



ARIZONA BOARD OF FINGERPRINTING

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Final Minutes for Public Meeting

Held September 5, 2008, 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 8:35 a.m. The following Board members were present: Charles Easaw, Kim Pipersburgh, Mike LeHew, and Arthur W. Baker. The following Board member was absent: Rand Rosenbaum.

Also in attendance was Dennis Seavers, Executive Director.

CALL TO THE PUBLIC

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

APPROVAL OF MINUTES

Mr. LeHew made a motion to approve the draft minutes from June 13 and June 18, 2008. Mr. Baker seconded the motion, which passed 4–0.

EXECUTIVE DIRECTOR’S REPORT

Mr. Seavers referred the Board members to his reports on the fiscal year 2008 budget (Attachment 1) and strategic plan (Attachment 2).

HEARING PROCEDURES

Mr. Easaw referred the Board members to the August 29, 2008 memo that Mr. Seavers had written (see Attachment 3).

Mr. Baker asked about the operational impact on the Board staff of having two sets of hearing procedures if the Board decided that the applicable law depended on when the application was received. Mr. Baker was concerned that it would be operationally difficult to have an old hearing process continue to be effective for six months or longer if the application-received date determined which law was applicable. Mr. Seavers responded that although it would be operationally simpler to have the new hearing procedures apply to all cases heard on or after the general-effective date, it would not be too difficult to keep track of two sets of hearing processes. However, he noted that the old hearing process might remain in effect for two years because some applicants take a long time to submit a complete application.

Mr. Seavers said that the new hearing process would take at least three months and often four months from the expedited review. He emphasized that this time frame is a direct result of the statutory changes and cannot be reduced.

Mr. Baker made a motion to apply the new hearing procedures to all applications received on or after the general-effective date. Mr. LeHew seconded the motion, which passed, 4–0.

Mr. Baker made a motion to apply to new voting requirements to all cases, regardless of when the application was received, beginning on the general-effective date. Mr. LeHew seconded the motion, which passed, 4–0.

The Board members discussed whether to accept evidence submitted after a hearing conducted by a hearing officer but before or at the Board hearing. Mr. Baker asked whether the Board’s assistant attorney general (“AAG”) had made a recommendation on the issue. Mr. Seavers responded that the AAG had advised the Board not to accept new evidence after the hearing before the hearing officer. Mr. LeHew asked about the Board’s previous discussions of this issue, particularly at its February 9, 2007 meeting. Mr. Seavers said that some Board members felt that the process should be flexible because some applicants don’t fully understand the process for administrative hearings. Other Board members believed that the applicants would

have had an opportunity to present evidence, and applicants may present misleading or false information in an attempt to avoid having the application denied.

Mr. LeHew made a motion that the Board generally exclude new evidence but that the Board may consider new evidence in exceptional circumstances. Ms. Pipersburgh seconded the motion. Mr. Easaw requested a roll-call vote.

Board Member	Vote
Mr. Easaw	Yes
Ms. Pipersburgh	Yes
Mr. Rosenbaum	Absent
Mr. LeHew	Yes
Mr. Baker	No

By a vote of 3–1, the motion passed.

Mr. Baker made a motion that the remainder of the hearing procedures proposed in Mr. Seavers’s memo be adopted, and Mr. LeHew seconded. The motion passed, 4–0.

LEGISLATION

Mr. Baker suggested that agencies discuss the list of precluding offenses and consider whether the list should be revised. In particular, he indicated that the Arizona Department of Juvenile Corrections would prefer that misdemeanor convictions not cause a fingerprint clearance card to be denied. Mr. LeHew suggested that this issue be discussed by the state agencies in the fingerprint-clearance-card system rather than by the Board.

Mr. LeHew suggested that the Board pursue legislation to require applicants to disclose contact with Adult Protective Services (“APS”). Mr. Easaw asked whether Mr. LeHew could provide additional information on APS and the sort of information that the Board would consider. Mr. LeHew said he would provide the information to the Board.

