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ARIZONA ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
SOLICITOR GENERAL'S OFFICE
GOVERNMENT ACCOUNTABILITY UNIT

Clinton Garrett
Assistant Attorney General
(602) 542-3333

October 4, 2024

VIA EMAIL

Mr. Timothy La Sota
Timothy A. La Sota, PLC
2198 E. Camelback Rd., St 305
Phoenix, AZ 85016
tim@timlasota.com

Re: Campaign Finance Complaint SOS-CF-2024-002

Dear Mr. La Sota:

I write regarding the Office's disposition of the above-referenced campaign finance Complaint concerning Heap for House's alleged failure to report five 2023 campaign finance contributions from four different Political Action Committees (PACs) in violation of A.R.S. § 16-926(B)(2)(a)(iv). While Mr. Heap's conduct in the course of the investigation was concerning, the Office has determined that Heap for House did not accept the respective contributions and therefore finds that no violation occurred, as further set forth below.

A. Background.

1. The alleged violation.

On February 28, 2024, the Arizona Secretary of State received a Complaint alleging that Heap for House had failed to report the following 2023 campaign finance contributions:

- 1/2/23 - \$300 - Freeport-McMoRan Inc. Arizona Political Action Committee
- 1/2/23 - \$500 - Pinnacle West Capital Corporation Political Action Committee
- 10/25/23 - \$1,000 - Realtors of AZ PAC
- 12/18/23 - \$500 - Realtors of AZ PAC
- 12/28/23 - \$250 - AZ Fraternal Order of Police PAC

These PACs reported the foregoing contributions in their respective campaign finance reports, but Heap for House reported \$0 received from PACs in 2023. After notifying Mr. Heap of the Complaint and receiving no response, the Secretary found reasonable cause to believe that Heap for House had violated A.R.S. § 16-926(B)(2)(a)(iv) and referred the matter to this Office for investigation pursuant to A.R.S. § 16-938.

2. The investigation and findings.

Initially, I note that Mr. Heap needlessly prolonged and complicated this matter through his dilatory and uncooperative conduct. The Secretary of State invited Mr. Heap to respond to the Complaint in a March 21 letter, but Mr. Heap never responded. You have asserted that “Mr. Heap never received this communication.” 6/13/24 T. La Sota letter to C. Garrett. While I can’t speak to that claim’s veracity, your further assertion that the Secretary’s “supposed ‘efforts’ were minimal and not truly intended to afford him actual notice” of the Complaint, *id.*, is baseless.

The Secretary directed his letter to “info@voteheap.com,” the email address listed on Heap for House’s February 28, 2024 Campaign Finance Report. After the Secretary referred the matter to this Office, I sent my initial correspondence to Mr. Heap at that same email address and also sent a hardcopy to the PO Box listed on the Campaign Finance Report. Again, Mr. Heap failed to respond—and he has never offered any explanation for that failure. A campaign committee agrees by law “to accept all notifications and service of process via the e-mail address provided by the committee.” A.R.S. § 16-906(B)(6). And “[f]ailure to regularly check one’s email will not be considered a valid defense to any enforcement action.” Arizona Secretary of State, *Campaign Finance Candidate Guide* (April 2022) (“Candidate Guide”), at 4 n.16.¹ Mr. Heap’s attempts to escape accountability have therefore been concerning.

On May 22, 2024, you sent a letter to Attorney General Mayes about this matter that reflected no awareness of my prior effort to contact Mr. Heap. I answered that letter (enclosing my prior correspondence to Mr. Heap) two days later, requesting a response by June 7. After that deadline passed with no communication, I sent you a follow-up email on June 11; you acknowledged receipt of that email and then sent a responsive letter on June 13. Subsequently, you sent additional information via email.

By way of defense, Mr. Heap asserted that “Heap for House never cashed any such checks and never accepted any of these contributions.” 5/22/24 T. La Sota letter to Attorney General Mayes. In support of this defense, Mr. Heap (through your correspondence) provided (1) emails from three of the PACs (Freeport McMoRan, Pinnacle West, and AZ Fraternal Order of Police) stating that Heap for House did not cash their respective checks; (2) images of voided checks from Pinnacle West and the Arizona Police Association; and (4) banking screenshots indicating that the two Realtors of AZ checks were voided. Additionally, Mr. Heap indicated that the respective PACs had either amended or intended to amend their campaign finance reports to reflect that Heap for House had not accepted the contributions they had previously reported. 6/13/24 T. La Sota letter to C. Garrett.

