Minutes of Public Meeting
ARIZONA BOARD OF FINGERPRINTING
September 27, 2000

The Arizona Board of Fingerprinting held it's meeting at the Department of Economic Security, 4th Floor, 1789 W. Jefferson, Phoenix, Arizona. The meeting began at approximately 9:04 a.m.

MEMBERS PRESENT	MEMBERS ABSENT
Mike LeHew	AOC Representative
Craig Emmanuel	Cheryl Rowley
Kim Pipersburgh	

CALL TO ORDER

ROLL CALL

GENERAL SESSION

CONSIDERATION OF MODIFICATIONS TO PROCEDURES IMPLEMENTING LEGISLATION EFFECTIVE JULY 18, 2000.

MOTION

Mr. LeHew introduced the item. After discussion of and modification to the proposed guidelines submitted by DOE, Ms. Velasquez made the motion to have the Director revise the guidelines approved for interim work permits and expedited approvals on August 30, 2000 to the following: 1) not limit the eligible offenses other than to preclude acts which involved physical violence, bodily harm or use of a weapon; 2) Require that the applicant must not have misrepresented their criminal history on any form required by the Board of Fingerprinting; and, 3) Require that all applicants (whether ACCT or VA) complete and have notarized a criminal history affidavit form provided by the Board. Interim work permits would also require a notarized letter of recommendation from the employer as well as a positive recommendation from the agency representative on the Board. The Motion carried 3-0 (No AOC Representative appointed or present; Ms. Rowley absent.)

CALL TO THE PUBLIC

ADJOURNMENT

Mr. LeHew adjourned the meeting at approximately 9:58 a.m.

Approved by the Board on the 21 day of December, 2000.

Chair

State Board of Fingerprinting

Interim Work Permits and Expedited Consideration

1. **Criteria** (must meet all criteria listed):

   a. Single arrest and/or single conviction;

   b. Single arrest and/or single conviction is at least 3 years old;

   c. Multiple arrests or multiple convictions, with the last offense at least 5 years old (multiple arrests or convictions cannot be for the same offense);

   d. Multiple arrests or multiple convictions for the same offense, with the last offense at least 10 years old;

   e. Applicant is not awaiting trial;

   f. Applicant has met all terms and conditions imposed by the court, including completion of probation, payment of fines, completion of community service hours, completion of required counseling, etc.;

   g. Applicant did not misrepresent criminal history on any form required either by the Board of Fingerprinting or the employing agency; and

   h. Arrest or conviction did not involve physical violence, bodily harm or use of a weapon.

2. **Offenses** (only the following offenses will be considered for interim work permits or expedited consideration by the Board):

   a. Domestic Violence

   b. DUI or DWI

   c. Theft

   d. Fraud or Fraudulent Schemes

   e. Trespassing

   f. False Statements

   g. Bad Checks/Insufficient Funds

h. Unlawful Rental Return

i. Aggravated Criminal Damage

j. Criminal Damage

k. Assault

l. Endangerment

m. Threatening Intimidating

n. Assault by Vicious Animal

o. Shoplifting

p. Unlawful Use of Transportation

q. Obtaining a Signature by Deception

r. Burglary

s. Possession of Marijuana

t. Assault on a Police Officer

3. **Documentation Required**:

a. Application for Good Cause Exception;

b. Court documents or police records related to the offense (or documentation from the court that the records are no longer available);

c. Evidence that applicant met all requirements imposed by the court (court documents, receipts, personal statement);

d. Personal account of the incident; and

e. Criminal History Affidavit.

4. **General Administrative Guidelines:**

a. Expedited Consideration

(1) Applicant is not required to be present.

(2) Board has the option to approve, schedule for hearing or approve with conditions.

(3) Board may include on a "Consent Agenda", allowing for action to be taken on multiple cases with one motion and vote.

(4) Board may consider at a regular meeting or via meeting by teleconference.

(5) Applicant shall be notified by letter of the date, time and location of the meeting, and informed that they are not required to attend.

