

ANNUAL REPORT

Fiscal Year 2023

JULY 1, 2022 TO JUNE 30, 2023

ARIZONA ATTORNEY GENERAL KRIS MAYES

From the Attorney General

I am pleased to present the Fiscal Year 2023 Annual Report for the Office of the Arizona Attorney General. This report offers a comprehensive overview of the various initiatives and cases our office has undertaken over the past year to uphold the rule of law and protect the rights and well-being of Arizonans.

From consumer protection efforts to tackling our state's fentanyl crisis and from defending civil liberties to protecting elderly and vulnerable adults, the dedicated team at the Arizona Attorney General's Office has worked tirelessly to fulfill the duties and responsibilities entrusted to this office by the people of Arizona. I believe that transparency and accountability are essential to public service, and it is in this spirit we share this account of the office's activities over the last year.

Since taking office in January, I have been continually impressed by the outstanding caliber of public servants at this office. Any achievements would not have been possible without the collective efforts of our skilled attorneys, support staff and various partners. This annual report is a testament to their unwavering commitment to protect and serve Arizonans. And while we are proud of our accomplishments, we recognize that our work is far from complete. The coming year poses new challenges and opportunities that we are fully committed to addressing.

We invite you to read through this report to better understand our ongoing efforts and plans for the upcoming year. Your feedback is invaluable to us as we strive to improve and better serve the people of Arizona.

Thank you for your continued support and for taking the time to review our annual report. We look forward to our continued partnership with the legislature and state government partners as we serve the people of this great state in the year ahead. Should you have any questions or require further information, please do not hesitate to contact the office.



My Best,

Kris Mayes Arizona Attorney General



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ABOUT THE ATTORNEY GENERAL'S OFFICE

LAWYER FOR THE PEOPLE

The Arizona Attorney General's Office operates as the largest law firm in the state, charged with representing state agencies and enforcing the state's laws. The Office represents the public interest of Arizona and its citizens in fighting the fentanyl crisis and the drug cartels, protecting Arizona's children, combating elder abuse and consumer fraud, litigating multi-state cases, serving crime victims and much more.

As the people's lawyer, Attorney General Kris Mayes is working to maintain the core mission of the Attorney General's Office to serve and protect the people of Arizona.













STRATEGIC COMMUNITY CONNECTIONS

The Community Outreach Section of the Attorney General's Office is committed to protecting Arizona and its citizens through prevention programs and education. The Outreach team delivers bilingual presentations and programs, in-person and virtually, designed to provide knowledge and awareness on important topics to Arizonans including fentanyl awareness, consumer protection and elder abuse prevention.





PROTECTING CONSUMERS

Fraudsters and scammers attempt to take advantage of Arizonans. Attorney General Mayes is dedicated to taking on bad actors who attempt to take Arizonans' hard-earned money through unfair business practices. The Attorney General's Office protects consumers by capturing and returning funds, investigating unfair business practices and educating the public on scams and fraud.



RESOLVING CONSUMER COMPLAINTS Any Arizonan who believes they are a victim of a consumer fraud or a scam may file a complaint with the Attorney General's Office. The Office then facilitates an informal process between consumers and businesses to attempt to resolve disputes and obtain recovery for consumers whenever possible.

16,000 CONSUMER COMPLAINTS

\$4.76 million

RECOVERED FOR CONSUMERS THROUGH AN INFORMAL RESOLUTION PROCESS





Value (credit/service/buy-back) Money



ENSURING FAIR BUSINESS COMPETITION

The Antitrust and Privacy Unit continued its efforts to enforce the antitrust laws that help ensure a competitive and fair economy, including active litigation in areas such as pharmaceutical drugs, internet technology, and airlines. It also monitored compliance with Arizona's data breach notification law and investigated related consumer fraud cases connected to data breaches by businesses.

Proposed Kroger-Albertsons Merger

When Kroger and Albertsons, more commonly known in Arizona as Fry's and Safeway, announced a proposed merger, Attorney General Mayes immediately had questions. Concerned that this megamerger could increase prices, eliminate jobs and create food deserts, the attorney general launched a listening tour in communities across the state to hear directly from families and workers in communities that could be particularly impacted by the proposed merger.



