

# REVISED VERSION



## ARIZONA BOARD OF FINGERPRINTING

Mail Code 185 • Post Office Box 6129 • Phoenix, Arizona 85005-6129  
Telephone (602) 265-0135 • Fax (602) 265-6240

### Notice of Public Meeting

August 24, 2007, at 9:00 a.m.

3839 North 3rd Street, Suite 101, Phoenix, Arizona

#### Board Members

Mike LeHew, Department of Economic Security, Chair  
Kim Pipersburgh, Department of Health Services, Vice Chair  
Rand Rosenbaum, Administrative Office of the Courts  
Charles Easaw, Department of Education  
Arthur W. Baker, Department of Juvenile Corrections

#### Executive Director

Dennis Seavers

Under Arizona Revised Statutes ("A.R.S.") § 38-431.02, notice is hereby given to the members of the Arizona Board of Fingerprinting ("board") and to the general public that the board will hold a meeting open to the public as specified below. The board reserves the right to change the order of the agenda.

Individuals who wish to acquire background material provided to board members (with the exception of material relating to possible or previous executive sessions) may request them by contacting Dennis Seavers at (602) 265-0135.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting Dennis Seavers at (602) 265-0135. Requests should be made as early as possible to allow time to arrange the accommodation.

# REVISED VERSION

DATED AND POSTED THIS 21st day of August 2007 at 6:30 p.m.

Arizona Board of Fingerprinting

By \_\_\_\_\_  
Dennis Seavers, Executive Director

## AGENDA

- I. CALL TO ORDER AND ROLL CALL Mr. LeHew or Ms. Pipersburgh
- II. CALL TO THE PUBLIC Mr. LeHew or Ms. Pipersburgh

At this portion of the meeting, the public is invited to make comments. Arizona law prohibits board members from discussing items that are not on the agenda. Therefore, action taken as a result of public comment will be limited to scheduling the matter for further consideration and decision at a later date.

- III. APPROVAL OF MINUTES Mr. LeHew or Ms. Pipersburgh
  - A. Minutes from April 20, 2007, meeting
  - B. Minutes from May 31, 2007, meeting (including executive-session minutes)
  - C. Minutes from June 5, 2007, meeting (including executive-session minutes)
  - D. Minutes from June 15, 2007, meeting (including executive-session minutes)

- IV. *BAKER CASE* Mr. Seavers

At this portion of the meeting, the board will discuss the case of *Baker v. Board of Fingerprinting*, LC2006-000368-001. To respond to this case, the board may adopt business-process policies. The board may schedule further discussion of this case at a future meeting or request that its staff research possible legislation.

- V. DISCUSSION OF IMPACT OF HOUSE BILL 2790 Mr. Seavers

At this portion of the meeting, the board will discuss the possible impact of the 2007 education omnibus reconciliation bill (House Bill 2790). The bill may contain a requirement that all noncertified public-school personnel obtain a fingerprint clearance card. The board may schedule further discussion of this case at a future meeting, or request that its staff propose policies and procedures to cope with the operational impact of the bill or research possible legislation.

## REVISED VERSION

VI. REPORTS Mr. Seavers

- A. Fiscal year (“FY”) 2007 budget
- B. FY 2007 strategic plan
- C. Sunset hearing

VII. ADOPTION OF FY 2008 BUDGET Mr. LeHew or Ms. Pipersburgh

VIII. DISCUSSION OF PROPOSED RULES Mr. Seavers

At this meeting, the board will consider proposed changes to the rules. The board will not take action to adopt or modify the rule proposal until a later meeting. The primary purpose of the rule proposal is to respond to the time-frame requirements that will become effective on the General Effective Date.

