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6 *Attorneys for Plaintiff*

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

8 IN AND FOR THE COUNTY OF MARICOPA

9
10 DORRIAN JONES,

11 Plaintiff,

12 vs.

13 THOMAS HORNE, in his personal capacity
and in his official capacity as Arizona State
14 Superintendent of Public Instruction; JOHN
WARD, solely in his official capacity as the
15 Executive Director of the Arizona
Department of Education; KRISTIN
16 MAYES, solely in her official capacity as the
Attorney General of the State of Arizona;
17 ANNALISA MADSEN, solely in her official
capacity as Special Agent for the Arizona
18 Office of the Attorney General,

19 Defendants.

No. **CV2026-008648**

COMPLAINT

20 Plaintiff Dorrian Jones alleges the following in his Complaint.

21 **PARTIES, JURISDICTION, AND VENUE**

22 1. Plaintiff Dorrian Jones (“Mr. Jones”) is a resident of Maricopa County, Arizona.

23 2. Defendant Arizona State Superintendent of Public Instruction Thomas Horne
24 (“Superintendent Horne”) is a resident of Maricopa County, Arizona.

25 3. Defendant John Ward (“Mr. Ward”) is a resident of Maricopa County, Arizona.

26

1 the acquittal was based on negligence by the Attorney General rather than the complete lack of
2 evidence against Mr. Jones.

3 14. The charges and the trial, the public nature of the same, as well as the defamatory
4 statements implying his guilt, have caused innumerable damage to Mr. Jones' reputation,
5 wellbeing, and livelihood.

6 15. With no other recourse, Mr. Jones brings this lawsuit to restore to him what was lost
7 in this gross miscarriage of justice.

8 **THE ESA SYSTEM & JONES' ROLE**

9 16. The ESA program was originally created in 2011, under the Arizona Empowerment
10 Scholarship Accounts Act, A.R.S. § 15-2401, *et seq.*, as a limited program administered by the
11 ADE to help disabled students and shortly thereafter was expanded to help other disadvantaged
12 students receive reimbursement for school funds outside of the Arizona public school system.

13 17. Under the ESA program, the State of Arizona generally provides students with
14 \$7,000-\$8,000 in available spending per school year, but disabled students are allocated \$30,000-
15 \$45,000. There is no cap on any purchase, so long as the student has the funds available. Unused
16 funds roll over each school year until the student is 22 years old. Leftover funds can be put into a
17 student's savings account.

18 18. The funds that would otherwise be allocated to public schools are instead allocated
19 to the Arizona Secretary of State who utilizes a vendor, ClassWallet, to distribute the funds to
20 ESA program participants.

21 19. Within the ESA program, there are generally two levels of approval needed for a
22 student to receive funds. First, the student must apply for an account with the program. This was
23 the process that involved reviewing birth certificates and other documentation to correctly create
24 the account. Then, once the account is created, the student can submit individual applications for
25 funds for things needed for their education.

26 20. Mr. Jones never had an ESA account, never received program funds, and had no

1 bank account attached to the ClassWallet system.

2 21. Mr. Jones joined the ESA department in 2019, initially in a temporary role, and was
3 promoted to a permanent position the same year.

4 22. Mr. Jones initially worked as a support specialist, assisting parents with children
5 enrolled in the program or seeking to enroll their children. However, the four employees of the
6 ESA program shared specific areas of responsibility. Once the program grew to 10,000 to 12,000
7 students, they had to split up the processing responsibilities.

8 23. Thereafter, ADE offered Mr. Jones a promotion, with the choice to work in the
9 program department, which processed applications, or the compliance program, which audited
10 spending. He chose compliance based on his business and employment experience.

11 24. Thereafter, ADE offered Mr. Jones another promotion, to lead support specialist. In
12 that role, he continued to audit spending but also trained and onboarded new employees to the
13 ESA program. Mr. Jones prepared training materials for new hires, which did not otherwise exist.

14 25. When Mr. Jones joined the ESA department, it was being run under the direction of
15 Karla Escobar (“Ms. Escobar”), the original director of the ESA program. Ms. Escobar had a PhD
16 in schooling and psychology and was very strict with how the program ran. Ms. Escobar was in
17 the process of creating a process and procedure manual internally but did not complete it before
18 she departed the role.

19 26. Ms. Escobar was replaced as Director of the ESA program by Teri O’Brien (“Ms.
20 O’Brien”), who conveyed to ESA employees that she wanted them to process ESA applications
21 in a way that would “get to yes” on submitted applications and parent-submitted item order
22 requests for approval.

23 27. Ms. O’Brien’s Deputy Director, Sarah Raybon, was the first employee of the ESA
24 program who had a child enrolled in the program.

25 28. Ms. O’Brien was the first Director Mr. Jones worked under who told him that ESA
26 program employees should not investigate anything other than whether a purchase fits the

1 program. Under Ms. O'Brien's direction, the ESA program had no process and procedure manual.

2 29. At the end of 2020, Mr. Jones worked as a Compliance Specialist Team Lead after
3 being offered a promotion by the Director. In that role, Jones only worked with his team on
4 specific item requests submitted by parents of the program. He was not on the team that reviewed
5 documentation for students that enter the ESA program, as those were processed by a separate
6 account creation department.

7 30. Even so, Mr. Jones was aware that the account creation department was explicitly
8 told, by every ESA Director since at least 2020, not to investigate potentially fraudulent
9 application documentation. Even when employees asked if they should flag potentially fraudulent
10 applications for someone else to review, they were told no. It was made very clear by leadership
11 that the employees doing the approvals were not to act as investigators.

12 31. All requests Mr. Jones approved came from accounts that had already been created
13 by the ESA program's separate account creation department.

14 32. The ADE and, by extension the ESA program, was constantly changing in
15 leadership with each new head wanting to implement different procedures. Mr. Jones served under
16 four different Directors in his four years with the ESA program.

