

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

By: COLLEEN CONNOR
State Bar No. 015679
JOSEPH I. VIGIL
State Bar No. 018677
Deputy County Attorneys
MCAO Firm No. 00032000
ca-civilmailbox@mcao.maricopa.gov

CIVIL SERVICES DIVISION
Security Center Building
222 North Central Avenue, Suite 1100
Phoenix, Arizona 85004-2206
Telephone (602) 506-8541
Facsimile (602) 506-8567

Attorneys for Maricopa County Attorney

IN AND FOR THE STATE OF ARIZONA

THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter Of,

TOM HORNE, Tom Horne for
Attorney General Committee (SOS
Filer ID 2010 00003); KATHLEEN
WINN, Business Leaders for Arizona
(SOS Filer ID 2010 00375)

NO. 13F-CF20120001-MCAO

**SECOND AMENDED NOTICE OF
HEARING**

(Assigned to the Honorable Tammy
Eigenheer)

Respondent Maricopa County Attorney hereby amends the Notice of
Hearing and first Amended Notice of Hearing filed on November 15, 2012. The
hearing requested by the Appellants regarding the Maricopa County Attorney's
Order Requiring Compliance will begin on Monday, February 25, 2013, starting at

1 8:00 a.m. and will last for an estimated 5 days. The hearing will be held before
2 the Honorable Tammy Eigenheer, Office of Administrative Hearings, 1400 West
3 Washington, Suite 101, Phoenix, Arizona, 85007.

4 Pursuant to A.R.S. § 41-1092.05(D), this paragraph provides a short and
5 plan statements regarding the nature of this hearing. This case is a campaign
6 finance enforcement action brought by the Maricopa County Attorney's Office
7 pursuant to A.R.S. §§ 16-905 and 16-924. On October 11, 2012, the Maricopa
8 County Attorney's Office issued an Order Requiring Compliance following an
9 investigation and finding that Tom Horne as a candidate for Arizona Attorney
10 General in the 2010 election coordinated with Kathleen Winn, a Tom Horne
11 campaign volunteer, to raise and spend money through the Business Leaders for
12 Arizona political committee to advocate the defeat of Horne's opponent in
13 violation of A.R.S. §§ 16-901, -903, -905, -913, -915, -917, and -924. Appellants'
14 Tom Horne, Kathleen Winn, and Business Leaders for Arizona filed a timely
15 request for a hearing.

16 The original hearing date of January 22, 2012 has been vacated to allow
17 for briefing on two preliminary matters: (1) jurisdiction of the Maricopa County
18 Attorney's Office, and (2) whether evidence regarding coordinated contributions
19 should be admissible. Appellants' opening brief on these two issues shall be filed
20 by 5:00 p.m. on Friday, December 21, 2012. Respondent's response brief shall
21 be filed by 5:00 p.m. on Friday, January 11, 2013. Appellants' reply brief shall be
22 filed by 5:00 p.m. on Friday, January 18, 2013.

1 and COPIES of the foregoing served via
2 OAH electronic filing to:

3 Michael D. Kimerer, Esq.
4 KIMERER & DERRICK, P.C.
5 221 East Indianola Avenue
6 Phoenix, Arizona 85012
7 MDK@kimerer.com
8 *Attorney for Tom Horne for Attorney*
9 *General Committee and Tom*
10 *Horne*

11 Timothy A. La Sota, Esq.
12 TIFFANY & BOSCO, P.A.
13 2525 East Camelback Road,
14 3rd Floor
15 Phoenix, Arizona 85016-4237
16 tal@tblaw.com
17 *Attorney for Business Leaders for*
18 *Arizona and Kathleen Winn*

19 /s/ Colleen Connor

20 S:\COUNSEL\CivilMatters\CF\2012\CF12-0001 Horne & Winn Campaign Finance Enforcement\Pleadings\Amended Notice Of
21 Hearing 121912.Docx

22