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August 31, 2020

Chris Nanos
9800 E. Sabino Estates
Tucson, AZ 85749

Via Certified Mail and Personal Service

Re: Demands for relief due to your outrageously false and defamatory statements regarding Sheriff Mark Napier including the demand that you strongly consider removing yourself as a candidate for Sheriff.

Dear Mr. Nanos:

This firm represents Sheriff Mark Napier. You and Sheriff Napier are currently opposing each other in the general election for Pima County Sheriff—the top law enforcement officer position in the County—a position that requires integrity, fairness, and a reputation beyond reproach. While the office of Sheriff is a political position, the holder of such an office is, first and foremost, an officer of the law, and must have the respect and, more importantly, the trust of the public to effectively perform his or her duties.

It is generally expected (and somewhat tolerated) by the public that politicians will bend and exaggerate the truth during a campaign, but there is a higher standard placed on candidates for the office that you now seek. This is especially true in times like these where there is incredible strain between the law enforcement community and citizens at large. The public should not and cannot tolerate a top law enforcement officer that is willing to stretch the truth, even a little bit. This is why it is so disheartening that you and your campaign have not merely stretched the truth but have intentionally, and with actual malice, disseminated complete falsehoods and defamatory statements about Sheriff Napier.

Page 1 of 8

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Sheriff Napier has been a trusted member of our community for more than 30 years and has served honorably as a law enforcement officer since 1981. He has run an ethical campaign for re-election and will continue to do so despite the numerous malicious and unfounded attacks by you, your campaign, and its surrogates. After months of enduring false, misleading, and defamatory statements, Sheriff Napier has, regrettably, been forced to consider legal action to stop this irreparable, dishonest, and undeserved damage to both his personal and professional reputations.

The most egregious falsehood perpetrated by your campaign came recently when your campaign plastered on a billboard near I-10 and I-19 that “the Law Enforcement Merit System Council [(“LEMSC”)] found [Sheriff] Napier guilty of perjury. He is appealing.” *See* Photograph of Billboard, attached hereto as Attachment 1. This is categorically untrue. This falsehood was deliberately and maliciously posted at a location where it would not only be seen by hundreds of thousands of Sheriff Napier’s constituents, but also in a location likely to be seen by his employees, family, and friends.

Even more egregious, you labeled Sheriff Napier a “Proven Liar” and included a photograph that has been modified to give him an elongated nose, à la Pinocchio. Not only was this billboard outrageously false, it was utterly humiliating, childish, and beneath the dignity of the office you seek. The advertisement, which proudly declares that the message is “approved by Chris Nanos,” clearly intended, with actual malice, to ensure the greatest damage possible to Sheriff Napier’s personal and professional reputations.

As a former law enforcement officer yourself, you know, or certainly should know, that perjury is a class four felony. A.R.S. § 13-2702. Such a charge carries a penalty of one to three and three-quarter years in prison, or up to four years of probation as a first-time offense. A.R.S. §§ 13-702; 13-902. Upon conviction of any misconduct in office, such as perjury, a public official is immediately removed from office. *See* A.R.S. § 38-343. You are perfectly aware that Mr. Napier has never been criminally charged with perjury, let alone been convicted of that felony offense or removed from office.

Similarly, you should also know that the LEMSC does not have any jurisdiction to hear any type of felony case. LEMSC’s sole duties are to determine classifications, compensations, and qualifications for AZ POST certified officers and to hear grievances by law enforcement employees. *See* A.R.S. § 38-1003. Per the Constitution of the State of Arizona, the Superior Courts of Arizona are the only tribunals vested with the jurisdiction to hear felony cases. Ariz. Const. art. VI, § 14 (4). Thus, your absurd claim that Napier was found guilty of perjury by the LEMSC is not only a complete fabrication, it is also nonsensical.

Finally, on the billboard, you attempt to bolster your false claim that Sheriff Napier was “found guilty of perjury” by claiming that he is appealing such a decision. An appeal is asking a higher authority to review the findings and rulings of a tribunal. *See* “Appeal,” Black’s Law Dictionary (11th ed. 2019). There cannot be an appeal here because Sheriff Napier has not been charged with perjury, there are no findings or rulings that can be reviewed, and Sheriff Napier has never been convicted of any crime.

In reality, the only time in his illustrious and lengthy law enforcement career that it was merely *opined* that Sheriff Napier had been dishonest, he **himself** requested an investigation. As will be further described below, in that investigation, both Sheriff Napier and his staff were cleared by two county attorneys’ offices (the Pima County Attorney’s Office and in an independent investigation by the Pinal County Attorney’s Office). In addition, these allegations were commented upon by Pima County Administrator C. H. Huckelberry who also found that the allegations against Sheriff Napier were false. *See generally*, Letter from Amelia Cramer to Michael Storie dated April 21, 2020, attached hereto as Attachment 2; Letter from C. H. Huckelberry to the LEMSC dated February 25, 2020, attached hereto as Attachment 3.

In the instance of the LEMSC hearing, a single member of the LEMSC (which consisted of three members at the time in question) opined that he personally believed that “multiple cases of perjury [were] committed by the sheriff’s command staff,” Sayers, J. “Sheriff Napier asks Pima County to investigate perjury claims leveled against him,” *The Arizona Daily Star*, Feb 1, 2020 Updated Feb 14, 2020 (emphasis added) (quoting an LEMSC member). This spurious claim was made following a hearing wherein a Lieutenant appealed a three-day suspension for insubordination. Among the LEMSC member’s other specious statements was a comment that Sheriff Napier was complicit in a chief’s unexcused absence at the hearing. At the time, the chief in question was on medical leave for a life-threatening medical condition. Moreover, the chief was present and willing to testify at a previous hearing that was rescheduled at no fault of his own.

Following the council member’s statements, and a request from Sheriff Napier **himself** to investigate the claims, both the Pinal County Attorney and the Pima County Attorney conducted an independent review “to determine if there is a reasonable basis to conclude that [Sheriff Napier] intentionally, knowingly, or recklessly made false or misleading statements in an official proceeding, or was otherwise dishonest or untruthful about any matter reasonably requiring honesty or truthfulness, and [he] knew or believed the statements to be false, dishonest, or untrue.” *See* Attachment 2, at p. 1. This is known as a Rule 15.1 review, and positive findings will result in that individual being placed on what is colloquially known as the “Brady List”—a list of law enforcement officers that have been found to have been dishonest, requiring a prosecutor to disclose such findings in every case for which that officer is involved. In no case can the LEMSC make any

finding of perjury. In any case, the PCAO conducted its review and concluded that, “in keeping with the recommendations of both [the Pima County Attorney’s] Office’s Rule 15.1 Committee and the Pinal County Attorney’s Office following their thorough and independent reviews, it is [the Pima County Attorney’s Office’s] determination applying Brady and its progeny that there is no exculpatory or potentially exculpatory evidence arising out of the Merit Council review hearing that must be disclosed by the State to defense counsel in cases in which any of the three law enforcement officers may be called to testify.” *Id.* at pp. 2–3.