IX. ADJOURNMENT Mr. LeHew or Ms. Pipersburgh

# Arizona Board of Fingerprinting

## Budget v. Actual

Fiscal Year 2007

	<u>Apr - Jun 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Income</b>				
<b>4900 - Transfers In</b>				
4901 - Operating Transfers In	71,893.00	90,000.00	-18,107.00	79.88%
<b>Total 4900 - Transfers In</b>	<b>71,893.00</b>	<b>90,000.00</b>	<b>-18,107.00</b>	<b>79.88%</b>
<b>FY06 Carryover</b>	<b>0.00</b>			
<b>Total Income</b>	<b>71,893.00</b>	<b>90,000.00</b>	<b>-18,107.00</b>	<b>79.88%</b>
<b>Expense</b>				
<b>6000 - Personal Services</b>				
6010 - Basic Compensation				
6011 - Regular Base Salary	42,319.76	45,384.91	-3,065.15	93.25%
<b>Total 6010 - Basic Compensation</b>	<b>42,319.76</b>	<b>45,384.91</b>	<b>-3,065.15</b>	<b>93.25%</b>
6030 - Exception Compensation				
6028 - 2.5% Performance Pay	1,078.00	1,134.62	-56.62	95.01%
6031 - Overtime	0.00			
<b>Total 6030 - Exception Compensation</b>	<b>1,078.00</b>	<b>1,134.62</b>	<b>-56.62</b>	<b>95.01%</b>
6040 - Leave Compensation				
6041 - Annual Leave	1,090.44			
6042 - Sick Leave	720.41			
6047 - Annual Leave Payout	0.00			
6048 - Holiday Leave Taken	752.57			
6049 - Other Compensated Leave	131.40			
<b>Total 6040 - Leave Compensation</b>	<b>2,694.82</b>			
<b>Total 6000 - Personal Services</b>	<b>46,092.58</b>	<b>46,519.53</b>	<b>-426.95</b>	<b>99.08%</b>
<b>6100 - ERE</b>				
6110 - Insurance				
6111 - FICA	3,484.49	3,403.87	80.62	102.37%
6113 - Medical Insurance	3,414.42	10,476.00	-7,061.58	32.59%
6114 - Basic Life	42.30	42.30	0.00	100.00%
6116 - Long-term Disability	230.52	226.92	3.60	101.59%
6117 - Unemployment Insurance	68.31	68.08	0.23	100.34%
6118 - Dental Insurance	284.94	471.42	-186.48	60.44%
6119 - Worker's Compensation	230.52	226.92	3.60	101.59%
<b>Total 6110 - Insurance</b>	<b>7,755.50</b>	<b>14,915.51</b>	<b>-7,160.01</b>	<b>52.0%</b>
6150 - Retirement Plan Payments				
6155 - ASRS	3,963.97	3,903.10	60.87	101.56%
<b>Total 6150 - Retirement Plan Payments</b>	<b>3,963.97</b>	<b>3,903.10</b>	<b>60.87</b>	<b>101.56%</b>

# Arizona Board of Fingerprinting

## Budget v. Actual

Fiscal Year 2007

	<u>Apr - Jun 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
6180 - Other ERE				
6183 - Personal Services	479.29	453.85	25.44	105.61%
6185 - GITA Charge	69.14	68.08	1.06	101.56%
6186 - Atty. Gen. Pro Rate Chg.	292.67	288.19	4.48	101.56%
6189 - Sick Leave Accumulation	184.35	181.54	2.81	101.55%
<b>Total 6180 - Other ERE</b>	<u>1,025.45</u>	<u>991.66</u>	<u>33.79</u>	<u>103.41%</u>
<b>Total 6100 - ERE</b>	12,744.92	19,810.27	-7,065.35	64.34%
<b>6200 - Prof. &amp; Outside Services</b>				
6210 - Financial Services				
6211 - Bond Issuance Cost	343.75	343.75	0.00	100.0%
<b>Total 6210 - Financial Services</b>	<u>343.75</u>	<u>343.75</u>	<u>0.00</u>	<u>100.0%</u>
6270 - Education & Training				
6271 - Education & Training	0.00			
<b>Total 6270 - Education &amp; Training</b>	<u>0.00</u>			
6290 - Other Prof. & Out. Svcs.				
6299 - Other Prof. & Out. Svcs.	951.50			
<b>Total 6290 - Other Prof. &amp; Out. Svcs.</b>	<u>951.50</u>			
<b>Total 6200 - Prof. &amp; Outside Services</b>	1,295.25	343.75	951.50	376.8%
<b>7000 - Other Operating</b>				
7150 - IT Services				
7153 - Internal Svc. Data Proc.	2,298.63	1,600.00	698.63	143.66%
7172 - External Comm. Long Dist	3,885.51	1,250.00	2,635.51	310.84%
7179 - Other External Comm.	767.82	1,000.00	-232.18	76.78%
<b>Total 7150 - IT Services</b>	<u>6,951.96</u>	<u>3,850.00</u>	<u>3,101.96</u>	<u>180.57%</u>
7200 - Rental Expenditures				
7221 - Rental of Land & Bldgs.	7,194.66	12,500.00	-5,305.34	57.56%
7229 - Miscellaneous Rent	886.11			
<b>Total 7200 - Rental Expenditures</b>	<u>8,080.77</u>	<u>12,500.00</u>	<u>-4,419.23</u>	<u>64.65%</u>
7250 - Repair & Maintenance				
7266 - Repair/Maint-Other Equip	75.18	90.00	-14.82	83.53%
7269 - Repair & Maint (Other)	5,452.71			
<b>Total 7250 - Repair &amp; Maintenance</b>	<u>5,527.89</u>	<u>90.00</u>	<u>5,437.89</u>	<u>6,142.1%</u>
7300 - Operating Supplies				
7321 - Office Supplies	3,232.56	1,500.00	1,732.56	215.5%

