



## **ARIZONA BOARD OF FINGERPRINTING**

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### **Final Minutes for Public Meeting** Held March 29, 2013, at 9:15 a.m. 4205 North 7th Avenue, Suite 206 Phoenix, Arizona

#### **Board Members**

Charles Easaw, Department of Education, Chairperson  
Matthew A. Scheller, Department of Juvenile Corrections, Vice Chairperson  
Chad Campbell, Administrative Office of the Courts  
Dale Doucet, Department of Economic Security  
Kim Pipersburgh, Department of Health Services

#### **Executive Director**

Dennis Seavers

### **CALL TO ORDER AND ROLL CALL**

Mr. Easaw called the meeting to order at 9:17 a.m. The following Board members were present: Charles Easaw, Matthew A. Scheller, Dale Doucet, and Kim Pipersburgh. The following Board member was absent: Chad Campbell.

Also in attendance was Dennis Seavers, Executive Director.

### **CALL TO THE PUBLIC**

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

### **APPROVAL OF MINUTES**

Mr. Scheller made a motion to approve the draft minutes from the August 31, 2012 meeting. Ms. Pipersburgh seconded the motion, which passed, 4–0.

## **EXECUTIVE DIRECTOR'S REPORT**

### *Fiscal year 2013 budget*

Mr. Seavers referred the Board to his March 26, 2013 budget report (see Attachment 1).

### *Fiscal year 2013 strategic plan*

Mr. Seavers referred the Board to his strategic-plan report (see Attachment 2). He noted that the report only covers the first two quarters of the fiscal year, since the third quarter was not yet complete. However, he said that, shortly after hiring a new administrative law judge, there had been a substantial improvement in the third quarter in the timeliness of scheduling and deciding cases with hearings. He said that, due to staff shortages, few cases with hearings in 2012 were in compliance with the 80-day time frame for deciding cases; but all cases with hearings in 2013 have complied (or will comply) with the time frame.

### *Legislation and Board sunset*

Mr. Seavers referred the Board to his March 26, 2013 legislative update (see Attachment 3). He said that the most important bill to the Board, the sunset legislation, was on hold in the House of Representatives. He believed that the delay was due to ongoing negotiations between the governor and the Legislature on Medicaid expansion and the fiscal year 2014 budget. He noted that the Legislature was holding several sunset bills and that the governor had asked that the Legislature send fewer bills to her. He did not believe that there should be any concern about the bill passing eventually.

### *Operations and staff activities*

Mr. Seavers reported that staff members were involved in volunteer activities, including a recent Stand-Down held by the U.S. Department of Veterans Affairs.

## **FUTURE BOARD MEETINGS**

Mr. Easaw invited Board members to identify any topics they wished to discuss at future Board meetings. Mr. Doucet asked whether personnel compensation would be covered at a future Board meeting. Mr. Easaw indicated that the issue often, though not necessarily, is discussed when the Board adopts its annual budget. Mr. Seavers added that recent personnel-reform legislation limits the Board's options for changing personnel compensation for most employees but that there were some options available. Mr. Seavers and Mr. Easaw will discuss possible upcoming meetings at which the issue can be discussed.

## **ADJOURNMENT**

Mr. Scheller made a motion to adjourn, and Mr. Doucet seconded. The motion passed, 4–0. Mr. Easaw adjourned the meeting at 9:37 a.m.

Minutes approved on May 10, 2013

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Dennis Seavers, Executive Director



# Arizona Board of Fingerprinting Memo

TO: Board members  
FROM: Dennis Seavers  
C:  
Date: March 26, 2013  
**SUBJECT FY 2013 budget report**

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The agenda for the Board's March 29, 2013 meeting includes a report from the executive director on the fiscal year (FY) 2013 budget performance. To help expedite the meeting, I've prepared this memo, which summarizes the Board's budget performance in FY 2013.

