



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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March 9, 2021

Members of the 2021 Regular Session Impeachment Committee
c/o Representative Jason Nemes
702 Capital Avenue
Frankfort, Kentucky 40601
(via email to Elishea.Schweickart@lrc.ky.gov)

RE: Response to Committee's request for reconsideration of a bill of costs

Dear Members:

On February 23, 2021, the Committee issued a report finding that the impeachment petition filed against the Attorney General was without merit. The report recommended that the House of Representatives take no further action. As relevant here, the report also asked the Office of the Attorney General (the "Office") "to submit a bill of costs . . . which will be taxed to the Petitioners unless objected to within five business days of its submission to this Committee."

In response, the Office wrote on March 3 that although it respected the Committee's decision to seek costs pursuant to KRS 63.070, this Office had "decided not to seek reimbursement of our costs and further prolong matters related to these proceedings. We will move on." On March 5, the Committee wrote to request that the Office reconsider its decision not to submit a bill of costs.

We appreciate the Committee's request for reconsideration, and we do not begrudge it for charging its costs. Assessing costs against those who file baseless impeachment petitions serves the important purpose of deterring future baseless petitions. But after careful consideration, the Office respectfully declines to submit a bill of costs.

There is no doubt that the purpose of filing the petition was an attempt to inflict political damage rather than achieve a legal result, and we know the playbook

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were we to submit a bill of costs. To recover, the Office would need to file an action in circuit court pursuant to KRS 63.070. We would be forced to use state resources to litigate through circuit court and an inevitable appeal that would be decided years from now.¹ Meanwhile, we would be diverting significantly more resources from the Office's priorities, including protecting the First Amendment freedoms held by Kentuckians, cracking down on child abuse and human trafficking, fighting government overreach, combatting the drug epidemic, representing the Commonwealth in every criminal appeal filed, and doing all of the other things that Kentuckians elected this Attorney General to do. This is why the Office chooses to move on and respectfully declines to provide a bill of costs.

We appreciate the Committee's attention to this matter.

Best Regards,



Victor Maddox

Assistant Deputy Attorney General

¹ Further litigation would likely require hundreds of additional hours. For comparison, Deputy Attorney General Barry Dunn worked on this matter for 38.5 hours, and I worked on this matter for 12.5 hours. Most of the time spent was during nights and weekends so as not to distract from the Office's mission. The Office received approval from the Executive Branch Ethics Commission to use state time and resources to respond to the petition.