SHUTTING DOWN FRAUDULENT MEDICAID BILLING PRACTICES

The Attorney General's Office took aggressive action to stop fraudulent Medicaid billing practices by scam artists and criminals masquerading as legitimate behavioral health providers. For nearly three years, special agents and investigators at the Attorney General's Office, the Arizona Health Care Cost Containment System, and law enforcement partners have been investigating, indicting, pursuing financial remedies, and attempting to disrupt these fraudulent billing schemes. These fraudsters recruited Native Americans to participate in "treatment" at an outpatient clinic, stealing hundreds of millions of dollars and taking advantage of Arizonans in real need.

\$85 million SEIZED

45 INDICTMENTS



"The biggest scandal in Arizona state history"

- ATTORNEY GENERAL MAYES



HOLDING BIG TECH ACCOUNTABLE

There is no question that big tech companies play an ever-increasing role in our lives and the consumer marketplace. Throughout fiscal year 2023, the Attorney General's Office dedicated substantial resources to combating deceptive and unfair practices by tech companies.

Arizona had an \$85 million settlement with Google for deceptively obtaining user location data from Arizonans who had requested that their location not be tracked.

The Attorney General's Office banned the use of the social media platform TikTok on all computers, mobile phones and tablets owned by the office, citing concerns over the app's potential security risks.

STOPPING ILLEGAL ROBOCALLS AND TEXTS

Illegal telephone solicitations and robocalls are more than just annoying; scammers use them to target and defraud consumers, especially the elderly. The Office has continued its efforts to stop unlawful telemarketing in Arizona.

Case highlight

The Attorney General's Office recovered \$100,000 in restitution from telemarketing bond company Hudson Insurance Co. These funds will go to victims of telephone fraudster CMS Financial, LLC.

COMMUNITY OUTREACH: SAFELY DISPOSING OF PERSONAL AND FINANCIAL DOCUMENTS

The Attorney General's Office hosted shred-a-thons and drug take back events across the state to encourage Arizonans to safely dispose of their personal and financial papers, as well as expired or leftover medications.





PROTECTING VULNERABLE AND OLDER ADULTS

The Attorney General's Office will not tolerate the abuse of Arizona's older and vulnerable adults – whether physical, emotional, financial or by neglect.

FOCUSING ON COMBATING ELDER ABUSE

Attorney General Mayes created an Elder Affairs Unit to dedicate more investigative and prosecution resources to assist those victims of elder financial exploitation and abuse. The unit works closely with law enforcement, state agencies and stakeholders to prevent and prosecute financial and physical elder abuse, while also providing services protecting rights of victims.

Case Highlight: State v. Valer Catuna

The Attorney General's Office prosecuted the owner of an adult care home, who was sentenced to 21 years in prison for the homicide of a vulnerable adult entrusted to his care. Valer Catuna, the part owner of the home, had a dispute with William Griswold, a 53-year-old patient diagnosed with numerous health conditions. The disagreement escalated with Catuna pinning Griswold down and punching him, causing broken bones and internal bleeding. Griswold died from his injuries.

COMMUNITY OUTREACH: LIFE CARE PLANNING

The Attorney General's Office works to increase transparency for families to make informed decisions about their loved one's care. Through increased awareness and access to information, Arizonans of all ages can make their choices known about who will manage their medical affairs in the event of an emergency. To empower Arizonans, the Office distributes Life Care Planning packets across the state.





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HEALING COMMUNITIES FROM THE OPIOID CRISIS

Attorney General Mayes is taking an all-of-the-above approach to help Arizonans recover from the fallout of the opioid crisis.

COMPENSATING FOR THE OPIOID EPIDEMIC

After years of litigation, U.S. pharmaceutical manufacturers, distributors and pharmacy chains have been held accountable for their role in contributing to the opioid epidemic. The pharmaceutical industry will pay more than \$1.14 billion to Arizona over the next 18 years for opioid treatment, prevention and education.

Settlements finalized in this fiscal year include an agreement with Mallinckrodt PLC, which will bring \$3.6 million to Arizona. Settlements with Teva, Allergan, Walmart, Walgreens and CVS are expected to be finalized in fiscal year 2024, and could bring in payments totaling \$47.7 million.



