

**ARIZONA BOARD OF FINGERPRINTING
MINUTES OF PUBLIC MEETING**

Wednesday, July 17, 2002
2222 West Encanto Blvd., #350, Phoenix, Arizona 85005

Board attendance: Department of Education: Craig Emanuel, Chair
Department of Economic Security: Mike LeHew, Vice Chair
Administrative Office of the Courts: Cynthia Goertz
Department of Health Services: Kim Pipersburgh
Department of Juvenile Corrections: Vernon Waite (alternate)

Staff attendance: Sally Loveland, Director

Invited Members of the Public: Joseph Jericho (alternate Board member from AOC),
Corinne Velasquez (former Executive Director of the State Board of Education)

I. CALL TO ORDER AND ROLL CALL

Mr. LeHew called the meeting to order at 8:47 a.m. and conducted a roll call. Mr. LeHew established that a quorum was present.

II. MINUTES

Mr. LeHew said that Ms. Loveland did not have the minutes prepared for the Board meetings on April 17, 2002; May 15, 2002; May 16, 2002; and June 19, 2002. Mr. LeHew said that Ms. Loveland would present them to the Board at its next meeting.

III. BUSINESS REPORTS

A. Chair's report.

Mr. LeHew noted that the Board of Fingerprinting had been a topic of discussion both in state agencies and in the media.

B. Fiscal year 2002 budget quarterly report.

Ms. Loveland reported on the fiscal year (FY) 2002 budget and expenditures. Her comments are summarized in Attachment 1.

C. Fiscal year 2002 strategic plan quarterly report.

Ms. Loveland reported on the FY 2002 strategic plan and the Board's performance. Her comments are summarized in Attachment 2.

IV. GENERAL SESSION

A. Standardized letter of reference

Mr. Waite discussed a draft of the standardized reference letter, developed by him and Ms. Dils, that the Board had decided would be included in the application package. Mr. Waite mentioned that DJC attorneys and a personnel specialist from the Department of Administration had reviewed the draft and found it acceptable.

Mr. Waite said he would like to give credit, on the record, to the Arizona State University School of Education for the idea of having a standardized reference letter.

The Board discussed whether the reference letter should be notarized. Members of the Board mentioned that notarization could help ensure currency of the letter and authenticity of the signature. Board members also felt that a notarization could create an obstacle, whose benefit to the Board would be minimal, for applicants.

A motion was made for the Board to accept the draft version of the standardized reference letter as presented by Mr. Waite. The motion was seconded and passed, 5-0.

A motion was made for the Board to require two reference letter forms, which would not need to be notarized, and that the Board prefer that one form be from a current or past employer. The motion was seconded and passed, 5-0.

B. Contingency plans for transfer of Board responsibilities.

Mr. LeHew explained that the Board needed to come up with options for the Board's future to share with its stakeholders.

A motion was made to relax the Board's normal parliamentary procedures in order to facilitate dialogue. The motion was seconded and passed, 5-0.

Ms. Loveland and the Board discussed options that the Board could present to stakeholders, if asked, regarding the Board's future. These options include:

- (1) Status quo. The Board would operate under normal conditions until it depletes its allocations. The Board would discontinue operations at least until the next FY.

Consequences: The Board would deplete its allocations during the second quarter of FY 2003. The Board office would cease operations immediately. There would be no avenue for good cause exception applications. The State would be at risk for lawsuits filed by current or potential applications.

- (2) The Legislature would direct a portion of fees paid to DPS to fund the Board. Alternatively, DPS would continue to fund the Board. This change could be temporary.

Consequences: A legislative change would be necessary. This change would allow the current appeal process to continue. The change also might require that the Governor call forth a special session of the Legislature.

- (3) The Legislature would appropriate additional money to fund the Board fully. The funding could be ongoing, temporary, or one-time.

Consequences: A legislative change would be necessary. The change also might require that the Governor call forth a special session of the Legislature.

- (4) The Department of Public Safety would direct denials and suspensions to the member agencies, which would be responsible for appeals affecting their agencies.

Consequences: Each agency would need to establish an appeal process. The agencies also would need to evaluate their computer systems to see what modifications might be necessary to be compatible with the DPS database. These modifications may be costly.

- (5) The Legislature would eliminate the requirement to have fingerprint clearance cards. Neither DPS nor the Board would be involved in the agencies' licensure; each agency would be fully responsible for its licensure requirements.

Consequences: The Legislature would need to give authority back to the agencies. The Governor may need to call forth a special session of the Legislature.

- (6) The Legislature could fund the Board from portions of the General Fund currently generated through fines or penalties.

Consequences: The funds may not be available and would contribute to the General Fund's depletion.

