



Office of Arizona Attorney General
Mark Brnovich
Legislator Request for Attorney General Investigation of
Alleged State-Law Violation by County, City, or Town



How to Submit a Request to Investigate

Under A.R.S. § 41-194.01, one or more members of the Legislature may ask the Attorney General to investigate whether an ordinance, regulation, order, or other official action adopted or taken by the governing body of a county, city, or town violates state law or the Arizona constitution. A request is made by submitting the form on pages 2-3 of this document to the Attorney General's Office (the "Office"). The physical address or email to submit the form is provided on the bottom of page 3.

Upon receiving a request, the Office will open an investigation. A request will not be deemed received, however, and therefore the 30-day investigation period will not start, until all required information is submitted. In addition, a separate request form must be submitted for each separate legal question. An attorney or staff member from the Office will reach out to the contact person identified in the request form to address any issues that prevent the Office from commencing an investigation.

How We Conduct Investigations

After a complete request is deemed received by the Office, the assigned attorney(s) and staff will conduct an investigation during a thirty-day period. The Office generally will contact the county, city, or town for a response to the allegations and any other relevant evidence. At the conclusion of this investigation period, the Attorney General will make a written report of findings and conclusions, including whether the complained-of action violates, may violate, or does not violate state law and the Arizona constitution. Copies of the report will be provided to the member(s) of the Legislature who made the request and other officials listed in A.R.S. § 41-194.01.

If the Attorney General determines the complained-of action violates state law, the Office will then provide notice to the county, city, or town that it has thirty days to resolve the violation. If the violation is not resolved within that timeframe, the Office will notify the Treasurer pursuant to A.R.S. § 41-194.01. If the Attorney General determines that the complained-of action may violate state law, the Office will take steps to obtain a judicial determination of the issue. If the Attorney General determines that the complained-of action does not violate state law, the Office will close the complaint file and take no further action.

How You Can Help Us

To expedite an investigation, please provide as much specific information as possible about the alleged violation, including the specific county, city, or town action that constitutes the violation; the specific state law or Arizona constitutional provision violated; the relevant facts, such as the dates of key events and names of persons with relevant knowledge; and all legal authority you are aware of regarding your allegations. Please also attach any documents or other evidence relevant to your allegations.

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*Identify the member(s) of the Legislature submitting this request for investigation (attach additional sheet if necessary):

Senator Warren Petersen

*Provide a contact person for communications from the Attorney General's Office regarding this request (may be a Legislator listed above or an employee of the Legislature).

*Name: Senator Warren Petersen

*Email address: wpetersen@azleg.gov

*Phone number: 602-926-4136

*Mailing address: Arizona Senate

1700 W. Washington St.

Phoenix, AZ 85007

*The specific question for the Attorney General to investigate is:

Does the city of Bisbee's ordinance of regulating the use of plastic bags violate state law?

*The name of the county, city, or town that is the subject of this request:

Bisbee

*The specific ordinance, regulation, order, or other official action adopted or taken by the governing body of the county, city, or town and the date thereof:

Bisbee ordinance O-13-14 relating to plastic bags

August 20th, 2013

*The specific Arizona statute(s) and/or constitutional provision(s) with which the action conflicts :

A.R.S. § 9-500.38



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*All relevant facts of which you are aware (attach separate sheet if necessary):

N/A

*All relevant legal authority, including federal and state case law, of which you are aware (attach separate sheet if necessary):

N/A

*Any litigation involving this issue of which you are aware (include case name, number, and court where filed) : City of Bisbee v. State of Arizona, CV2015-011434, Maricopa Superior Court

(voluntarily dismissed by city on Sept. 7, 2017)

Check this box if you are attaching supporting documentation.

NOTE: This form and other information submitted to the Attorney General's Office is subject to the public records law, A.R.S. § 39-121 et seq.

I, a current member of the Legislature, verify that I and the other Legislators listed on the previous page (if any) are submitting this request for investigation under A.R.S. § 41-194.01.

*First Name: Warren *Last Name: Petersen

*Signature: [Handwritten Signature] *Date: 9/28/17

Please submit the completed form to:
 Arizona Attorney General's Office
 Attn: Civil Litigation Division/A.R.S. § 41-194.01
 1275 West Washington Street
 Phoenix, Arizona 85007
cldinvestigations@azag.gov

* required field
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