

Minutes of Public Meeting
ARIZONA BOARD OF FINGERPRINTING
August 16, 2000

The Arizona Board of Fingerprinting held its meeting at the Department of Public Safety, 2nd Floor Conference Room, 2102 W. Encanto, Phoenix, Arizona. The meeting began at approximately 8:16 a.m.

MEMBERS PRESENT

Mike LeHew
Corinne Velasquez
Joe Garcia
Cheryl Rowley
Kim Pipersburgh

MEMBERS ABSENT

CALL TO ORDER

ROLL CALL

MINUTES

Ms. Velasquez made the motion that the Board approves the minutes of the special meeting held on July 25, 2000 as presented. Motion carried 5-0.

GENERAL SESSION

An election was held for the position of Board Chair. Mr. LeHew received the majority of votes (4 -1.) Ms. Velasquez made the motion to re-elect Mr. LeHew as Chair for the Board. Motion carried 5-0.

ELECTION OF CHAIR

MOTION

An election was held for the position of Board Vice-Chair. Ms. Velasquez received the majority of votes (4-1.) Mr. LeHew made the motion to re-elect Ms. Velasquez as Vice Chair for the Board. Motion carried 5-0.

ELECTION OF VICE CHAIR

MOTION

Mr. LeHew introduced the item. After discussion, Ms. Velasquez made the motion to have the Director develop a "consent agenda" of each applicant to be reviewed for an expedited approval. The "consent agenda"

**CONSIDERATION OF CONCERNS
EXPRESSED BY DHS REGARDING
PROCEDURES TO EXPEDITE
APPROVALS AND APPROVE INTERIM
WORK PERMITS**

would include a list of all offenses committed by the applicant and the date and disposition of each. Ms. Velasquez further motioned that the remaining issues be tabled until a meeting could be scheduled for next week (August 23, 2000) to further discuss the procedures. The Motion carried 5-0.

MOTION

CALL TO THE PUBLIC

The members of the public attending the meeting had no questions or comments.

ADJOURNMENT

Mr. Lehw adjourned the meeting at approximately 8:56 a.m.

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



Chair

AGENDA ITEM NO. II. B.

BOARD OF FINGERPRINTING MEETING DATE: August 16, 2000

SUBJECT: Election of Officers

SUBMITTED BY: Sally Loveland

BACKGROUND INFORMATION:

The Board's first year is ending and new officers must be elected. Nominations for the positions of Chair and Vice-Chair will be accepted from the floor and will be decided by majority vote.

1. Nominations for Chair:

	Check if nominated:
Mike LeHew	_____
Corinne Velasquez	_____
Kim Pipersburgh	_____
Cheryl Rowley	_____
Joe Garcia	_____

	Number of Votes:
Mike LeHew	_____
Corinne Velasquez	_____
Kim Pipersburgh	_____
Cheryl Rowley	_____
Joe Garcia	_____

2. Nominations for Vice-Chair:

	Check if nominated:
Mike LeHew	_____
Corinne Velasquez	_____
Kim Pipersburgh	_____
Cheryl Rowley	_____
Joe Garcia	_____

	Number of Votes:
Mike LeHew	_____
Corinne Velasquez	_____
Kim Pipersburgh	_____
Cheryl Rowley	_____
Joe Garcia	_____

BOARD ACTION REQUESTED: **INFORMATION** **ACTION** (described below)

Participate in the election by voting for one Chair and one Vice-Chair.

ATTACHMENTS: **YES** **NO**

BOARD OF FINGERPRINTING MEETING DATE: August 16, 2000

SUBJECT: Consideration of Concerns Expressed by DHS Regarding Board Procedures

SUBMITTED BY: Kim Pipersburgh

BACKGROUND INFORMATION:

The Department of Health Services met yesterday to discuss their concern regarding the Board's procedures for approving Interim Work Permits and expediting good cause exceptions. The following are notes of that meeting.

Under "Guidelines for obtaining an Interim Work Permit"

1. Items #5 and #6: Combine these two into one and connect with the words "either/or". Example:

The applicant must have only a single, isolated incident on his/her criminal record and the incident occurred three or more years from the application date; or, the applicant may have multiple offenses (or any involvement with law enforcement) on his/her criminal record and the latest incident occurred five or more years from the appeal application date.

