

NEWS RELEASE

Arizona House of Representatives
Representative Jacqueline Parker (R-15)
1700 West Washington • Phoenix, Arizona • 85007

Friday, April 26, 2024
FOR IMMEDIATE RELEASE

Committee on Executive Oversight Members Demand Evidence from Attorney General Mayes About Unfounded Attacks on Crisis Pregnancy Centers

STATE CAPITOL, PHOENIX – In a letter sent today, State Representatives Jacqueline Parker and Neal Carter, members of the House Committee on Executive Oversight (CEO), formally demand that Mayes produce detailed documentation to back up her unsupported claims about Crisis Pregnancy Centers (CPCs) made in a [consumer alert](#) issued in March.

During the Committee's [hearing on April 17](#), alarming testimony was heard from pregnancy centers and other experts that called into question the claims made in the consumer alert, and how the Attorney General is using her office to defame their lawful businesses. These testimonies suggest a possible misuse of the state's Consumer Fraud Act by the Attorney General's office, potentially misleading the public about CPCs, which provide crucial services to women.

CEO Chairwoman Parker and Representative Carter also raise issues regarding the legality and funding of the Reproductive Rights Unit within the Attorney General's Office, which prepared the alert.

“Moreover, the Reproductive Rights Unit is located within your Office of the Solicitor General and not within your Office's Consumer Protection and Advocacy Section. Thus, it is unclear why the Reproductive Rights Unit is issuing legal pronouncements about consumer protection matters. Abuse of your authority is implicated in multiple ways by employing a unit not funded by the Legislature or within the Consumer Protection and Advocacy Section to exercise consumer protection authority in a manner contrary to the Consumer Fraud Act.”

A pattern of biased leadership and politicization of the Attorney General's office is a recurrent concern since Mayes took office last year.

The Committee expects the Attorney General to produce the requested records by May 6. A copy of their letter is attached below.

Jacqueline Parker is a Republican member of the Arizona House of Representatives serving Legislative District 15, which includes East Mesa, Queen Creek, and San Tan Valley. She serves as Chairwoman of the House Municipal Oversight and Elections Committee. Follow her on X/Twitter at @electjacparker.

###

JACQUELINE PARKER
1700 WEST WASHINGTON, SUITE H
PHOENIX, ARIZONA 85007-2844
PHONE: (602) 926-3375
TOLL FREE: 1-800-352-8404
jparker@azleg.gov
DISTRICT 15



NEAL CARTER
1700 WEST WASHINGTON, SUITE H
PHOENIX, ARIZONA 85007-2844
PHONE: (602) 926-3560
TOLL FREE: 1-800-352-8404
ncarter@azleg.gov
DISTRICT 15

Arizona House of Representatives
Phoenix, Arizona 85007

April 26, 2024

Via Email and U.S. Mail

Hon. Kris Mayes
Arizona Attorney General
2005 N. Central Ave.
Phoenix, Arizona 85004

Re: Records Request #3 – Evidentiary Support for Consumer Alert on Women’s Health Care Centers

Dear Attorney General Mayes:

Arizona’s Consumer Fraud Act is designed to ensure that Arizonans receive truthful information about products and services. *See* A.R.S. § 44-1521 *et seq.* The Attorney General is entrusted to protect our people from deception, fraud, or misrepresentations about products or services. *Id.* at §§ 44-1522, 44-1524, 44-1531. As your office website proudly proclaims, “The Consumer Protection and Advocacy Section at the Attorney General’s Office protects people – including Arizona’s most vulnerable residents – from fraudsters and scammers, and from all types of deceptive and harmful business practices by enforcing Arizona’s consumer protection laws and other state and federal laws.” Arizona Attorney General, *About Consumer Protection*.¹

Whether you have properly and lawfully carried out these important duties is now in question. The House Ad Hoc Committee on Executive Oversight received disturbing testimony at its April 17, 2024 hearing about your possible abuse of our state’s Consumer Fraud Act. The questions raised by this testimony demand answers.

Last month, you “issued a consumer alert warning Arizonans seeking reproductive healthcare services about a potential obstacle hiding in plain sight: so-called Crisis Pregnancy Centers or ‘CPCs.’” Arizona Attorney General, *Attorney General Mayes Warns Patients About Crisis Pregnancy Centers*, Mar. 13, 2024.² You claimed, without evidence, that “CPCs may make misleading statements about the services they provide, or otherwise attempt to deceive patients in medically vulnerable situations.” *Id.*

¹ Available at <https://www.azag.gov/consumer/about>

² Available at <https://www.azag.gov/press-release/attorney-general-mayes-warns-patients-about-crisis-pregnancy-centers>

Your consumer alert contained many more allegations about advertising and operational practices that failed to identify any supporting evidence. *See Arizona Attorney General, Consumer Alert: Understanding the difference between ‘crisis pregnancy centers’ and licensed facilities that provide reproductive health care*, Mar. 2024.³ For example:

- “CPCs often advertise a full range of reproductive health care services, but do not provide abortion care or abortion referrals, and usually do not provide birth control or other contraceptives.” *Id.* at p. 2.
- “CPCs often use tactics meant to mislead and deceive patients.” *Id.* at p. 3.
- “For example, CPCs may: . . . [o]perate with volunteers who sometimes wear white coats, so they look like medical professionals, but the volunteers usually have no medical background or training.” *Id.*
- “CPCs often spread fabricated information and debunked or misleading science about fetal development and abortion safety to discourage patients from considering abortion care.” *Id.* at p. 4.
- “CPCs often use delay tactics to make getting an abortion more difficult, more expensive, or potentially unavailable under a state’s law.” *Id.*
- “Under the guise of ‘counseling,’ CPCs sometimes use manipulation and pressure to persuade people out of seeking abortion care.” *Id.* at p. 5.
- “CPCs frequently ‘medicalize’ the appearance of their facilities and operations to seem like full-service medical clinics.” *Id.*

These statements alleging specific activity and frequency—“often,” “frequently,” “sometimes”—indicate that you have specific knowledge and information on each issue. But you and your office have not identified any supporting evidence.