# Arizona Board of Fingerprinting

## Budget v. Actual

Fiscal Year 2007

	<u>Apr - Jun 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Total 7300 - Operating Supplies	3,232.56	1,500.00	1,732.56	215.5%
7450 - Conf, Edu, & Training				
7455 - Conf, Edu, & Train Regis	0.00			
Total 7450 - Conf, Edu, & Training	0.00			
7470 - Printing & Photography				
7471 - Internal Printing	168.78			
Total 7470 - Printing & Photography	168.78			
7480 - Postage & Delivery				
7481 - Postage & Delivery	4,304.09	2,500.00	1,804.09	172.16%
Total 7480 - Postage & Delivery	4,304.09	2,500.00	1,804.09	172.16%
7500 - Miscellaneous Operating				
7511 - Awards	0.00			
7541 - Books, Subscr., & Pubs.	1,525.00	300.00	1,225.00	508.33%
Total 7500 - Miscellaneous Operating	1,525.00	300.00	1,225.00	508.33%
<b>Total 7000 - Other Operating</b>	29,791.05	20,740.00	9,051.05	143.64%
<b>8500 - Non-capital Equipment</b>				
8520 - Furniture Non-cap				
8521 - Furniture Non-capital	10,226.47			
Total 8520 - Furniture Non-cap	10,226.47			
8550 - EDP Equip PC/LAN Non-cap				
8551 - EDP Equip. Non-cap Purch	9,573.69			
Total 8550 - EDP Equip PC/LAN Non-cap	9,573.69			
8570 - Other Equip. - Non-cap.				
8571 - Other Equip. - Non-cap.	0.00			
Total 8570 - Other Equip. - Non-cap.	0.00			
8580 - Non-capitalized Software				
8583 - PC/LAN Software Non-cap.	2,128.80	200.00	1,928.80	1,064.4%
Total 8580 - Non-capitalized Software	2,128.80	200.00	1,928.80	1,064.4%
<b>Total 8500 - Non-capital Equipment</b>	21,928.96	200.00	21,728.96	10,964.48%
<b>9100 - Transfers out</b>				
9101 - Operating Transfers Out	-6,344.81	6,250.00	-12,594.81	-101.52%
<b>Total 9100 - Transfers out</b>	-6,344.81	6,250.00	-12,594.81	-101.52%

# Arizona Board of Fingerprinting

## Budget v. Actual

Fiscal Year 2007

	<u>Apr - Jun 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Total Expense	105,507.95	93,863.55	11,644.40	112.41%
Net Income	<u>-33,614.95</u>	<u>-3,863.55</u>	<u>-29,751.40</u>	<u>870.05%</u>

# Arizona Board of Fingerprinting

## Budget v. Actual

Fiscal Year 2007

TOTAL

	<u>Jul '06 - Jun 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Income</b>				
<b>4900 - Transfers In</b>				
4901 - Operating Transfers In	242,449.00	360,000.00	-117,551.00	67.35%
<b>Total 4900 - Transfers In</b>	<b>242,449.00</b>	<b>360,000.00</b>	<b>-117,551.00</b>	<b>67.35%</b>
<b>FY06 Carryover</b>	<b>561,646.52</b>	<b>561,750.30</b>	<b>-103.78</b>	<b>99.98%</b>
<b>Total Income</b>	<b>804,095.52</b>	<b>921,750.30</b>	<b>-117,654.78</b>	<b>87.24%</b>
<b>Expense</b>				
<b>6000 - Personal Services</b>				
6010 - Basic Compensation				
6011 - Regular Base Salary	154,420.98	179,321.77	-24,900.79	86.11%
<b>Total 6010 - Basic Compensation</b>	<b>154,420.98</b>	<b>179,321.77</b>	<b>-24,900.79</b>	<b>86.11%</b>
6030 - Exception Compensation				
6028 - 2.5% Performance Pay	4,163.31	4,483.04	-319.73	92.87%
6031 - Overtime	30.11			
<b>Total 6030 - Exception Compensation</b>	<b>4,193.42</b>	<b>4,483.04</b>	<b>-289.62</b>	<b>93.54%</b>
6040 - Leave Compensation				
6041 - Annual Leave	7,271.29			
6042 - Sick Leave	4,227.96			
6047 - Annual Leave Payout	754.68			
6048 - Holiday Leave Taken	6,936.04			
6049 - Other Compensated Leave	131.40			
<b>Total 6040 - Leave Compensation</b>	<b>19,321.37</b>			
<b>Total 6000 - Personal Services</b>	<b>177,935.77</b>	<b>183,804.81</b>	<b>-5,869.04</b>	<b>96.81%</b>
<b>6100 - ERE</b>				
6110 - Insurance				
6111 - FICA	13,443.11	13,449.14	-6.03	99.96%
6113 - Medical Insurance	13,033.98	37,413.00	-24,379.02	34.84%
6114 - Basic Life	163.56	166.38	-2.82	98.31%
6116 - Long-term Disability	886.01	896.60	-10.59	98.82%
6117 - Unemployment Insurance	266.57	268.98	-2.41	99.1%
6118 - Dental Insurance	1,126.21	1,730.43	-604.22	65.08%
6119 - Worker's Compensation	885.98	896.60	-10.62	98.82%
<b>Total 6110 - Insurance</b>	<b>29,805.42</b>	<b>54,821.13</b>	<b>-25,015.71</b>	<b>54.37%</b>
6150 - Retirement Plan Payments				
6155 - ASRS	15,130.65	15,421.67	-291.02	98.11%
<b>Total 6150 - Retirement Plan Payments</b>	<b>15,130.65</b>	<b>15,421.67</b>	<b>-291.02</b>	<b>98.11%</b>

