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Plaintiff Pro Se

STATE OF ARIZONA
MARICOPA COUNTY SUPERIOR COURT

JEREMY THACKER,

Plaintiff Pro Se,

v.

CITY OF PHOENIX, a municipal
corporation,

Defendant.

CASE NO. _____

CV2025-026278

**FIRST AMENDED COMPLAINT FOR
SPECIAL ACTION (A.R.S. § 38-431.07)**

(Assigned to the Honorable Scott Minder)

1. Plaintiff Jeremy Thacker, pro se, pursuant to Rules 1 and 4 of the Arizona Rules of Procedure for Special Actions, and Rule 15(a)(2) of the Arizona Rules of Civil Procedure, hereby files this First Amended Complaint, alleging as follows:

INTRODUCTION

2. This Special Action seeks declaratory, injunctive, and mandamus relief against Defendant City of Phoenix ("City") for violations of Arizona's Open Meeting Law ("OML"), A.R.S. §§ 38-431 et seq., laws enacted to ensure governmental transparency and uphold public accountability. Plaintiff seeks declaratory and injunctive relief to ensure that executive

sessions comply with Arizona's Open Meeting Law, and to restore transparency and public accountability to the City's use of closed-door meetings.

3. Plaintiff seeks enforcement of laws intended to guarantee the public's right to open government and meaningful access to public information.
4. Plaintiff is proceeding pro se in this matter but has retained counsel on a limited-scope basis for advisory assistance, including document review and legal research, in accordance with Arizona Rule of Civil Procedure 5.3(c).
5. Plaintiff expressly reserves the right to amend this complaint to assert additional claims, including those related to Defendant's compliance or non-compliance with Arizona's Public Records Law, A.R.S. §§ 39-121 et seq., should further facts or evidence become available.

PARTIES

6. Plaintiff Jeremy Thacker is a citizen residing at 4520 N. 2nd Ave., Phoenix, Arizona 85013.
7. Defendant City of Phoenix is an Arizona municipal corporation subject to Arizona's Open Meeting Law.

JURISDICTION AND VENUE

8. This Court has jurisdiction pursuant to A.R.S. §§ 12-123 and 38-431.07(A).
9. Venue is proper pursuant to A.R.S. § 12-401.

FACTUAL ALLEGATIONS

10. On November 13, 2024, during Agenda Item No. 21 of its Formal Meeting, the Phoenix City Council ("Council") approved a blanket schedule of 17 Executive Session dates for the entire 2025 calendar year including January 28 and February 11 without providing specific agendas, topics, or any indication of subject matter for those meetings, thereby undermining the public's right to meaningful notice regarding the Council's future executive sessions. (A true and correct copy of the November 13, 2024 Formal Meeting Agenda is attached hereto as Exhibit A).
11. The blanket approval was styled as a request "for the City Council to call meetings for the purpose of holding an Executive Session pursuant to Arizona Revised Statute Section 38-431.03.A" and listed all 17 meeting dates in advance.

12. On January 28, 2025, the City held an Executive Session under the vague agenda item: "Discussion and consultation for legal advice re: Community Citizen Comment, A.R.S. §38-431.03 A.3," without holding a preceding public meeting or vote immediately prior to entering this executive session. (A true and correct copy of the January 28, 2025 Executive Session Agenda is attached hereto as Exhibit B).
13. On February 11, 2025, the City again held an Executive Session under the identical vague agenda item: "Discussion and consultation for legal advice re: Community Citizen Comment, A.R.S. §38-431.03 A.3," likewise without holding a preceding public meeting or vote. (A true and correct copy of the February 11, 2025 Executive Session Agenda is attached hereto as Exhibit C).
14. Council Member Anna Hernandez took office ~~shortly after the February 11th executive session~~ in April 2025 and, therefore, was not a member of the City Council during the November 13, 2024 Formal Meeting when the blanket approval of 2025 executive session dates was voted upon, nor was she in office for the Executive Sessions held on January 28, 2025, and February 11, 2025. Despite not participating in the original blanket authorization, Council Member Hernandez ~~is now~~ has already attended and is expected to attend subsequent Executive Sessions for the remainder of 2025 that were scheduled under this problematic pre-approval.
15. ~~The City's practice of using such vague agenda descriptions and pre-approved executive sessions renders the public unable to ascertain even the basic duration of these closed-door meetings. Plaintiff attempted to attend a public meeting to object to items on an agenda but was told that he would not be able to even sit outside the room/area where the executive session was held. As such, the public has no access to how long these meetings last, whether they were in executive session for five minutes or five hours, thereby eliminating a crucial element of public oversight and accountability.~~
16. ~~This practice creates a situation in which individual council members—who did not participate in the initial blanket pre-approval—are compelled to attend executive sessions without the benefit of a contemporaneous public vote. This not only undermines their~~

~~ability to object or place concerns on the public record but also exposes them to potential OML liability for sessions they had no opportunity to lawfully approve.~~

~~14. The City provided no specific detail or statutory justification for either executive session agenda, preventing the public from understanding the subject matter and potential implications of these meetings~~For instance, the Executive Session scheduled for July 29, 2025 (Exhibit I), presents an actual situation where Council Member Hernandez is compelled to participate in a session without a contemporaneous public vote for its specific authorization. This practice denies her, and any new council member, a clear mechanism for protesting this procedural deficiency on the public record prior to participation, thereby undermining the ability of all current members to ensure real-time OML compliance and exposing them to potential liability under A.R.S. § 38-431.07(A).

~~15. The City provided no specific detail or statutory justification for either executive session agenda, preventing the public from understanding the subject matter and potential implications of these meetings.~~

~~17.16.~~ The City's practice of using such vague agenda descriptions and pre-approved executive sessions renders the public unable to ascertain even the basic duration of these closed-door meetings. Plaintiff attempted to attend a public meeting to object to items on an agenda but was told that he would not be able to even sit outside the room/area where the executive session was held. As such, the public has no access to how long these meetings last, whether they were in executive session for five minutes or five hours, thereby completely defeating the fundamental purpose of having an agenda and undermining public oversight.

~~18.17.~~ Plaintiff sought to clarify the subject matter of these Executive Sessions by submitting a Public Records Request (“PRR”) on May 19, 2025, specifically for records related to Agenda Item #7 of the January 28, 2025 Executive Session and Agenda Item #4 of the February 11, 2025 Executive Session, both titled "Discussion and consultation for legal advice re: Community Citizen Comment”. (A true and correct copy of the PRR on the City’s Public Records Center is attached hereto as Exhibit D).

~~19.~~ The City's response to this PRR, dated July 9, 2025, stated, "The City has reviewed its files and has determined there are no responsive documents to your request except for those protected under attorney client privilege or work product privilege."

~~20.~~ 18. This response provided no specific statutory exemption or privilege log, which hinders public understanding and review. (A true and correct copy of the City's response to ~~Plaintiff's~~ Plaintiff's PRR is attached hereto as Exhibit E).

~~21.~~ 19. In response to the City's deficient reply, Plaintiff issued a formal demand letter on July 11, 2025, ~~thoroughly~~ meticulously detailing the legal insufficiencies of the City's response under Arizona Public Records Law (A.R.S. § 39-121 et seq.) due to its lack of specificity, explicit failure to provide a privilege log, and inherently contradictory statements regarding the existence of responsive documents. (A true and correct copy of Plaintiff's formal demand letter is attached hereto as Exhibit F). ~~The demand letter further highlighted the ambiguity of "Community Citizen Comment" on the Executive Session agendas and the City's obligation under A.R.S. § 38-431.02(H) to provide sufficiently specific agenda items.~~

~~22.~~ 20. The City's continued refusal to provide clarity regarding the subject matter of "Community Citizen Comment," even after a formal PRR and demand letter, demonstrates a pattern of non-compliance with the spirit and letter of Arizona's open government laws. The chronological sequence of these actions — from the vague agenda items to the blanket denial of related public records without justification — reveals a concerted pattern designed to obscure the nature of the Council's discussions and evade public scrutiny, effectively creating an impenetrable "black box" around these executive sessions.

21. . On November 2, 2023, the Arizona Attorney General's Office issued a Disposition Letter (Investigation No. OML2023-0006) regarding a series of complaints alleging, among other things, that the Phoenix City Council improperly pre-approved executive sessions and failed to adequately describe executive session agenda items. While the Disposition Letter concluded there was no OML violation, it explicitly stated that it "is not a formal opinion of the Attorney General's Office and should not be cited as authority in other matters." (A

true and correct copy of the November 2, 2023 AG Disposition Letter is attached hereto as Exhibit G).

22. In response to the AG's Disposition Letter, Plaintiff sent a letter dated November 3, 2023, arguing that the Disposition Letter's conclusions were contradicted by the Attorney General Handbook, specifically regarding the requirement for a public vote immediately prior to entering executive session. (A true and correct copy of Plaintiff's November 3, 2023 Response to AG Disposition Letter is attached hereto as Exhibit H). This prior exchange highlights the ongoing nature of the legal dispute regarding the City's OML compliance.

23. Most recently, on July 29, 2025, the City scheduled another Executive Session with a similarly vague agenda item: "Discussion and consultation for legal advice re: Federal Guidance for Public Benefits, A.R.S. §38-431.03 A.3 and A.4." This demonstrates the City's continued practice of using impermissibly vague agenda descriptions, even after Plaintiff's prior challenges. (A true and correct copy of the July 29, 2025 Executive Session Agenda is attached hereto as Exhibit I).

24. In January 2025, Plaintiff filed an OML Complaint with the Arizona Attorney General's Office concerning alleged OML violations by the Phoenix Ethics Commission during its February 6, 2025 Special Meeting (OML2025-0014). This complaint alleged, among other things, that a quorum was present and discussing official business before the meeting officially began, the public video/audio feed was deliberately cut, and City officials knowingly withheld critical meeting records in response to a Public Records Request. (A true and correct copy of Plaintiff's January 2025 OML Complaint is attached hereto as Exhibit J).

25. Plaintiff submitted a Supplemental OML Complaint in February 2025, providing newly discovered evidence of intentional OML violations by the Phoenix Ethics Commission and City staff during the February 6, 2025 Special Meeting. This supplemental complaint further alleged that City officials knowingly withheld critical meeting records in response to Plaintiff's PRR and only disclosed them after Plaintiff presented evidence proving their existence. (A true and correct copy of Plaintiff's February 2025 Supplemental OML Complaint is attached hereto as Exhibit K).

