

**COMMONWEALTH OF KENTUCKY
KENTUCKY GENERAL ASSEMBLY
IN THE HOUSE OF REPRESENTATIVES**

IN RE: PETITION TO IMPEACH ATTORNEY GENERAL DANIEL CAMERON

**ATTORNEY GENERAL CAMERON PETITIONERS' OBJECTION TO
DEMAND FOR PAYMENT**

Come the Petitioners, by counsel, and hereby file an OBJECTION to the Impeachment Committee's (I.C.) unlawful attempt to financially penalize Petitioners for raising matters of public concern before the Kentucky legislature.

No basis in law for the financial penalty: The IC states that the financial penalty is assessed pursuant to a specific Kentucky statute, KRS 63.070. That statute does not support the charges that the IC is attempting to force private citizens to pay. The IC fails to cite any law or Constitutional provision that permits it to deter, punish or fine those who ask it to consider matters of public interest. See: Letter from the IC to Counsel, appended hereto as Exhibit 1.

It is the duty of the legislature to speak with and for the public. The public cannot be penalized for asking that the legislature do its duty. The entirety of the demand for dollars is rejected for that reason.

False claim of "no choice" in assessing costs against the Petitioners: The IC falsely claims that assessing costs for the lawyers it hired and the time it expended are "mandatory" and must be enforced. See: Exhibit 1. This claim is factually incorrect. The IC arbitrarily assesses such costs against some Petitioners and not others. The IC misinterprets the applicable law (KRS 63.070), which does not provide for the LRC to be reimbursed for its own costs and clearly only allows an "accused" to claim costs, not the IC Chair. The IC chose to hire multiple

outside counsel, at a rate that far exceeds the permissible government maximum, to do the job that only House members can do – deciding whether to act on an impeachment petition. Delegating that determination in violation of law, and then financially punishing petitioners for the costs the IC voluntarily incurred, is inappropriate and unlawful.

No privilege attaches to the IC’s demand for financial penalties against citizens: The letter from the IC claims that the invoices, fees, fines and costs it claims against the Petitioners are somehow “privileged”. This is nonsense. The substance of the financial penalties the IC is attempting to impose on private citizens who raised significant matters of public concern is a matter of public interest. Petitioners do not agree with the IC’s demand that its unlawful behavior be kept secret. Petitioners reject the IC’s false notion that the bills sent are “privileged” and append those inappropriate demands for financial penalties to this document.

Claim not authorized by statute: KRS 63.070 does not authorize the demand for fines or costs against the Petitioner. Even if applicable to this matter, which it is not, the statute authorizes only the costs of investigation borne by “the accused” and witness costs of the “accused” before the Committee. Attorney General Cameron, the “accused” in this matter, rejected the IC demand that he bill the citizens for raising this issue. For that reason, even if the statute applied and was Constitutional, there are no costs in this matter which could be billed to Petitioners. The IC recognizes that there are no costs of the accused, and the LRC letter specifically notes that the financial penalty is for a “complete list of costs accrued by the **committee**.” (Emphasis supplied). The statute relied upon by the IC does not allow the committee to bill Petitioners or third parties. The demand for payment is rejected.

The law does not provide for “proportional division of fees” and even if it did, the division by the IC is unsupported and not proportional: Without statutory authority, the IC

letter notes that it is dividing the costs it claims the IC incurred in this matter between three groups of Petitioners (including one of the multiple groups that filed Impeachment Petitions against the Governor, the Petitioners who filed against Attorney General Cameron, and citizens named in the Goforth matter).

There were more than 100 Petitions filed against Governor Beshear, however. Every Petition against any party, the Governor or otherwise, was dismissed by the IC, and no fines were attached to the majority of those dismissals. Without providing any records showing their time and effort or work, the IC claims that the fines imposed are based on “work done directly as a result of your petition....” Obviously, the work applied to far more than just these three matters, yet the IC has arbitrarily and capriciously selected only a few citizens to bear the financial pain created by the IC.

