

---

**From:** Alex Vakula <[alex@vakulalaw.net](mailto:alex@vakulalaw.net)>  
**Sent:** Tuesday, February 26, 2019 3:54 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Stringer

### ⚠ EXTERNAL

Joe,

Today is tough. How about Thursday or Friday?

I am wide open both days.

Alex B. Vakula  
THE VAKULA LAW FIRM, PLC  
325 West Gurley Street, Suite 102  
Prescott, Arizona 86301

(928) 445-3500  
[alex@vakulalaw.net](mailto:alex@vakulalaw.net)

**THE VAKULA LAW FIRM**  
PLC  
ATTORNEYS AT LAW

On Feb 26, 2019, at 3:13 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Alex, are you by chance available this afternoon for a call? If not, let know what your schedule looks like this week. Take care,

Joe

**Joseph A. Kanefield**

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---

**From:** Alex Vakula <[alex@vakulalaw.net](mailto:alex@vakulalaw.net)>  
**Sent:** Tuesday, February 5, 2019 12:38 PM

**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>

**Subject:** Stringer

**⚠ EXTERNAL**

Joe,

I saw your recent appointment. Please let me know if you are interested in other Stringer stories from Prescott.

Good luck in your investigation.

Alex B. Vakula  
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**From:** Carmen chenai <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)>  
**Sent:** Tuesday, February 26, 2019 12:53 PM  
**To:** Kanefield, Joseph A. (PHX) <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)>  
**Subject:** Representative Stringer's Preliminary Response

**△ EXTERNAL**

Dear Joe,

Attached is our preliminary response. Thank you for all your cooperation. Also attached is the Maryland expungment brochure referenced in my letter. Please call me anytime to discuss. My cell is 480-612-1452.

All my best,  
Carmen

*Carmen A. Chenai, Esq.*

**CHENAL LAW FIRM PLLC,**

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Carmen A. Chenal, #009428  
**CHENAL LAW FIRM PLLC**  
7272 East Indian School Rd, Suite 540  
Scottsdale, Arizona 85251  
Phone: 480-207-5180  
Carmenchenallaw@gmail.com

Re: Representative David Stringer  
Date: August 26, 2018

To: Joseph Kanefield. Esq.

Dear Mr. Kanefield:

This is a preliminary response to your letter of February 13, 2019, concerning your investigation of an ethics complaint filed against Representative David Stringer. First, I would like to thank you for your professional courtesy, in agreeing to extend the due date for this initial response to February 26<sup>th</sup>, with a more substantive response, if needed, due by March 4<sup>th</sup>. I also want to assure you of Mr. Stringer's full cooperation. He stands ready to answer all reasonable questions relevant and material to matters appropriately before the Committee.

You have asked if Mr. Stringer is willing to waive the disclosure of material that was expunged many years ago by the Maryland court system in accordance with Title 10-108. I note that this provision of the Maryland code prohibits the disclosure of expunged records by any "person". Criminal penalties and fines are prescribed. I am not aware of any discretion, or provision enabling Mr. Stringer to unilaterally waive, or circumvent, this prohibition. Mr. Stringer is a member of the Maryland Bar and is obligated to respect the laws of that state. Principles of comity would appear to require that the State of Arizona should also respect the laws of

another state. Furthermore, those expunged records were shredded 3 years after the expungement ( see below)

The Maryland expungement brochure at page 10 states in relevant part as follows:

Question:“ Will the public still be able to view records on case search after the record is expunged? Answer: “no.”

Question: “ If my record is expunged can I come in again and get a copy if I lost all the paperwork?” Answer: “ You can petition the court to have the case reopened. However, 3 years after the expungement has been granted the file is shredded” ( emphasis added). It is now decades later. I have attached the Maryland expungement brochure for your easy reference. You can access the Maryland’s judiciary website at <http://www.mdcourts.gov> and the criminal procedure articles sections 10-101 to 10-110. If after reading the expungement law referenced herein, you can show me how to obtain the authenticated court records that were shredded decades ago, I would be glad to discuss it further. As I see it though, we cannot stipulate to something that was expunged, shredded and does not exist. The non-existence of these expunged materials decades later , is consistent with what we have been told by a spokesperson for the Maryland Judiciary. If you would like we can meet and discuss it further.

### *Preliminary Response to some of your other issues*

On another note, as we discussed last Thursday, as a threshold matter and to make sure we are responsive to the concerns of the Ethics Committee, it would be helpful to know the specific rule or standard of conduct Mr. Stringer is alleged to have violated as a Member of the Arizona House of Representatives. As you know, a fundamental principle of due process and time-honored tradition of American law is

that the moving party has the burden of proof. The accused does not have an obligation to prove their innocence or rebut presumptions against them. In responding to the complaints, you have forwarded, we note that no specific ethical violations are cited. In addition, the evidence purporting to support the complaints appear to be limited to newspaper articles. Is there other, more substantive evidence you wish us to consider?

There is no claim either in the complaint to the Ethics Committee or in the newspaper article that Mr. Stringer was convicted of a crime. There is no claim that he has any legal disabilities that would impact his eligibility to hold elective office. Further, the entire matter predates his election to the Arizona House of Representatives by decades. It is difficult to understand how anything that is alleged to have happened decades ago and did not result in a conviction or any discipline by the D.C. Bar, could be relevant to an Ethics investigation or raise legitimate questions about an elected official's eligibility to serve their office. Again, in order to provide the committee with a useful and pertinent response, please provide us with the issues you want us to address, questions that we can answer for you, and any competent evidence supporting the allegations along with the House rule or ethical standard Mr. Stringer is alleged to have violated.

We wish to present competent and relevant evidence. However, it is not clear what evidentiary standard the Committee will follow. Traditionally, in administrative or civil proceedings of this nature due process protections are applied. The moving party has the burden of proof, evidence must be material and competent, the respondent has a right to conduct discovery, challenge the evidence, confront the accusers, call witnesses, present evidence, and so forth. These protections are essential to protect the integrity of the process and promote public confidence in the

result. We encourage the Committee to adhere to fundamental and time-honored traditions of due process as we move forward.

Your letter also invites Mr. Stringer to comment on statements attributed to him in an article appearing in the *Arizona Daily Independent*, dated January 17, 2019, entitled Experience Drives Representative Stringer's Empathy for Criminal Justice Reform. The events reported date from 1983, decades ago. In response to your request, I can provide the following information. Mr. Stringer was represented by counsel in all court proceedings. He was not required to attend pretrial conferences. He had no direct contact with the State's Attorney's office and was not a party to his attorney's discussions with the State's Attorney leading up to the disposition of the case in January 1984. Mr. Stringer has no records of the case. He is now 71 years old. His memory of events occurring in 1983 is good but not infallible. However, to the best of his recollection after the passing of significant time, the article in the *Arizona Daily Independent* fairly and accurately sets forth what transpired.

In 1983, Mr. Stringer was a member of the District of Columbia Bar. The matter you are inquiring about was reviewed by Office of Bar Counsel for the Board of Professional Responsibility which regulates attorney conduct for members of the DC Bar. As you know, investigations involving attorneys are confidential and only released to the public when there is an adverse finding warranting attorney discipline. The DC Bar's investigation of Mr. Stringer has never been publicly released and it would be inappropriate to do so now. Indeed, we have been told they have no records of their investigation.

However, the Office of Bar Counsel has provided a copy of a letter issued May 29, 1984, outlining their review of Mr. Stringer's case. The letter indicates that Bar Counsel undertook a review of the proceedings in the Baltimore Circuit Court. The

letter states that their review of the “facts and circumstances of the case” and the application of relevant case law, “lead to the conclusion that *there was no involvement of moral turpitude such as would adversely affect your fitness to practice law.*” (emphasis added) The letter alludes to two misdemeanor offenses for which Mr. Stringer received Probation Before Judgment. There is no reference to pornography as either a pending charge or as part of the disposition. There is no indication that such a charge was ever prosecuted. In effect, Mr. Stringer was cleared by the DC Bar of any ethical violations and he was not subject to any form of disciplinary action.

Bar Counsel’s 1984 letter was written before the matter was expunged. Because it refers to matters that are now a legal nullity, it would be inappropriate to release it. However, if suitable arrangements can be made for a review of the letter in Executive session, we would likely be willing to allow members of the Ethics Committee or attorney’s representing the Committee to review the letter.

Mr. Stringer was not convicted of any criminal offenses. His case was resolved through Maryland law that has no direct parallel in Arizona law. It can best be likened to a form of diversion. Probation Before Judgment is not a conviction under Maryland law. It seems reasonable to infer that a disposition of this nature is only granted only in meritorious circumstances.

Mr. Stringer has always maintained his innocence. He accepted Probation Before Judgment in order to resolve the allegations against him without placing his career at risk. Subsequently, Mr. Stringer did in fact go on to a successful career as an attorney. In 1991 he was admitted to practice law in Maryland and in 1993 he was licensed as a CPA. In 2004 he was admitted to practice law in Arizona. All these professional licenses required extensive background checks. Mr. Stringer has now

been a practicing attorney for over forty years and has an unblemished record. He has never been subject to any form of attorney discipline and he remains an attorney in good standing in all three jurisdictions where he has been admitted to practice law.

In sum, Mr. Stringer has never pled guilty to a crime, has never been convicted of a crime, and has no criminal record. He has no legal or ethical disability that would disqualify him from serving in the Arizona House of Representatives. He enjoys broad support from his constituents. In November 2018, he was reelected to a second term in the legislature with the second highest vote count in the state for a House race.

Given these circumstances, we question whether the complaint concerning a 1983 arrest is an appropriate matter for an ethics investigation. Given the history of the matter, we question if there are any circumstances where a 35-year-old arrest that did not result in a conviction would be grounds for reversing an election and disqualifying an otherwise qualified legislator from completing the term to which he was elected? We encourage you to discuss the information provided herein with the complainants and offer them an opportunity to withdraw their complaint. In the alternative we respectfully request that the matter be dismissed.

Please regard this letter as a preliminary response. We look forward to responding to the complaint regarding Mr. Stringer's statements about immigration, race and diversity in our March 4<sup>th</sup> submission.

Many of the issues raised in this letter, particularly those relating to procedural questions, might best be resolved thru direct discussion between counsel.

I would welcome that opportunity. Please feel free to contact me at your convenience at my above address or phone number.

Sincerely,

*Carmen*

Carmen A. Chenal

MARYLAND



JUDICIARY

# EXPUNGEMENT



INFORMATION ABOUT REMOVING CRIMINAL  
RECORDS FROM PUBLIC ACCESS IN MARYLAND



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This guide is designed to give you pertinent information concerning the removal of criminal records from public access in Maryland and to help you understand the process of filing for expungement.

## **WHAT IS EXPUNGEMENT?**

---

Expungement is the removal of records from public inspection. In Maryland, records may be expunged from 1) Motor Vehicle Administration files, 2) police files and 3) court and police files. Each process removes very specific files and must be done through the proper agency. You must apply for expungement of each arrest based on the date of arrest and according to the disposition. **No process expunges the records from all agencies.**

### **MOTOR VEHICLE ADMINISTRATION (MVA)**

Many public driving records are automatically expunged, depending upon the offense for which you were convicted and the length of time since your last conviction. For additional information, contact the MVA at the following phone number: 1-800-950-1682.

### **POLICE RECORDS: WHEN NO CHARGES WERE FILED**

- **Effective 10/1/2007**, if you were detained by a police agency, but were released without being charged, records will automatically be expunged within 60 days after release.
- **Prior to 10/1/2007**, if you were detained by a police agency, but were released without being charged, records may exist in police files. To get these records expunged, contact the arresting agency and request an *Investigative Release Form*. Ask the agency for specific information on how its process works. Expungement must be requested within eight (8) years of incident date.

### **COURT/POLICE RECORDS MAY EXIST:**

- **If you have been arrested and charged** with a crime, including a traffic violation for which a term of imprisonment may be imposed.
- **If you have been charged** with a civil offense or infraction as a substitute for a criminal charge.

**Court records are not automatically expunged. To remove these records, you may file a petition for expungement with the court if:**

- You were found not guilty.
- You were found guilty of or not criminally responsible for certain nuisance crimes or specified misdemeanors.
- The charge was dismissed.
- The crime on which the conviction was based is no longer a crime.

- The charge resulted in probation before judgment (excluding charges of driving while under the influence or driving while impaired).
  - The State's Attorney did not prosecute (nolle prosequi) your charge.
  - The court indefinitely postponed your case (stet).
  - Your case was compromised.
  - You were convicted of only one non-violent criminal act and you were granted a full and unconditional pardon by the Governor.
  - You were convicted of a crime listed under Criminal Procedure Article § 10-110.
  - You were convicted of possession of marijuana under Criminal Law Article § 5-601.
- \*See § 10-105 and § 10-110 of the Criminal Procedure Article for additional information

## **WHEN CAN I FILE FOR EXPUNGEMENT?**

---

The waiting period required for filing a petition for expungement varies, depending on how your case was concluded and whether you file a *General Waiver and Release* (CC-DC-CR-078).

- If your petition is based on an **acquittal**, a **nolle prosequi**, or a **dismissal**, you may file a petition three (3) years after the disposition, or within three (3) years if you file a *General Waiver and Release* of all legal claims and lawsuits arising from the charge.
- If your petition is based on a **probation before judgment**, you may file:
  - ❖ three (3) or more years after probation was granted or discharged, whichever is later.
- If your petition is based on a **guilty verdict or a finding of not criminally responsible for a specified nuisance crime**, you may file:
  - ❖ three (3) or more years after the guilty conviction or satisfactory completion of the sentence, including probation, whichever is later.
  - ❖ three (3) years after finding of not criminally responsible under CP §§ 10-105(a)(9) and (a)(10).
- If your petition is based on a conviction of a crime and the act on which the conviction was based is no longer a crime, you can file at any time.
- If your petition is based on a **stet** or a **compromise**, you may not file within three (3) years of your cases's disposition.
- You may also petition the court for expungement at any time on a showing of good cause.

- If a person died before a disposition of a charge by nolle prosequi, dismissal, or a not guilty verdict, their attorney or personal representative may file on their behalf.
- If your petition is based on a conviction of a misdemeanor that is a violation under Criminal Procedure Article § 10-110 or an attempt, conspiracy, or solicitation of any offense listed, you may file 10 or more years after you satisfy the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.
- If your petition is based on a violation of Criminal Law Article § 3-203, common law battery, or an offense classified as a domestically related crime under Criminal Procedure Article § 6-233, you may file 15 or more years after you satisfy the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.
- If your petition is based on a conviction of Criminal Law Article § 5-601, you may file four (4) years after the later of the conviction or satisfactory completion of the sentence, including probation.

#### GENERAL WAIVER AND RELEASE

This form releases all persons and agencies from any claims regarding the arrest or detention. It must be filed in order to process an expungement, if it is less than three (3) years from the time your case was concluded.

#### **CASE INFORMATION**

---

##### **Who is the complainant?**

The person who, under oath, signs a statement establishing reasonable grounds to believe that some named person has committed a crime. In criminal cases, the complainant is usually a police officer or a citizen.

##### **How can I find the name of the complainant if I don't remember?**

The Maryland Judicial Case Search website -- <http://casesearch.courts.state.md.us/> may be helpful for finding case information. Not all information and/or parties involved may be available online.

##### **What is my tracking number?**

The assigned 12-digit number that identifies the defendant and incident throughout criminal proceedings.

##### **What is the disposition?**

The verdict given by the Judge at the conclusion of the trial/sentencing.

## PETITIONS FOR EXPUNGEMENT

---

### **Which version of the Petition should I file?**

There are two (2) versions of the Petition for Expungement:

- Complete **CC-DC-CR-072A** if your petition is based on an **acquittal** (found not guilty), **dismissal**, **probation before judgment**, **nolle prosequi**, **stet**, or **not criminally responsible** disposition.
- Complete **CC-DC-CR-072B** if your petition is based on a **guilty** disposition and the charge is eligible for expungement.

### **Can I include all my case numbers on the petition?**

A Petition for Expungement may include only the case numbers for one unit (see below for definition of "unit"), which may include both criminal and traffic charges. If the unit included both criminal and traffic charges, list all the case/citation numbers that apply to that unit.

### **Can the clerk help me complete the forms?**

No. The clerk may only provide public information from the computer and/or case file, such as case number(s), date of service, service agency, and disposition of charges.

### **What do you mean by a "unit"?**

According to Criminal Procedure § 10-107, a unit consists of two (2) or more charges, other than minor traffic violations, arising from the same incident, transaction, or set of facts.

### **Do I need an attorney?**

You may be represented by an attorney, but you are not required to do so. However, it may be useful to consult with an attorney if you have questions regarding disclosure, security clearances, immigration or naturalization, or other questions about expungements.

### **Does my expungement paperwork have to be notarized?**

No.

## WHAT DO THE DISPOSITIONS MEAN AND HOW DO THEY AFFECT EXPUNGEMENTS?

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Use the *Petition for Expungement of Records (Guilty Disposition)* (CC-DC-CR-072B) form for guilty dispositions.

### GUILTY VERDICT

A verdict convicting the defendant of the crime charged.

- Under Criminal Procedure § 10-105, a person is eligible to file for expungement if they were convicted of a crime and the act on which the conviction is based is no longer a crime or the crime is considered a nuisance crime under this statute.
- Under Criminal Procedure § 10-107, if a person is not entitled to expungement on one (1) charge or conviction in a unit, the person is not entitled to expungement of any other charge or conviction in the unit.
- Under Criminal Procedure § 10-110, over 100 misdemeanors are eligible for expungement based on certain waiting periods and if you are not charged with a crime at the time that you requested the expungement. For a list of expungeable offenses, please see the *List of Expungeable Charges under Criminal Procedure Article § 10-110* (CC-DC-CR-072G2).

### NOLO CONTENDRE (NOLO)

A plea in a criminal action having the same legal effect as a plea of guilty and on which the defendant may be sentenced.

Use the *Petition for Expungement of Records (Acquittal, Dismissal, Probation before Judgment, Nolle Prosequi, Stet, or Not Criminally Responsible Disposition)* (CC-DC-CR-072A) form for the following dispositions:

### DISMISSED

A ruling by a judge that all or some of the charges in a case are terminated (thrown out), without further evidence or testimony.

### NOT GUILTY (ACQUITTAL)

A judgment by a jury or judge that a defendant is not guilty of a crime as charged.

- Not guilty dispositions are not automatically expunged.
- If a General Waiver is submitted with the petition, you may petition the court to expunge a case that results in either a not guilty verdict or judgment of acquittal immediately after the disposition. If no General Waiver is submitted, the petition can be filed three (3) years after entry of disposition.

### PROBATION BEFORE JUDGMENT (PBJ)

Guilty verdict was stricken and probation was assigned; not a conviction if probation was successfully completed.

- Under Criminal Procedure § 10-105(c)(2), a PBJ can only be expunged after probation is discharged or three (3) years after probation was granted, whichever date is later.
- If your probation was discharged in less than three (3) years, you may file a motion for a good cause exception. The court will decide whether there is good cause to grant the expungement early.

### STET

A conditional stay of all further proceedings in a case. On motion of the State's Attorney, the court may indefinitely postpone trial of a charge by marking the charge "stet" on the docket.

- Under Criminal Procedure § 10-105 the waiting period to expunge the charge(s) that has been marked "stet" is three (3) years after the case was marked "stet" on the docket.
- If it has been less than three (3) years, you may file a motion for a good cause exception. The court will decide whether there is good cause to grant the expungement early.

### NOT CRIMINALLY RESPONSIBLE

A finding in a criminal case having the same legal effect, for expungement purposes, as a plea of guilty.

- Under Criminal Procedure § 10-105, a limited number of minor common nuisance crimes and certain misdemeanors can be expunged if the person was found not criminally responsible. You may not file a petition for expungement until three (3) years have passed since the finding of not criminally responsible.

### NOLLE PROSEQUI (NOL PROS)

A formal motion by a State's Attorney, indicating that the charge(s) will not be prosecuted.

- Nolle prosequi dispositions are not automatically expunged. You must file a Petition for Expungement of Records if you want this removed from court and law enforcement records.
- If the case was nolle prosequi and you were not served, you must still file for expungement. However, if a judge advises in court that such a case be expunged, a petition is not needed and there is no filing fee.

## WHEN ARE YOU NOT ENTITLED TO AN EXPUNGEMENT?

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You are not entitled to an expungement:

- In any case where a guilty finding was entered, except for: certain nuisance crimes under Criminal Procedure § 10-105(a)(9), possession of marijuana under Criminal Law Article § 5-601, and specified crimes under Criminal Procedure § 10-110.
- If you received a probation before judgment, **except** a probation before judgment for a crime where the act on which the conviction is based is no longer a crime, AND within three (3) years of the entry of the probation before judgment you have been convicted of another crime (other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime) OR
- If you are a defendant in a pending criminal proceeding.
- In civil cases, unless you were charged with a civil offense as a substitute for a criminal charge. Although ordinary civil cases cannot be expunged, you can ask that civil case information be shielded or that the case be sealed to remove it from public inspection. For information on this process see:  
<http://www.mdcourts.gov/district/selfhelp/accesstocourtrecords.html>
- In peace order and protective order cases. These civil proceedings are not covered under the expungement statute. Although peace and protective order cases cannot be expunged, you can ask the case information be removed from public inspection. For information on this process see:  
<http://www.mdcourts.gov/district/selfhelp/accesstocourtrecords.html>
- Of a disposition of probation before judgment or guilty for a violation of driving under the influence (DUI) or driving while impaired (DWI) (Transportation Article § 21-902, Criminal Law Article §§ 2-503, 2-504, 2-505, or 2-506, or former Article 27 § 388A or § 388B).
- If one charge in the unit is not eligible for expungement, the other charges in the unit are not eligible for expungement no matter what type of charges they are (criminal, traffic, boating violation, light-rail violation, etc.). However, because a related minor traffic violation that arises from the same incident is not considered part of the unit, the existence of related minor traffic charges will not affect whether other charges in the unit can be expunged.
- If you were charged with minor traffic offenses only. The court does not have authority to expunge minor traffic offenses. Only the MVA can expunge minor traffic offenses.
- A conviction that has been shielded under Criminal Procedure §§ 10-301 through 10-306 may not be considered a conviction for purposes of expungement.

## PARDONS

---

A pardon is an act of clemency in which the Governor, by order, absolves the grantee from the guilt of the grantee's criminal acts and exempts the grantee from any penalties imposed by law for those criminal acts. If you want to clear your record of a guilty charge that is currently not eligible, you must call the Parole Commissioner's Office to request a packet for a pardon. The granting of a pardon for an individual's criminal conviction does not automatically expunge the record of the conviction. Criminal Procedure Article § 10-105(c)(4) provides that a petition for expungement based on a full and unconditional pardon by the Governor may not be filed later than 10 years after the pardon was signed by the Governor. For more information regarding pardons contact the Parole Commission directly: 6776 Reisterstown Road #307, Baltimore, MD 21215 1-877-241-5428 (toll free) or 410-585-3200 <http://dpscs.maryland.gov/about/FAQmpc.shtml#pardon>

## COST OF EXPUNGEMENT

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**Form CC-DC-CR-072A.** There is no charge to expunge a verdict of acquittal, dismissal, probation before judgment (PBJ), nolle prosequi, stet, or not criminally responsible disposition.

**Form CC-DC-CR-072B.** The filing fee is \$30 and is nonrefundable, even if denied. The fee is for each case (not for each charge related within a unit of the case). If you cannot afford the fee, you may request that the court waive the filing fee.

## JUVENILE RECORDS

---

As of October 1, 2014, juvenile records (a court record and police record concerning a child alleged or adjudicated delinquent or in need of supervision, or who has received a citation for a violation) may be expunged under certain circumstances. You may petition for expungement in the juvenile court if you meet the conditions set out in Courts & Judicial Proceedings Article, § 3-8A-27.1. You may file for expungement of the adult criminal record if the original charge was transferred to the juvenile court (Criminal Procedure § 4-202) or was transferred at sentencing (CP § 4-202.2). Petitions for expungement of adult criminal charges that have been transferred to the juvenile court must be filed in the court of original jurisdiction. Contact the **Juvenile Division** of the Circuit Court for more information.

## HOW DO I FILE FOR EXPUNGEMENT?

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1. Obtain a *Petition for Expungement of Records (Acquittal, Dismissal, Probation before Judgment, Nolle Prosequi, Stet, or Not Criminally Responsible Disposition)* (CC-DC-CR-072A), *Petition for Expungement of Records (Guilty Disposition)* (CC-DC-CR-072B), and the *General Waiver and Release* (CC-DC-CR-078), if necessary, at any District or Circuit Court. (Forms available online at: [www.mdcourts.gov](http://www.mdcourts.gov))
2. You will need to know the case number, date that you were arrested, summoned, or cited; the law enforcement agency that took the action; the offense with which you were charged; and the date your case was disposed.
3. Complete the forms and file with the clerk. Include an extra copy for the State's Attorney and each law enforcement agency named in the petition. You must file in the court in which your case was concluded.
4. Pay the nonrefundable filing fee (applicable only to guilty dispositions).

## HOW LONG DOES IT TAKE?

---

The process should take approximately 90 days from the time you file your petition, unless there is an objection or appeal. If the State's Attorney and/or the law enforcement agencies object to your petition, the court shall hold a hearing and will notify you to attend.

If the State's Attorney and the law enforcement agencies do not object within 30 days of receiving the petition, the court shall pass an order requiring the expungement of all police and court records about the charges. The court will notify you that your petition has been granted or denied.

*The expungement process cannot be expedited or "fast tracked" through the system. All cases are handled in exactly the same manner. There are no exceptions.*

After the court orders are sent to each required agency, each agency has **60 days from receipt** to comply with the court order. You will receive a Certificate of Compliance in the mail to notify you that your expungement has been completed. Until you receive your Certificate of Compliance from each agency listed on your petition, do not assume that your records have been expunged.

### **Can an expungement be denied?**

Yes.

### **Who do I call if I have a question about an expungement?**

Call the clerk's office where you filed the expungement. The clerks can provide information about the court process, but cannot give legal advice. For legal advice, consult an attorney. The clerk may not be able to provide specific information as to where in the process your expungement stands.

### **What can I do after the petition is denied by the Judge at the hearing?**

You may file an appeal within 30 days of the denial.

### **How will I be notified about the answer to the petition?**

The petitioner or attorney, whoever filed the petition, may receive an answer from the State's Attorney in the mail 30 days from the receipt of the petition. In some jurisdictions, the State's Attorney may not answer at all. According to the Maryland Rules, a failure to file an answer constitutes agreement.

### **Why does the expungement process take so long?**

Maryland expungement laws (Criminal Procedure §§ 10-101 to 10-110) set specific time requirements for the various phases of an expungement. The entire process will take approximately 90 days from the date of filing, but could take more time.

## **CERTIFICATES OF COMPLIANCE**

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### **What can I do if I do not receive a copy of all the certificates of compliance?**

First, contact the agency or agencies directly that you have not received certificates from. Then, contact the court to see if they have received certificates from those agencies. As a last resort, file a lawsuit against the state agency if they disseminate the information. The clerk can provide information about the court process, however you may want to seek the assistance of a lawyer before filing a lawsuit.

### **I just received a copy of the court order and certificate of compliance from the courts. Does this mean I am clear to apply for a job or adopt?**

No, this is only your certification that the court has complied with the order and notified the parties on the form. Until you have received a compliance letter from each of the listed parties on the court order, do not assume that your record has been cleared of the petitioned charge.

## **EXPUNGEMENT ORDER**

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### **How long should I keep my copy of the Expungement Order?**

Keep these documents **FOREVER**.

### **What does it mean when I receive an Order for Expungement of Police and Court Records and Certificate of Compliance?**

It means that a particular agency has complied with the expungement order.

### **Will the public still be able to view records on case search after the record is expunged?**

No.

### **If my record is expunged, can I come in again and get a copy if I lost all the paperwork?**

You can petition the court to have the case reopened. However, three (3) years after the expungement has been granted, the file is shredded.