Mr. Seavers asked the Board to approve a legislative proposal to amend A.R.S. § 41–619.55(D). The legislation would clarify that the Board may deny an application if the applicant fails to appear at a hearing without good cause. He explained that an applicant could argue that, under the current law, a hearing cannot take place unless the applicant was present. If the applicant fails to appear at hearing, then the Board may not be able to dispose the case, and the applicant could drag out the process indefinitely. Although a court might conclude that the Board can deny for an applicant’s failure to appear, a clearer statute could avoid legal problems.

Mr. LeHew made a motion to authorize the executive director to propose legislation that would allow the Board to deny an application if the applicant fails to appear at a hearing without good cause. Mr. Baker seconded the motion, which passed, 4–0.

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 9:48 a.m.

Minutes approved on September 19, 2008

Dennis Seavers, Executive Director

Arizona Board of Fingerprinting

ATTACHMENT 1
Minutes 9/5/2008

Budget vs. Actual

	Fiscal Year 2008		TOTAL	
	FY 2008	Budget	\$ Over Budget	% of Budget
Income				
4900 - Transfers In				
4901 - Operating Transfers In	303,923.00	362,729.00	-58,806.00	83.79%
Total 4900 - Transfers In	303,923.00	362,729.00	-58,806.00	83.79%
FY07 Carryover	470,231.64	470,231.64	0.00	100.0%
Total Income	774,154.64	832,960.64	-58,806.00	92.94%
Expense				
6000 - Personal Services				
6010 - Basic Compensation				
6011 - Regular Base Salary	228,797.03			
Total 6010 - Basic Compensation	228,797.03			
6030 - Exception Compensation				
6028 - 2.75% Performance Pay	7,344.85			
6031 - Overtime	140.82			
Total 6030 - Exception Compensation	7,485.67			
6040 - Leave Compensation				
6041 - Annual Leave	14,612.20			
6042 - Sick Leave	6,441.99			
6047 - Annual Leave Payout	7,669.62			
6048 - Holiday Leave Taken	10,329.89			
Total 6040 - Leave Compensation	39,053.70			
6000 - Personal Services - Other	0.00	279,611.58	-279,611.58	0.0%
Total 6000 - Personal Services	275,336.40	279,611.58	-4,275.18	98.47%
6100 - ERE				
6110 - Insurance				
6111 - FICA	19,781.18			
6113 - Medical Insurance	47,432.56			
6114 - Basic Life	256.78			
6116 - Long-term Disability	1,337.10			
6117 - Unemployment Insurance	387.73			
6118 - Dental Insurance	3,175.98			
6119 - Worker's Compensation	3,498.76			
Total 6110 - Insurance	75,870.09			
6150 - Retirement Plan Payments				
6155 - ASRS	24,299.90			
Total 6150 - Retirement Plan Payments	24,299.90			