(6) Board will not hear from applicant, take testimony, receive evidence or hear from witnesses.

(7) Board may approve only the classification of card requested by the applicant, unless the applicant agrees to accept a lower classification of card as approved by the Board. An applicant that agrees to a lower classification of a card may request a hearing for a higher classification. If an applicant does not agree to a lower classification of card as approved by the Board, a hearing will be scheduled.

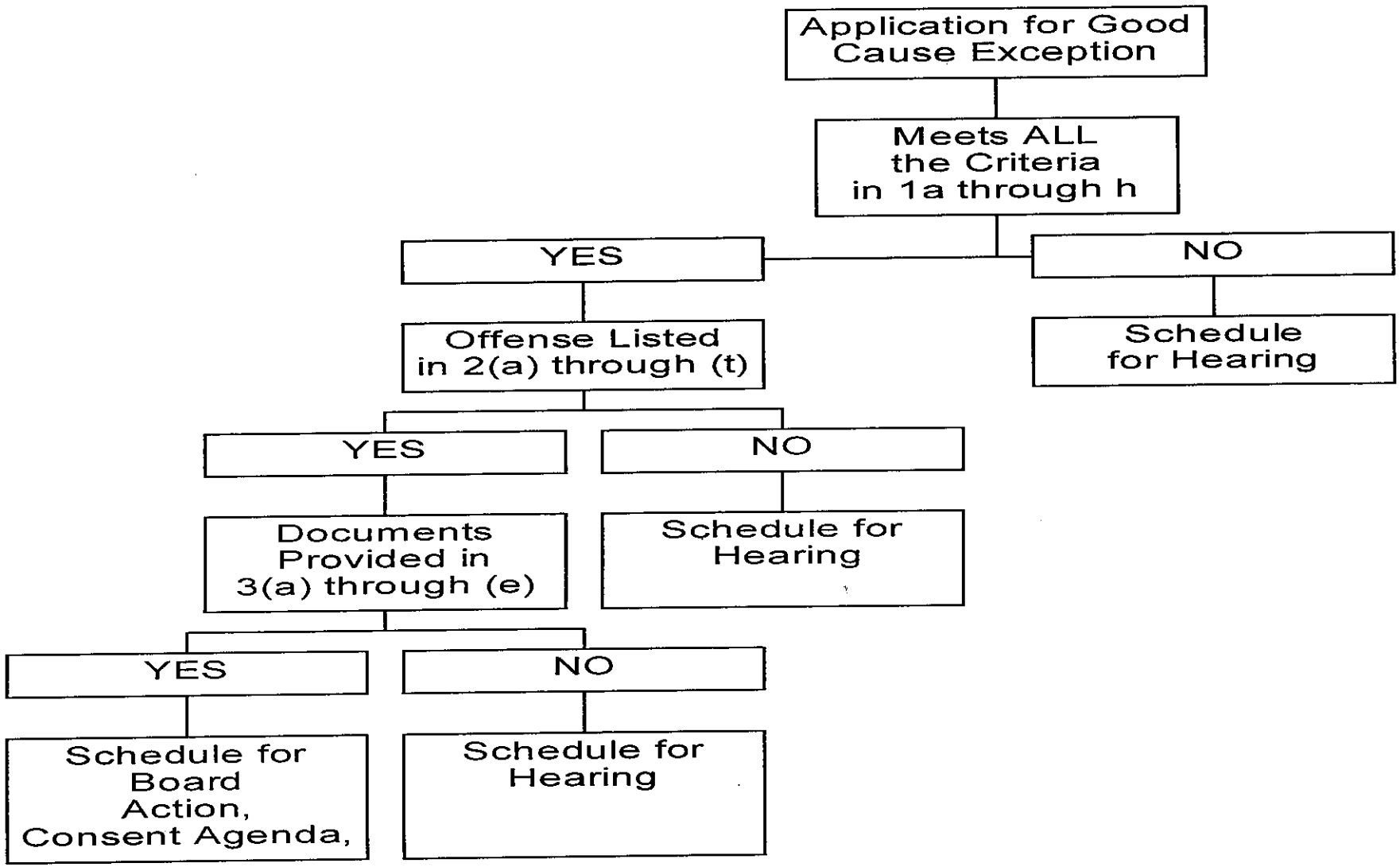
(8) Board of Fingerprinting Director has the discretion to refer any request for a good cause exception to the Board for hearing.

b. Interim Work Permits (in addition to 4.a.(1) through (8) above)

(1) Requires a request from the employing agency.