# Arizona Board of Fingerprinting

## Budget v. Actual

Fiscal Year 2007

TOTAL

	Jul '06 - Jun 07	Budget	\$ Over Budget	% of Budget
6180 - Other ERE				
6183 - Personal Services	1,857.61	1,793.22	64.39	103.59%
6185 - GITA Charge	259.65	268.98	-9.33	96.53%
6186 - Atty. Gen. Pro Rate Chg.	1,129.86	1,138.69	-8.83	99.23%
6189 - Sick Leave Accumulation	711.68	717.29	-5.61	99.22%
<b>Total 6180 - Other ERE</b>	<b>3,958.80</b>	<b>3,918.18</b>	<b>40.62</b>	<b>101.04%</b>
<b>Total 6100 - ERE</b>	<b>48,894.87</b>	<b>74,160.98</b>	<b>-25,266.11</b>	<b>65.93%</b>
<b>6200 - Prof. &amp; Outside Services</b>				
6210 - Financial Services				
6211 - Bond Issuance Cost	1,375.00	1,375.00	0.00	100.0%
<b>Total 6210 - Financial Services</b>	<b>1,375.00</b>	<b>1,375.00</b>	<b>0.00</b>	<b>100.0%</b>
6270 - Education & Training				
6271 - Education & Training	32.00	32.00	0.00	100.0%
<b>Total 6270 - Education &amp; Training</b>	<b>32.00</b>	<b>32.00</b>	<b>0.00</b>	<b>100.0%</b>
6290 - Other Prof. & Out. Svcs.				
6299 - Other Prof. & Out. Svcs.	3,182.50	15,000.00	-11,817.50	21.22%
<b>Total 6290 - Other Prof. &amp; Out. Svcs.</b>	<b>3,182.50</b>	<b>15,000.00</b>	<b>-11,817.50</b>	<b>21.22%</b>
<b>Total 6200 - Prof. &amp; Outside Services</b>	<b>4,589.50</b>	<b>16,407.00</b>	<b>-11,817.50</b>	<b>27.97%</b>
<b>7000 - Other Operating</b>				
7150 - IT Services				
7153 - Internal Svc. Data Proc.	5,991.03	6,400.00	-408.97	93.61%
7172 - External Comm. Long Dist	9,145.95	5,000.00	4,145.95	182.92%
7179 - Other External Comm.	2,605.81	4,000.00	-1,394.19	65.15%
<b>Total 7150 - IT Services</b>	<b>17,742.79</b>	<b>15,400.00</b>	<b>2,342.79</b>	<b>115.21%</b>
7200 - Rental Expenditures				
7221 - Rental of Land & Bldgs.	16,548.02	39,030.04	-22,482.02	42.4%
7229 - Miscellaneous Rent	1,030.11	200.00	830.11	515.06%
<b>Total 7200 - Rental Expenditures</b>	<b>17,578.13</b>	<b>39,230.04</b>	<b>-21,651.91</b>	<b>44.81%</b>
7250 - Repair & Maintenance				
7266 - Repair/Maint-Other Equip	263.59	360.00	-96.41	73.22%
7269 - Repair & Maint (Other)	5,452.71			
<b>Total 7250 - Repair &amp; Maintenance</b>	<b>5,716.30</b>	<b>360.00</b>	<b>5,356.30</b>	<b>1,587.86%</b>
7300 - Operating Supplies				
7321 - Office Supplies	11,832.50	6,000.00	5,832.50	197.21%

# Arizona Board of Fingerprinting

## Budget v. Actual

Fiscal Year 2007

TOTAL

	<u>Jul '06 - Jun 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Total 7300 - Operating Supplies	11,832.50	6,000.00	5,832.50	197.21%
7450 - Conf, Edu, & Training				
7455 - Conf, Edu, & Train Regis	890.25			
Total 7450 - Conf, Edu, & Training	890.25			
7470 - Printing & Photography				
7471 - Internal Printing	168.78			
Total 7470 - Printing & Photography	168.78			
7480 - Postage & Delivery				
7481 - Postage & Delivery	10,950.94	10,000.00	950.94	109.51%
Total 7480 - Postage & Delivery	10,950.94	10,000.00	950.94	109.51%
7500 - Miscellaneous Operating				
7511 - Awards	201.61			
7541 - Books, Subscr., & Pubs.	3,403.10	1,200.00	2,203.10	283.59%
Total 7500 - Miscellaneous Operating	3,604.71	1,200.00	2,404.71	300.39%
<b>Total 7000 - Other Operating</b>	68,484.40	72,190.04	-3,705.64	94.87%
<b>8500 - Non-capital Equipment</b>				
8520 - Furniture Non-cap				
8521 - Furniture Non-capital	10,226.47			
Total 8520 - Furniture Non-cap	10,226.47			
8550 - EDP Equip PC/LAN Non-cap				
8551 - EDP Equip. Non-cap Purch	14,439.93	2,500.00	11,939.93	577.6%
Total 8550 - EDP Equip PC/LAN Non-cap	14,439.93	2,500.00	11,939.93	577.6%
8570 - Other Equip. - Non-cap.				
8571 - Other Equip. - Non-cap.	805.25			
Total 8570 - Other Equip. - Non-cap.	805.25			
8580 - Non-capitalized Software				
8583 - PC/LAN Software Non-cap.	4,579.50	1,600.00	2,979.50	286.22%
Total 8580 - Non-capitalized Software	4,579.50	1,600.00	2,979.50	286.22%
<b>Total 8500 - Non-capital Equipment</b>	30,051.15	4,100.00	25,951.15	732.96%
<b>9100 - Transfers out</b>				
9101 - Operating Transfers Out	3,908.19	29,004.00	-25,095.81	13.48%
<b>Total 9100 - Transfers out</b>	3,908.19	29,004.00	-25,095.81	13.48%