17 33. There was never an official or complete Process and Procedure Manual for the ESA
18 program. Consequently, Mr. Jones would frequently attempt to seek clarification from leadership
19 on even core operational matters that were critical for daily processing.

20 **THE 2022 EXPANSION OF THE ESA PROGRAM**

21 34. In 2022, the Arizona Legislature expanded the ESA program so Arizona children
22 not enrolled in public school could enroll in ESA.

23 35. That same year, Superintendent Horne was elected as the State Superintendent of
24 Public Instruction charged with administering the ESA Program.

25 36. In Superintendent Horne's first days in office, the ADE approved nearly 25,000
26 pending ESA spending requests with little to no comprehensive review.

1 37. During this time, Ms. O'Brien was removed from the position of Director of the
2 ESA program and replaced by Christine Accurso ("Ms. Accurso"). Ms. Accurso previously had
3 a child enrolled in the ESA program, though not at the time of taking over leadership.

4 38. Towards the end of Ms. O'Brien's tenure, she had promoted Karla Bravo ("Ms.
5 Bravo") to Deputy Director of the ESA program. When Ms. Accurso took over, she demoted Ms.
6 Bravo back to Compliance Manager and hand-picked her own Deputy Director.

7 39. Ms. Bravo was later relieved of her duties after she started raising concerns that the
8 ESA program was not being administered in accordance with the law, indicating a desire to see
9 documentation provided for certain items that were not obviously educational.

10 40. One of Ms. Accurso's first actions as Director was to get rid of the ESA Parent
11 Handbook that was previously used to identify which types of purchases should be approved
12 under the program. The idea was to create a new handbook with guidelines, that reduced a 60-
13 70-page handbook to 25 pages, but, due to pressure from parents of the program, it was never
14 completed, despite the guidance being critically necessary for the program to run properly.

15 41. Under Ms. Accurso's direction, ESA program employees were to make the process
16 as easy as possible for parents to get money and spend it.

17 42. In the meantime, in order to clear the backlog of spending requests, ClassWallet
18 was instructed to halt debit card transactions for all new ESA program enrollees, and the ESA
19 accounts that already had them were limited in their ability to use them.

20 43. The Compliance Team Leads were instructed by ESA leadership to auto-approve
21 large chunks of order requests without review for the hundreds of thousands of orders in backlog
22 for debit card transactions. Unfortunately, there was no Process and Procedure Manual to provide
23 guidance that "in this situation, do this."

24 44. Upon information and belief, Superintendent Horne made it his mission to expand
25 the ESA program to a size that would be beyond what outside interests could discontinue. The
26 ESA program's leadership focused on increasing the number of students in the program, despite

1 a lack of adequate internal program infrastructure to support the growing program. Around this
2 same time, the ADE invested \$10,000,000 in advertising the ESA program on television and
3 through other forms of media, asking parents to enroll. This had never happened before in the
4 history of the program.

5 45. Superintendent Horne and the other leaders of the ESA program worked to create a
6 system where approvals were the norm and obviously problematic and blatantly false documents
7 were allowed.

8 46. Under Superintendent Horne's leadership, it was expected that ESA employees
9 would essentially approve spending requests without any analysis, documentation verification, or
10 even any vetting of the vendors who were receiving State funds.

11 47. Upon information and belief, Superintendent Horne and ESA leadership resisted the
12 Auditor General's efforts to develop new policies or mandates that would help prevent fraud
13 within the ESA system.

14 48. Under Ms. Accurso's direction, the ESA program looked into replacing ClassWallet
15 as the vendor that processes the payments to parents and vendors. Mr. Jones was the only ESA
16 non-management-level voting employee in the RFP process, worth millions of dollars.

17 49. ClassWallet was a part of the group of companies applying for the new contract. To
18 be approved, it offered up to 20 of its employees to process ESA's backlog of debit card order
19 requests at its own expense and was renewed as ESA's vendor. Upon information and belief, no
20 other RFP bidder was informed of this agreement for free staffing that ClassWallet had with ESA
21 prior to RFP bid, giving ClassWallet an unfair advantage in the bidding process.

22 50. In the final days of the RFP process, Ms. Accurso, who was advocating for a
23 different vendor, sent an emergency alert to halt all processing, stating a possible data breach by
24 ClassWallet.

25 51. After ClassWallet confirmed there was no data breach on its end, and orders were
26 processed again, Mr. Jones was asked to review affected orders for potentially exposed accounts.

1 In doing so, he discovered, and let ESA parent liaison, Christine Sbarcea (“Ms. Sbarcea”), know
2 that the orders were directly connected to Ms. Accurso. Ms. Sbarcea brought Mr. Jones to Mr.
3 Ward to explain his findings. In response, Mr. Ward asked Mr. Jones if he was comfortable being
4 a whistleblower, to which Mr. Jones confirmed he was because the facts were the facts.

5 52. Mr. Ward was part of the ESA leadership team at the time but was not otherwise
6 directly part of the ESA program yet.

7 53. Upon information and belief, Mr. Ward took the information to Superintendent
8 Horne, which resulted in Superintendent Horne replacing Ms. Accurso with Mr. Ward as Director
9 of the ESA program.

10 54. At or around the same time, Ms. Sbarcea was named ESA Deputy Director.

11 55. In a department staff meeting, Mr. Ward told all staff that the goal was to get 60,000
12 students enrolled and that all pending applications needed to be processed. This was followed by
13 additional overtime given to only the application team to process as many enrollment applications
14 as possible a day. There was no overtime given to the compliance team to review the increasing
15 backlog of orders being submitted.

16 56. Mr. Jones learned that an ADE investigator was using a LexisNexis background
17 check feature to investigate parents. Having previously worked as a private investigator, Mr. Jones
18 understood the actions to be a violation of FCRA guidelines, so he reported his findings to Ms.
19 Sbarcea, who, upon information belief, reported the findings to Mr. Ward.