13.3+ million FENTANYL PILLS SEIZED



CLOGGING THE FENTANYL FUNNEL

Attorney General Mayes has called Arizona the "fentanyl funnel." More than half of the fentanyl coming into this country flows through Arizona's international ports of entry, gets repackaged and redistributed to the rest of the nation. The Attorney General's Office works to reduce fentanyl supply and help Arizona communities with the fallout of the crisis. The Attorney General's Office takes an all-hands-on-deck approach to stop these large-scale criminal organizations in their tracks. Prosecutors and forfeiture attorneys work on all wiretap cases in order to obtain full criminal and financial accountability from large scale commercial drug traffickers.



Case Highlight

In March, the attorney general joined the Drug Enforcement Agency and Tempe Police to announce the results of a joint investigation focused on members of a Phoenix-area drug trafficking organization. More than 4.7 million fentanyl pills and 145 pounds of fentanyl powder were taken off the streets over several years.



PRESERVING THE ENVIRONMENT

The Attorney General's Office is taking an aggressive approach to preserving and protecting Arizona's water and natural environment for the next generation.

PROTECTING ARIZONA'S WATER QUALITY

Attorney General Mayes filed a suit against manufacturers of man-made chemical compounds that caused widespread pollution of Arizona's groundwater. The "forever chemicals," or per- and poly-fluoroalkyl substances (PFAS), are used in various industrial and consumer products that have for decades contaminated the environment and present an ongoing public health risk.

The attorney general joined 16 other states in supporting the U.S. Environmental Protection Agency's proposal to set enforceable drinking water standards for PFAS.



"The failure by these polluters to inform the state about the risks associated with these chemicals has harmed our environment and the health of Arizonans – and they must be held accountable."

- ATTORNEY GENERAL MAYES





DEFENDING REPRODUCTIVE RIGHTS

Attorney General Mayes hit the ground running on her first day in office to protect reproductive rights in Arizona. The first-ever Reproductive Rights Unit within the Attorney General's Office stays attuned to key issues and legal developments in the reproductive health care space, as well as coordinates with other states and groups nationwide to protect and expand access. Attorney General Mayes has also vowed to keep Arizonans informed on the state of the law and updates in reproductive health care.

PROTECTING ACCESS TO REPRODUCTIVE HEALTH CARE

Since the Supreme Court overturned *Roe v. Wade*, some have argued that Arizona is governed by a near-total ban on abortion that originated in 1864, before women could vote. The Arizona Court of Appeals rejected this argument, holding that abortions by physicians are governed by more recent and specific laws, including a law allowing physicians to perform abortions up to 15 weeks and in medical emergencies. The Attorney General's Office is defending this decision in the Arizona Supreme Court.

PRESERVING ACCESS TO MEDICATION ABORTION

The Attorney General's Office fought to preserve access to mifepristone, a key abortion medication. The Office participated in a lawsuit against the FDA to enjoin unnecessary restrictions on the use of mifepristone in a lawsuit filed in Washington State. Arizona also participated in amicus curiae briefs to defend access to mifepristone against unscientific attacks in a lawsuit arising out of Texas.





\$1.8 million

IN MONETARY

DAMAGES FOR

VICTIMS

2,623

ALLEGATIONS OF

DISCRIMINATION

INVESTIGATED

SAFEGUARDING CIVIL RIGHTS

The Attorney General's Office enforces civil rights laws, increases public awareness of civil rights, provides dispute resolution services, and offers community services.

EMPLOYMENT DISCRIMINATION

The Attorney General's Office successfully resolved a

lawsuit on behalf of a pregnant employee who alleged that her employer discriminated against her in violation of the Arizona Civil Rights Act by forcing her to commence an unpaid medical leave of absence instead of allowing her to work remotely as a reasonable accommodation.

PUBLIC ACCOMMODATION

The U.S. Supreme Court ruled in June that businesses open to the public may, in certain circumstances, refuse to take the business of LGBTQ Americans. In response, Attorney General Mayes then voiced her support for the LGBTQ community and provided clarity on Arizona's public accommodations law, which prohibits discrimination in public places, including discrimination because of sexual orientation and gender identity.

DISABILITY AND HOUSING

The Attorney General's Office resolved an administrative complaint against Discount Mortgage Advisors, LLC alleging violations of the Arizona Fair Housing Act based on sexual orientation. The Arizona Fair Housing Act prohibits sex-based housing discrimination, including discrimination based on sexual orientation and gender identity.