### **Why does my record still show on other databases after it has been expunged from the Court's system?**

Each entity (courts, arresting agency, parole and probation, Criminal Justice Information Services (CJIS), Federal Bureau of Investigation (FBI), etc.) has its own stand alone database for which it is responsible. Since these databases are not connected, each entity will expunge their own database. Once CJIS expunges the record in Maryland's Central Repository, which is done within 60 days of the court order, the FBI will be notified to expunge their database.

Even after a record has been expunged, it may continue to be visible to individuals performing background checks. Some companies and agencies download case information and retain it for a long period of time. If they have access to older data, they may find the information which has since been expunged. If you are asked about expunged information, you may need to provide a copy of the court order to prove the record has been expunged.

## **MUST I DISCLOSE EXPUNGED CHARGES?**

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According to Maryland law, Criminal Procedure § 10-109:

Disclosure of expunged information about civil citations and criminal charges in an application, interview, or other means may not be required by an employer or educational institute.

A person need not refer to or give information concerning an expunged charge when answering a question concerning a criminal charge or civil citation that did not result in a conviction or that the Governor pardoned.

Refusal by a person to disclose information about criminal charges that have been expunged may not be the sole reason for an employer to discharge or refuse to hire the person.

Despite these provisions, you may be required to disclose information about expunged cases in certain situations not governed by Maryland law. Consult with an attorney if you need advice about how to comply with the law.

## **AMENDED PETITIONS**

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**What are the procedures for filing an expungement in circuit court (or other agencies) after District Court has received/processed the paperwork?**

Per Rule 4-506, the application, petition, or answer may be amended by the Petitioner in the manner prescribed by Rule 2-341.

Unless the court orders otherwise, a party filing an amended pleading must file a comparison copy of the amended pleading. Language that is stricken should be lined through or enclosed in brackets (ex: ~~old language~~ or [old language]). The new language should be underlined or in boldfaced type (ex: new language or **new language**). The clerk will resubmit the amended petition to the agency.

## **CJIS RELATED QUESTIONS**

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**How long will it take before it will not show on a record check?**

If the employer does the record check through the Criminal Justice Information Systems – Central Repository (CJIS-CR) system, it will not show on the record after CJIS has complied with the order and finished processing the expungement.

**Once my case is expunged, will it still be on my background check?**

No, once CJIS has complied with the order and finished processing the expungement it will not show on your record in the CJIS system.

**If I have received my Certificates of Compliance, why does the FBI still show that I have a record?**

The courts do not process expungements for the FBI's system. Once CJIS expunges the record in Maryland's Central Repository, which is done within 60 days of the court order, the FBI will be notified to expunge their database.

**Why is my case still showing up in CJIS after four months?**

CJIS handles expungements for the entire State of Maryland. The volume of expungement requests that CJIS processes is much greater than that of individual jurisdictions, and expungements are processed in the order received.

**I recently had a background check done through my job and the charge that I had expunged still appears. What do I do?**

If the record check was not processed through the State of Maryland, you must go back to your company and have them do a fingerprint supported check through CJIS to receive an accurate record check.

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## **HELPFUL SUGGESTIONS**

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**The following suggestions will help you succeed with an expungement:**

- Make sure that you have completed the expungement petition completely and accurately with your full name, including any alias that you used at the time of arrest, date of birth, and current address.
- Request to have a background check done through CJIS-CR if you are not sure of dates of arrest and occurrences. This will also allow you to see what is on your criminal history.
- After the expungement process is completed and all Certificates of Compliance have been received, have a background check done. This is to double check that the expungement was done as well as check for any other occurrences that may appear.
- Ensure that you have filed at the appropriate time and not too soon. Filing too soon will cause the expungement to be denied. The \$30 filing fee is nonrefundable, even if denied.
- Make sure you are filing in the appropriate court jurisdiction (District or Circuit) because filing in the wrong jurisdiction can delay your case from being expunged from the State of Maryland in a timely manner. If your case was appealed to a higher court, that is where you need to file.
- Make sure you keep copies of all your court papers, the expungement documents, and the expungement order since they may be needed for future reference. Once the case has been expunged, all documents pertaining to the case will be destroyed.

## LIMITING ACCESS TO COURT RECORDS

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Expungement completely removes a criminal case from public inspection. Although your court record may not be eligible for expungement, there are certain instances in which you may be able to ask the court to keep some or all information in a case private. There are several different ways that information contained in a court record can be removed from public inspection: certain information in a record can be shielded, the record can be sealed, or the record can be expunged, depending on your situation.

For more information see:

<http://www.mdcourts.gov/district/selfhelp/accesstocourtrecords.html>

## EXPUNGEMENT AGENCY CONTACT INFORMATION

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**Circuit Court:** located in every county. For more information see:

<http://mdcourts.gov/circuit/index.html>

**District Court:** For more information see:

<http://mdcourts.gov/district/index.html>

**Motor Vehicle Administration (MVA):** For more information call 1-800-950-1MVA or see:

<http://www.mva.maryland.gov/>

**Criminal Justice Information System (CJIS)** of the Department of Public Safety & Correctional Services collects and maintains criminal records. For information, call

Toll free 1-888-795-0011 or see:

<http://dpscs.maryland.gov/agencies/itcd.shtml>

Individuals can check their own criminal history by visiting their local police barracks to request an individual review. You will be fingerprinted and your fingerprint identification will be sent to the:

**CJIS Central Repository (CJIS-CR)**

**P.O. Box 32708**

**Pikesville, MD 21282-2708**

Once received, CJIS will then process the results and mail them back to you.





If you have further questions about the expungement law, please see Criminal Procedure Article §§ 10-101 to 10-110. You may wish to consult an attorney to determine how the law applies to your situation. The Maryland Courts Self-Help Centers provide free limited legal services for people who are not represented by a lawyer. See: <http://www.mdcourts.gov/selfhelp>

**For more information**, visit the Judiciary website at:



**<http://www.mdcourts.gov>**

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*It is the mission of the Maryland Judiciary to provide equal and exact justice for all who are involved in litigation before the court.*

Information contained in this brochure is subject to unscheduled and unannounced revisions. Any reproduction of this material must be authorized by the Office of Communications and Public Affairs of the Maryland Judiciary.

**Kanefield, Joseph A. (PHX)**

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**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Tuesday, February 26, 2019 12:06 PM  
**To:** Carmen chenal  
**Subject:** Re: preliminary response

Got it. Thanks for letting me know.

Sent from my iPad

On Feb 26, 2019, at 11:55 AM, Carmen chenal <[carmenchenallaw@gmail.com](mailto:carmenchenallaw@gmail.com)> wrote:

**△ EXTERNAL**

Dear Mr. Kanefield,

You will have our preliminary response in just a few minutes.

Best, Carmen

*Carmen A. Chenal, Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale ,Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

## Kanefield, Joseph A. (PHX)

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**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Tuesday, February 26, 2019 2:13 PM  
**To:** Carmen chenal  
**Subject:** RE: Representative Stringer's Preliminary Response

Received. Thank you Carmen.

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | kanefieldj@ballardspahr.com  
LINKEDIN | VCARD

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

**From:** Carmen chenal <carmenchenallaw@gmail.com>  
**Sent:** Tuesday, February 26, 2019 12:53 PM  
**To:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Subject:** Representative Stringer's Preliminary Response

**EXTERNAL**

Dear Joe,

Attached is our preliminary response. Thank you for all your cooperation. Also attached is the Maryland expungment brochure referenced in my letter. Please call me anytime to discuss. My cell is 480-612-1452.

All my best,  
Carmen

*Carmen A. Chenal, Esq.*

**CHENAL LAW FIRM PLLC,**

7272 E. Indian School, Suite 540, Scottsdale, Arizona 85251

Tel: [480-207-5180](tel:480-207-5180), Fax: [480-207-5101](tel:480-207-5101),

Email: [Carmenchenallaw@gmail.com](mailto:Carmenchenallaw@gmail.com)

**Kanefield, Joseph A. (PHX)**

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**From:** Carmen Chenal <carmenchenallow@gmail.com>  
**Sent:** Friday, February 22, 2019 2:11 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Re: Rep. Stringer Matter

**⚠ EXTERNAL**

Thank you Joe. Looking forward to working with you. Hope you have a great weekend and you will here from me before Tuesday noon.

Sent from my iPhone

On Feb 22, 2019, at 12:55 PM, Kanefield, Joseph A. <[KanefieldJ@ballardspahr.com](mailto:KanefieldJ@ballardspahr.com)> wrote:

Good morning Carmen. It was a pleasure speaking with you the other day regarding the House Ethics Committee matter involving your client Representative David Stringer. I met with my client this morning and we discussed your request for an extension of time to respond to our letter to you dated February 13, 2019. In that letter we invited you to submit any evidence that you or Rep. Stringer may have regarding the complaints against him or his statements as reported in The Arizona Daily Independent on January 16, 2019. As you requested, you may have until March 4, 2019, to respond to this portion of the letter. We also asked in our letter if Rep. Stringer will consent to the opening, review, or disclosure of expunged records in Maryland. You may have until Tuesday, February 26, 2019, to respond to this request. We would very much appreciate hearing back from you before noon on Tuesday.

Please let me know if you have any questions. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**

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1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5468 DIRECT  
602.798.5595 FAX

602.625.6223 MOBILE | [kanefieldj@ballardspahr.com](mailto:kanefieldj@ballardspahr.com)  
LINKEDIN | VCARD

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[www.ballardspahr.com](http://www.ballardspahr.com)

## Kanefield, Joseph A. (PHX)

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**From:** Kanefield, Joseph A. (PHX)  
**Sent:** Friday, February 22, 2019 12:56 PM  
**To:** 'carmenchenallaw@gmail.com'  
**Subject:** Rep. Stringer Matter

Good morning Carmen. It was a pleasure speaking with you the other day regarding the House Ethics Committee matter involving your client Representative David Stringer. I met with my client this morning and we discussed your request for an extension of time to respond to our letter to you dated February 13, 2019. In that letter we invited you to submit any evidence that you or Rep. Stringer may have regarding the complaints against him or his statements as reported in The Arizona Daily Independent on January 16, 2019. As you requested, you may have until March 4, 2019, to respond to this portion of the letter. We also asked in our letter if Rep. Stringer will consent to the opening, review, or disclosure of expunged records in Maryland. You may have until Tuesday, February 26, 2019, to respond to this request. We would very much appreciate hearing back from you before noon on Tuesday.

Please let me know if you have any questions. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

1 East Washington Street, Suite 2300  
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# Supreme Court

STATE OF ARIZONA  
ADMINISTRATIVE OFFICE OF THE COURTS

Scott Bales  
Chief Justice

David K. Byers  
Administrative Director  
of the Courts

February 21, 2019

Joseph A. Kanefield  
Roy Herrera  
Ballard Spahr  
1 East Washington Street, Suite 2300  
Phoenix, Arizona 85004-2555

Re: Arizona House Ethics Committee Investigation of Rep. David Stringer

Dear Mr. Kanefield and Mr. Herrera:

We have received your request for records and information concerning Representative David Stringer's application to practice law in the State of Arizona. The Administrative Office of the Courts does not have copies of Representative David Stringer's application for admission to practice law, as such records were destroyed pursuant to an established document retention policy.

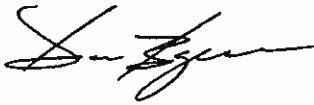
With respect to your specific requests, we have the following responses.

- 1) We have no copy of Rep. Stringer's Character and Fitness Application, as it has been destroyed pursuant to the Supreme Court's Retention Policy. The pertinent section is attached and marked as Exhibit A.
- 2) We do not have a record indicating when the Application was filed, or when it was destroyed.
- 3) We are providing a copy of the question you referenced in the third portion of your request, as it appeared on the Application, at the time Representative Stringer applied for admission. [See Exhibit B] We are

also providing the form that applicants are to complete if answering "yes".

Additionally, we do have a copy of the Roll of Practicing Attorneys with David Stringer's signature on the date of his enrollment, January 6, 2004. This is a public record. [See Exhibit C].

Sincerely,

A handwritten signature in black ink, appearing to read "David K. Byers", written in a cursive style.

David K. Byers, Director  
Administrative Office of the Courts  
Arizona Supreme Court

DB:tl  
Enclosures

cc: Representative David Stringer

# EXHIBIT A



IN THE SUPREME COURT OF THE STATE OF ARIZONA

---

In the Matter of:	)	
	)	
RECORD RETENTION SCHEDULE	)	Administrative Order
FOR USE BY THE ADMINISTRATIVE	)	No. <u>2010 - 114</u>
OFFICE OF THE COURTS, OFFICE OF	)	(Repealing and Replacing
THE CHIEF JUSTICE, AND SUPREME	)	Administrative Order
COURT STAFF ATTORNEYS	)	No. <u>99-81</u> )

---

In accordance with Rule 29, Rules of the Supreme Court, the Supreme Court shall adopt, by administrative order, retention and disposition schedules identifying the length of time court records must be kept prior to destruction.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the attached records retention and disposition schedule is approved and shall be used by the Administrative Office of the Courts, Office of the Chief Justice, and Supreme Court Staff Attorneys pursuant to Rule 29, Rules of the Supreme Court.

IT IS FURTHER ORDERED that Administrative Order No. 99-81, entered on December 29, 1999, is repealed and replaced by the attached schedule.

Dated this 10<sup>th</sup> day of November, 2010.

---

REBECCA WHITE BERCH  
Chief Justice

**Arizona Supreme Court  
Record Retention and Disposition Schedule  
for use by the  
Administrative Office of the Courts, Office of the Chief Justice  
and Supreme Court Staff Attorneys**

**A. Definitions**

“Historically Significant” means a record concerning a unique or controversial issue, prominent party, or other high profile or newsworthy aspects.

“Records” means any documentary materials, regardless of physical form or characteristic, such as electronic records, email, and information or images maintained in database or electronic document repository.

“Reference Value” means the value a record may serve in providing historical, legal, financial, legislative, or other background on an issue such as history of an on-going program; receipt of notice; or facts and opinions underlying a purchase or policy decision.

“Retention Period” means the period of time during which records must be kept before they may be disposed of, usually a period of years and sometimes contingent upon an event.

**B. Transfer to State Archives.** The administrative director shall transfer records assigned a permanent retention period to the Director of the Arizona State Library Archives and Public Records (ASLAPR) on an agreed schedule, in recognition of A.R.S. § 41-1347.

**C. Retention and Disposition Schedule.** The administrative director, office of the chief justice, and supreme court staff attorneys shall retain and dispose of the records maintained by their respective offices according to the following schedule:

<b>CERTIFICATION AND LICENSING DIVISION</b>		
<b>Record Category</b>	<b>Retention Period</b>	<b>Remarks</b>
<b>A. Admissions (Admission of Attorneys to the Practice of Law)</b>		
• Applicant Files	7 Years	After calendar year of last activity or admission
• Applicant Files for Conditional Admittees (Character Report, MAP evaluations, Committee on Character & Fitness Findings of Fact and Conclusions of Law; Court Order)	50 Years	After calendar year of last activity or admission
• Applicant Hearing Transcripts - Admitted Applicants	30 Days	After appeal period expires
• Applicant Hearing Exhibits - Admitted Applicants	-	Return to party after appeal period expires
• Applicant Hearing Materials - Applicants not Admitted (including transcripts and exhibits)	7 Years	After calendar year of hearing
<b>B. Disciplinary Clerk (Discipline of Attorneys)</b>		
• Formal Discipline Files (original and amended - complaints, answers, direct agreements, consent documents, joint memoranda and tender of admissions and agreement for discipline by consent, probable cause determinations, HO reports, DC reports, final orders/ presiding disciplinary judge's orders)	50 Years	After calendar year that discipline action is completed
• Formal Discipline Transcripts	30 Days	Discard after appeal period expires
• Formal Discipline Exhibits	-	Return to party after appeal period expires
<b>C. Private Process Server Program</b>		
• Complaints/Disciplinary Action Materials	50 Years	After calendar year received
<b>D. Certification/Licensing Programs (Confidential Intermediary, Certified Reporters, Fiduciaries, Defensive Driving, and Legal Document Preparers)</b>		
• Certification/Licensing Files (applications, renewals)	5 Years	After calendar year certificate expires or date of last activity, ACJA § 7-

<b>CERTIFICATION AND LICENSING DIVISION</b>		
<b>Record Category</b>	<b>Retention Period</b>	<b>Remarks</b>
		201(E)(4)(b)
• Fingerprint Cards	-	Discard after FBI report received
• Criminal History Report for Certificate Holders	1 Year	After calendar year certificate is granted
• Criminal History Report for Applicants not Certified	1 Year	After calendar year applicant's appeal period expires or appeal is concluded
• Complaint Files (complaint, response, summary and analysis, probable cause order, notice of formal charges, and Board's final order)	50 Years	After calendar year Board's final order is issued
• Administrative Hearing Materials (hearing officer's recommendation and report and transcripts)	50 Years	After calendar year Board's final order is issued
• Exhibits, Notices of Appointment of Hearing Officer, Notice of Hearing Dates, Motions	1 Year	After calendar year appeal period expires or appeal is concluded
• Audit/Monitoring/Compliance Final Report	Permanent	
• Audit/Monitoring/Compliance Working Papers	1 Year	After corrective action detailed in the final report
• Finalization Records for Confidential Intermediaries	100 Years	After calendar year of the adoption order; A.R.S. §§ 8-116 & 8-121; ACJA §§ 7-203 & 3-402. Transfer to State Archives after retention period expires.
• Defensive Driving Offender Eligibility Records	30 Months	After date of violation, A.R.S. § 28-3392(B)
• Defensive Driving Remittance Forms and Reports	30 Months	After calendar year received
<b>E. Miscellaneous Records – all Programs</b>		
• Administrative Materials	7 Years	After fiscal year created or received
• Lists of current certificate holders and licensees	TBD	TBD
• Training Manuals/materials	3 Years	After discontinued or until superseded
• Examinations	3 Years	After last date administered or until superseded

# EXHIBIT B

**QUESTION REGARDING CRIMINAL ACTIVITY FROM 2003-2004 APPLICATION FOR ADMISSION TO  
PRACTICE LAW IN THE STATE OF ARIZONA.**

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26. Have you either as an adult or a juvenile, ever been served with a criminal summons, questioned, arrested, taken into custody, indicted, charged with, tried for, pleaded guilty to or been convicted of, or ever been the subject of an investigation concerning the violation of, any felony or misdemeanor? (In answering this question, include all incidents, no matter how trivial or minor the infraction or whether guilty or not, whether expunged or not).      Yes    No

If yes, complete FORM 14, provide copies of any and all relevant documents, including but not limited to the arresting officer's report, complaint, indictment, trial disposition, sentence (and appeal, if any).

---

To be used with Question 26

**FORM 14 / RECORD OF CRIMINAL CASES**

Name \_\_\_\_\_  
                    First                      Middle                      Last                      /                      Social Security Number

Date of incident (or time period involved) \_\_\_\_\_

Location \_\_\_\_\_  
  City                      County                      State

Title of complaint or indictment \_\_\_\_\_

\_\_\_\_\_

Criminal Number \_\_\_\_\_

Brief description of incident \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Name and address of law enforcement agency involved:**

Name of law enforcement agency \_\_\_\_\_

Address \_\_\_\_\_ Suite \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

**Name and complete address of court involved:**

Name of court \_\_\_\_\_

Address \_\_\_\_\_ Suite \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Date first heard \_\_\_\_\_

Charge(s) at time of arrest \_\_\_\_\_

Charge(s) at time of trial \_\_\_\_\_

Date of final disposition \_\_\_\_\_

Final disposition \_\_\_\_\_

\_\_\_\_\_

Attach copies of the following documents:  
From Law Enforcement Agency (Police): police officer's report  
From Court of record: complaint, indictment, disposition, sentence (and appeal, if any).

# EXHIBIT C

Supreme Court, State of Arizona  
 Roll of Practicing Attorneys

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Arizona. I will maintain the respect due to courts of justice and judicial officers. I will not consent to maintain any suit or proceeding which shall appear to me to be unjust. I will not assist any attorney, judge or clerk in any suit or proceeding which I will never seek to instigate the law of the land. I will employ for the purpose of maintaining the cases confided to me such means only as are consistent with truth and honor. I will never seek to mislead the judge or jury by any misstatement or concealment with my client's business except from my client or with my client's knowledge and approval. I will accept no compensation or connection in connection with my client's business except from my client or with my client's knowledge and approval. I will remain from all offensive conduct. I will not advance any fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause for which I am charged. I will never reject from any consideration personal to myself, the cause of the defenseless or oppressed, nor will I delay any person's cause for greed or malice. I will at all times faithfully and diligently adhere to the rules of professional responsibility and a lawyer's creed of professionalism of the State Bar of Arizona.

NAME	DATE OF ENROLLMENT	RESIDENCE	AGE	BIRTH PLACE	REMARKS
Smith, Stephen Darrell	12/16/05	Phoenix AZ	39	Illinois	
Smith, Stacy Ann	12/16/05	Phoenix AZ	35	Kentucky	
Steadman, Timothy Kayne	12/16/05	Phoenix AZ	29	Utah	
Sullivan, Robert Thomas Aquinas	11/22/03	Tempe AZ	31	Arizona	Admitted by out of state oath
Sedwick, Whitney M.	11/22/03	Riverside, RI	27	Alaska	Admitted by out of state oath
Stringer, David H.	1-0-04	Scottsdale AZ	56	Andrews	
Schmidt, Eric William	3-10-04	Scottsdale AZ	32	Alaska	
Stuckey, Tracy Rae	2-10-04	Phoenix AZ	32	Alaska	
Reed, Susette Dawn	3/2/02	North Pole, AK	31	Idaho	Admitted by out of state oath

**Kanefield, Joseph A. (PHX)**

---

**From:** Preston, Nina <NPreston@courts.az.gov>  
**Sent:** Thursday, February 21, 2019 9:35 AM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Format for Response to Records Request

**⚠ EXTERNAL**

Good morning Mr. Kanefield,

I am assisting with the preparation of the AOC response to the records request you made on February 19, 2019. Mike Baumstark, Deputy Director, asked that I confirm our method of response with you. Once our response is complete we intend to send a letter to you both by e-mail and regular mail. Will that work for you?

Thank you in advance for your response,

Nina Preston  
Assistant Counsel, Legal Services Office  
Administrative Office of the Courts  
Arizona Supreme Court

## Kanefield, Joseph A. (PHX)

---

**From:** Kanefield, Joseph A. (PHX) <KanefieldJ@ballardspahr.com>  
**Sent:** Tuesday, February 19, 2019 4:21 PM  
**To:** dbyers@courts.az.gov  
**Cc:** Herrera, Roy (PHX); Mark S. Kokanovich (kokanovichm@ballardspahr.com); Vicki Morgan (PHX) (morganv@ballardspahr.com)  
**Subject:** Letter re: House Ethics Committee  
**Attachments:** 2019.02.19 Letter to D. Byers re Rep Stringer Investigation DMWEST\_36697089(1).PDF

Dave, as we discussed last week, please find attached our letter on behalf of the Arizona House of Representatives Ethics Committee, requesting records related to Representative David Stringer. Please let me know if you have any questions. Take care,

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

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602 798.5595 FAX

602.625.6223 MOBILE | [kanefieldj@ballardspahr.com](mailto:kanefieldj@ballardspahr.com)  
LINKEDIN | VCARD

-----  
[www.ballardspahr.com](http://www.ballardspahr.com)

## Kanefield, Joseph A. (PHX)

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**From:** Carmen Chenal <carmenchenallaw@gmail.com>  
**Sent:** Wednesday, February 13, 2019 11:19 AM  
**To:** Hart, Tasha (PHX)  
**Cc:** Kanefield, Joseph A. (PHX); Herrera, Roy (PHX)  
**Subject:** Re: Correspondence re Rep. David Stringer

### ⚠ EXTERNAL

I am in receipt of Mr. Kanefield's letter and will respond on behalf of Representative Stringer.

Best,  
Carmen Chenal

Sent from my iPhone

On Feb 13, 2019, at 9:21 AM, Hart, Tasha <[HartT@ballardspahr.com](mailto:HartT@ballardspahr.com)> wrote:

Dear Counsel,

Please find the attached letter of this date from attorneys Joseph Kanefield and Roy Herrera.

Thank you,

**Tasha M. Hart**  
*Paralegal*

**Ballard Spahr**  
LLP

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1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
602.798.5448 DIRECT  
602.798.5595 FAX

[hartt@ballardspahr.com](mailto:hartt@ballardspahr.com)  
VCARD

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[www.ballardspahr.com](http://www.ballardspahr.com)

<2018-02-13 Letter to C. Chenal re Arizona House Ethics Committee Investigation of Rep. David Stringer.pdf>

1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
TEL 602.798.5400  
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Joseph A. Kanefield  
Tel: 602.798.5468  
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kanefieldj@ballardspahr.com

Roy Herrera  
Tel: 602.798.5430  
Fax: 602.798.5595  
herrera@ballardspahr.com

February 13, 2019

Carmen A. Chenal  
Chenal Law Firm, PLLC  
7272 E. Indian School Road, Suite 566  
Scottsdale, AZ 85251

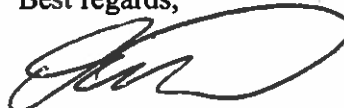
Re: Arizona House Ethics Committee Investigation of Rep. David Stringer

Dear Ms. Chenal:

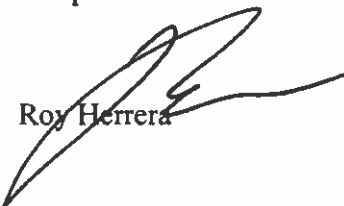
We are writing to you in connection with the Arizona House of Representatives Ethics Committee Investigation regarding complaints against Rep. David Stringer. We have been retained to assist the Committee with its investigation, and it is our understanding that Rep. Stringer is your client. As we are gathering material to present to the Committee, we invite you to submit any evidence that you or your client may have to us regarding the complaints against him or regarding his statements as reported in The Arizona Daily Independent on January 16, 2019.

We also request that you inform us whether your client will consent to the opening, review, or disclosure of expunged records under Maryland Code of Criminal Procedure § 10-108. We would appreciate your cooperation as we work to present information to the Committee as it considers how to proceed. We request that you provide a response to our letter by February 22, 2019. If you or your client need additional time to respond to this letter, please let us know, and we will attempt to accommodate your request.

Best regards,



Joseph A. Kanefield



Roy Herrera

JAK/mtg

## Kanefield, Joseph A. (PHX)

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**From:** Josh Kredit <jkredit@azleg.gov>  
**Sent:** Wednesday, February 6, 2019 10:25 AM  
**To:** Hart, Tasha (PHX)  
**Cc:** Kanefield, Joseph A. (PHX); Kokanovich, Mark (PHX)  
**Subject:** FW: Concerning Stringer & Baltimore MD

### △ EXTERNAL

FYI.

**Josh Kredit**  
Director of Policy & General Counsel  
Arizona House of Representatives  
1700 West Washington  
Phoenix, AZ 85007  
602.926.5544



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**From:** Thomas T.J. Shope  
**Sent:** Friday, February 1, 2019 8:31 AM  
**To:** Josh Kredit <jkredit@azleg.gov>  
**Subject:** FW: Concerning Stringer & Baltimore MD

---

**From:** Erol G <[REDACTED]>  
**Sent:** Thursday, January 31, 2019 5:16 PM  
**To:** Thomas T.J. Shope <tshope@azleg.gov>  
**Cc:** Rosanna Gabaldon <rgabaldon@azleg.gov>; [mark.napier@sheriff.pima.gov](mailto:mark.napier@sheriff.pima.gov); [ops@sheriff.pima.gov](mailto:ops@sheriff.pima.gov)  
**Subject:** Concerning Stringer & Baltimore MD

To whom it may concern:

The State of MD struggled with the Child Molesting problem, Fathers Spillane was not required to go through any treatment.

Even sadder Mr Stringer is claiming innocence as the Arizona Republican Party and Sheila Polk continue their relentless engagement in For Profit Cannabis Fraud.