20 57. When the investigator was, in turn, released from his duties by Superintendent
21 Horne, upon information and belief, Mr. Ward obtained the login information so the ADE could
22 continue to investigate parents through LexisNexis following the investigator’s departure.

23 58. Mr. Ward later offered Mr. Jones a role as manager of the ESA Compliance
24 Department or the ESA Call Center Department. He declined both positions, in favor of
25 continuing to pursue to position in the ADE’s Grants Department that he had applied for months
26 prior. By that point, Mr. Jones was actively looking to get away from the alarming issues within

1 the ESA program.

2 59. In the meantime, Mr. Jones routinely met with Mr. Ward and Ms. Sbarcea to obtain
3 guidance regarding claims he found questionable, such as requests that involved large costs or
4 expenditures that were not on the previously-made-approved list of items.

5 60. Mr. Jones spent a lot of time with Mr. Ward, going through a lot of work and having
6 meetings with him daily. Mr. Jones was the intermediary between a lot of the newer ESA program
7 employees and Mr. Ward.

8 61. These questions would more often lead to approval of a request that Mr. Jones
9 initially questioned or recommended denying.

10 62. Especially complex or expensive expenditures were elevated to ADE's counsel for
11 consideration.

12 63. Mr. Jones had extensive knowledge of the inner workings of the ESA process.
13 Because he was one of the more senior employees in a department otherwise plagued with high
14 rates of turnover, he was often tasked with review of difficult order requests from parents (not to
15 be confused with investigations into the applications themselves).

16 64. Upon information and belief, Mr. Jones was the only person on the team elevating
17 questionable requests to the ESA program's leadership, though many of the newer employees in
18 the ESA program would seek Mr. Jones' help processing the more complicated orders, often
19 leaving him sticky notes, team chats, and internal emails with order numbers for him to handle,
20 or transferring them to him directly.

21 65. Mr. Jones would regularly share feedback he received on questionable expenditures
22 with the ESA team, so everyone would know the outcome of requests that had never otherwise
23 been approved or rejected before.

24 66. Mr. Jones consistently raised concerns about regulatory violations and risks. He
25 alerted both Directors under Superintendent Horne's administration, Ms. Accurso and Mr. Ward,
26 to issues, including a backlog of debit card transactions that created opportunities for fraud,

1 breaches of private information, and the impropriety of the new procedures.

2 67. ADE leadership under Superintendent Horne dismissed all these warnings, insisting
3 that the priority was to boost enrollment rather than address any systematic problems.

4 68. The ESA program could not keep up with the increasing enrollment. The daily
5 priorities were to get tuition out, then to accommodate the most influential parents, then to pay
6 internal vendors asking ADE to process orders that parents were telling them had already been
7 paid.

8 69. Mr. Jones warned his supervisors that the new system of mindless mass approvals
9 created a high risk of fraud within the system, but he was dismissed with empty promises that an
10 audit would be performed.

11 70. With the assurance from his superiors that the system in place was acceptable, Mr.
12 Jones continued doing his job just exactly as he was instructed.

13 71. Every order Mr. Jones approved during his tenure with the ESA program was
14 allowable under the program guidelines of the ESA leadership at the time.

15 72. Despite all the chaos, Mr. Jones remained hardworking, helpful, and thorough in his
16 execution of his job duties.

17 73. Mr. Jones was not aware that the guardrails he was recommending were exactly the
18 kinds of things Superintendent Horne and the higher ups in the department may have been trying
19 to avoid. Mr. Jones did not realize that his regular inquiries into creating a more secure system
20 would make him a target.

21 **THE FRAUD AND THE INVESTIGATION**

22 74. Meanwhile, the ESA program was causing a ruckus in the political arena. People
23 were concerned about the operation of the program and whether it was a hotbed for fraud.

24 75. Indeed, the lax “approve everything” system *did* leave gaping cracks where
25 fraudsters could, and did, get through.

26 76. In or around 2024, the Attorney General’s office opened an investigation into the

1 operations of the ESA program after receiving a bank alert about suspicious activity.

2 77. The bank alert had no connection to Mr. Jones.

3 78. Rather, the alert was connected to Delores Sweet (“Ms. Sweet”), one of Mr. Jones’
4 colleagues within the ESA program who later pled guilty to Fraudulent Schemes/Artifices and
5 Forgery.

6 79. The Attorney General’s office tasked an investigator, Agent Madsen, to look into
7 the program and determine the extent of the potential fraud.

8 80. During the investigation, it was discovered that Jennifer Lopez (“Ms. Lopez”),
9 another employee of the ESA, was also involved in fraud.

10 81. Upon information and belief, in an effort to appear in compliance with the Attorney
11 General’s investigation, Mr. Ward worked with Agent Madsen during her investigation.

12 82. Upon information and belief, Mr. Ward provided selective, misleading information
13 to Agent Madsen to discredit Mr. Jones in case he ever decided to tell anyone why he did not want
14 to be involved in the administration of the ESA program.

15 83. Mr. Ward directed Agent Madsen to certain approvals of Ms. Sweet and Ms.
16 Lopez’s fraudulent requests, many of which were unknowingly approved by Mr. Jones in the
17 normal course of his role, but none of which were for items that should not have been approved
18 under the ESA program.

19 84. Mr. Ward did not disclose to Agent Madsen, and Agent Madsen made no effort to
20 discover, that other ESA employees could place items for approval in Mr. Jones’ queue without
21 his approval, or that Mr. Jones routinely rejected items or otherwise escalated items to Mr. Ward’s
22 attention, or that Mr. Jones and other ESA employees were expressly instructed not to investigate
23 whether expenditures were fraudulent, or that Mr. Jones processed claims quickly because he was
24 more experienced than most other employees conducting the same tasks because he had
25 institutional knowledge in a department with an otherwise high rate of turnover, or that Mr. Ward
26 specifically tasked Mr. Jones with voluminous reimbursement claims for rapid review and

1 approval.