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STOPPING CRIMINALS IN THEIR TRACKS

The Attorney General's Office prosecutes crimes, including Racketeer Influenced and Corrupt Organization (RICO) crimes, public corruption, internet crimes committed against children, human trafficking, crimes against vulnerable adults, money laundering, street gangs, and transnational drug trafficking organizations responsible for smuggling fentanyl and other dangerous drugs.



COMBATING ORGANIZED RETAIL CRIME

The Organized Retail Theft (ORT) Task Force brings retailers together with local and federal law enforcement to address sophisticated, organized crime rings. The cross-agency collaboration leads to greater success in addressing multi-jurisdictional thefts that endanger employees and cause significant economic harm to the State of Arizona, businesses and consumers.

Case Highlight: Baby Formula Retail Theft

A criminal syndicate comprised of at least 30 individuals was charged with conspiracy, fraudulent schemes, money laundering, trafficking in stolen property, credit card theft, and organized retail theft following a six-month-long joint investigation. Local and state investigators seized more than 3,200 cans of baby formula, more than 1,200 cloned Supplemental Nutrition Assistance (SNAP) Electronic Benefit Transfer (EBT) cards, skimming devices, and equipment used to manufacture fraudulent EBT cards. More than 2,700 individual victims lost over \$1.2 million in stolen SNAP benefits.



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2,450 UNDERCOVER INSPECTIONS

ENFORCING TOBACCO LAWS

The Attorney General's Office continued its efforts to enforce statutes related to the sale of cigarettes and other tobacco products in the state. This work provides a significant public health benefit to Arizonans.



The Office enforces the Escrow Statute and Directory Statute and achieved full compliance with manufacturers this year. This work is integral to the protection of the annual Tobacco Master Settlement Agreement payment of approximately \$100 million.

Operation Counter Strike

The Tobacco Enforcement Unit continued their efforts to reduce youth access to tobacco products through the Counter Strike program. Counter Strike is focused on monitoring retailer compliance with state laws prohibiting the sale of tobacco products – including electronic cigarettes – to minors. This program operates statewide, with special agents and youth volunteers working undercover to determine if retailers are complying with this prohibition.





SERVING VICTIMS

The Attorney General's Office is committed to a system of justice that ensures that those who do harm to others are held responsible. But equally important is a justice system that remembers, respects, and includes victims. The victims' services team is tasked with providing accessible and supportive assistance for crime victims of cases the office is investigating and prosecuting.

The Office is also charged with implementing the Arizona Victims' Bill of Rights, enforcing victims' services statewide through financial and technical support. State, county and city law enforcement, custodial, prosecutorial and correctional agencies, as well as courts, have duties and responsibilities established by Arizona's victims' rights laws. The victim services team delivered 330,000 victims' rights forms to 168 law enforcement agencies this year, and provided 2,800 technical assistance services to partners.

⁶⁶ [The victim advocate] did an amazing job and truly helped me and my daughter navigate all that we had to do in dealing with this crime against us. She also had a very professional as well as personal presence that was truly refreshing. I have a new respect for how hard you all work. Very thankful! ⁹⁹

- STALKING VICTIM

7,372

VICTIMS SERVED

161,522

SERVICES

PROVIDED



A Statewide Model

The office's expertise in victims' rights is regularly called upon nationally and on the state level for proposed improvements and education purposes. This year, the Arizona Supreme Court's Administrative Office of the Courts requested the Attorney General's Office review the state's Victims' Rights and Restitution Judge's Bench Books, train new lower jurisdiction court judges and present the state's compliance program at the statewide judicial conference.

Workshop: Arizona Mass Violence Community Assistance Center Guide

The Victim Services team led a workshop on the Arizona Mass Violence Community Assistance Center (MVCAC) Guide, which was developed by the Attorney General's Office and the Arizona Department of Emergency and Military Affairs to ensure the state would have a prepared response to mass violence events. The workshop this year was intended to roll out the guide to help assist local jurisdictions in creating response plans specific to their area.