On June 21, I sent you follow-up correspondence noting that the voided Police Association check was from December 2022 in the amount of \$200 and that it therefore did not align with the check at issue in the Complaint. Thereafter, you sent periodic updates stating that you intended to address this issue. In August, you sent an email exchange with the Fraternal Order of Police that indicated “Heap[’]s check shows voided” but that lacked specificity sufficient for me to credit it. On September 4, you sent a letter with a verification by Mr. Heap expressly stating that Mr. Heap “has not cashed or deposited any checks to his House Campaign Account since October of 2022,”

¹ Available at https://azsos.gov/sites/default/files/2023-11/cf_candidate_handbook_2021-2022_finalv2.pdf.

and explaining that you had provided the December 2022 voided check in error. 9/4/24 T. La Sota letter to C. Garrett. Additionally, you provided an express representation by the Fraternal Order of Police's Executive Director stating "that check #1591, written to Justin Heap on 12/28/2023 has not been cashed and has been voided on our end."

Importantly, beyond the information that Mr. Heap has provided, I have discovered through my own investigation that each of the PACs implicated in this matter has now in fact amended its campaign finance report to reflect that Heap for House did not accept their respective contributions. *See Exhibit A.* The Secretary of State's Candidate Guide defines "contributions" as "all sources of money that flow into a candidate's campaign account." Candidate Guide at 19. Given the strong evidence that Mr. Heap did not deposit the checks at issue here, the Office credits his defense that he did not receive reportable contributions.

B. Disposition.

Mr. Heap's lack of cooperation unnecessarily prolonged this investigation and disposition, wasting valuable government time and resources in the process. With that said, the question before the Office was whether Heap for House violated A.R.S. § 16-926(B)(2)(a)(iv) by failing to report five apparent campaign contributions. The Office concludes that no violation occurred and—subject to any new information that casts doubt on the exculpatory evidence underlying this conclusion—considers the matter closed.

Sincerely,



Clinton N. Garrett
Assistant Attorney General
Solicitor General's Office
Special Litigation and Government
Accountability Section

cc: Ms. Amy B. Chan
General Counsel to Secretary of State
1700 West Washington, Seventh Floor
Phoenix, AZ 85007
achan@azsos.gov

Exhibit A



Campaign Finance Report

FREEPORT-MCMORAN INC. ARIZONA POLITICAL ACTION COMMITTEE (FORMER PHELPS DODGE)

Committee #: 1139

Jurisdiction: Arizona Secretary of State

Treasurer: Donahue, Hugh
333 N Central Ave, Phoenix, AZ 85004
Phone: (602) 366-7812
Email: tashhurs@fmi.com

Amended 2024 May Pre-Election

Election Cycle: 2024
Date Filed: May 8, 2024
Reporting Period: April 1, 2024-May 4, 2024
Jurisdiction: Arizona Secretary of State

Summary of Finances

Cash Balance at Beginning of Reporting Period:	\$67,892.65
Total Cash Receipts this Reporting Period:	\$2,162.79
Total Cash Disbursements this Reporting Period:	(\$1,700.00)
Cash Balance at End of Reporting Period:	\$71,755.44

Report ID: 261873

Schedule E3a - Contributions to Candidate Committees

	Date	Amount	Cycle To Date
Name: 201600145 - BartonForAZ Address: PO Box 1170, Payson, AZ 85547 Trans. Type: Refund from Contrib to a Cand Committee Memo: VOID - Contribution Original Date: 01/03/2022 Original Amount: (\$300.00)	05/03/2024	\$(300.00) Cash	(\$300.00)
Name: Cesar Chavez for Arizona Address: PO Box 23317, Phoenix, AZ 85063 Trans. Type: Refund from Contrib to a Cand Committee Memo: VOID - Contribution Original Date: 01/03/2022 Original Amount: (\$200.00)	05/03/2024	\$(200.00) Cash	(\$200.00)
Name: 100558 - Chavez for AZ Senate Address: PO Box 23317, Phoenix, AZ 85063 Trans. Type: Refund from Contrib to a Cand Committee Memo: VOID - Original Date: 07/01/2022 Original Amount: (\$300.00)	05/03/2024	\$(300.00) Cash	(\$300.00)
Name: 100048 - Friends of Jake Hoffman Address: 20528 E Sunset Ct, Queen Creek, AZ 85142 Trans. Type: Refund from Contrib to a Cand Committee Memo: VOID - Contribution Original Date: 01/03/2022 Original Amount: (\$300.00)	05/03/2024	\$(300.00) Cash	(\$300.00)
Name: 100839 - Heap for House Address: PO Box 30339, Mesa, AZ 85275 Trans. Type: Refund from Contrib to a Cand Committee Memo: VOID - Contribution Original Date: 01/02/2023 Original Amount: (\$300.00)	05/03/2024	\$(300.00) Cash	\$0.00
Name: 100932 - Montenegro for House Address: 15680 W Campbell Ave, Goodyear, AZ 85395 Trans. Type: Refund from Contrib to a Cand Committee Memo: VOID - Contribution Original Date: 01/02/2023 Original Amount: (\$300.00)	05/03/2024	\$(300.00) Cash	\$300.00
Total of Contributions to Candidate Committees		\$0.00	
Total of Refunds Received		(\$1,700.00)	
Net Total of Contributions		(\$1,700.00)	