"The Rev. Michael Spillane, 59, admitted to molesting the youths while working in the parishes of the Baltimore Archdiocese from 1969 to 1986."

It is possible Tom Miller of Elizabeth Anne Seton knows of Mr Stringers crimes, I know this as I spent time working with Tom Miller before the news of Fathers Spillane was released.

[http://www.bishop-accountability.org/news3/2002\\_06\\_05\\_MarylandGazette\\_PriestIn\\_Michael\\_J\\_Spillane\\_3.htm](http://www.bishop-accountability.org/news3/2002_06_05_MarylandGazette_PriestIn_Michael_J_Spillane_3.htm)

Tom Miller and I spent time documenting Todd Hibler's drug business for his father in Law Enforcement before I left MD to move to Tucson for the 2<sup>nd</sup> time. Tom Miller was aware of my disability and also new Cannabis was a medicine. Tom was happy it would be easier to get in Arizona. As that year the DEA had written a 69 page paper clearly illustrating it helped patients like me and many others. (That 69 page paper has been share with the AZ Legislative body every year since 2011, none of you seem to care) Did a FBI presentation on Drugs to Troop 115 before I left.

11/8/1989

Lt. Col. Russell Hibler and his wife, Suzanne, both psychologists employed at the government's super-secret security agencies, appear to be unlikely suspects for involvement in a major drug distribution network.

But when police, acting on tips from informants, raided the Hibler family home last week with an arrest warrant for the Hiblers' son, they arrested the parents and their two children on charges of intent to distribute drugs. The family was arrested after police found \$780,000 worth of marijuana, cocaine and hashish, an assortment of weaponry, including an Uzi submachine gun and an AK-47 assault rifle, and \$70,000 in cash.

The arrests stunned residents of Crofton, about 20 miles east of Washington. The planned community of 2,500 homes is about as far from the drug-infested streets of America's capital as any government employee could conveniently live.

<https://www.chicagotribune.com/news/ct-xpm-1989-11-08-8901290081-story.html>

Please confirm this was received. Please confirm you are sincere and are fully examining Mr Stringers past, I do think Tom Miller might know him and of this history.

Have zero faith in the Arizona Legislative Body, Stringers past and INSYS Syndros Medicare Scam clearly illustrate Fraud and abusing minors is simply par for current AZ politics.

Hope that changes.

Please confirm this was received.

Sincerely,  
Erol Guvenoz



Sent from Mail for Windows 10



T.J. Shope, Chair House Ethics Committee  
AZ House of Representatives  
1700 W. Washington Street  
Phoenix, AZ 85007

Dear Representative Shope,

Some of us in LD1 are concerned that the scope of David's Stringer's conduct toward his constituents is not contained in the current two complaints against him, but we believe it is a part of the whole picture and may prove helpful. Three of the documents attached to this cover letter depict his offensive behavior toward his constituents. Two of these speak to the racial bias he displays when addressing constituents. This is a pattern.

The evidence given in the two Ethics Complaints already filed reference the newspaper reports of comments Mr. Stringer has made that became public. His constituents know the pattern of awful, hostile behavior is far more extensive. Some constituents are however afraid to come forward and we understand that this is problematic for the Committee as Committee members can only address the evidence they are presented. It is unfortunate that official reports were not made but that does not lessen the behavior they would have documented. I repeat, constituents are afraid.

The fourth document is the letter written to Humboldt School personnel. If a School District is willing to take the fallout of actions necessary to protect not only their students but their staff, there is something very wrong with the whole situation. There have been threatening repercussions to people involved in school and civic decisions. Since reporting this behavior incites those to retaliate even further, difficult decisions have been made to defuse the situation with silence.

Mr. Stringer has incited a few very hostile people who tend to follow him. They have written vile letters (plural) and have presented what looks like aggressive behavior. These may seem vague accusations, but please understand some of his constituents who live in close proximity to these emboldened individuals are afraid. Constituents may not agree with their representatives but they should not be fearful of them or those that do their bidding.

Being in LD1 Maricopa I have the advantaged position of being able to speak with some sense of being removed from some of the behaviors faced by my Yavapai friends. Yet I have also had calls from Maricopa constituents after they have visited Mr. Stringer asking why his behavior is allowed to continue. Many of these people know that I am at the Legislature most days when you are in Session making me a point person, of sorts. Sadly, I have had to reply that none of us have spoken up so most of what happens when constituents approach him is not known to the greater electorate. It has been known to his colleagues and for that I have no response. We are encouraging anyone to come forward and are seeking ways to ensure those verbally abused by Mr. Stringer are protected.

There are additional letters I will be forwarding to you and I ask that you get them to the Ballard Spahr office after your review. I am in contact with a para-legal from that office.

I encourage you to consider the offered information seriously and follow up where appropriate.

Sincerely,  
Ruth Lambert LD1, Anthem



**Stringer\_356**

The following post was written on July 8, 2017. This encounter with David Stringer was published in the Phoenix New Times but was not referenced in the official Ethic Complaint against him. It's a perfect example of typical interactions between Mr. Stringer and constituents.

Ali Conant [REDACTED]  
[REDACTED]

**Ali Conant**

July 8, 2017 · Dewey ·

Today I was racially profiled by Representative David Stringer.

This is not OK.

Short version of the story. Today I was at a picnic at Watson Lake for one of my husband's association events. Representative Stringer showed up with a current individual running for mayor. He approached our table and introduced himself and the candidate for mayor. At our table were 6 individuals...all professionals working in and around our county. At this point I engaged Representative Stringer in a discussion surrounding education. If you know anything about me you know I am very passionate about the public-school education system, and the lack of respect we as educators receive. I'm not even going to bring in to this story the MANY uninformed statements Representative Stringer brought up. Too many to list. It is what happened next that was hurtful, surprising, infuriating, and simply NOT OK.

As our education conversation continued, someone at the table said, "You really don't know who you are speaking to (referring to me)." At this point Representative Stringer looked directly at me and said, "I know exactly who I am speaking to. I see the San Francisco t-shirt with the peace sign and that.... that.... that...Star of David. Oh, I know exactly who I am speaking to. She's advertising it!" At which point my husband became upset and told him to stop disrespecting his wife, and Representative Stringer looked at my husband and called him a "radical liberal."

I am still in a state of shock. I am hurt. I am angry. Explain to me how someone who is obviously bias, one-sided, closed-minded, and prejudiced is good representation for our state? I thought that individuals in our government were "about the people and for the people.... all people." I thought part of a Representative's job is to "listen" to his constituents...not "judge" them based on what they are wearing. Representative Stringer's actions were scary. Representative Stringer's actions were unprofessional. Representative Stringer's actions were NOT OK.

From today forward, I will do my best to keep individuals such as David Stringer away from making any decisions that will impact our future. Please consider doing the same. Possibly start by sharing this post if you are comfortable doing so.

February 8, 2019

To whom it may concern on the Ethics Committee at the Arizona Legislature,

This letter is in reference to Representative David Stringer and how strongly I feel as a LD 1 registered Republican constituent that he be expelled from the House of Representatives in the State of Arizona.

Before I ever heard Dave's comments about our white, black, Asian, and brown children (Dave's words not mine), or the records from 1983 that just recently came out in the news I always came away from meetings with him feeling uneasy. Since these events occurred in the last 8 months, I started recalling my meetings with him and have several concerns about how he will not be able to represent me in LD 1.

I first met Dave Stringer in 2014 as he was running for a position on the Prescott Unified School District School Board. I was the President of the Prescott High School PTSA (Parent, Teacher, Student Association) 2011-16. Just for the record, I am a 61 year old woman, who has been an involved parent in the PUSD for 13 years as a PTA President, Public Education Advocate, worked on our bonds and overrides, Booster Mom to two children for 5 sports. I held several forums for the school board candidates in the spring of 2014. When I first met Dave it was over the phone, he wanted to control the whole forum (content and format). I told him I would be running the forum and send him the agenda for the meeting and the questions. He always gave me the impression he did not like women, and I remember feeling from him that he was not listening to a word I said nor did he respect me. The only thing I remember from that meeting was that Dave was very dismissive, walked around our high school said it was okay for a "government school". These were the comments he made as he walked past the buckets holding rain water coming from the ceiling. He noted that this school was much better than the school he attended.

The following year, Dave attended the Prescott Unified School District Bond and Override community forum which the PTSA hosted, and made crude comments about the information we were sharing. David would say things like: my white kids were privileged (Dave had no idea if our family was a mixed family), government schools were for the poor, and the Asian and white kids attend Basis.

After that incident, I met Dave for a forum in March 2016, at Las Fuentes in Prescott when he ran for the 2016 representative seat along with Noel Campbell. After the forum on education issues, Dave came over to a group of us that gathered. Dave got in my face about some comments, pointing his finger at me. I asked him to take three steps back when talking to me. He was argumentative and dismissive. Dave said he was sure that the white and Asian kids were doing better at the charter schools and we as a group didn't know what we were talking about regarding public district education versus for profit charters. After he got elected, all of my meetings with him at the legislature were the same, very uncomfortable.

In the spring of 2018, a group of us including parents, teachers, and advocates for education asked for a meeting with Dave. As we entered his office the creep meter went up when we sat down on his couch. He did not have a desk, only had a recliner that he promptly sat down and popped up the foot rest in front of our faces, it was so uncomfortable we did not stay for very long.

On another visit last spring, a group of us were waiting to visit Noel Campbell and Dave Stringer. A young mom with a daughter about 12 years old had just left the office of Dave Stringer. The daughter was emotional and crying; the mom told us in the stairwell that Dave was rude and yelled at her and her daughter. At our meeting with Dave and Noel, they told me to take a valium and calm down, we were talking about funding for public district education and I got a little emotional. Certainly, this is not a way to talk with your constituents.

Page 3, Stringer

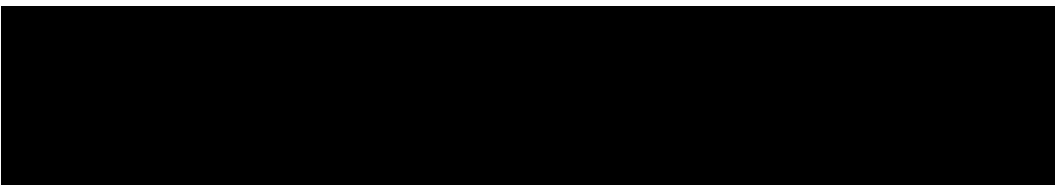
Finally, on December 6, 2018 I attended the Prescott Valley City Council Meeting. The reason I attended was I had written a statement asking the city council to ask David Stringer to resign. I was allowed to be on record but only at the end of the meeting. The meeting was originally for our LD1 representatives, Noel Campbell, David Stringer, and President of the Senate, Senator Karen Fann. Before the meeting Dave came in and saw a group of us sitting in the front rows of the event. About 12 teachers and education advocates most wearing red (Red for Ed) from Prescott and Prescott Valley. Dave said to our group how happy he was that the Bond didn't pass in Humboldt Unified School District. During the meeting David said the statement again. I would suggest getting that tape of the City Council Meeting. After the meeting, Noel and Karen left quickly, and then Dave approached our group. He told us again how happy he was that the bond didn't pass, he claimed he didn't know any of us, that we all looked the same, then he said he knew me, told my friend he recognized her but she was heavier than the last time he saw her. He was rude, unprofessional, and completely out of line. I was so surprised at his actions that I could barely talk after he left. A police officer escorted Dave out.

Truthfully, I don't know why our legislature wants to deal with this mess. He will continue to be an embarrassment and will be a lame duck while in office. I am deeply concerned for the safety of our children and would not let my children be near him. His behavior concerns me and I don't want to continually be wondering what kind of history will creep out about David's life. We deserve better, all of us.

Thanks for taking the time to listen to my story. Please contact me with any questions

Respectfully,

JoAnne Chaffeur



Ashley Fine



February 10, 2019

Arizona State Legislature Ethics Committee  
1700 W Washington  
Phoenix, AZ 85007-2890

Dear Ethics Committee,

I am writing to you, to add testimony to the recent discussions about the possible expulsion of Representative David Stringer from office. I am a mother, teacher, and life long resident of Prescott, Arizona with a personal story relating to Representative Stringer's conduct and behavior as a political representative.

Last spring, my daughter and I made a trip to the state capitol, along with many other teachers, in order to join the discussion with lawmakers, about increasing funding for our schools and students. While at the capitol, I paid a visit to Representative Stringer, along with one of my teaching colleagues and our two teenage daughters. I entered Representative Stringer's office with every intention of having an amicable, respectful, and productive discussion about our

experiences in the field of education. Unfortunately, my encounter with him, both surprised and disappointed me, and was directly contrary to what I had hoped and intended for the meeting.

From the moment we walked in his office, Representative Stringer addressed us using condescending word choice and tone of voice. In fact, I attempted to address the manner in which he was speaking to us by politely asking him to refrain from using the adjective "little" to describe the discussion we were having with him (as well as a note we had left for him earlier that day). This simple request led to a surprising and unexpected reaction from Representative Stringer. He stood up and told me that I needed to leave his office immediately. When I explained that I was not trying to be disrespectful, and requested the opportunity to stay and finish our conversation, he described me as militant and combative and he called for security to have me removed. This action seemed completely out of line, given the situation, and I was extremely disheartened; this seemed an inappropriate response from someone who was elected to represent me, and others in my district. Despite my confusion and disappointment, I complied, and ultimately left his office as requested.

In light of the recent discussions about Stringer's criminal history and propensity for making racially charged comments, this incident, while distinctly different, perhaps can serve as yet another example of Representative Stringer's abuse of power and lack of fitness as a representative of the people.

When I left Representative Stringer's office, I ran into two other teachers from Tucson who had also just met with him. They relayed to me some of the statements Stringer had made to them while they were in his office. He told them their schools did not deserve funding because of their low test scores and that their students would be better off going to charter schools. However, when these teachers tried to explain that many of the families they serve didn't have cars, or parents who had the ability to drive their kids across town to another school, he stated that that was ridiculous and proclaimed that "everyone has a car".

Regardless of one's opinions relating to charter versus traditional public schools, Representative Stringer's statement underscores just how unaware, or unwilling he is, to acknowledge the socio-economic reality of many people living in our state.

After I had been escorted out of Representative Stringer's office, my daughter and colleague chose to stay behind and continue the conversation with him. During this discussion, my daughter did her best to explain what it is like for many teachers and students in Arizona. She attempted to inform Representative Stringer that many teachers struggle to make a living, but he continually interrupted her. He stated his belief that most teachers have "significant others" to bring in income, overlooking the fact that many teachers are single, or even single parents. He also proclaimed that living simply is a "virtue", implying that teachers are benefiting from living paycheck to paycheck.

Again, the intent of this letter is not to argue political stances on education funding, but rather to point out that Representative Stringer is intellectually disconnected from reality, and to the voices and concerns of the people he is supposed to represent.

My daughter left Representative Stringer's office in tears. Not only was she shocked by his decision to have me escorted out of his office, but she found he was disrespectful throughout the meeting and was completely unwilling to listen to anything she, or her friends, had to say.

I know there is much to consider in any decision of this magnitude, and while my experience alone, may not be grounds for removing Representative Stringer from office, I do strongly believe this contributes to the case being made that he does not have the disposition, code of ethics, or moral stamina to remain in office. In making this decision, I hope that you will consider the lasting detriment

Page 4

that Stringer will leave on the reputation of our great state, District 1, and potentially the Republican Party in Arizona. He is leaving a trail of damage behind him that far outweighs any potential contributions he could possibly make remaining in office.

Thank you for your time and all of your effort to acknowledge and support your constituents. Please feel free to contact me directly if you have any questions, or would like to discuss this matter further.

Sincerely,

Ashley Fine

Sedona Ortega

**Stringer\_364**

I believe this letter, which should already be a part of your investigation paperwork, shows the impact Mr. Stringer's words and actions have on our community.



**The Humboldt Schools.**  
*Maximizing achievement since 1906*

December 5, 2018

Dear Humboldt Unified School District Administrators, Faculty, and Staff:

Our faculty and staff have set a standard of excellence based upon critical core values that include an unwavering belief in all of our students, high expectations and high levels of support for all, and that all of our actions are based on what's best for students.

The recent comments made by Representative David Stringer do not reflect these core values. Mr. Stringer has demonstrated a pattern of unacceptable public comments that confirm that he is unable to meet the minimum expectations that our administrators, board members, teachers, support staff, and families have set for participants in our educational community. Viewed in the best light these comments can be understood as incredibly insensitive but a plain reading reveals blatant racism.

It is important for us to have a positive working relationship with our state and local government representatives. We hope to continue to work closely with Representative Noel Campbell and Senator Karen Fann on key educational issues that impact our 5,700 students.

However, due to the continued inappropriate commentary exhibited by Representative Stringer, he can no longer be welcomed on any of our school campuses or permitted to participate in any school-related functions. It is terribly disappointing and disheartening for us in the Humboldt Unified School District that someone with such an out of touch perspective on reality is a part of any decision-making process that will have an impact on all of our students.

Sincerely,

Mr. Daniel Streeter  
Superintendent

Mr. Richard Adler  
Governing Board President

This email was received after the previous packet was sent to Mr. Shope.

**From:** Clark Tenney [REDACTED]  
**Date:** Mon, Feb 11, 2019 at 11:26 AM  
**Subject:** documentation of encounter with D. Stringer  
**To:** JoAnne Chaffeur [REDACTED], Karen Fann <[kfann@azleg.gov](mailto:kfann@azleg.gov)>

Hello JoAnne and Karen,

Thank you for inquiring if I have anything I would like to have shared with the Arizona House of Representative Ethics Committee as they investigate David Stringer's unfortunate pattern of racist comments during his time in Prescott. As a long-time Republican voter from Prescott, Mr. Stringer's public comments denigrating ethnic minorities is of particular concern to me.

In spring 2016, Mr. Stringer and I were both among many people who attended a local forum at Las Fuentes retirement village here in Prescott. Support on the state level for public education was a prominent topic of discussion during the forum. Afterwards, knowing that I was a principal at one of our local elementary schools, Mr. Stringer engaged me in conversation about public schools in Arizona. He asserted that an ethnically diverse student body is negative for school achievement and for school discipline. I shared my experience that the opposite is true in our school. Since we changed school boundaries and increased ethnic diversity in our student body, our statewide test scores had gone up, we had no increase in discipline issues, and students benefited from broader points of view on a number of issues. I let Mr. Stringer know that diversity is definitely a strength in our public school.

The next evening, I happened to attend an awards banquet for the Prescott Area Leadership organization, as my son Nathan had been named a finalist for a Youth Leader scholarship they present annually. Mr. Stringer attended the awards ceremony as well. My son Nathan was at the time the Student Body President of Prescott High School, and very involved both in community service and in local politics. Mr. Stringer knew Nathan well, and expressed that Nathan was a strong candidate for the top scholarship award.

Among the other finalists was a friend of my son, fellow PHS Senior Brandon Nguyen. Brandon's father is a respected local physician, and his mother wonderful lady who is a strong community advocate for education. Brandon was one of the top students at Prescott High School, the captain of our PHS tennis team, a leader in our PHS National Honors Society, a concert pianist, and also very involved in community service. He was also an excellent candidate for the top award. Brandon also happens to be of Vietnamese heritage.

My wife and I and Nathan had a lovely dinner and conversation with the Nguyen family as we anticipated the awards session. After dinner, the awards were presented. Our son Nathan received a generous scholarship as the runner-up for the Youth Leadership award, and Brandon deservedly received top honors. Both the Nguyens and my wife and I were thrilled for both young men. I was in no way disappointed that Brandon had won, and our son had earned runner up. Brandon is a fantastic young man, and totally deserved the honor.

As folks were filtering out of the room to head home, Mr. Stringer found me by myself, stopped me, and said in an obviously sarcastic tone of voice, "There's diversity for you." He walked away before I could respond. I was shocked and saddened that Mr. Stringer apparently thought:

- 1) That Brandon won the award only because he is of Vietnamese Heritage, and not because he deserved it on his merits.
- 2) My son (who is of European heritage) lost because his primary competition happened to be an ethnic minority.
- 3) That by pointing this out to me, I would perhaps be upset enough to change my mind about "diversity."

Having had a number of interactions with Mr. Stringer where he has insinuated that non-white people are a drain on society, I am pleased that light is being shined on this, and that people are finally questioning if this is the type of person who should be representing the people of LD1.

Thank you,  
R. Clark Tenney  
Prescott, Arizona

**Stringer\_366**

**Kanefield, Joseph A. (PHX)**

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**From:** Rhonda Barnes <RBarnes@azleg.gov>  
**Sent:** Tuesday, February 5, 2019 7:15 PM  
**Cc:** Kanefield, Joseph A. (PHX); Tim Fleming; Josh Kredit  
**Subject:** Fwd: additional Stringer Complaint

**△ EXTERNAL**

Tasha,

Joe said I should send ethics-related emails to you. I wanted to make sure you are aware of this email that was sent to ethics committee members this weekend. I've included both Tim and Josh on this email to make sure they are aware that I'm sharing this information with you.

Rhonda

Sent from my iPhone

Begin forwarded message:

**From:** RUTH LAMBERT [REDACTED]  
**Subject:** additional Stringer Complaint  
**Date:** February 2, 2019 at 9:43:23 AM MST  
**To:** <tshope@azleg.gov>, <kengel@azleg.gov>, <ggriffin@azleg.gov>, <drodriquez@azleg.gov>, <jallen@azleg.gov>  
**Reply-To:** RUTH LAMBERT [REDACTED]

Dear Members of the House Ethics Committee,

I write to you as a constituent in LD1 trying to obtain accurate information. In the AZ Capitol Times article on February 1, 2019 Katie Campbell wrote:

*Rep. T.J. Shope, R-Coolidge, chairman of the House Ethics Committee, announced on January 31 that the committee will contract outside counsel to investigate the complaints. He urged anyone with relevant information to come forward, and said the committee may still widen the scope of the investigation if additional evidence is presented.*

I called Mr. Shope's office asking for direction on the correct method for delivering additional information but was not given a definitive answer. That may not have been the appropriate information source, which is why I am now asking all you. It was suggested I write to this Committee.

Many constituents have stories of direct contentious encounters with Mr. Stringer, some corroborating the biased attitude unbecoming a State Representative. We are dealing with a situation where a small number of his followers have actually

followed people after said encounters, then showed up at their homes. People have been afraid to come forward.

I am asking for help. How can we get this information to your committee with a degree of protection for these people.

We have drawn up a third formal Ethics Complaint coming from a constituent with personal knowledge of many direct confrontations. I need to know if the attached letters to this complaint, outlining encounters, become public knowledge. I repeat, people are afraid.

We prefer to offer the information we have, which we believe to be very relevant, as evidence and not another Formal Complaint. Each time the media reports on a Formal action/complaint a hateful base in greater Prescott is stirred and those who have spoken against him are truly nervous. If another, a third, Formal Complaint is our only recourse we will do so.

Would documentation submitted to the committee automatically become public record? Would information gleaned in a personal interview or closed session become public record? We need to know how to get information to you or the outside agency tasked with this, without jeopardizing people. If public disclosure is necessary for legal reason, the people coming forward need to be fully aware of the situation as they may be putting themselves at some risk.

I would appreciate an immediate response as we know this situation is moving fast.

Thank you for your assistance as we all want to get back to the important business assigned to the Legislature, not repeatedly deal with someone casting a shadow over you and all the people he was tasked to represent.

Sincerely,

Ruth Lambert, LD1 Anthem

Ruth Lambert



**Kanefield, Joseph A. (PHX)**

---

**From:** Alex Vakula <alex@vakulalaw.net>  
**Sent:** Tuesday, February 5, 2019 12:38 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** Stringer

⚠ **EXTERNAL**

Joe,

I saw your recent appointment. Please let me know if you are interested in other Stringer stories from Prescott.

Good luck in your investigation.

Alex B. Vakula  
THE VAKULA LAW FIRM, PLC  
325 West Gurley Street, Suite 102  
Prescott, Arizona 86301

(928) 445-3500  
[alex@vakulalaw.net](mailto:alex@vakulalaw.net)

**THE VAKULA LAW FIRM**  
**PLC**  
ATTORNEYS AT LAW

**Kanefield, Joseph A. (PHX)**

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**From:** Matt Specht <mspecht@azleg.gov>  
**Sent:** Monday, February 4, 2019 4:54 PM  
**To:** Kanefield, Joseph A. (PHX)  
**Subject:** RE: Message from Katie Campbell (6022587026)

**△ EXTERNAL**

Excellent. I'll reach out to Katie.

Please let me know if other inquiries come in or I can help with anything else. Thank you.

-Matt

Matthew Specht  
Director of Communications  
Republican Caucus  
Arizona House of Representatives  
602-926-5518 office

[mspecht@azleg.gov](mailto:mspecht@azleg.gov)

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**From:** Kanefield, Joseph A. <KanefieldJ@ballardspahr.com>  
**Sent:** Monday, February 4, 2019 4:51 PM  
**To:** Matt Specht <mspecht@azleg.gov>  
**Subject:** FW: Message from Katie Campbell (6022587026)

Matt, I'm looking forward to working with you. Here's the first press inquiry. Thank you for your help on this!

Joe

**Joseph A. Kanefield**

**Ballard Spahr**  
LLP

\*\*\*\*\*

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Phoenix, AZ 85004-2555  
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LINKEDIN | VCARD

[www.ballardspahr.com](http://www.ballardspahr.com)

---

**From:** Cisco Unity Connection Messaging System <[unityconnection@east-unity1.ballardspahr.com](mailto:unityconnection@east-unity1.ballardspahr.com)>  
**Sent:** Monday, February 4, 2019 4:34 PM  
**To:** [kanefieldj@east-unity1.ballardspahr.com](mailto:kanefieldj@east-unity1.ballardspahr.com)  
**Subject:** Message from Katie Campbell (6022587026)

# Ballard Spahr LLP

-----  
1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555  
TEL 602.798.5400  
FAX 602.798.5595  
www.ballardspahr.com

Joseph A. Kanefield  
602-798-5468  
kanefieldj@ballardspahr.com

February 4, 2019

The Honorable Rusty Bowers  
Arizona House of Representatives  
1700 W. Washington  
Phoenix, Arizona 85007

Re: Legal Representation -- Counsel to House Ethics Committee

Dear Speaker Bowers:

Thank you for selecting this firm to provide counsel and assistance to the Arizona House of Representatives Ethics Committee (the "House") with respect to its review and investigation of complaints filed by certain House members against Representative David Stringer (the "Matter"). This letter will serve to confirm the terms under which Ballard Spahr LLP will represent the House in the Matter and will describe the basis on which our firm will provide legal services to the House. If you are in agreement, please sign this letter in the space provided below and return it to me.

*Client; Scope of Engagement.* Our client in this engagement will be the House. We have agreed that our engagement is limited to performance of services related to this action and will include an investigation of the allegations contained in complaints filed by Representatives Kelly Townsend and Reginald Bolding against Representative Stringer or any other complaints or concerns that may collaborate concerns and issues raised by members or others concerning Representative Stringer. Because we are not the House's general counsel, our acceptance of this engagement does not involve an undertaking to represent the House or the House's interests in any other matter.

*Staffing.* I will have primary responsibility for the representation and will utilize other firm lawyers, paralegals and legal assistants as I believe appropriate in the circumstances. We will provide legal counsel to the House in accordance with this letter and in reliance upon information and guidance provided by you, to keep you reasonably informed of progress and developments, and to respond to your inquiries.

*Cooperation.* To enable us to represent the House effectively, you agree to cooperate fully with us in all matters relating to your case, and to fully and accurately disclose to us all facts and documents that may be relevant to the matter or that we may otherwise request. You also will make yourself reasonably available to attend meetings, discovery proceedings and conferences, hearings and other proceedings. You also agree that the House will pay our statements for services and other charges as stated below.