2. Items #7: Lack of disposition information...may result in denial of the interim work permit and require the applicant to appear in person before the Board... DHS believes that this requirement is unfair because it can sometimes take up to six months to obtain court records.

3. Item #8: The applicant "whose" criminal record indicates any offense involving physical violence...will be held to a higher standard. DHS prefers the rewording:

"Those applicants with criminal records indicating offenses involving physical violence, verbal threats, or intimidation with an object will be closely scrutinized."

General Concerns:

1. DHS believes that the intent of the law was to turn things around quickly (within 24 to 48 hours.) The requirements the Board has placed on obtaining an interim work permit (i.e., rap sheet, application, letters of reference, etc.) is too cumbersome and delays the process.
2. DHS believes the Board should eliminate the time frame on the interim work permit. They feel the permit should remain valid until the matter is resolved.
3. DHS believes that the application should be revised to explain what the Board means by "cooperation".
4. DHS believes that two pairs of eyes are needed to approve all interim work permits and expedited approvals – the DHS representative and the Director's.

ATTACHMENTS

August 16, 1999

BUSINESS MEETING

GOOD CAUSE EXCEPTION APPEAL CHECKLIST

NAME: _____ DPS APP #: _____ BOF APP #: _____ HEARING DATE: _____

(Please initial each item when completed)

WHEN REQUEST IS FIRST RECEIVED:

- ____ 1. Import file from AZAF2000 or Trak2000.
- ____ 2. Prepare folder.
- ____ 3. Order the Rap Sheet & Disposition from ACCT or AT-II.
- ____ 4. Mail Application and instructions to Applicant.

WHEN APPLICATION IS RETURNED:

- ____ 5. Send Preliminary Notice of Hearing to applicant.
- ____ 6. Update computer.
- ____ 7. Forward file to Admin Asst. or Director for review.

ADMIN ASST REVIEW:

- ____ 8. Are the offenses appealable?
- ____ 9. Application complete?(see matrix)
- ____ 10. Eligible for expedited approval? (see decision matrix)
- ____ 11. Requested and eligible for interim approval?
- ____ 12. Is the preliminary Agenda Item Summary prepared?

APPLICATION REQUIREMENTS:

- ____ 13. Explanation sufficient?
- ____ 14. Three letters of reference attached?
- ____ 15. Disposition info available?
- ____ 16. Proof of completion of court requirements?
- ____ 17. Notarized recommendation from employer

EXPEDITED APPROVAL ELIGIBILITY:

- ____ 18. Number of offenses _____
- ____ 19. Number of years since latest offense _____
- ____ 20. On probation? _____ Awaiting Trial? _____
- ____ 21. Any type of violence involved? _____
- ____ 22. Documented proof of rehabilitation? _____

RECOMMENDATION:

- ____ Interim Work Permit
- ____ Expedited Approval
- ____ Consent Agreement by Board
- ____ Schedule for Hearing

HOW TO APPEAL FOR A GOOD CAUSE EXCEPTION

If you have been denied a fingerprint clearance from the Department of Public Safety, you may be eligible for a good cause exception. Please complete the application form and provide all the requested documentation.

It is important that you indicate which type of fingerprint clearance you are requesting. If your employer requires a fingerprint clearance card, you must indicate whether you are appealing for a Class One or Class Two card. Most agencies require *at least* a Class Two fingerprint clearance card. However, if you will be working for an agency that has a contract with the Department of Economic Security – Division of Developmental Disabilities or are applying to be a surrogate parent under the Department of Education, you will need a Class One card. If you work in a residential care institution, nursing care facility, or home health agency contracted through the Department of Health Services (Vulnerable Adults), you are required to have a letter of Approval.

Letters of reference do not need to be notarized. Nevertheless, it is in *your* best interests to obtain quality references from friends, neighbors, co-workers, and/or employers that attest to your successful rehabilitation or positive change in lifestyle.