Arizona Board of Fingerprinting

ATTACHMENT 1
Minutes 9/5/2008

Budget vs. Actual

	Fiscal Year 2008		TOTAL	
	FY 2008	Budget	\$ Over Budget	% of Budget
6180 - Other ERE				
6183 - Personal Services	2,946.16			
6185 - GITA Charge	413.26			
6186 - Atty. Gen. Pro Rate Chg.	1,858.53			
6189 - Sick Leave Accumulation	1,101.23			
Total 6180 - Other ERE	6,319.18			
6100 - ERE - Other	0.00	106,505.89	-106,505.89	0.0%
Total 6100 - ERE	106,489.17	106,505.89	-16.72	99.98%
6200 - Prof. & Outside Services				
6210 - Financial Services				
6211 - Bond Issuance Cost	1,762.49	2,066.25	-303.76	85.3%
Total 6210 - Financial Services	1,762.49	2,066.25	-303.76	85.3%
6270 - Education & Training				
6271 - Education & Training	87.50	64.00	23.50	136.72%
Total 6270 - Education & Training	87.50	64.00	23.50	136.72%
6290 - Other Prof. & Out. Svcs.				
6299 - Other Prof. & Out. Svcs.	12,138.80	30,900.00	-18,761.20	39.28%
Total 6290 - Other Prof. & Out. Svcs.	12,138.80	30,900.00	-18,761.20	39.28%
Total 6200 - Prof. & Outside Services	13,988.79	33,030.25	-19,041.46	42.35%
7000 - Other Operating				
7150 - IT Services				
7153 - Internal Svc. Data Proc.	7,245.56	9,100.00	-1,854.44	79.62%
7172 - External Comm. Long Dist	24,694.55	11,700.00	12,994.55	211.07%
7179 - Other External Comm.	2,581.27	3,300.00	-718.73	78.22%
Total 7150 - IT Services	34,521.38	24,100.00	10,421.38	143.24%
7200 - Rental Expenditures				
7221 - Rental of Land & Bldgs.	66,860.47	63,601.99	3,258.48	105.12%
7229 - Miscellaneous Rent	237.92	444.00	-206.08	53.59%
Total 7200 - Rental Expenditures	67,098.39	64,045.99	3,052.40	104.77%
7250 - Repair & Maintenance				
7266 - Repair/Maint-Other Equip	1,121.74	1,320.00	-198.26	84.98%
7269 - Repair & Maint (Other)	0.00	6,000.00	-6,000.00	0.0%
Total 7250 - Repair & Maintenance	1,121.74	7,320.00	-6,198.26	15.32%
7300 - Operating Supplies				

Arizona Board of Fingerprinting

Budget vs. Actual

	Fiscal Year 2008		TOTAL	
	FY 2008	Budget	\$ Over Budget	% of Budget
7321 - Office Supplies	9,671.82	16,250.00	-6,578.18	59.52%
Total 7300 - Operating Supplies	9,671.82	16,250.00	-6,578.18	59.52%
7450 - Conf, Edu, & Training				
7455 - Conf, Edu, & Train Regis	820.00	1,400.00	-580.00	58.57%
Total 7450 - Conf, Edu, & Training	820.00	1,400.00	-580.00	58.57%
7470 - Printing & Photography				
7471- Internal Printing	84.39	400.00	-315.61	21.1%
Total 7470 - Printing & Photography	84.39	400.00	-315.61	21.1%
7480 - Postage & Delivery				
7481 - Postage & Delivery	13,116.27	16,250.00	-3,133.73	80.72%
Total 7480 - Postage & Delivery	13,116.27	16,250.00	-3,133.73	80.72%
7500 - Miscellaneous Operating				
7511 - Awards	0.00	500.00	-500.00	0.0%
7541 - Books, Subscr., & Pubs.	9,666.12	12,350.00	-2,683.88	78.27%
Total 7500 - Miscellaneous Operating	9,666.12	12,850.00	-3,183.88	75.22%
Total 7000 - Other Operating	136,100.11	142,615.99	-6,515.88	95.43%
8400 - Capital Equipment				
8470 - Other Equip. - Capital				
8471 - Other Equip. - Capital	5,913.68			
Total 8470 - Other Equip. - Capital	5,913.68			
Total 8400 - Capital Equipment	5,913.68			
8500 - Non-capital Equipment				
8520 - Furniture Non-cap				
8521 - Furniture Non-capital	14,046.64	15,000.00	-953.36	93.64%
Total 8520 - Furniture Non-cap	14,046.64	15,000.00	-953.36	93.64%
8550 - EDP Equip PC/LAN Non-cap				
8551 - EDP Equip. Non-cap Purch	789.24	11,500.00	-10,710.76	6.86%
Total 8550 - EDP Equip PC/LAN Non-cap	789.24	11,500.00	-10,710.76	6.86%
8570 - Other Equip. - Non-cap.				
8571 - Other Equip. - Non-cap.	1,526.05			
Total 8570 - Other Equip. - Non-cap.	1,526.05			
8580 - Non-capitalized Software				
8583 - PC/LAN Software Non-cap.	396.99	2,400.00	-2,003.01	16.54%