26. Internal City communications related to Plaintiff's PRR for the Ethics Commission meeting records reveal the City Law Department's reluctance to communicate directly with Plaintiff due to concerns about being "named and misquoted in a news article," suggesting a focus on managing public perception over transparency. (A true and correct copy of the internal email thread is attached hereto as Exhibit L).
27. The Arizona Attorney General's Office acknowledged opening an investigation into Plaintiff's Ethics Commission complaint (OML2025-0014) on July 17, 2025. (A true and correct copy of the AG's status email is attached hereto as Exhibit M). This ongoing investigation highlights persistent concerns about OML compliance within the City of Phoenix.
28. The Executive Session scheduled for July 29, 2025, is particularly problematic as Council Member Anna Hernandez, who took office in April 2025 and was not a member of the Council when the 2025 executive session dates were blanket-approved in November 2024, is now an active City Council member expected to attend. This situation transforms the hypothetical impact on new council members into an actual one, as she is compelled to participate in a session without a contemporaneous public vote for its specific authorization, and without a clear mechanism for protesting this procedural deficiency on the public record.

COUNT I: VIOLATIONS OF OPEN MEETING LAW

- 23-29. Plaintiff realleges Paragraphs 1-~~17~~ 28 as if fully set forth herein.
30. Defendant violated A.R.S. § 38-431.02 by using impermissibly vague descriptions ("Community Citizen Comment") ~~on the Executive Session agendas. This violation is compounded by Defendant's failure to adequately respond to Plaintiff's PRR seeking clarification of this agenda item.~~ While and "Federal Guidance for Public Benefits") ~~on the Executive Session agendas. While~~ A.R.S. § 38-431.02(I) permits a "general description" for Executive Sessions, ~~the phrase "Community Citizen Comment" provides~~ these phrases provide no meaningful information to the public regarding the specific legal issue or scope of discussion, thereby failing to "apprise the public of the matters to be discussed" as required by A.R.S. § 38-431.02(H). This extreme ambiguity renders the public notice

ineffective and directly undermines the fundamental purpose of the OML, which is to enable informed public participation, scrutiny, and accountability. The City'sIndeed, if such a level of generalization is permitted, the very purpose of requiring an agenda for public meetings is rendered moot, transforming a statutory safeguard into a meaningless formality.

24.31. Defendant's's actions in using such a vague description, coupled with its subsequent refusal to provide specific justification for withholding related records (Exhibit E), demonstrates a systemic intent to circumvent the spirit of the OML and conceal the true nature of its executive session discussions from public view. This pattern of conduct suggests a deliberate effort to resist transparency and deny the public meaningful oversight.

25.32. Defendant further violated A.R.S. § 38-431.03 by failing to hold proper public votes *immediately* preceding the Executive Sessions on January 28~~and~~, February 11, and July 29, 2025, relying instead on an unlawful, blanket pre-approval granted on November 13, 2024, which did not include specific agenda topics for each session. This blanket pre-approval for an entire year, without specific topics tied to each future session, fundamentally bypasses the critical contemporaneous deliberation and public vote requirement. It transforms a specific, situation-dependent decision (to go into executive session for a particular reason) into a bureaucratic formality, stripping the public of the opportunity to witness and understand the real-time decision-making process to hold a closed meeting. Furthermore, by holding such sessions completely out of public view, with no contemporaneous public vote, the public is denied any means of knowing the actual duration of these meetings, whether they lasted five minutes or five hours, thereby eliminating a crucial element of public oversight and accountability. This practice also places individual Council Members, such as Council Member Anna Hernandez who was not in office at the time of the blanket approval, in the difficult position of participating in executive sessions that lack proper, immediate public authorization, thereby hindering their ability to ensure compliance with OML on the public record. This not only constitutes a procedural error but a substantive subversion of the OML's intent to ensure transparency in the very decision to conduct public business behind closed doors.

~~26-33.~~ Defendant's actions, including the use of vague agenda descriptions and the reliance on an unlawful blanket pre-approval, denied Plaintiff and the general public their fundamental right to transparent government and meaningful access to public information, as mandated by Arizona law. This practice significantly erodes public trust in the transparency and integrity of local governance.

~~27-34.~~ Plaintiff does not seek access to the actual executive session discussion, but rather to compel Defendant to provide notice of what was actually going to be discussed.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment against Defendant City of Phoenix as follows:

- A. Declare that Defendant violated Arizona's Open Meeting Law by:
 - Using impermissibly vague Executive Session agendas;
 - Failing to hold proper public votes prior to the Executive Sessions.
- B. Declare that the City of Phoenix's practice of pre-scheduling Executive Sessions without contemporaneous votes violates A.R.S. § 38-431.03.
- C. Declare that Defendant's response to Plaintiff's PRR (Reference # R022550-050925) was legally insufficient under A.R.S. § 39-121 et seq. for failing to provide specific statutory exemptions, a privilege log, or sufficient clarity regarding the "Community Citizen Comment" agenda item.
- D. Mandate the City's compliance with A.R.S. § 39-121.01(D)(2), including the preparation and disclosure of privilege logs when denying records under any claimed exemption.
- E. Order Defendant to adopt and implement safeguards ensuring that all future Executive Sessions are preceded by a proper public meeting and vote, with agenda descriptions that comply with the specificity requirements of A.R.S. § 38-431.02(H) and (I).
- ~~F. Order Defendant to publicly acknowledge past violations and to amend any existing Council Rules or internal procedures inconsistent with A.R.S. § 38-431.02 and § 38-431.03.~~
- ~~G.F.~~ Require Defendant to amend its prior agendas to include the information required by Open Meeting Law.

H.G. Enjoin Defendant from using similarly vague agenda descriptions, unauthorized blanket pre-approved Executive Session procedures, or issuing legally insufficient responses to PRR's in the future.

H.H. Award civil penalties as the Court deems appropriate under A.R.S. § 38-431.07(A) if the violations are found to have been committed knowingly.

H.I. Award Plaintiff all taxable court costs incurred and reasonable attorneys' fees, including those incurred through limited-scope advisory counsel assisting Plaintiff, pursuant to A.R.S. § 38-431.07.

K.J. Order any additional equitable, declaratory, or injunctive relief the Court deems necessary to ensure future compliance and prevent further violations.

K. Grant ~~any additional relief this Court deems just and proper~~ such other and further legal or equitable relief as the Court deems just and necessary to enforce compliance with Arizona's Open Meeting Law and prevent future violations.

Preservation of Additional Issues

Plaintiff acknowledges that the City's response to his public records request—stating that all responsive documents were protected by attorney-client privilege or the work product doctrine—is currently untested and may involve overlapping factual issues with the challenged executive sessions.

Plaintiff therefore expressly reserves the right to seek further declaratory or injunctive relief under A.R.S. §§ 39-121 et seq., including a challenge to the City's withholding of documents, should subsequent evidence demonstrate that such records were improperly classified as privileged. This reservation includes, but is not limited to, a future claim that the City violated A.R.S. § 39-121.01(D)(2) by failing to produce a privilege log in response to a valid request for inspection of public records.

VERIFICATION

STATE OF ARIZONA §

County of Maricopa §

I, Jeremy Thacker, under penalty of perjury hereby declare that I have read the foregoing complaint and know the contents thereof, and that the same is true to the best of my own actual knowledge, except as to such matters as are therein stated upon information and belief, and as to those matters I sincerely believe them to be true. I further declare that the exhibits to the foregoing complaint are true and correct copies of the original documents.

Dated: _____

Jeremy Thacker

Respectfully submitted on this 4th day of September, 2025,

By: /s/Jeremy Thacker
Jeremy Thacker
Plaintiff Pro Se

EXHIBIT A

*Phoenix City Council Formal Meeting Agenda for November 13, 2024
(Agenda Item No. 21)*

City of Phoenix

*Meeting Location:
City Council Chambers
200 W. Jefferson St.
Phoenix, Arizona 85003*



City of Phoenix

Agenda

Wednesday, November 13, 2024

2:30 PM

phoenix.gov

City Council Formal Meeting

*****REVISED November 12, 2024***
Request to Continue: 74; Items with
Additional Information Added: 75, 77-79**

City Council Formal Meeting



City of Phoenix

Report

Agenda Date: 11/13/2024, **Item No.** 21

Request for City Council to Call to Meet in Executive Session on Specific Dates January through December 2025 - Citywide

Request for the City Council to call meetings for the purpose of holding an Executive Session pursuant to Arizona Revised Statute Section 38-431.03.A, on the following dates at noon in the Central Conference Room, on the 12th Floor of Phoenix City Hall, located at 200 W. Washington Street:

- January 14
- January 28
- February 11
- February 25
- March 18
- April 15
- April 29
- May 6
- June 10
- July 1
- September 9
- September 23
- October 7
- October 28
- November 4
- November 25
- December 9

Public Outreach

The Notice and Agenda for these Executive Sessions will be posted no later than 24 hours before each scheduled meeting.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Law Department.

EXHIBIT B

Phoenix City Council Executive Session Agenda for January 28, 2025

NOTICE OF MEETING
PHOENIX CITY COUNCIL EXECUTIVE SESSION
January 28, 2025

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **PHOENIX CITY COUNCIL** and to the general public that the **PHOENIX CITY COUNCIL** will meet in Executive Session on **January 28, 2025 at Noon located in the Central Conference Room, 12th Floor, Phoenix City Hall, 200 West Washington, Phoenix, Arizona**, for the purposes of discussion or consultation regarding the items listed on the agenda, all as authorized by A.R.S. §38-431.03, A.1 through A.7.

AGENDA

1.	Discussion and consultation for legal advice re: Dallas Sauer and Trisha Ford , RM # 23-0593-001 and 002, A.R.S. §38-431.03 A.3 and A.4
2.	Discussion and consultation for legal advice re: Phoenix Proposed Tax Increase , A.R.S. §38-431.03 A.3 and A.4
3.	Discussion and consultation for legal advice re: Federal Directives on Immigration and DEI , A.R.S. §38-431.03 A.3
4.	Discussion and consultation for legal advice re: Oct. 17, 2020 Investigation Status , A.R.S. §38-431.03 A.3
5.	Discussion and consultation for legal advice re: Camping and Trespass Enforcement , A.R.S. §38-431.03 A.3
6.	Discussion and consultation for legal advice re: Claim Settlement Authority Limits , A.R.S. §38-431.03 A.3
7.	Discussion and consultation for legal advice re: Community Citizen Comment , A.R.S. §38-431.03 A.3

For further information, please call Dava Hall, Law Department at 602-262-4456. For reasonable accommodations, call Stephanie Mortensen 602-262-7069 (voice) or dial 7-1-1 (TRS), as early as possible to coordinate needed arrangements.

EXHIBIT C

Phoenix City Council Executive Session Agenda for February 11, 2025

**NOTICE OF MEETING
PHOENIX CITY COUNCIL EXECUTIVE SESSION
February 11, 2025**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **PHOENIX CITY COUNCIL** and to the general public that the **PHOENIX CITY COUNCIL** will meet in Executive Session on **February 11, 2025 at Noon located in the Central Conference Room, 12th Floor, Phoenix City Hall, 200 West Washington, Phoenix, Arizona**, for the purposes of discussion or consultation regarding the items listed on the agenda, all as authorized by A.R.S. §38-431.03, A.1 through A.7.

