



Dennis I. Wilenchik
diw@wb-law.com

WILENCHIK & BARTNESS
— A PROFESSIONAL CORPORATION —
ATTORNEYS AT LAW
The Wilenchik & Bartness Building
2810 North Third Street Phoenix Arizona 85004

Licensed in Arizona,
Texas, New York,
and the District of
Columbia

Telephone: 602-606-2810 Facsimile: 602-606-2811

June 12, 2020

VIA E-MAIL

Chairman John Allen
Members of the Ethics Committee
Arizona House of Representatives
1700 West Washington, Suite H
Phoenix, Arizona 85007
jallen@azleg.gov

Re: Rep. David Cook

Dear Chairman Allen and Members of the House Ethics Committee:

I am sending this to Chairman Allen and asking him to disseminate it to the remaining members and appreciate him doing so. I received the investigative report only yesterday and was only able to review it briefly late at night. I asked Mr. Kokanovich to ask that it not be disseminated to the Press until after Ms. Chenal and I had a fair opportunity to fully review it with our client. He contacted me late last night and told me Chairman Allen had declined that reasonable request. The role of the Ethics Committee is to protect the institution of the Legislature by evaluating if a peer, elected by the people in his or her district, has violated a rule, policy or law. We have already seen in the case of Rep. Shooter how this process can be warped and distorted so as to give every member pause. Our American system of law and justice is predicated on basic notions of fairness, due process and allowing a reasonable discourse before elected officials are simply tossed aside by their peers. Here, commissioned investigative reports have become the norm to avoid full discourse, and have become a sad excuse to toss aside notions of fairness, that our forebears fought to preserve. This has become particularly disturbing in cases like this one, where facts have been fully distorted, rumors given credit, private correspondence completely misinterpreted, allegations made that are not even part of any complaint, and complaints that go far beyond the purview of this Committee's legitimate purpose. All of this has been done with the mindset to damage Rep. Cook and his reputation here in a way that I grew up thinking was unimaginable in this country. In short, the Report is riddled with opinions that were foregone, and conclusions that are totally bereft of the reality I witnessed. I consider the Report to be little more than an unobjective hitpiece and would look forward to airing the facts, and real issues and evidence, in a light conducive to fair discussion. One thing I have learned in my many years of being a lawyer is how vigorous cross examination and careful review of facts can shed light that did not exist before. I believe that is the case here where evidence has been distorted beyond belief. I can tell you simply, that from my involvement Rep. Cook has been more than cooperative and desirous of a fair hearing. Not a witchhunt.



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I mention that Rep. Cook was “elected by the people in his or her district” because that is an important consideration that seems lost. The Committee must distinguish between issues more appropriately decided by voters in a political campaign, versus those in a formal, legislative proceeding. There are no “ethics” involved in this matter. Rep. Cook has done nothing that will ever be proven to have effected his sacred role as the people’s representative. There is no collusion, there is no bribery, there is no abuse of power. There is no “drunken” acts that could possibly be proven to have effected anyone. There is only acts of kindness, compassion and assistance to an old friend that is no one else’s business, that has been twisted and warped by an ex-husband and a father who has an agenda. I defy anyone to prove any unethical act beyond conclusory and unfair opinions that are sadly the basis for conclusions in the Report.

For guidance, I looked to the Ethics Complaint filed, at the end of 2017, by Representative Ray Martinez against then Representative, now Senator Rebecca Rios. At the time, the chairman of the Ethics Committee was Representative, now Senator Eddie Farnsworth. Mr. Farnsworth determined that the first part of Martinez’s complaint was a “perceived political dispute” and therefore not under the purview of the Ethics Committee. That is clearly the case here if one looks at who filed the complaints in reality, which was ignored in the Report.

The second allegation in Martinez’s complaint is both relevant and instructive because it alleged that Representative Rios had engaged in an inappropriate relationship with a subordinate. Specifically, Martinez wrote:

. . . This incident happened while the Speaker was House Speaker David Gowan. This incident involved former Assistant Sergeant of Arms Ryan Quimette who was forced to resign for inappropriate relationships with Ms. Rios in her office [at the House of Representatives] according to information known by Mr. Gowan and which was passed on to Speaker Mesnard. According to information received, Speaker Gowan informed Speaker Mesnard in depth about this incident involving Minority Whip Rios.

In the Ethics Chairman’s response to Martinez dismissing the complaint, Mr. Farnsworth explained:

. . . Regarding allegations of conduct and the propriety of "relationships", the investigation process must safeguard an appropriate balance between individual liberty, privacy and the rule of law. I have concern for the



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process when the Ethics Committee may be invited down a path of inquiry into conduct not prohibited by law, rule or policy. Accordingly, under the Ethics Committee Rules, ethics complaints must be made based on facts within the personal knowledge of the individual making the complaint and given under oath. While your complaint is made under oath, you do not allege that your knowledge of "inappropriate relationships" complained of is due to your own observation of those events at the time they are alleged to have occurred. Instead, your complaint appears largely to be based upon information you have overheard from others. But even if you or any other individual did have first-hand knowledge of the "relationship" events alleged in your complaint, there has been no violation of a law, rule or policy.