Arizona Board of Fingerprinting

Budget vs. Actual

	Fiscal Year 2008		TOTAL	
	FY 2008	Budget	\$ Over Budget	% of Budget
Total 8580 - Non-capitalized Software	396.99	2,400.00	-2,003.01	16.54%
Total 8500 - Non-capital Equipment	16,758.92	28,900.00	-12,141.08	57.99%
9100 - Transfers Out				
9101 - Operating Transfers Out	6,238.40	1,000.00	5,238.40	623.84%
Total 9100 - Transfers Out	6,238.40	1,000.00	5,238.40	623.84%
Total Expense	560,825.47	591,663.71	-30,838.24	94.79%
	213,329.17	241,296.93	-27,967.76	88.41%

2008 - 2011 ARIZONA MASTER LIST OF STATE GOVERNMENT PROGRAMS

BFA 0.0	Agency Summary
	FINGERPRINT BOARD
	Dennis Seavers, Executive Director
	Phone: (602) 265-0135
	A.R.S. § 41-619.52

Mission:

To fairly, expeditiously, and responsibly determine good cause exceptions for applicants who have been denied a fingerprint clearance card.

Description:

The Arizona Board of Fingerprinting determined good cause exceptions from eligible people who require a fingerprint clearance card and whose fingerprint clearance card has been denied or suspended by the Department of Public Safety.

Strategic Issues:

Issue 1 Consistency and correctness of good-cause-exception determinations

Under A.R.S. § 41-619.55, the Board is responsible for determining whether applicants with criminal histories are rehabilitated or recidivists. Successful applicants may work with vulnerable citizens: children, the elderly, and the developmentally disabled. It is important that the Board make good judgments, keeping in mind that the Board must protect vulnerable citizens while recognizing that applicants with criminal histories can successfully rehabilitated themselves and serve a useful role in society.

The Board consistently reviews its application of the statutory criteria in A.R.S. § 41-619.55(E) to particular cases to ensure that the Board is consistent and correct in its decisions. The Board has developed performance measures to ensure that its decisions are consistent. The Board has reviewed and revised its hearing process to make sure that applicants receive due process. Finally, the Board reviews reports of new arrests for previously approved applicants to determine whether the Board should revise its guidelines for applying the statutory criteria.

Issue 2 Administrative-hearing process

For complex cases or cases with problematic criminal histories, the Board may refer an applicant to an administrative hearing. In the past two years, legislation and court cases have required the Board to make four substantial changes to the administrative-hearing process.

During the next year, the Board will focus on developing a stable and effective administrative-hearing process. The Board will also focus on implementing recent legislative changes and establishing an efficient and fair process.

Issue 3 Timeliness of decisions

Applicants who are awaiting the outcome of a good-cause-exception determination often are unable to work in regulated professions that require a fingerprint clearance card. In addition, certain students are unable to continue their studies while awaiting a decision from the Board. The Board is aware, especially during economic downturns, of the impact this wait can have on an applicant's livelihood and financial health.

The Board has made significant strides toward improving its processing time. It has eliminated a backlog that existed in 2006 and 2007. It has reduced the time within which it makes expedited-review decisions. It also has adapted to new statutory time frames. However, statutory changes have extended the process for deciding cases referred to administrative hearings. Therefore, the Board will continue to monitor the timeliness of its decisions, and it will revisit its guidelines for granting good-cause-exceptions to ensure that cases eligible for expedited review are not unnecessarily referred to hearing.

Goal 1 To make fair and consistent determinations on good-cause-exception applications.