# Arizona Board of Fingerprinting

## Budget v. Actual

Fiscal Year 2007

TOTAL

	<u>Jul '06 - Jun 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Total Expense	333,863.88	379,666.83	-45,802.95	87.94%
Net Income	<u>470,231.64</u>	<u>542,083.47</u>	<u>-71,851.83</u>	<u>86.75%</u>

**Arizona Board of Fingerprinting**  
Strategic Plan

<b>Goal 1. To make fair and consistent determinations on good-cause-exception applications.</b>					
	<b>FY 2007 Estimate</b>	<b>FY 2007 Actual</b>	<b>FY 2008 Estimate</b>	<b>FY 2009 Estimate</b>	<b>FY 2010 Estimate</b>
Percent of investigator recommendations for expedited reviews accepted	98.00%	93.81%	93.00%	93.00%	93.00%
Percent of applications approved	65.29%	92.73%	80.00%	80.00%	80.00%
Percent of approvals by expedited review	70.00%	81.65%	75.00%	75.00%	75.00%
Percent of approvals by administrative hearing	30.00%	18.35%	25.00%	25.00%	25.00%

<b>Goal 2. To provide applicants with timely decisions on their good-cause-exception applications.</b>					
	<b>FY 2007 Estimate</b>	<b>FY 2007 Actual</b>	<b>FY 2008 Estimate</b>	<b>FY 2009 Estimate</b>	<b>FY 2010 Estimate</b>
Number of applications received	2,046	1,967	2,365	2,734	3,160
Number of applications disposed	2,046	1,627	2,365	2,734	3,160
Ratio of cases opened to cases closed	1:1	1:1.83	1:1	1:1	1:1
Average number of days to dispose	70	115.84	63	55	50
Average number of days spent processing application	47	82.38	42	37	32
Average number of days spent processing application from receipt to expedited review	35	24.84	20	20	20
Percent of applications that undergo an expedited review within 20 days (processing time)	80.00%	39.66%	100.00%	100.00%	100.00%
Average days from expedited review to hearing	55	61.7	40	35	35
Percent of applications heard within 60 days of expedited review	60.00%	47.11%	100.00%	100.00%	100.00%

Percent of applications decided within 60 days of hearing	75.00%	17.33%	90.00%	90.00%	90.00%
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<b>Goal 3. To develop fair and comprehensible rules, policies, and procedures, for determining good cause exceptions.</b>					
	<b>FY 2007 Estimate</b>	<b>FY 2007 Actual</b>	<b>FY 2008 Estimate</b>	<b>FY 2009 Estimate</b>	<b>FY 2010 Estimate</b>
Number of requests received	3,207	3,236	3,405	3,616	3,840
Ratio of requests for good cause exceptions to applications submitted	1:.65	1:.61	1:.70	1:.70	1:.70
Percent of applications complete on initial submission	45.00%	37.30%	45.00%	50.00%	55.00%

# Arizona Board of Fingerprinting

## Memo

TO: Board members and alternates

FROM: Dennis Seavers

C:

Date: August 13, 2007

**SUBJECT: FY 2008 Budget**



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At an August 24, 2007 open meeting, the Board will consider the enclosed proposal for the Board's fiscal year ("FY") 2008 budget. This memo summarizes the changes between the FY 2007 and 2008 budgets and highlights notable areas of spending.

### **Revenues**

The proposed budget assumes that the Board will receive \$302,589 in fee-based revenues. This projection is based on FY 2007 revenues, which were lower than anticipated. (The Board's FY 2007 budget assumed that DPS would receive 120,000 fingerprint-clearance-card applications. However, DPS received just over 100,000.)

In addition to estimated revenues of \$302,589, the Board will carry forward a fund balance of \$470,231.64 from FY 2007.<sup>1</sup>

### **Expenditures**

In FY 2007, the Board spent \$333,863.88. Under the proposed budget, in FY 2008, the Board would spend \$566,741.13.

Much of the increased spending is due the addition of two new staff positions and related expenses. The Board approved the increased spending at its April 20, 2007, meeting. For the purpose of developing a conservative budget, the proposed budget assumes that Board employees will take advantage of the highest level of benefits available, even though actual employee-related expenditures will likely be lower.

In addition to the increased expenses due to new staff positions, the FY 2008 budget reflects \$15,000 in information-technology expenses. These expenses, which include database improvements, were approved for the FY 2007 budget. However, due to the imposition of time frames on the Board and a court case that affected the Board's business process, the database upgrades were delayed until the Board could adopt a business process that reflected the impact of the time frames and court case.