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REPRESENTING THE STATE ON APPEAL

The Solicitor General's Office appears on behalf of the state in federal and state appellate courts, including the U.S. Supreme Court and Arizona Supreme Court. The division handles constitutional litigation, civil appeals, capital litigation, appeals from felony convictions, including in cases of first-degree murder and crimes against children, and government accountability work, including investigations of Open Meeting Law violations.

REVIEWING ARIZONA'S CAPITAL PUNISHMENT PROTOCOLS AND PROCESSES

The Attorney General's Office successfully resisted attempts to force the execution of Aaron Gunches under circumstances where the Arizona Department of Corrections, Rehabilitation, and Reentry said publicly that it was not prepared to carry out an execution. Attorney General Mayes announced a pause in the seeking of execution warrants pending a thorough review of execution protocols by Governor Hobbs' Independent Review Commissioner.

DEFENDING ARIZONA'S INTERESTS IN THE SUPREME COURT AND OTHER FEDERAL COURTS

The Attorney General's Office filed amicus curiae briefs in the U.S. Supreme Court and other federal courts on issues important to Arizonans, including:

- Safeguarding veterans benefits;
- Ensuring the federal government can communicate with social media companies about harmful online content;
- Supporting the federal government's prohibition on the sale of handguns and handgun ammunition by federally-licensed retailers to individuals under the age of 21; and
- Pushing back against misguided efforts by other states to seek to end the Deferred Action for Childhood Arrivals (DACA) program through litigation.

PROVIDING LEGAL CLARITY THROUGH ATTORNEY GENERAL OPINIONS

The Attorney General's Office received requests from state legislators, state officials, and county attorneys to provide legal opinions to clarify important areas of law. Attorney General Mayes issued several opinions that clarified:

- A county's authority to enter into a short-term agreement to supply water to county residents;
- A city's authority to enact an ordinance requiring that public works contractors pay employees at least the prevailing wage;
- The authority of the Superintendent of Public Instruction and the Board of Education regarding instructional models for students who are English language learners;
- A city's ability to amend its fair housing ordinance to prohibit discrimination based on the source of a renter's income; and
- A county's lack of authority to audit, by hand count, all ballots cast in an election.

ENSURING GOVERNMENT ACCOUNTABILITY

The Attorney General's Office also receives and investigates complaints concerning potential violations of laws related to government accountability, including open meeting, election, campaign finance, and governing the proper use of public funds. This year, the Office:

- Closed out almost 40 open meeting law investigations, including some that had been pending since 2021; and
- Concluded several litigation matters concerning alleged open meeting law and procurement violations by school districts.



SERVING ARIZONA FAMILIES

The Child and Family Protection Division (CFPD) at the Attorney General's Office works closely with the Department of Economic Security (DES) and the Department of Child Safety (DCS) to protect children, their safety and well-being.

PROTECTING CHILDREN AND STRENGTHENING FAMILIES

The Protective Services Section provides legal advice and representation to DCS. The primary objective of each case is to safely reunify families or, if reunification is not possible, find safe, permanent caregivers for each child. The path to permanency requires intense and frequent litigation. Attorneys participated in about 50,600 hearings this year. 7,000 CASES IMPACTING 11,780 ARIZONA CHILDREN PROTECTIVE SERVICES



HELPING TO MAINTAIN A FINANCIAL FRAMEWORK FOR FAMILIES

The Child Support Services Section works across the state in coordination with DES to ensure children receive financial support from both parents. Efforts from the Attorney General's Office support the mission of DES to both reimburse public funds and to help increase parental involvement with their children, by way of financial support.

SUPPORTING PUBLIC ASSISTANCE PROGRAMS

Attorneys in the Civil and Criminal Litigation and Advice Section represent and provide legal advice to DES and DCS in administration, civil and criminal appeals cases. DES cases involve disagreements with decisions made by DES regarding nutrition, cash and medical assistance benefits. Furthermore, those who defraud the state through a DES assistance program are prosecuted by the Attorney General's Office.





UNDERSTANDING LITIGANTS TO BETTER SERVE CLIENTS

The entire CFPD team comes together once a year for a continuing legal education conference. This year's education focused on integrating compassion into case work.

Employees were educated and informed on:

- Practical, everyday challenges that families and state program participants face;
- The unique role assistance attorneys have in public service; and
- Managing staff's response to fast-paced litigation with difficult facts.