This Committee’s April 17, 2024 hearing included witnesses representing organizations that provide health care and other services to pregnant women, new mothers, and their babies. These witnesses provided compelling testimony disputing the allegations in your consumer alert.

The Attorney General is supposed to protect Arizonans from deception, fraud, and misrepresentations about products and services. It would be extremely concerning if the Attorney General issued a consumer alert filled with deception, fraud, and misrepresentations about organizations providing health care services to women. *Cf. Nat’l Inst. of Fam. & Life Advoc. v. Becerra*, 585 U.S. 755, 779 (2018) (Kennedy, J., concurring) (“a paradigmatic example of the serious threat presented when government seeks to impose its own message in the place of individual speech, thought, and expression . . . is requir[ing] primarily pro-life pregnancy centers to promote the State’s own preferred message advertising abortions”).

³ Available at <https://www.azag.gov/sites/default/files/2024-03/Consumer%20Alert%20Crisis%20Pregnancy%20Centers.pdf>

The unit that created your consumer alert raises additional questions. While the Attorney General may organize her office into “such bureaus, subdivisions or units as he [or she] deems most efficient and economical,” A.R.S. § 41-192(B)(1), this cost-savings authority is limited if “otherwise provided by law.” *Id.* at § 41-192(B). The Legislature’s appropriation power is such a limitation. “The Legislature, in the exercise of its lawmaking power, establishes state policies and priorities and, through the appropriation power, gives those policies and priorities effect.” *Rios v. Symington*, 172 Ariz. 3, 6, (1992). “An appropriation is ‘the setting aside from the public revenue of a certain sum of money for a specified object, in such manner that the executive officers of the government are authorized to use that money, and no more, for that object, and no other.’” *Id.* (quoting *Hunt v. Callaghan*, 32 Ariz. 235, 239 (1927)).

Your consumer alert reports that it was prepared by the “Reproductive Rights Unit.” On occasion, the Legislature has appropriated money for specific units in the Attorney General’s Office. For example, your current office budget provides funding for the Criminal Division Major Fraud Unit and the Organized Retail Theft Task Force. *See* FY2024 Appropriations Report, Attorney General – Department of Law, at 58.⁴ The Legislature has not, however, appropriated funding for a Reproductive Rights Unit. Please provide this Committee with a legal justification for spending money on a Reproductive Rights Unit that was not appropriated funding by the Legislature.

Moreover, the Reproductive Rights Unit is located within your Office of the Solicitor General and not within your Office’s Consumer Protection and Advocacy Section. Thus, it is unclear why the Reproductive Rights Unit is issuing legal pronouncements about consumer protection matters. Abuse of your authority is implicated in multiple ways by employing a unit not funded by the Legislature or within the Consumer Protection and Advocacy Section to exercise consumer protection authority in a manner contrary to the Consumer Fraud Act.

Pursuant to this legislative investigation, and alternatively under the Arizona Public Records Act, A.R.S. § 39-121, *et seq.*, please provide us with the following records no later than **May 6, 2024**:

1. All evidentiary support for statements made in the March 13, 2024 Consumer Alert.
2. All consumer complaints received by your office between January 1, 2023 and March 13, 2024 containing the words “crisis pregnancy center,” “CPC,” “Planned Parenthood,” or “abortion clinic.”
3. Copies of all emails sent between February 1, 2024 and March 13, 2024, from you or any member of your Reproductive Rights Unit to any email address domain other than

⁴ Available at <https://www.azjlb.gov/24AR/att.pdf>

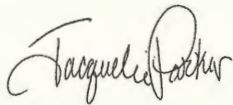
Letter to Attorney General Mayes – Records Request #3
Re: Evidentiary Support for Consumer Alert on Women’s Health Care Centers
April 26, 2024
Page 4 of 4

@azag.gov that contain any of the following terms: “consumer alert,” “crisis pregnancy center,” “CPC,” “Planned Parenthood,” “abortion clinic,” or “reproductive health care.”

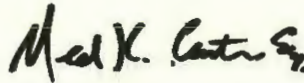
We further request an index of records that have been withheld and the reasons the records or categories of records have been withheld. *See* A.R.S. § 39-121.01(D)(2). Feel free to include any other relevant information that you believe would address our concerns.⁵

At this time, we are not requesting your testimony on this subject, but if you wish to testify, please let us know and we will work with your schedule to arrange a Committee hearing.

Respectfully,



Jacqueline Parker
Chair, Committee on Executive Oversight



Neal Carter
LD 15, Committee on Executive Oversight

⁵ For additional information regarding the House’s standard investigative protocols, please visit: <https://www.azhouse.gov/alispdfs/AZHouseInvestigativeProtocols.pdf>