



Statement
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FOR IMMEDIATE RELEASE

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Statement from ABOR Chair Larry E. Penley on Today’s Supreme Court Hearing Regarding AZ Attorney General’s Lawsuit Against Board

“The Arizona Board of Regents appreciates the Arizona Supreme Court’s thoughtful review of Arizona Attorney General Mark Brnovich’s attempted expansion of his office’s authority.

“While the case stems from a tuition lawsuit the Attorney General filed against the board nearly three years ago, at issue today is whether the Court should reverse 60 years of judicial and legislative precedent and acquiesce in the Attorney General’s demand for absolute authority to sue whomever he wants whenever he wants – even, as in this instance, his own client.

“Having been rejected by lower courts, the Attorney General now asks the Arizona Supreme Court as a last resort to grant power not permitted by the Arizona Constitution. Notably, the Attorney General’s request is formally opposed by a bipartisan coalition of state officials and leading business organizations, including: Gov. Ducey; former Govs. Napolitano and Symington; Secretary of State Hobbs; State Treasurer Yee; Superintendent of Public Instruction Hoffman; Arizona Commerce Authority; Arizona Chamber of Commerce and Industry; Greater Phoenix Economic Council; Phoenix Chamber of Commerce; Greater Phoenix Leadership; Southern Arizona Leadership Council; League of Arizona Cities & Towns; NAIOP-Arizona; Commercial Real Estate Development Association; and Valley Partnership.

“The Arizona Constitution limits the Attorney General’s authority to those ‘prescribed by law.’ Suing whomever he wants, whenever he wants is not within that granted power. For over 60 years, Arizona courts have consistently held the Attorney General has only the specific authority granted by the legislature. In no way has this appropriate system of checks and balances hamstrung the Office of the Arizona Attorney General, and in fact, the legislature has acted over 100 times to give the Attorney General the authority it has decided to grant.

“While the court considers this case, the board remains confident in our position that the Attorney General should not be granted the unfettered authority he seeks.”

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