An applicant for a good cause exception may be eligible for an **interim work permit** to continue working while waiting for a decision from the Board. The work permit will be valid for up to sixty days and will allow the applicant to work for the agency indicated on their fingerprint clearance card application.

Guidelines for obtaining an Interim Work Permit:

1. The applicant must complete the Board of Fingerprinting application for good cause exception and provide all requested documentation when possible.
2. The applicant cannot be awaiting trial.
3. The applicant must have met all of the requirements of the court such as completion of probation, payment of any fines, attendance at counseling, et cetera.
4. The applicant must show evidence of successful rehabilitation and/or positive life change.
5. The applicant must have only a single, isolated incident on his/her criminal record and the incident occurred three or more years from the appeal application date.
6. The applicant may have multiple offenses (or any involvement with law enforcement) on his/her criminal record and the latest incident occurred five or more years from the appeal application date.
7. The applicant must make a good faith effort to comply with the Board requirements. Lack of disposition information, uncooperativeness, or insufficient documentation may result in denial of the interim work permit, and require the applicant to appear in person before the Board for a good cause exception hearing.
8. The applicant whose record indicates any offense involving physical violence, verbal threats, or intimidation with an object will be held to a higher standard.
9. The applicant must provide a notarized recommendation from an authorized representative on the letterhead of the provider agency or district for which the applicant wishes to work.

AGENDA ITEM NO. II. B.

BOARD OF FINGERPRINTING MEETING DATE: August 16, 2000

SUBJECT: Election of Officers

SUBMITTED BY: Sally Loveland

BACKGROUND INFORMATION:

The Board's first year is ending and new officers must be elected. Nominations for the positions of Chair and Vice-Chair will be accepted from the floor and will be decided by majority vote.

1. Nominations for Chair:

	Check if nominated:
Mike LeHew	<u> / </u>
Corinne Velasquez	<u> / </u>
Kim Pipersburgh	<u> </u>
Cheryl Rowley	<u> </u>
Joe Garcia	<u> </u>

	Number of Votes:
Mike LeHew	<u> 7 </u>
Corinne Velasquez	<u> 4 </u>
Kim Pipersburgh	<u> </u>
Cheryl Rowley	<u> </u>
Joe Garcia	<u> </u>

2. Nominations for Vice-Chair:

	Check if nominated:
Mike LeHew	<u> / </u>
Corinne Velasquez	<u> / </u>
Kim Pipersburgh	<u> </u>
Cheryl Rowley	<u> </u>
Joe Garcia	<u> </u>

	Number of Votes:
Mike LeHew	<u> 1 </u>
Corinne Velasquez	<u> 4 </u>
Kim Pipersburgh	<u> </u>
Cheryl Rowley	<u> </u>
Joe Garcia	<u> </u>

BOARD ACTION REQUESTED: **INFORMATION** **ACTION** (described below)

Participate in the election by voting for one Chair and one Vice-Chair.

ATTACHMENTS: **YES** **NO**

BOARD OF FINGERPRINTING MEETING DATE: August 16, 2000

SUBJECT: Consideration of Concerns Expressed by DHS Regarding Board Procedures

SUBMITTED BY: Kim Pipersburgh

BACKGROUND INFORMATION:

The Department of Health Services met yesterday to discuss their concern regarding the Board's procedures for approving Interim Work Permits and expediting good cause exceptions. The following are notes of that meeting.

Under "Guidelines for obtaining an Interim Work Permit"

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2. Items #7: Lack of disposition information...may result in denial of the interim work permit and require the applicant to appear in person before the Board... DHS believes that this requirement is unfair because it can sometimes take up to six months to obtain court records.

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"Those applicants with criminal records indicating offenses involving physical violence, verbal threats, or intimidation with an object will be closely scrutinized."

General Concerns:

1. DHS believes that the intent of the law was to turn things around quickly (within 24 to 48 hours.) The requirements the Board has placed on obtaining an interim work permit (i.e., rap sheet, application, letters of reference, etc.) is too cumbersome and delays the process.
2. DHS believes the Board should eliminate the time frame on the interim work permit. They feel the permit should remain valid until the matter is resolved.
3. DHS believes that the application should be revised to explain what the Board means by "cooperation".
4. DHS believes that two pairs of eyes are needed to approve all interim work permits and expedited approvals – the DHS representative and the Director's.

