

April 15, 2019

The Honorable Sine Kerr
Chairwoman of Senate Ethics Committee
Arizona Senate

The Honorable TJ Shope
Chairman of House Ethics Committee
Arizona House of Representatives

1700 W. Washington Street
Phoenix, AZ 85007

**Re: Request for Ethics Committee Hearing for Full Disclosure & Release of Documents;
Ethics Complaint;**

Dear Chairman Shope:

It is with respect for your unwavering dedication to full disclosure and transparency as Chairman of the House Ethics Committee, that I bring my complaint forward.

As many in the Legislature and the media are aware, the process I endured last year lacked due process. Due process is “meant to protect persons not from the deprivation but from the mistaken or unjustified deprivation of life, liberty or property”. The lack of due process was the result of corruption, including the intentional exclusion of testimony of three, materially relevant, credible witnesses and removal of physical evidence.

Ethics Charge Against Javen Mesnard: Intentionally orchestrating a cover-up by hiding from members and the public, critical, relevant testimony from three credible witnesses.

The independent investigators’ report contains voluminous discussion regarding various allegations against me. In fact, some 65 pages of the 75 pages of the investigative report were dedicated to the investigation into claims made against me, containing interviews with numerous witnesses, including allegations that were found to be demonstrably false.

By contrast, the report contains only a page and a half directed to allegations against Representative Ugenti-Rita and concludes, without facts or analysis, that there is “no credible evidence” that she violated the Policy. This finding is a lie. A known victim of repeated sexual harassment by Representative Ugenti-Rita came forward to the independent investigators and provided her testimony, physical evidence and corroborating, contemporaneous witnesses to Ugenti-Rita’s sexual harassment. The testimony and evidence were intentionally hidden from house members by Mesnard and from the final and public report. Mesnard abused his power to orchestrate this cover-up. His cover-up not only affected the credibility of the process and the institution, more importantly, it was and remains an outrageous miscarriage of justice for the brave female staffer, who reluctantly, but courageously, came forward. Many times, victims of

sexual harassment lack witnesses or evidence; in this victim's case, she brought forward both. Removing her testimony and the corroborating evidence and witnesses was NOT helping the victim – in fact – Mesnard revictimized her. **To be clear, I do not seek the victim of sexual harassment by Ugenti-Rita to again provide her testimony when the victim already provided her detailed testimony to investigators paid for by the House of Representatives.** I want to spare the victim from the need to come forward and present testimony a second time. **Furthermore, I do not wish to make the victim nor the corroborating witnesses' identities public. This cover-up must end.**

With new leadership and an obvious commitment to genuine transparency, I ask that you, with the guidance of the House Ethics Committee members, no longer allow this cover-up to continue. **I request that the hidden testimony of those three witnesses, and the evidence that was withheld by Mesnard be made public, though, with their names redacted for their protection.**

In anticipation of feeble attempts to explain the duplicitous and calculated decisions to destroy evidence of the existence of a young woman who was victimized and came forward, **it is notable that every witness who met with investigators was told that his/her testimony was not protected and would be a matter of public record.**

The opportunity to bring this information to light was not afforded. In fact, to the contrary, after sending a letter to colleagues asking to postpone disciplinary action until a victim whose testimony was discarded and covered up, was heard, Mesnard announced to media and my colleagues that my request required that I be expelled immediately (see attached letter) instead of his proposed censure. I was promised in writing that I would have five days to provide a written response. In it, I planned to make public, the facts that I am trying to have released right now. The process was expedited to keep the truth from coming out. The truth about the fake standard used to convict me and information directly shedding light on the character of my accuser who was also under investigation.

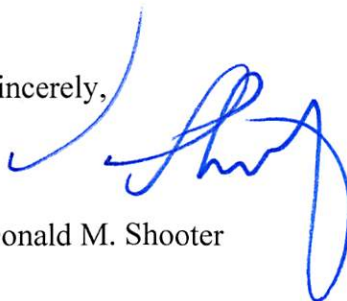
It is the lack of due process and the additional information that would have become known if due process had been afforded that allowed this corruption of House ethics.

Every day I live with the consequences of being expelled. No company wants to employ a sexual predator and I have been publicly branded as such; I struggle to find employment. I did not understand the impact of my juvenile jokes and I have paid a heavy price. So has my family, including my son, who by five generations of family tradition carries the name of my father and me. My request is for a balance of fairness and honesty that can only come from transparency by releasing the truth.

It is not only the right thing to do, it is vital for the integrity of the Legislature as an institution. It is in the best of the interest of the Legislature to choose to release this information, especially to avoid another branch of government stepping in to compel it which Arizona courts have required of the Legislature in cases where due process has been denied.

I still have much respect for the Legislature and members. It is my respect for those with whom I served (and those who have just begun their service) that I am certain, regardless of differences of political ideology, at your core, you have the honor and courage to make the facts known and end this cover-up.

Sincerely,



Donald M. Shooter

Attachments:

- My letter to members advocating that the victim whose testimony was discarded. Used by Mesnard for my expulsion instead of censure
- Copy of my apology to members that I read on the House floor