In other words, not only did LEMSC **NOT** find any perjury or lying by Sheriff Napier, but it had no authority to make such a finding of guilt, and two county attorneys’ offices have found that the allegations against Sheriff Napier and the facts in the matter do not even rise to the point to require disclosure by the prosecutors’ offices. The prosecutors’ offices also both concluded that there is not even an *inference* of dishonesty here. So, your statements that Sheriff Napier has been found guilty of perjury, and that he is appealing such a finding, are egregiously false, and you knew or should have known they are false.

As has been well documented, all implications that Sheriff Napier has ever been dishonest or committed a wrongful act have been thoroughly refuted by multiple officials. This includes the Pima County Attorney’s Office and even the Pinal County Attorney’s Office in its independent review of this matter. Even though you were fully aware that Sheriff Napier and his command staff had been thoroughly cleared from any wrongdoing by both of these entities, you have completely disregarded the truth and have maliciously published the false statement that Sheriff Napier was found “guilty” of perjury. The libelous nature of your actions is shocking to any reasonable person and the defamation is obvious on its face. No one, whether a public or private figure, should have to endure such treatment. In sum, you have, with actual malice, defamed Sheriff Napier, and even under the heightened standards of defamation for public officials recited in *New York Times v. Sullivan*, 376 U.S. 254 (1964) (internal citations omitted), you are liable to Sheriff Napier for defamation for posting your outrageously false and defamatory billboard.

Further, Clear Channel Communications, LLC, who owns the billboard on which you published defamatory statements, determined that the statements did not meet their advertising standards and immediately removed the billboard as soon as they learned of the falsehood. *See* Letter from Clear Channel Outdoor to Mark Napier dated August 20, 2020, attached hereto as Attachment 4; *See also* Letter from C. H. Huckelberry to Clear Channel Outdoor dated August 18, 2020, attached hereto as Attachment 5.

In addition to false statements on billboards, you have also repeatedly defamed Sheriff Napier on social media. On the Pima County Sheriff's Department's Facebook page, you personally posted that Sheriff Napier "has been found to have lied under oath. Lied to several boards, commissions, and judges." Screenshot of Facebook post by Chris Nanos, attached hereto as Attachment 6. This is also completely false. Sheriff Napier has never been found to have lied under oath, nor has any panel, council, court, or other competent tribunal made any finding that Sheriff Napier has been dishonest in any way.

Aside from the above defamatory statements, you have been complicit in disseminating falsehoods regarding Sheriff Napier, namely via your Facebook group titled "No More Napier," and the website of the same name. The Facebook group is run by Nanos campaign staffer Richard Joseph Kastigar, Jr., and paid for by "Nanos for Sheriff" according to www.NoMoreNapier.com. See Screenshot from the No More Napier Facebook group, attached hereto as Attachment 7.

In addition to displaying photos of the billboard that has been taken down due to it not meeting Clear Channel's advertising standards, the No More Napier Facebook group has posted, among others, the following outrageously false and defamatory statements:

- "Lying under oath and then lying by saying 'it was not a lie' is itself, another lie. When Sheriff Napier speaks, it's usually a lie to ingratiate himself with others." Screenshot of Facebook post, attached hereto as Attachment 8.
- "This Republican Sheriff (Mark Napier) has lied to four different Boards/ Commissions - while under oath - and remains a disgrace and embarrassment to his profession." Screenshot of Facebook post, attached hereto as Attachment 9.
- "He has been accused of perjury (under oath). He's being investigated by the FBI for allegations of perjury (again). The point: He lies." Screenshot of Facebook post, attached hereto as Attachment 10.

These are only a few of the numerous false attacks that have been posted on social media by you and your surrogates. See Various screenshots, attached hereto as Attachment 11.

No More Napier also paid for a front-page ad on the Tucson & Region section of the Arizona Daily Star showing the image of Sheriff Napier with a Pinocchio nose and claiming that a "State Commission says Sheriff Napier – and his top command – LIED UNDER OATH!" Photo of advertisement in the Arizona Daily Star dated March 1, 2020, attached hereto as Attachment 12. As previously described above, and notwithstanding the fact that no tribunal has *ever* found, nor claimed, that Sheriff Napier himself has lied

at any hearing, such claims have thoroughly been proven false. Additionally, the LEMSC is not a “State Commission” under any reasonable definition.

The false claims found on the No More Napier group even go further to suggest that Sheriff Napier is being investigated by the FBI for perjury “again.” Not only has Sheriff Napier not been investigated for perjury on single occasions, let alone multiple times as is suggested by your campaign, he has not been investigated by the FBI ever for any reason, except to recently have his United States Secret Security Clearance renewed. The mere assertion that the FBI would even investigate perjury—a state charge—is patently absurd. The fact is, the only investigation regarding perjury occurred at the request of Sheriff Napier himself, due to the spurious statements by a single LEMSC member, and that investigation found that Sheriff Napier had not committed *any* wrongful act. See Attachments 2 and 3.

It is clear that you and your campaign staff have engaged in a prolonged campaign to maliciously attack and defame Sheriff Napier. Succinctly, “defamation” is a false statement to a third party that harms the reputation of an individual. “Defamation,” Black's Law Dictionary (11th ed. 2019). Under common law, when a statement is made about a public official—such as Sheriff Napier—it is defamatory to make false statements with “actual malice,” meaning that it was made with the knowledge that the statement was false or it was made with reckless disregard for the truth. *Klahr v. Winterble*, 4 Ariz. App. 158, 165 (1966). Further, when statements made are of public concern—such as commenting on the qualifications of a public official—the statements are defamatory when the statements are provably false, and “the criticism reasonably could be interpreted as stating actual facts about” the individual. *Turner v. Devlin*, 174 Ariz. 201, 204, 848 P.2d 286, 289 (1993). Here, you and your campaign have made numerous false statements that are not mere opinions, and are, thus, not protected speech.