2 85. Upon information and belief, Mr. Ward did not clarify to Agent Madsen that the
3 funding requests Ms. Sweet and Ms. Lopez had submitted were all within the parameters of what
4 Mr. Jones was expected to approve within the ESA program.

5 86. This was how Mr. Jones was told to do his job, and as mentioned previously, he was
6 continuously told not to investigate such requests.

7 87. Consequently, fraudsters such as Ms. Sweet and Ms. Lopez were able to use the
8 system to syphon taxpayer dollars into their personal accounts with no needed assistance from
9 Mr. Jones.

10 88. A basic investigation into the workings of the ESA program would have revealed
11 that Ms. Sweet and Ms. Lopez did not need Mr. Jones to be in conspiracy with them in order to
12 commit their crimes.

13 89. Regardless, upon information and belief, Agent Madsen carelessly and recklessly
14 took Mr. Ward at his word and determined that Mr. Jones' approvals of the fraudulent requests
15 necessarily meant he was involved in the fraud.

16 90. Upon information and belief, Agent Madsen did not interview anyone involved with
17 the ESA program to understand how the program operated except for Mr. Ward.

18 91. Upon information and belief, Agent Madsen, through the misleading information
19 from Mr. Ward, determined that Mr. Jones' approvals of the fraudulent requests were "unusually
20 quick."

21 92. A proper investigation would have revealed that Mr. Jones' heightened approval
22 statistics were a result of department procedures and norms, along with his depth of experience in
23 the role.

24 93. For one, there was the stark difference in employee expertise. Mr. Jones was highly
25 experienced compared to the largely new staff that was brought on due to high turnover.

26 94. Additionally, the department had a procedure where any employee could leave a

1 sticky note on Mr. Jones' desk asking him to review a funding request. It was expected that Mr.
2 Jones would then review the request or meet with leadership to confirm whether to approve it, all
3 without investigation. This allowed the fraudsters to easily use Mr. Jones as their vehicle for
4 approval without his knowledge.

5 95. Any minimally competent investigation of the agreed-upon procedures within the
6 ESA program would have shown an investigator that Mr. Jones' approvals of what ended up being
7 fraudulent applications were not evidence of his involvement.

8 96. Had Agent Madsen conducted the minimal investigation into ESA approvals, she
9 would have discovered that contrary to Mr. Ward's claims, the staff continually tasked approvals
10 to Mr. Jones that were not assigned to Mr. Jones. Under Mr. Ward's watch, staff were instructed
11 to escalate parent requests to Mr. Jones and others based on political favoritism, parent complaints
12 about faster processing, overwork, or countless factors. Mr. Jones was expected to quickly process
13 those requests based on the "guidance" for approvals from Mr. Ward and the other supervisors.
14 That "guidance" was that Mr. Jones and the others were to approve items as fast as possible and
15 that they were not investigators.

16 97. Agent Madsen also wrongly based her conclusion and presentations about Mr.
17 Jones' approvals being suspicious by wrongly repeating the claim that Mr. Jones' approvals were
18 suspiciously quick compared to "average" processing times. That was a grossly negligent
19 adoption of that claim, without ever gathering or reviewing any underlying data to verify it or
20 identify that this claim about Mr. Jones was intentionally misleading.

21 98. Agent Madsen's adoption and presentation of the claim that Mr. Jones's approvals
22 were quick compared to an "average" was highly misleading and false.

23 99. Agent Madsen failed to engage in the basic diligence to analyze that claim. Had she
24 done so, she would have rejected that claim of suspicion based on:

25 a. The processing times were unusually long on the whole because of a backlog
26 of tens of thousands of requests;

1 b. Any concept of standard processing times and regularity did not exist
2 because the team, under the direction of Mr. Ward, continually expedited specific requests to other
3 team members, including Mr. Jones, based on parent clout in the ESA social media groups,
4 political favoritism, and countless other factors;

5 c. The ESA program was run with the discretion for any staff to assign a matter
6 for rapid approval to Mr. Jones without Mr. Jones's approval or agreement;

7 d. Any team member engaged in actual fraud did not need Mr. Jones to approve
8 those fraudulent requests.

9 100. Still, Agent Madsen hastily completed her investigation and concluded, based
10 largely on Mr. Ward's misleading information, without any review of how the ESA program truly
11 operated, that Mr. Jones' approvals of the fraudulent requests meant he was involved in the
12 scheme when he was not.

13 101. Upon information and belief, Mr. Ward knew that his statements to Agent Madsen
14 were misleading with regards to Mr. Jones but provided misleading information anyway for
15 malicious purposes.

16 102. In fact, Mr. Ward made the intentionally false statements to Agent Madsen that Mr.
17 Jones' approvals of any matter not assigned to him were unusual. That was intentionally and
18 knowingly false as Mr. Ward knew that the actual operations were such that any team member
19 could assign a matter to Mr. Jones for approval regardless of whether the matter was previously
20 assigned to Mr. Jones.

21 103. Had Agent Madsen engaged in the minimally competent investigation of these scant
22 claims about Mr. Jones, she would have identified that there was not probable cause supporting
23 criminal charges against him.

24 104. At this point, Mr. Ward still relied on Mr. Jones to carry out essential tasks within
25 the ESA department.

26 105. During the investigation, which Mr. Jones was not aware was happening, he was

1 verbally offered a position in the ADE’s Grants Department. Mr. Jones was told by the three
2 different Directors in his ADE Grants Department interview panel that they wanted to hire him,
3 but the main Director staked their claim.

4 106. However, the ADE’s Human Resources Department told Mr. Jones that, because he
5 is an essential employee or in an essential role, he needed to inform Mr. Ward of the offer.