AGENDA

1.	Discussion and consultation for legal advice re: Carla Truman , RM # 23-0723, A.R.S. §38-431.03 A.3 and A.4
2.	Discussion and consultation for legal advice re: <i>State of New York et al. v Trump, et al. Amicus Brief</i> , A.R.S. §38-431.03 A.3 and A.4
3.	Discussion and consultation for legal advice re: Claim Settlement Authority Limits , A.R.S. §38-431.03 A.3
4.	Discussion and consultation for legal advice re: Community Citizen Comment , A.R.S. §38-431.03 A.3
5.	Discussion and consultation for legal advice re: Camping and Trespass Enforcement , A.R.S. §38-431.03 A.3

For further information, please call Dava Hall, Law Department at 602-262-4456. For reasonable accommodations, call Stephanie Mortensen 602-262-7069 (voice) or dial 7-1-1 (TRS), as early as possible to coordinate needed arrangements.

EXHIBIT D

Plaintiff's Public Records Request submitted to the City of Phoenix on May 19, 2025



Jeremy Thacker <jeremythacker@gmail.com>

[Records Center] Public Records Request :: R021635-041125

1 message

CityOfPhoenixAZ Support <cityofphoenixaz@govqa.us>
To: "jeremythacker@gmail.com" <jeremythacker@gmail.com>

Mon, May 19, 2025 at 9:53 AM

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of April 11, 2025, Reference # R021635-041125.

Dear Jeremy Thacker,

The City of Phoenix received your public records request, dated April 11, 2025, for the following information:

“Pursuant to the Arizona Public Records Law, A.R.S. § 39-121 et seq., I respectfully request access to and copies of all records related to the March 26, 2025 meeting of the City of Phoenix Judicial Selection Advisory Board. Specifically, I request the following:

- 1. Official minutes of the March 26, 2025 meeting (draft or approved);**
- 2. Video recording of the meeting, if available;**
- 3. Audio recording of the meeting, if available;**
- 4. Any written materials or presentations distributed to board members or attendees during the meeting;**
- 5. A copy of the meeting agenda and any accompanying attachments.**

If any portion of these records is exempt from disclosure, please provide the specific legal justification for the redaction or withholding pursuant to A.R.S. § 39-121.01(D)(2), and release all reasonably segregable portions of the records.

I prefer to receive the records electronically via email or secure download link if available. Please confirm receipt of this request and advise if there are any fees associated with processing it.

Thank you for your attention to this matter. I look forward to your prompt response in accordance with Arizona’s statutory timelines.

**Sincerely,
Jeremy Thacker”**

The City has located responsive records to your request. Please log in to the Public Records Center at the following link to retrieve the documents. This completes your request.

[Public Records Request - R021635-041125](#)

Sincerely,

Phoenix Communications Office

To monitor the progress or update this request please log into the [Public Records Center](#)



EXHIBIT E

City of Phoenix's response to Plaintiff's Public Records Request, dated July 9, 2025

[Records Center] Public Records Request :: R022550-050925

CityOfPhoenixAZ Support <cityofphoenixaz@govqa.us>
To: jeremythacker@gmail.com <jeremythacker@gmail.com>

Wed, Jul 9 at 4:44 PM

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of May 09, 2025, Reference # R022550-050925

Dear Jeremy Thacker,

The City of Phoenix received your public records request, dated May 09, 2025, for the following information:

"Public Records Request – Executive Session Agenda Item #7 (January 28, 2025) and #4 (February 11, 2025)

Submitted via Phoenix Public Records Request Portal

Pursuant to A.R.S. § 39-121 et seq., I respectfully request access to and copies of the following public records related to the Phoenix City Council's Executive Sessions held on January 28, 2025 specifically Agenda Item #7 and February 11, 2025, specifically Agenda Item #4, titled:

"Discussion and consultation for legal advice re: Community Citizen Comment, A.R.S. § 38-431.03(A)(3)"

Records Requested:

1. The underlying "Community Citizen Comment(s)" that served as the basis for the legal advice discussed in executive session. This includes, but is not limited to:

- Written submissions,
- Audio or video recordings,
- Transcripts, summaries, or internal write-ups of oral citizen comments from recent meetings.

2. Any communications or documentation referencing the legal risk or issue arising from the identified citizen comment(s), including:

- Internal emails, memos, or briefings among City Council members, City Attorney's Office, and City Manager's Office;
- Legal analyses, claims of liability, or staff summaries explaining the legal nature of the issue that justified invoking A.R.S. § 38-431.03(A)(3).

3. Executive Session minutes for both executive sessions. If access is denied under A.R.S. § 38-431.03(B), please cite the specific statutory exemption relied upon and provide a privilege log or summary.

4. Any City Attorney memorandum or certification affirming that the discussion under Agenda Item #4 was confined to legal advice and fell within the permissible scope of A.R.S. § 38-431.03(A)(3).

5. All records and communications related to the preparation or review of Agenda Items #7 and #4, including:

- Draft agenda versions,

• Notes or comments from the City Clerk's or City Attorney's offices regarding wording, subject matter, or scope.

Date Range: January 1, 2025 – February 29, 2025

Preferred Format: PDF or native electronic format

Delivery Method: Email or electronic download

If any portion of this request is denied, please provide a written explanation citing the specific legal authority for each withheld record and whether redaction, rather than full withholding, is possible.

Thank you for your assistance in this matter!"

The City has reviewed its files and has determined there are no responsive documents to your request except for those protected under attorney client privilege or work product privilege.

Sincerely,

Phoenix Communications Office

To monitor the progress or update this request please log into the [Public Records Center](#)



EXHIBIT F

Plaintiff's demand letter to the City of Phoenix, dated July 11, 2025

Jeremy Thacker
4520 N 2nd Ave
Phoenix, AZ 85013
(480) 410-1923
jeremythacker@gmail.com

July 11, 2025

RE: IMMEDIATE CURE DEMAND – Public Records Request Reference # R022550-050925
(Dated May 09, 2025)

Dear Phoenix Communications Office:

This letter serves as a formal demand for the City of Phoenix to immediately cure the legally insufficient response to my public records request, Reference # R022550-052550, submitted on May 09, 2025. My request sought specific records related to the Phoenix City Council's Executive Sessions held on January 28, 2025 (Agenda Item #7) and February 11, 2025 (Agenda Item #4), both titled "Discussion and consultation for legal advice re: Community Citizen Comment, A.R.S. § 38-431.03(A)(3)."

Your response, stating "The City has reviewed its files and has determined there are no responsive documents to your request except for those protected under attorney client privilege or work product privilege," is fundamentally flawed and fails to comply with Arizona Public Records Law (A.R.S. § 39-121 et seq.).

Specifically, your response is deficient for the following reasons:

1. **Lack of Specificity and Legal Justification (A.R.S. § 39-121.01(D)):** Arizona law explicitly requires that any denial of a public records request be supported by a **specific statutory exemption**, and the public body must provide a **written explanation citing the legal authority for each withheld record**. Your generic claim of "attorney client privilege or work product privilege" is a conclusory statement and not a specific legal justification that explains *how* each requested category of documents falls under these privileges. This blanket assertion provides no basis for meaningful review.
2. **Failure to Provide a Privilege Log as Best Practice for Transparency:** While A.R.S. § 39-121.01(D)(2) explicitly mandates privilege logs for state agencies, providing such a log is widely recognized as a **crucial best practice for all public bodies**, including municipalities like the City of Phoenix, to ensure transparency and allow requesters to assess the legitimacy of claimed exemptions. Your response completely omits this essential component, making it impossible to meaningfully review your assertions of privilege. Without a detailed privilege log, describing each withheld document by date, author, recipients, and the specific basis for the privilege asserted, your denial is unreviewable and undermines the public's right to challenge improper withholdings.
3. **Contradictory Statement:** The statement "no responsive documents... except those protected under attorney client privilege or work product privilege" is inherently

contradictory. If documents exist that are purportedly protected, they are by definition "responsive." This phrasing appears to be an attempt to circumvent the City's obligation to provide a privilege log and specific justification for withholding.

4. **Ambiguity of "Community Citizen Comment" and Burden of Justification:** While the phrase "Community Citizen Comment" most commonly implies a specific comment made by a citizen at a public meeting, providing the basis for my initial request, it is possible it refers to something else. Unfortunately, these three generic words, without further context or explanation, are insufficient to determine the true subject matter or to assess the legitimacy of holding the discussion in executive session under A.R.S. § 38-431.03(A)(3) or the subsequent claim of privilege over related records. The Arizona Open Meeting Law (A.R.S. § 38-431.02(H)) requires agenda items to be "sufficiently specific to apprise the public of the matters to be discussed." Vague or overly broad agenda descriptions, such as "Citizen's Legal Action" or "Generic Community Issues" would clearly violate this requirement. To properly evaluate the City's claims of privilege and ensure compliance with OML, my first demand regarding this item is a clear and specific explanation of what "Community Citizen Comment" refers to in the context of both the January 28, 2025 (Item #7) and February 11, 2025 (Item #4) Executive Sessions. Without this necessary clarification, the public is left entirely in the dark as to the nature of the City Council's discussion, making any challenge to the executive session or records denial impossible.

Please note, this request is for a non-commercial purpose.

DEMAND FOR IMMEDIATE COMPLIANCE:

Pursuant to A.R.S. § 39-121.01(D), I demand an immediate, specific explanation of what "Community Citizen Comment" refers to in the context of the executive sessions on January 28, 2025 (Item #7) and February 11, 2025 (Item #4). **This explanation must be provided by the close of business on July 15, 2025.** Failure to provide this minimum level of clarity within this extremely tight timeframe will be considered a continued act of obstruction and will result in my immediate escalation of this matter to appropriate external oversight bodies and public forums, without further notice.

Furthermore, I demand that the City of Phoenix cure all aforementioned deficiencies and provide a complete, revised, and legally compliant response to my public records request within **seven (7) business days** of the date of this letter (by **July 22, 2025**). This response must include:

- A **specific statutory exemption** for each record or category of records withheld, and a detailed explanation of how it applies.
- A **detailed privilege log** for all withheld documents, describing each document by type, date, author, recipients, and the specific legal basis for the privilege asserted (e.g.,

attorney-client privilege, work product). This log is requested as a standard practice for transparency and to allow proper assessment of any claimed exemptions.

- A commitment to **redact any exempt or privileged information while disclosing all remaining segregable, non-exempt public portions** of documents, rather than withholding entire documents. Any such redactions should be clearly indicated.
- All non-privileged responsive documents, particularly any underlying "Community Citizen Comment(s)" that are not subject to a legitimate privilege, in their requested formats.

Be advised that failure to provide a legally sufficient response, including the immediate explanation and the full cure within the stipulated timeframes, will compel me to pursue all available legal remedies, including but not limited to, filing a new legal action to compel disclosure of public records and/or addressing Open Meeting Law violations, and seeking an award of attorney's fees and costs as provided by law.

