



ARIZONA BOARD OF FINGERPRINTING

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Final Minutes for Public Meeting

Held April 6, 2007, at 9:00 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 10:05 a.m. The following Board members were present: 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

Mr. Seavers explained that the minutes from January 26, 2007, were already approved at a previous Board meeting and that the listing on the agenda to approve those minutes was a mistake.

Mr. Easaw moved to approve the minutes from the February 20, 2007, meeting, including the executive session minutes; February 23, 2007, meeting; and the March 9, 2007, meeting, including the executive session minutes. Mr. Baker seconded the motion, which passed 5–0.

CHANGES TO FISCAL YEAR 2007 BUDGET

Mr. Seavers referred the Board members to his April 4, 2006, memo (see Attachment 1) about changes to the Board's fiscal year 2007 budget. Mr. Baker asked Mr. Seavers whether he believed that the Board would stay within its original budget limit, even with the additional expenditures. Mr. Seavers replied that the Board would still be within the original budget amount of \$378,952.75.

Mr. Baker made a motion to approve the expenses for furniture, and Mr. Rosenbaum seconded. The motion passed, 5–0. Mr. Easaw made a motion to approve the expenses for security doors and wheelchair accessibility, and Mr. Baker seconded. The motion passed, 5–0.

LEGISLATION

Mr. Seavers updated the Board members on the progress of Senate Bill ("SB") 1605, which would have added certain caregivers to the fingerprint clearance card system. He said that the bill had been held in the House Health Committee. He noted that although the bill is moving forward through other committees, it has been affected by a strike-everything amendment and no longer deals with caregiver services. Mr. Seavers said that he believed the bill would be introduced again in the next regular legislative session.

Mr. Seavers updated the Board members on the progress of SB 1045, which would expand the list of precluding offenses and which the Board had sought introduction of. The bill had passed the House and been transmitted to the Senate, where it would await concurrence before being sent to the governor. He believed the bill would pass. He noted that Rep. Ed Ableser had introduced what appeared to be a technical amendment on the House floor that changed the phrase "immoral purposes" in a pandering-related crime to specify that the crime would relate to concubinage and polygamy. Mr. Seavers said that neither he nor Mike Timmerman at the Department of Public Safety anticipated that the floor amendment would have any impact on the card system.

Mr. Seavers described recent discussions he had been having with Senator Marsha Arzberger. Sen. Arzberger knew an applicant who had been waiting for an outcome from her good-cause-exception hearing, and Sen. Arzberger believed that the applicant had been waiting too long. Sen. Arzberger said she wanted to impose time frames on the Board. Mr. Seavers had told Sen. Arzberger that the Board supported time frames, as the Board indicated in its response to the performance-audit report by the Office of the Auditor General. The time frames would apply to three portions of the good-cause-exception application process: (1) the period of time from receipt of a complete application package to the expedited review; (2) the period of time from the

expedited review to an administrative hearing; and (3) the period of time from the administrative hearing to the Board decision. Sen. Arzberger's office contacted the Auditor General's Office, which said that the Board had informal goals of 14 days for period (1) and 150 days for periods (2) and (3) combined. Mr. Seavers said that it was unfortunate that the Auditor General had taken these goals so seriously, even though he and the Board's chairperson repeatedly told auditors that these goals were estimates, had never been adopted by the Board, and more reflected what the executive director and chairperson would like to see than any stated preference by the Board. Initially, a Senate research analyst had proposed 14 days for period (1), but Mr. Seavers explained that this 14-day time frame referred to the average number of days and was inappropriate for a time frame. He negotiated a 30-day time frame for period (1). For period (2), he negotiated a 45-day time frame. Finally, for period (3), Sen. Arzberger initially proposed a 60-day time frame, but Mr. Seavers negotiated an 80-day time frame.

Mr. Seavers explained that if this bill were to become law with the time-frame amendment, he believed the Board would need to establish and fund at least two new positions: an additional investigator and an additional hearing officer. Mr. Seavers said that the Board might need to increase its portion of the fingerprint-clearance-card fee to cover the increased personnel costs, although this step would not need to be immediate because the Board has a substantial fund balance. However, establishment of the positions would need to take place immediately in order to allow for time to train the new employees. He explained that the time frames likely would become effective on the general effective date. Although that date would not be set until the end of the legislative session, it likely would be in August.

Mr. Seavers said that he believed the time frames would be beneficial for the Board. However, they would affect the costs of the Board's operations, and the Board would need to take steps to make sure none of the applications were processed outside of the time frames.