State of Arizona



Campaign Finance Report

REALTORS OF AZ PAC (RAPAC)

Committee #: 1155

Jurisdiction: Arizona Secretary of State

Treasurer: Beaubien, Tim

255 E Osborn Rd, Ste 200, Phoenix, AZ 85012

Phone: (602) 248-7787

Email: Scottdrucker@aaronline.com

2024 May Pre-Election

Election Cycle:	2024
Date Filed:	May 8, 2024
Reporting Period:	April 1, 2024-May 4, 2024
Jurisdiction:	Arizona Secretary of State

Summary of Finances

Cash Balance at Beginning of Reporting Period:	\$2,506,325.97
Total Cash Receipts this Reporting Period:	\$70,511.90
Total Cash Disbursements this Reporting Period:	\$54,690.65
Cash Balance at End of Reporting Period:	\$2,522,147.22

Report ID: 259356

Schedule E3a - Contributions to Candidate Committees

	Date	Amount	Cycle To Date
Name: NAR RPAC Address: 430 N Michigan Ave, Chicago, IL 60611 Trans. Type: Contribution to a Candidate Committee Memo: Funds Collected	04/08/2024	\$3,895.84 Cash	\$187,857.69
Name: NAR RPAC Address: 430 N Michigan Ave, Chicago, IL 60611 Trans. Type: Contribution to a Candidate Committee Memo: Funds Collected	04/10/2024	\$3,540.00 Cash	\$187,857.69
Name: NAR RPAC Address: 430 N Michigan Ave, Chicago, IL 60611 Trans. Type: Contribution to a Candidate Committee Memo: Funds Collected	04/16/2024	\$14,298.60 Cash	\$187,857.69
Name: 100839 - Heap for House Address: PO Box 30339, Mesa, AZ 85275 Trans. Type: Refund from Contrib to a Cand Committee Memo: Voided, candidate did not receive check Original Date: 10/25/2023 Original Amount: (\$1,000.00)	04/19/2024	\$(1,000.00) Cash	\$0.00
Name: 100839 - Heap for House Address: PO Box 30339, Mesa, AZ 85275 Trans. Type: Refund from Contrib to a Cand Committee Memo: VOID-Candidate did not recieve check Original Date: 12/18/2023 Original Amount: (\$500.00)	04/19/2024	\$(500.00) Cash	\$0.00
Name: NAR RPAC Address: 430 N Michigan Ave, Chicago, IL 60611 Trans. Type: Contribution to a Candidate Committee Memo: Funds Collected	05/03/2024	\$2,886.38 Cash	\$187,857.69
Total of Contributions to Candidate Committees		\$24,620.82	
Total of Refunds Received		(\$1,500.00)	
Net Total of Contributions		\$23,120.82	

State of Arizona



Campaign Finance Report

PINNACLE WEST CAPITAL CORPORATION POLITICAL ACTION COMMITTEE

Committee #: 1016

Jurisdiction: Arizona Secretary of State

Treasurer: MONDINO, VICTOR

PO BOX 53999, MS 9505, PHOENIX, AZ 85072

Phone: (480) 491-6300

Email: caryn@chstax.com

2024 May Pre-Election

Election Cycle:	2024
Date Filed:	July 1, 2024
Reporting Period:	April 1, 2024-May 4, 2024
Jurisdiction:	Arizona Secretary of State

Summary of Finances

Cash Balance at Beginning of Reporting Period:	\$113,879.21
Total Cash Receipts this Reporting Period:	\$37,013.99
Total Cash Disbursements this Reporting Period:	\$47,000.38
Cash Balance at End of Reporting Period:	\$103,892.82

Report ID: 259367

1016 PINNACLE WEST CAPITAL CORPORATION POLITICAL ACTION COMMITTEE
May Pre-Election
Jurisdiction: Arizona Secretary of State
Covers 04/01/2024 to 05/04/2024
Schedule E3a - Contributions to Candidate Committees