Instead of a proportional division, the IC selected specific Petitioners out of the 100+ and chose to impose massive and unwarranted costs just on those particular individuals. The IC also imposed costs on the Breonna Taylor Grand Jurors in the Cameron matter, and not on any other Petitioner in that matter. The IC also appears to be imposing costs on Kevin Glogower, counsel for the Grand Jurors, who was not a Petitioner but merely signed on their behalf. None of this reckless, careless and arbitrary imposition of financial penalties is in accordance with any law or custom, and reflects poorly upon each member of the IC. Petitioners therefore reject the demand that they pay draconian financial penalties for raising grave issues of abuse of public trust before the House, particularly where those issues have been wholly ignored, unexamined and unaddressed.

The Committee cannot exclude objections to the entirety of the financial penalty: The LRC letter claims that “a blanket objection to all costs will not be considered.” The IC has no

jurisdiction to financially penalize citizens outside the narrow exceptions specifically outlined in Kentucky statute. As there is no statute applicable to the financial penalty imposed by the IC herein, Petitioners file an objection to **any** imposition of costs or fines or other financial penalty by the IC. The IC has no jurisdiction to impose such costs and no legislative committee has legal authority to demand thousands of dollars from citizens. That action is far beyond the power granted to the IC by any valid law.

The unwise decision to impose ruinous attorney fees upon innocent citizens subjects the House Clerk to the protective authority of the Federal judiciary. The entire demand is unlawful and must be dismissed. The IC's threats and prohibitions regarding the Petitioners' right to contest the grossly inflated and unlawfully imposed fees are without basis and should be immediately withdrawn by the IC.

The Petition was dismissed, so no financial penalty may be imposed: The record shows that the IC dismissed the Petition. The statute does not contemplate the imposition of a financial penalty on a Petitioner whose matter is not heard by the House.

Objection to imposition of costs for the IC's extra lawyers: The IC contains three highly qualified and experienced Kentucky lawyers. The IC had access to counsel employed by LRC, the House, the Speaker's Office and the House Minority office. The IC had access to dozens of legislators and former legislators who are attorneys. Despite the enormous legal brain trust available to them free of charge, the IC chose to hire several outside counsel under a secret contract that has not been revealed to the public or reviewed by the LRC's Contract Review Committee, and apparently permits a fee rate greatly in excess of that permitted under state law.

Reviewing the bill for the extra and unnecessary lawyers working for the IC, and not for the accused, reveals that these lawyers charged 33.5 hours for drafting, reviewing, editing,

talking about, and reading the file in this case. Most of the bill is for such things as “continual calls, texts and emails” and “discussions”. The lawyers spent only 3.3 hours actually researching the case and this appears to have been not the merits of the claims raised, but just researching how to dismiss the action. Those costs are not costs of the accused. Those costs are costs incurred by the IC in derogation of its duties and Petitioners should not be liable therefore.

The Petition for Impeachment raised three significant issues – abuse and misuse of state funds, false statements about evidence and information provided to the Breonna Taylor grand jury, and participation in inciting the 1/6/21 attacks on the Nation’s Capitol. None of those matters was investigated or appropriately addressed by the IC. Instead, the IC chose to dismiss the Petition in its entirety after wasting 33 hours of legal time on the “how to” of dismissal.

It is inconceivable that six lawyers (the three who were members of the IC and the three the IC “hired”) could research the complex issues raised in a mere 3.3 hours and find them without merit. The failure to the final report to address any of the merits underscores the worthless nature of the legal services allegedly provided. Secret meetings and surprise testimony serve only to evade fair criticism and public review. Forcing citizens to pay the bloated fees charged for this civic disservice is an insult, and constitutes an actionable Constitutional deprivation, one that this Committee should rapidly seek to minimize.

The complete failure by the IC to address the serious issues before it is particularly concerning where the only persons with information about the grand jury proceedings, other than Petitioners, were employees or agents of the Office of Attorney General, who were NOT called as witnesses by the IC. Similarly, the individuals with knowledge about misuse and abuse of state funds, attorneys and staff of the Office of Attorney General, were not called as witnesses. Nor did the IC request any relevant information on that issue from AG Cameron or his office.

Lastly, no information was sought from witnesses who had knowledge of RAGA's actions regarding recruiting for the attack on the Capitol. Underscoring the IC's refusal to exercise any due diligence with regard to the concerns raised by the private citizens is the IC's refusal to permit Petitioners to call witnesses or assist in any fact finding. It is clear that the IC was not engaged in a review of the matter but was instead simply wasting time looking for a way to dismiss the Petition without appropriate investigation.

