

COMMISSIONERS

Jim O'Connor - Chairman
Lea Márquez Peterson
Anna Tovar
Kevin Thompson
Nick Myers



Douglas R Clark
EXECUTIVE DIRECTOR

Thomas Van Flein
GENERAL COUNSEL

Michael Dailey
DEPUTY GENERAL COUNSEL

ARIZONA CORPORATION COMMISSION
OFFICE OF THE GENERAL COUNSEL

In the Matter of Ethics Allegations Relating to
Commissioner Anna Tovar

Before the Arizona Corporation Commission

**PUBLIC CENSURE OF COMMISSIONER ANNA TOVAR FOR VIOLATION OF STATE
LAW AND THE COMMISSION CODE OF ETHICS**

Before the Commission this day of December 17, 2024.

Whereas; on November 6, 2024, the Commission went into Executive Session pursuant to ARS 38-431.03(A)(1) in order to discuss confidential personnel matters pertaining to a key employee;

Whereas; under 5 AAC R2-5A-105(2), the matters discussed in Executive Session pertained to personnel matters that were confidential under state law;

Whereas; the Attorney General has noted "the legitimate necessity for privacy in exploring sensitive personnel issues." Ariz. Atty. Gen. Op. No. 196-012 (1996);

Whereas; the Commission instructed the Office of General Counsel to conduct an investigation into the matters raised in the Complaint and further instructed the Office of General Counsel to review other matters that may implicate Commissioner Tovar or her office;

Whereas; the Commission Code of Ethics, Comment to Rule 9.1, provides that “violations of Arizona law by any Commissioner should be referred for review to the Attorney General or the county attorney for the county where the events allegedly took place”;

Whereas; Under Ethics Rule 1.1 “Commissioners shall discharge their duties in full compliance with applicable laws concerning ethical conduct”;

Whereas; the Code of Conduct prohibits a Commissioner from harassing Staff;

And, Whereas the Code of Conduct prohibits a Commissioner from disparaging and criticizing Commission staff in public;

Resolved, That—

- (1) Of the charges against Commissioner Tovar for unethical misconduct and harassment set forth in the Complaint, the Commission finds them substantiated by clear and convincing evidence;
- (2) the Arizona Corporation Commission hereby censures Commissioner Ana Tovar for:
 - a. violating state law pertaining to Executive Session confidentiality;
 - b. violating state law regarding the confidentiality of personnel matters;and