(2) Requires a positive recommendation from the agency representative on the Board.

Interim Work Permits and Expedited Consideration



AGENDA ITEM NO. II. A.

BOARD OF FINGERPRINTING MEETING DATE: September 20, 2000

SUBJECT: Review of current procedures implementing legislation effective July 18, 2000

SUBMITTED BY: Mike LeHew

BACKGROUND INFORMATION:

The Board met on August 16, 2000 and established procedures to implement legislation effective July 18, 2000. The Board revised those procedures at the open meeting held on August 30, 2000 and voted to review them once again before the end of September.

On September 25, 2000, the Director received a call from Senator Tom Smith requesting information about our process. He had heard from a constituent who complained that our requirements were excessive and unnecessary. I told him that the Board would be meeting again by the end of the year to evaluate the procedures. He asked that I remind the Board that he "hates paperwork" and that our purpose as a Board is to review these cases expeditiously as possible and "get these people back to work". He also stated that it was his belief that quite often bureaucrats created paper nightmares as a way to avoid making difficult decisions. He hoped that that was not the case for the Board.

Attachments:

1) Interim work permit and expedited consideration guidelines.

2) Letter from an appellant's attorney questioning our process.

BOARD ACTION REQUESTED: **INFORMATION [X]** **ACTION [X]** (described below)

Revise procedures if necessary.

ATTACHMENTS: **YES [X]** **NO [X]**

State Board of Fingerprinting

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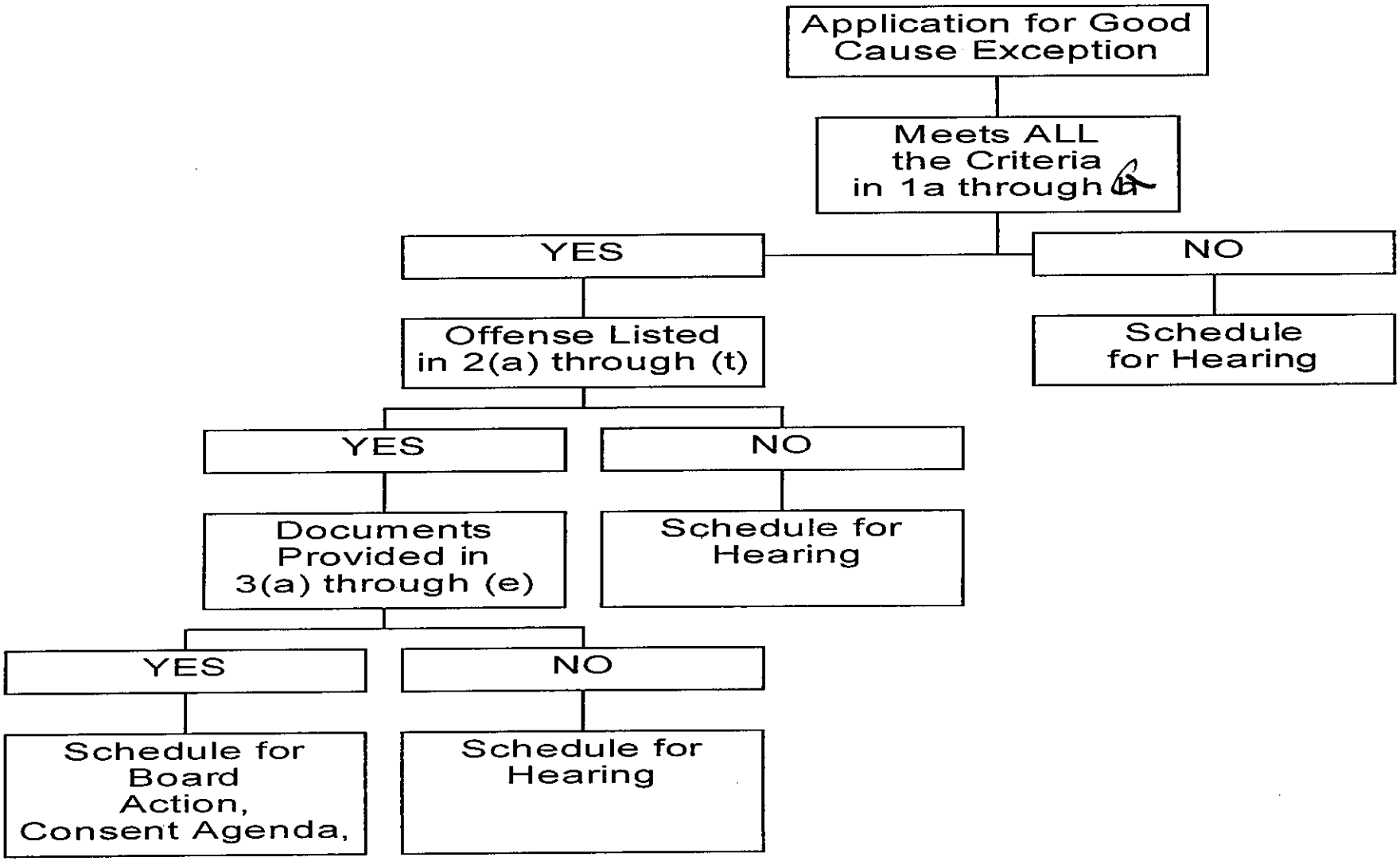
Interim Work Permits and Expedited Consideration



