

**ARIZONA BOARD OF FINGERPRINTING  
MINUTES OF SPECIAL MEETING**

Tuesday, May 27, 2003, 3:30 p.m.  
2222 West Encanto Blvd., Suite 350, Phoenix, Arizona

**Board attendance:** Department of Education: Vincient Yanez, Alternate (telephonic)  
Department of Economic Security: Mike LeHew, Vice Chair  
Administrative Office of the Courts: Alvin Vasicek  
Department of Health Services: Kim Pipersburgh (telephonic)  
Department of Juvenile Corrections: Absent

**Staff attendance:** Dennis Seavers, Executive Director

**Members of the public:** Brad Willis (alternate Board member for the Department of Economic Security)

I. CALL TO ORDER AND ROLL CALL

Mr. LeHew called the meeting to order at 3:35 p.m. and conducted a roll call.

II. APPROVAL OF MINUTES

Ms. Pipersburgh made a motion to approve the minutes of the special meeting on May 23, 2003, and Mr. Vasicek seconded. The motion passed, 4-0.

III. GENERAL SESSION

A. Proposed rules for Board fees

Mr. Seavers explained the form of the rules he was proposing for the Board's approval. The rules would establish a \$3.00 fee for applications for a fingerprint clearance card, describe the manner of acceptable payment, and define certain terms, such as "applicant."

Mr. Willis questioned whether the phrase "[t]he Department [of Public Safety] shall collect proper fees for good cause exceptions" would have an unintended effect: the fees would only be collected when someone applied for a good cause exception. Mr. Seavers said that the reason for that wording was that the fee would be to fund the process of determining good cause exceptions; the next section of the rule stated that the fees would be in addition to the fees paid to apply for a fingerprint clearance card. He said he doubted that the rule would be interpreted as only applying to applications for good cause exceptions, but he said it could be possible.

Mr. LeHew wondered whether it would be better to include in the rules a range of fees that the Board could levy, rather than limiting the fee to \$3.00. Mr. Seavers had two concerns. First, some of state agencies had already sold the human service providers and educators on the idea of a \$3.00 increase; those stakeholders may not accept more than a \$3.00 increase. Second, the

rules are meant to specify the fee that the Board's statute allows it to charge; it would not fulfill the purpose of having a rule, he thought, to include a range of fees the Board could charge.

Mr. LeHew asked about how long it would take the rules to pass. Mr. Seavers said that if the rules were approved at this meeting, he would submit them to the Secretary of State's Office by Friday. About three weeks later, the proposed rules would appear in the *Arizona Administrative Register*. Then there would be a 30-day period for public comments. After the 30-day period, the Board would approve the final form of the rules, which would take into account the public comments. Once the Board approved the rules, Mr. Seavers would file them in the Secretary of State's Office, at which time they would be effective.

Ms. Pipersburgh moved that the Board approve the proposed exempt rule making as provided in the agenda packet, and Mr. Vasicek seconded. The motion passed, 4-0.

#### B. Notices of hearing

Mr. Seavers explained that, since the Board would not be meeting weekly to conduct hearings, it would save time for him and the Board's chair or vice chair if the Board were to delegate to him the authority to sign notices of hearing. He mentioned that the chair – or in the chair's absence, the vice chair – currently signs the notices of hearing.

Ms. Pipersburgh moved that the Board delegate the authority to sign notices of hearing to the executive director, and Mr. Vasicek seconded. The motion passed, 4-0.

#### IV. CALL TO THE PUBLIC

Mr. LeHew made a call to the public. There were no members of the public present.

#### VI. ADJOURNMENT

A motion was made and seconded to adjourn the meeting. The motion passed, 4-0. Mr. LeHew adjourned the meeting at 3:58 p.m.

Minutes approved on \_\_\_\_\_, 2003

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Dennis Seavers, Executive Director