To be clear, Sheriff Napier does not object to your right to share your opinions, nor does he wish to stifle protected free speech, but your actions have veered significantly far afield into clearly defamatory statements. You have affirmatively and erroneously told the public (repeatedly) that Sheriff Napier, *inter alia*, (1) lied under oath, (2) was found guilty of perjury, (3) is appealing a perjury conviction, and (4) is under investigation by the FBI (again). These have all been presented as facts, not mere opinions, and none of the statements are true. Thus, you and your campaign are liable for defamation and libel.

Further, your false statements are libel *per se*, meaning they are defamatory on their face and do not require proof of special damages. “Libel *per se*,” Black's Law Dictionary (11th ed. 2019). Statements are libel *per se* “if the words tend to injure a person in his reputation or to bring him into public contempt.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 267 (1964) (internal citations omitted). Where the defamed party “is a public

official, his place in the governmental hierarchy is sufficient evidence to support a finding that his reputation has been affected by statements that reflect upon the agency of which he is in charge.” *Id.* Your falsehoods have not only affected Sheriff Napier personally, forcing him to endure questions from friends and family asking if the falsehoods are true, but they have also impugned the credibility of the Office of the Pima County Sheriff.

Allowing such falsehoods to stand will undeservedly undermine Sheriff Napier’s authority and erode the trust placed in him by both his deputies and constituents, which will only harm the community. As such, Sheriff Napier now demands that you take steps to rectify the falsehoods and defamatory statements that you have—in a protracted manner—widely disseminated and perpetuated. It is Sheriff Napier’s firm desire that this matter might be resolved without the spectacle of costly litigation. The campaign for Sheriff should have never degenerated to this level of dishonesty as it serves not only to harm the dignity of the Office of Sheriff but further erodes public trust in that office, potential law enforcement in general, and the political process.

Due to your actions, Sheriff Napier reserves the right to bring suit at any time for damages caused by your malicious actions. But, in order to potentially (and only partially) mitigate the damages you have maliciously caused to Sheriff Napier and his standing as the Pima County Sheriff (because no efforts on your part could ever fully repair the damage that has already been done to Sheriff Napier’s reputation), Sheriff Napier demands that you immediately do the following:

1. Provide a clear and convincing written statement of apology, indicating that your prior billboard and social media postings were false as well as your regret for your campaign engaging in making defamatory statements about Sheriff Napier, to every media outlet in Pima County to include, at a minimum, all television and radio stations that broadcast news segments in Pima County, the Arizona Daily Star, the Tucson Weekly, the Arizona Daily Independent, the Tucson Sentinel, Green Valley News, Ajo Copper News, and the Vail Voice;
2. Place an advertisement with a public apology for defaming the Sheriff and discrediting the integrity of the Office of Pima County Sheriff in the Arizona Daily Star (such apology shall be no less than one-half page);
3. Post a public apology on a billboard in a highly visible location in the Tucson metro area indicating that your prior billboard and social media postings were false as well as your regret for your campaign making defamatory statements about Sheriff Napier;

4. Permanently take down the defamatory "No More Napier" Facebook page/group and website, and all other similar groups/sites sponsored and/or sanctioned by the campaign, ensure all content is removed, and agree to not post or allow any campaign staff to post any further defamatory statements on any website or social media platform;
5. Agree to engage in no further defamatory, false, or misleading statements regarding Sheriff Napier in perpetuity; and
6. Strongly consider that you immediately terminate your campaign seeking office as Pima County Sheriff. It is Sheriff Napier's firm belief that your egregious conduct is incompatible with the high standards we expect from any political candidate, much less one aspiring to be the chief law enforcement officer of the county. If you falsely and publicly accuse a person of Sheriff Napier's proven integrity of a felony, what false allegations will you make against innocent citizens? Sheriff Napier believes such abhorrent behavior from an individual seeking to be the top law enforcement officer in the county disqualifies you as a candidate to seek such office.

Sheriff Napier is aware that even if you substantially comply with each of these demands, it will, at best, only partially mitigate the damages you have maliciously caused to Sheriff Napier and his office by your unconscionable behavior. Notwithstanding, Sheriff Napier is willing to forego legal proceedings against you if you mitigate the damages by agreeing to the above demands. However, if you fail to mitigate these damages as demanded above, Sheriff Napier reserves the right to file suit against you for defamation and libel at any time. Sheriff Napier further reserves the right to name in his litigation any campaign official, volunteer, or surrogate that has been complicit in any of your defamatory statements.

We sincerely hope you make a concerted effort to make amends for your defamatory statements.

MUNGER, CHADWICK & DENKER, P.L.C.


John F. Munger

cc: File
Sheriff Mark Napier

Page 8 of 8

Member of



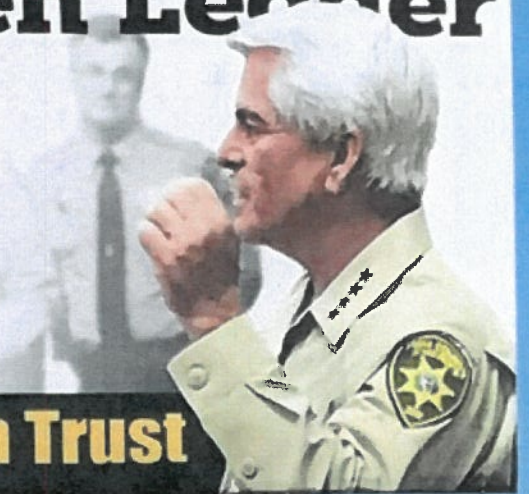
ATTACHMENT 1

Proven Liar* ... vs Proven Leader

*The Law Enforcement Merit System Council found
Napier guilty of perjury. He is appealing.



Chris
Nanos
FOR SHERIFF



Pima County Deserves A Sheriff We Can Trust

045392

 CLEAR CHANNEL

ATTACHMENT 2



Barbara LaWall
Pima County Attorney

Pima County Attorney's Office
32 N. Stone Avenue
Tucson, AZ 85701

Phone: 520-724-5600
www.pcaa.pima.gov

April 21, 2020

Michael W. Storie
Law Office of Michael W. Storie, P.C.
328 South Third Avenue
Tucson, AZ 85701
mikestorie@gmail.com

Re: *Rule 15.1 Determination*

Dear Mr. Storie:

I write to inform you of this Office's determination with regards to the State's Rule 15.1 disclosure obligations following our review of statements made on January 10, 2020 by a Pima County Law Enforcement Merit Council member alleging dishonesty by three law enforcement officers during the Merit Council's review hearing involving a Sheriff's Department personnel matter.