6 107. Mr. Jones informed Mr. Ward of the offer, asking to be transferred from the ESA
7 program.

8 108. Thereafter, ADE’s human resources manager expressed confusion about why it was
9 taking so long for his paperwork to be processed and informed Mr. Jones that the Grants
10 Department team had already been informed that he would be starting there.

11 109. After telling Mr. Jones that these things had happened before in other departments,
12 and that he would be okay as long as he was a “fighter,” the human resources department abruptly
13 closed out the job posting and told him to reapply under a different job posting.

14 110. Upon information and belief, Mr. Ward worked behind the scenes to keep Mr. Jones
15 in the ESA program. These were not the actions of a man concerned there was a fraudulent
16 criminal running amok in his department.

17 111. By that time, there were around 55,000 students enrolled in the program.

18 112. Within five days of releasing Mr. Jones from his position, in or around November
19 2023, Mr. Ward directed Mr. Jones specifically, through both the Call Center Manager and his
20 secretary, to process around 30 orders for a particular vendor whose owner had seen Mr. Ward at
21 dinner the night before and questioned him why his orders were delayed. The request was atypical
22 under the ESA’s operations, as normally Mr. Ward would never directly ask Mr. Jones to process
23 order requests. They would instead be directed to his Deputy Director for processing. Mr. Jones
24 was told on this occasion to process these orders right away, directly from Mr. Ward. Mr. Jones
25 reviewed and processed these order requests as directed. Mr. Ward expressed no concern about
26 when the orders were received from the company, as in first-in-first-out, just that they were

1 processed right away. There had never been an internal process or rule within ESA in place about
2 orders being processed chronologically. Once done, Mr. Jones was told Mr. Ward wanted him to
3 send an email to confirm the orders had been processed; he did so and copied Mr. Ward on the
4 email. When Mr. Jones later submitted a request for copies of his emails during the relevant time
5 period, all emails related to those transactions were missing. Mr. Jones still does not understand
6 why they had him do that.

7 113. Despite his hard work and commitment to the department, Mr. Jones was abruptly
8 terminated from his position on November 27, 2023, notified that his services were no longer
9 needed, but that he was still hireable by the State of Arizona.

10 114. This was confusing to Mr. Jones, as he had already been offered a different position
11 in the Grants Department, so why not just transfer him there?

12 115. Nevertheless, Mr. Jones had borne witness to several other employees being
13 released for seemingly no reason, so he assumed everyone was just casualties of politics.

14 116. During or prior to his termination from the ADE, no one had ever raised concerns
15 with his performance or have any issues with his work.

16 117. Following his termination, Mr. Jones continued applying for jobs through the State
17 of Arizona and ultimately received an offer from the Governor's Office. However, the offer was
18 abruptly withdrawn with an explanation that they "do their due diligence." Mr. Jones had no idea
19 what they meant. With the rescission of this offer, Mr. Jones was forced to file unemployment
20 after two months of no work. He was approved to receive unemployment without any appeal from
21 ADE/ESA.

22 118. Simultaneously with all of this, Mr. Horne and Mr. Ward were combating political
23 pressure to create a compliance system to prevent people from defrauding the ESA program and
24 to actually inspect requests for ESA funds for legitimacy.

25 119. Mr. Horne and Mr. Ward were combating any compliance functions because they
26 would interfere with their singular goal to expand ESA expenditures as far as possible to create

1 public addiction to that money and a political base unwilling to allow for restrictions on those
2 public expenditures.

3 **THE INDICTMENT AND THE TRIAL**

4 120. On February 26, 2024, the State of Arizona, through Attorney General Mayes,
5 charged Mr. Jones with seventeen serious felony crimes.

6 121. The State secured this Indictment of Mr. Jones by presenting the grand jury with
7 false and misleading claims and statements about Mr. Jones.

8 122. These charges included: Conspiracy, a Class 2 felony; Fraudulent Schemes and
9 Artifices, a Class 2 felony; Illegally Conducting an Enterprise, a Class 3 felony; Computer
10 Tampering, a Class 3 felony; Money Laundering, a Class 3 felony; and twelve counts of Forgery,
11 all Class 4 felonies.

12 123. Under Arizona law, Mr. Jones faced the threat of a mandatory prison term that could
13 exceed fifty years.

14 124. Prior to these charges, no one had ever spoken with Mr. Jones about this issue
15 whatsoever. He had no indication from either law enforcement or anyone in the ADE that this
16 was happening. It came as a complete surprise.

17 125. Mr. Jones learned about these charges on February 29, 2024, when he was served
18 with a summons by a process server who provided him with the card of Agent Madsen. Within
19 an hour of receiving the summons, Mr. Jones saw on the local news a press conference conducted
20 by the Attorney General's Office about his indictment. Mr. Jones contacted Agent Madsen very
21 concerned about the summons he had received and charges he had seen on the news. He told her
22 that this must be a mistake, that he had done nothing wrong at ESA, and that no ADE, ESA,
23 human resources, or leadership staff had ever talked with him about something like this.

24 126. Mr. Jones further informed Agent Madsen that he and his wife were scheduled to
25 leave for a trip to Florida shortly. Agent Madsen told him it was fine and to enjoy his trip and they
26 would talk when he got back. Her demeanor and tone suggested the charges were not a big deal

1 and would not amount to anything in stark contrast to the press conference.

2 127. Mr. Jones and his wife left days later for Florida by car (to stretch their limited travel
3 funds) to take a cruise, a trip they had saved up for years to attend to celebrate their wedding
4 anniversary.

5 128. Instead of enjoying relaxing time away with his wife, Mr. Jones spent the next two
6 weeks confused and terrified of the criminal charges waiting for him at home relating to crimes
7 he knew he did not commit, trying to remember and document every detail that could possibility
8 be relevant.