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<sup>1</sup> Under A.R.S. § 41-619.56(B), monies in the Board of Fingerprinting Fund are non-lapsing, so the Board carries forward its fund balance from fiscal year to fiscal year.

Finally, the increase includes \$6,500 to purchase a new photocopier/scanner. The Board's current copier is breaking down more frequently. In addition, the scanning feature of the new copier would significantly save the administrative assistants time spent preparing scanned files for hearings.

### **Revenues versus expenditures**

Under the proposed budget, spending would outstrip revenues by \$264,152.13. The Board's fund balance from FY 2007 would cover the deficit. The Board would end the fiscal year with a fund balance of \$206,079.51.

As discussed in its April 20, 2007, meeting, this deficit would eventually require the Board to change its fee, perhaps by the end of FY 2008. The Board may need to increase its portion of the fee by \$2.00, if revenues remain at the same level as FY 2007.

# Arizona Board of Fingerprinting

## Fiscal Year 2008 Budget

	<b>Jul '08 - Jun 09</b>
<b>Income</b>	
<b>4900 - Transfers In</b>	
4901 - Operating Transfers In	302,589.00
<b>Total 4900 - Transfers In</b>	302,589.00
<b>FY07 Carryover</b>	470,231.64
<b>Total Income</b>	772,820.64
<b>Expense</b>	
<b>6000 - Personal Services</b>	279,611.58
<b>6100 - ERE</b>	106,505.89
<b>6200 - Prof. &amp; Outside Services</b>	
6210 - Financial Services	
6211 - Bond Issuance Cost	1,653.00
<b>Total 6210 - Financial Services</b>	1,653.00
6270 - Education & Training	
6271 - Education & Training	32.00
<b>Total 6270 - Education &amp; Training</b>	32.00
6290 - Other Prof. & Out. Svcs.	
6299 - Other Prof. & Out. Svcs.	15,450.00
<b>Total 6290 - Other Prof. &amp; Out. Svcs.</b>	15,450.00
<b>Total 6200 - Prof. &amp; Outside Services</b>	17,135.00
<b>7000 - Other Operating</b>	
7150 - IT Services	
7153 - Internal Svc. Data Proc.	8,400.00
7172 - External Comm. Long Dist	10,800.00
7179 - Other External Comm.	3,100.00
<b>Total 7150 - IT Services</b>	22,300.00
7200 - Rental Expenditures	
7221 - Rental of Land & Bldgs.	60,004.66
7229 - Miscellaneous Rent	344.00
<b>Total 7200 - Rental Expenditures</b>	60,348.66
7250 - Repair & Maintenance	
7266 - Repair/Maint-Other Equip	1,240.00
7269 - Repair & Maint (Other)	6,000.00
<b>Total 7250 - Repair &amp; Maintenance</b>	7,240.00
7300 - Operating Supplies	

# Arizona Board of Fingerprinting

## Fiscal Year 2008 Budget

	<b>Jul '08 - Jun 09</b>
7321 - Office Supplies	15,000.00
<b>Total 7300 - Operating Supplies</b>	<b>15,000.00</b>
7450 - Conf, Edu, & Training	
7455 - Conf, Edu, & Train Regis	1,400.00
<b>Total 7450 - Conf, Edu, &amp; Training</b>	<b>1,400.00</b>
7470 - Printing & Photography	
7471- Internal Printing	400.00
<b>Total 7470 - Printing &amp; Photography</b>	<b>400.00</b>
7480 - Postage & Delivery	
7481 - Postage & Delivery	15,000.00
<b>Total 7480 - Postage &amp; Delivery</b>	<b>15,000.00</b>
7500 - Miscellaneous Operating	
7511 - Awards	500.00
7541 - Books, Subscr., & Pubs.	11,400.00
<b>Total 7500 - Miscellaneous Operating</b>	<b>11,900.00</b>
<b>Total 7000 - Other Operating</b>	<b>133,588.66</b>
<b>8500 - Non-capital Equipment</b>	
8520 - Furniture Non-cap	
8521 - Furniture Non-capital	15,000.00
<b>Total 8520 - Furniture Non-cap</b>	<b>15,000.00</b>
8550 - EDP Equip PC/LAN Non-cap	
8551 - EDP Equip. Non-cap Purch	11,500.00
<b>Total 8550 - EDP Equip PC/LAN Non-cap</b>	<b>11,500.00</b>
8580 - Non-capitalized Software	
8583 - PC/LAN Software Non-cap.	2,400.00
<b>Total 8580 - Non-capitalized Software</b>	<b>2,400.00</b>
<b>Total 8500 - Non-capital Equipment</b>	<b>28,900.00</b>
<b>9100 - Transfers Out</b>	
9101 - Operating Transfers Out	1,000.00
<b>Total 9100 - Transfers Out</b>	<b>1,000.00</b>
<b>Total Expense</b>	<b>566,741.13</b>
<b>Net Income</b>	<b>206,079.51</b>

### **A.A.C. R13-11-101. Applicability**

This Article applies to activities and persons identified in A.R.S. Title 41, Chapter 3, Article 12, except that R13-11-111 applies to all persons applying to the Department of Public Safety for a fingerprint clearance card pursuant to UNDER A.R.S. § 41—1758.03.