Thank you for your prompt attention to this matter.

Sincerely,

Jeremy Thacker

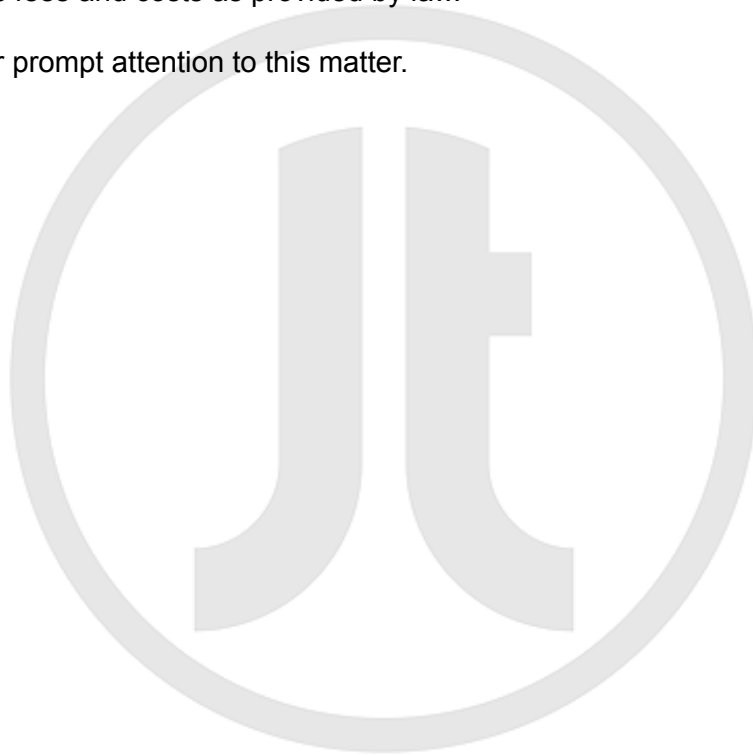


EXHIBIT G

*Arizona Attorney General's Office Disposition Letter (Investigation No. OML2023-0006) dated
November 2, 2023.*



OFFICE OF THE ARIZONA ATTORNEY GENERAL

KRIS MAYES
ATTORNEY GENERAL

SOLICITOR GENERAL'S OFFICE
OPEN MEETING LAW ENFORCEMENT TEAM

Mary M. Curtin
Senior Litigation Counsel
(602) 542-3333

November 2, 2023

VIA EMAIL and U.S. MAIL

Julie M. Kriegh
City Attorney's Office
200 West Washington Street, 13th Floor
Phoenix, Arizona 85003
Julie.Kriegh@phoenix.gov

Re: Disposition of Open Meeting Law Investigation
Investigation No. OML2023-0006

Dear Ms. Kriegh:

As you know, the Office of the Attorney General received a series of complaints alleging that the Phoenix City Council improperly pre-approved executive sessions, failed to properly post executive sessions agendas on its website, and failed to adequately describe executive session agenda items, all in violation of Arizona's Open Meeting Law.

As part of its investigation of these complaints, the Office sent an inquiry letter to Phoenix City Council on September 15, 2023 and received your timely response on October 15 ("Response"). The Office has concluded its review of the events discussed below and your Response, and determined the Phoenix City Council did not violate the Open Meeting Law. The facts recited in this letter serve as a basis for this conclusion, but are not administrative findings of fact and are not made for purposes other than those set forth in A.R.S. § 38-431 *et seq.*

Approval of 2023 Executive Sessions

The complaints assert that the Phoenix City Council's practice of approving dates for multiple executive sessions violates the Open Meeting Law, because the City Council cannot approve more than one executive session in a single vote and the City Council must approve an agenda containing the items to be discussed in executive session before that session can be held. These assertions are not accurate statements of Arizona law.

“On a public majority vote of the members constituting a quorum, a public body may hold an executive session.” A.R.S. § 38-431.03(A). Use of the phrase “an executive session” in § 38-431.03(A) does not prevent a public body from approving more than one executive session in a single vote. Rather, it means that any particular executive session must have been preceded by a public majority vote of the quorum approving that session. And while the public body can only hold executive session for the nine purposes specifically enumerated in § 38-431.03(A), the Open Meeting Law does not require a public vote about whether a specific item qualifies for discussion in executive session. If a public body intends to meet on a regular day at a regular place and time, it “may post public notice of the meetings at the beginning of the period,” as the Phoenix City Council did. A.R.S. § 38-431.02(F).

In its formal meeting held December 14, 2022, the City Council approved Agenda Item 57, which requested that the City Council call meetings for the purposes of holding an executive session on 14 dates from January to December 2023. The City then posted its “2023 Notice of Meeting Phoenix City Council Executive Session” which identified the approved executive sessions dates, indicated the location and time of those sessions, and stated that an electronic copy of the agenda would be available no later than 24 hours prior to the meeting at: phoenix.gov/cityclerk/publicmeetings/city-council-meetings.

This process comports with A.R.S. § 38-431.03(A) and § 38-431.02(F), which must be read together and in a way that balances the priority of openness of government with the administrative realities of governing a city of 1.6 million people. Given that the City Council knows that it will need periodic executive sessions throughout the year, it makes sense from a logistical perspective that it would schedule the time for those sessions in advance, and later identify the specific items for discussion as a particular session in accordance with the requirements of A.R.S. § 38-431.02(G) and (I). Finally, the fact that A.R.S. § 38-431.02(F) permits a public body to post advance notice of serial meetings during a specific calendar period plainly contemplates that the two aspects of public notice required under the OML—that is, notice of the meeting itself and notice of what will take place at the meeting— can be conveyed to the public at different times, so long as the public body otherwise comports with the technical requirements of the statute. Thus, there is no Open Meeting Law violation here.

Posting of Executive Session Agendas

The complaints allege that the agendas for the executive sessions held on January 10, January 24, and February 21, 2023 were improperly posted under the “Public Meetings” portion of the City of Phoenix’s website instead of under “City Council Meetings” with other Council agendas. The complaints further assert that, because of where those agendas were posted, they “disappeared” after those executive sessions were held and no evidence exists on the City Council’s website that those meetings ever happened.

Location of Agendas

Upon voting to hold one or more executive sessions, the public body must also comply with all notice and agenda requirements for each executive session. All public meeting notices must “include an agenda of the matters to be discussed or decided at the meeting or information

on how the public may obtain a copy of such agenda.” A.R.S. § 38-431.02(G). Irrespective of whether the public body elects to post public notice of its regular, pre-scheduled executive sessions in accordance with A.R.S. § 38-431.02(F), the required notice and agenda for a particular executive session must be posted at least 24 hours prior to that session. A.R.S. § 38-431.02(C), (G).

As discussed above, the 2023 Notice of Meeting indicated that electronic copies of executive session agendas would be posted at: phoenix.gov/cityclerk/publicmeetings/city-council-meetings. At the time of the complaints,¹ this URL took the user to a landing page (the “City Council Meetings” page) with a series of links, including a link for “Public Meeting Notices” which contains notices and (once final) agendas for all upcoming City Council meetings, including executive sessions. At the bottom of the City Council Meetings page is a navigable window which contains agendas and other materials for *prior* City Council meetings, including materials required to be posted under A.R.S. §38-431.01(E).

The fact that a member of the public would need to navigate from the “City Council Meetings” page to the “Public Meetings Notices” page to access the agenda for an upcoming executive session does not conflict with the disclosure on the 2023 Notice of Meeting and does not constitute an Open Meeting Law violation. Indeed, the allegations of the complaints themselves demonstrate that the complainant was able to locate and review the agenda for the January 10 executive session and confer with the Chief Assistant City Attorney regarding certain agenda items therein, presumably by clicking that link.

Preservation of Agendas for Past Executive Session

Consistent with the confidential nature of executive sessions, the Open Meeting Law does not require that public bodies post minutes or recordings of past executive sessions. *Cf.* A.R.S. § 38-431.01(E) (setting forth requirements for posting a statement of legal action, recording, and minutes after a meeting has occurred). Nor does the Open Meeting Law require that executive session agendas be posted or otherwise preserved *after* the session has occurred.² Because the Open Meeting Law does not require a public body to post “evidence” that an executive session occurred, there is no violation.

¹ Per your Response, we understand that in May 2023, the City Clerk and Law Department created a separate webpage specific to executive session agenda. The “Executive Session Agendas” link on the “City Council Meetings” page takes the user to a searchable webpage containing executive session agendas for the prior twelve months. Per the City’s E-Session Agenda Webpage Procedures effective May 16, 2023, executive session agenda are posted to both the “Public Meeting Notices” page and the new “Executive Session Agendas” page at least 24 hours prior to the relevant session.

² Executive session agendas are public records which must be retained in accordance with Arizona’s Public Records laws. *See* A.R.S. § 39-121 *et seq.* Questions regarding public records retention compliance are beyond the scope of this Office’s investigation, however.

Sufficiency of Executive Session Agenda Descriptions

Finally, the complaints take issue with the January 10, January 24, and February 21, 2023 executive sessions themselves, claiming that certain topics were insufficiently disclosed in the agenda for that session and/or identify topics which do not qualify for an executive session.

Specifically, the complaints allege that the following agenda items were not adequately described so as to provide sufficient disclosure to the public of the matter to be discussed:

- Agenda Item 5 for the January 10, 2023 executive session;
- Agenda Item 2 for the January 24, 2023 executive session; and
- Agenda Items 1-8 for the February 21, 2023 executive session.

The complaints further allege that Agenda Item 5 for the January 10 executive session, Agenda Item 2 for the January 24 executive session, and Agenda Item 8 for the February 21 executive session are not proper topics for executive session.

A public body can only hold executive session for the nine purposes enumerated in § 38-431.03(A). Given the confidential nature of an executive session, the notice and agenda need include “only a general description of the matters to be considered” and “the provision of law authorizing the executive session.” A.R.S. § 38-431.02 (B), (I).

We have reviewed the confidential meeting minutes for the executive sessions held on January 10, January 24, and February 21, 2023 and determined that each of challenged Agenda Items was a proper topic for executive session. Thus, there is no Open Meeting Law violation with respect to the three agenda items challenged on this basis.

As to the sufficiency of the ten challenged descriptions, we also find no Open Meeting Law violation because the executive session agenda items at issue “provide more than just a recital of the statutory provisions authorizing the executive session” and therefore constitute a “general description of the matters to be considered.” A.R.S. § 38-431.02(I).

At the same time, the Office acknowledges that the descriptions at issue could have provided more detail without compromising confidentiality. We remind the City that, as a matter of public policy, the City Council must aim to provide agendas which “contain such information as is reasonably necessary to inform the public of the matters to be discussed[.]” A.R.S. § 38-431.09(A). Although this requires due consideration of the countervailing need for confidentiality which necessitated an executive session in the first place, questions about whether to include a more detailed description in an executive session agenda should be resolved in favor of openness in government whenever possible. *See id.* (“[A]ny person or entity charged with the interpretations of this article shall construe this article in favor of open and public meetings.”).