Mr. Rosenbaum asked whether there could not be a delayed effective date for the time frames, since the general effective date seemed too soon. Mr. Seavers said that he did not believe Sen. Arzberger's office would accept a delayed effective date, and he noted that he had asked for one.

Mr. Baker expressed concern about increases in the cost of a fingerprint clearance card. Mr. Seavers said that the time-frames requirement probably would make that increase necessary, and he had pointed out to Sen. Arzberger that the time frames would probably have an impact on the cost of a fingerprint clearance card.

Mr. Baker asked what the penalty would be if the Board did not process a particular application within the time frames. Mr. Seavers responded that there probably would not be a penalty, unless one were specifically included in the amendment. Mr. Seavers added that compliance with time frames generally is an audit issue.

ADJOURNMENT

Ms. Pipersburgh made a motion to adjourn the meeting, and Mr. Easaw seconded. The motion passed, 5-0. Mr. LeHew adjourned the meeting at 10:29 a.m.

Minutes approved on April 10, 2007

Dennis Seavers, Executive Director

Arizona Board of Fingerprinting Memo

TO: Board members and alternates
FROM: Dennis Seavers
C:
Date: April 4, 2006
SUBJECT: Change to Board's FY 2007 budget



This memo describes a requested increase to the Board's FY 2007 budget, which was approved in August 2006. Although budgets are meant to offer guidance and do not delineate strict requirements for spending, substantial departures from the approved budget should be considered by the Board. This memo identifies two areas of increased spending.

1. Alterations to building doors to improve security and make our facilities accessible;
2. Furniture expenses for the new office.

Below is a detailed description of the proposed expenditures and a summary of the impact these expenditures will have on the overall budget. **The total increase in costs would be \$19,349.96.** I recommend that the Board approve these budget changes.

Alterations to doors to improve security and accessibility—\$6,904.00

There are three doors that should be made accessible to a person in a wheelchair: the door to the lobby of the Board's office (not the building lobby), the door from the office lobby into the main part of the office, and the door to the men's restroom. In addition to making the door between the lobby and the main part of the office accessible, that door would include magnetic locking to improve security. The accessibility feature would include a push-activated plate for wheelchair-bound individuals to open the doors.

Although the men's bathroom is shared with other tenants, asking the property manager to pay for the cost of an accessible door would require a renegotiation of the rent. The property manager has tentatively agreed to allow the Board to change the door.

The quote from the vendor was \$4,487.00 for the two doors in the Board office and \$2,417.00 for the bathroom door, totaling \$6,904.00. This price includes installation.

Furniture expenses for the new office—\$12,445.96

Although some of the furniture from the Board's former office can still be used, the Board should consider purchasing additional and replacement furniture. Below is a description of

furniture the Board may want to purchase, including an explanation of how the furniture would be used. Total furniture costs would be \$11,729.42. Labor and installation, including alterations to how the administrative assistants' cubicles are configured, are \$225.00. The total, including sales tax, would be \$12,445.96.

Hearing officer's office

In the old facility, the hearing officer shared the conference room with the investigator. In the new facility, he has his own office. Currently, the Board is renting a desk and other furniture for him.

Desk	\$1,096.80
Bookcase	\$301.20

Investigator's office

A lateral file will make cases that the investigator is working on more readily accessible. Currently, the investigator uses banker's boxes for cases with deficiencies or waiting for Board review.

Four-drawer lateral file	\$864.00
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Executive director's office

A lateral file will make cases that the executive director is tracking (such as cases before superior court, cases for possible rehearing or review, or cases that have had a hearing) more readily accessible. A conference table will provide work space and allow for one-on-one meetings.

Four-drawer lateral file	\$864.00
Round table	\$159.00

Lobby

These furnishings will be for the lobby, which serves as a waiting area for applicants appearing at a hearing, either before the hearing officer or the Board.

15 Side chairs	\$160 each; \$2,400 total
Coffee table	\$135

Conference room

The Board's current conference table is sufficient, but a larger table will give Board members more workspace and room, particularly when applicants appear before the Board. The current conference-room chairs are old, worn, and not ergonomic. (Some of the ergonomic chairs below will be used in other rooms in the office.)

Conference table	\$1,144.50
10 ergonomic chairs.....	\$391.14 each; \$3,911.40 total
4 side chairs.....	\$231.38 each; \$853.52 total

Impact on budget

For FY 2007, the Board had budgeted \$378,952.75. At the end of the second quarter, the Board was under its budget by \$42,783.99, of which \$15,000 was set aside for database improvements that will begin within the next month or two. The remainder, \$27,783.99 will cover the increased costs for furniture and doors, with enough left over to account for unexpected costs for the database improvements.