



ARIZONA BOARD OF FINGERPRINTING

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Final Minutes for Public Meeting

Held October 5, 2007, at 8:30 a.m.

3839 North 3rd Street, Suite 107, Phoenix, Arizona

Board Members

Charles Easaw, Department of Education, Chair
Kim Pipersburgh, Department of Health Services, Vice Chair
Rand Rosenbaum, Administrative Office of the Courts
Mike LeHew, Department of Economic Security
Arthur W. Baker, Department of Juvenile Corrections

Executive Director

Dennis Seavers

CALL TO ORDER AND ROLL CALL

Mr. Easaw called the meeting to order at 8:45 a.m. The following Board members were present: Charles Easaw, Rand Rosenbaum, Mike LeHew, and Arthur W. Baker. The following Board member was absent: Kim Pipersburgh.

Also in attendance was Dennis Seavers, Executive Director, and Deborah Richards, Investigator.

CALL TO THE PUBLIC

Mr. Easaw made a call to the public. No members of the public wished to speak.

REPORT ON SUNSET HEARING

Mr. Seavers provided Board members background information on the sunset-hearing process. He explained that the purpose of the sunset process, which every state agency must go through, is to determine whether the Board should be continued, terminated, or modified. The sunset hearing is conducted by a ten-member committee consisting of members from standing committees from each of the chambers of the Legislature. This ten-member committee is known as a committee of reference (“COR”). The COR recommends to the Legislature whether an agency should be continued, terminated, or modified.

At the sunset hearing, the Office of the Auditor General made a presentation on its audit report, Mr. Seavers offered testimony in response, and the COR made a recommendation to continue the agency for five years. Mr. Seavers said that the sunset hearing went very well. He noted that, for some reason, the Legislature has not adhered to the traditional period of ten years for continuing agencies; for example, another COR recommended that the School Facilities Board be continued only for two years.

Mr. Seavers explained that the COR only offers a recommendation. Legislation still must be introduced to implement the recommendation to continue the agency. Mr. Seavers said that he has secured a sponsor, Senator Linda Gray.

Mr. Seavers summarized some of the issues discussed at the sunset hearing. He said that Senator Chuck Gray, who was a member of the COR but was not present at the hearing, had suggested that the Board members and staff be required to get fingerprint clearance cards. Representative Jerry Weiers, another COR member, believed that Board staff should be required to get a fingerprint clearance card, although he did not suggest that Board members be required to get a card. Senator Linda Gray told Mr. Seavers that she believed it was unnecessary to have Board members be subject to the fingerprint-clearance-card requirements. She believed that agencies that appoint the Board members were scrutinizing candidates based on their experience and suitability for appointment. However, Senator Linda Gray would like Board staff members to be required to get a card.

Mr. Seavers said that another issue discussed was the role of the hearing officer, an issue that the Board has addressed at previous meetings, especially after the *Baker* decision. Mr. Seavers promised Senator Linda Gray that the Board would discuss this issue at a future meeting and prepare a proposal for addressing the hearing officer’s role.

The final issue discussed at the hearing was criticism Representative Kavanaugh made of the Auditor General’s audit. He believed that the audit should have addressed the suitability in protecting the public of the statutory criteria the Board must consider when evaluating an application for a good cause exception. Although the Auditor General pointed out that an audit addressing that issue would have a substantially larger scope than the Board’s recent audit, Representative Kavanaugh believed that the issue was important. By a vote of 4–2, the COR recommended that the Auditor General’s Office conduct the audit described by Representative Kavanaugh prior to the end of the five-year period of continuation. Mr. Seavers noted that the

COR only offers a recommendation on the proposed audit; the Joint Legislative Audit Committee will decide whether to accept the recommendation.

ADJOURNMENT

Mr. LeHew made a motion to adjourn the meeting, and Mr. Baker seconded. The motion passed, 4-0. Mr. Easaw adjourned the meeting at 9:10 a.m.

Minutes approved on October 23, 2007

Dennis Seavers, Executive Director