Conclusion

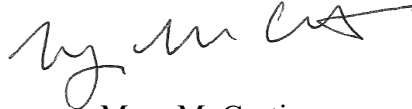
We find no Open Meeting Law violation in relation to the City Council’s approval and notice of its 2023 executive sessions. Nor do we find any Open Meeting Law violation with respect

Julie M. Kriegh
November 2, 2023
Page 5 of 5

to the substance, posting, or retention of the January 10, January 24 or February 21, 2023 executive session agendas.

This letter relates solely to the disposition of the aforementioned Open Meeting Law complaint(s) and is not related to any other matters. It is not a formal opinion of the Attorney General's Office and should not be cited as authority in other matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary M. Curtin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mary M. Curtin
Senior Litigation Counsel

EXHIBIT H

Plaintiff's Response to AG Disposition Letter dated November 3, 2023.

Dear Ms. Curtin,

Thank you for investigating my OML complaint regarding executive sessions violations by the City of Phoenix. I have reviewed your disposition letter and have some additional concerns after reading through your conclusions. Below I will argue that the conclusions from your disposition letter are contradicted by the Attorney General Handbook.

The disposition letter states:

*Use of the phrase “an executive session” in § 38-431.03(A) does not prevent a public body from approving more than one executive session in a single vote. Rather, it means that any particular executive session must have been preceded by a public majority vote of the quorum approving that session. And while the public body can only hold executive session for the nine purposes specifically enumerated in § 38-431.03(A), **the Open Meeting Law does not require a public vote about whether a specific item qualifies for discussion in executive session.***

The Handbook contradicts this conclusion stating:

*7.9.1 Deciding to Go Into Executive Session. **Once the public body is satisfied that notice requirements have been met, a majority of the members constituting a quorum must vote in a public meeting to hold the executive session. A.R.S. § 38-431.03(A). The motion must state the ground(s) for the executive session so that the public understands why the public body is entering executive session.** For example, a member of the public body may make the following motion: “I move to enter executive session for the purpose of receiving legal advice on [agenda topic].” Generally, the vote will be taken immediately before going into executive session.*

Only once the public body is satisfied that the notice requirements have been met may a vote to move into executive session happen. For notice to be proper, it is required to “state the specific provision of the law authorizing the executive session.” (Handbook at 7.6.7)

7.6.7 Notice of Executive Sessions. When a public body intends to conduct an executive session, the notice must state the specific provision of law authorizing the executive session. A.R.S. § 38-431.02(B); see Form 7.5. This provision requires that the notice specify the numbered paragraph of subsection (A) of A.R.S. § 38-431.03 that authorizes the executive session.

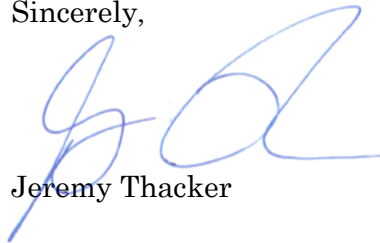
It is not possible for the notice requirements to be met prior to the vote to move into an executive session when the notice doesn't contain the items to be discussed in executive session.

If my “assertions are not accurate statements of Arizona law,” it is because the Attorney General Handbook’s assertions are not accurate statements of Arizona law. Prior to submitting my complaint, I read the statutes, caselaw, and the Handbook thoroughly to ensure that I did not misunderstand the law and requirements.

Is the Handbook wrong? Clearly, Handbook at 7.9.1 asserts requirements needed **prior** to deciding to go into executive session. I am unsure of how I could be misinterpreting a section titled “Deciding to Go Into Executive Session.” With that said, if I am misunderstanding, I would appreciate an explanation of how. If the Handbook is wrong, that is disappointing as I have invested tens of hours based on the assertions contained within.

I look forward to your response. Thank you for your time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J Thacker', is written over the printed name.

Jeremy Thacker

EXHIBIT I

Phoenix City Council Special Meeting Executive Session Agenda for July 29, 2025.

**NOTICE OF MEETING
PHOENIX CITY COUNCIL
SPECIAL MEETING
NOTICE AND AGENDA**

Pursuant to Arizona Revised Statutes, Section 38-431.02, notice is hereby given to the members of the **PHOENIX CITY COUNCIL** and to the general public, that the **PHOENIX CITY COUNCIL** will hold a special meeting open to the public on **July 29, 2025, at 12:00 p.m. located in the 12 Central Conference Room, 12th Floor, Phoenix City Hall, 200 West Washington Street, Phoenix, Arizona, 85003.**

In accordance with a request from the Mayor of the City of Phoenix, received and filed with the City Clerk on July 25, 2025, pursuant to Chapter IV, Section 20, of the Charter of the City of Phoenix, a Special Meeting of the Phoenix City Council is hereby called.

The July 29, 2025, Special Meeting will be held for the purpose of calling an Executive Session of the Phoenix City Council, to be held at the same time, for discussion and consultation. The agenda for the meeting is as follows:

Roll Call

Item 1 Vote to call for Executive Session.

If authorized by the majority of the members, the Executive Session will be held immediately after the vote and will not be open to the public.

Item 2 Executive Session - Agenda

Discussion and consultation for legal advice re: Federal Guidance for Public Benefits, A.R.S. §38-431.03 A.3 and A.4

An electronic copy of the agenda will also be available online at:
<https://www.phoenix.gov/cityclerk/publicmeetings/notices>

Adjourn

For further information, please call Dava Hall, Law Department at 602-262-4456.
For reasonable accommodations, call Stephanie Mortensen at 602-262-7069 (voice) or dial 7-1-1 (TRS), as early as possible to coordinate needed arrangements.

EXHIBIT J

*Plaintiff's January 2025 OML Complaint to the Arizona Attorney General's Office
(OML2025-0014) regarding the Phoenix Ethics Commission.*

Jeremy Thacker
4520 N 2nd Ave
Phoenix, AZ 85013
jeremythacker@gmail.com
(480) 410-1923
January 24, 2025

To:
Solicitor General
Arizona Attorney General's Office
2005 N Central Avenue
Phoenix, AZ 85004

Subject: Complaint for Violations of Public Records Law and Open Meeting Law by the City of Phoenix Ethics Commission

Dear Solicitor General,

I am submitting this complaint to report multiple violations of Arizona Public Records Law (A.R.S. § 39-121 et seq.) and Open Meeting Law (A.R.S. § 38-431 et seq.) by the City of Phoenix Ethics Commission and associated city officials. These violations include improper withholding of public records, improper use of executive sessions, insufficient notice for entering executive session, and a failure to provide legally required justifications for withholding materials.

1. Open Meeting Law Violations

December 2024 Meeting

During the December 19, 2024, meeting, the Ethics Commission moved into executive session at 3:27 PM and returned at 4:52 PM, spending 1 hour and 25 minutes discussing four complaints listed on the agenda, including one labeled as "tabled." Upon returning to public session, the Chair announced that no action would be taken on any of the items and that they would be addressed at the January 2025 meeting. No public discussion or vote occurred, and no other members spoke.

Violations:

1. Substantive Decisions Made in Executive Session: The decision to take no action on these complaints and defer them to January was clearly discussed and decided in executive session, in violation of A.R.S. § 38-431.03, which limits executive session discussions to specific purposes such as legal advice or confidential records.
2. Unexplained Removal of Complaints: By the January meeting, two of the four complaints (EC-21-01 and EC-23-01) were entirely removed from the agenda without

explanation or a public vote, indicating another substantive decision was made outside of public view.

3. **Insufficient Justification for Executive Session:** The December agenda and Chair's recitation of A.R.S. § 38-431.03(A)(2) and (A)(3) provided a generic disclaimer about legal advice and confidential records but failed to give specific reasons or context, as required under Open Meeting Law.

January 2025 Meeting

At the January 16, 2025, meeting, the Ethics Commission moved into executive session at 3:09 PM and returned at 4:09 PM, spending 1 hour discussing the remaining complaints. Upon returning to public session, the Chair, reading from prepared notes, announced that he had decided to divide one of the complaints (EC-22-01) into three distinct questions and immediately called for a motion on the first question. The Commission then voted to dismiss all the complaints.

Violations:

1. **Predetermined Outcomes:** The lack of any public deliberation, combined with the Chair's prepared remarks and immediate call for votes, demonstrates that the Commission improperly decided the structure and outcomes of the complaints during the executive session.
2. **Minimal Public Discussion:** Despite spending 1 hour and 25 minutes in December and 1 hour in January in executive session discussing the complaints, the Commission spent less than 10 minutes in public session, with no open discussion among members. This reinforces the conclusion that substantive discussions occurred behind closed doors in violation of Open Meeting Law.
3. **Improper Purpose for Executive Session:** The Commission's use of executive session went beyond seeking legal advice or reviewing confidential materials, as evidenced by their public decisions and prepared remarks. This misuse directly violates A.R.S. § 38-431.03.

2. Public Records Law Violations

Withholding of Investigative Reports and Materials

Immediately following the January meeting, I made a public request to all members of the Commission to access the investigative report and materials used to make their decisions. Under the City of Phoenix Ethics Commission Rules of Procedure (Rule 6(f)), investigative reports and materials are no longer confidential once a complaint is dismissed. Despite this, the Chair and members refused to grant access and instead claimed that a "final report" would be issued in the coming months, without citing any legal basis for withholding the records.

Violations:

1. Failure to Provide Legal Justification: Arizona law requires that any denial of a public records request be supported by a specific statutory exemption (A.R.S. § 39-121.01(D)). The Commission failed to provide any statutory basis for their refusal.
2. Piercing the Veil of Confidentiality: During the public session, the Chair and other members referenced materials not made available to the public to explain their decisions. By doing so, the Commission waived any claim of confidentiality over those materials.

Public Records Requests Submitted

I submitted a second formal public records requests through the City Clerk following the January 16, 2025 meeting asking for all materials and investigative reports used by the Commission in their decision-making.

3. Additional Issues with the Commission Counsel's Role

The Commission tasked its legal counsel with investigating the complaints. While some communications between the Commission and its counsel may be privileged, the fact-finding and investigative portions of the counsel's work are not inherently privileged. These materials should be disclosed unless they specifically constitute legal advice. The Commission's blanket assertion of privilege over all materials created or reviewed by its counsel is improper.

Requested Action

I respectfully request the Attorney General's Office to:

1. Investigate the Ethics Commission's actions during the December 2024 and January 2025 meetings for potential violations of Open Meeting Law, specifically regarding improper use of executive sessions.
2. Investigate the Commission's refusal to disclose public records related to dismissed complaints, including the failure to provide statutory justification for withholding those records.
3. Review the City's application of *Carlson v. Pima County* to ethics complaints to determine whether its confidentiality assertions comply with Arizona law.
4. Take enforcement action as appropriate, including:
 - a. Requiring the release of all improperly withheld public records.
 - b. Voiding any decisions made in violation of Open Meeting Law.
 - c. Imposing civil penalties on individuals responsible for violations.