Performance Measures	FY 2008 Actual	FY 2009 Estimate	FY 2010 Estimate	FY 2011 Estimate
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Percent of investigator recommendations for expedited reviews accepted.	92.48	93	93	93
Percent of applications approved.	90.89	90	90	90
Percent of approvals by expedited review.	69.63	75	75	75
Percent of approvals by administrative hearing.	30.37	25	25	25

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

Performance Measures	FY 2008 Actual	FY 2009 Estimate	FY 2010 Estimate	FY 2011 Estimate
Number of good-cause-exception applications received.	1,748	2,365	2,365	2,365
Number of applications disposed.	2,174	2,365	2,365	2,365
Ratio of cases opened to cases closed.	1:1.24	1:1	1:1	1:1
Average number of days to dispose.	156.59	120	120	120
Average number of days spent processing application.	112.95	90	90	90
Average number of days spent processing application from receipt to expedited review.	23.22	22	21	20
Percent of applications that undergo an expedited review within 20 days (processing time).	99.76	100	100	100
Average days from expedited review to hearing.	51.62	40	40	40
Percent of applications heard within 60 days of expedited review.	100	100	100	100
Percent of applications decided within 60 days of hearing.	100	100	100	100

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

Performance Measures	FY 2008 Actual	FY 2009 Estimate	FY 2010 Estimate	FY 2011 Estimate
Number of good-cause-exception requests received.	3,016	3,616	3,616	3,616
Ratio of requests for good cause exceptions to applications submitted.	1:1.57	1:1.60	1:1.60	1:1.60
Percent of applications complete on initial submission.	30.96	40	40	40

Arizona Board of Fingerprinting

TO: Board members
FROM: Dennis Seavers
C: Board alternates
Date: August 29, 2008
SUBJECT: New hearing procedures



Laws 2008, Chapter 173 (House Bill 2254) made several changes to the Board's statutes. Specifically, it continued the agency for five years, clarified the Board's authority to require applicant to disclose certain CPS information, established a fingerprinting requirement for Board members and employees, and changed the role of the hearing officer.

This memo addresses the changes in the role of the hearing officer by describing the current process, summarizing the legislation, and proposing a new process that is consistent with the legislation.

I. CURRENT PROCESS

If the Board determines that an applicant is not eligible for a good cause exception under an expedited review, the applicant is referred to an administrative hearing. For applications received on or after September 19, 2007, this hearing must take place within 45 days of the expedited review.¹ The Board must give at least 20 days notice of the hearing.²

The Board may conduct the hearing itself or delegate a hearing officer to conduct the hearing. The Board generally delegates all hearings to a hearing officer. The hearing officer conducts the hearing and, within 80 days of the hearing, makes the final decision.³ The Board does not have the authority to review or alter the hearing officer's decision. Therefore, once the Board delegates the case to a hearing officer, the Board's involvement in the case ends.

¹ A.R.S. § 41-619.55(B). Applicants may waive this 45-day period by requesting that a hearing be rescheduled.

² A.R.S. § 41-1061(A). Under A.R.S. 41-619.55(L), good-cause-exception hearings are exempt from article 10 of the Administrative Procedures Act, and under A.R.S. § 41-1067, article 6 of the Administrative Procedures Act applies to agencies that are exempt from article 10.

³ A.R.S. §§ 41-619.53(A)(1) and -619.55(A) (hearing officer makes final decision); A.R.S. § 41-619.55(E) (application must be granted or denied within 80 days after the hearing). The hearing officer must consider, in accordance with Board rule, certain statutory criteria before granting a good cause exception. A.R.S. § 41-619.55(E).

II. PROPOSED NEW PROCESS

HB 2254 amends two of the Board's statutes to alter the role of the hearing officer. Instead of making the final decision on whether an application is granted, the hearing officer will offer a recommendation to the Board, which will make the final decision.

a. Overview of process

Under this legislation, the Board will have to return to procedures that existed from February to June 2007, in which there would be two hearings: (1) the hearing conducted by the hearing officer and (2) the hearing conducted by the Board.

The first hearing essentially would be a hearing to collect and consider evidence, question the applicant, and allow the applicant and others to offer testimony. Following the hearing, the hearing officer would prepare recommended findings of fact and conclusions of law and a recommended decision to grant or deny the application. The case would then be placed on the agenda for an upcoming Board meeting.