As you know, Rule 15.1 of the Arizona Rules of Criminal Procedure requires that the State make available to a criminal defendant "information that tends to mitigate or negate the defendant's guilt." This rule for Arizona courts applies the decision of the United States Supreme Court in *Brady v. Maryland*, 373 U.S. 83 (1963) and subsequent case decisions, such as *Milke v. Ryan*, 711 F.3d 998 (9th Cir. 2013), that follow upon the constitutional principles set forth in the *Brady* case, namely that evidence that is exculpatory or potentially exculpatory must be disclosed by the prosecutor to defense counsel. Evidence of intentional dishonesty by a witness could be used by the defense to impeach that witness's credibility if he or she is called upon to testify; therefore such evidence is potentially exculpatory.

The Pima County Attorney's Office has a Rule 15.1 Committee that operates under a formal, written protocol to make recommendations to the County Attorney as to whether information pertaining to alleged untruthfulness by a particular individual is required under Rule 15.1 to be disclosed to defense counsel in criminal cases in which that individual is a witness who may be called upon to testify.

Pursuant to the Pima County Attorney's protocol, an allegation that an individual's testimony in some court case or administrative proceeding was false or lacked credibility is assessed to determine if there is a reasonable basis to conclude that the witness intentionally, knowingly, or recklessly made false or misleading statements in an official proceeding, or was otherwise dishonest or untruthful about any matter reasonably requiring honesty or truthfulness, and the witness knew or believed the statements to be false, dishonest, or untrue. The typical example is where a witness makes a statement that is later contradicted by a contrary admission or by other evidence establishing a falsehood (e.g., a denial of drinking, followed by contrary scientific test results revealing blood alcohol content). In that instance, the statement and the evidence establishing the falsity of the statement will be disclosed in criminal matters where the individual may testify. However, mere credibility determinations by fact finders such as judges, juries, and administrative bodies, deeming

some witnesses more persuasive than others, is something that does not call for disclosure under Rule 15.1.

A careful analysis is made by the Rule 15.1 Committee of the facts and circumstances surrounding any allegation of dishonesty by a law enforcement officer that is made known to the Pima County Attorney's Office in order to determine whether there is material that must be disclosed under Rule 15.1.

In this matter, information was presented to the Pima County Attorney's Office from multiple sources, including communications from you, pertaining to allegations of dishonesty made by a Law Enforcement Merit Council member against three law enforcement officers. And this information was promptly referred to our internal Rule 15.1 Committee for its recommendation. This information also was referred out to the Pinal County Attorney for independent review and recommendation by the Pinal County Attorney's Office committee.

The Pima County Attorney recused herself from this matter. Accordingly, I have been the recipient of the recommendations presented by this Office's Rule 15.1 Committee and the independent recommendations provided by the Pinal County Attorney's Office. I am rendering the determination of this Office based upon the consensus of both recommendations, with which I concur based upon my own independent review.

I find the following facts relevant to the Rule 15.1 analysis:

1. A single Law Enforcement Merit Council member made a comment alleging dishonesty and perjury involving three law enforcement officers during the course of his overall commentary that was part of the Council's public deliberations; however, he did not ask the Council to make an official finding, determination, or ruling that the officers were dishonest.
2. There was no official determination made by a vote of the Law Enforcement Merit Council finding that any law enforcement officer was dishonest.
3. A review of the transcripts of the Merit Council proceedings, which took place on 10/14/19, 10/15/19, 11/14/19, 1/9/20, and 1/10/20, reveals that none of the statements in the testimony of any of the three officers alleged by the individual Council member to be dishonest is directly contradictory to any other direct evidence or testimony based on personal knowledge presented by other witnesses. The statements in the testimony of the three officers, when compared to statements in the testimony of other witnesses, are not mutually exclusive, and not directly at odds. Rather, it is possible that both could simultaneously be accurate.
4. At most, the statements of the three officers alleged by the individual Council member to be dishonest are at odds with inferences the individual Council member drew from statements of other witnesses, or are at odds with mere speculation by a witness not based upon that witness's personal knowledge.

In light of these facts, and in keeping with the recommendations of both this Office's Rule 15.1 Committee and the Pinal County Attorney's Office following their thorough and independent reviews, it is my determination applying *Brady* and its progeny that there is no exculpatory or potentially exculpatory evidence arising out of the Merit Council review

hearing that must be disclosed by the State to defense counsel in cases in which any of the three law enforcement officers may be called to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'AC', with a long horizontal stroke extending to the right.

Amelia Craig Cramer
Chief Deputy Pima County Attorney

Cc: Kent Volkmer, Pinal County Attorney
Mark Napier, Pima County Sheriff

ATTACHMENT 3



MEMORANDUM

Date: February 25, 2020

To: Chair and Members
Pima County Merit System Commission
Law Enforcement Merit System Council

From: C.H. Huckelberry
County Administrator *CHH*

Re: **Your Decision in Joseph Daniel Cameron versus Pima County Sheriff's Department**

I have listened to the deliberation and logic of your decision regarding this matter and I have to respectfully disagree. Unfortunately, based on media reporting by KGUN Channel 9 and KVOA Channel 4 on this matter, it appears this entire episode was planned political theatre designed to discredit the Sheriff. Since this is an election year, it is probable this is not the last appeal you will hear related to the Sheriff. To provide you context regarding my concerns, please consider the following:

1. Lieutenant Cameron has a long history of disciplinary actions with the Sheriff's Department.

In his own words, Lieutenant Cameron has proclaimed his long disciplinary record. This includes testimony to a legislative committee in 2018, in which he described himself as "one of the most disciplined" employees at the Pima County Sheriff's Department. Clearly, Lieutenant Cameron's record of disciplinary actions—which he freely admits—warrants the progressive discipline administered by the Sheriff in this matter. Moreover, the basic facts supporting his suspension here were essentially not in dispute—Lieutenant Cameron did not dispute that he had a framed copy of a prior Letter of Reprimand out on a table in his office after having previously been ordered to remove it from view, and he openly recorded conversations with other Department members without their consent, in contravention of an express Department rule prohibiting that.