Supporting Documents

I have attached the following for your review:

1. Meeting agendas and results from September 2024, December 2024, and January 2025.
2. Email threads reflecting the City's position on confidentiality and public records.
3. Public records requests submitted on January 16, 2025.
4. Video recording of the December 19 and January 16 meetings of the Ethics Commission.
5. The Commission's Rules of Procedure regarding public records access after complaint dismissal.
6. The dismissal letter from the Chair, my response demanding public records, and additional correspondence with the City Clerk.

Conclusion

The actions of the Ethics Commission and City of Phoenix officials have violated both the spirit and letter of Arizona's transparency laws. I trust your office to thoroughly investigate these issues and ensure accountability for the public officials involved.

Thank you for your attention to this matter. Please feel free to contact me at (480) 410-1923 or jeremythacker@gmail.com if you require additional information or documentation.

Sincerely,



Jeremy Thacker

EXHIBIT K

Plaintiff's February 2025 Supplemental OML Complaint to the Arizona Attorney General's Office regarding the Phoenix Ethics Commission.

Supplemental Complaint: Open Meeting Law Violations by Phoenix Ethics Commission

To: Arizona Attorney General's Office

Attention: Open Meeting Law Enforcement Unit

From: Jeremy Thacker

Date: February 15, 2024

Re: Supplemental Evidence in OML Complaint Against Phoenix Ethics Commission

Dear Attorney General's Office,

I am submitting this supplemental complaint to provide newly discovered evidence demonstrating intentional Open Meeting Law (OML) violations by the Phoenix Ethics Commission (EC) and City staff during the February 6, 2025, EC meeting. This evidence provides critical context for why the Commission and City staff may have sought to manufacture a "technical difficulty" as a means to conceal violations that were being broadcast publicly in real time.

I. Violations of Arizona Open Meeting Law (A.R.S. § 38-431 et seq.)

Based on newly uncovered evidence, it is clear that the Ethics Commission conducted official business in violation of OML before strategically removing public access to the meeting.

1. Engaging in Public Business Before the Meeting was "Officially" Called to Order

- Violation of A.R.S. § 38-431.01(A): A quorum was present, and public business was being discussed prior to the official start of the meeting.
 - At 9:03 AM, Deputy City Manager Inger Erickson informed the Chair that a quorum was present and asked if he wanted to start the meeting.
 - The Chair did not formally call the meeting to order but immediately began discussing agenda items with City Attorney Beth Nillen.
 - This discussion was conducted in public view.
- Arizona law does not require a formal call to order for OML to apply. If a quorum is present and discussing City business, OML protections apply.

2. Cutting Public Access to a Live Meeting

- Violation of A.R.S. § 38-431.01(A) & (D): The public was removed from the meeting at 11:02 AM while a quorum remained and continued discussing official business.
 - This was not an accidental feed loss—this was a deliberate action to exclude the public from ongoing discussions.
 - The City did not immediately acknowledge a technical issue, further indicating premeditation.

3. Coordinated Effort to Delay Public Access

- Violation of A.R.S. § 38-431.01(E): Erickson instructed IT not to restore public access even though the Commission continued meeting.
 - At 11:30 AM, Erickson stated, “Technically, we didn’t call the meeting to order,” implying an attempt to circumvent OML requirements.

- At 11:43 AM, Erickson stated, “We might have a problem here,” and instructed IT to keep the meeting in “practice session.”
- At 12:07 PM, Erickson told her phone, “Call Beth Nillen” (City Attorney).
- At 12:26 PM, Erickson warned Nillen that their mics had been open earlier.
- This timeline suggests that City officials became aware that their discussions were being publicly broadcast and took immediate action to suppress further exposure.

4. Intentional Efforts to Suppress Transparency

- Violation of A.R.S. § 38-431.07(A) (Intentional Violations of Open Meeting Law):
The Deputy City Manager and City Attorney coordinated a response to conceal prior conversations that were inadvertently broadcast.
 - Instead of correcting the situation openly, they engaged in private damage control.
 - Rather than restoring the public feed immediately, they delayed access to control the narrative.

II. The City’s “Technical Difficulties” Excuse is Not Credible

The Ethics Commission strategically disabled public access during a critical period when OML violations were occurring. The City’s claim of a “technical issue” is directly contradicted by the following facts:

1. The Public Video & Audio Feed Was Cut Before Any Technical Issues Were Acknowledged

- The public feed was disabled at 11:02 AM, before any mention of “technical difficulties.”
- Internal video remained active for City staff and Commissioners, proving that the meeting was still functioning.
- The Chair, Sam Leyvas, was able to hear and be heard immediately before the cut, but afterward, the City falsely claimed he was experiencing technical issues.
- This suggests a deliberate move to shut down public access, not an accidental IT issue.

2. The City Did Not Immediately Acknowledge Technical Difficulties

- The City only acknowledged a “technical difficulty” at 19:50—AFTER the feed was restored.
- No technical documentation has been provided explaining how video was lost while audio was preserved.
- The delay in acknowledging an issue (8-9 minutes) strongly suggests premeditation.
- This was not an accidental IT failure—this was an intentional move to suppress transparency.

3. Internal Discussions Continued While the Public Was Locked Out

- While the public was locked out for 8-9 minutes, a quorum of the Commission was still present and engaged in discussions.
- City officials instructed IT not to restore public access, despite knowing that discussions were ongoing.

- This further proves that the City actively manipulated public access to control what portions of the meeting were made available.

III. Requested Actions from the Attorney General's Office

Given the severity of these violations, I respectfully request the following:

1. An investigation into whether City officials and the Ethics Commission intentionally cut the public feed to avoid scrutiny.
2. A forensic audit of City IT records to determine if video evidence was deleted, withheld, or manipulated.
3. Disclosure of all internal communications (emails, texts, Webex messages) between Ethics Commission members, City staff, IT personnel, and legal counsel regarding the February 6 meeting.
4. A determination on whether City officials, including Inger Erickson and Beth Nillen, knowingly participated in efforts to circumvent Open Meeting Law.
5. Civil penalties against those responsible for intentionally violating Open Meeting Law (A.R.S. § 38-431.07(A)).

IV. Conclusion

The newly uncovered evidence proves that City officials knowingly and deliberately manipulated public access during the February 6 Ethics Commission meeting.

This was not an innocent mistake—this was a coordinated effort to conceal discussions, suppress transparency, and obstruct public oversight.

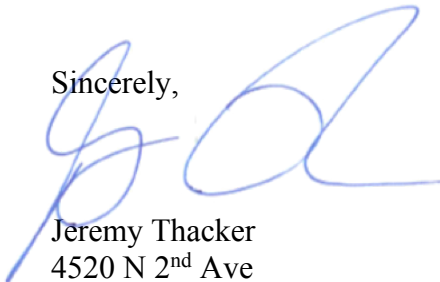
I urge the Attorney General's Office to fully investigate these actions and hold those responsible accountable.

Please confirm receipt of this supplemental complaint and provide an update on the status of the investigation.

V. Items Attached

1. Transcript of the February 6, 2025, Ethics Commission Special Meeting
2. Screenshot of Chat Log Showing City Staff's Actions Related to the Video Feed Cut
3. Public Records Request Message Thread with City
4. Video of "Official" Meeting
5. Audio of "Unofficial" Meeting

Sincerely,



Jeremy Thacker
4520 N 2nd Ave
Phoenix, AZ 85013
jeremythacker@gmail.com

EXHIBIT L

Internal City email thread (R019625-020625) regarding Plaintiff's Public Records Request for Ethics Commission meeting records.

R019625-020625 - Public Records Request

Message History (9)

✉ On 2/14/2025 4:37:00 PM, CityOfPhoenixAZ Support wrote:

Subject: [Records Center] Public Records Request :: R019625-020625

Body:

Mr. Thacker:

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Thank you.

Communications Office
Public Records Division

← On 2/14/2025 8:15:04 AM, ethics.commission@phoenix.gov wrote:

TO: "Deryck Lavelle"[Deryck.Lavelle@phoenix.gov], "Vielka Miller"[vielka.miller@phoenix.gov], "CityOfPhoenixAZ Support"[cityofphoenixaz@govqa.us]

CC: "Inger Erickson"[inger.erickson@phoenix.gov]

I will have the Audio file ready to share this morning. Please hold.

Becca

Get Outlook for iOSFrom: Deryck Lavelle

Sent: Thursday, February 13, 2025 5:43:31 PM

To: Vielka Miller ; MGR Ethics Commission ; CityOfPhoenixAZ Support

Cc: Inger Erickson

Subject: RE: [Records Center] Public Records Request :: R019625-020625

Vielka:

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Deryck R. Lavelle | Chief Assistant City Attorney

City of Phoenix Law Department

Main: 602.262.6761

Direct: 602.534.1480

Cell: 602.663.0526

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Sent: Thursday, February 13, 2025 4:53 PM

To: MGR Ethics Commission ; CityOfPhoenixAZ Support

Cc: Deryck Lavelle ; Inger Erickson

Subject: RE: [Records Center] Public Records Request :: R019625-020625

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602-300-2545

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From: Jeremy Thacker

Sent: Friday, February 7, 2025 5:21 PM

To: CityOfPhoenixAZ Support ;

MGR Ethics Commission ;

sleyvas@vsuw.org ;

psallen@ethicsatlaw.com ;

peter.schirripa@ziprecruiter.com

Cc: TJ LHeureux

Subject: Re: [Records Center] Public Records Request :: R019625-020625

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Ironic timing for the meeting to suddenly have “technical difficulties”—and for the video and transcripts conveniently recorded

during that time to be lost—wouldn’t you say?

Looking forward to your response.

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jeremythacker@gmail.com

4520 N 2nd Ave, Phoenix, AZ 85013

On Fri, Feb 7, 2025 at 4:24PM CityOfPhoenixAZ Support wrote:

← On 2/13/2025 5:45:06 PM, Deryck.Lavelle@phoenix.gov wrote:

TO: "Vielka Miller"[vielka.miller@phoenix.gov], "MGR Ethics Commission"[ethics.commission@phoenix.gov], "CityOfPhoenixAZ Support"[cityofphoenixaz@govqa.us]
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4520 N 2nd Ave, Phoenix, AZ 85013

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↩ On 2/13/2025 4:54:04 PM, Vielka Miller wrote:

TO: "MGR Ethics Commission"[ethics.commission@phoenix.gov], "CityOfPhoenixAZ Support"[cityofphoenixaz@govqa.us]
CC: "Deryck Lavelle"[Deryck.Lavelle@phoenix.gov], "Inger Erickson"[inger.erickson@phoenix.gov]

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Mr. Thacker:

Despite allegations in your email to the contrary, no illegal or nefarious activity occurred at the February 6, 2025 virtual special meeting of the Ethics Commission. City staff simply encountered some legitimate connection issues and worked diligently to resolve those issues before officially starting the meeting.