5. DHS recommended that the Board place a checklist on the application to indicate whether the Interim Work Permit is granted or denied.
6. DHS recommended that the instruction page be reworded to indicate that the appellant's employer is who needs to send the notarized recommendation for an interim work permit.

BOARD ACTION REQUESTED: INFORMATION ACTION (described below)

ATTACHMENTS: YES NO

Consent Agenda:

1) make a list of the appellants with a Break down of crimes

2) Borderline cases:

Recommend for interim work permit

1) Schedule a meeting for next week
Aug 23, 2000
to discuss again

Interim Work Permits and Expedited Hearings

1. Criteria:

- a. Single ~~incident offense~~ ^{arrest or} conviction;
- b. ^{Single Arrest or} Conviction ~~is~~ is a least ⁵ ~~10~~ years old;
- c. Multiple arrests or convictions, with the last offense ^{at least 5 years old};
- c. Applicant is not awaiting trial; ^{not including arrests or convictions for the same offense}
- d. Applicant met all requirements imposed by the court ^{officer}, including payment of fines, completion of probation, completion of required counseling;
- e. Applicant did not misrepresent criminal history on any form ^{Required.}
- f. ^{Arrest or conviction did not involve physical violence, or bodily harm} Documentation Required:

- ## 2. Documentation Required:
- a. Application for good cause exception;
 - b. Evidence that applicant met all requirements imposed by the court;
 - c. Personnel Account of the incident;
 - d. Criminal History Affidavit (if applicable).

3. Criminal offenses

- a. Domestic Violence
- b. DUI
- c. Contributing to delinquency of a minor
- d. Fraud
- e. Trespassing
- f. False Statements
- g. Credit card transactions record theft
- h. Fraudulent use of a credit card
- i. Bad checks/insufficient funds
- j. Unlawful Rental return
- k. Aggravated criminal damage
- l. Criminal damage
- m. Assault
- n. Endangerment
- o. Threatening intimidating
- p. Assault by vicious animal

- g. Shoplifting
- e. Unlawful use of Transportation
- s. Obtaining a signature by deception
- t. Burglary
- u. Possession of marijuana
- v. ~~Es~~ Assault on a police officer

4. Good Cause Exception

- a. Applicant is not required to be present
- b. Board has the option to approve, ~~or~~ schedule for hearing or approve with conditions
- c. Board may include on a "Consent" agenda
- d. Board may consider at a regular meeting or in a teleconference
- e. Applicant shall be notified by letter (date, time, location of meeting; not required to attend)
- f. Board will not hear from applicant
- g. ~~Applicant may~~ Board may approve only the card requested by the applicant
- h. Director has discretion to refer any good cause exception request to the Board for hearing (uncooperative, fails to provide requested information, etc.)

5. Interim Work Permits

- a. Requires request from employing agency;
- b. Requires ~~best~~ positive recommendation from agency representative on the Board
- c.

also here

Telephonic Good Cause Exception Hearings

Due to its volume of cases the Fingerprint Board (the Board) should have the discretion to conduct certain Good Cause Exception hearings telephonically. When evaluating which applicants should be heard telephonically the following factors should be considered:

1. The nature of the crime and the potential for future crimes against children.
2. The passage of time since the last offense.
3. Whether the Board is considering singular or multiple offenses.