I understand the Council felt Lieutenant Cameron was targeted. Given Lieutenant Cameron's discipline record and conduct here, I frankly believe he targeted himself, and dared the Department to discipline him.

2. Attempt to influence an independent investigation into bullying complaints against the Sheriff.

The Human Resources Director received bullying complaints from, Lieutenant Gary Anderson, Lieutenant Joseph Cameron, Captain Harold Janes, Captain Russell Ponzio, and Sergeant Kevin Kubitskey.

The initial bullying complaint was first received on April 16, 2018 from Lieutenant Cameron (11 Allegations), followed by additional bullying complaints filed on: June 14, 2018, by Lieutenant Anderson (17 Allegations); June 15, 2018, by Captain Janes (38 Allegations), August 22, 2018, by Captain Ponzio (19 Allegations); and, October 18, 2018 by Sergeant Kubitskey (28 Allegations). Each bullying complaint was assigned their own Administrative Investigation number and the Complainants alleged a total of 113 Allegations against the Sheriff and members of the Command Staff. This investigation has been contracted through a professional organization who has conducted numerous complaints, Investigative Research, Inc. (IRI).

In total, the number of allegations is 25 General Allegations and 180 Specific Allegations. These Allegations include: 1 General Allegation and 5 Specific Allegations against Lieutenant Jeffrey Palmer; 5 General Allegations and 11 Specific Allegations against Captain David Theel; 3 General Allegations and 10 Specific Allegations against Captain John Stuckey; 1 General Allegation and 3 Specific Allegations against Chief Jesus Lopez; 5 General Allegations and 48 Specific Allegations against Chief Karl Woolridge; 5 General Allegations and 50 Specific Allegations against Chief Byron Gwaltney; and, 5 General Allegations and 53 Specific Allegations against Sheriff Mark Napier. Because of the large number of Complainants, the number of allegations, and the required review, this investigation has taken a considerable period of time. Unfortunately, a number of the Complainants have continued to badger the independent investigator during this process, being clearly biased and unprofessional in their approach by accusing the independent investigator that unless he reached the conclusion that they were bullied, the investigation is obviously a sham. This is clearly inappropriate and an obvious attempt to influence the outcome of an independent investigation.

Given the email bombardment (see attached emails) that our independent investigator received from Lieutenant Cameron, Sergeant Kevin Kubitskey and Mike Storie, it is clear they intentionally communicated with the independent investigator in an attempt to bias his report. This was occurring at the same time Lieutenant Cameron's appeal was being processed through the Law Enforcement Merit Council Commission. I must assume the Commission Council was not made aware of these attempts to rush and intimidate the independent investigator to reach a conclusion in their favor regarding the bullying complaint that would have obviously bolstered their case in the appeal.

As I have indicated to the Human Resources Director, the independent investigator is to take all the time necessary to adequately and thoroughly investigate each of these allegations. To my knowledge, neither the Sheriff nor his Command staff and with my specific knowledge, have never communicated with, or tried to influence the independent investigator.

I understand the final report will be forthcoming shortly and will be complex and lengthy. I will thoroughly review the report, ask the Human Resources Director for her recommendations before making my final determination on these claims.

3. Clear attempt to cast the Sheriff's Department in poor light.

Lieutenant Cameron, Captain Buddy Janes, Sergeant Kevin Kubitskey as well as Lieutenant Cameron's legal representative, Mike Storie, appear to have engaged in a coordinated, orchestrated and designed attempt to discredit Sheriff Napier and the present Command staff. The fact that the results of this hearing have been the subject of at least three, perhaps more, televised reports on KGUN Channel 9 and KVOA Channel 4 after simply confirms this belief.

In addition, the language used by one Council Member has now prompted the Deputy Sheriffs Association, a vocal critic of the Sheriff, to enlist KGUN Channel 9 to issue claims of the need for a criminal investigation related to perjury. These are serious allegations that I believe will more than likely reflect poorly on those who made the allegations.

To substantiate my opinion of an orchestrated campaign to discredit the Sheriff and his Command staff, attached are sample emails demonstrating this behavior. After reviewing these communications a case could be made that these are actually bullying by the complainants. These communications were not presented to the Council in this case, but clearly demonstrate attempts to influence an independent investigator was conducting an investigation regarding bullying charges levied against the Sheriff and Command staff.

Please note KGUN 9 Reporter, Valerie Cavazos, is copied on several of the emails. Not only are these individuals attempting to pressure the independent investigation they are actually influencing and manipulating media reporting on this issue to gain a public relations advantage by casting management of the Sheriff's Department in an unfavorable light.

4. Unfounded claims Chief Woolridge evaded testifying.

Members of the Council made unfounded, and in my view, biased statements on the inability of Chief Karl Woolridge to provide testimony. This accusation is most troubling since Chief Woolridge is on authorized, valid and necessary medical leave pursuant to the Family and Medical Leave Act (FMLA). To accuse Chief Woolridge of ducking testimony before the Council while he is on medical leave is a cheap shot and unfounded by the facts. You should note that the Chief attended your meeting October 14, 2019 and was not called. Indeed, at that meeting, it was made clear that Chief Woolridge was available and would testify that day, but that a previously unplanned international trip would make him unavailable in November. (At the very same meeting, Mr. Storie requested that a previously scheduled November hearing

Chair and Members, MSC/LEMSC

Re: **Your Decision in Joseph Daniel Cameron versus Pima County Sheriff's Department**

February 25, 2020

Page 4

date be vacated, for essentially the same reason—a previously unplanned family trip.) Mr. Storie, in a confusing way, rejected the possibility of calling Chief Woolridge out of order. (Mr. Storie was asked, "Would you rather have him now, or would you rather get him later?" and initially he said, "Later." In a later discussion he said he could begin a preliminary examination of Chief Woolridge that day, "or not. That's fine. We won't.") While Mr. Storie may not have thought it was ideal to call Chief Woolridge out of order, clearly, Chief Woolridge was present and ready to testify—conduct that is completely inconsistent with the notion that he deliberately dodged the Council.

Currently, Chief Woolridge is on legitimate medical leave. To suggest otherwise is demeaning. If Chief Woolridge chooses to disclose the reason he is unable to provide testimony at this time, it is his choice. Those who accuse him of avoiding Council testimony should frankly feel, mortified as well as embarrassed.

Please keep these facts in mind the next time you may be required to decide a case involving these parties.

Summary.