The complaint to the Ethics Committee is a political dispute. The matters you have presented do not meet the preliminary legal or evidentiary standard for Ethics Committee jurisdiction. I do not believe the inferences drawn and conclusions you make in your complaint are adequate to support a claim of a violation of a law, rule, policy or disorderly behavior. Further investigation and a hearing is not warranted and the matter is closed.

Similarly, the complaints made against Representative Cook are equally political disputes and not the proper subject of the Report or this Committee's work and should be summarily dismissed. There is not one shred of actual evidence that the People's work was in any way effected by the complicated relationship involved here, which was NOT an "affair" sexual or otherwise that will ever be proven. The insinuation is insulting. I daresay that if it becomes the committee's business to peruse through all of your personal e mails or letters to draw conclusions on a variety of subjects, the people's business would come to a halt. We have all seen nationally the harm and devastation these kinds of baseless allegations can cause and we must all finally take a stand to stop this unless it directly impacts the work of a politician. Here, that basic standard cannot be met, and was not met, by the unfair opinion of a few lawyers. Were this the standard, we would not have courthouses or trials at all. This is not Salem, Massachusetts in the 1600's. We must advance.

The allegation, that if it were not for an alleged inappropriate relationship with a close friend associated with the agricultural industry Representative Cook would not have voted for agricultural interests, defies common sense, and any actual evidence of any vote



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taken that Representative Cook would not historically have made. He has worked in farming and ranching his entire life and is an advocate for that industry. In every campaign speech and in every media interview, including those long before he was elected, he has never wavered in his promotion and defense of agricultural interests in his district and throughout the state.

Representative Cook and Bas Aja, a powerful lobbyist in the industry, and who is the father of Representative Cook's close friend, had a falling out. Representative Cook didn't like the way Aja treated his daughter, Cook's close friend. As Cook's close friend struggled through a difficult time that included estrangement from her father, the agony of an impending divorce, heart surgery for her young child, and other equally private issues, she asked Representative Cook and his wife to send her supportive correspondence while she was rehabilitating. Representative Cook is an emotional person, and wrote letters that contained much emotion. How dare anyone criticize or twist the true love and compassion therein for a friend in need. I am embarrassed to think what we have become if that is the case. Those letters have been used to settle a personal vendetta only, and to humiliate Aja's own daughter. As she has said, that is all you need to know about such an individual.

No one believes that Representative Cook's legislative priorities and votes would have been different without his friendship with Aja's daughter. No one. Because it would simply not be true.

Similarly, the other complaint filed against Representative Cook is from someone in his district who, according to media reports, has long had a feud with the county sheriff. The allegation is that Representative Cook offered to make a campaign contribution and that the sheriff was then influenced by the idea of a future campaign contribution. The investigators have failed to establish that any such bribe was attempted or accepted. There is no evidence that supports any part of the allegation, and in fact Rep. Cook was actively involved in legislation along with the County Attorney, to deal with wrongful seizures and attempts by individuals to deal with them. And, there was not even any evidence that any of that effected the close friend, or that her property was at issue or that Rep. Cook did anything to influence anything to do with her property or to forestall any action by the Sheriff. Nor could he do so. The allegation is absurd and unsupported by any credible evidence at all that anything improper was done or accomplished or attempted to be accomplished. More nonsense.

This, again, is nothing more than what would be characterized as a political dispute at best, and is far outside the intended reach of a legislative ethics committee. This is election year politics and should be raised and ultimately resolved by the voters in Representative Cook's legislative district.



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I am also more than shocked and upset by the investigators delving into areas completely unrelated to these two so called complaints. Discussions about a DUI conviction in the past, and alleged drunken behaviors in texting and meeting with someone from the Governor's office are not only brought up for no good reason other than to smear our client, but worse, brought up unfairly. Rep. Cook has denied any such behavior, and demands a full hearing if this sort of garbage is considered. There is no improper conduct effecting his position at all that we have seen from the evidence that should be accepted.

Upon a cursory review of the third-party report, Representative Cook is unjustly faulted for his reluctance to participate in this process. Pure nonsense. We have endeavored to do nothing but cooperate and provide whatever documents Rep. Cook maintained. Any smear of him over this issue is not only incorrect, but unfair, and designed again to be nothing but an unsubstantiated smear and diversion.

This process has recently become a lethal tool to destroy political rivals which is a stain on the institution. The formula has been successful and will repeat until members recognize the gravity of the injustice. The scheme is simple: pay a third party to interview and craft a scathing report that casts a member in the worst possible light, filled with untruths, innuendo and invasive tactics. One powerful member releases the report to the media to create a firestorm and prevent the member from being heard when he attempts to point out all of the factual inaccuracies.

The principle of due process is fundamental to government. In its simplest terms, it is to be fair. I will supplement this letter with more detail if given the opportunity, after having a reasonable opportunity to more carefully and fully respond to it beyond less than 24 hours. Giving the report to the press at this time is in my judgment not fair or reasonable until we have been afforded such opportunity to fully contest its content, to have a fair hearing on it, and to present witnesses so you can hear the actual evidence and our cross examinations. That is America at its best and finest. That is what we should strive for. To try to sanction or admonish or remove a representative of the people otherwise, as I say, would be the lowest ebb of an already tarnished system.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis I. Wilenchik', written in a cursive style.

Dennis I. Wilenchik, Esq.