Mr. LeHew requested that these options be reflected in the Board's minutes.

C. Fiscal years 2003-2005 strategic plan update.

Ms. Loveland explained the proposed changes to the Board's strategic plan. The only additional portion would be the following objective under goal two:

- By June 30, 2002, successfully identify alternative sources to adequately fund Board operations to ensure due process for applications and continuity of service.
- On an ongoing basis, continue to meet with legislators and others to discuss Board funding needs and potential resources.

Type	Performance Measures	FY 2002 Actual	FY 2003 Expected	FY 2004 Expected	FY 2005 Expected
Outcome	Funding source identified	N/A	Yes/no	Yes/no	Yes/no
Output	Meet with legislators and others	0	3	TBD	TBD

Ms. Loveland also said the resource assumptions and financial and full-time equivalency position information had been modified. A summary of that information appears in Attachment 3.

Mr. Emanuel moved that the Board accept the strategic plan Ms. Loveland presented. The motion was seconded and passed, 5-0.

V. CALL TO THE PUBLIC

Mr. LeHew made a call to the public for comments. No member of the public requested a formal action from the Board.

VI. ADJOURNMENT

A motion was made to adjourn. The motion was seconded and passed, 5-0. Mr. LeHew adjourned the meeting.

Minutes approved on _____, 2003.

Dennis Seavers, Executive Director

FISCAL YEAR 2002 BUDGET QUARTERLY REPORT

For Quarter Ending on June 30, 2002

STARTING BALANCE		\$	-
		\$	179,800.00
ADJUSTED BALANCE*	=	\$	179,800.00
Personal Services		\$	107,023.00
ERE		\$	19,352.00
Professional/Outside Services		\$	5,072.00
In-State Travel		\$	-
Out-of-State Travel		\$	-
Other Operating		\$	23,886.00
Non Capital Equipment		\$	10,047.00
Capital Equipment		\$	10,151.00
Sub Total	=	\$	175,531.00
REMAINING BALANCE	=	\$	4,269.00
*Funding Sources:			
Regular Appropriations		\$	61,900.00
Appropriated fr/ACCT		\$	35,900.00
Extra Div for Happy 8764?		\$	-
Extra from ACCT		\$	7,000.00
Extra from DPS		\$	75,000.00
Total Funding		\$	179,800.00

FISCAL YEAR 2002 STRATEGIC PLAN QUARTERLY REPORT

For Quarter Ending on June 30, 2002

Subprogram Mission:

To fairly, expeditiously, and responsibly determine good cause exceptions for applicants who have been denied a fingerprint clearance card, or who have been denied approval to work in a residential health care facility, a nursing care institution, or a home health agency.

Subprogram Description:

The Arizona Board of Fingerprinting reviews requests for good cause exceptions from eligible people who require a fingerprint clearance card and who have been denied clearance by the Department of Public Safety. The Board also reviews requests for good cause exceptions from eligible personnel who have been denied approval by the Department of Public Safety and wish to work in a residential care facility, a nursing care institution or a home health agency.

Subprogram Goal Summary:

- Goal 1: To approve and implement fair standards, rules, policies and procedures for approving good cause exceptions.
- Goal 2: To provide applicants with timely decisions on their good cause exception appeals.

Subprogram Goals, Objectives and Performance Measures:

GOAL I: TO DEVELOP AND IMPLEMENT FAIR STANDARDS, RULES, POLICIES, AND PROCEDURES FOR APPROVING GOOD CAUSE EXCEPTIONS.

Objective 1:

- ⇒ Initiate the rule making process for the Board of Fingerprinting by July 30, 2003.
- ⇒ Complete the rule making process by June 30, 2004.
- ⇒ On an ongoing basis, continue to review existing rules for relevance, consistency and fairness.

Type	Performance Measures	FY 2002 Actual	FY 2003 Expected	FY 2004 Expected	FY 2005 Expected
Output	Docket re-filed	N/A	Yes	N/A	N/A
Efficiency	GRRC deadlines met	N/A	N/A	Yes	N/A
Output	Number of rules reviewed	N/A	N/A	N/A	All

Objective 2:

- ⇒ At least quarterly, schedule open meetings with affected agencies and other interested parties to review and discuss proposed rules and policies.
- ⇒ By June 30, 2004, regularly participate in user group meetings to ensure that Board policies, procedures and operations meet agency expectations and needs.
- ⇒ On an ongoing basis, continue to meet with agencies and other interested parties regarding Board policies, procedures and actions.