It is unfortunate that you could not or were not provided the information I am now providing you. Given the structure of the county governance, these issues could not be provided to you on this particular case. However, you have now been advised of these issues and can take them into consideration on any future case involving these parties.

CHH/mp

Attachment

c: The Honorable Chairman and Members, Pima County Board of Supervisors
 Andrew Flagg, Chief Civil Deputy County Attorney
 Jan Leshner, Chief Deputy County Administrator
 Cathy Bohland, Director, Human Resources

ATTACHMENT 4



Diane Veres
Regional President - Southwest

August 20, 2020

VIA EMAIL (markdnapier@gmail.com)

Sheriff Mark D. Napier
PO Box 69451
Oro Valley, Arizona 85737

Dear Sheriff Napier:

I hope this letter finds you and your family well.

I want to acknowledge receipt of your letter to Ms. Nunn dated August 14, 2020.

While we respectfully do not agree with all of the statements in your letter directed towards Clear Channel, we do acknowledge that the advertising creative provided to Clear Channel by the Nanos for Sheriff organization did not meet Clear Channel's advertising standards and was inadvertently posted. We apologize for that. As you know, the subject creative was posted in one location and promptly removed within 4 days after posting.

We share the sentiment in your letter that we have enjoyed a positive working relationship with you and Pima County and we hope to continue that for many years to come. Please feel free to contact me should you wish to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Veres", with a long horizontal line extending to the right.

Diane Veres

ATTACHMENT 5



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317
(520) 724-8661 FAX (520) 724-8171

C.H. HUCKELBERRY
County Administrator

August 18, 2020

Diane Veres, Regional President
Clear Channel Outdoor-Southwest
2325 E. Camelback Road, Suite 400
Phoenix, Arizona 85713

Re: **Photograph of Clear Channel Outdoor Billboard 045392**

Dear Ms. Veres:

I am enclosing a copy of a billboard that contains advertising for the Democratic nominee for Pima County Sherriff, Chris Nanos. The billboard contains a statement "*The Law Enforcement Merit System Council found Napier guilty of perjury. He is appealing.*" This statement is false, and could lead one to believe that the elected Sheriff of Pima County is "*Guilty of perjury.*" Perjury is defined as, the willful giving of false testimony under oath or affirmation, before a competent tribunal, upon a point material to a legal inquiry. Clearly, such is not the case.

In fact, I raised the issue with members of the Law Enforcement Merit System Council (LEMSC) when they made unfounded and accusatory statements. Their opinions or statements are not a finding by a competent tribunal, that the Sheriff gave false testimony in a proposed disciplinary action against a member of the Sheriff's management team.

I would suggest that Clear Channel take appropriate action to advise the public that this statement was grossly false.

Sincerely,

A handwritten signature in cursive script, appearing to read "C.H. Huckelberry".

C.H. Huckelberry
County Administrator

Enclosure

c: Andrew Flagg, Chief Civil Deputy County Attorney

ATTACHMENT 6



Pima County Sheriff's Department

21h · 🌐



Sincerely,

5h Like Reply Message



1



Chris Nanos

Amy Brace what you saw was Napier's own letter NOT the report. Typical coming from a politician, who by the way has been found to have lied under oath. Lied to several boards, commissions, and judges. The other point to make here is the republican AG never did an investigation...they simply "reviewed" the FBI's investigation. Like the FBI needed the AG to tell them their investigation was okay. The report mentions my name 4 times, and not one time do they say I'm guilty of anything. They say they reviewed my fbi interview; that I signed generic forms designed and requested by the county attorney; that I "appeared" to have knowledge because I signed these forms...forms they reported as having no detailed expenditures attached to them. Nice try Napier...bottom line...the AG came up with the same conclusion the FBI did...I had nothing to do with this mess.

5h Like Reply Message



3



💎 Top Fan

Shannon Lynn

Caleb Crews This is an article from

Comment as Sheriff Mark D. Napier



8



ATTACHMENT 7



No More Napier



273 people like this



285 people follow this



<https://www.nomorenapier.com/>



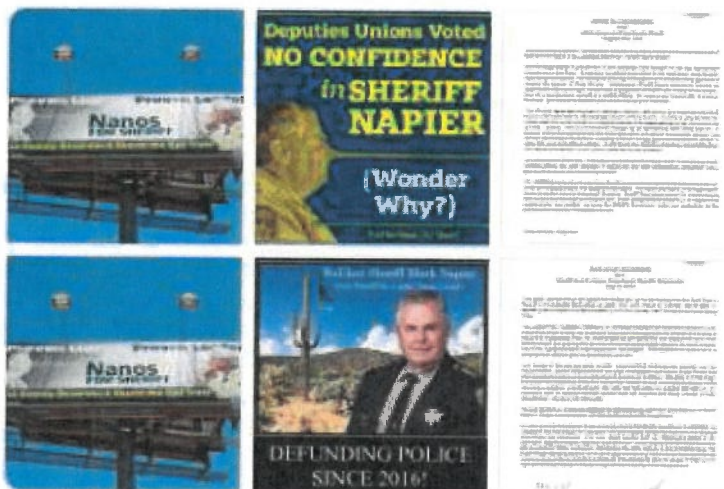
Send Message



Political Organization

Photos

See All



Page Transparency

See All

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.



Confirmed Page Owner: Richard Joseph Kastigar Jr.



Page manager location: United States

ATTACHMENT 8



 Author

No More Napier

Lying under oath and then lying by saying "it was not a lie" is itself, another lie. When Sheriff Napier speaks, it's usually a lie to ingratiate himself with others. What a shame.

Like · Reply · 17w



ATTACHMENT 9



No More Napier

July 11 · 🌐

...

A recent question asked: "How Can Any Police Officer, Firefighter Or EMT Vote For A Democrat?"

A simple and complete answer requires only two steps:

STEP 1) UNDERSTAND THAT -

a) This Republican Sheriff (Mark Napier) cares more about himself and his political ambitions than he does for his staff or this community.

b) This Republican Sheriff (Mark Napier) promised his staff and this community that if they were not satisfied with his performance after four years, he would step down - he hasn't.

c) This Republican Sheriff (Mark Napier) has lied to four different Boards/Commissions - while under oath - and remains a disgrace and embarrassment to his profession. -

<https://kvoa.com/news/2020/02/20/n4t-investigators-whistleblower-fallout/>

d) This Republican Sheriff (Mark Napier) has lost the confidence of the MAJORITY of his own employees - the DEPUTIES, the CORRECTIONS OFFICERS and his COMMAND STAFF. -

STEP 2) BREAK OUT A DARK COLORED PEN AND VOTE FOR SOMEONE WITH INTEGRITY.