*Advice About Possible Outcomes.* Either at the commencement or during the course of our representation, we may express opinions or beliefs concerning the litigation or various courses of action and

The Honorable Rusty Bowers  
Arizona House of Representatives  
February 4, 2019

the results that might be anticipated. Any such statement made by any partner or employee of our firm is intended to be an expression of opinion only, based on information available to us at the time, and should not be construed by you as a promise or guarantee.

*Fees.* Our fees will be based primarily on the amount of time spent on your behalf. Each lawyer and legal assistant has an hourly billing rate based generally on experience and special knowledge. The rate multiplied by the time expended on your behalf, measured in tenths of an hour, will be initial basis for determining the fee. We will bill this matter in accordance with the hourly rates contained in our current contract with the Arizona Attorney General as outside counsel to the State of Arizona (Contract # AG18-0001-003). Those rates are as follows: Joseph Kanefield (Partner) \$420, Roy Herrera (of counsel) \$395, Mark Kokanovich (of counsel) \$452, Jacey Skinner (of counsel) \$420, Daniel Arellano (associate) \$260, Ian Bucon (associate) \$250, and Tasha Hart (paralegal) \$215. Rates are reviewed and adjusted by the firm annually. You will be notified in writing of any proposed increases and no increase will occur without your prior written approval.

Other factors may be taken into consideration in determining our fees, including the novelty and difficulty of the questions involved; the skill requisite to perform the services properly; the experience, reputation and ability of those performing the services; the time limitations imposed by you or the circumstances; the amount involved and results obtained; and any other factors that may be relevant in accordance with applicable rules of professional conduct. However, these factors will not result in our fees exceeding the indicated amounts based on our hourly rates without prior discussion with you.

*Costs and Expenses.* The firm typically incurs costs in connection with legal representation. These costs may include such matters as long distance telephone charges, special postage, delivery charges, telecopy and photocopy charges and related expenses, travel expenses, meals and use of other service providers, such as printers or experts. In litigation matters, such expenses may also include filing fees, deposition costs, process servers, court reporters and witness fees. We separately bill for computerized legal research and related expenses. You also agree to pay the charges for copying documents for retention in our files. We may also incur costs associated with hiring a private investigator.

*Payment of Statements.* Statements normally will be rendered monthly for work performed and expenses recorded on our books during the previous month. Payment is due promptly upon receipt of our statement. If any statement remains unpaid for more than 30 days, we may suspend performing services for you and withdraw as your counsel unless arrangements satisfactory to us have been made for payment of outstanding statements and the payment of future fees and expenses.

*Retainer.* We will waive our standard practice of requiring a retainer for the above matter. We will bill you monthly in accordance with the attached Engagement Terms. I have also enclosed a copy of our 2018 Disbursement Pricing List.

As we have discussed, the fees and costs relating to this matter are not predictable. Accordingly, we have made no commitment to you concerning the maximum fees and costs that will be necessary to resolve or complete this matter. Any estimate of fees and costs that we may have discussed represents only an estimate of such fees and costs. It is also expressly understood that payment of the firm's fees and costs is in no way contingent on the ultimate outcome of the matter.

*Termination of Representation.* You may terminate our representation at any time by notifying us. Your termination of our services will not affect your responsibility for payment of outstanding statements and accrued fees and expenses incurred before termination or incurred thereafter in connection with an orderly transition of the matter. If such termination occurs, your papers and property will be returned to

The Honorable Rusty Bowers  
Arizona House of Representatives  
February 4, 2019

you promptly upon receipt of payment for outstanding fees and costs. Our own files pertaining to the matter will be retained. These firm files include, for example, firm administrative records, time and expense reports, personnel and staffing materials, and credit and accounting records; and internal lawyers' work product such as drafts, notes, internal memoranda, and legal and factual research, including investigative reports, prepared by or for the internal use of lawyers. We may destroy or otherwise dispose of any such documents or other materials retained by us within a reasonable time after the termination of the engagement.

We may withdraw from representation if you fail to fulfill your obligations under this agreement, including your obligation to pay our fees and expenses, or as permitted or required under any applicable standards of professional conduct or rules of court, or upon our reasonable notice to you.

*Conflicts.* As we previously discussed, Ballard Spahr LLP represents a number of media clients in open government issues, including the public's rights under the Arizona Public Records and Open Meetings Laws. The law firm also serves as the registered lobbyist for certain news organizations in connection with open government and other issues that affect their interests. Ballard Spahr LLP enters into this engagement with the understanding that the House consents to such representations, and will not seek to disqualify the firm from representing one or more of its media clients in any matter adverse to the House involving the media client's rights under Arizona's open government laws. Of course, Ballard Spahr LLP will not represent a media client or any other client on any matter that is substantially related to this engagement, and shall preserve the confidences obtained during the course of its representation pursuant to the Arizona Rules of Professional Conduct and A.R.S. § 38-431.03.

Moreover, to prevent the possibility of positional conflicts on open government matters with Ballard Spahr LLP's other clients, the House recognizes and agrees that Ballard Spahr LLP will not be able to serve as its counsel (a) in response to any request to inspect or copy public records arising from this representation if the House opposes all or part of any such request, or (b) in any civil action involving an allegation of violations of the Arizona Public Records or Open Meetings Laws. By signing this letter, you consent on behalf of the House to all such future engagements by Ballard Spahr LLP under the terms of this contract that do not conflict with the Matter.

*Israel Boycott Ban.* Ballard Spahr LLP certifies that it is not currently engaged in and agrees for the duration of the Agreement not to engage in a boycott of Israel as defined in A.R.S. § 35-393.

*E-Verify.* Under the provisions of A.R.S. § 41-4401, Ballard Spahr LLP warrants to the House that Ballard Spahr LLP and all its subcontractors will comply with all Federal Immigration laws and regulations that relate to their employees and that Ballard Spahr and all its subcontractors now comply with the E-Verify Program under A.R.S. § 23-214(A).

A breach of this warranty by Ballard Spahr LLP or any of its subcontractors will be considered a material breach of this Agreement and may subject Ballard Spahr LLP or subcontractor to penalties up to and including termination of this Agreement or any subcontract. Ballard Spahr LLP will take appropriate steps to assure that all subcontractors comply with the requirements of the E-Verify Program. Ballard Spahr LLP's failure to assure compliance by all its subcontractors with the E-Verify Program may be considered a material breach of this Agreement by the House. The House retains the legal right to inspect the papers of any employee of Ballard Spahr LLP or any subcontractor who works on this Agreement to ensure that Contractor or any subcontractor is complying with the warranty given above.

The House may conduct random verification of the employment records of Ballard Spahr LLP and any of its subcontractors to ensure compliance with this warranty. Ballard Spahr LLP agrees to indemnify,

The Honorable Rusty Bowers  
Arizona House of Representatives  
February 4, 2019

defend and hold the House harmless for, from and against all losses and liabilities arising from any and all violations of these statutes.

\* \* \*


We look forward to working with you on this important matter. If you have any questions regarding our engagement either now or during the course of our work together, please do not hesitate to call me.

Sincerely,



Joseph A. Kanefield

I have reviewed this letter and Ballard Spahr's 2018 Disbursement Pricing and I agree to the terms and conditions of representation and the billing arrangements.



The Honorable Rusty Bowers  
Speaker of the Arizona House of Representatives

JK/lb  
Enclosure

Carmen A. Chenal, #009428  
**CHENAL LAW FIRM PLLC**  
Of Counsel to Dow Law Firm  
7272 East Indian School Rd, Suite 540  
Scottsdale, Arizona 85251  
Phone: 480-207-5180  
Carmenchenallaw@gmail.com

Date: January 31, 2019

Hand Delivered

To : Speaker Pro Tempore Thomas ("T.J") Shope, Jr.  
Chairman of the House Ethics Committee

Re: Ethics Complaint regarding Representative David Stringer

Dear Representative Shope,

I will be representing Representative David Springer in the above referenced matter. As such, I am respectfully requesting all documents in his ethics file relative to the ethics complaint. I am fine with receiving correspondence and documents via email . Would you also be agreeable to this? I find that it expedites things versus snail mail.

I would also appreciate knowing if there is a deadline to respond to the complaint in writing. If not, I will await your instructions.

Sincerely,

  
Carmen A. Chenal

Cc: Representative David Stringer

Stringer\_375

**From:** RUTH LAMBERT [REDACTED]  
**Subject:** additional Stringer Complaint  
**Date:** February 2, 2019 at 9:43:23 AM MST  
**To:** <[tshope@azleg.gov](mailto:tshope@azleg.gov)>, <[kengel@azleg.gov](mailto:kengel@azleg.gov)>, <[ggriffin@azleg.gov](mailto:ggriffin@azleg.gov)>, <[drodriguez@azleg.gov](mailto:drodriguez@azleg.gov)>, <[jallen@azleg.gov](mailto:jallen@azleg.gov)>  
**Reply-To:** RUTH LAMBERT [REDACTED]

Dear Members of the House Ethics Committee,

I write to you as a constituent in LD1 trying to obtain accurate information. In the AZ Capitol Times article on February 1, 2019 Katie Campbell wrote:

*Rep. T.J. Shope, R-Coolidge, chairman of the House Ethics Committee, announced on January 31 that the committee will contract outside counsel to investigate the complaints. He urged anyone with relevant information to come forward, and said the committee may still widen the scope of the investigation if additional evidence is presented.*

I called Mr. Shope's office asking for direction on the correct method for delivering additional information but was not given a definitive answer. That may not have been the appropriate information source, which is why I am now asking all you. It was suggested I write to this Committee.

Many constituents have stories of direct contentious encounters with Mr. Stringer, some corroborating the biased attitude unbecoming a State Representative. We are dealing with a situation where a small number of his followers have actually followed people after said encounters, then showed up at their homes. People have been afraid to come forward.

I am asking for help. How can we get this information to your committee with a degree of protection for these people.

We have drawn up a third formal Ethics Complaint coming from a constituent with personal knowledge of many direct confrontations. I need to know if the attached letters to this complaint, outlining encounters, become public knowledge. I repeat, people are afraid.

We prefer to offer the information we have, which we believe to be very relevant, as evidence and not another Formal Complaint. Each time the media reports on a Formal action/complaint a hateful base in greater Prescott is stirred and those who have spoken against him are truly nervous. If another, a third, Formal Complaint is our only recourse we will do so.

Would documentation submitted to the committee automatically become public record? Would information gleaned in a personal interview or closed session become public record? We need to know how to get information to you or the outside agency tasked with this, without jeopardizing people. If public disclosure is necessary for legal reason, the people coming forward need to be fully aware of the situation as they may be putting themselves at some risk.

**From:** Erol G [REDACTED]  
**Sent:** Thursday, January 31, 2019 5:16 PM  
**To:** Thomas T.J. Shope <[tshope@azleg.gov](mailto:tshope@azleg.gov)>  
**Cc:** Rosanna Gabaldon <[rgabaldon@azleg.gov](mailto:rgabaldon@azleg.gov)>; [mark.napier@sheriff.pima.gov](mailto:mark.napier@sheriff.pima.gov); [ops@sheriff.pima.gov](mailto:ops@sheriff.pima.gov)  
**Subject:** Concerning Stringer & Baltimore MD

To whom it may concern:

The State of MD struggled with the Child Molesting problem, Fathers Spillane was not required to go through any treatment.

Even sadder Mr Stringer is claiming innocence as the Arizona Republican Party and Sheila Polk continue their relentless engagement in For Profit Cannabis Fraud.

"The Rev. Michael Spillane, 59, admitted to molesting the youths while working in the parishes of the Baltimore Archdiocese from 1969 to 1986."

It is possible Tom Miller of Elizabeth Anne Seton knows of Mr Stringers crimes, I know this as I spent time working with Tom Miller before the news of Fathers Spillane was released.

[http://www.bishop-accountability.org/news3/2002\\_06\\_05\\_MarylandGazette\\_PriestIn\\_Michael\\_J\\_Spillane\\_3.htm](http://www.bishop-accountability.org/news3/2002_06_05_MarylandGazette_PriestIn_Michael_J_Spillane_3.htm)

Tom Miller and I spent time documenting Todd Hibler's drug business for his father in Law Enforcement before I left MD to move to Tucson for the 2<sup>nd</sup> time. Tom Miller was aware of my disability and also new Cannabis was a medicine.

Tom was happy it would be easier to get in Arizona. As that year the DEA had written a 69 page paper clearly illustrating it helped patients like me and many others. (That 69 page paper has been share with the AZ Legislative body every year since 2011, none of you seem to care) Did a FBI presentation on Drugs to Troop 115 before I left.

11/8/1989

Lt. Col. Russell Hibler and his wife, Suzanne, both psychologists employed at the government`s super-secret security agencies, appear to be unlikely suspects for involvement in a major drug distribution network.

But when police, acting on tips from informants, raided the Hibler family home last week with an arrest warrant for the Hiblers` son, they arrested the parents and their two children on charges of intent to distribute drugs. The family was arrested after police found \$780,000 worth of marijuana, cocaine and hashish, an assortment of weaponry, including an Uzi submachine gun and an AK-47 assault rifle, and \$70,000 in cash.

**Stringer\_377**

REGINALD BOLDING  
MINORITY WHIP  
1700 WEST WASHINGTON, SUITE H  
PHOENIX, ARIZONA 85007-2844  
CAPITOL PHONE: (602) 828-3132  
TOLL FREE: 1-800-352-8404  
rbolding@azleg.gov



COMMITTEES:  
EDUCATION  
FEDERAL RELATIONS  
LEGISLATIVE COUNCIL

DISTRICT 27

## Arizona House of Representatives Phoenix, Arizona 85007

The Honorable Thomas "T.J." Shope  
Chairman, House Ethics Committee

Dear Chairman Shope,

I am writing to submit a formal ethics complaint against Representative David Stringer for conduct impugning the integrity of the Arizona House of Representatives.

### Statement of Facts

Based on my personal knowledge from media reports, it appears that Representative Stringer has engaged in a pattern of conduct that demonstrates that he is unfit to serve in this august body. Last summer, Representative Stringer was recorded on video asserting that immigration is an "existential threat" to our country. He said, "If we don't do something about immigration very, very soon, the demographics of our country will be irrevocably changed and we will be a very different country." Representative Stringer continued his offensive comments by claiming that "there aren't enough white kids to go around" in our public schools.

In another news account of Representative Stringer's comments, he was recorded telling university students that "African-Americans and other racial groups don't . . . blend in" after arriving in the United States and that these immigrants "always look different."

Most recently, the *Phoenix New Times* has uncovered court documents from Maryland that show that Representative Stringer was charged with several sex crimes when he lived in Baltimore in 1983. According to that news report, Representative Stringer pled guilty to three sex crimes and was sentenced to five years of probation as well as treatment at a clinic that is known for treating sexual disorders.

Representative Stringer's pattern of conduct is dishonorable and unbecoming of a member of the Arizona House of Representatives. His conduct undermines the public's confidence in this institution and violates the order and decorum necessary to complete the people's work in this state.

### Violations of Laws

The Ethics Committee is empowered to investigate complaints and charges against members, A.R.S. § 38-519, as well as claims of disorderly conduct, Ariz. Const. art. 4, pt. 1, § 11, violations of state or federal laws, conduct violating the public trust or adversely reflecting upon the House, and unethical or unprofessional conduct, such as defined in A.R.S. § 32-1901.01.

Stringer\_378

KELLY TOWNSEND  
1700 WEST WASHINGTON, SUITE 110  
PHOENIX, ARIZONA 85007-2844  
CAPITOL PHONE: (602) 928-4467  
CAPITOL FAX: (602) 417-3018  
TOLL FREE: 1-800-362-8404  
ktownsend@azleg.gov



COMMITTEES:  
ELECTIONS  
CHAIRMAN  
EDUCATION  
FEDERAL RELATIONS

DISTRICT 16

## Arizona House of Representatives Phoenix, Arizona 85007

Members of the Ethics Committee  
Arizona House of Representatives  
1700 W. Washington Street  
Phoenix, AZ 85007

Re: Ethics Complaint regarding Representative David Stringer

Dear Members of the Committee:

By this letter, I submit a formal ethics complaint against Representative David Stringer. I have personal knowledge based on my review of two articles, one from the Arizona Daily Independent, and one from the Phoenix New Times, that Representative Stringer has a potential criminal history involving child pornography. Representative Stringer was allegedly ordered to seek treatment at Dr. Berlin's program at John Hopkin's University School of Medicine for his crime. By this conduct, if true, Representative Stringer has engaged in conduct that compromises the character of himself, members of the House and indeed holds the entire legislature up to contempt and condemnation.

The Ethics Committee is empowered to investigate complaints and charges against members, A.R.S. § 38-519, as well as claims of disorderly conduct, Ariz. Const. Art. 4, Pt. 2 § 11. Ethics Committee jurisdiction extends to violations of the Rules of the House, state or federal laws or any conduct that disrupts the orderly business of this institution. This is especially true when conduct of a member violates the public trust or adversely reflects upon the House. Unethical, unprofessional or even immoral conduct is no less disorderly when that conduct impacts the integrity of this institution and its duty to the people of Arizona.

I cannot tolerate even reports of current or past conduct, that if true, would hold an elected member up to shameful public dishonor and scorn. The people demand their elected officials to be of the highest character and reputation. Recent disturbing revelations regarding Representative David Stringer demand further and formal investigation. Conversely, it would appear that the two accounts in each report about this incident are conflicting, and in order to make a decision proper course of action, and to allow Representative Stringer and opportunity to defend himself, it is my belief that this should be referred to the Ethics Committee for proper consideration.

I declare under penalty of perjury the factual matters and things stated in this complaint are true and correct to the best of my own personal knowledge, information and belief. Based on the foregoing, I request the Ethics Committee investigate and make recommendations, including whether Representative David Stringer be subject to censure or other discipline, including expulsion by the House for disorderly behavior pursuant to Rule 1.

THOMAS "T.J." SHOPE  
SPEAKER PRO TEMPORE  
1700 WEST WASHINGTON, SUITE H  
PHOENIX, ARIZONA 85007-2844  
CAPITOL PHONE: (602) 926-3012  
TOLL FREE: 1-800-352-8404  
tshope@azleg.gov

DISTRICT 8



Arizona House of Representatives  
Phoenix, Arizona 85007

COMMITTEES:  
RULES,  
Vice-Chairman  
EDUCATION  
NATURAL RESOURCES  
ENERGY & WATER

ETHICS,  
Chairman  
ADMINISTRATION,  
Chairman  
LEGISLATIVE COUNCIL

January 29, 2019

Representative John Allen  
Representative Kirsten Engel  
Representative Gail Griffin  
Representative Diego Rodriguez  
Members of the Ethics Committee  
Arizona House of Representatives  
1700 W. Washington Street  
Phoenix, AZ 85007

Re: Ethics Complaints; Representative David Stringer

Dear Members of the Committee:

Enclosed please find a copy of the proposed Rules of Procedure, Ethics Committee of the Arizona House of Representatives, 54<sup>th</sup> Legislature. Pursuant to Rule 14, additionally enclosed are copies of the ethics complaints I have received regarding Rep. David Stringer dated January 25, 2019 filed by Rep. Kelly Townsend and January 29, 2019 filed by Rep. Reginald Bolding. While the matter is under consideration, to avoid the possibility of ex parte communications I respectfully remind members to refrain from discussing the complaints outside of the Ethics Committee.

I am providing a copy of this correspondence together with copies of the complaints to the member named in the complaints. Rule 14 provides "[t]he member who is the subject of the complaint shall have the opportunity to respond to the complaint in writing." Matters of any scheduling, including scheduling a time frame for Rep. David Stringer's response, will be addressed in the future as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "T.R. Shope Jr.", written over a horizontal line.

Thomas R. Shope, Jr.  
Chairman  
House Ethics Committee

Enclosures:

cc:

Speaker Russell W. "Rusty" Bowers  
Representative David Stringer  
Jim Drake, Chief Clerk

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RULE 9. In the absence of the Chairman, some other committee member designated by the Speaker shall preside.

RULE 10. The Chairman shall prepare a notice of the date, time, place and general description of the matters to be considered in each meeting and shall distribute copies to committee members, the Information Desk and the Chief Clerk's Office by at least the previous day before each committee meeting.

RULE 11. Written Committee minutes shall be filed with the Chief Clerk's Office within a reasonable time but not later than two weeks from time of completion of meetings. Attendance records of all committee meetings shall be filed with the Chief Clerk's Office within 24 hours from time of completion of meetings.

RULE 12. The Rules of the Arizona House of Representatives for all other procedures and business before the committee are adopted and shall prevail in the Ethics Committee.

RULE 13. The Chairman shall receive any sworn complaint alleging unethical conduct. Complaints shall be in writing, signed by the person or persons filing the complaint, and notarized. The sworn complaint shall contain: (a) a statement of fact within the personal knowledge of the complainant describing the alleged unethical conduct; (b) the law or House Rule that is alleged to have been violated, and; (c) all documents alleged to support the complaint.

RULE 14. The Chairman shall review and distribute a copy of each complaint and supporting documentation to all members of the Committee and to the member who is the subject of the complaint. The member who is the subject of the complaint shall have the opportunity to respond to the complaint in writing.

RULE 15. In any hearing before the Ethics Committee, the member who is the subject of the complaint shall have the right to present evidence and to examine all of the evidence against the member, the right to cross-examine witnesses, and the right to be represented by counsel of the member's choice and at the member's expense.

[REDACTED]

---

**From:** DAVID  
**Sent:** Tuesday, December 11, 2018 7:28 PM  
**To:** David Stringer  
**Subject:** Re: boycott and gutless pols

Thank you, [REDACTED]. You've hit many nails on the head. Why not let the City Council and Mayor hear from you? Maybe the Courier as well.  
Rest assured there is no chance I will resign.  
David

Get [Outlook for Android](#)

---

**From:** David Stringer <DStringer@azleg.gov>  
**Sent:** Tuesday, December 11, 2018 3:30:24 PM  
**To:** DAVID  
**Subject:** FW: boycott and gutless pols

---

**From:** [REDACTED]  
**Sent:** Tuesday, December 11, 2018 3:12 PM  
**To:** David Stringer <DStringer@azleg.gov>  
**Subject:** boycott and gutless pols

Hi-stay the course. The NAACP is calling a boycott on uber-liberal Prescott even tho Prescott clowns called for resignation. I am disgusted that Fann wants to cancel people's votes by deciding she knows what's good for all of dist. 1 by demanding that you resign. This is just another form of voter fraud after the fact.

I read Campbell's piece in the dirty lib courier- secret taping? That figures. I didn't listen to the lib paper's audio of the extortion tape since I would probably have to subscribe first.

Anyway-it is a statement of fact that immigrants who refuse to learn English increase costs on everything from voting forms and electric bills to hospital paper work, not to mention health insurance, which we all pay for thru higher costs on those who do speak English. That is NOT a racist position. It is a fact. It applies to Caucasian immigrants from Europe equally as to any other place. It is also a statement of fact that those from impoverished locations (like Africa, rural India, some rural areas in Asian nations and various Arab states) can't assimilate well, i.e. "blend in". In many cases there is no indoor plumbing in those places. Many even lack electricity. They may have never seen a toilet, washing machine, kitchen sink or stove. That is a fact- we had immigrants where I worked a long time ago who lived that way where they came from. Some refugees can't even read in their own language. How the heck are we to believe they can ever hope to learn English in a reasonable span of time to become contributing citizens. In the case of Arabic females, many aren't allowed to go to school to learn to read! Only an ignoramus would claim these people can "blend in".

Not only did Prescott's spineless libs vote to cancel out every "wrong" vote in dist 1 by calling for you to resign- it didn't do them any good, since even now the bullies at NAACP are still calling for a boycott.

If Fann and the jerk from NAACP wants to undo anybody's vote I advise them to do it legally instead of through economic terrorism. Pay for a recall. Unchecked immigration IS destroying our nation. We must have merit-based system to even just protect wages here. We are now essentially a failed welfare state with 50% of people getting some kind of gov money in social welfare programs.

[REDACTED]

Sent from [Mail](#) for Windows 10

**Kokanovich, Mark (PHX)**

---

**From:** Joe Funk <jfunk@torchstoneglobal.com>  
**Sent:** Monday, March 25, 2019 3:07 PM  
**To:** Kokanovich, Mark (PHX)  
**Subject:** FW: Police report  
**Attachments:** Spaulding PI.pdf

**⚠ EXTERNAL**

---

**From:** Peter Spaulding <pspaulding@spauldingintel.com>  
**Date:** Monday, March 25, 2019 at 5:10 PM  
**To:** Joe Funk <jfunk@torchstoneglobal.com>  
**Subject:** Police report

Here's the report, Joe. I want to point out that one of the two victims — [REDACTED] — went on to become a sex offender himself, which often is the case with victims of sexual abuse. [https://www.homefacts.com/offender-detail/\[REDACTED\]](https://www.homefacts.com/offender-detail/[REDACTED])

PERSON REPORT FORM 7712				POLICE DEPARTMENT CITY OF BALTIMORE			
17. CAR NO. 1284 285	18. POST	19. REPORTING AREA 0886	STREET CODE	3. VICTIM'S ADDRESS	CITY	4. RES. PHONE	
20. OCCUPATION Student	21. HOURS OF EMPLOY. 0900/1500 SBR	22. SOBRIETY		5. VICTIM'S PLACE OF EMPLOYMENT OR SCHOOL School # 177	CITY	6. BUS. PHONE	
DES. FIRE LOCATION OF OFFENSE OR TYPE OF PREMISE Dwellings				7. VICTIM'S SEX - RACE - AGE M-W-16	8. LOCATION OF OFFENSE (ADDRESS)		
9. REPORTING PERSON #1	SEX-RACE-AGE	10. RES. PHONE		11. REPORTING PERSON'S ADDRESS #3	CITY	12. BUS. PHONE	
13. DATE AND TIME OCCURRED July 82 - July 83	14. DATE AND TIME REPORTED 30 Aug 83/2100	15. CLASSIFICATION 2G - S.E.		CODE: W-WITH [REDACTED] P-BARRACK P-MURDER AN			
16. RES. PHONE	17. BUS. PHONE	18. RES. PHONE	19. BUS. PHONE	20. RES. PHONE	21. BUS. PHONE	22. RES. PHONE	23. BUS. PHONE
24. IDENTIFY SUSPECTS BY NO. (NAME-ADDRESS-SEX-RACE-AGE-HT-WT-EYES-HAIR-COMPLEX-CLOTHING-IDENTIFYING CHARACTERISTICS. IF ARRESTED, INCLUDE ARREST NO. AND CHARGE)							
(1) David Stringer, [REDACTED] M-W-							
(2)							
25. WEAPON OR MEANS OF ATTACK N/A				26. METHOD USED TO COMMIT CRIME Perpetrated Sexual Acts			
27. NATURE AND CONDITION OF INJURIES AND LOCATION ON BODY-VICTIM'S CONDITION				28. WHERE VICTIM TREATED		29. RELEASED?	
30. PERSON NOTIFIED IN CRIMINAL INVESTIGATION-SOC. SEC. NO.-TIME				31. NAME OF MEDICAL EXAMINER NOTIFIED		32. PROPERTY INV. NO.	
33. NARRATIVE: (1) CONTINUATION OF ABOVE ITEMS (INDICATE "ITEM NUMBER" CONTINUED AT/LEFT). INCLUDE ADDITIONAL VICTIMS, WITNESSES AND SUSPECTS AS OUTLINED ABOVE. (2) DESCRIBE EVIDENCE AND PROPERTY & INDICATE DISPOSITION. (3) DESCRIBE DETAILS OF INCIDENT.							
On 8/30/83 around 2100hrs Detectives Pugh, Danna and Johnson responded to [REDACTED] where we met with [REDACTED] the father of the victim. We asked if we could talk to his son. [REDACTED] agreed and along with us we talked to [REDACTED] said that about a year ago he was in Patterson Park with a boy named [REDACTED] when a man stopped and asked if they wanted to go to his house and have some sex. The boys went with the man (identified as [REDACTED])							
34. REPORTING OFFICER Ed Pugh				35. STATUS (CHECK ONE) <input checked="" type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED <input type="checkbox"/> CLOSED		36. REFERRED TO S.E.	
37. SUPERVISOR APPROVING Raymond Johnson				38. SUPERVISOR APPROVING [Signature]		39. REVIEWER C.B.	