9 129. Following the indictments, Superintendent Horne claimed in a press release that the
10 ADE had internally investigated Mr. Jones and had independently reported his alleged criminal
11 activity to the Attorney General.

12 130. Neither Superintendent Horne nor anyone within the ADE has released any
13 evidence indicating that they investigated Mr. Jones or sent a report of the investigation to the
14 Attorney General.

15 131. Upon information and belief, Superintendent Horne's claim was blatantly false and
16 used to shift blame for the fraud away from the ADE to only Mr. Jones.

17 132. It was beneficial for Superintendent Horne and the ADE to include Mr. Jones in the
18 list of fraudsters because it created the false appearance that the fraud happened entirely because
19 of bad actors and not because of their instituted procedures that created a high risk of fraud within
20 the system.

21 133. The allegation that Mr. Jones was involved in the fraud reinforced Superintendent
22 Horne and Mr. Ward's narrative that the ESA program was very good and could be expanded
23 without restrictions.

24 134. Upon information and belief, the indictment of Mr. Jones was not supported by any
25 probable cause but instead the false premise that Mr. Jones improperly approved expenditures
26 that, in reality, he was expected and required to approve. Mr. Ward insinuated to Agent Madsen

1 that Mr. Jones reviewed reimbursement orders associated with fraudulent accounts without those
2 orders having first been assigned to them, which he suggested was not normal protocol even
3 though it was. Even leading up to trial, the Arizona Attorney General's Office was never able to
4 articulate the specific acts that formed the basis of the charges brought against him.

5 135. Agent Madsen confirmed to Mr. Jones' criminal defense attorney that she could not
6 explain what Mr. Jones had done wrong. Agent Madsen confirmed that she did not, prior to the
7 indictment, view how the ESA program truly operated. Even after wrongly stating there was
8 probable cause to charge Mr. Jones, Agent Madsen only engaged in a cursory meeting with Mr.
9 Ward and others and did not review the actual operations of the ESA program at the time of Mr.
10 Jones' employment.

11 136. Further, Agent Madsen entirely ignored the red flags that her own office was
12 separately investigating the ESA program's lack of compliance, and that Mr. Horne and Mr. Ward
13 were refusing to turn over information about the program's operations to the Auditor General.

14 137. Leading up to the preliminary hearing, Mr. Jones thought the Arizona Attorney
15 General's Office would dismiss its claims. He thought that once they knew what was going on,
16 they would help.

17 138. Mr. Jones does not have any children, yet the investigation reports repeatedly
18 mentioned that he had kids.

19 139. Mr. Jones never opened an ESA account.

20 140. None of the bank accounts involved in the fraud were connected to Jones in any
21 way.

22 141. Mr. Jones had no previous criminal history.

23 142. Mr. Jones and his family suffered under the threat of the felony charges for a full
24 year until the commencement of the jury trial.

25 143. On February 13, 2025, the trial against Mr. Jones commenced.

26 144. Out of the five individuals charged with this instance of fraud in the ESA program,

1 Mr. Jones was the only one who went to trial.

2 145. Based on the rapidly developing realization by Agent Madsen and prosecutors that
3 they did not have probable cause to charge Mr. Jones, they turned to a desperate request for a
4 guilty defendant to implicate Mr. Jones.

5 146. Ms. Lopez was given a plea deal in exchange for testifying against Mr. Jones. The
6 testimony she presented at trial was false.

7 147. On information and belief, Agent Madsen and the others involved in the charging
8 and trial did not investigate or corroborate any statement by Ms. Lopez implicating Mr. Jones.

9 148. Not a single other ESA program employee testified at the trial.

10 149. During the trial, the prosecution was completely unable to present a case that even
11 remotely pointed to Mr. Jones' guilt.

12 150. When the prosecution brought Agent Madsen on the stand, she was unable to
13 provide any firsthand evidence she had seen that led her to believe Mr. Jones was guilty. She
14 could only rely on the statements of Mr. Ward.

15 151. The only evidence the prosecution could present was uncorroborated testimony
16 from Ms. Lopez claiming Mr. Jones was involved for a reduced plea deal.

17 152. The result was a trial with no real evidence of guilt.

18 153. At the conclusion of the trial, the jury deliberated for less than one hour before
19 returning with a verdict of Not Guilty unanimously in favor of Mr. Jones. The stranglehold Mr.
20 Jones had been in for the last year was finally released.

21 154. Some members of the jury even chose to hug Mr. Jones and express their sympathy
22 that he was ever charged with a crime. Some members of the jury chose to directly tell Mr. Jones
23 they were sorry what he went through and express their sympathy that he had ever been charged
24 with a crime.

25 155. The conclusion of the trial established that Mr. Jones was not guilty of the crime for
26 which he was accused. Little did he know, his woes were *still* far from over.

HORNE’S DEFAMATION

1
2 156. On March 13, 2025, the ADE’s Office of Communications issued a press release
3 which included a statement from Superintendent Horne about the aftermath of the trial.

4 157. This statement was made and posted on the ADE website for current and previous
5 employees, ESA families, and the world to see; the same employees and families with whom Mr.
6 Jones had worked and had formed great relationships over the years.

7 158. In it, Superintendent Horne stated “When my department found fraud in the ESA
8 program, we sent the case to the Attorney General for prosecution. Mayes is so incompetent that
9 **someone who should have been convicted was acquitted.**” (emphasis added).

10 159. Of the five individuals who were the subject of Arizona Attorney General’s Office
11 prosecution in connection with the ESA program, Mr. Jones is the only person involved in the
12 case who was acquitted.

13 160. Information about the indictments and Mr. Jones’ acquittal was and is public
14 knowledge easily accessible by any person.

15 161. The statement very clearly points to Mr. Jones even without naming him personally.

16 162. The statement implies knowledge of criminal conduct that warranted a guilty
17 verdict, undermining the exoneration Mr. Jones would have otherwise been afforded by his
18 acquittal.

