

Sent by Certified Mail  
Return Receipt Requested

February 11, 2012

Honorable Ken Bennett  
Secretary of State  
Chief Elections Officer of the State of Arizona

RE: Enclosed Complaint against Tom Horne

Dear Secretary of State Bennett,

To protect my anonymity, and to maintain protected whistle blower status, I am only identifying myself to you and your office. If you see fit to contact me or pass my contact information along to an investigating agency such as the Department of Justice or its FBI, you have my permission to do so.

Almost all the information contained in the enclosed Complaint comes from public records. The rest I heard from others, including Winn, well after the violations occurred. The public action of Horne hiring Winn and prior coordination with the named independent expenditure committee, evidenced in many ways, including the way certain donors known to Horne were solicited and utilized, speaks for itself.

Please take all necessary action to bring justice to bear upon these violations of law.

Sincerely,

  
Don Dybus

Cell: 

February 2012

The Honorable Ken Bennett  
Secretary of State  
Chief Elections Officer of the State of Arizona

Dear Secretary of State Bennett,

This complaint is necessary to bring a halt to illegal and unethical conduct by the Attorney General, Tom Horne. By copies to the public officials listed below and also to the news media, this complaint should rightly initiate enforcement of the laws the Attorney General has violated.

Using the public information obtained from your elections website and comparing that to publicly known facts surrounding the Attorney General, it is undeniable that a full investigation is warranted. This complaint is by no means exhaustive of the facts showing conspiracy, collusion and coordination by the parties named. Rather, this complaint contains sufficient information to tell persons of common sense and reason that laws have most likely been violated by the Attorney General.

#### FACTUAL BACKGROUND

Tom Horne (Horne) ran for and won the office of Attorney General of Arizona. That campaign was hotly contested and money poured into the race from Independent Expenditure Committees. "Business Leaders for Arizona" (BLA) is one of those committees.

The architect and chief fundraising/spending consultant for BLA is the Lincoln Strategy Group (Lincoln) headed by Nathan Sproul (Sproul). Lincoln arranged for a national Republican political fund in Virginia, RSLC, to contribute \$350,000 to BLA, plus other contributions from other sources. Lincoln also provided active and regular campaign advice directly to Horne throughout the election cycle. Lincoln also placed buys for a full series of ads against Horne's opponent. Lincoln's coordination with the Horne campaign also included fundraising by BLA from individuals who also contributed to Horne's campaign committee. A comparison of the BLA Contribution Campaign Finance Report (enclosed) to the Horne campaign committee's list shows the names of the common contributors who gave another \$17,500 to BLA.

The person who has loudly and frequently been claiming credit for raising hundreds of thousands of dollars for Horne through BLA is Kathleen Winn (Winn). Winn's name and e-mail address appears in the identification section on page 1 of BLA's Campaign Finance Reports as: [kathleen.winn@onqfinancial.com](mailto:kathleen.winn@onqfinancial.com). Winn actively and regularly communicated and coordinated with Horne and Horne's campaign committee during the 2010 election cycle. Winn claims to have been a member of Horne's transition team before he was sworn in as Attorney General. In exchange for Winn's fundraising and other work at BLA, Winn was promised executive employment at the Attorney General's

office, by Horne, if he was elected. Upon being sworn in, Horne promptly hired Winn to be his highly paid outreach director, where Winn is currently employed.

Working in coordination with Lincoln, Sproul, BLA and Winn, Horne personally arranged for \$115,000 (\$100,000 and \$15,000) in contributions to BLA from his sister's husband, Richard G. Newman (Newman) of Santa Monica, CA. Newman's name, address and amounts of contributions in October 2010 appear on BLA's Amended 2010 Post - General Election Report. Coincidentally, also in October 2010, Newman and his wife (Horne's sister) formed a California LLC named "Horne Consulting, LLC." The purpose for Newman forming Horne Consulting, LLC at the same time he is funneling \$115,000 into Horne's coordinated campaign with BLA is highly suspect and obviously requires thorough investigation.

### VIOLATIONS OF LAW

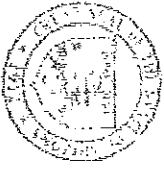
1. A.R.S. 16-917 prohibits any coordination whatsoever between an Independent Expenditure Committee and the benefiting Campaign Committee. In the case at hand with BLA, Sproul, Lincoln, Horne, Newman and Winn, we see blatant coordination and that is a violation of law.
2. Kathleen Winn, was an elected Republican precinct committeeman. As such, Winn was a party officer in 2010. A.R.S. 13-2603 prohibits "Trading in Public Office" and designates same as a class 6 felony. For Winn and Horne to pre-arrange Winn's current employment as a public servant by agreeing to confer that benefit upon Winn, a party officer, when Horne was a candidate for public office, makes that a felony for both Winn and Horne.
3. Under federal law, 18 U.S.C. 600, when a candidate for any elected political office that receives federal funds (the Attorney General's office receives money from multiple federal funding sources and federal grants, ironically some now available to Winn) promises to give employment to a person (Winn) in exchange for political help in getting elected (Horne), those persons (Winn and Horne) "shall be fined under this title or imprisoned not more than one year, or both."