Type	Performance Measure	FY 2002 Actual	FY 2003 Expected	FY 2004 Expected	FY 2005 Expected
Output	Number of meetings held	9	10	10	TBD
Output	Number of agencies, stakeholders attending meetings	62	50	50+	50+

GOAL II: TO PROVIDE APPLICANTS WITH TIMELY DECISIONS ON THEIR GOOD CAUSE EXCEPTION APPEALS.

Objective 1:

- ⇒ By June 30, 2003, hold the average turn-around time from receipt of application to decision/hearing to 90 days for good cause exception decisions and 365 days for good cause exception hearings.
- ⇒ By June 30, 2004, reduce the average turn-around time from receipt of application to decision/hearing to 25 days for good cause exception decisions and 60 days for good

cause exception hearings.

- ⇒ By June 30, 2005, reduce the average turn-around time from receipt of application to decision/hearing to 20 days for good cause exception decisions and 45 days for good cause exception hearings.

Type	Performance Measures	FY 2002 Actual	FY 2003 Expected	FY 2004 Expected	FY 2005 Expected
Input	Number of good cause exception requests	2104	1975	1975	TBD
Output	Number of good cause exception appeals decided/heard*	538 decided <u>243 heard</u> 580 Total	96 decided <u>144 heard</u> 240 Total	630 decided <u>900 heard</u> 1,530 Total	TBD
Efficiency	Days from receipt of application package to decision/hearing *	25 decision 185 hearing	90 decision 365 hearing	90 decision 60 hearing	20 decision 45 hearing

* *Decisions = Applicant not present; Hearings = Applicant present*

Objective 2:

- ⇒ On an ongoing basis, review the Board requirements of appellants who desire good cause exceptions to ensure that each continues to be reasonable, essential, and relevant for the Board decision-making process.

Type	Performance Measures	FY 2001 Actual	FY 2002 Expected	FY 2003 Expected	FY 2004 Expected
Output	Review performed	4	1	1	1
Benchmark	Compare with other States or comparable programs	0	AZ/Other states/prgrms	AZ/Other states/prgrms	AZ/Other states/prgrms

Objective 3:

- ⇒ By June 30, 2004, develop a restricted web site to enable the Board to review appeal information online.
- ⇒ By June 30, 2005, complete the automation of the appeal process by connecting the restricted Board web site with the DPS ACCTRAK telephone system.

Type	Performance Measures	FY 2002 Actual	FY 2003 Expected	FY 2004 Expected	FY 2005 Expected
Output	Web Site developed	N/A	N/A	100%	N/A
Output	Web site connected to DPS ACCTRAK	N/A	N/A	N/A	100%
Outcome	Board appeal/completion turn-around targets met	No	Yes/no	Yes/no	Yes/no

RESOURCE ASSUMPTIONS AND FINANCIAL AND FULL-TIME EQUIVALENCY POSITION INFORMATION

The Board was under funded in fiscal years 2000, 2001, and 2002. The Department of Public Safety provided the additional monies required for the Board’s start up costs, needed personnel and basic day-to-day operating expenses in fiscal year 2000 and filled the funding gaps again in fiscal years 2001 and 2002. Nevertheless, at the present time, the Board has insufficient monies to fund staff through the end FY 2003.

The Board was one again able to delay compliance with the State’s Rulemaking procedures this year, but no more delays will be possible. The process is lengthy, costly and time-consuming, and the total cost is inestimable at this time.

The Board must become self-sufficient in personnel and funding in the future. The goals, objectives and performance targets identified in this plan are based on actual budget expectations for FY 2002, but are predicated on the Board obtaining full funding in future years.

Financial and FTE Position Information:

(Thousands)	FY 2002	FY 2003	FY 2004	FY 2005
Source	<u>\$ Actual</u>	<u>\$ Estimate</u>	<u>\$ Request</u>	<u>\$ Request</u>
General Fund				
(match)	61.9	65.0	0.0	0.0
Other Appropriated Funds				
Agency Fees	35.9	35.9	0.0	0.0
Non-Appropriated Funds (DPS)	77.7	0.0	0.0	0.0
Fee/Fine for Board operations	0.0	0.0	331.7	331.7
State Lottery	0.0	0.0	0.0	0.0
Liquor Tax	0.0	0.0	0.0	0.0
Foundation	0.0	0.0	0.0	0.0
Private Donations	0.0	0.0	0.0	0.0
Federal Funds				
Match (50%)	0.0	0.0	0.0	0.0
CAP	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Total Funds	175.5	100.9	331.7	331.7
	FY 2002	FY 2003	FY 2004	FY 2005

	<u>Actual</u>	<u>Estimated</u>	<u>Request</u>	<u>Authorized</u>
FTE Positions	3.0	2.0	5.0	5.0