19 163. When making the statement, Superintendent Horne knew or ignored the fact that
20 the prosecution against Mr. Jones was based on false or misleading information provided by Mr.
21 Ward.

22 164. When making the statement, Superintendent Horne was engaged in numerous fights
23 where he was directing efforts to withhold disclosure of how the ESA program was truly run
24 under his direction and the direction of Mr. Ward.

25 165. Superintendent Horne was attempting to combat public records requests, demands
26 for information and meetings by the Auditor General’s team seeking to create compliance

1 functions, and the Office of the Attorney General’s investigating expenditures.

2 166. Mr. Jones was properly acquitted as he did not engage in fraud and is innocent of
3 all charges that were brought against him.

4 167. The statement that Mr. Jones is guilty of defrauding the ESA program is provably
5 false and impeaches his honesty, integrity, virtue, and reputation.

6 168. Based on Superintendent Horne’s prior statements about the ADE having allegedly
7 discovered the criminal acts of Mr. Jones and his co-indictees, the public had reason to believe
8 that Superintendent Horne had actual knowledge of the alleged crimes.

9 169. When Superintendent Horne blamed the Attorney General for failing to convict Mr.
10 Jones, he suggested that he had actual knowledge of alleged crimes committed by Mr. Jones.

11 170. Superintendent Horne could not have had actual knowledge of any criminal activity
12 committed by Mr. Jones because Mr. Jones was not involved in any criminal activity.

13 **THE RESULTING PERVASIVE AND CONTINUOUS HARM TO JONES**

14 171. As a result of the negligent and malicious prosecution, and the subsequent
15 defamatory statement, Jones has suffered extensive damage to his career, lifestyle, and wellbeing.

16 172. While awaiting trial, Mr. Jones could not visit his mother in Kansas without
17 permission from the Court. She had heart issues post-Covid, and despite being her power of
18 attorney and them having a close relationship, he could not check on her. Although he wanted
19 more than anything to talk to her about it, he was scared that if he told her about the charges, it
20 would stress her out and complicate her existing heart issues.

21 173. Mr. Jones has not been able to obtain any steady employment since being terminated
22 from his position with the ADE.

23 174. Before the trial, Mr. Jones finished his associate’s degree in business and was in the
24 process of obtaining further education in network administration. Mr. Jones pursued this higher
25 education in order to work in a data center, in a position that would allow him to earn \$140,000 a
26 year. This was always his anticipated trajectory, as the Grants Department position would have

1 paid him \$75,000, where he would be starting at a low level. Once he obtained his degree, he
2 could expect a raise to \$90,000.

3 175. Mr. Jones anticipates that he will continue to be unable to obtain employment in
4 this field because a cursory Google search of his name will pull up damaging information about
5 the trial and the defamatory statements by Superintendent Horne which imply that the trial's result
6 was incorrect. With the age of AI, and services like ChatGPT, there is no way to escape the
7 hardships Mr. Jones is facing based on Defendants' wrongful actions.

8 176. Further, ever since the position at the Governor's Office has been withdrawn, Mr.
9 Jones has been paranoid when applying for jobs.

10 177. Mr. Jones has, in fact, already experienced at least two potential interested
11 employers rejecting him after doing a cursory online search of his name, and it has been
12 devastating both times. The first of which was a position for \$55,000 that rejected him. He was
13 making \$72,000 in the ESA program.

14 178. He now gets overwhelmed with anxiety when applying for jobs, as he knows it
15 invites people to conduct internet searches into his background where they will likely reach the
16 wrong conclusions about him.

17 179. For the same reason, Mr. Jones is scared to try to go into business with anyone,
18 because he knows any business relationship will similarly require verification of his background.

19 180. Mr. Jones now supports himself through DoorDash food delivery and any other gig
20 work he can get, including pressing and cleaning comic books for clients.

21 181. The trial itself was a huge financial burden to Mr. Jones. He did not have all the
22 funds necessary to pay for the criminal defense against the false charges. He still owes a total of
23 \$45,000 both to his counsel and to pay back family members who loaned him money for defense
24 costs.

25 182. Mr. Jones also has emotional and mental anguish that is not immediately
26 quantifiable. Overall, the actions of the Defendants have caused Mr. Jones lost income, lost

1 retirement benefits, lost health insurance for him and his wife, lost savings, high legal fees and
2 loans, emotional harm, and reputational harm that threaten to seriously negatively affect his life
3 and wellbeing.

4 183. Mr. Jones' sleeping patterns have been, and remain, disrupted, as he is always
5 thinking about it and fretting about having to talk about it. Mr. Jones grew up as one of Jehovah's
6 Witnesses and had no familiarity with criminal matters. The ordeal has really hurt him because
7 he has lived his life so opposite of what he was accused of doing that he continues to have trouble
8 squaring the reputation he has been given with the life he has lived.

9 184. Mr. Jones' weight has fluctuated since the indictment.

10 185. It was also really hard for Mr. Jones to cope with the callousness of the actions of
11 people he had worked with for so long.

12 186. Mr. Jones built a professional network with career State employees who he could
13 no longer talk to within ADE.

14 187. Mr. Jones' only recourse is to bring this suit against the Defendants in hopes of
15 restoring what has been lost due to their negligent, willful, and malicious actions.

16 **COUNT ONE**
17 **DEFAMATION - 42 U.S.C. § 1983 CLAIM**
18 **(Against Horne)**

19 188. Mr. Jones incorporates by reference, as if fully stated herein, all of the preceding
20 paragraphs.

21 189. Mr. Jones is a not a public figure.

22 190. Superintendent Horne's public statement that "someone who should have been
23 convicted was acquitted" was defamatory towards Mr. Jones.