- The fund balance at the beginning of FY 2013 was \$900,242.66.
- The Board had \$538,734 in revenues.
- The Board had \$322,620.87 in expenditures, representing about 56% of the total budgeted expenditures for FY 2013.
- The fund balance at the end of February 2013 was \$1,116,355.79.

Attachment 1 details the Board's expenditures and revenues through February 28, 2013, with a comparison to the approved budget for all of FY 2013.

- Figures in the "Difference" column, which shows the difference between actual and budgeted revenues and expenditures will be negative (in parentheses) if the amount is less than the amount budgeted and positive if the amount is more than the amount budgeted. For expenditures, this means that negative amounts show underspending and positive amounts show overspending.
- The "Perc. of Budget" column shows the percentage spent or collected out of the entire budget. (The end of February marked 67% of the fiscal year.)

**Attachment 1 - FY13 Budget Report**

	FY13 Actual (through Feb 2013)	FY13 Budget	Difference	Perc. of Budget
<b>REVENUES</b>				
<b>4900 - Operating Transfers In</b>				
Prior FY Carryover	\$ 900,242.66	\$ 900,242.66	\$ -	100.00%
4901 - Oper. Transfers In	\$ 538,734.00	\$ 937,657.00	\$ (398,923.00)	57.46%
<b>Total 4900 - Oper. Trans. In</b>	<b>\$ 1,438,976.66</b>	<b>\$ 1,837,899.66</b>	<b>\$ (398,923.00)</b>	<b>78.29%</b>
<b>TOTAL REVENUES</b>	<b>\$ 1,438,976.66</b>	<b>\$ 1,837,899.66</b>	<b>\$ (398,923.00)</b>	<b>78.29%</b>
<b>EXPENDITURES</b>				
<b>6000 - Personal Services</b>				
	\$ 170,662.92	\$ 302,550.32	\$ (131,887.40)	56.41%
<b>6100 - Employee-related exp.</b>				
	\$ 71,618.76	\$ 154,300.66	\$ (82,681.90)	46.42%
<b>6200 - Prof. &amp; Outside Svcs.</b>				
6299 - Other Prof. & Out. Svcs.	\$ 17,186.00	\$ 23,200.00	\$ (6,014.00)	74.08%
<b>Total 6200 - Prof. &amp; Outside Svcs.</b>	<b>\$ 17,186.00</b>	<b>\$ 23,200.00</b>	<b>\$ (6,014.00)</b>	<b>74.08%</b>
<b>7000 - Other Operating</b>				
7110 - Insurance & Related Chgs	\$ 2,100.00	\$ 2,100.00	\$ -	100.00%
7153 - Internal Svc. Data Proc.	\$ 7,089.45	\$ 10,000.00	\$ (2,910.55)	70.89%
7179 - Other External Comm.	\$ 5,905.99	\$ 12,838.00	\$ (6,932.01)	46.00%
7221 - Rental of Land & Bldgs.	\$ 20,071.30	\$ 35,991.60	\$ (15,920.30)	55.77%
7241 - Int Acctg, Budg, Fin Svc.	\$ 2,880.00	\$ 3,840.00	\$ (960.00)	75.00%
7266 - Repair/Maint-Other Equip	\$ 1,133.94	\$ 1,600.00	\$ (466.06)	70.87%
7321 - Office Supplies	\$ 5,598.61	\$ 6,000.00	\$ (401.39)	93.31%
7481 - Postage & Delivery	\$ 3,937.93	\$ 12,000.00	\$ (8,062.07)	32.82%
7511 - Awards	\$ 41.81	\$ 150.00	\$ (108.19)	27.87%
7541 - Books, Subscr., & Pubs.	\$ -	\$ 300.00	\$ (300.00)	0.00%
7598 - Background Checks	\$ 15.75	\$ -	\$ 15.75	(Not in budget)
7599 - Other Misc. Operating	\$ 217.00	\$ 320.00	\$ (103.00)	67.81%
<b>Total 7000 - Other Operating</b>	<b>\$ 48,991.78</b>	<b>\$ 85,139.60</b>	<b>\$ (36,147.82)</b>	<b>57.54%</b>
<b>8500 - Non-capital Equipment</b>				
8521 - Furniture Non-capital	\$ 2,297.37	\$ -	\$ 2,297.37	(Not in budget)
8531 - Computer Equip. Non-cap.	\$ 8,964.87	\$ 7,000.00	\$ 1,964.87	128.07%
8561 - Tele. Equip. - Non-cap.	\$ -	\$ 200.00	\$ (200.00)	0.00%
8581 - Purch. or lic. software	\$ 2,899.17	\$ 3,800.00	\$ (900.83)	76.29%
<b>Total 8500 - Non-capital Equip.</b>	<b>\$ 14,161.41</b>	<b>\$ 11,000.00</b>	<b>\$ 3,161.41</b>	<b>128.74%</b>
<b>9100 - Transfers Out</b>				
9101 - Op Trans Out: Fund Sweeps	\$ -	\$ -	\$ -	
<b>Total 9100 - Oper. Trans. Out</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>TOTAL EXPENDITURES</b>	<b>\$ 322,620.87</b>	<b>\$ 576,190.58</b>	<b>\$ (253,569.71)</b>	<b>55.99%</b>
<b>NET INCOME</b>	<b>\$ 1,116,355.79</b>	<b>\$ 1,261,709.08</b>	<b>\$ (145,353.29)</b>	<b>88.48%</b>

