



DAVID GOWAN  
SPEAKER OF THE HOUSE  
1700 WEST WASHINGTON, SUITE H  
PHOENIX, ARIZONA 85007-2844  
CAPITOL PHONE: (602) 926-3312  
CAPITOL FAX: (602) 417-3130  
TOLL FREE: 1-800-352-8404  
dgowan@azleg.gov

Arizona House of Representatives  
Phoenix, Arizona 85007

COMMITTEES:

RULES

JOINT LEGISLATIVE AUDIT  
COMMITTEE

LEGISLATIVE COUNCIL

TUCSON LEGISLATIVE OFFICE  
400 WEST CONGRESS, SUITE 201  
TUCSON, ARIZONA 85701  
TUCSON PHONE: (520) 398-6000  
TUCSON FAX: (520) 398-6028

DISTRICT 14

March 8, 2016

Hon. Mark Brnovich  
Arizona Attorney General  
1275 W. Washington Street  
Phoenix, AZ 85007

Dear General Brnovich,

I am writing to request that your office investigate allegations that I misused state resources related to business travel during 2015. I recognize that my request is unusual if not unprecedented. However, it is justified in order to preserve public trust in the House of Representatives as an institution and in me as the Speaker. I believe the citizens of Arizona would view your conclusions as unimpeachable, and that the results of your investigation would put these allegations to rest.

Since January 8, 2016, some newspapers have reported that during 2015 I used state vehicles for personal rather than official business; that I submitted per diem requests for days that I did not work; that I claimed mileage reimbursement when using state vehicles; and that I sought reimbursement for more mileage than I actually traveled. These reports have created the false impression that I knowingly requested some \$12,000 in reimbursements to which I was not entitled. News media quoted the same private attorney, on January 8 and again on February 29, saying that he would soon file a formal complaint with your office. Despite these very public statements, such complaints have not materialized. The media continues to portray my actions as improper – even to the point of stating that I have committed a “class 2 misdemeanor” – and I continue to wait in vain for a complaint, investigation and ultimate vindication. Meanwhile, the citizens of Arizona are left to wonder what the truth is. I urge you to investigate and provide them with an answer.

Please be assured that you will have unfettered but confidential access to any records you wish to review. I will instruct House Members and employees to cooperate fully and to divulge personal knowledge of relevant facts.

I will also furnish you with a memorandum summarizing an internal review of my 2015 travel that I directed House staff to conduct in January. The internal review focused on documentation and personal accounts of all my business travel during the 2015 year. I asked the reviewers to determine

whether I received any improper travel expense reimbursements or per diem payments under A.R.S. § 41-1104, and whether my fleet vehicle rentals were supported by valid House business purposes. When the review concluded, I was surprised and embarrassed to learn that errors in reporting and lapses of communication resulted in a total of \$12,066 in over-reimbursements over the course of the year. I promptly repaid that amount in full with personal funds.

The errors were errors and nothing more. *None* of the over-reimbursements reflects *any* nefarious intent, despite the cynicism that pervades some of the newspaper accounts. I make this request with great confidence that your independent investigation will confirm that.

Notably, \$9,600 in over-reimbursements was attributable to one problem that recurred throughout the year. My assistant submitted claim forms on my behalf for personal vehicle mileage reimbursements for a dozen trips without realizing that I was actually traveling in a state fleet vehicle. The mistake did not come to light until the record review because the fleet rental invoices are received and paid directly by the House accounting office. We have taken steps to ensure that this mistake never recurs.

The remaining \$3,000 in over-reimbursements is attributable to a number of errors that are likewise negligent at worst. For example, reimbursement claims were submitted on my behalf for the statutory \$60 daily per diem for legislative work while I was attending out-of-state conferences. Neither my assistant nor I realized, until staffers reviewed my travel documentation in January 2016 and consulted the applicable statutes, that those statutes only authorize per diem payments when a House member “acts on a legislative matter, *within this state* in a county other than his residence ....” A.R.S. § 41-1104(B). I repaid those per diem amounts. Similarly, I repaid fleet rental amounts (and even a prorated share of fleet vehicle fuel charges) for days when it was presumed that a fleet vehicle could have been returned rather than sitting idle in the House parking lot.

In all instances I erred on the side of making a repayment. I agreed with the reviewers that the most prudent approach was to repay any reimbursement or charge that we could not conclusively determine – many months after the fact – was incurred in furtherance of official House business. That decision was made even when the reviewers were forced to rely solely on inconsistent calendar entries which rarely reflect all the official work I perform or the state business that I attend to. I undoubtedly repaid a more-than-fair amount because my calendar did not reflect all official business and I could not reliably reconstruct events from many months ago.

In addition to repaying the over-reimbursements, I wanted to prevent similar mistakes in the future by other Members and staff. Consequently, I had the reviewers create a written travel policy that reflected lessons learned. The new travel policy is in writing, in place, and in the forefront of everyone’s consciousness due to mandatory training which was completed in early February.

I offer these observations to give you some insight into why I want you to investigate this matter independently and quickly. Allegations of misconduct are more than a mere distraction. They erode the

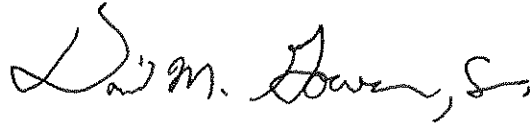
Hon. Mark Brnovich

March 8, 2016

Page 3

faith of the people who elected me and the confidence of the Members who entrusted me with the Speakership. The allegations will continue to damage the House of Representatives generally, and my integrity specifically, until they are investigated and disposed of. Accordingly, I ask that you exercise your implied authority under A.R.S. § 21-422(B)(1) to investigate the allegations, and to make your conclusions public.

Very truly yours,

A handwritten signature in black ink, appearing to read "David M. Gowan, S.", written in a cursive style.

David Gowan