Given this criteria the staff should be delegated the responsibility of determining which applicants are eligible for a telephonic hearing. Further guidelines for the setting of telephonic hearings are as follows:

If the applicant has a singular conviction for any of the following offenses and that conviction is ^{five} five or more years old the application should be considered telephonically:

1. Domestic Violence
2. DUI
3. Contributing to the delinquency of a minor
4. Fraud
5. Trespassing
6. False statements
7. Credit card transactions record theft
8. Fraudulent use of a credit card
9. Bad checks
10. Unlawful rental return
11. Aggravated criminal damage
12. Criminal damage
13. Assaults
14. Endangerment
15. Threatening intimidating
16. Assault by vicious animal
17. Shoplifting
18. Unlawful use of transportation
19. Obtaining a signature by deception

If the applicant has a singular conviction for any of the following offenses and that conviction is ten or more years old the application should be considered telephonically:

1. Burglary
2. Possession
3. Narcotics offense
4. Fraud
5. Assault on police officers

Interim Approvals

Criteria for consideration

1. The nature of the crime and the potential for crimes against children.
2. Singular criminal offense
3. ^{TEN}Five years has elapsed since the date of the conviction and or crime depending upon the available records.
 - DUI
 - Domestic Violence
 - Shoplifting
 - Criminal damage

DPS LEGISLATIVE ISSUES CONCERNING SECTIONS 36-411 AND 41-1758

1. Add the preparatory offense of "attempted" to Section 36-411, subsection D.
2. Amend Section 36-411, subsection A to clarify the original legislative intent that person's who have NOT submitted fingerprints pursuant to a Title 32 board, must do so under Section 36-411.
3. Amend Section 36-411, subsection E to allow a good cause exception request for persons denied if the department can not determine within 120 days if they are awaiting trial on or have been convicted of a precluded offense. (This is the same practice as persons applying for a Fingerprint Clearance Card).
4. Amend Section 41-1758.02 to clarify that an employer shall not require a person to submit another set of fingerprints and fee if they have a valid Fingerprint Clearance Card or can show credible evidence that they have already applied.
5. Amend Section 41-1758.03 to add the preparatory offense of "attempted".
6. Strike Section 41-1758.03, subsection S. This subsection deals with person with set aside court orders.
7. Amend Section 41-1758 by changing the definition of "person" to read: "Person" means a person who is required by statute to obtain a Fingerprint Clearance Card pursuant to this article, including those required to be fingerprinted pursuant to any of the following:
This change would allow for new programs to be added to the Fingerprint Clearance Card process without the necessity of amending 41-1758 for each new program as is the case today.



Division of Assurance and Licensure Services
Office of Long Term Care

1647 E. Morten, Suite 130
Phoenix, Arizona 85020-4610
(602) 674-9705
(602) 395-8910 FAX

JANE DEE HULL, GOVERNOR
JAMES L. SCHAMADAN, M.D., ACTING DIRECTOR

Date 8/15/2000

FACSIMILE TRANSMISSION

There are 2 page(s) being sent, not including this cover sheet. If you need any pages re-sent, please call the person named below at the telephone number listed.

TO: FAX NUMBER: 602-223-2947
NAME: Sally Jewland
TITLE: Director/BOT
TELEPHONE # 602-223-2800

FROM: FAX NUMBER: ⁶⁷⁴⁻⁴³⁸
~~(602)395-8910~~ ok
NAME: Kim Pipesburg
TITLE: Lt/Spec
TELEPHONE # (602) 674-9705

COMMENTS:

Sally had to put this together
in such a rush. Kim

AGENDA ITEMS FOR DHS
TO BE DISCUSSED AT BOARD MEETING ON
WEDNESDAY, AUGUST 16, 2000

GUIDELINES FOR APPROVING INTERIM WORK PERMITS

Item 5 and 6----- Should be worded differently, e.g., option either/or

✓ Intent of the law to turn things around quickly 24 to 48 hrs reviewing application, rap sheet, and letter of references.

Item No 7-----Lack of disposition -----
Can take up to 6 months for court records.

Item no 8 (Whose Criminal records) Those applicants
(will be held to a higher standard) will be closely scrutinized.

Time frame (60 days) until matter is determined.

Item 13 on Application-----Your cooperation will determine if you will get this good causes exception.

→ explain what cooperativeness means

Put a check List on Application Interim Work Permit Granted-----Denied-----.

→ ~~Have~~ an indicator somewhere

(2) pair of Eyes to Review Interim Work Permit.
Kim/Sally

→ for both issues

- 1) Concern for Both Expedited Approvals & Inlet
- 2) Combining # 5 & 6 to be either/or
- 3)