The allegations in your email repeat your consistent refrain and opinion made during public comment (and elsewhere) that the Ethics Commission is somehow corrupt and engaged in illegal and unlawful conduct. Not true. As you are well aware, the Ethics Commission is currently comprised of 4 every day citizens who volunteer their time to give back to their community. Prior to their appointment, each Commissioner was vetted through

an application and interview process. The Commission follows and its activities are governed by certain rules and regulations that are codified in Phoenix City Code. While you may take issue with the legal framework in which the Commission operates and disagree with their decisions on specific complaints, your opinions are not evidence that the Commission has ever acted illegally or unlawfully. Threatening individual Commissioners as you did in last week's meeting with a lawsuit unless they immediately resigned from the Commission (Transcript at Ln 201-202 attached) was wholly inappropriate and similar threats or tactics in the future will not be tolerated.

To address the specifics raised in your email and in particular the 9 minutes at issue, City staff worked with our IT Department to resolve ongoing audio issues we encountered with the Chairman as evidenced throughout the attached Transcript. Based on your original Public Records Request, we previously sent you the video recording and the transcript of that video recording. Neither the video recording nor the transcript of the video recording were edited. The video that was sent was 29 minutes, 14 seconds (57MB) in length. This matches the Webex log (as shown in the image below).

Our standard procedure is to download the video recording and transcript under the "Recordings" section of Webex. Upon further review, staff researched and identified another transcript and audio recording saved in Webex. We were unaware this file existed until looking further into Webex. On the attached Transcript, Lines 1-142 were before the video recording began. The public could see and hear the meeting from Lines 1-64. Lines 65-141 are where you referenced a 9 minute gap in the timeline below (from 11:02 - 19:45). During this time, we were dealing with technical issues regarding the Chairman's audio. We were in a separate view while trying to fix his connection.

After we fixed the Chairman's audio connection, we returned to public view and IT began recording around Line 143, as we were ready to officially start the meeting. Line 143 matches with the beginning of the video recording transcript, through Line 150. We then lost the Chair's connection again between line 150-151, we again moved into a separate view for two minutes while we continued to work through the technical difficulties with the Chair's audio. The meeting and video recording then began again uninterrupted on Line 151-379. Unlike the video recording, there is not a simple way to download and forward to you the other audio file associated with the attached Transcript. We are currently working with our IT to record the audio into a shareable file and will have this completed soon. In the interim, however, if you wish to listen to the audio recording in person, you are welcome to contact us and schedule a time to come to City Hall where we can play the audio recording for you.

From: Jeremy Thacker
Sent: Friday, February 7, 2025 5:21 PM
To: CityOfPhoenixAZ Support ; MGR Ethics Commission ; sleyvas@vsuw.org ; psallen@ethicsatlaw.com ; peter.schirripa@ziprecruiter.com
Cc: TJ LHeureux

Subject: Re: [Records Center] Public Records Request :: R019625-020625

The video I received is edited and incomplete, missing approximately 15 minutes from when the recording started until the meeting “officially” began. During this time—while a quorum was present—the Chair was heard discussing agenda items with

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city staff were heard discussing citizens who registered to attend the meeting, including my partner,

Kristin Lisson. Staff can be heard saying,

“Kristin Lisson is attending,” followed by, “We tried a LinkedIn search and it didn’t give us much.”

I should probably mention that

I have receipts proving that

transcripts and video were being recorded. If they

no longer exist, someone has some explaining to do.

Additionally, I am requesting the video for the 9 minutes when the public was removed from the meeting while the Commission members

remained. The transcripts clearly show that a quorum was present and agenda items were being discussed during this time.

I’d also like a formal explanation as to why citizens were removed from the meeting while Commission members were not. “Technical difficulties” are not a valid reason for excluding the public. Correct me if I’m wrong, but if technical issues arise at Council Chambers, the audience isn’t required to leave the meeting and wait outside until they’re resolved.

Also curious—the transcripts confirm that no technical difficulties were occurring. The Chair was able to hear and be heard without issue. What was happening, however, was an illegal conversation revealing prior illegal acts.

Ironic timing for the meeting to suddenly have “technical difficulties”—and for the video and transcripts conveniently recorded during

that time to be lost—wouldn’t you say?

Looking forward to your response.

Jeremy Thacker(480) 410-1923

[voice.google.com]

[voice.google.com]

[voice.google.com]jeremythacker@gmail.com4520 N 2nd Ave, Phoenix, AZ 85013

On Fri, Feb 7, 2025 at 4:24 PM CityOfPhoenixAZ Support wrote:

← On 2/7/2025 5:24:05 PM, Jeremy Thacker wrote:

TO: "CityOfPhoenixAZ Support"[cityofphoenixaz@govqa.us], "MGR Ethics Commission"[ethics.commission@phoenix.gov], [sleyvas@vsuw.org], [psallen@ethicsatlaw.com], [peter.schirripa@ziprecruiter.com]
CC: "TJ LHeureux"[tj.lheureux@newtimes.com]

The video I received is edited and incomplete, missing approximately 15 minutes from when the recording started until the meeting “officially” began. During this time—while a quorum was present—the Chair was heard discussing agenda items with the Commission’s attorney. Prior to that, city staff were heard discussing citizens who registered to attend the meeting, including my partner, Kristin Lisson. Staff can be heard saying, “Kristin Lisson is attending,” followed by, “We tried a LinkedIn search and it didn’t give us much.” I should probably mention that I have receipts proving that transcripts and video were being recorded. If they no longer exist, someone has some explaining to do.

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Ironic timing for the meeting to suddenly have “technical difficulties”—and for the video and transcripts conveniently recorded during that time to be lost—wouldn’t you say?

Looking forward to your response.

JeremyThacker(480) 410-1923jeremythacker@gmail.com4520 N 2nd Ave, Phoenix, AZ 85013

On Fri, Feb 7, 2025 at 4:24 PM CityOfPhoenixAZ Support wrote:

✉ On 2/7/2025 4:24:02 PM, CityOfPhoenixAZ Support wrote:

Subject: [Records Center] Public Records Request :: R019625-020625

Body:

RE: PUBLIC RECORDS REQUEST of February 06, 2025, Reference # R019625-020625.

Dear Jeremy Thacker,

The City of Phoenix received your public records request, dated February 06, 2025, for the following information:

“I'm requesting the video recording of the Ethics Commission meetings that occurred on February 6, 2025. The recording should include the moments recorded prior to the meeting as well when the recording was on.

In addition, I'm also requesting a copy of the transcripts that were turned on during the meeting.”

The City has located responsive records to your request. Please log in to the Public Records Center at the following link to retrieve the documents.

[Public Records Request - R019625-020625](#)

If you have any questions, or wish to discuss this further, please reply to this email.

Sincerely,

Phoenix Communications Office

✉ On 2/6/2025 4:23:05 PM, CityOfPhoenixAZ Support wrote:



Dear Jeremy Thacker:

Thank you for your interest in public records of the City of Phoenix. Your request has been received and is

being processed in accordance with ARS §39-121. Your request was received on February 06, 2025 and given the reference number R019625-020625 for tracking purposes.

Records Requested: I'm requesting the video recording of the Ethics Commission meetings that occurred on February 6, 2025. The recording should include the moments recorded prior to the meeting as well when the recording was on.

In addition, I'm also requesting a copy of the transcripts that were turned on during the meeting.


Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed.

City of Phoenix

To monitor the progress or update this request please log into the [Public Records Center](#)



 On 2/6/2025 4:23:04 PM, Jeremy Thacker wrote:

Request Created on Public Portal

EXHIBIT M

*Arizona Attorney General's Office email confirming status of OML Investigation
#OML2025-0014, dated July 17, 2025.*

Submission: Open Meeting Law Complaint Form

Open Meeting Law <OMLETinfo@azag.gov>
To: Jeremy Thacker <jeremythacker@gmail.com>

Thu, Jul 17, 2025 at 11:00 AM

Mr. Thacker,

Thank you for your email. Open Meeting Law Investigation #OML2025-0014 City of Phoenix (Ethics Commission) was opened in response to your January 2025 complaint. This matter has been assigned to an Attorney and you will be contacted once the investigation has begun.

We appreciate your interest in open government and thank you for taking the time to contact our Office.

Thank you,

Open Meeting Law Enforcement Team

Arizona Attorney General Kris Mayes

State Government Division

2005 N. Central Ave., Phoenix, AZ 85004

Direct: 602-542-8064

OMLETinfo@azag.gov

<http://www.azag.gov/complaints/omlet>

NOTICE: This email, including any attachments, may contain privileged or confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please notify the sender and destroy all copies of the original message. Thank you.

From: Jeremy Thacker <jeremythacker@gmail.com>
Sent: Wednesday, July 16, 2025 9:35 PM
To: Open Meeting Law <OMLETinfo@azag.gov>
Subject: Fwd: Submission: Open Meeting Law Complaint Form

Hi OMLET Team,

I am writing to inquire about the status of my Open Meeting Law (OML) complaint against the City of Phoenix Ethics Commission, which I submitted in January. I've been traveling and wanted to ensure I haven't missed any dismissal notices, especially after reading yesterday's article.

On a separate note, I find the criticism of the Attorney General by Congress to be unwarranted. The core issue lies in the OML itself, which currently lacks effective mechanisms for holding public bodies accountable for violations. If citizens had a risk-free method or the ability to recover sufficient damages to engage an attorney, it would significantly alleviate the pressure on the Attorney General's office.

Thank you for your time and attention to this matter.

Best,

Jeremy Thacker
(480) 410-1923
jeremythacker@gmail.com
4520 N 2nd Ave, Phoenix, AZ 85013

----- Forwarded message -----

From: **AZAG** <webmaster@azag.gov>
Date: Fri, Jan 24, 2025 at 4:25 PM
Subject: Submission: Open Meeting Law Complaint Form
To: <jeremythacker@gmail.com>

Thank you for submitting your complaint. We will be in contact with you in the event we require additional information.

Office of Arizona Attorney General

Kris Mayes

Open Meeting Law Complaint Form

Submitted by:

Full Name: Jeremy Thacker

Street Address: [4520 N 2nd Ave](#)

City, State: Phoenix, Arizona

Zip Code: 85013

Phone: 480-410-1923

E-mail Address: jeremythacker@gmail.com

Public Entity Information

Business Name: Ethics Commission and City Clerk

Details of Complaint

Please describe the conduct that you believe violated the Open Meeting Law:

Please see detailed letter attached to this submission. In addition, this form will not let me upload the video recordings of the Ethics Commission meetings. For that reason, I've providing links to the videos on YouTube or to download via Google Drive below.

