

SUMMARIES OF ATTORNEY GENERAL OPINIONS

The Secretary of State’s Office is required to publish summaries of Attorney General Opinions under A.R.S. § 41-1013(B)(4). The following Attorney General Opinions were issued between January 1 and June 30, 2014. For copies of these opinions, call (602) 542-5025 or view them online at the Attorney General’s web site:

<http://www.azag.gov/opinions/index.html>

Opinion number	Date of opinion	Opinion summary
I14-001	January 30, 2014	<p>Re: Regulation of the Alarm Industry Pursuant to A.R.S. § 32-122.07(A)</p> <ol style="list-style-type: none">1. Yes. Section 32-122.07(A) states that the Board “shall deny” an application for certification if the applicant has been convicted of any of the crimes listed in the statute. Other than an explicit three-year limitation on prior drug-related convictions, the statute does not include any temporal limitation on convictions that are grounds for denial of certification. Moreover, it does not create any exception to existing Arizona law that permits the denial of an occupational license to an applicant whose civil rights have been restored so long as the offense underlying the applicant’s prior conviction is reasonably related to the functions of the occupation for which the license is sought. Through the plain language of the statute, the Legislature demonstrated its intent not to give the Board any discretion and instead required the Board to deny any applicant who has ever been convicted of one of the enumerated crimes.2. Yes. Section 32-122.07(A) provides that the Board shall deny an application for certification if the applicant has ever been convicted of one of the specific crimes listed in the statute. The statute does not distinguish between misdemeanor and felony convictions. Given the plain language of § 32-122.07(A) and the fact that the Legislature did not expressly distinguish between felonies and misdemeanors, as it has in other statutes, it is clear that the Legislature intended § 32-122.07(A) to require the Board to deny applicants who have prior felony or misdemeanor convictions for the crimes referenced by the statute.3. Yes. Under the appropriate equal protection analysis, § 32-122.07(A) is constitutional because the statute’s requirement that the Board deny certification to any applicant who has been convicted of one of the thirteen designated crimes is rationally related to the State’s interest in protecting the public by regulating alarm professionals whose work directly affects the safety and property of Arizonans.
I14-002	February 28, 2014	<p>Re: Interpretation of Arizona Law dealing with real estate broker’s licensure as it relates to managing properties</p> <ol style="list-style-type: none">1. Yes. Pursuant to A.R.S. § 32-2101(48), a real estate broker license is required whenever a person or entity engages in real estate activity for another and for compensation.(1)2. Yes. Under A.R.S. § 32-2121(A)(1), an individual or entity is exempt from licensure when conducting real estate activity for the person’s or entity’s own property without receiving any special compensation. <p>(1) Compensation is any fee, commission, salary, money or other valuable consideration for services rendered or to be rendered as well as the promise of consideration whether contingent or not. A.R.S. § 32-2101(16). The Arizona Department of Real Estate construes compensation broadly.</p>