Need more? - Read more: www.nomorenapier.com



4

2 Shares

ATTACHMENT 10



 Author

No More Napier

He has been accused of perjury (under oath). He's being investigated by the FBI for allegations of perjury (again). The point: He lies. Not likely his track time is anywhere near his boast.

Like · Reply · 7w

ATTACHMENT 11

11:10

LTE





nomorenapiers.com

could be documented occurring over the proceeding 6 to 12 months. However, criminal conduct would only be limited by the applicable statute of limitations of the presenting offense.

...Sheriff Napier has dismissed any accusation of his Chiefs involvement in the RICO scandal, even when presented with factual documentation. He is currently under investigation by a Special Magistrate for potential criminal violations involving possession of attorney/client privileged communications. His Department is also under several potential civil rights investigations being conducted by the FBI. He also is facing a record number of law suits, and he and his chiefs were recently found to have lied under oath and are now facing felony perjury charges.




11:20

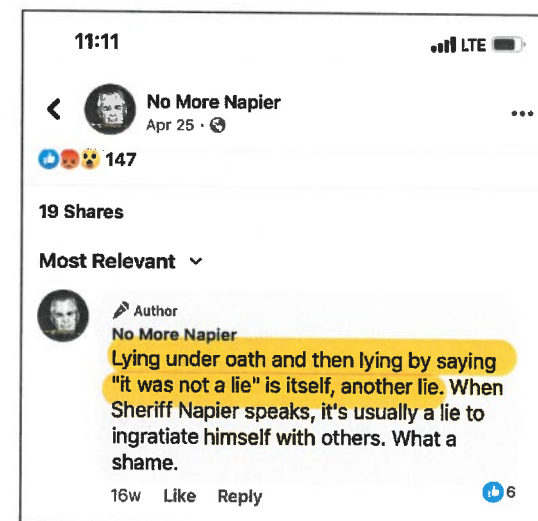
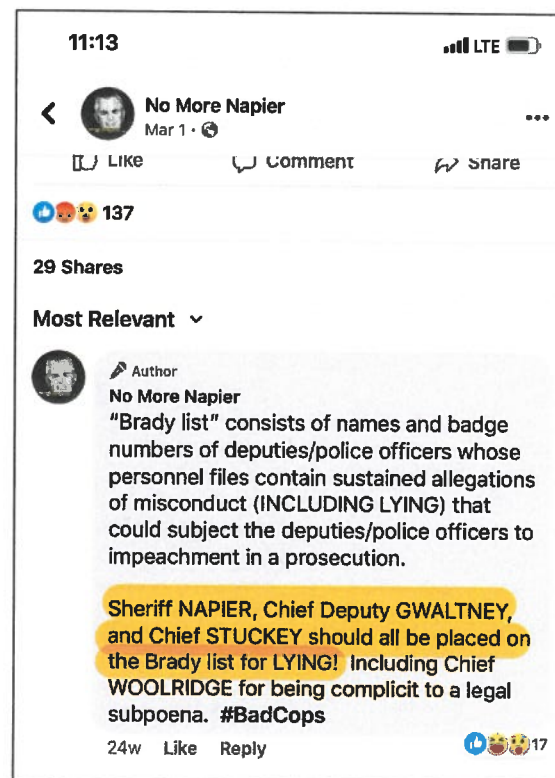
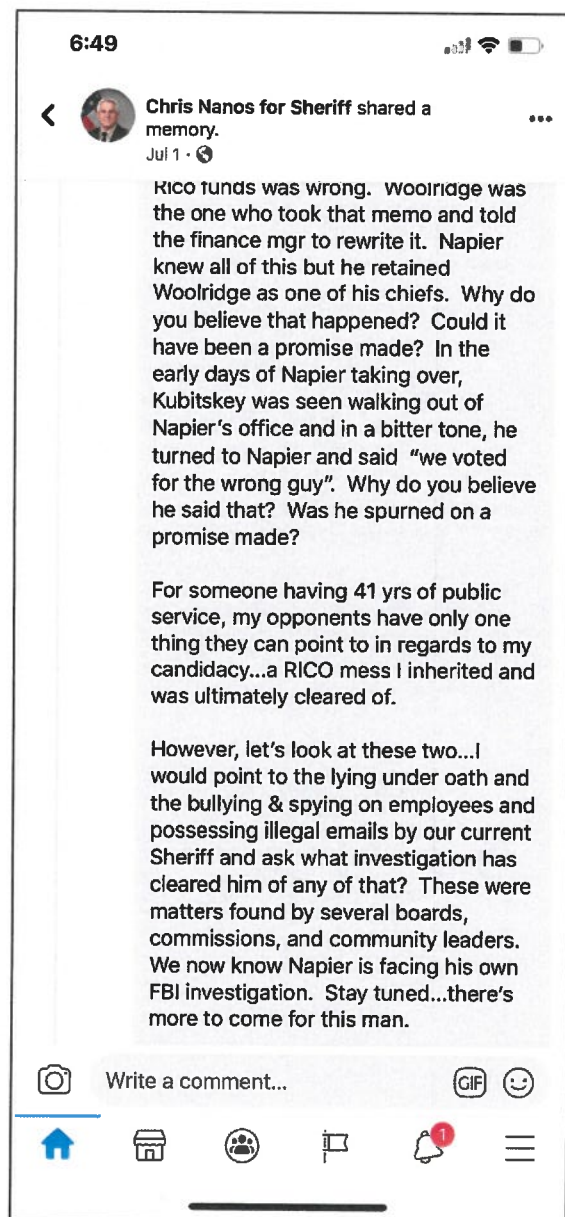
LTE

-  **No More Napier**
Jun 8 · 🌐
-  **Bill Lange**
Unions are democrat ran. Another political deal
5w Like Reply 2
-  **Larry Francis**
Blah Blah blah, no specifics. Give specifics
3w Like Reply
-  **Author**
No More Napier
Let's see..... lies to a commission under oath, lies to the Board of Supervisors, bullies employees who don't support him, never pursues one promise made during the last election, falsifies staffing documents to create the perception of fiscal responsibility and diversity, clones employee phones to spy on them, travels all around the country promoting himself. It goes on and on. Haven't you been reading this page????
3w Like Reply