ARIZONA BOARD OF FINGERPRINTING
Mail Code 2500 P. O. Box 6638
Phoenix, AZ 85005-6638

GOOD CAUSE EXCEPTION APPLICATION

1. **Applicant Type:** [ ] Vulnerable Adult [ ] Other
2. **Type of clearance requested:** [ ] Class One Card [ ] Class Two Card [ ] Letter of Approval
3. **Are you applying for an Interim Work Permit?** [ ] Yes [ ] No
   (If yes, you must include a notarized recommendation, on letterhead, from an authorized representative of the employer for which you wish to work.)

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4. **Legal Name** (Last, First, Middle): _____
5. **Date of Birth**: _____ 6. **Social Security Number**: _____
7. **Mailing Address**: _____
   (Full Street Address including Apt. No. or P. O. Box No.)
   _____
   (City State Zip Code)
8. **Daytime Telephone Number**: (____) _____
9. **Have you ever had any professional certificate or license revoked or suspended?** [ ] Yes [ ] No
   If yes, please explain: _____
10. **Please list the offense(s) for which you were denied:** _____
11. **List any other offenses that may be on your record:** _____

On a separate page please provide the following information.

12. **In your own words, please describe *in detail* each situation that an offense occurred.**
    a) What led up to the event? Who else was involved? Where did the event occur? How long ago was the offense committed? Were there any mitigating circumstances? ***(Include copies of police reports, if available.)***
    b) What was the disposition of the charge(s)? ***(Provide copies of court documents indicating dismissal, acquittal, probation, parole, if possible.)***
    c) What, if any, were the terms of probation? Did you complete these terms satisfactorily? ***(Provide proof of restitution, community service, required counseling, training, etc.)***
13. **Please complete and return the Criminal History Affidavit enclosed with this application.**

I hereby certify that that the information in this application, including attached explanations, is true and complete to the best of my knowledge and belief.

X_____ _____
(Signature of Applicant) (Date)

Subscribed and sworn before me this _____ day of _____, _____ (year). My commission expires: _____

_____
Notary Public