24 191. Superintendent Horne's statement clearly implied that Mr. Jones was guilty of the
25 crime(s) for which he was acquitted, especially when coupled with the statement that preceded it,
26 from Superintendent Horne, that his "department found fraud in the ESA program [and] sent the
case to the Attorney General for prosecution," suggesting to the public that Superintendent Horne

1 had actual knowledge of the alleged crimes for which he claimed Mr. Jones was wrongfully
2 acquitted.

3 192. The implication in this statement is false and misleading.

4 193. The implication of this statement is stigmatizing to Mr. Jones, who has still been
5 unable to regain fulltime employment since his indictment. Mr. Jones is currently in school to
6 become a network administrator, which could earn him a salary for \$140,000 or more, far more
7 than he earned at ADE, but will forever struggle to obtain security clearances and pass background
8 checks because a figure of authority has publicly disputed his right to an acquittal of the false
9 charges brought against him, related to acts allegedly undertaken in the course of his employment.

10 194. This stigmatizing statement has resulted in Mr. Jones' inability to obtain
11 employment.

12 195. This stigmatizing statement caused Mr. Jones to be deprived of his tangible rights.

13 196. Mr. Jones has been damaged in an amount to be determined at trial.

14 **COUNT TWO**
15 **DEFAMATION – STATE LAW CLAIM**
16 **(Against Horne)**

17 197. Mr. Jones incorporates by reference, as if fully stated herein, all of the preceding
18 paragraphs.

19 198. Mr. Jones is a not a public figure.

20 199. Superintendent Horne's public statement that "someone who should have been
21 convicted was acquitted" was defamatory towards Mr. Jones.

22 200. Superintendent Horne's statement clearly implied that Mr. Jones was guilty of the
23 crime(s) for which he was acquitted, especially when coupled with the statement that preceded it,
24 from Superintendent Horne, that his "department found fraud in the ESA program [and] sent the
25 case to the Attorney General for prosecution," suggesting to the public that Superintendent Horne
26 had actual knowledge of the alleged crimes for which he claimed Jones was wrongfully acquitted.

201. Superintendent Horne's statement clearly implied that Mr. Jones was guilty of the

1 crime(s) for which he was acquitted.

2 202. The implication in this statement is false and misleading.

3 203. This false statement has impeached Mr. Jones' honesty, integrity, virtue, and
4 reputation in the public eye.

5 204. Mr. Jones has been damaged in an amount to be proven at trial.

6 **COUNT THREE**
7 **MALICIOUS PROSECUTION – 42 U.S.C. § 1983 CLAIM**
8 **(Against Horne & Ward)**

9 205. Mr. Jones incorporates by reference, as if fully stated herein, all of the preceding
10 paragraphs.

11 206. Mr. Jones was subject to a criminal prosecution for carrying out the duties of his
12 job as ESA Lead Compliance Specialist at the ADE.

13 207. Despite no evidence of Mr. Jones' alleged guilt beyond being one of the many
14 people authorized to, and who actually did, process funding requests, Defendants put Mr. Jones
15 in the position of having to defend charges at the risk of being imprisoned for several decades, all
16 to discredit his ability to speak to the mismanagement of the ESA program.

17 208. The criminal proceeding terminated in a not guilty verdict in Mr. Jones' favor.

18 209. Upon information and belief, in coordination with Superintendent Horne, Mr. Ward
19 knowingly and maliciously provided false information to Agent Madsen about Mr. Jones' role in
20 the scheme executed by Ms. Sweet and Ms. Lopez, resulting in prosecution.

21 210. Specifically, Mr. Ward identified Mr. Jones as a collaborator in Ms. Sweet and Ms.
22 Lopez's actual schemes to defraud Arizona taxpayers despite knowing he acted in accordance
23 with his authority in considering and approving spending requests.

24 211. Desperate to delegitimize the ESA program, the Attorney General's Office accepted
25 Mr. Ward's accusations as true without conducting a competent investigation into ESA operations
26 to first understand the norms and customs of its operation so that it could identify inconsistencies
with the same.

1 paragraphs.

2 222. Defendant Agent Madsen owed a duty to Plaintiff to conform to a reasonable
3 standard of care when conducting her investigation.

4 223. Defendant Agent Madsen breached this duty when she filed a report based on
5 extremely limited information without conducting a proper investigation.

6 224. Defendant Agent Madsen knew, or had reason to know, that her conduct created a
7 high risk of causing substantial harm to Mr. Jones.

8 225. Defendant Agent Madsen's failure to conduct a proper investigation caused harm
9 to Mr. Jones.

10 226. Because of Defendant Agent Madsen's gross breach of her duty, Mr. Jones has
11 suffered reputational, emotional, and economical damages.

12 227. The Office of Attorney General, through Defendant Attorney General Mayes, is
13 liable pursuant to respondeat superior for the negligence that resulted in harm to Mr. Jones.

14 **DEMAND FOR JURY TRIAL**

15 228. Mr. Jones hereby demands a trial by jury on all issues so triable pursuant to Rule 38
16 of the Arizona Rules of Civil Procedure.

17 **PRAYER FOR RELIEF**

18 Wherefore, Mr. Jones demands and prays for judgment against all Defendants as follows:

19 (A) Awarding Mr. Jones damages in an amount to be proven at trial;

20 (B) Awarding Mr. Jones any attorneys' fees and costs permitted under applicable
21 laws, regulations, or provisions;

22 (C) Awarding Mr. Jones pre-judgment and post-judgment interest on the
23 foregoing amounts at the maximum rate allowed by law; and

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25

26

1 (D) Awarding Mr. Jones such other and further relief as this Court deems just
2 and proper under the circumstances.

3 DATED this 26th day of February 2026.

4 DESSAULES LAW GROUP

5
6 By: /s/ Ashley C. Hill
7 Jonathan A. Dessaules
8 Ashley C. Hill
9 Cassandra S. Lewis
10 *Attorneys for Plaintiff*

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