		Date	Amount	Cycle To Date
Name:	Vote Chuck Vickers	04/03/2024	\$500.00	\$500.00
Address:	11102 W Nebraska Ave, Youngtown, AZ 85363		Cash	
Trans. Type:	Contribution to a Candidate Committee			
Memo:	Youngtown Town Council			
Name:	CATHY MCMORRIS RODGERS FOR CONGRESS	04/05/2024	\$(2,500.00)	\$0.00
Address:	PO Box 137, Spokane, WA 99210		Cash	
Trans. Type:	Refund from Contrib to a Cand Committee			
Memo:	Refund contribution dated 3/29/2023			
Original Date:	03/29/2023			
Original Amount:	(\$2,500.00)			
Name:	CATHY MCMORRIS RODGERS FOR CONGRESS	04/05/2024	\$(2,500.00)	\$0.00
Address:	PO Box 137, Spokane, WA 99210		Cash	
Trans. Type:	Refund from Contrib to a Cand Committee			
Memo:	Partial refund of contribution dated 6/6/2023			
Original Date:	06/06/2023			
Original Amount:	(\$5,000.00)			
Name:	100839 - Heap for House	04/19/2024	\$(500.00)	\$0.00
Address:	PO Box 30339, Mesa, AZ 85275		Cash	
Trans. Type:	Refund from Contrib to a Cand Committee			
Memo:	Void check dated 1/2/23			
Original Date:	01/02/2023			
Original Amount:	(\$500.00)			
Name:	Ciscomani for Congress	04/24/2024	\$(5,000.00)	\$5,000.00
Address:	PO Box 35103, Tucson, AZ 85740		Cash	
Trans. Type:	Refund from Contrib to a Cand Committee			
Memo:	Void check dated 1/26/24			
Original Date:	01/26/2024			
Original Amount:	(\$5,000.00)			
Name:	Ciscomani for Congress	04/24/2024	\$5,000.00	\$5,000.00
Address:	PO Box 35103, Tucson, AZ 85740		Cash	
Trans. Type:	Contribution to a Candidate Committee			
Name:	Buddy Carter for Congress	04/29/2024	\$2,500.00	\$5,000.00
Address:	PO Box 10570, Savannah, GA 31412		Cash	
Trans. Type:	Contribution to a Candidate Committee			
Name:	Cole for Congress	04/29/2024	\$3,000.00	\$5,000.00
Address:	PO Box 722256, Norman, OK 73070		Cash	
Trans. Type:	Contribution to a Candidate Committee			
Name:	CRAIG GOLDMAN FOR CONGRESS	04/29/2024	\$2,500.00	\$5,000.00
Address:	PO Box 100039, Fort Worth, TX 76185		Cash	
Trans. Type:	Contribution to a Candidate Committee			



Campaign Finance Report

AZ FRATERNAL ORDER OF POLICE PAC
Committee #: 1597
Jurisdiction: Arizona Secretary of State

Treasurer: CLARK, STEPHEN R
1723 N Platina Cir, Mesa, AZ 85205
Phone: (480) 981-5833
Email: clarkasaurus@hotmail.com

2024 Quarter 2

Election Cycle: 2024
Date Filed: July 10, 2024
Reporting Period: April 1, 2024-June 30, 2024
Jurisdiction: Arizona Secretary of State

Summary of Finances

Cash Balance at Beginning of Reporting Period:	\$88,427.10
Total Cash Receipts this Reporting Period:	\$9,131.32
Total Cash Disbursements this Reporting Period:	\$14.20
Cash Balance at End of Reporting Period:	\$97,544.22

Report ID: 259558

Schedule R1 - Non-Contribution Receipts

		Date	Amount	Cycle To Date
Name:	100860 - Blattman for AZ	06/27/2024	\$100.00	\$100.00
Address:	445 E Main St Apt 335, Mesa, AZ 85203		Cash	
Trans. Type:	Non-Contribution Income			
Memo:	Contribution check voided. Check 4353 voided.			
Name:	Eva Burch for Senate	06/27/2024	\$100.00	\$100.00
Address:	225 E Main St, Ste 201, Mesa, AZ 85201		Cash	
Trans. Type:	Non-Contribution Income			
Memo:	contribution check voided. Check 4360 voided.			
Name:	100839 - Heap for House	06/27/2024	\$250.00	\$250.00
Address:	PO Box 30339, Mesa, AZ 85275		Cash	
Trans. Type:	Non-Contribution Income			
Memo:	contribution check voided. Check 1591 voided.			
Name:	101135 - Mae Peshlakai for AZ House	06/27/2024	\$100.00	\$100.00
Address:	po box 98 , cameron, AZ 86020		Cash	
Trans. Type:	Non-Contribution Income			
Memo:	Contribution check voided. Check 1597 voided.			
Name:	100879 - Marcelino For Arizona	06/27/2024	\$100.00	\$100.00
Address:	PO Box 21264, Phoenix, AZ 85036		Cash	
Trans. Type:	Non-Contribution Income			
Memo:	Contribution check voided. Check 1598 voided.			
Name:	202000052 - Wendy Rogers for AZ Senate	06/27/2024	\$250.00	\$250.00
Address:	2700 S Woodlands Village Blvd, Ste 300-242, Flagstaff, AZ 86001		Cash	
Trans. Type:	Non-Contribution Income			
Memo:	Contribution check returned. check 4373 voided.			
Total of Non-Contribution Receipts			\$900.00	
Total of Refunds Given			\$0.00	
Net Total of Non-Contribution Receipts			\$900.00	