The report eventually created by the six lawyers (outside counsel and committee members) and the non-lawyer IC members is very short and not legally complex. It touched only on the matter raised by the Grand Jurors and no other issue from the Petition. The time spent talking about and revising the report is clearly overbilled and Petitioners object to the entirety of that 33.5 hours. Additionally, Petitioners object to travel time, as any necessary discussion with outside counsel should have been held remotely. The IC should note that in this time of COVID-19 pandemic, most courts including the Kentucky Supreme Court and most legislative committees have attendance by zoom/remotely. Minimal prudence would have been for the IC to have its own personal lawyers appear remotely, to save the LRC taxpayer dollars on unwarranted travel expenses. Billing private citizens for a lawyer's travel time, at hundreds of dollars an hour, is egregious and inappropriate. The attorney fees are not properly assessed against Petitioners as a matter of law. *Mercer v. Coleman*, 227 Ky. 797 (1929).

Petitioners also note that two of the attorneys hired by the IC were large donors to Attorney General Cameron in his race for elected office, and should therefore have been disqualified from this matter. See: Financial Demand, p. 17. It is clear that the IC either intentionally hired biased counsel or undertook no due diligence whatsoever in hiring the outside lawyers.

Invoice for staff time: Petitioners recognize the hard work and expertise of legislative staff. Nothing in this objection should be taken as disputing the value of such staff.

Legislative staff are employed by the state to serve legislative needs as the legislative committees address matters before the House and Senate. The IC has attempted to bill taxpayers, who are already footing the bill for the staff salaries and benefits, for time spent working for the legislators on the IC. There is nothing in the law that permits such a claim. Legislative staff work hard and with great expertise on matters before every single legislative committee, both during session and outside session. That is their contracted job. The statute cited by the LRC does not support billing private citizens for LRC staff work. Petitioners may not be financially penalized by a demand that they pay a portion of staff salary. No law permits this fine and the IC's demand for same is rejected.

KSP invoice: Kentucky State Police serve this Commonwealth in a noble and sincere fashion. Nothing in this objection should be taken as impugning the KSP in any manner.

The IC met in a closed and locked building that has a police presence at the entrance. KSP are paid with taxpayer funds to protect the building in which the legislators meet. Nobody other than legislative staff and legislators and the press are allowed in the building. Petitioners' request to appear was denied by the IC. Apparently, the IC demanded an additional KSP presence at its closed meetings in a closed and locked building which was already being protected by police. Such illogical wasting of KSP time and effort should not be billed to citizens whose public interest matters are being reviewed by a group of the legislators the public elected to perform that duty. The statute relied upon by the IC does not provide for financial penalties to be assessed against citizens because the IC wanted additional police at its beck and

call as it met in a closed room in a locked and secure building. That demand for financial penalties is rejected.

Conclusion: The IC should retract the entirety of the bill and issue a public apology to the Breonna Taylor family and the grand jurors for daring to show such disrespect. The Petitioners sought help from their elected officials in the General Assembly to find the truth about Ms. Taylor's death and instead were slapped with a massive bill for having the temerity to raise these important questions.

The IC's demand that several of the Cameron Petitioners and their representative counsel pay egregious costs and fines that are not supported by law or fact and are illegal to assess against the private citizens is hereby rejected.

The statute cited and relied upon by the IC does **not** permit a legislative committee to impose a financial penalty for its own time reviewing and dismissing matters of significant public interest or for the fees of its own hired agents. The demand for financial penalties should be retracted by the IC and the offices of House Speaker and House Minority Leader should speak out strongly against this unlawful and inappropriate behavior. The House as a whole must affirm that citizens have the right to hold elected officials accountable and that raising questions about the actions of elected officials is protected free speech and shall not be financially penalized.

Respectfully submitted
/s/ Anna Stewart Whites /s/

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing document was served electronically on Clerk of the House, Speaker Osborne and Minority Leader Jenkins, and on Elishea Schweickart this the 16th day of March, 2021.

/s/ Anna Stewart Whites /s/

Attorney for Petitioners