### **A.A.C. R13-11-102. Definitions**

In this Article, the following definitions apply, unless the context otherwise requires:

1. “Appellant” means a person whose application for a fingerprint clearance card is denied or whose fingerprint clearance card is suspended by the Department; who is eligible to request a good cause exception from the Board pursuant to UNDER A.R.S. § 41—1758.03; and who submits a request pursuant to ACCORDING TO R13-11-103(A).
2. “Applicant” means a person who applies for a fingerprint clearance card pursuant to UNDER A.R.S. § 41—1758.03.
3. “APPLICATION” MEANS ALL OF THE DOCUMENTS REQUIRED BY A.A.C. R13-11-104(A).
- 3 4. “Board” means the Board of Fingerprinting.
- 4 5. “Department” means the Department of Public Safety.
- 5 6. “Department’s notice” means the notice of denial or suspension of a fingerprint clearance card that the Department sends to an applicant pursuant to UNDER A.R.S. § 41—1758.04.
- 6 7. “Expedited review” means an examination, in accordance with Board rules, of the documents an appellant submits by the Board or its hearing officer without the appellant being present.
- 7 8. “Good cause exception” means the issuance of a fingerprint clearance card to an appellant pursuant to UNDER A.R.S. § 41—619.55.
- 8 9. “Hearing officer” means an administrative law judge or other person hired APPOINTED by the Board, or if an agreement exists between the Board and the Office of Administrative Hearings, appointed by the director of the Office of Administrative Hearings, to determine good cause exceptions.
9. ~~“Office” means the Office of Administrative Hearings.~~
10. “Request” means a person’s written indication to the Board that he or she wishes to appeal for a good cause exception pursuant to UNDER A.R.S. § 41—619.55, along with a copy of all pages of the Department’s notice. A person’s dated signature on the Department’s notice shall suffice as a written indication.

### **A.A.C. R13-11-103. Request for good cause exception**

- A. A person who meets the requirements of A.R.S. § 41—1758.03 and wishes to apply for a good cause exception shall submit a request to the Board within 30 calendar days of the date on the Department’s notice.
- B. The Board shall send an application package within five business days to an applicant if one of the following applies:
  1. The applicant meets the requirement of R13-11-103(A).

2. With good cause, the applicant submits a request in excess of 30 calendar days of the date on the Department's notice. An applicant demonstrates good cause by showing that the request could not have been submitted on time, using reasonable diligence. An applicant's failure to inform the Department of a change in address shall not constitute grounds for good cause. The Board's executive director shall determine whether good cause exists.
3. The applicant submits an incomplete request within 30 days of the Department's notice and subsequently completes the request. The Board shall determine a request incomplete if the request lacks one of the following:
  - a. A written indication that the applicant wishes to appeal for a good cause exception pursuant to UNDER A.R.S. § 41-619.55, or
  - b. The Department's notice or any of its pages.
- C. Within five business days, the Board shall send a notice to an applicant who submits an incomplete request. The notice shall indicate that the request is incomplete and what elements of the request are missing.
- D. The Board shall reject an applicant's request for a good cause exception and send a written notice of rejection within five business days if one of the following applies:
  1. The applicant submits a request in excess of 30 days of the date on the Department's notice, except as provided for in R13-11-103(B)(2).
  2. R13-11-103(B) notwithstanding, the applicant is not eligible to request a good cause exception under A.R.S. § 41-1758.03.

#### **A.A.C. R13-11-104. Good Cause Exception Application**

- A. An appellant shall submit the following materials to the Board to establish good cause for an exception:
  1. The good cause exception application form prescribed by the Board. This form shall be notarized.
  2. Two letters of reference on forms prescribed by the Board that meet the following requirements:
    - a. Both letters of reference shall be from individuals who have known the appellant for at least one year; and
    - b. At least one letter of reference shall be from the appellant's current or former employer or from an individual who has known the appellant for at least three years.
  3. If the Department's notice indicates that the Department could not determine the disposition of a charge, documents from the appropriate court showing the disposition of the charge or showing that records pertaining to the appellant either do not exist or have been purged.
  4. For any ~~arrests~~ CHARGES that occurred five years or less prior to the date on the Department's notice, regardless of whether the ~~arrests~~ CHARGES were listed on the Department's notice, the police report for each ~~arrest~~ CHARGE and documents from the appropriate court showing the disposition of the charge.
  5. For every criminal conviction, regardless of whether the offenses were listed on the Department's notice, documents from the appropriate court showing that the

appellant has met all judicially imposed obligations or sentencing conditions or that records pertaining to the appellant either do not exist or have been purged. If the appellant has not met all judicially imposed obligations or sentencing conditions, the appellant shall provide a written statement indicating or documents from the appropriate court showing the status of the appellant's efforts toward meeting the obligations.

