

August 12, 1992

Board dated June 9 pointing out actions that Mr. Renteria took as a member of the Parole Board apparently before his appointment was effective. Or did the letter and certificate mean that as chairman those things would then be effective as of June 15? I think the Legislature if they approve this appointment would buy litigation, not only from the standpoint of an illegally constituted board, but a man who you know at the time you appoint him has violated the law by either, one, doing those things that can only be done by a Parole Board member before he was authorized to do so under the law. Or if he was authorized, then he violated the provision of statute at 83-191 that says all members of the Parole Board are full-time employees and shall not engage in any other business or profession or hold any other public office and he's continuing to function as a lawyer. So if you have a man that Senator Chizek wants to tell us is so qualified in corrections when he has no experience there, but he has not taken the time as a lawyer to see what law applies to his own job, how much confidence can you repose in him? Ignorance of the law is no excuse and especially is it not an excuse for a lawyer who ignores the law that governs the job that he is seeking. He told the committee that he remains a lawyer. The definition that I included in that packet for you from Black's Law Dictionary defining profession specifically mentions law. The statute says "shall engage in no business or profession" which he is doing. While he was doing these things, maybe with authorization of his appointment or maybe without, he would not notify the board members that he was not going to show up for a hearing. Then he'd show up. There would be live sighting confirmed. Then he would be expected to make a phone call, the individual waiting for the call would be there all day and the call would never come. The acting chairman contacted the Governor and said in his memo that he felt very uncomfortable about all of this. The three memos that I included in that packet to you were not made available to the committee prior to the hearing. There were questions that could have been asked had we had all of that information which were not asked. But I think on the basis of the record already before us it would be a mistake for the Legislature, knowing what we know, having before us the information that we have, having been warned and the...

PRESIDENT MOUL: One minute.

SENATOR CHAMBERS: ...statute given to us on which the warning is based that this appointment will create an illegally