**INCIDENT REPORT** **POLICE DEPARTMENT**  
**BALTIMORE, MARYLAND**

1. Complainant, Arrestee, Driver, Victim (Last, First, Middle) (Firm Name if Business) [Redacted]

2. Phone No. [Redacted]

3. Complaint No. **2H 74246**

4. Address [Redacted] ZIP [Redacted]

5. Date of Original Report [Redacted]

6. Arrest / Custody No. [Redacted]

7. Correct Offense **SEX OFFENSE**

8. Offense Changed From [Redacted]

9. Multiple Clear-Up?  Yes  No

10. If Yes, List Complaint Numbers in Narrative with Name of Complainant and Type of Offense

11. Total Value Reported Stolen to Date [Redacted]

12. Total Property Reported Stolen to Date [Redacted]

13. Post [Redacted]

14. Page **2/3**

15. Date and Time of Occurrence **July 22 July 87**

16. Date and Time of This Report [Redacted]

17. Location of Occurrence [Redacted]

18. Post [Redacted]

19. If Yes, List Complaint Numbers in Narrative with Name of Complainant and Type of Offense

20. Instructions for Follow-Up or Administrative usage

21. Under narrative, record your activity and all developments in the case subsequent to this report. Describe all property recovered. Name and Arrest Number of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and Inventory No. Recommended for Clearance Case Status and to Reviewer UCR Disposition. Include "Form Number Continued" at left, if any. List property lost.

to the name of [Redacted] whom they entered a garage, walked into a back yard and entered the apartment. Once inside they went to the bedroom where 28<sup>th</sup> performed Fellatio on the boys and asked them to do it to him. They did perform sex act on Mr Stringer (28<sup>th</sup>). After this the boys were given ten dollars (\$10.00) apiece and they left. [Redacted] said that he has been back to sex 'Mr Dave' at least 10 additional times since the first time. He said that each time he has been asked to perform acts of Fellatio and sodomy with David Stringer. The last time with Mr Stringer was in July of 1983 where Mr Stringer performed Fellatio and sodomy with [Redacted]. He also took a shower with Mr Stringer when Mr Stringer played with the boys penis and buttock cont.

22. Reporting Officer [Redacted] Sgt. No. [Redacted] Dist. [Redacted]

23. Status (Check One)  Reported  Cleared

24. Referred  S.E.

25. UCR Disposition [Redacted]

26. Investigator [Redacted] [Redacted] [Redacted]

27. Reviewer [Redacted]

INCIDENT REPORT  
FD-757

POLICE DEPARTMENT  
BALTIMORE, MARYLAND

<input type="checkbox"/> F Report <input type="checkbox"/> Incident <input type="checkbox"/> Against Persons <input type="checkbox"/> Against Property <input type="checkbox"/> Injuring Person <input checked="" type="checkbox"/> Continuation - Follow-Up <input type="checkbox"/> (Check One)		<input type="checkbox"/> Custody <input type="checkbox"/> Vehicle <input type="checkbox"/> Arrest <input type="checkbox"/> Accident	1. Complainant, Arrestee, Driver, Victim (Last, First, Middle) (Firm Name if Business) [Redacted]	2. Phone No.	3. Complaint No. <b>24-74246</b>
4. Address [Redacted]		5. ZIP	6. Date of Original Report	7. Arrest / Custody No.	
8. Location of Occurrence [Redacted]		7. Correct Offense <b>Sex Offense</b>		8. Offense Changed From	
9. Date and Time of Occurrence <b>July 22 / July 23</b>		9. Multiple Clear-Up? <input type="checkbox"/> Yes <input type="checkbox"/> No		10. Classification If Yes, List Complaint Numbers in Narrative with Name of Complainant and Type of Offense	
11. Date/Time of This Report		12. Post <b>201</b>	11. Total Value Reported Stolen to Date <b>0</b>	12. Total Property Recovered <b>0</b>	
13. Instructions for Follow-Up or Supplemental usage. Under narrative, record your activity and all developments in the case subsequent to this report. Describe and record any property recovered, Names and Arrest Numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and (Inventory No., Recommended to Supervisor/Case Status and to Reviewer UCR Disposition. Indicate "Item Number Continued" at left, if any. List property first.					
Item No. [Redacted] <b>#1 is metal extended sounding to his father</b> <b>Investigation Pending. Suspect #28-1 to be charged for this offense later.</b>					
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>OFFICE</b>  <b>C.I.D.</b>  <b>Sex Offense</b>  <b>Unit</b> </div>					
20. Reporting Officer <b>Ed [Redacted]</b>			21. Complaint No. Checked Under Other Than Original		22. Telephone No.
20. Sec. No.	20. Chk.	22. Status (Check One) <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Closed	23. Referred to <b>S.E.</b>	24. UCR Disposition <b>C.B.</b>	
20. Sec. No.	20. Chk.	23. Reporting Agency <b>15744 - [Redacted]</b>	24. [Redacted]		25. [Redacted]

INCIDENT REPORT  
FORM 787

POLICE DEPARTMENT  
BALTIMORE, MARYLAND

<b>TYPE OF REPORT</b> <input type="checkbox"/> Incident <input type="checkbox"/> Crime Against Person <input type="checkbox"/> Crime Against Property <input type="checkbox"/> Missing Person		<input type="checkbox"/> Custody <input type="checkbox"/> Vehicle <input type="checkbox"/> Arrest <input type="checkbox"/> Accident	<b>1. Complainant, Arrestee, Detainee, Victim</b> (Last, First, Middle) (Firm Name if Business) <b>Stringer David Henry</b>	<b>2. Phone No.</b>  	<b>3. Complaint No.</b> <b>2H74246</b>
<b>3. Continuation - Follow-Up</b> <input type="checkbox"/> <input checked="" type="checkbox"/> (Check One)	<b>14. Page</b> <b>1/1</b>	<b>4. Address</b> [REDACTED]	<b>ZIP</b>  	<b>5. Date of Original Report</b> <b>8-30-83</b>	<b>6. Arrest / Custody No.</b>  
<b>13. Location of Occurrence</b> [REDACTED]		<b>7. Correct Offense</b> <b>Sex Offenses</b> <b>Arrest Warrant</b>		<b>8. Offense Changed From</b>  	
<b>15. Date and Time of Occurrence</b> <b>8-30-83</b>		<b>9. Multiple Clear-Up?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>10. Classification</b> If Yes, List Complaint Number in Narrative with Name of Complainant and Type of Offense		 
<b>17. Date/Time of This Report</b> <b>9-16-83 1300 hrs.</b>	<b>18. Post</b> <b>213</b>	<b>11. Total Value Reported Stolen to Date</b> \$	<b>12. Total Property Recovered</b> \$		
<b>19. Instructions for Follow-Up or Supplemental Usage:</b> Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record any property recovered, Names and Arrest Numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and Inventory No. Recommend to Supervisor Case Status and to Reviewer UCR Disposition. Indicate "Item Number Continued" at left, if any. List property first.					
<b>Team No.:</b> In reference to the investigation of sex offenses involving David Stringer additional charges have been placed against him.					
On Sept. 15, 1983 David Stringer turned himself in at Southeastern Police Station in reference to an arrest warrant charging him with the following:					
Perverted Practice		3ar55078			
Sex Off. 4th degree		3ar55077			
Sex Off. 2nd degree		3ar55076			
" " "		3ar55079			
Contact 3rd degree		3ar55080			
" " "		3ar55081			
Perverted Practice		3ar55082			
Sex Off. 4th degree		3ar55083			
The def was recog. tr. date set for 10-14-83					
<b>20. Reporting Officer</b> <b>Det. Woolford</b> Second Officer		<b>21. Complaint No. Dispatched Under Other Than Original</b>  	<b>22. Status (Check One)</b> <input checked="" type="checkbox"/> Open <input type="checkbox"/> Suspended <input type="checkbox"/> Closed	<b>23. Referred to</b> [Signature]	<b>24. UCR Disposition</b> [Signature]

SUPPLEMENT REPORT  
FORM 787

POLICE DEPARTMENT  
BALTIMORE, MARYLAND

<b>TYPE OF REPORT</b> <input type="checkbox"/> Misc. Incident <input type="checkbox"/> Crime Against Persons <input type="checkbox"/> Crime Against Property <input type="checkbox"/> Missing Person		<input type="checkbox"/> Custody <input type="checkbox"/> Vehicle <input checked="" type="checkbox"/> Arrest <input type="checkbox"/> Accident		1. Complainant, Arrestee, Driver, Victim (Last, First, Middle) (Firm Name if Business) <b>STEWART, DAVID HENRY</b>		2. Phone No. [Redacted]		3. Complaint No. <b>2474246</b>																												
13. Continuation - Follow-Up <input type="checkbox"/> <input checked="" type="checkbox"/> (Check One)		14. Page <b>1/1</b>		4. Address [Redacted]		5. Date of Original Report <b>30 AUG 83</b>		6. Arrest / Custody No. <b>3AR55076</b> <b>3AR55083</b>																												
15. Location of Occurrence [Redacted]				7. Correct Offense <b>SEX OFFENSE</b>		8. Offense Charged From <b>N/A</b>																														
16. Date and Time of Occurrence <b>1 July 82 - 31 July 83</b>				9. Multiple Clear-Up? <input type="checkbox"/> Yes <input type="checkbox"/> No		10. Classification <b>N/A</b>		11. If Yes, List Complainant Numbers in Narrative with Name of Complainant and Type of Offense																												
17. Date/Time of This Report <b>9 JAN 84</b>		18. Post <b>213</b>		11. Total Value Reported Stolen to Date <b>N/A</b>		12. Total Property Recovered <b>N/A</b>																														
19. Instructions for Filing or Supplemental usage: -Up Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record any property recovered, Names and Arrest Numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and Inventory No. Recommend to Supervisor Case Status and to Reviewer UCR Disposition. Indicate "Item Number Continued" at left, if any. List property first.																																				
<b>Item No. CASE DISPOSITION</b>																																				
<b>JUDGE HAMMERMAN 9 JAN 1983</b>																																				
<b>CRIMINAL COURT PART 10 RM 523</b>																																				
<b>A.S.A. JACK LESSER</b>																																				
<b>DEF. ATTY. NATHAN STERN</b>																																				
<table border="1"> <thead> <tr> <th>ARREST NUMBER</th> <th>CHARGE</th> <th>DISPOSITION</th> </tr> </thead> <tbody> <tr> <td>3AR55079</td> <td>SEX OFFENSE 2<sup>ND</sup> DEG</td> <td>NOLLE PROS</td> </tr> <tr> <td>3AR55082</td> <td>PERVERTED PRACTICE</td> <td>" "</td> </tr> <tr> <td>3AR55083</td> <td>SEX OFFENSE 4<sup>TH</sup> DEG</td> <td>" "</td> </tr> <tr> <td>3AR55076</td> <td>PERVERTED PRACTICE</td> <td>PLD GUILTY APR. 27 1983 SEC. 641</td> </tr> <tr> <td>3AR55077</td> <td>SEX OFFENSE 4<sup>TH</sup> DEG</td> <td>" "</td> </tr> <tr> <td>3AR55078</td> <td>SEX OFFENSE 2<sup>ND</sup> DEG</td> <td>" "</td> </tr> <tr> <td>3AR55080</td> <td>SEXUAL CONTACT 3<sup>RD</sup> DEG</td> <td>" "</td> </tr> <tr> <td>3AR55081</td> <td>SEXUAL CONTACT 3<sup>RD</sup> DEG</td> <td>" "</td> </tr> </tbody> </table>										ARREST NUMBER	CHARGE	DISPOSITION	3AR55079	SEX OFFENSE 2 <sup>ND</sup> DEG	NOLLE PROS	3AR55082	PERVERTED PRACTICE	" "	3AR55083	SEX OFFENSE 4 <sup>TH</sup> DEG	" "	3AR55076	PERVERTED PRACTICE	PLD GUILTY APR. 27 1983 SEC. 641	3AR55077	SEX OFFENSE 4 <sup>TH</sup> DEG	" "	3AR55078	SEX OFFENSE 2 <sup>ND</sup> DEG	" "	3AR55080	SEXUAL CONTACT 3 <sup>RD</sup> DEG	" "	3AR55081	SEXUAL CONTACT 3 <sup>RD</sup> DEG	" "
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3AR55080	SEXUAL CONTACT 3 <sup>RD</sup> DEG	" "																																		
3AR55081	SEXUAL CONTACT 3 <sup>RD</sup> DEG	" "																																		
<b>CONCURRENT TO 5 years Supervised probation / pay COURT COSTS</b>																																				
<b>SEEK ADMISSION TO J.H.H. BERLIN CLINIC</b>																																				
<b>1040 hrs. COMMUNITY SERVICE (i.e., 4hrs/week for 5yrs)</b>																																				
20. Reporting Officer <b>Det. Howard Johnson</b>		21. Station (Check One) <input type="checkbox"/> Summary <input checked="" type="checkbox"/> Open		22. Status (Check One) <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed		23. Referred to <b>Mr. [Redacted]</b>		24. UCR Disposition <b>C.B.</b>																												
25. Second Officer <b>[Redacted]</b>		26. Station No. <b>[Redacted]</b>		27. Date <b>[Redacted]</b>		28. Time <b>[Redacted]</b>		29. Remarks <b>[Redacted]</b>																												

**SUPPLEMENT REPORT**  
**POLICE DEPARTMENT**  
**BALTIMORE, MARYLAND**

<b>1. Complainant, Arrestee, Driver, Victim</b> [Redacted]		<b>2. Phone No.</b> [Redacted]	<b>3. Complaint No.</b> 21174246
<b>4. TYPE OF REPORT</b> <input type="checkbox"/> Misc. Incident <input checked="" type="checkbox"/> Crime Against Person <input type="checkbox"/> Crime Against Property <input type="checkbox"/> Missing Person		<b>5. Date of Original Report</b> 8/1 Aug 83	
<b>6. Offense Charged From</b> [Redacted]		<b>7. Arrest / Custody No.</b> [Redacted]	
<b>8. Correct Offense</b> Add Offense		<b>9. Date and Time of Occurrence</b> July 82 - July 83	
<b>10. Classification</b> [Redacted]		<b>11. Total Value Reported Stolen to Date</b> \$ [Redacted]	
<b>12. Total Property Recovered</b> \$ [Redacted]		<b>13. Date and Time of This Report</b> 16 Sep 83 0930 214	
<b>14. Instructions for Follow-Up</b> Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record any property recovered, Names and Arrest Numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and inventory No. Recommend to Supervisor Case Status and to Reviewer UCR Disposition. Indicate "Item Number Continued" at left, if any. List property first.			
Item No. [Redacted]			
According to Sgt John Koch <sup>FID Vice</sup> Mrs. David Stringer will be formally charged during an impending trial.			
<b>21. Complainant Not Detained Under Other Than Original</b> <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed		<b>24. Referred to</b> Soc. Sec. No. [Redacted]	<b>25. Teletype No.</b> [Redacted]
<b>22. Suspect (Check One)</b> <input checked="" type="checkbox"/> Arrested <input type="checkbox"/> Released		<b>26. UCR Classification</b> [Redacted]	
<b>23. Suspect Assigned</b> [Redacted]		<b>27. Investigator</b> [Redacted]	

**ARREST REPORT**      **POLICE DEPARTMENT**  
Form 746      **BALTIMORE, MARYLAND**

*Stringer, David Henry*  
**STRINGER, DAVID HENRY**

1. Defendant's Name (Last, First, Middle)      2. Complainant No. **BH-74296**

3. Sex **M**      Race **W**      D.O.B.      Ht.      Wt.      Hair      Eyes      4. Arrest No. **55083**

5. Reporting Area **256**      Street Code **886**      6. Date/Time of Arrest      7. Place of Birth

8. Location of Arrest (Address)      9. Defendant's Address      10. Date/Time of Arrest **9/1/83 - 1330**      11. Right Index

12. Describe Type Premises **Dwelling**      13. Alias or Nickname **DAVE**      14. Warrant No. **83SE 893545**      15. Place of Birth **ALASKA**

16. Date and Time Arrested **9/1/83 - 1330**      17. Sobriety **SOC**      18. Social Security No.      19. Date/Time of Arrest **9/1/83 - 1330**      20. Right Index

21. Arresting Officer **Ed Pugh**      22. Charge **Sex Offense with Deceit**      23. Code **TRN/US**      24. Multiple

25. Primary Investigating Officer **M. Johnson**      26. Judge      27. Total Date      28. Fine      29. Court

30. Defendant's Place of Original Hearing      31. Disposition Code      32. Disposition      33. Code

34. Where Defendant Employed or School **Self**      35. Occupation **Red T-shirt**      36. Res. Phone      37. Bus. Phone

38. Vehicle Involved      39. Year      40. Make      41. Body      42. Color      43. Defendant's Lic. No.

44. Hold Placed on Vehicle      45. Vehicle Towed To

46. Father's (Name)      47. Address      48. City      49. Zip      50. Res. Phone      51. Bus. Phone

52. Mother's (Name)      53. Address      54. City      55. Zip      56. Res. Phone      57. Bus. Phone

58. Guardian or Next of Kin      59. Address      60. City      61. Zip      62. Res. Phone      63. Bus. Phone

64. Name of Parent/Guardian/Next of Kin - Notified      65. Date/Time      66. Officer      67. Soc. Sec. No.

68. Drug Information      69. A.  User      B.  Seller      70. A.  Dangerous      B.  Drugs      71. A.  Narcotics      B.  Narcotics      72. A.  Hallucinogens      B.  Marijuana

73. Narrative **FBI & NONE**  
**unlawfully did engage in a sex act with [redacted] a child 15 years old and 4 (four) years younger than him in Baltimore City State of Md.**  
**Art 29 Sec. 464 c**

74. Arresting Officer **Ed Pugh**      75. Soc. Sec. No.      76. Booking Officer **Sgt WENADE**      77. Soc. Sec. No.

78. Date/Time Booked **15 SEPT 83 1335**      79. SE      80. Second Officer      81. Soc. Sec. No.      82. Searched By **Gray**      83. Soc. Sec. No.

84. Defendant's Money **NONE**      85. Date/Time      86. Bail      87. Bail      88. Bail      89. Bail

90. Court Commissioner - Date **AP**      91. DATE: **9/1/83**      92. BAIL: **None**      93. DATE:      94. BAIL:      95. DATE:      96. BAIL:

97. DATE:      98. BAIL:      99. DATE:      100. BAIL:

2/28/76

ARREST REPORT

POLICE DEPARTMENT  
BALTIMORE, MARYLAND

1. Defendant's Name (Last, First, Middle)

STRINGER, DAVID HENRY

2. Complaint No.

2H77246

3. Car No.

242

4. Reporting Area

254

5. Street Code

0876

6. Sex

M

7. Race

W

8. D.O.B.

6/8/40

9. Height

5'8"

10. Weight

140

11. Hair

BROWN

12. Eyes

BRN

13. Defendant's Address

[REDACTED]

14. Arrest No.

3AR

15. Place of Birth

ALASKA

16. Date/Time of Arrest

15 SEPT 83 1330

17. Right Index

[REDACTED]

18. Charge

PERVERTED PRACTICE

Code

JR 145

19. District

VICE

20. Trial Date

[REDACTED]

21. Fine

[REDACTED]

22. Disposition Code

Run

23. Disposition

[REDACTED]

24. Code

[REDACTED]

25. Where Defendant Employed or School

SELF EMPLOYED

26. Occupation

REAL ESTATE

27. Res. Phone

[REDACTED]

28. Vehicle Involved

[REDACTED]

29. Defendant's Lic. No.

[REDACTED]

30. Held Pledged on Vehicle

[REDACTED]

31. Father's (Name)

REFUSED

Address

[REDACTED]

City

[REDACTED]

32. Mother's (Maiden)

REFUSED

33. Guardian or Next of Kin

[REDACTED]

34. Witness

[REDACTED]

[REDACTED]

35. Name of Parent/Guardian/Next of Kin - Notified

[REDACTED]

Date/Time

[REDACTED]

Officer

[REDACTED]

36. Drug Information

A.  Dangerous

B.  Drugs

A.  Narcotics

B.  Hallucinogens

A.  Marijuana

37. Narrative

FBI NONE

DID COMMIT A CERTAIN UNNATURAL AND  
PERVERTED SEX ACT TO WIT FELLATIO &  
SODOMY WITH [REDACTED]

38. Arresting Officer

[REDACTED]

39. Sec. Sec. No.

A27 \$554

40. Booking Officer

SGT WENAGE #393

41. Date/Time Booked

15 SEPT 83 1335

42. Sec. Sec. No.

SE

43. Searched By

GRAY #418

44. Defendant's Money

NONE

45. Date/Time Bail

DATE: 9/15/83 BAIL: [REDACTED]

46. Date/Time Bail

DATE: 09-18-83 BAIL: [REDACTED]

47. Court Commissioner - Date

[REDACTED]

48. Date/Time Bail

DATE: [REDACTED] BAIL: [REDACTED]

49. Date/Time Bail

DATE: [REDACTED] BAIL: [REDACTED]

50. Date/Time Bail

DATE: [REDACTED] BAIL: [REDACTED]

51. Date/Time Bail

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52. Date/Time Bail

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53. Date/Time Bail

DATE: [REDACTED] BAIL: [REDACTED]

54. Date/Time Bail

DATE: [REDACTED] BAIL: [REDACTED]

55. Date/Time Bail

DATE: [REDACTED] BAIL: [REDACTED]

2/28/78

**ARREST REPORT** POLICE DEPARTMENT BALTIMORE, MARYLAND

1. Defendant's Name (Last, First, Middle) **STRINGER DAVID HENRY** 2. Complaint No. **2419216**

3. Sex **M** 4. Race **W** 5. Hgt. **58** 6. Wgt. **140** 7. Eyes **BRN** 8. Hair **BRN** 9. Age **35** 10. Social Security No. **ABSE 893545**

11. Date/Time of Arrest **15 SEPT 83 1730** 12. Right Index **ALASKA**

13. Charge **SEX OFF. (CONTACT)** 14. Judge **CEJ L9**

15. Disposition Code **CRIM** 16. Disposition **CRIM**

17. Place of Birth **ALASKA**

18. Reporting Area **256** 19. Street Code **0886**

20. Describe Type Premise **POLICE STATION**

21. Date and Time Arrested **15 SEPT 83 1730** 22. Arresting Officer **PAUGH** 23. Investigating Officer **WOOD JOHNSON**

24. Defendant's Plea at Original Hearing **CRIM**

25. Where Defendant Employed or School **SELF EMPLOYED** 26. Occupation **REAL ESTATE**

27. Res. Phone **[REDACTED]** 28. Def. Phone **[REDACTED]**

29. Vehicle Involved **[REDACTED]**

30. Hold/Placed on Vehicle **[REDACTED]**

31. Father's Name **REFUSED** 32. Mother's Name **REFUSED** 33. Guardian or Next of Kin **[REDACTED]**

34. Narrative **FBI - None**

**DID ENGAGE IN SEXUAL CONTACT WITH [REDACTED] A CHILD 4 YRS. YOUNGER THAN HIM, AND UNDER 14 YRS OF AGE**

35. Arresting Officer **W. J. PAUGH** 36. Transporting Officer **FROM COURT** 37. Booking Officer **SGT WENAGE #393**

38. Date/Time Booked **15 SEPT 83 1335** 39. Searched By **GRAY #418**

40. Defendant's Money **NO M.C.** 41. Court Commissioner - Date **[REDACTED]**

42. Bail: **DATE: 10/14/83 BAIL: \$1000** 43. Bail: **DATE: [REDACTED] BAIL: [REDACTED]** 44. Bail: **DATE: 08. B. H. [REDACTED] BAIL: [REDACTED]**

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199. Bail: **DATE: [REDACTED] BAIL: [REDACTED]**

200. Bail: **DATE: [REDACTED] BAIL: [REDACTED]**

2/28/74

ARREST REPORT

POLICE DEPARTMENT  
BALTIMORE, MARYLAND

1. Defendant's Name (Last, First, Middle) <b>STRINGER, DAVID HENRY</b>	2. Complaint No. <b>2H74296</b>
3. Sex: <b>M</b> Race: <b>W</b> H.O.B. No.: [redacted] Height: <b>5'8"</b> Weight: <b>140</b> Eyes: <b>BRN</b> Hair: <b>BRN</b>	4. Arrest No. <b>347</b>
5. Car No. <b>242</b> 7. Post. <b>256</b> 8. Reporting Area <b>1884</b> Street Code <b>1884</b>	6. Ident. No. <b>35080</b>

9. Place of Birth <b>ALASKA</b>	10. Social Security No. [redacted]
11. Date/Time of Arrest <b>15 SEPT 83 1330</b>	12. Right Index [redacted]

13. Charge <b>SEX OFFENCE - CONTACT C.F.J. U9</b>	14. Judge	Trial Date	Fine	Cost
15. Disposition Code <b>RULEY</b>	Disposition	Code		

16. Where Defendant Employed or School <b>SELF EMPLOYED</b>	20. Occupation <b>REAL ESTATE</b>	27. Res. Phone	Bus. Phone
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22. Vehicle Involved	Year	Make	Body	Color	29. Defendant's Lic. No.
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31. Factory (Name) <b>REFUSED</b>	Address	City	Zip	Res. Phone	Bus. Phone
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32. Name of Parent/Guardian/Next of Kin - Notified	Date/Time	Officer	Sec. Sec. No.
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33. Drug Information	A. <input type="checkbox"/> Dangerous	A. <input type="checkbox"/> Narcotics	A. <input type="checkbox"/> Hallucinogens	A. <input type="checkbox"/> Marijuana
	B. <input type="checkbox"/> User	B. <input type="checkbox"/> Seller	B. <input type="checkbox"/> Drugs	B. <input type="checkbox"/> Other

34. Narrative  
**FBI NOTE**

**DID ENGAGE IN SEXUAL CONTACT WITH [redacted] A CHILD 4 YEARS YOUNGER THAN HIM AND UNDER 15 YEARS OF AGE AND IS MENTALLY DEFECTIVE OR MENTALLY INCAPACITATED**

35. Arresting Officer <b>Det. [redacted] 1335</b>	36. Transporting Officer <b>FROM COURT</b>	37. Booking Officer <b>SGT WENHAGE 1393</b>
38. Defendant's Money <b>NONE</b>	39. Approved By <b>GRAY</b>	40. Sec. Sec. No. <b>A 418</b>

41. Court Commissioner - Date <b>15C 00169571</b>	42. Bail	43. Bail	44. Bail	45. Bail
	DATE: <b>01/14/83</b>	DATE: <b>01/14/83</b>	DATE: <b>01/14/83</b>	DATE: <b>01/14/83</b>
	BAIL: <b>None</b>	BAIL: <b>None</b>	BAIL: <b>None</b>	BAIL: <b>None</b>