11:21

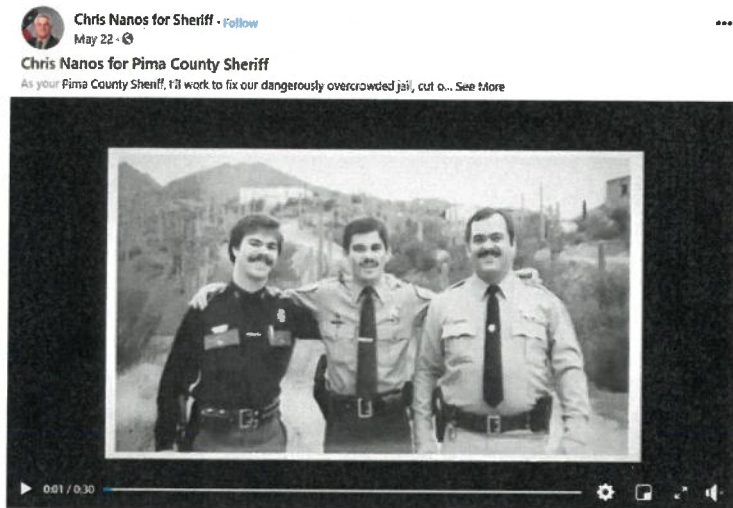
LTE

-  **No More Napier**
Jun 2 · 🌐
- Like Comment Share
- 6
- Most Relevant** ▾
-  **Caitie Colleen**
This seems petty to point out someone's mile time? What's this got to do with the election?
6w Like Reply 1
-  **Author**
No More Napier
He has been accused of perjury (under oath). He's being investigated by the FBI for allegations of perjury (again). The point: He lies. Not likely his track time is anywhere near his boast.
6w Like Reply



These are comments on an ad pushed on May 22, 2020. The following comments were under this ad.

<https://www.facebook.com/watch/?v=1317369448467174>



July 12, 2020



July 9, 2020

Ray Chavez

You haven't taken care of the last couple of years what makes you think you can take care of it the next few years

Like · Reply · 6w

1



Chris Nanos for Sheriff

Ray Chavez I was in office for one year and inherited quite a mess. The current Sheriff has had four years to fix problems and instead added to them. No promotions based on merit, no diversity, no judicial reform, over crowded jail and understaffed dept. only raise he ever requested was for himself and only raises he gave we're to his commanders. He cannot even claim the small raises he gave his staff because every county employee received the same raise. He has not one single program he can point to that helped reduce crime. EVERY decision he's made is through a political lens. He spends more time in Washington bucking for some federal job than he does in Tucson. He's been found to have lied to several commissions and public boards that he not only lost all credibility...he's embarrassed the entire organization beyond belief. All I am asking for is to be given the same opportunity he was given. He's failed miserably and needs to go. He needs to accomplish at least one promise he made...if not wanted by his staff after 4 years he promised to step down. It's been 4 years. Time to give someone else the chance. We've seen enough! No one should lie under oath...especially the Sheriff. He's to set the example!

Like · Reply · 6w · Edited

June 28, 2020



Chris Nanos for Sheriff

Ryan Lloyd I couldn't agree more. But in today's political climate honesty and character matter. Words without action mean nothing. Please take a look at my website and my list of accomplishments and compare them to my opponents. Then listen to employees who have worked under both of us and hear what they have to say. You can do this by simply going to www.nomorenapier.com and www.nanosforsheriff.com

You say the current problems exist because of years of poor leadership but I disagree. Sheriff Dupnik took over an agency where the previous sheriff and his commanders had received 89 felony indictments. He brought back an agency from the depths of hell to a highly respected agency known for its community service and its dedication to innovative and award winning community policing efforts. Were their mistakes made during his 36 years in office...absolutely...but not to the level of what's happening today. No sheriff has ever received a vote of no confidence, much less three of them. And no sheriff has ever been accused of lying under oath. The current Sheriff is NOT a good "dude"! He is a man without integrity who lied to get elected and is continuing to run on more lies. DO NOT take my word...go listen to others and listen to the news. Shortly you will hear from yet another superior court judge who will again tell us Sheriff Napier lied...AGAIN! The one character flaw a law enforcement officer can NEVER have is that of being dishonest! Especially when that law enforcement officer is the county's top cop! Especially in today's world...he needs to lead by example. If we are to hold our "bad apples" accountable, then we have to be able to hold those in charge accountable first and foremost. I'm tired of hearing all the lies being told about the past administration and its "corrupt" ways without one shred of evidence to support such a claim. The year long RICO investigation that looked back over two decades found ONE man who had misused RICO funds and was charged with a misdemeanor where he received probation. Hardly a sign of a corrupt organization. One mans mistake cannot tarnish the hard work of others. Yet today, our current Sheriff was found to have lied while testifying under oath just five months ago, and now faces another charge of not only lying under oath, but spying on his own staff and violating their civil rights by cloning their phones and looking at their private emails, messages and photos. No...this Sheriff is not a good dude. He ran his last campaign on nothing but lies and he's doing it again. Go to those websites and listen not to me...but others. It is true that I paid to have the NoMoreNapier website put up, but I did so to give those who work under the current regime a safe haven to which they can voice their concerns without fear of retaliation and or bullying. Everything on that site is their words...not mine. This current Sheriff and his cronies were also found to have bullied several employees 19 different times. This was discovered by his own appointed investigator. When the 1000 page report came out he tried to use the County Administrator to sweep it all under the rug, just as he did in the handling of the investigation of the quad amputee. Yes, I too look forward to debating this man...and exposing him for what he is...a politician NOT a cop! He lied in 2016 and he's lying now.

ATTACHMENT 12



Paid Political Advertisement

**A State Commission says Sheriff Napier
- and his top command - LIED UNDER OATH!**

If you can't trust your Sheriff, who can you trust?

"I don't believe any of them. I think they lied to us."

Mike Hellon, Member
Law Enforcement Merit System Council

Visit NoMoreNapier.com for more information

Paid for by Nanos For Sheriff

Arizona Daily Star  tucson.com

TUCSON & REGION

SUNDAY, MARCH 1, 2020 | SECTION B

Editor: Hipolito R. Corella | 520-573-4101 | metro@tucson.com

AZ leaders fail to confront emergency
1. ... by groundwater depletion

Toxic releases
soar here, led