REPRESENTING STATE AGENCIES

The State Government Division provides legal advice and representation to state agencies in areas of environmental enforcement, education and health, employment law, liability management, licensing, natural resources, public law, taxes and transportation.

SERVING ARIZONANS

The Agency Counsel Section is responsible for providing legal advice and litigation support to approximately 75 state agencies, boards and commissions. The section reviewed and approved nearly \$1.9 million in aggregate value of third-party personal property leases for the State. Attorneys reviewed 82 leases, contracts and other agreements for various agencies. The section resolved 40 lien foreclosure complaints that impacted interests held by the Superior Court Clerks of Court in the various counties. There were 163 notary complaints for the Secretary of State's Office.

PRESERVING THE ENVIRONMENT

The Environmental Enforcement Section represents the State in civil enforcement actions for violations of Arizona's environmental protection laws.

Case Highlight: State of Arizona v. Devgill, Inc.

The Attorney General's Office represented ADEQ in a complaint against Devgill, Inc. and its owners in the City of Phoenix that alleged the company violated the Underground Storage Tank Program (UST). Under the consent judgment, the company is required to conduct an assessment of soil and groundwater at the UST site to determine whether any releases of petroleum product has occurred and report the results to ADEQ for further actions if necessary.

DEFENDING ARIZONA'S SCHOOL SYSTEM

The Education Unit represents Arizona's K-12 state education entities including the Arizona Department of Education, State Board of Education, State Board for Charter Schools and State Schools for the Deaf and Blind. The Attorney General's Office provided advice on 100 cases interpreting statutes and regulations, student and public records, Arizona's Open Meeting Law, and school employee discipline.

ENSURING HEALTH CARE INSTITUTIONS ARE SAFE

All health care institutions in Arizona – such as hospitals, outpatient clinics, abortion clinics, behavioral health facilities, nursing care institutions, assisted living facilities, home health care agencies, and hospices – are required to be licensed and to comply with the Arizona Department of Health Services' licensing statutes and rules. The Attorney General's Office may file an action to prevent unlicensed facilities from operating, or if a licensed health care institution violates laws, the office may file action to suspend or revoke a license and more.

Case Highlight: Anziana Care Home, LLC v. Arizona Department of Health Services

Following inspections, Anziana Care Home continued to violate licensing statutes and rules, risking the health and safety of its residents. The Attorney General's Office represented the Arizona Department of Health Services in bringing a successful administrative action to revoke the company's license.



LICENSING

The Licensing & Enforcement Section represents 30 state professional licensing and regulatory boards and agencies. Attorneys ensure their clients act in compliance with their respective governing statutes and rules and comply with the open meeting and public records laws. This year, the Office opened 424 legal files and provided more than 21,000 hours of legal services to our client agencies.



LIABILITY MANAGEMENT SECTION

The Liability Management Section defends the State and State employees in lawsuits for which ADOA Risk Management provides coverage. The section had 200 dispositive motions this year.

NATURAL RESOURCES

The Natural Resources Section represents state land management agencies in litigation and provides advice regarding agency authority, compliance with state and federal law, property rights, land use, and contractual issues. Attorneys assisted in the planning and auction of several sites throughout the Phoenix-area for semiconductor industry suppliers; a future hospital site in north Phoenix; and several significant alternative energy generation and transmission sites.

PUBLIC LAW

The Public Law Section's diverse client agencies include those involved in financial and occupational regulation, natural resources and energy, military affairs, and promotions.

TAX

The Tax Section represents the Arizona Department of Revenue in property tax, income tax, transaction privilege (sales) and use tax, and several other tax areas. It also represents the Arizona Department of Transportation in fuel tax and aircraft license matters.



TRANSPORTATION

The Transportation Section represents the Arizona Department of Transportation and the Department of Public Safety in matters of real estate acquisition needed for highway construction purposes. Current projects include the Interstate 10 widening project and State Route 189 Nogales Point of Entry.



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CONSUMER INFORMATION AND COMPLAINTS

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OFFICE OF CIVIL RIGHTS

Phoenix: (602) 542-5263 Tucson: (520) 628-6648 Toll Free: (800) 352-8431 CivilRights@azag.gov

TUCSON OFFICE

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