ARREST REPORT

POLICE DEPARTMENT  
BALTIMORE, MARYLAND

1. Defendant's Name (Last, First, Middle)  
**STRINGER, DAVID HENRY**

2. Case No.  
**2H74216**

3. Car No. 17. Post  
**84 242**

4. Sex Race Ht. Wt. Eyes Hair  
**M W 5'9 140 BRN BRN**

4. Arrest No.  
**55078**

5. Reporting Area Street Code  
**256 OFFC**

5. Defendant's Address

6. Ident. No.

7. Type of Premises  
**POLICE STATION**

7. Alias or Nickname

8. Birth Date  
**83SE893545**

8. Date and Time Arrested  
**5 SEPT 83 1330**

10. Social Security No.

9. Place of Birth  
**ALASKA**

9. Arresting Officer  
**LAUGH**

11. Date/Time of Arrest  
**15 SEPT 83 1330**

12. Right Index

10. Primary Investigator  
**JOHNSON CID VICE**

13. Charge  
**SEX-OFFENSE 2ND**

13. Code  
**JRNLS**

11. Defendant's Place of Original Hearing

14. Judge  
**ROSKY**

14. Trial Date  
**JRNLS**

12. Where Defendant Employed or School  
**SELF EMPLOYED**

15. Disposition Code  
**REAL ESTATE**

15. Disposition  
**REAL ESTATE**

13. Vehicle Involved

16. Occupation  
**REAL ESTATE**

16. Res. Phone Bus. Phone

14. License No. State Year

17. Res. Phone Bus. Phone

17. Defendant's Lic. No.

15. Hold Placed on Vehicle

18. Vehicle Towed To

18. Vehicle Towed To

16. Father's (Name)  
**REFUSED**

19. City Zip Res. Phone Bus. Phone

19. City Zip Res. Phone Bus. Phone

17. Mother's (Name)  
**REFUSED**

20. City Zip Res. Phone Bus. Phone

20. City Zip Res. Phone Bus. Phone

18. Guardian or Next of Kin

21. Name of Parent/Guardian/Next of Kin - Notified

21. Name of Parent/Guardian/Next of Kin - Notified

19. Complainer

22. Date/Time Officer Soc. Sec. No.

22. Date/Time Officer Soc. Sec. No.

20. Witness

23. Drug Information

23. Drug Information

21. Name of Parent/Guardian/Next of Kin - Notified

24. Narrative

24. Narrative

22. Date/Time Booked  
**15 SEPT 83 1335**

25. Defendant's Money  
**NONE**

25. Defendant's Money

23. Court Commissioner - Date

26. Transferring Officer  
**FROM JAIL**

26. Transferring Officer

24. Date/Time Booked

27. Booking Officer  
**SOFT WEHABE A093**

27. Booking Officer

25. Defendant's Money

28. Arrested By  
**GRAY A 418**

28. Arrested By

26. Court Commissioner - Date

29. Post-Release

29. Post-Release

27. Date/Time Booked

30. Bail

30. Bail

28. Defendant's Money

31. Bail

31. Bail

29. Court Commissioner - Date

32. Bail

32. Bail

30. Date/Time Booked

33. Bail

33. Bail

31. Defendant's Money

34. Bail

34. Bail

32. Court Commissioner - Date

35. Bail

35. Bail

33. Date/Time Booked

36. Bail

36. Bail

34. Defendant's Money

37. Bail

37. Bail

35. Court Commissioner - Date

38. Bail

38. Bail

36. Date/Time Booked

39. Bail

39. Bail

37. Defendant's Money

40. Bail

40. Bail

38. Court Commissioner - Date

41. Bail

41. Bail

39. Date/Time Booked

42. Bail

42. Bail

40. Defendant's Money

43. Bail

43. Bail

41. Court Commissioner - Date

44. Bail

44. Bail

42. Date/Time Booked

45. Bail

45. Bail

43. Defendant's Money

46. Bail

46. Bail

44. Court Commissioner - Date

47. Bail

47. Bail

**ARREST REPORT** POLICE DEPARTMENT BALTIMORE, MARYLAND

1. Defendant's Name (Last, First, Middle) **STRINGER, DAVID HEARY**

2. Car No. **287 242** 17. Plate **256** 18. Reporting Area **0886** 19. Street Code **0886**

3. Sex **M** 4. Race **W** 5. D.O.B. **5/8/74** 6. M.I. **OR** 7. Arrest No. **3142** 8. Complaint No. **2874296** 9. Arrest No. **58077**

10. Police Station **POLICE STATION** 11. Date/Time of Arrest **15 SEPT 83 1330** 12. Right Index

13. Arresting Officer **SAHR** 14. Charge **SEX OFF. 4TH DEG** 15. Code **3RNDP** 16. Multiple **NO**

17. Primary Investigating Officer **THOMAS JOHNSON** 18. Disposition Code **2001** 19. Disposition **REAL ESTATE** 20. Code

21. Where Defendant Employed or School **SELF EMPLOYED** 22. Occupation **REAL ESTATE** 23. Res. Phone **---** 24. Bus. Phone **---**

25. Vehicle Involved  
 Lic. No. **---** State **---** Year **---** Year **---** Make **---** Body **---** Color **---** 26. Defendant's Lic. No. **---**

27. Held Pledged on Vehicle **---** 28. Vehicle Towed To **---**

29. Family (Name) **Refused** Address **---** City **---** Zip **---** Res. Phone **---** Bus. Phone **---**

30. Mark (Maiden) **Refused**

31. Guardian or Next of Kin **---**

32. Name of Parent/Guardian/Next of Kin - Notified **---** Date/Time **---** Officer **---** Sec. No. **---**

33. Drug Information  
 A.  User B.  Seller C.  Dangerous D.  Drugs E.  Narcotics F.  Hallucinogens G.  Marijuana

34. Narrative **FBI # NONE**

**Did engage in a sex act with [redacted] a child 13 yrs old and 4 yrs younger than him**

35. Booking Officer **Colman #1393** 36. Transporting Officer **From Court** 37. Booking Officer **SET WENACE**

38. Date/Time Booked **15 SEPT 83 1335** 39. Searched By **GRAY** 40. Defendant's Money **---**

41. Court Commissioner - Date **---** 42. BAIL: **---** 43. DATE: **---** 44. BAIL: **---** 45. DATE: **---** 46. BAIL: **---** 47. DATE: **---** 48. BAIL: **---** 49. DATE: **---** 50. BAIL: **---** 51. DATE: **---** 52. BAIL: **---** 53. DATE: **---** 54. BAIL: **---** 55. DATE: **---** 56. BAIL: **---** 57. DATE: **---** 58. BAIL: **---** 59. DATE: **---** 60. BAIL: **---** 61. DATE: **---** 62. BAIL: **---** 63. DATE: **---** 64. BAIL: **---** 65. DATE: **---** 66. BAIL: **---** 67. DATE: **---** 68. BAIL: **---** 69. DATE: **---** 70. BAIL: **---** 71. DATE: **---** 72. BAIL: **---** 73. DATE: **---** 74. BAIL: **---** 75. DATE: **---** 76. BAIL: **---** 77. DATE: **---** 78. BAIL: **---** 79. DATE: **---** 80. BAIL: **---** 81. DATE: **---** 82. BAIL: **---** 83. DATE: **---** 84. BAIL: **---** 85. DATE: **---** 86. BAIL: **---** 87. DATE: **---** 88. BAIL: **---** 89. DATE: **---** 90. BAIL: **---** 91. DATE: **---** 92. BAIL: **---** 93. DATE: **---** 94. BAIL: **---** 95. DATE: **---** 96. BAIL: **---** 97. DATE: **---** 98. BAIL: **---** 99. DATE: **---** 100. BAIL: **---**

19C 00169571 (8)

2/22/78

**ARREST REPORT**      **POLICE DEPARTMENT**  
**BALTIMORE, MARYLAND**

7465

1. Defendant's Name (Last, First, Middle) <b>STRANIER, DAVID HENRY</b>	2. Complaint No. <b>2H774246</b>
3. Sex: <b>M</b> Race: <b>W</b> D.O.B. [REDACTED]	4. Arrest No. <b>55079</b>
5. Height: <b>58</b> Weight: <b>140</b> Hair: <b>BRN</b> Eyes: <b>BRN</b>	
6. Address (Home) [REDACTED]	
7. Alias or Nickname [REDACTED]	8. Work/ID No. <b>835EB93545</b>
9. Place of Birth <b>ALASKA</b>	10. Social Security No. [REDACTED]
11. Date/Time of Arrest <b>15 SEPT 83 1330</b>	12. Right Index [REDACTED]
13. Charge <b>SEX OFFENSE 240</b> Code <b>JRNUS</b>	
14. Judge [REDACTED] Trial Date [REDACTED] Fine [REDACTED] Cost [REDACTED]	
15. Disposition Code [REDACTED] Disposition [REDACTED] Code [REDACTED]	
16. Defendant's Plea at Original Hearing <b>Guilty</b>	
17. Where Defendant Employed or School <b>SELF EMPLOYED</b>	18. Occupation <b>REAL ESTATE</b>
19. Res. Phone [REDACTED] Bus. Phone [REDACTED]	
20. Vehicle Involved [REDACTED]	21. Defendant's Lic. No. [REDACTED]
22. Hold Placed on Vehicle <input type="checkbox"/> Yes <input type="checkbox"/> No	
23. Father (Name) <b>REFUSED</b> Address [REDACTED] City [REDACTED] Zip [REDACTED] Res. Phone [REDACTED] Bus. Phone [REDACTED]	
24. Mother (Name) <b>REFUSED</b>	
25. Guardian or Next of Kin [REDACTED]	
26. Name of Parent/Guardian/Next of Kin - Notified [REDACTED] Date/Time [REDACTED] Officer [REDACTED] Soc. Sec. No. [REDACTED]	
27. Drug Information: A. <input type="checkbox"/> User B. <input type="checkbox"/> Seller      A. <input type="checkbox"/> Dangerous B. <input type="checkbox"/> Drugs      A. <input type="checkbox"/> Narcotics B. <input type="checkbox"/> Hallucinogens      A. <input type="checkbox"/> Marijuana B. <input type="checkbox"/> [REDACTED]	
28. Narrative <b>FBI # NONE</b>	
1. DID ENGAGE IN A SEXUAL ACT WITH [REDACTED]	
2. A PERSON MENTALLY DEFECTIVE, OR MENTALLY INCAPACITATED AND DEF. PERFORMING THE ACT KNOWS OR SHOULD REASONABLY KNOWN VICTIM IS MENTALLY DEFECTIVE OR MENTALLY INCAPACITATED	
3. A27 § 464 A	
29. Transporting Officer <b>FROM THE DET</b> Soc. Sec. No. [REDACTED]	30. Booking Officer <b>SGT WENHAGE #393</b> Soc. Sec. No. [REDACTED]
31. Date/Time Rec'd <b>15 SEPT 83 1335</b> Dist. <b>SE</b>	32. Searched By <b>GRAY</b> Soc. Sec. No. <b>A 41P</b>
33. Defendant's Money <b>NONE</b>	34. Postbondments: DATE: <b>11/1/83</b> BAIL: <b>1000</b> DATE: [REDACTED] BAIL: [REDACTED] DATE: <b>OR B. HARRIS</b> BAIL: [REDACTED]
35. Court Commissioner - Date <b>LIC 00169571 (7)</b>	

2/28/76

ARREST REPORT  
742

POLICE DEPARTMENT  
BALTIMORE, MARYLAND

1. Defendant's Name (Last, First, Middle)  
**STRINGER, DAVID HERVY**

2. Complaint No.  
**2H74246**

3. Car No. **242**  
4. Reporting Area **256**  
5. Street Code **0876**

6. Sex **M** Race **W** D.O.B. [REDACTED]  
7. Ht. **5'8** Wt. **140** Hair **BRN** Eyes **BRN**

8. Arrest No. **352**  
9. Ident. No. **55076**

10. Description of Premises  
**POLICE STATION**

11. Alias or Nickname  
**None**

12. Place of Birth  
**ALASKA**

13. Date and Time Arrested  
**15 SEPT 83 1330**

14. Warrant No. **83SE 893,545**  
15. Date/Time of Arrest  
**15 SEPT 83 1330**

16. Right Index  
**None**

17. Arresting Officer  
**TOUGH**

18. Charge  
**PERVERTED PRACTICE TRJUL5**

19. Code Multiple  
**Code**

20. Primary Investigating Officer  
**WANDA JOHNSON - CID VICE**

21. Judge  
**None**

22. Disposition  
**None**

23. Where Defendant Employed or School  
**SELF EMP.**

24. Occupation  
**REAL ESTATE**

25. Def. Phone  
**None**

26. Vehicle Involved  
Lic. No. State Year Make Body Color  
27. Defendant's Lic. No.

28. Hold Placed on Vehicle  
 Yes  No

29. Father's Name  
**REFUSED**

30. Mother's Name  
**REFUSED**

31. Name of Parent/Guardian/Next of Kin - Notified  
Date/Time Officer Soc. Sec. No.

32. Drug Information  
A  User B  Seller A  Dangerous B  Drugs A  Narcotics B  Hallucinogens A  Marijuana

33. Narrative  
**FBI # none**

**DID COMMIT A CERTAIN UNNATURAL AND PERVERTED SEX ACT TO WIT FELLATIO & SODOMY WITH [REDACTED]**

[REDACTED]

[REDACTED]

[REDACTED]

34. Transporting Officer  
**FROM COURT**

35. Booking Officer  
**SOI WENAGE #393**

36. Date of Release  
**15 SEPT 83 1335**

37. Defendant's Money  
**None**

38. Court Commissioner - Date  
**19C00469571**

39. BAIL  
DATE: BAIL: DATE: BAIL: DATE: BAIL:

C/

Rep. Shope -

I'm not sure if this has been brought to the committee's attention or not, but Rep Stringer was student teaching last year (I believe middle school age). The application for a teaching certificate asks whether the applicant has ever been "arrested" (not convicted) of a sex crime.

# APPLICATION FOR THE ALTERNATIVE TEACHING CERTIFICATE

Arizona Department Of Education - Certification Unit  
Mailing Address: P.O. Box 6490, Phoenix, AZ 85005-6490 • Telephone: 602.542.4367

## General Information

- The Alternative Teaching certificate entitles the holder to enter into a teaching contract while completing the requirements for an Arizona Standard Professional Teaching certificate. The Alternative Teaching certificate is valid for two years from the date of issuance and may be extended yearly for no more than two consecutive years. Certificate holders must be continuously enrolled and making progress in the Board approved teacher preparation program to qualify for an extension. An individual is not eligible to hold the certificate more than once in a five-year period.
- **Effective October 1, 2018**, the Alternative Teaching Certificate will only reflect the Certification area the holder is qualified to teach if the applicant meets Subject Knowledge Exam Requirement for the Standard Professional Teaching Certificate they are pursuing.

## Instructions

**Step 1: Apply for AZDPS IVP fingerprint clearance card.** Apply for an Arizona Department of Public Safety Identity Verified Prints (AZDPS IVP) fingerprint clearance card. Please visit <http://www.azed.gov/educator-certification/fingerprint-clearance-card-ivp/> for further information.

**Step 2: Enroll in a Teacher Preparation Program.** Enroll in an Arizona Board approved alternative path to certification program, or an Arizona Board approved teacher preparation program, in the appropriate certificate. Contact the appropriate representative from the [list of educator preparation programs](#) for information on enrolling in a Board approved program. *Note:* Most institutions will require verification that you have been hired for a teaching position to enroll in the program.

**Step 3: Request Official Transcripts.** Request official transcript(s) documenting your bachelor's or more advanced degree.

- **Paper official transcripts** may be sent to yourself and submitted with the application. Paper official transcripts should be on security paper and include the university seal and signature of the registrar.
- **Electronic official transcripts** must be sent from the college or university to [Certification@azed.gov](mailto:Certification@azed.gov).
- **Foreign transcripts** must be evaluated by a Department approved [Foreign Credential Evaluation Agency](#) to document that you have the equivalent of a Bachelor's or more advanced degree from an accredited institution in the United States.

**Step 4: Pass the AEP/NES Subject Knowledge Exam.** If you are seeking an Alternative Teaching Certificate which shows the certification area, you must meet the Subject Knowledge Exam Requirement that aligns to the Standard Professional Teaching Certificate you are pursuing. For information on the Arizona educator exams, please visit [www.aepa.nesinc.com](http://www.aepa.nesinc.com). For options to waive a subject knowledge exam requirement, please review the [Requirements for the Standard Professional Teaching Certificate](#).

**Step 5: Complete the Application.** Complete the Application for the Alternative Teaching Certificate and verify that you have all required materials using the Application Checklist.

**Step 6: Submit the Application Packet.** Submit the application, required fee, and supporting documentation to the Arizona Department of Education, Certification Unit.

### **Mail application packet to:**

AZ Department of Education - Teacher Certification  
PO Box 6490  
Phoenix, AZ 85005-6490

### **Or submit application in person to:**

Arizona Department of Education  
1535 West Jefferson St.  
Phoenix, AZ 85007

# APPLICATION FOR THE ALTERNATIVE TEACHING CERTIFICATE

Arizona Department Of Education - Certification Unit  
Mailing Address: P.O. Box 6490, Phoenix, AZ 85005-6490 • Telephone: 602.542.4367

## PERSONAL INFORMATION

Please type or print in blue or black ink.

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Gender: M / F

Full Legal Name: Last: \_\_\_\_\_ First: \_\_\_\_\_ Middle: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Information: Phone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Ethnicity: (Gender and Ethnicity are requested for federal reporting purposes only)

- American Indian or Alaskan Native  Asian or Pacific Islander  Black or African-American (not Hispanic)  
 Hispanic or Latino  White (Not Hispanic)  Other

## APPLICATION CHECKLIST

Submit the following:

- Completed Application:**
  - o Select the certificate you are requesting. If you are requesting a Secondary certificate, indicate **one** approved area.
  - o Answer **every** Background Question, sign and date the application.
  - o If you answer "Yes" to any Background Questions, you **must** submit a completed Explanation of Incident form for each incident, even if the incident was previously disclosed.
- Letter verifying enrollment** in a Board approved teacher preparation program, signed by the appropriate contact. (List of teacher preparation program contacts)
- Official transcripts** posting your bachelor's degree or more advanced degree.
- AEPA or NES official score report** documenting that you passed the subject knowledge exam in the certification area, if applicable.
- AZ DPS IVP fingerprint clearance card:** A photocopy of your valid Arizona DPS IVP fingerprint clearance card (plastic).
- Appropriate Fee:** A check or money order for \$60 the Alternative Teaching Certificate. Additional approved area(s) and endorsement(s) are \$60 each. Credit card payments (Visa or MasterCard) may be accepted for in-person applicants at the Phoenix Certification office.

## EDUCATION

Please list the institution(s) in which you are submitting/will submit official transcripts documenting your Bachelor's or more advanced degree.

College Or University	Location, State	Degree/Major	Date Awarded
-----------------------	-----------------	--------------	--------------

\_\_\_\_\_  
\_\_\_\_\_

Please check how your official transcripts are being submitted.

- Electronic official transcript has been emailed to [Certification@azed.gov](mailto:Certification@azed.gov) on \_\_\_\_\_  
 Official paper transcript(s) are included with this application.  
 A foreign equivalency evaluation is included with this application.  
 Official paper transcript(s) were mailed to the Certification Office on: \_\_\_\_\_

## WIKIPEDIA

# Robert I. H. Hammerman

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**Robert I. H. Hammerman** (July 17, 1928 – November, 2004) was an American judge. He served as an associate judge of the Supreme Bench in the city of Baltimore, Maryland from 1967 to 1982, an associate judge of the Baltimore City Circuit Court, 8th Judicial Circuit from 1983 to 1998 and its chief judge, from 1984 to 1998. He retired July 17, 1998 and died by suicide in November, 2004.

## Contents

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**Background**

Awards and honors

**Judicial career****Civic activities****Accusations and Suicide****References**

## Background

---

Born in Baltimore, Maryland, July 17, 1928, Judge Hammerman attended the Baltimore City College (third oldest public high school in America, a magnet specialized school for the Classics, humanities, social studies and liberal arts - founded 1839) and went on to graduate from the Johns Hopkins University, with a Bachelor of Arts (B.A.) degree in 1950. Hammerman was accepted to and graduated from the Harvard Law School (at Harvard University) with his Juris Doctor (J.D.) in 1953. He was admitted to Maryland Bar the same year and throughout his career was an active member of the American, Maryland State Bar Association, and Baltimore City Bar Associations, the American Judicature Society and the ancient Library Company of the Baltimore Bar. <sup>[1]</sup> He first took his oath as an associate judge on the bench of the old "Baltimore City Municipal Court" on May 1, 1961. (merged into the newly reorganized "District Court of Maryland" system in early 1980s). He joined the "Supreme Bench of Baltimore City" (then Municipal circuit court system) in May 1967, where he eventually served as Chief Judge of the newly reorganized "Circuit Court of Maryland" system, with the old "Supreme Bench" being replaced by the more efficient "Circuit Court of Maryland for Baltimore City" from May 1984 until July 1998, when he reached the mandatory retirement age of 70. He had been Maryland's longest serving judge to that point.<sup>[2]</sup> After his retirement, Hammerman continued on the bench as a senior judge, working full-time but limited by law to pay for only 120 days of service per year.

### Awards and honors

- Book of Golden Deeds Award, National Exchange Club
- Annual Award for Humanitarian Service, National Council of Jewish Women

- Man of the Year, Hebrew Noble Ladies
- Honor Roll for Superior Public Service, Afro-American
- President, Har Sinai Congregation Brotherhood.

## Judicial career

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As a judge, Hammerman was known as a fair but tough sentencer and a stickler for detail. Lawyers who showed up even one minute late for court were often verbally reprimanded or fined.<sup>[3]</sup> Early in his judicial career, Hammerman was the primary judge for juvenile offenders. He presided over the Juvenile Court for eight years, bringing it into compliance with a 1967 U.S. Supreme Court decision guaranteeing the rights to counsel for juvenile defendants. He presided over several high-profile cases, including the child sexual abuse case against John Joseph Merzbacher Jr., a lay teacher sentenced to four life sentences for repeated rape and sexual abuse of one of his students in the 1970s at Catholic Community Middle School in South Baltimore., a parochial school under the auspices of the Archdiocese of Baltimore.<sup>[4]</sup>

## Civic activities

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Hammerman never married nor had children but he had a strong commitment to the youth in Baltimore City. In 1952, he started a club for Jewish teenage boys called "The Lancers" (later expanded to other ethnics) . The club's activities included sports, cultural events and debates. Judge Hammerman scheduled guest speakers and set up community action projects for the group.<sup>[5]</sup> The club eventually expanded into other areas of the city, bringing in non-Jews as well, some of whom went on to careers in public service, such as Kurt Schmoke, an official in the U.S. Dept. of Justice in the Carter administration, later States' Attorney for Baltimore City, then the first elected African American mayor of Baltimore City, now President of the University of Baltimore or Curt Anderson, a former WBAL-TV news reporter who later became a member of the Maryland House of Delegates. Many early members shared a connection with City College, the city's elite academic high school from which Hammerman graduated in 1946, and many went on, like Hammerman, to The Johns Hopkins University. Hammerman also supervised during the 1980s and 1990s, the annual Hall of Fame induction ceremonies at The Baltimore City College, of which he was a member. In addition, he was always interested and active in the affairs and progress of the school and its powerful and influential Alumni Association-founded 1866.

## Accusations and Suicide

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Four years before his death, a seventeen-year-old member of the Lancers Boys Club, speaking at the Gilman School graduation ceremony, publicly accused Judge Hammerman of sexually explicit conduct in the locker room showers of the tennis club where he regularly took boys from the Lancers Club.<sup>[6]</sup> Hammerman denied this allegation, but Gilman suspended its ties to the Lancers Club and Hammerman following further allegations.<sup>[6]</sup>

On November 11, 2004, the body of Robert Hammerman was found outside his northwest Baltimore apartment, dead of an apparent self-inflicted gunshot wound to the chest. The case was ruled a suicide because of, among other things, the letter that Hammerman had mailed the day before to more than 2000 people in and around Baltimore City.<sup>[7]</sup> Many of those who received the letters were lawyers or his colleagues on the Bench, though most of the recipients were past and present members of his beloved Lancers club. In the letter he cited the fear of growing old with Alzheimer's, a disease that had taken his mother for whom he had personally cared. Hammerman, however, had never been diagnosed with the disease. "Some may say of me that it is an act of a coward," he wrote in his suicide note. "So be it. It is so easy for one outside the ring to tell the fighter how to fight his fight."

After Hammerman's death, an open letter to a Baltimore newspaper by another former member of the Lancers Club leveled further allegations of pedophilia against Hammerman. The letter stated that Hammerman frequently asked boys from the club questions concerning their sexual activity, and routinely watched the boys shower, going so far as to refuse to allow boys to leave the athletic clubs where he took them without showering under his watch.<sup>[8]</sup>

## References

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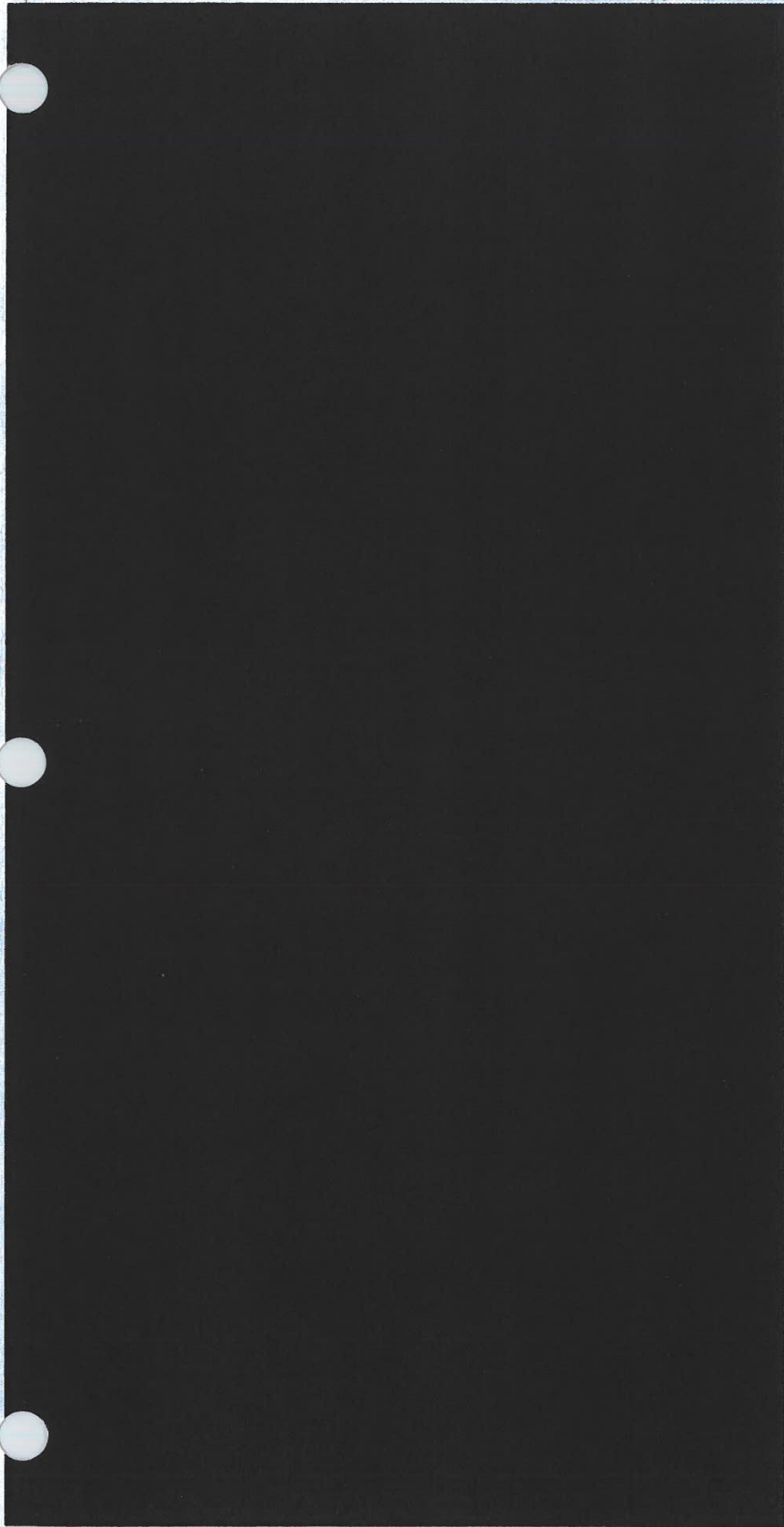
1. Robert I. H. Hammerman, Maryland Circuit Court Judge (<http://www.msa.md.gov/msa/mdmanual/31cc/former/html/msa11792.html>)
2. Search Results – THOMAS (Library of Congress) (<http://thomas.loc.gov/cgi-bin/query/F?r105:1:./temp/~r105DRYOTI:e1808:>)
3. Search Results – THOMAS (Library of Congress) (<http://thomas.loc.gov/cgi-bin/query/F?r105:1:./temp/~r105M7razC:e0:>)
4. Shatzin, Kate (August 21, 1996). "Appeals Court Ruling Erases Suit Alleging Sex Abuse by Priest:Recovered Memories Not Allowed As Exceptions to Statute of Limitations" ([http://www.bishop-accountability.org/news3/1996\\_08\\_21\\_Shatzkin\\_AppealsCourt\\_Jerome\\_Toohey\\_3.htm](http://www.bishop-accountability.org/news3/1996_08_21_Shatzkin_AppealsCourt_Jerome_Toohey_3.htm)). Baltimore Sun. Retrieved October 10, 2007.
5. Case of Judge Robert I. H. Hammerman (Baltimore, MD) ([http://www.theawarenesscenter.org/Hammerman\\_Robert.html#His](http://www.theawarenesscenter.org/Hammerman_Robert.html#His))
6. "Gilman suspends its ties to Lancers Boys Club" ([http://articles.baltimoresun.com/2000-02-13/news/0002130095\\_1\\_hammerman-speech-gilman](http://articles.baltimoresun.com/2000-02-13/news/0002130095_1_hammerman-speech-gilman)). *tribunedigital-baltimoresun*. Retrieved 2018-12-10.
7. "washingtonpost.com: Despite Detailed Letter, Judge's Suicide Baffling" (<https://www.washingtonpost.com/ac2/wp-dyn/A49813-2004Nov14?language=printer>). *The Washington Post*. August 21, 2012.
8. Jacobs, Phil (December 10, 2004). "Pandora's Box". *Baltimore Jewish Times*.