6. A statement written by the appellant that explains each ~~arrest~~ CHARGE, regardless of whether the ~~arrests~~ CHARGES were listed on the Department's notice.
- B. The Board OR ITS HEARING OFFICER ~~shall~~ MAY accept any other documents an appellant submits to demonstrate good cause for an exception.
- ~~C. A good cause exception application shall be complete if it meets all the requirements of R13-11-104(A). A good cause exception application shall be incomplete if it does not meet all the requirements of R13-11-104(A).~~

#### **A.A.C. R13-11-105. Expedited Review**

- A. Within ~~30~~ 20 business days of receiving a AN ~~complete~~ application package, the Board or its hearing officer shall conduct an expedited review. When determining whether the appellant should receive a good cause exception under an expedited review, the Board or its hearing officer shall consider the following:
  1. The criteria listed in R13-11-108(A); and
  2. Whether the documentation submitted in support of a good cause exception is sufficient to allow the Board or its hearing officer to grant a good cause exception, or whether the Board or its hearing officer require further documentation or oral testimony.
- B. If the Board or its hearing officer ~~determine~~ DETERMINES that the appellant is eligible for a good cause exception under an expedited review, the Board or its hearing officer shall grant the appellant a good cause exception.
- C. If the Board or its hearing officer determines that an appellant is not eligible for a good cause exception under an expedited review, the Board or its hearing officer shall direct the Board's executive director to schedule, ~~or request that the Office schedule,~~ a hearing ~~and inform the appellant of the determination in writing.~~ The Board's executive director shall give the appellant reasonable notice of the hearing in accordance ~~with the provisions of A.R.S. § 41-1061.~~ THE HEARING SHALL TAKE PLACE WITHIN 45 DAYS AFTER THE EXPEDITED REVIEW.

#### **R13-11-108. Hearings**

- A. When determining whether an appellant should receive a good cause exception at a hearing, the Board or its hearing officer shall consider whether the appellant has shown to the Board or its hearing officer's satisfaction that the appellant is not awaiting trial on or has not been convicted of committing any of the offenses listed in A.R.S. § 41-1758.03 or that the person is successfully rehabilitated and is not a recidivist. The Board or its hearing officer shall consider the following:
  1. The extent of the appellant's criminal record;

2. The length of time that has elapsed since the offense was committed;
  3. The nature of the offense;
  4. Any applicable mitigating circumstances;
  5. The degree to which the appellant participated in the offense; and
  6. The extent of the appellant's rehabilitation, including:
    - a. Completion of or progress toward completing probation, parole, or community supervision;
    - b. Completion of payment or progress toward paying restitution or other compensation for the offense;
    - c. Evidence of positive action to change criminal behavior, such as completion of a drug treatment program or counseling;
    - d. Personal references attesting to the appellant's rehabilitation; and
    - e. Witness testimony ~~that the appellant submits~~.
- B. Absent good cause, if the appellant or his or her representative fail to appear at a hearing, the Board or its hearing officer ~~shall proceed with the hearing and~~ MAY deny the applicant a good cause exception for failure to appear at the hearing. An appellant demonstrates good cause by showing that the appellant could not have been present at the hearing or requested that the hearing be rescheduled pursuant to R13-11-106, using reasonable diligence. An appellant's failure to inform the Board of a change in address shall not constitute grounds for good cause. The Board or its hearing officer shall determine whether good cause exists.
- C. THE BOARD OR ITS HEARING OFFICER SHALL GRANT OR DENY A GOOD CAUSE EXCEPTION WITHIN 80 DAYS OF THE HEARING.

### **R13-11-110. Rehearing or Review of Decision**

- A. An appellant may seek a review or rehearing of a Board OR HEARING-OFFICER decision that results from an administrative hearing by submitting a written request for a review or rehearing to the Board within 30 days from the date of service of the decision. The Board OR ITS HEARING OFFICER ~~must~~ SHALL grant a request for review or rehearing for any of the following reasons materially affecting the rights of the appellant:
1. The findings of fact, conclusions of law, or decision are not supported by the evidence or are contrary to law;
  2. The appellant was deprived of a fair hearing due to irregularity in the proceedings, abuse of discretion, or misconduct by the hearing officer;
  3. Newly discovered material evidence exists that could have a bearing on the decision and that, with reasonable diligence, could not have been discovered and produced earlier; or
  4. Error in admission or rejection of evidence or other errors of law occurring at the hearing.
- B. The request must specify the grounds for a review or rehearing and must provide reasonable evidence that the appellant's rights were materially affected.
- C. The Board OR ITS HEARING OFFICER may grant a rehearing or review for any of the reasons in subsection A. The Board or its hearing officer may take additional

testimony; amend or make new findings of fact and conclusions of law; and affirm, modify, or reverse the original decision.

- D. A rehearing or review, if granted, must be a rehearing or review only of the issue upon which the decision is found erroneous. An order granting or denying a rehearing or review must specify the basis for the order.

**R13-11-111. Notification of Decision for Good Cause Exception**

- A. The Board shall notify the appellant in writing of the ~~Board's~~ BOARD OR ITS HEARING OFFICER'S decision and, ~~if the good cause exception is granted at a hearing,~~ transmit findings of fact and conclusions of law.
- B. When the Board or its hearing officer ~~grant~~ GRANTS a good cause exception, the Board's executive director shall request, in writing, the Department to issue a fingerprint clearance card.