

Subject: PRR2021-2200-350 (AZ-AG-21-1335)
Date: Tuesday, February 8, 2022 at 4:41:59 PM Eastern Standard Time
From: PublicRecords
To: AO Records
Attachments: image001.png, Request.pdf, Records.pdf

EXTERNAL SENDER

The response to your public records request is attached. Thank you.

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602-542-8351 Office
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Kredit, Joshua

From: Kredit, Joshua
Sent: Monday, May 24, 2021 3:35 PM
To: Kredit, Joshua
Cc: Lefevre, Edith
Subject: Background on AGO-requested BRB
Attachments: BRB Background.pdf

Good afternoon,

See the attached document, which provides background information on an AGO-requested BRB provision (Section 24) in HB 2891 / SB 1819 budget procedures; budget reconciliation; 2021-2022.

Please let me know if you have any questions. Thank you!

Josh Kredit
Deputy Attorney General for Law & Policy



Attorney General Mark Brnovich
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SOS BRB Language Background

The Issue: The current Secretary of State (SOS) has submitted a charge to the State Bar of Arizona against Attorney General Brnovich, Chief Deputy Joe Kanefield, Solicitor General Beau Roysden and 7 current and former Assistant Attorneys General (collectively, the “AGO”). The AGO is vigorously defending the SOS bar charge, but its mere existence has created an unprecedented need for the AGO to disqualify itself from many matters involving the SOS in order to avoid any possible allegation of conflict of interest by the SOS. The AGO’s duty of confidentiality precludes any further discussion about the SOS’s allegations or the AGO’s responses thereto, except that the AGO denies each and every allegation the SOS has raised.

Solution: As a result of the situation created by the SOS through her bar charges, the AGO proposes exempting the Department of Law from representing the SOS through FY2023. This proposal will allocate an additional 1 FTE to the SOS to provide legal advice (the same FTE representation currently provided to the SOS by the AGO), ensuring the SOS will still receive appropriate legal counsel. This proposal does not provide the SOS a workaround to ignore state statute nor grant unfettered authority to hire outside or private legal counsel beyond what is statutorily allocated by the legislature, ensuring taxpayers and the public purse are protected.

Who is exempted currently by state law?

ARS § 41-192 currently exempts the Arizona Attorney General from representing ten (10) different agencies/elected officials:

1. The Director of Water Resources
2. The Residential Utility Consumer Office
3. The Industrial Commission
4. The Arizona Board of Regents
5. The Auditor General
6. The Corporation Commissioners and the Corporation Commission other than the Securities Division
7. The Office of the Governor
8. The Constitutional Defense Council
9. The Office of the State Treasurer
10. The Arizona Commerce Authority

These exemptions are in place for a variety of reasons and in some instances have occurred since statehood.

This is not first time members of the opposite political party have served in these roles

Throughout Arizona history, there have been numerous instances where the Attorney General and Secretary of State belong to differing political parties. In fact, at least 12 different

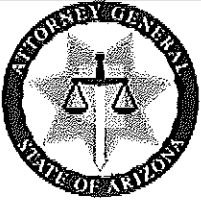
administrations (including the present) had Attorneys General and Secretaries of State of opposite parties serving at the same time. The SOS's decision to target AGO lawyers' livelihoods and professional standing and reputation has fundamentally altered the historical track record of the offices working together despite differing political affiliations. Hopefully, the resolution being proposed will not be necessary in future situations of elected officials from different parties serving the State at the same time.

Kredit, Joshua

From: Kredit, Joshua
Sent: Monday, May 24, 2021 10:12 AM
To: fmontzingo@azleg.gov
Subject: BRB Background Document
Attachments: BRB Background.pdf

See attached.

Josh Kredit
Deputy Attorney General for Law & Policy



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