### CONCLUSION

This is a matter of grave concern to all citizens of Arizona who should not tolerate a law breaking Attorney General. Enough of Horne already. He should not be employing, at tax payer expense, his co-conspirator Kathleen Winn. Winn should be off the state's payroll immediately. One of the prosecutors listed below or a special prosecutor should grant Winn immunity and get her under oath quickly to testify against Horne and force him to resign.

Surely Governor Brewer will select and appoint a respected law abiding person to serve as Arizona's Attorney General.

# State of Arizona



## Campaign Finance Report

Business Leaders for Arizona  
Committee #: 201000375

Treasurer: Wilkinson, George  
3803 E Flossmoor Cir, Mesa, AZ 85206  
Phone: (602) 315-3141  
Email: kathleen.winn@onqfinancial.com

### Amended 2010 Post-General Election Report

Election Cycle: 2009-2010  
Date Filed: December 6, 2010  
Reporting Period: October 14, 2010-November 22, 2010

#### Summary of Finances

Cash Balance at Beginning of Reporting Period:	\$480.00
Total Cash Receipts this Reporting Period:	\$512,500.00
Total Cash Disbursements this Reporting Period:	\$350,588.50
Cash Balance at End of Reporting Period:	\$162,391.50

### Summary of Activity

Income	Schedule	This Period		Total to Date
		Cash	Other	
Personal and Family Contributions	C1	\$0.00	\$0.00	\$0.00
Individual Contributions	C2	\$132,500.00	\$0.00	\$132,500.00
Contributions from Political Committees	C3	\$0.00	\$0.00	\$0.00
Business Contributions	C4	\$380,000.00	\$0.00	\$380,000.00
Small Contributions	C5	\$0.00	\$0.00	\$0.00
CCEC Funding and Matching	C6	\$0.00	\$0.00	\$0.00
Qualifying Contributions	C7	\$0.00	\$0.00	\$0.00
Loans Made to this Committee	L1	\$0.00	\$0.00	\$0.00
Other Receipts, Including Interest and Dividends	R1	\$0.00	\$0.00	\$0.00
Transfers from Other Committees	T1	\$0.00	\$0.00	\$0.00
Cash Surplus from Previous Committees	S1	\$0.00	\$0.00	\$0.00
<b>Total Income</b>		<b>\$512,500.00</b>	<b>\$0.00</b>	<b>\$512,500.00</b>

Expenditures	Schedule	This Period		Total to Date
		Cash	Other	
Operating Expenses	E1	\$203.50	\$0.00	\$203.50
Independent Expenditures	E2	\$350,000.00	\$160,000.00	\$510,000.00
Contributions to Other Committees	E3	\$0.00	\$0.00	\$0.00
Other Expenses	E4	\$385.00	\$0.00	\$385.00
Transfers to Other Committees	T1	\$0.00	\$0.00	\$0.00
Loans Made by This Committee	L2	\$0.00	\$0.00	\$0.00
Expenditure of In-Kind Contributions	C8	\$0.00	\$0.00	\$0.00
Disposal of Surplus Cash	S1	\$0.00	\$0.00	\$0.00
<b>Total Expenditures</b>		<b>\$350,588.50</b>	<b>\$160,000.00</b>	<b>\$510,588.50</b>
Bill Payments for Previous Expenditures	D1	\$0.00		\$0.00
<b>Total Cash Disbursed</b>		<b>\$350,588.50</b>		<b>\$350,588.50</b>

**Schedule C2 - Individual contributions**

	Date	Amount	Cycle To Date
Name: Diaz, Charles H. Address: 9150 E Broadway Blvd, Tucson, AZ 85710 Occupation: retired, self	10/20/2010	\$5,000.00 Cash	\$5,000.00
Name: Newman, Richard G Address: 2024 La Mesa Dr, Santa Monica, CA 90402 Occupation: Retired, self	10/21/2010	\$15,000.00 Cash	\$115,000.00
Name: Symbington, J.Fife Address: 4642 N 56th St, Phoenix, AZ 85018 Occupation: Retired, Self	10/27/2010	\$500.00 Cash	\$500.00
Name: Ellman, Steven Address: 2850 E Camelback Rd, Ste 110, Phoenix, AZ 85016 Occupation: Chairman & CEO, Ellman & Companies	10/28/2010	\$5,000.00 Cash	\$5,000.00
Name: Goldman, Mark Address: 16319 E Jacklin Dr, Fountain Hills, AZ 85268 Occupation: Attorney, Self	10/28/2010	\$5,000.00 Cash	\$5,000.00
Name: Marshall, E. D. Address: 10261 N Scottsdale Rd, Scottsdale, AZ 85253 Occupation: Jeweler, Self	10/28/2010	\$2,000.00 Cash	\$2,000.00
Name: Newman, Richard G Address: 2024 La Mesa Dr, Santa Monica, CA 90402 Occupation: Retired, self	10/29/2010	\$100,000.00 Cash	\$115,000.00
Total of Individual Contributions		\$132,500.00	
Total of Refunds Given		\$0.00	
Net Total of Individual Contributions		\$132,500.00	