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CASE 18202349 DEFENDANT NAME STRINGER, DAVID H. IDENT RACE SEX DOB 335284 X X 08-19-47 COMPLAINT 08/12/96 CITY STATE ZIP BALTIMORE MD 21231  
 ADDRESS 1740 EASTERN AVENUE  
 CHARGE SEX02 00/00/00 G ARREST DATE 00/00/00 G FILING DATE 10/10/83 CURRENT CASF- LOC LOC OR  
 COMMENTS  
 COUNT NHR CHG CO PL PLEA VER VERDICT SENT DATE SENT DATE CONFINEMENT RESIDING DTE SENT C/CF SUSPENDED PROBATION TIME FINE COSTS ARREST NUMBER  
 01 3825083

JULY NUMBER GRH752

CASE HISTO MICROFILM

DATE 08/04/87

JAR55078  
JAR55076  
JAR55081

CASE NO DEFENDANT NAME

01  
01  
01

EVENT DATE PART TIM REASON DISP REASON JUDGE NAME IDENT

09/16/83 DEFENDANT RELEASED ON OWN RECOG  
 10/10/83 INDICTMENT FILED  
 10/10/83 DISTRICT COURT CASE NO 01-02 893545  
 11/07/83 P20 9:30 ARRG SET SILVER 8961  
 11/07/83 FILED STERN, ESA  
 11/08/83 CSET 55 LS  
 11/09/83 STATE'S REQUEST FOR DISCOVERY FILED  
 11/09/83 STATE'S DISCLOSURE FILED  
 01/06/84 P09 9:00 JT XFER GREENFFLD 8822  
 01/06/84 P10 9:30 JT CONT HAMMERMAN 8807  
 01/09/84 P10 9:30 CT GSI HAMMERMAN 8807  
 01/09/84 DEFENDANT IS TO SEEK ADMISSION TO DR BERLIN'S PROGRAM AT HOPKIN'S  
 01/09/84 DEFENDANT IS TO PERFORM TWO HUNDRED EIGHT (208) HOURS OF COMMUNITY SERVICE PER YEAR  
 01/09/84 DEFENDANT IS TO PAY COST TO THE SHERIFF BY 01-09-84  
 09/11/84 MOTION FOR MODIFICATION OF PROBATION AND REQUEST FOR HEARING FILED  
 09/24/84 MOTION FOR MODIFICATION OF PROBATION DENIED  
 01/08/85 MOTION FOR APPROPRIATE RELIEF FILED  
 01/08/85 MEMORANDUM IN SUPPORT OF MOT FOR APPROPRIATE RELIEF FILED  
 01/08/85 REQUEST FOR HEARING FILED  
 01/10/85 AMENDMENT TO MOTION FOR APPROPRIATE RELIEF FILED

RELATED PERSONS NAME IDENT CODE PD IDENT PD LOC ADDRESS CITY STATE ZIP

LYONS, JOSEPH S 513023 ADP 700 E LOMBARD ST HL15 BALTIMORE MD 21202  
 STERN, NATHAN 807922 ADS STATE ATTORNEY OFFICE BALTIMORE MD 21202  
 LESSER, JACK 484668 ASA ST CITY OFF COURTHSE BALTIMORE MD 21202  
 KLAVANS, GLENN 450773 ASA

DANKA, A DET PD CID  
 JOHNSON, H DET PD CID  
 RAUCH, E DET PD CID

JOB # 001  
 SER CR4752  
 CASE HISTORY MICROFILM  
 DATE 02/09/87  
 ARREST NUMBER 3AR48603  
 3AR48604

CASE COUNT NBR 01  
 CHG 01  
 DEFENDANT NAME  
 PLEA VER VERDICT  
 DATE DATE  
 SENT DATE  
 SENT DATE  
 01/09/84 G 01/09/84 PC 01/09/84  
 01

PROBATION TIME 05Y00M00  
 SUP  
 TYPE  
 FINE COSTS 150

EVENT DATE PART TIM REASON DISP REASON JUDGE NONE IDENT  
 09/16/83 DEFENDANT RELEASED ON OWN RECOG  
 10/10/83 INDICTMENT FILED  
 10/10/83 DISTRICT COURT CASE NO 01-02-803595  
 11/07/83 P20 9:30 AMRG SET SILVER 8961  
 11/23/83 FILED STERN, ESQ  
 11/23/83 CHET SS L5  
 11/09/83 STATE'S REQUEST FOR DISCOVERY FILED  
 11/09/83 P09 9:00 JT XFER GREENFIELD 8822  
 01/06/84 P10 9:30 JT CONT HARRERMAN 8807  
 01/09/84 P10 9:30 CT CSI HARRERMAN 2807  
 01/09/84 SENTENCE IS CONCURRENT WITH 18328150  
 01/09/84 DEFENDANT IS TO PAY COST TO THE SHERIFF BY 01-09-84  
 01/09/84 DEFENDANT IS TO SEEK ADMISSION TO DR REHAB-S PROGRAM AT HOPKINS  
 01/09/84 DEFENDANT IS TO PERFORM TWO HUNDRED EIGHT (208) HOURS OF COMMUNITY SERVICE PER YEAR  
 09/11/84 FILED LYONS, ESQ  
 09/11/84 MOTION FOR MODIFICATION OF PROBATION AND REQUEST FOR HEARING F  
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 01/08/85 REQUEST FOR HEARING FILED  
 01/08/85 MEMORANDUM IN SUPPORT FOR APPROPRIATE RELIEF FILED

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 LYONS, JOSEPH S 513023 ADF  
 STERN, NATHAN 807922 ADS  
 LESSER, JACK 484668 ASA  
 LYONS, GLENN 450773 ASA  
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**THE ANNOTATED CODE  
OF THE PUBLIC GENERAL LAWS  
OF MARYLAND  
1957**

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Prepared by the Editorial Staff of the Publishers  
*Under the Supervision of*  
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AND A. E. ESTES  
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**VOLUME 3A**

**1982 Replacement Volume**

*(Including Acts of the 1981 Session and annotations taken from Maryland  
Reports through Volume 289 (p. 602) and Maryland Appellate Reports  
through Volume 48 (p. 248))*

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1982

(iii) Threatens or places the victim in fear that the victim or any person known to the victim will be imminently subjected to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or

(iv) The person commits the offense aided and abetted by one or more other persons.

(b) *Penalty.* — Any person violating the provisions of this section is guilty of a felony and upon conviction is subject to imprisonment for no more than the period of his natural life. (1976, ch. 573, §§ 1, 2; 1978, ch. 205.)

*University of Baltimore Law Review.* — For note, "Rape and Other Sexual Offense Law Reform in Maryland, 1976-1977," see 7 U. Balt. L. Rev. 151 (1977).

*Legislative intent.* — The General Assembly gave no indication that it intended this subtitle to repeal or replace the common-law misdemeanor of criminal attempt with respect

to the substantive offenses it was then enacting, as the operative sections embrace only consummated conduct, and not attempts to commit the same. *Gray v. State*, 43 Md. App. 238, 403 A.2d 853 (1979).

Cited in *Phipps v. State*, 39 Md. App. 206, 385 A.2d 90 (1978); *Wantland v. State*, 45 Md. App. 527, 413 A.2d 1376 (1980).

### § 464A. Second degree sexual offense.

(a) *What constitutes.* — A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person:

(1) By force or threat of force against the will and without the consent of the other person; or

(2) Who is mentally defective, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally defective, mentally incapacitated, or physically helpless; or

(3) Under 14 years of age and the person performing the sexual act is four or more years older than the victim.

(b) *Penalty.* — Any person violating the provisions of this section is guilty of a felony and upon conviction is subject to imprisonment for a period of not more than 20 years. (1976, ch. 573, § 2; 1978, ch. 205.)

*University of Baltimore Law Review.* — For note, "Rape and Other Sexual Offense Law Reform in Maryland, 1976-1977," see 7 U. Balt. L. Rev. 151 (1977).

*Legislative intent.* — The General Assembly gave no indication that it intended this subtitle to repeal or replace the common-law misdemeanor of criminal attempt with respect to the substantive offenses it was then enacting, as the operative sections embrace only consummated conduct, and not attempts to

commit the same. *Gray v. State*, 43 Md. App. 238, 403 A.2d 853 (1979).

*State was not bound by the victim's testimony concerning his age.* *Scott v. State*, 43 Md. App. 323, 405 A.2d 320 (1979), modified, 289 Md. 647, 426 A.2d 923 (1981).

*A birth certificate is most probative evidence of the victim's age.* *Scott v. State*, 43 Md. App. 323, 405 A.2d 320 (1979), modified, 289 Md. 647, 426 A.2d 923 (1981).

Cited in *Phipps v. State*, 39 Md. App. 206, 385 A.2d 90 (1978).

### § 464B. Third degree sexual offense.

(a) *What constitutes.* — A person is guilty of a sexual offense in the third degree if the person engages in sexual contact:

(1) With another person against the will and without the consent of the other person, and:

(i) Employs or displays a dangerous or deadly weapon or an article which the other person reasonably concludes is a dangerous or deadly weapon; or

(ii) Inflicts suffocation, strangulation, disfigurement or serious physical injury upon the other person or upon anyone else in the course of committing that offense; or

(iii) Threatens or places the victim in fear that the victim or any person known to the victim will be imminently subjected to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or

(iv) Commits the offense aided and abetted by one or more other persons; or

(2) With another person who is mentally defective, mentally incapacitated, or physically helpless, and the person knows or should reasonably know the other person is mentally defective, mentally incapacitated, or physically helpless; or

(3) With another person who is under 14 years of age and the person performing the sexual contact is four or more years older than the victim.

(b) *Penalty.* — Any person violating the provisions of this section is guilty of a felony and upon conviction is subject to imprisonment for a period of not more than 10 years. (1976, ch. 573, § 2; 1977, ch. 291.)

**University of Baltimore Law Review.** — For note, "Rape and Other Sexual Offense Law Reform in Maryland, 1976-1977," see 7 U. Balt. L. Rev. 151 (1977).

**Legislative intent.** — The General Assembly gave no indication that it intended this subtitle to repeal or replace the common-law misdemeanor of criminal attempt with respect to the substantive offenses it was then enacting, as the operative sections embrace only consummated conduct, and not attempts to commit the same. *Gray v. State*, 43 Md. App. 238, 403 A.2d 853 (1979).

**Intentional and unconsented to touching prohibited.** — The crime of third degree sexual offense prohibits the intentional and unconsented to touching of intimate parts of the victim's body in such a manner as to place the victim in fear that she will be imminently subject to serious physical injury. *United States v. Eades*, 455 F. Supp. 436 (D. Md. 1978), aff'd, 633 F.2d 1075 (4th Cir. 1980).

**Intent to have sexual intercourse not required.** — The crime of third degree sexual offense does not in any way require an intent to have sexual intercourse with the victim. *United States v. Eades*, 455 F. Supp. 436 (D. Md. 1978), aff'd, 633 F.2d 1075 (4th Cir. 1980).

**Section distinct from federal offense of assault with intent to rape.** — The state offense of third degree sexual offense is a crime entirely distinct from the federal offense of assault with intent to rape. The two crimes are related only insofar as they both fall under the general rubric of sex offenses. *United States v. Eades*, 455 F. Supp. 436 (D. Md. 1978), aff'd, 633 F.2d 1075 (4th Cir. 1980).

**There is no congressional intention to preempt prosecution under the Assimilative Crimes Act (18 U.S.C. § 13) and subsection (a) (1) (iii) of this section for sexual conduct which amounts to a sexual offense unless the offense is treated as only a simple assault under that Act.** *United States v. Eades*, 633 F.2d 1075 (4th Cir. 1980).

**There is slight overlap of 18 U.S.C. § 113 and this section** in the sense that the great majority of the offenses proscribed by Maryland's sexual offense statutes may be said to encompass simple assault as a lesser included offense. *United States v. Eades*, 633 F.2d 1075 (4th Cir. 1980).

**Cited in** *Johnson v. State*, 38 Md. App. 100, 379 A.2d 436 (1977); *Phipps v. State*, 39 Md. App. 206, 385 A.2d 90 (1978); *Goldberg v. State*, 41 Md. App. 58, 395 A.2d 1213 (1979).

## SODOMY

## § 553. Sodomy generally.

Every person convicted of the crime of sodomy shall be sentenced to the penitentiary for not more than ten years. (An. Code, 1951, § 626; 1939, § 577; 1924, § 486; 1912, § 439; 1904, § 387; 1888, § 250; 1793, ch. 57, § 10; 1809, ch. 138, § 4; 1976, ch. 573, § 3.)

**Maryland Law Review.**— For article, "The Sex Offender Provisions of the Proposed New Maryland Criminal Code: Should Private, Consenting Adult Homosexual Behavior Be Excluded?" see 30 Md. L. Rev. 91 (1970).

For note discussing the legal aspects of transsexualism and sex reassignment, see 31 Md. L. Rev. 236 (1971).

**University of Baltimore Law Review.**— For note, "Rape and Other Sexual Offense Law Reform in Maryland, 1976-1977," see 7 U. Balt. L. Rev. 151 (1977).

For article, "Homosexual Rights: The Law in Flux and Conflict," see 9 U. Balt. L. Rev. 47 (1979).

**Legislative intent.**— Evidence of the fact that the General Assembly, in enacting the Sexual Offenses subtitle, did not intend to preempt the entire field of criminal sexual activity was the nonrepealer of this section and § 554 of this article. Gray v. State, 43 Md. App. 238, 403 A.2d 853 (1979).

**Sodomy is an infamous crime.** Kirby v. State, 48 Md. App. 205, 426 A.2d 423 (1981).

**Sodomy falls within the definition of "unnatural or perverted sexual practice."** Cherry v. State, 18 Md. App. 252, 306 A.2d 634 (1973).

**Buggery (or sodomy) can be committed upon a female.** Daniels v. State, 237 Md. 71, 205 A.2d 295 (1964).

The crime of sodomy referred to in this section is the same crime referred to in the English statute, 25 Hen. 8 ch. 6 (1533), and 5 Eliz. 17 (1562), and the word "mankind" in that statute was thought by Coke to include womankind.

Daniels v. State, 237 Md. 71, 205 A.2d 295 (1964).

**Assault with intent to commit sodomy** was held to be punishable by Acts 1793, ch. 57. Davis v. State, 3 Har. & J. 154 (1810).

**Indictment.**— In indictment for sodomy, it is unnecessary to lay the carnaliter cognovit. Davis v. State, 3 Har. & J. 154 (1810).

It is not permissible on an indictment for an unnatural crime to show that the accused had admitted he had a tendency toward such practices. Gorski v. State, 1 Md. App. 200, 228 A.2d 835 (1967).

**Proof.**— Where the defendant is charged with sodomy and not unnatural or perverted sexual practice, the question is whether there is sufficient evidence of penetration. Bradbury v. State, 233 Md. 421, 197 A.2d 126 (1964).

At common law some proof of penetration is necessary to support a charge of sodomy although slight evidence may suffice. Bradbury v. State, 233 Md. 421, 197 A.2d 126 (1964).

**Evidence sufficient to convict.**— See Bradbury v. State, 233 Md. 421, 197 A.2d 126 (1964).

**Evidence of a sodomy conviction is admissible for purposes of impeachment** without reference to the time of its commission. Kirby v. State, 48 Md. App. 205, 426 A.2d 423 (1981).

**Applied in** Sweeney v. State, 6 Md. App. 431, 252 A.2d 9 (1969).

**Cited in** Wampler v. Warden of Md. Penitentiary, 218 F. Supp. 876 (D. Md. 1963); Phipps v. State, 39 Md. App. 206, 385 A.2d 90 (1978).

## § 554. Unnatural or perverted sexual practices.

Every person who is convicted of taking into his or her mouth the sexual organ of any other person or animal, or who shall be convicted of placing his or her sexual organ in the mouth of any other person or animal, or who shall be convicted of committing any other unnatural or perverted sexual practice with any other person or animal, shall be fined not more than one thousand dollars (\$1,000.00), or be imprisoned in jail or in the house of correction or in the penitentiary for a period not exceeding ten years, or shall be both fined and imprisoned within the limits above prescribed in the discretion of the court.

And in any indictment for the commission of any of the acts, hereby declared to be offenses, it shall not be necessary to set forth the particular unnatural or perverted sexual practice with the commission of which the defendant may be charged, nor to set forth the particular manner in which said unnatural or perverted sexual practice was committed, but it shall be sufficient if the indictment set forth that the defendant committed a certain unnatural and perverted sexual practice with a person or animal, as the case may be. (An. Code, 1951, § 627; 1939, § 578; 1924, § 487; 1916, ch. 616; 1976, ch. 573, § 3.)

**Maryland Law Review.** — For article, "The Sex Offender Provisions of the Proposed New Maryland Criminal Code: Should Private, Consenting Adult Homosexual Behavior Be Excluded?" see 30 Md. L. Rev. 91 (1970).

For note discussing the legal aspects of transsexualism and sex reassignment, see 31 Md. L. Rev. 236 (1971).

**University of Baltimore Law Review.** — For note, "Rape and Other Sexual Offense Law Reform in Maryland, 1976-1977," see 7 U. Balt. L. Rev. 151 (1977).

For article, "Homosexual Rights: The Law in Flux and Conflict," see 9 U. Balt. L. Rev. 47 (1979).

**Constitutionality.** — This section is not unconstitutional on the ground that it is vague and uncertain and fails to fix an ascertainable standard of guilt. *Blake v. State*, 210 Md. 459, 124 A.2d 273 (1956).

This section is not unconstitutional because it does not specify an age at which a minor may consent to engage in perverted sexual practice with an adult. *Hughes v. State*, 14 Md. App. 497, 287 A.2d 299, cert. denied, 409 U.S. 1025, 93 S. Ct. 469, 34 L. Ed. 2d 317 (1972).

The imprisonment provisions of this section are not unconstitutional on their face. The legislature is not constitutionally precluded from authorizing the imprisonment of a person convicted of committing an act which it has declared to be a crime. *Hughes v. State*, 14 Md. App. 497, 287 A.2d 299, cert. denied, 409 U.S. 1025, 93 S. Ct. 469, 34 L. Ed. 2d 317 (1972).

This section is not unconstitutional for overbreadth. *Cherry v. State*, 18 Md. App. 252, 306 A.2d 634 (1973).

This section is not void for vagueness. *Cherry v. State*, 18 Md. App. 252, 306 A.2d 634 (1973).

**Legislative intent.** — The language employed in the section demonstrated a clear legislative intention to cover the whole field of unnatural and perverted sexual practices and it was unnecessary to describe in detail practices which are matters of common knowledge. *Edmonds v. State*, 18 Md. App. 55, 305 A.2d 205 (1973).

Evidence of the fact that the General Assembly, in enacting the Sexual Offenses subtitle, did not intend to preempt the entire field of criminal sexual activity was the nonrepealer of

§ 553 of this article and this section. *Gray v. State*, 43 Md. App. 238, 403 A.2d 853 (1979).

**Right to privacy does not invalidate statutes prohibiting consensual sexual practices.** *Kelly v. State*, 45 Md. App. 212, 412 A.2d 1274 (1980), aff'd, 290 Md. 364, 430 A.2d 570 (1981).

**Jurisdiction of offense.** — Where the offense charged in the warrant is punishable under this section by imprisonment in the penitentiary, a judge of the People's Court of Montgomery County is without jurisdiction to try the accused for that offense. *Wampler v. Warden of Md. Penitentiary*, 231 Md. 639, 191 A.2d 594 (1963).

**Voluntariness of act immaterial.** — This section makes it a violation of the criminal law of Maryland to place one's sexual organ in the mouth of any other person and it is immaterial whether the act is a voluntary or involuntary one. *Gooch v. State*, 34 Md. App. 331, 367 A.2d 90 (1976).

**Section not restricted to acts of oral perversion.** — The rule of ejusdem generis did not restrict the words "any other unnatural or perverted sexual practice" in this section to acts of oral perversion. The provision that an indictment need not set forth the particular practice charged, or the manner in which it was committed, indicated that the legislature had in mind practices other than those in the oral category. *Blake v. State*, 210 Md. 459, 124 A.2d 273 (1956).

**Anal passage may be classified as a sexual organ within the meaning of the statute for it is well known that it has been the source of sexual gratification however perverted or distasteful such a method of gratification may be considered.** *Edmonds v. State*, 18 Md. App. 55, 305 A.2d 205 (1973).

**And anal penetration with mop or broom handle prohibited.** — While the fact that appellant elected to use a mop or broom handle in place of his penis to penetrate the victim's rectum takes the act out of the category of sodomy or buggery, it does not take the action outside the classification of an unnatural and perverted sex practice. *Edmonds v. State*, 18 Md. App. 55, 305 A.2d 205 (1973).

**Witnesses held not to be accomplices.** — Where defendant was convicted of unlawfully

committing unnatural and perverted sexual practices on two young boys 14 and 13 years of age, the trial judge was not clearly wrong in finding that the two boys did not knowingly, voluntarily, and with common intent unite with defendant, an older man, in the commission of the crimes, or cooperate, aid or abet in committing them, and could not have been convicted of the offenses, and, therefore, were not accomplices whose testimony required corroboration. *Gregoire v. State*, 211 Md. 514, 128 A.2d 243 (1957).

The victim in an unnatural sex case is not an accomplice and his testimony need not be corroborated. *White v. State*, 3 Md. App. 167, 238 A.2d 278 (1968).

**Testimony of accused held to be admission of violation.** — Where the accused in his own defense testified that the prosecutrix had taken his penis into her mouth, that statement of the accused voluntarily made in open court without any compulsion, threats, promises or other vitiating factor was a binding admission that he had violated this section. *Gooch v. State*, 34 Md. App. 331, 367 A.2d 90 (1976).

**Testimony as to similar offenses.** — In prosecution for sexual offenses, testimony as to similar offenses committed by the same party against the prosecutrix prior to the crime alleged was held admissible. *Berger v. State*, 179 Md. 410, 20 A.2d 146 (1941).

Assuming, without deciding, that the testimony as to the crime of sodomy is not within the scope of this section, although it is obviously an unnatural and perverted sexual practice, it was so closely linked in a prosecution under this section as to be admissible under the circumstances of the case. *Blake v. State*, 210 Md. 459, 124 A.2d 273 (1956).

**Trial for both rape and perverted practices.** — A defendant was not prejudiced where he was tried for rape and perverted practices in the same trial and the trial took place minutes after his arraignment on the latter charge, since the jury found him not guilty of perverted practices. *Leek v. State*, 229 Md. 526, 184 A.2d 808 (1962), cert. denied, 372 U.S. 946, 83 S. Ct. 940, 9 L. Ed. 2d 971 (1963).

**Conviction affirmed.** — Accused's conviction for perverted practices was affirmed, where there was some evidence that the prosecutrix did not willingly perform fellatio upon him. *Winegan v. State*, 10 Md. App. 196, 268 A.2d 585 (1970).

**Applied in** *Wampler v. Warden of Md. Penitentiary*, 218 F. Supp. 876 (D. Md. 1963); *McKenzie v. State*, 236 Md. 597, 204 A.2d 678 (1964); *John Doe v. Commander, Wheaton Police Dep't*, 273 Md. 262, 329 A.2d 35 (1974); *Grady v. State*, 24 Md. App. 85, 329 A.2d 726 (1974), aff'd, 276 Md. 178, 345 A.2d 436 (1975).

**Quoted in** *Fletcher v. State*, 256 Md. 310, 260 A.2d 34 (1970).

**Stated in** *Canter v. State*, 224 Md. 483, 168 A.2d 384 (1961).

**Cited in** *Weldon v. United States*, 183 F.2d 832 (D.C. Cir. 1950), cert. denied, 343 U.S. 967, 72 S. Ct. 1063, 96 L. Ed. 1364, rehearing denied, 344 U.S. 849, 73 S. Ct. 48, 97 L. Ed. 660 (1952); *Jefferson v. State*, 218 Md. 397, 147 A.2d 204 (1958); *Daniels v. State*, 237 Md. 71, 205 A.2d 295 (1964); *Rice v. State*, 9 Md. App. 552, 267 A.2d 261 (1970); *Acanfora v. Board of Educ.*, 359 F. Supp. 843 (D. Md. 1973), aff'd, 491 F.2d 498 (4th Cir.), cert. denied, 419 U.S. 836, 95 S. Ct. 64, 42 L. Ed. 2d 63 (1974).

TAXICABS

§ 555. Refusal to pay fare.

Repealed by Acts 1978, ch. 849, § 4.

**Editor's note.** — Section 4, ch. 849, Acts 1978, effective July 1, 1979, also repealed the subheading "Taxicabs."

§ 555

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**THE ANNOTATED CODE  
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**1983 Cumulative Supplement**

Prepared by the Editorial Staff of the Publishers

*Under the Supervision of*

D. P. HARRIMAN, A. D. KOWALSKY, M. K. SKARVELIS  
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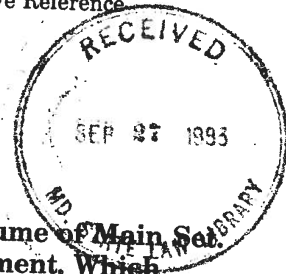
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Director, State Department of Legislative Reference

**VOLUME 1**

1981 REPLACEMENT



**Place in Pocket of Corresponding Volume of Main Set.  
This Supersedes Previous Supplement, Which  
May Be Retained for Reference Purposes.**

*Effective Date of Statutes*

See Md. Const., Article XVI, § 2

Annotated through 295 Md. 409 and 54 Md. App. 18. For complete  
scope of annotations, see preface in supplement to this volume.

**THE MICHIE COMPANY**

*Law Publishers*

CHARLOTTESVILLE, VIRGINIA

1983

Art. 27, § 464A ANNOTATED CODE OF MARYLAND

§ 464A. Second degree sexual offense.

Cited in *Funkhouser v. State*, 51 Md. App. 16, 440 A.2d 1114 (1982).

§ 464B. Third degree sexual offense.

Third-degree sexual offense is specific intent crime, and attempted third-degree sexual offense is a specific intent crime. *Holt v. State*, 50 Md. App. 578, 438 A.2d 1386 (1982). Cited in *Funkhouser v. State*, 51 Md. App. 16, 440 A.2d 1114 (1982).

§ 464C. Fourth degree sexual offense.

Cited in *Funkhouser v. State*, 51 Md. App. 16, 440 A.2d 1114 (1982).

§ 464E. Undefined words describing elements of common-law rape.