<https://youtu.be/xTFvM4iAEdg?si=-xxabN4QcT-yl5Re>
https://youtu.be/ApqGdt_qqJY?si=3xINaJpDRyzfZ2SQ

https://us01.z.antigena.com//HgRkMzihZoO2MZxP4yAaGW5~w3UoRliolHkBrtrk4eeCu7ZJKTe6EJS~N-u_HdXkXLcqV_t0W8DOc9LG07MQNNXqFq6zEk912NOCbe8CLxh7nJRW8KLez14~KEayvTi2IKv_RK4ukG7FzK3rklGPGNNp-bwXcrGGvGZO_9hVp7SwQNzXNqImiTBBZ6iCujOXyWLXwNXouQi2EK6rAKWjb0ZisqSSAorBXHiDUYryx5-WKjNMcJ1Hc3Wllu2BnM~ZK0j
https://us01.z.antigena.com//pK22okZhjZo0MptkVfyPowatgLdMcO OMLN2jbTxLbBHArItVJrCLTNRh043irX-X2ebcL8farsnHAR9O_P9vM_2e_TLRiaLEe~D9s5nFrrRBwp~DY~r5KQU~-S32J2TII80vfkwC-K0Jz2I5d8k0wmea9EunIfilmOzMuQiGGUnKDTHyh-eOleaC8FS9PczEWARvRjyUZ4TZMnhV~d7A3gmW4FhdcjPjBBz6WXPIeaE9u0QIZn0uN3urbEwck7zT0k5X3HN0ah

List the date(s) on which you believe the violation(s) occurred:

December 19, 2024 and January 16, 2025 meeting of the Ethics Commission.

Please identify all members of the public body whom you believe violated the requirements of the Open Meeting Law:

The four members of the Ethics Commission: Jose Samuel Leyvas III; Cheryl Pietkiewicz; Patricia Sallen; Peter Schirripa
City Staff Attending the Meeting: David Benton; Inger Erickson; and Commission's Counsel (I don't remember her name).

Declaration: I declare under penalty of perjury, that the facts and statements contained in this declaration, including any attached statements, are true, correct, and based upon my personal knowledge. I understand that the information contained in this declaration can only be altered by submitting a new declaration. By choosing to submit this form electronically, I certify and agree that by entering my name in the space below, I bind and legally obligate myself to the same extent as I would by signing my name on a printed paper version of this form.

Jeremy Thacker

Attachments:

- [omlet-complaint---phx-ethics-commission_2025-01-24.pdf](#)194.16 KB
- [agenda---ethics-commision_2024-12-19.pdf](#)233.7 KB
- [meeting-results---ethics-commission_2024-09-19.pdf](#)63.16 KB
- [meeting-results---ethics-commission_2024-12-19.pdf](#)61.49 KB
- [meeting-results---ethics-commission_2025-01-16.pdf](#)66.32 KB
- [email-thread---ethics-commission---public-records-vs-confidential_2024-05-29.pdf](#)
211.68 KB
- [demand-for-pulic-records_ethics-commission_2025-01-22.pdf](#)227.96 KB

EXHIBIT N

AZ Central article "Why AZ's attorney general didn't investigate nearly 100 open meeting law complaints" updated July 15, 2025.

ARIZONA

Why AZ's attorney general didn't investigate nearly 100 open meeting law complaints



[Stacey Barchenger](#)

Arizona Republic

Updated July 15, 2025, 9:57 a.m. MT

Key Points AI-assisted summary ⓘ

Arizona Attorney General Kris Mayes closed nearly 100 open meeting law violation complaints without investigation, citing a backlog and limited resources.

Critics argued this contradicts Mayes' pledge to enforce transparency and claim she prioritizes other legal battles, including cases against President Donald Trump.

Mayes defended her actions, saying she focuses on the most serious violations and balances open meeting law enforcement with other priorities like fighting the fentanyl crisis.

The Arizona Attorney General's Office has completed 176 open meeting law investigations under Mayes and shifted oversight of the team to a larger division within the office.

Attorney General Kris Mayes pledged to enforce Arizona's open meeting law, and in her first years in office rebuked local leaders for violations in several high-profile cases.

Yet earlier this year, her office also quietly closed nearly 100 complaints alleging violations of the transparency law without investigation.

The move seemed to contradict her commitment and has raised questions among her critics, who said Mayes was too focused on leading the anti-Trump resistance within the nation's courtrooms instead of enforcing the state law.

Mayes, a Democrat, said in an interview that closing the cases was part of a broader effort to focus on the most important violations after she inherited a backlog from her predecessor. She defended her record enforcing the law, but acknowledged she must balance prosecutorial priorities with finite staffing resources.

"We actually see this as a success story in our office," Mayes said.

GOP critic says Mayes' move is a 'dereliction of duty'

The open meeting law is a key accountability measure allowing journalists and the public to keep a watchful eye on government business. It requires bodies from school boards to city councils to state commissions to do their work in public in most cases, potentially preventing backroom dealmaking. The law requires the public be notified so it can participate. Violations can lead to training on the law or fines.

Earlier this year, 93 complaints alleging violations of the law were closed as a matter of "prosecutorial discretion," according to Mayes' office. Complainants received letters that cited the volume of complaints received and the "significant passage of time" since they were submitted. The letters said complaints could be filed again if violations were ongoing.

Two-thirds of the closed complaints were submitted in Mayes' first year in office in 2023, and the others were filed in 2022, before she was sworn in.

Republican attorney Timothy La Sota blasted Mayes' office for closing the cases.

"This is a stunning dereliction of duty," said La Sota, whose client, Paradise Valley Vice Mayor Ellen Andeen-Keller, received one of the closure letters from the Attorney General's Office. "The open meeting law is critical to transparency in government."

La Sota accused Mayes of pursuing an "anti-Trump crusade" and "crazy left-wing lawsuits" over enforcing an important state law. La Sota represents multiple

Republican elected officials who have been prosecuted by the Attorney General's Office in election interference cases during Mayes' tenure, and he represented her GOP opponent in the 2022 election in challenging Mayes' win.

"To send the message that ... elected officials are just going to have their open meeting law complaints dismissed wholesale, that's a terrible message if you care about government transparency," he said.

Mayes acknowledged having to balance resources, but said her team had completed over 176 open meeting law investigations — more than the number that had been closed. She said it was not just federal lawsuits challenging what she said are Trump's affronts to the constitution that were taking time.

"When I weigh this against fighting the fentanyl crisis or protecting consumers against scammers, I feel like I have to try to fund those efforts first," she said.

Mayes did move oversight of the Open Meeting Law Enforcement Team between divisions in her office in April: From the Solicitor General's Office, which has a staff of about 50, to the much larger state government division and its team of 200 employees.

In practice, the team relies on work by attorneys from across the office and has historically been housed in various divisions, according to Mayes. She said she had been considering where to put it since she took office in early 2023.

The Solicitor General's Office also handles [the 21 cases Mayes has led or joined other states in filing against President Donald Trump](#) and his administration since he began his second term in January.

"Right now, my Solicitor General's office is busy trying to save our country," she said. "And you can't have open meetings if you don't have a democracy."

A success story, as Mayes sees it

Early in her term, [Mayes lamented the "overhang" of the previous attorney general's administration](#), and did so again while facing questions about the open meeting law complaints.

Mayes said the administration of former Attorney General Mark Brnovich, a Republican, left behind a backlog of cases and "was doing virtually nothing with" enforcing the law. Her office provided an Excel spreadsheet that the Brnovich administration used to track cases, which in many instances is not completely filled out.

About 480 cases were listed as "to close," leading to confusion about whether they had been investigated, according to Mayes' office. Over 215 more, dating back to 2018, were "open" and waiting for investigation, according to the spreadsheet. Some of those in each category appear to duplicate complaints about a single violation.

Mayes said her office has been chipping away at that list and has just 100 open cases now. The office also updated its tracking system to make oversight of the cases easier going forward, she said.

"We have been triaging that backlog and taking what we consider to be the most serious and egregious open meeting law issues and getting those resolved," Mayes said. Mayes said the cases can grow stale quickly, for example if a public official leaves office, and are labor-intensive.

Brnovich did not respond to multiple phone and email messages for this story. Spreadsheet aside, annual reports from his eight years in office said over 740 open meeting law violations were closed or resolved and over 200 led to violations.

Terry Goddard, a Democrat who was the state's attorney general from 2003 to 2011, said he could not recall an instance during his tenure that complaints were closed as a batch. But he said he would have done the same thing and it was appropriate for Mayes to focus on recent complaints, especially if there was a backlog.

That could be more effective, he said, because acting quickly means the violation can be corrected.

Government work done 'out in the open'

Mayes attributed her emphasis on enforcing open meeting law to her years working as a newspaper reporter at the now-closed Phoenix Gazette and later The Arizona Republic in the 1990s.

She saw the law's value from multiple lenses: As a reporter using the law, as a corporation commissioner subject to it, and now as attorney general responsible for enforcing it.

"There's nothing more important than governmental transparency," she said. "Governments at all levels are impacting everyday Arizonans' lives with the decisions that they're making. It's just so important for people to know that ... the work of their elected officials is not happening in the dark and is being done out in the open."

Her office has publicly rebuked local leaders for violating the law when they [discussed a professional hockey arena in Tempe](#), [textbooks used in Scottsdale public schools](#), and [a mining project near Nogales](#).

Yet La Sota is not alone in questioning Mayes' track record on the law after she closed the complaints.

In a June letter, five Republicans in the Arizona House of Representatives asked Mayes for updates on several open cases, including seven involving open meeting law and school boards from 2022 to 2024. Those issues were flagged for the Attorney General's Office by the Arizona Auditor General, according to the lawmakers' letter.

Mayes responded on July 10, writing that in many cases the school boards agreed to come into compliance after the Auditor General's findings and thus no investigation

was opened. She also said the Auditor General's findings on open meeting law issues were shared as a courtesy, not as a referral that sparked an investigation.

House Majority Leader Michael Carbone, R-Buckeye, said he was disappointed and surprised by Mayes' response to his and other lawmakers' letter.

"She shows that she's prioritizing certain types of investigations over others," Carbone said, criticizing Mayes for being "content" to let school districts police themselves on open meeting law issues.

The complaints "do deserve some type of a review, or at least a serious look at things, not a dismissive response," he said.

Carbone sponsored a bill this year that would have required the Attorney General's Office to [respond to open meeting law complaints in 120 days](#), among other proposed changes. His goal was transparency to build trust in government, he said. [Hobbs vetoed the measure in May](#), citing provisions that applied to public records law.

Mayes put the blame on the Legislature, which enacted [across the board cuts to state agencies last year when the state's bank accounts were in a deficit](#).

"The Legislature has cut my budget in the last couple of years," she said. "If we had more attorneys that I could dedicate to every single one of these cases, no matter how old they were, that would be helpful. But I don't have that."

Reach reporter Stacey Barchenger at stacey.barchenger@arizonarepublic.com or 480-416-5669.