**Schedule C4 - Business contributions**

	Date	Amount	Cycle To Date
Name: NCP Finance Limited Address: 100 E 3rd St, Dayton, OH 45402	10/20/2010	\$15,000.00 Cash	\$15,000.00
Name: RSLC Address: 1800 Diagonal Rd, Ste 230, Alexandria, VA 22314	10/22/2010	\$350,000.00 Cash	\$350,000.00
Memo: wire transfer Name: Texas Loan Corporation Address: 690 E Lamar Blvd, Ste 575, Arlington, TX 76011	10/22/2010	\$15,000.00 Cash	\$15,000.00
Total of Business Contributions		\$380,000.00	
Total of Refunds Given		\$0.00	
Net Total of Business Contributions		\$380,000.00	

**Schedule E1 - Operating expenses**

	Date	Amount	Cycle To Date
Name: UMB Bank	10/29/2010	\$203.50	\$203.50
Address: PO Box 419226, Kansas City, MO 64141		Cash	
Category: Administration - Bank fees/service charge			
Memo: Wire transfer fees		\$203.50	
Total of Operating Expenses		\$0.00	
Total of Refunds, Rebates, and Credits Received		\$203.50	
Net Total of Operating Expenses			



**Schedule E2 - Independent expenditures**

	Date	Amount	Cycle To Date
<b>Name:</b> Lincoln Strategy Group <b>Address:</b> 80 E Rio Salado Pkwy, Tempe, AZ 85281 <b>Category:</b> Communications - TV <b>Memo:</b> wire	10/21/2010	\$350,000.00 Cash	\$510,000.00
<b>Opposes:</b> Felicia Rotellini for Arizona General Attorney <b>Name:</b> Lincoln Strategy Group <b>Address:</b> 80 E Rio Salado Pkwy, Tempe, AZ 85281 <b>Trans. Type:</b> Purchase on Terms <b>Category:</b> Communications - TV <b>Memo:</b> first buy	10/21/2010	\$35,000.00 Terms	\$510,000.00
<b>Opposes:</b> Felicia Rotellini for Arizona General Attorney <b>Name:</b> Lincoln Strategy Group <b>Address:</b> 80 E Rio Salado Pkwy, Tempe, AZ 85281 <b>Trans. Type:</b> Purchase on Terms <b>Category:</b> Communications - TV <b>Memo:</b> 3rd Buy	10/26/2010	\$15,000.00 Terms	\$510,000.00
<b>Opposes:</b> Felicia Rotellini for Arizona General Attorney <b>Name:</b> Lincoln Strategy Group <b>Address:</b> 80 E Rio Salado Pkwy, Tempe, AZ 85281 <b>Trans. Type:</b> Purchase on Terms <b>Category:</b> Communications - TV <b>Memo:</b> 4th buy	10/28/2010	\$110,000.00 Terms	\$510,000.00
<b>Total of Independent Expenditures</b>		\$510,000.00	
<b>Total of Refunds, Rebates, and Credits Received</b>		\$0.00	
<b>Net Total of Independent Expenditures</b>		\$510,000.00	

**Schedule E4 - Other expenses**

Name:		Morales, Stevinn	Date	10/22/2010	Amount	\$385.00	Cycle To Date	\$385.00
Address:		4216 N 27th St, Phoenix, AZ 85016			Cash			
Occupation:		Handyman, Self						
Memo:		Signs						
Total of Other Expenses						\$385.00		
Total of Refunds, Rebates, and Credits Received						\$0.00		
Net Total of Other Expenses						\$385.00		

**Schedule D1 - Committee Debt**

Item	Date	Amount
New Debt		
Lincoln Strategy Group	10/21/2010	\$35,000.00
Original Amount of Debt: \$35,000.00		
Original Transaction Date: 10/21/2010		
<b>Debt Balance at End of Reporting Period</b>		\$35,000.00
New Debt		
Lincoln Strategy Group	10/26/2010	\$15,000.00
Original Amount of Debt: \$15,000.00		
Original Transaction Date: 10/26/2010		
<b>Debt Balance at End of Reporting Period</b>		\$15,000.00
New Debt		
Lincoln Strategy Group	10/28/2010	\$110,000.00
Original Amount of Debt: \$110,000.00		
Original Transaction Date: 10/28/2010		
<b>Debt Balance at End of Reporting Period</b>		\$110,000.00
<b>Total of Outstanding Debt Before Adjustments</b>		\$160,000.00
<b>Total Credits Against Outstanding Bills</b>		\$0.00
<b>Total Payments On Outstanding Bills</b>		\$0.00
<b>Total of Outstanding Debt After Adjustments</b>		\$160,000.00