Maryland Law Review. — For note discussing the mens rea requirement of statutory rape, see 41 Md. L. Rev. 502 (1982).

§ 465. Jurisdiction where victim transported.

Section pertains to venue, which signifies the place of the trial, not to jurisdiction, the power to hear and determine a case. *State v. Jones*, 51 Md. App. 321, 443 A.2d 967 (1982).

Venue presupposes proper jurisdiction, for without it, a court's judgment is void. *State v. Jones*, 51 Md. App. 321, 443 A.2d 967 (1982).

Section has no extraterritorial effect; it is simply a venue statute. *State v. Jones*, 51 Md. App. 321, 443 A.2d 967 (1982).

Section not applicable to defendant who transported victim across state lines. *State*

*v. Jones*, 51 Md. App. 321, 443 A.2d 967 (1982).

Venue held properly conferred on county from which victim transported. — Where the evidence discloses that the appellant had the intent to commit rape when he conveyed the victim into one county from another county, this intent being an essential element for conferring venue, the trial court was correct in conferring venue upon the county from which the victim is transported. *Lett v. State*, 51 Md. App. 668, 445 A.2d 1050 (1982).

§ 465½. Transportation of alleged rape victim to approved facility.

Every police officer, sheriff, or deputy sheriff who receives a report of an alleged rape or sexual offense in any degree, shall offer without regard for the place of alleged rape or sexual offense or where it is reported, the alleged victim the opportunity to be taken immediately to the nearest facility designated by the Department of Health and Mental Hygiene in cooperation with the medical and surgical faculty of the State of Maryland and the State's attorney in the subdivision where the rape or sexual offense in any degree occurred. (1974, ch. 314; 1977, ch. 290; 1982, ch. 770, § 1.)

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SODOMY

§ 554. Unnatural or perverted sexual practices.

**Constitutionality.**

This section does not punish mere status in violation of the Eighth Amendment of the federal Constitution, but imposes a sanction for behavior which the General Assembly has deemed harmful or offensive to the sensibilities of a large segment of the community. *Neville v. State*, 290 Md. 364, 430 A.2d 570 (1981).

This section does not violate the equal protection clause as it applies equally to married and unmarried persons engaging in similar conduct under similar circumstances. *Neville v. State*, 290 Md. 364, 430 A.2d 570 (1981).

This section may be constitutionally applied to prohibited conduct engaged in during daylight hours, out-of-doors, in a place accessible to other persons. *Neville v. State*, 290 Md. 364, 430 A.2d 570 (1981).

**Right to privacy does not invalidate statutes, etc.**

No constitutional right of privacy, as enunciated by the Supreme Court, applies to conduct of the type prohibited by this section. *Neville v. State*, 290 Md. 364, 430 A.2d 570 (1981).

ated by the Supreme Court, applies to conduct of the type prohibited by this section. *Neville v. State*, 290 Md. 364, 430 A.2d 570 (1981).

**One valid objective of perverted practices or sodomy statute is protection of public morality.** *Neville v. State*, 290 Md. 364, 430 A.2d 570 (1981).

**No element relating to place where conduct must occur to be prohibited.** — The legislatively created crime of perverted practices does not, by its terms, include an element relating to the type of place where the conduct must occur in order for it to be statutorily prohibited. *Neville v. State*, 290 Md. 364, 430 A.2d 570 (1981).

**Voluntariness of act immaterial.**

In accord with original. See *Neville v. State*, 290 Md. 364, 430 A.2d 570 (1981).

TRESPASS

§ 576. Trespass on posted property.

**Migrant camps.** — Inasmuch as § 579B of this article is both the more specific and later enacted statute, it would appear to supersede this section and § 577 of this article with respect to migrant camps. 67 Op. Att'y Gen. (July 19, 1982).

**Use of precise wording, "No trespassing" or "Trespassers forbidden" not mandated.** It is enough if the message on the posted signs

warns against trespassing irrespective of the wording employed. *Monroe v. State*, 51 Md. App. 661, 445 A.2d 1047 (1982).

**Conspicuously posted signs indicating presence of unauthorized persons is proscribed to satisfy section.** *Monroe v. State*, 51 Md. App. 661, 445 A.2d 1047 (1982).

§ 577. Wanton trespass upon private land or vessel; legislation by Baltimore City prohibiting denial of accommodations, etc., by public places.

**Maryland Law Review.** — For note discussing whether public works projects should anchor the navigation servitude, see 41 Md. L. Rev. 156 (1981).

**Migrant camps.** — Inasmuch as § 579B of

this article is both the more specific and later enacted statute, it would appear to supersede § 576 of this article and this section with respect to migrant camps. 67 Op. Att'y Gen. (July 19, 1982).

§ 579B. Trespass upon cultivated land.

**Section supersedes §§ 576 and 577.** — Inasmuch as this section is both the more specific and later enacted statute, it would appear to supersede §§ 576 and 577 of this article with respect to migrant camps. 67 Op. Att'y Gen. (July 19, 1982).

**Language and history of subsection (b) is indication of legislative policy to facilitate communications between migrants and those who seek to serve them.** 67 Op. Att'y Gen. (July 19, 1982).

**THE ANNOTATED CODE  
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OF MARYLAND  
1957**

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Prepared by the Editorial Staff of the Publishers  
*Under the Supervision of*  
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1982

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- 416D. Displaying certain visual representations for advertising purposes.
- 416E. Permitting minor to enter or remain on certain premises.
- 416F. Employee presumed to be operator of premises.
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- 418B. Obscene performances in Anne Arundel County.
- 419. Sale or display of certain items to persons under 18.
- 419A. Child pornography.
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#### Sec.

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Sec.

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Sec.

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- 493. Sports in Frederick City and sports and music in Frederick County.
- 494. Same — Penalty.
- 495. Motion pictures in Frederick City.
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- 497-499. [Repealed].
- 500. Sports in Kent, Caroline and Montgomery counties.
- 501. Same — Officiating at or assisting in conduct of games.
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- 510. Penalty for violation of §§ 504 to 508.
- 511-514. [Repealed].
- 515. Motion pictures in certain districts in Anne Arundel County.
- 516. [Repealed].
- 517. Bowling alleys, etc., in Allegany County.
- 518. [Repealed].
- 519. Motion pictures, bowling, etc., in Kent County.
- 520. [Repealed].
- 521. Sale, etc., of merchandise on Sunday; exceptions.
- 522. Keeping open or using dancing saloon,

## CRIMES AND PUNISHMENTS

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| <p>Sec. opera house, tenpin alley, barber saloon or ball alley on Sunday; certain municipalities and persons excepted.</p> <p>523-526. [Repealed].</p> <p>527. Motion pictures in Somerset County.</p> <p>528. Baseball, motion pictures and bowling alleys in Wicomico County.</p> <p>529. Bowling alleys, baseball and motion pictures in Worcester County.</p> <p>530. Motion pictures in Allegany County outside corporate limits of municipalities.</p> <p>531. Motion pictures in towns of Centreville and Church Hill.</p> <p>532. [Repealed].</p> <p>533. Motion pictures in Caroline County.</p> <p>534. Motion pictures in Town of Queenstown.</p> <p>534A. Operation of sport facilities on Sunday in Queen Anne's County.</p> <p>534B. Sports activities, pool or billiards, etc., on Sunday in Howard County.</p> <p>534C. Motion pictures on Sunday in City of Cambridge.</p> <p>534D. Bowling alleys, etc., in Dorchester County.</p> <p>534E. Washing motor vehicles on Sunday.</p> <p>534F. Contracts executed on Sunday.</p> <p>534G. Prince George's County — Sections 492, 521 or 522 not applicable.</p> <p>534H. Same — Prohibited and permitted activities on Sunday.</p> <p>534-I. Sections 492, 521 and 522 not applicable in Montgomery County.</p> <p>534J. Sunday activities in Montgomery County.</p> <p>534K. Sections 492, 521 and 522 not applicable in Harford County.</p> <p>534L. Sunday activities in Baltimore County and Baltimore City.</p> <p>534L-1. Exceptions to § 534L.</p> <p>534L-2. Retail and wholesale establishments in Baltimore County and Baltimore City.</p> <p>534M. Sunday activities in Wicomico County.</p> <p>534N. Sunday activities in Calvert County.</p> <p>534N-1. Sunday activities in Anne Arundel County.</p> <p>534N-2. Exceptions to § 534N-1.</p> <p>534N-3. Retail and wholesale establishments in Anne Arundel County.</p> <p>534-O. Sunday activities in Washington County.</p> <p>534P. Sections 492, 521 and 522 not applicable in Carroll or Frederick County.</p> <p>534Q. Prohibited and permitted activities on Sunday in Frederick and Carroll counties.</p> <p>534R. Sunday activities in Harford County.</p> <p>534S. Sunday activities in Worcester County.</p> <p>534T. Sunday sales in Worcester County.</p> | <p>Sec.</p> <p>534U. Sunday activities in Cecil County.</p> <p>534V. Sunday activities in Charles County.</p> <p>534W. Sunday activities in Howard County.</p> <p>534W-1. Exceptions to § 534W.</p> <p>534W-2. Retail and wholesale establishments in Howard County.</p> <p style="text-align: center;"><b>Sabotage Prevention</b></p> <p>535. Definitions.</p> <p>536. Intentional injury to or interference with property.</p> <p>537. Intentionally defective workmanship.</p> <p>538. Attempts.</p> <p>539. Conspirators.</p> <p>540. Witnesses' privileges.</p> <p>541. Unlawful entry on property.</p> <p>542. Questioning and detaining suspected persons.</p> <p>543. Closing and restricting use of highway.</p> <p>544. Penalty for going upon closed or restricted highway.</p> <p>545. Rights of labor.</p> <p>546. Severability.</p> <p>547. Short title.</p> <p>548. Relation to other statutes.</p> <p>549. Duration.</p> <p>550. Identification cards or badges.</p> <p style="text-align: center;"><b>Search Warrants</b></p> <p>551. Issuance; contents; time of search, etc.; disposition of property seized.</p> <p style="text-align: center;"><b>Shoplifting</b></p> <p>551A. [Repealed].</p> <p style="text-align: center;"><b>Sit-Down Strikes</b></p> <p>552. Sit-down strikes.</p> <p style="text-align: center;"><b>Sodomy</b></p> <p>553. Sodomy generally.</p> <p>554. Unnatural or perverted sexual practices.</p> <p style="text-align: center;"><b>Taxicabs</b></p> <p>555. [Repealed].</p> <p style="text-align: center;"><b>Telephone Misuse</b></p> <p>555A. Unlawful use of telephone.</p> <p>555B. Monitoring or recording telephone conversation to or from State department or agency.</p> <p style="text-align: center;"><b>Telegraphs and Telephones</b></p> <p>556. Divulging contents of messages; refusal to transmit message.</p> <p>557. Refusal to relinquish telephone party line in emergency; false statement to secure use of party line; notice to be printed in directory.</p> |
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1982

**Art. 27, § 419A**      ANNOTATED CODE OF MARYLAND

applying contemporary community standards would find, taken as a whole, appeals to prurient interest and lacks serious literary, artistic, political or scientific value.

(2) An owner, operator, franchisee, manager, or any employee with managerial responsibility of a newsstand or any other place of business may not openly display at the newsstand or other place of business, if it is frequented by persons under the age of 18 years, any of the items whose sale, showing, or advertising is prohibited by paragraph (1) of this subsection.

(3) Violation of this section is a misdemeanor.

(b) In this section the following words have the meanings indicated:

(1) "Description or depictions of illicit sex" shall mean:

- (i) Human genitals in a state of sexual stimulation or arousal;
- (ii) Acts of human masturbation, sexual intercourse, or sodomy; or
- (iii) Fondling or other erotic touching of human genitals.

(2) "Nude or partially denuded figures" means:

(i) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or

(ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (1967, ch. 394, § 1; 1981, ch. 725.)

**Effect of amendment.** — The 1981 amendment, effective July 1, 1981, rewrote the section.

**Applied in** *Hughes v. State*, 14 Md. App. 497, 287 A.2d 299, cert. denied, 409 U.S. 1025, 93 S. Ct. 469, 34 L. Ed. 2d 317 (1972).

**§ 419A. Child pornography.**

(a) Every person who solicits, causes, induces, or knowingly permits a person under 16 years of age to engage as a subject in the production of obscene matter is subject to the penalty provided in subsection (c).

(b) Every person who photographs or films a person under 16 years of age engaging in an obscene act is subject to the penalty provided in subsection (c).

(c) Every person who violates the provisions of this section is guilty of a felony and upon conviction shall be fined not more than \$15,000 or imprisoned for 10 years, or both in the discretion of the court. (1978, chs. 573, 1016.)

**§ 419B. Exhibition of obscene, indecent, etc., motion pictures to minors.**

Repealed by Acts 1967, ch. 394, § 1.

**§ 420. Hiring, etc., minor under eighteen to do or assist in doing acts described in § 419.**

Every person, who with knowledge that a person is a minor under 18 years of age, and who, while in possession of such facts that he should reasonably know that the person is a minor under 18 years of age, hires, employs, or uses such minor to do or assist in doing any of the acts described in § 419, is guilty of a misdemeanor. (1967, ch. 394, § 1.)

less than twenty-five dollars before any court of competent jurisdiction, nor more than one hundred dollars for each such offense, or be subject to imprisonment for not more than six months in the city or county jail or the house of correction, in the discretion of such court. (An. Code, 1951, § 555; 1939, § 542; 1924, § 465; 1912, § 419; 1912, ch. 97; 1972, ch. 181, § 28.)

### § 460. Unauthorized buying or selling of tickets.

Any person, except the duly authorized agent of a railroad company maintaining offices within this State, who shall buy or sell or engage in the business of buying and selling railroad tickets or the unused portions thereof, or who acts as vendor or broker of whole or partially used railroad tickets, or who solicits personally or by sign or advertisement or otherwise for the buying and selling of said tickets, or who aids or abets in the buying and selling thereof within the State of Maryland shall be deemed guilty of a misdemeanor and, upon a conviction thereof, fined not more than one hundred dollars (\$100.00) or sentenced to not more than six months imprisonment, or both. Each act of buying or selling as aforesaid shall be deemed a separate offense. The State's attorney of the county or the City of Baltimore, in which a violation of the section may occur, shall initiate prosecutions hereunder and shall be charged with the duty of enforcing this section. (An. Code, 1951, § 556; 1939, § 543; 1939, ch. 313.)

*Applied in* Clawns v. State, 179 Md. 644, 22 A.2d 464 (1941); Price v. Clawns, 180 Md. 532, 25 A.2d 672 (1942).

### § 460A. Railroads to provide certain seats for employees; penalty.

(a) Railroads in Maryland shall provide a fixed seat with a back support for all employees who are transported to or from work, on a caboose or locomotive.

(b) Any agent of a railroad, who requires or orders a railroad worker or railroad employee, whether in active service or not, to ride a greater distance than five miles on a caboose or locomotive that is not equipped with such seats for all occupants shall be fined \$100 for each person who is required to ride without a seat as provided herein. (1975, ch. 457.)

## SEXUAL OFFENSES

### § 461. Definitions.

(a) *In general.* — In this subheading, the following words have the meanings indicated.

(b) *Mentally defective.* — "Mentally defective" means (1) a victim who suffers from mental retardation, or (2) a victim who suffers from a mental disorder, either of which temporarily or permanently renders the victim substantially incapable of appraising the nature of his or her conduct, or resisting the act of vaginal intercourse, a sexual act, or sexual contact, or of

communicating unwillingness to submit to the act of vaginal intercourse, a sexual act, or sexual contact.

(c) *Mentally incapacitated*. — “Mentally incapacitated” means a victim who, due to the influence of a drug, narcotic or intoxicating substance, or due to any act committed upon the victim without the victim’s consent or awareness, is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse, a sexual act, or sexual contact.

(d) *Physically helpless*. — “Physically helpless” means (1) a victim who is unconscious; or (2) a victim who does not consent to an act of vaginal intercourse, a sexual act, or sexual contact, and is physically unable to resist an act of vaginal intercourse, a sexual act, or sexual contact or communicate unwillingness to submit to an act of vaginal intercourse, a sexual act, or sexual contact.

(e) *Sexual act*. — “Sexual act” means cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Emission of semen is not required. Penetration, however slight, is evidence of anal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person’s body if the penetration can be reasonably construed as being for the purposes of sexual arousal or gratification or for abuse of either party and if the penetration is not for accepted medical purposes.

(f) *Sexual contact*. — “Sexual contact” as used in §§ 464B and 464C, means the intentional touching of any part of the victim’s or actor’s anal or genital areas or other intimate parts for the purposes of sexual arousal or gratification or for abuse of either party and includes the penetration, however slight, by any part of a person’s body, other than the penis, mouth, or tongue, into the genital or anal opening of another person’s body if that penetration can be reasonably construed as being for the purposes of sexual arousal or gratification or for abuse of either party. It does not include acts commonly expressive of familial or friendly affection, or acts for accepted medical purposes.

(g) *Vaginal intercourse*. — “Vaginal intercourse” has its ordinary meaning of genital copulation. Penetration, however slight, is evidence of vaginal intercourse. Emission of semen is not required. (1976, ch. 573, §§ 1, 2; 1978, ch. 223.)

**University of Baltimore Law Review.** — For note, “Rape and Other Sexual Offense Law Reform in Maryland, 1976-1977,” see 7 U. Balt. L. Rev. 151 (1977).

For note, “The 1977 Maryland Wiretapping and Electronic Surveillance Act,” see 7 U. Balt. L. Rev. 374 (1978).

For discussion regarding the Maryland Equal Rights Amendment, see 9 U. Balt. L. Rev. 342 (1980).

**Legislative intent.** — Evidence of the fact that the General Assembly, in enacting this subtitle, did not intend to preempt the entire

field of criminal sexual activity was the nonrepealer of §§ 553 and 554 of this article. *Gray v. State*, 43 Md. App. 238, 403 A.2d 853 (1979).

**Quoted** in *Watson v. State*, 286 Md. 291, 407 A.2d 324 (1979).

**Stated** in *United States v. Eades*, 615 F.2d 617, rev’d on rehearing, 633 F.2d 1075 (4th Cir. 1980).

**Cited** in *Johnson v. Maryland*, 425 F. Supp. 538 (D. Md. 1976); *United States v. Eades*, 455 F. Supp. 436 (D. Md. 1978), aff’d, 633 F.2d 1075 (4th Cir. 1980); *Lucado v. State*, 40 Md. App. 25, 389 A.2d 398 (1978).

**Evidence to justify conviction.** — To justify a conviction, the evidence must warrant a conclusion either that the victim resisted and her resistance was overcome by force or that she was prevented from resisting by threats to her safety. *Rusk v. State*, 43 Md. App. 476, 406 A.2d 624 (1979), rev'd on other grounds, 289 Md. 230, 424 A.2d 720 (1981).

**Proof of force required.** — Without proof of force, actual or constructive, evidenced by words or conduct of the defendant or those acting in consort with him, sexual intercourse is not rape; this is so even though the intercourse may have occurred without the actual consent and against the will of the alleged victim. *Goldberg v. State*, 41 Md. App. 58, 395 A.2d 1213 (1979).

**Actual physical force is not an indispensable element of the crime of rape.** *Goldberg v. State*, 41 Md. App. 58, 395 A.2d 1213 (1979).

**Acts and threats equivalent of force.** — If the acts and threats of the defendant were calculated to create in the mind of the victim — having regard to the circumstances in which she was placed — a real and reasonable apprehension, due to fear, of imminent bodily harm, serious enough to impair or overcome her will to resist, then such acts and threats are the equivalent of force. *Rusk v. State*, 43 Md. App. 476, 406 A.2d 624 (1979), rev'd on other grounds, 289 Md. 230, 424 A.2d 720 (1981).

If the actions and conduct of the defendant were reasonably calculated to induce fear of imminent death or serious bodily harm in the victim's mind, then the element of force is present. *State v. Rusk*, 289 Md. 230, 424 A.2d 720 (1981).

**Terms "against the will" and "without the consent" are synonymous in the law of rape.** *State v. Rusk*, 289 Md. 230, 424 A.2d 720 (1981).

**Lack of consent established through proof of fear.** — Lack of consent can be established through proof that the victim submitted as a result of fear of imminent death or serious

bodily harm. *State v. Rusk*, 289 Md. 230, 424 A.2d 720 (1981).

**Threats of force need not be made in any particular manner** in order to put a person in fear of bodily harm. *State v. Rusk*, 289 Md. 230, 424 A.2d 720 (1981).

**Victim's fear must be reasonably grounded** in order to obviate the need for either proof of actual force on the part of the assailant or physical resistance on the part of the victim. *State v. Rusk*, 289 Md. 230, 424 A.2d 720 (1981).

**Reasonableness of the victim's apprehension of fear is plainly a question of fact** for the jury to determine. *State v. Rusk*, 289 Md. 230, 424 A.2d 720 (1981).

**Unreasonable subjective fear of resisting cannot convert conduct into that which is criminal.** — In the absence of actual force, unreasonable subjective fear of resisting cannot convert the conduct of the defendant from that which is noncriminal to that which is criminal. *Goldberg v. State*, 41 Md. App. 58, 395 A.2d 1213 (1979).

**Resistance by prosecutrix that must be shown** involves not merely verbal but physical resistance "to the extent of her ability at the time." *Goldberg v. State*, 41 Md. App. 58, 395 A.2d 1213 (1979).

Where the prosecutrix stated that she was afraid, and submitted because of "the look in his eyes," this is not sufficient to cause a reasonable fear which overcame her ability to resist. *Rusk v. State*, 43 Md. App. 476, 406 A.2d 624 (1979), rev'd on other grounds, 289 Md. 230, 424 A.2d 720 (1981).

**Subsection (b) is clearly constitutional on its face.** *Watson v. State*, 286 Md. 291, 407 A.2d 324 (1979).

**Applied** in *Phipps v. State*, 39 Md. App. 206, 385 A.2d 90 (1978); *Hebb v. State*, 44 Md. App. 678, 410 A.2d 622 (1980).

**Cited** in *Brown v. State*, 38 Md. App. 192, 379 A.2d 1231 (1977); *Lucado v. State*, 40 Md. App. 25, 389 A.2d 398 (1978); *Blotkamp v. State*, 45 Md. App. 64, 411 A.2d 1068 (1980).

## § 464. First degree sexual offense.

(a) *What constitutes.* — A person is guilty of a sexual offense in the first degree if the person engages in a sexual act:

(1) With another person by force or threat of force against the will and without the consent of the other person, and:

(i) Employs or displays a dangerous or deadly weapon or an article which the other person reasonably concludes is a dangerous or deadly weapon; or

(ii) Inflicts suffocation, strangulation, disfigurement, or serious physical injury upon the other person or upon anyone else in the course of committing the offense; or

(iii) Threatens or places the victim in fear that the victim or any person known to the victim will be imminently subjected to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or

(iv) The person commits the offense aided and abetted by one or more other persons.

(b) *Penalty.* — Any person violating the provisions of this section is guilty of a felony and upon conviction is subject to imprisonment for no more than the period of his natural life. (1976, ch. 573, §§ 1, 2; 1978, ch. 205.)

**University of Baltimore Law Review.** — For note, "Rape and Other Sexual Offense Law Reform in Maryland, 1976-1977," see 7 U. Balt. L. Rev. 151 (1977).

**Legislative intent.** — The General Assembly gave no indication that it intended this subtitle to repeal or replace the common-law misdemeanor of criminal attempt with respect

to the substantive offenses it was then enacting, as the operative sections embrace only consummated conduct, and not attempts to commit the same. *Gray v. State*, 43 Md. App. 238, 403 A.2d 853 (1979).

Cited in *Phipps v. State*, 39 Md. App. 206, 385 A.2d 90 (1978); *Wantland v. State*, 45 Md. App. 527, 413 A.2d 1376 (1980).

**§ 464A. Second degree sexual offense.**

(a) *What constitutes.* — A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person:

(1) By force or threat of force against the will and without the consent of the other person; or

(2) Who is mentally defective, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally defective, mentally incapacitated, or physically helpless; or

(3) Under 14 years of age and the person performing the sexual act is four or more years older than the victim.

(b) *Penalty.* — Any person violating the provisions of this section is guilty of a felony and upon conviction is subject to imprisonment for a period of not more than 20 years. (1976, ch. 573, § 2; 1978, ch. 205.)

**University of Baltimore Law Review.** — For note, "Rape and Other Sexual Offense Law Reform in Maryland, 1976-1977," see 7 U. Balt. L. Rev. 151 (1977).

**Legislative intent.** — The General Assembly gave no indication that it intended this subtitle to repeal or replace the common-law misdemeanor of criminal attempt with respect to the substantive offenses it was then enacting, as the operative sections embrace only consummated conduct, and not attempts to commit the same. *Gray v. State*, 43 Md. App.

238, 403 A.2d 853 (1979).

**State was not bound by the victim's testimony concerning his age.** *Scott v. State*, 43 Md. App. 323, 405 A.2d 320 (1979), modified, 289 Md. 647, 426 A.2d 923 (1981).

**A birth certificate is most probative evidence of the victim's age.** *Scott v. State*, 43 Md. App. 323, 405 A.2d 320 (1979), modified, 289 Md. 647, 426 A.2d 923 (1981).

Cited in *Phipps v. State*, 39 Md. App. 206, 385 A.2d 90 (1978).

**§ 464B. Third degree sexual offense.**

(a) *What constitutes.* — A person is guilty of a sexual offense in the third degree if the person engages in sexual contact:

### § 464C. Fourth degree sexual offense.

(a) *What constitutes.* — A person is guilty of a sexual offense in the fourth degree if the person engages:

(1) In sexual contact with another person against the will and without the consent of the other person; or

(2) In a sexual act with another person who is 14 or 15 years of age and the person performing the sexual act is four or more years older than the other person; or

(3) In vaginal intercourse with another person who is 14 or 15 years of age and the person performing the act is four or more years older than the other person.

(b) *Penalty.* — Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction is subject to imprisonment for a period of not more than one year, or a fine of not more than \$1,000, or both fine and imprisonment. (1976, ch. 573, § 2; 1977, ch. 290, § 1; 1978, ch. 205.)

*University of Baltimore Law Review.* — For note, "Rape and Other Sexual Offense Law Reform in Maryland, 1976-1977," see 7 U. Balt. L. Rev. 151 (1977).

*Legislative intent.* — The General Assembly gave no indication that it intended this subtitle to repeal or replace the common-law misdemeanor of criminal attempt with respect to the substantive offenses it was then enacting, as the operative sections embrace only consummated conduct, and not attempts to commit the same. Gray v. State, 43 Md. App.

238, 403 A.2d 853 (1979).

*Sexual contact accompanied by a specific intent to rape is a graver offense than sexual contact absent such intent.* Gray v. State, 43 Md. App. 238, 403 A.2d 853 (1979).

*Every unauthorized caress is not, ipso facto, attempted rape.* Gray v. State, 43 Md. App. 238, 403 A.2d 853 (1979).

*Cited in Phipps v. State, 39 Md. App. 206, 385 A.2d 90 (1978); Goldberg v. State, 41 Md. App. 58, 395 A.2d 1213 (1979).*

### § 464D. Defense that victim is spouse of person committing act.

A person may not be prosecuted under §§ 462, 463, 464B, and 464C of this subheading if the victim is the person's legal spouse at the time of the commission of the alleged rape or sexual offense unless the parties are living separate and apart pursuant to a decree of divorce a mensa et thoro. (1976, ch. 573, § 2.)

*University of Baltimore Law Review.* — For note, "Rape and Other Sexual Offense Law Reform in Maryland, 1976-1977," see 7 U. Balt. L. Rev. 151 (1977).

For note discussing abrogation of interspousal immunity in cases of outrageous intentional torts, see 8 U. Balt. L. Rev. 584 (1979).

### § 464E. Undefined words describing elements of common-law rape.

Undefined words or phrases in this subheading which describe elements of the common-law crime of rape shall retain their judicially determined meaning except to the extent expressly or by implication changed in this subheading. (1976, ch. 573, § 2.)