**Arizona Board of Fingerprinting**  
**Fiscal Year 2012 Strategic Plan**  
July 1, 2012, to December 31, 2012

**Legend for progress**

✓	Progress or consistency in performance since previous quarter
✘	Decline in performance since previous quarter
■ (Green)	Notable progress made since previous quarter (only for outcome measures)
■ (Yellow)	Performance declined since previous quarter, but this decline is not a concern (only for outcome measures)
■ (Red)	Performance declined since previous quarter, and this decline warrants attention (only for outcome measures)

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**Goal 1. To make fair and consistent determinations on good-cause exceptions**

Performance Measure	FY13 Estimate	FY13 Actual					
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Progress	YTD
Percent of investigator recommendations for expedited reviews accepted	95.00%	96.40%	98.19%	■ (Grey)	■ (Grey)	✓	97.20%
Percent of applications approved	<b>94.00%</b>	98.21%	94.49%	■ (Grey)	■ (Grey)	N/A	96.53%
Percent of approvals by expedited review	<b>90.00%</b>	95.70%	96.67%	■ (Grey)	■ (Grey)	N/A	96.13%
Percent of approvals by administrative hearing	<b>10.00%</b>	4.30%	3.33%	■ (Grey)	■ (Grey)	N/A	3.87%

**Goal 2: To provide applicants with timely decisions on their good-cause-exception applications**

Performance Measure	FY13 Estimate	FY13 Actual					
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Progress	YTD
Number of applications received	2,300	578	590			N/A	1,168
Number of applications disposed	2,300	667	532			N/A	1,199
Ratio of cases opened to cases closed	1:1	1:1.15	1:1.90			N/A	1:1.03
Average number of days to dispose	40.00	33.89	39.61			✘	36.48
Average number of days spent processing applications	30.00	20.78	25.90			✘	23.10
Average number of days spent processing application from receipt to expedited review	12.00	12.23	12.43			✘	12.32
Average days from expedited review to hearing	40.00	42.06	32.82			✓	37.89
Percent of applications with an expedited review within 20 days of receipt of a complete application*	99.00%	100.00%	100.00%			✓	98.39%
Percent of applications with an administrative hearing within 45 days of an expedited review*	90.00%	76.47%	100.00%			✓	87.10%
Percent of applications decided within 80 days of an administrative hearing*	<b>70.00%</b>	41.67%	34.78%			✘	37.80%

\*Applies only to applications received after September 18, 2007.

