



ARIZONA BOARD OF FINGERPRINTING

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Final Minutes for Public Meeting

Held April 10, 2007, at 10:00 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

CALL TO ORDER AND ROLL CALL

Mr. LeHew called the meeting to order at 10:07 a.m. The following Board members were present, participating by telephone: Mike LeHew, Kim Pipersburgh, Rand Rosenbaum, Charles Easaw, and Arthur W. Baker. No Board members were absent.

CALL TO THE PUBLIC

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

MINUTES

Ms. Pipersburgh made a motion to approve the minutes from the April 6, 2007, meeting, and Mr. Rosenbaum seconded. The motion passed, 5-0.

ATTORNEY GENERAL OPINION

Mr. Seavers reminded the Board members of the dispute between the Office of the Auditor General (“OAG”) and the Board about whether the Board is authorized to request certain information about CPS contacts and licensure history. Mr. Seavers explained that the OAG would be arguing to the Legislature that the Board should not be asking for this information. Mr. Seavers had spoken with the Board’s assistant attorney general (“AAG”) about asking the attorney general for a formal opinion on whether the Board was authorized to request this information. The AAG agreed that the question was appropriate for the attorney general. Mr. Seavers had prepared a draft letter, which included two questions for the opinion to address, and the AAG would provide comments on what needed to be changed to meet protocol.

Mr. Seavers said that although the opinion would not carry the weight of case law, it would substantially resolve the dispute over whether the Board was authorized to request CPS and licensure information. He added that he believed that opinion would affirm the Board’s authority, since the Board’s position had been widely vetted in the Office of the Attorney General and had been reviewed by the chief of the Child and Family Protection division and the solicitor general. However, by requesting the opinion, there would be a risk that the attorney general would determine that the Board is not authorized to request information about CPS and licensure history, or that the Board needs to scale back the information it requests.

Mr. Easaw asked what the two questions were that the draft letter raised. Mr. Seavers read the questions:

1. Is the Board authorized under A.R.S. § 41–619.55(E) to require applicants to disclose:
 - a. Whether they have had substantiated allegations made against them by CPS or a similar child-welfare agency in another jurisdiction; and
 - b. Whether they have had a professional licensure or certificate revoked or suspended?
2. Is the Board prohibited from requiring applicants to submit CPS reports arising from substantiated allegations?

Mr. Easaw suggested that there were three questions rather than two. Mr. Seavers agreed that question one could be thought of as including two questions, but he noted that the AAG was reviewing the letter. Mr. Easaw said that he had worked in the Office of the Attorney General and believed that questions for opinions could not be about separate topics, so the question about licensure history might have to be asked in a separate letter. Mr. Seavers said that if the AAG believed the letter needed to be revised, Mr. Seavers would focus on the CPS question and ask the Board whether it wanted to submit a second request for an opinion to address the licensure-history question.

Mr. Easaw made a motion to request an opinion from the attorney general, as had been discussed in the Board meeting. Mr. Rosenbaum seconded the motion, which passed, 5–0.

ADJOURNMENT

Mr. Baker made a motion to adjourn the meeting, and Ms. Pipersburgh seconded. The motion passed, 5-0. Mr. LeHew adjourned the meeting at 10:20 a.m.

Minutes approved on April 20, 2007

Dennis Seavers, Executive Director