**Goal 3. To develop fair and comprehensible rules, policies, and procedures for determining good-cause exceptions**

Performance Measure	FY13 Estimate	FY13 Actual					
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Progress	YTD
Percent of applications complete on initial submission	70.00%	84.01%	79.09%			✘	81.53%





# Arizona Board of Fingerprinting Memo

TO: Board members  
FROM: Dennis Seavers  
C:  
Date: March 26, 2013  
**SUBJECT Legislative update**

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This memo summarizes the content and disposition of significant legislation that is relevant to the Board of Fingerprinting. This memo doesn't list legislation that is administrative, technical, or minor, nor does it include bills that appear to be dead.

## **SENATE BILLS**

### **SB 1408 (fingerprint clearance cardholders; background checks; NOW: fingerprint clearance card; adoption)**

There are two types of fingerprint-based background checks in Arizona. One is the fingerprint-clearance-card system, which the Board is familiar with. The other is a simple background check in which an applicant is fingerprinted and the entity that requires the background check submits the fingerprints to DPS. DPS in turn provides the regulatory agency with a copy of the criminal-history record, and that agency decides what to do with the information. Unlike the fingerprint-clearance-card system, DPS (or the Board of Fingerprinting) doesn't make the decision on whether the person is cleared; instead, the agency reviews the record and decides for itself how to respond to the criminal history. In some cases, individuals have to have both types of fingerprint checks. For example, health-science students have to get a fingerprint clearance card, but their ultimate profession may also require the simple background check for licensure.

As introduced, this bill would have allowed a fingerprint clearance card to substitute for the simple background check. The introduced version might have increased the Board's caseload. However, the intention of the sponsor, as indicated in a committee hearing, was to avoid duplication of fingerprinting for adoptive parents. The bill was amended in the Senate Committee on Public Safety to limit the scope of the bill to prospective adoptive parents.

As amended, the bill would not have a noticeable effect on the Board's operations, and I'm only providing this summary for the Board's benefit in understanding changes to how applicants use fingerprint clearance cards. The bill has cleared the Senate and was approved by the House Committee on Public Safety, Military, and Regulatory Affairs. It is waiting to be placed on an agenda for the House Rules Committee.

### **SB 1022 (board of fingerprinting; continuation)**

This bill is the Board's sunset bill. As introduced, it would continue the Board for 10 years. As I indicated in a January 23 email to the Board, the bill was amended in the Senate Committee on Public Safety to continue the Board for eight rather than 10 years. This change was due to some lawmakers' belief that agencies should not be continued for a period longer than their own term limits. I indicated in the January 23 email that the change to eight years was not due to any concern about the Board or its operations, and in fact the senator who proposed the amendment explicitly indicated that she was not responding to any concerns about the Board.

The bill has been approved by the Senate and has cleared all House committees. It is waiting for a third reading, after which it would be sent to the Governor. I have no reason to think that the bill won't pass.

## **HOUSE BILLS**

### **HB 2171 (driver licenses; driver training schools)**

Under current law, individuals who own 20% or more of a professional driver training school licensed by the Arizona Department of Transportation (ADOT) must have a standard or level I fingerprint clearance card. HB 2171 would expand this requirement to include instructors at the schools. The bill would have a negligible impact on the Board's caseload.

The bill has been approved by the House and has cleared the Senate Committee on Transportation. It's awaiting a hearing in the Senate Rules Committee.

### **HB 2183 (technical correction; state highways; NOW: ADOT; authorized third parties)**

The strike-everything amendment to HB 2183 has various provisions that primarily affect ADOT. However, one provision would establish traffic-survival schools, and individuals who own 20% or more of a traffic-survival school would need a standard or level I fingerprint clearance card. The bill would have a negligible impact on the Board's caseload.

The bill has been approved by the House and has cleared the Senate Committee on Transportation. It's awaiting a hearing in the Senate Rules Committee.