The Board staff would give the applicant at least 20 days notice of the upcoming Board meeting and would provide a copy of the hearing officer's recommendation. To make sure the applicant has due process, he or she would have an opportunity to submit a written response to the hearing officer's recommendation. This written response would not be an opportunity to submit new evidence but rather to identify perceived errors in the hearing officer's recommendation or points of disagreement.⁴ The response would need to be submitted far enough in advance of the Board meeting to allow the Board time to consider it. The Board previously required applicants to submit the response at least 10 days in advance of the Board meeting, and the Board could adopt this time frame. The Board staff would submit late responses to the Board but would identify them as late, and the Board could decide whether to accept the late responses.

At the second hearing, the Board would consider the hearing officer's recommendation and the applicant's response, if one was submitted. The applicant would be allowed to be present during the hearing and deliberation. Under the procedures that existed last year, the Board did not allow the applicant to speak because the applicant already had an opportunity to submit a written response. I recommend that the Board adopt this practice—applicants may attend but cannot address the Board at the hearing.

⁴ The issue of whether to accept new evidence was discussed at length in 2007. The Board's attorney advised against it because the hearing officer would not have had an opportunity to consider the new evidence and incorporate the information into a decision. However, some Board members were concerned about making the process inflexible, particularly since applicants may not fully understand the process. The Board may want to revisit this issue.

For three reasons, I would recommend that the Board not accept new evidence unless extraordinary circumstances exist: (1) applicants will have had an opportunity to present evidence; (2) accepting new evidence after the first hearing effectively undermines the purpose of having a hearing officer; and (3) in the past, at least one applicant has falsely claimed that evidence existed in support of her application.

The Board could adopt, reject, or modify the hearing officer's recommendation. If the Board rejects or modifies the recommendation, the Board must explain the basis for the action and, if appropriate, amend the findings of fact or conclusions of law. Alterations to the findings of fact or conclusions of law require only a majority of the Board members present; a decision to grant a good cause exception requires a majority plus an addition member of the members present.

In a few cases in the past, the Board remanded cases to the hearing officer to resolve issues that came up in the hearing. Since the Board is now subject to time frames, the decision must be made within 80 days. The Board will not have the option to remand cases to the hearing officer.

b. Effective date

The legislation becomes effective on September 26, 2008. The Board has two options for determining which cases will fall under the new hearing procedures.

1. Normally, the law that applies to a case is the law that existed at the time we received the application. For example, the time frames for determining good cause exceptions apply only to cases received on or after September 19, 2007, because that's the date that the law establishing time frames became effective. Similarly, the Board could determine that the new law applies to cases received on or after the effective date. With this option, the hearing officer would make the final decision if (1) the case is referred to a hearing officer and (2) the application was received before September 26, 2008. The Board would make the final decision if the application was received on or after September 26, 2008.

Under this option, the Board would not see a sudden influx of cases that it must decide. Instead, there will be a slower increase in the number of cases where the Board makes the final decision. In addition, these cases probably will not come before the Board until around February 2009. The disadvantage of this option pertains to case management: for the next year or longer, the Board will have two sets of laws that govern cases, and the hearing officers will have two sets of time frames that they must adhere to.⁵

2. Although the law that applies to a case normally is the law that existed at the time of application, purely procedural changes in the law, such as the changes brought about by HB 2254, can apply to all pending cases, even if the applications were received prior to the law's effective date. Therefore, the Board could decide that the new law applies to all cases that would have a hearing on or after September 26, 2008.

The advantage of this option is that it is simpler administratively than the first option. There would be one set of laws that apply to all cases beginning on

⁵ Under the new law, the hearing officers will have a shorter period of time to issue a recommendation than to issue an order—about 30 days rather than 80. This issue is discussed later in this memo in more detail.

September 26, 2008, rather than two sets of laws that apply for the next year or longer. However, the Board would see a quick increase in its caseload, beginning around December 2008.

c. Timeline

As a result of this legislation, every case referred to a hearing will take at least three months and usually four months from the expedited review to dispose, as outlined in the table below. In contrast to the current process, it will not be possible to make decisions quicker than three months after the expedited review.

Table. Timeline of hearings and decisions for cases referred to administrative hearing.

Step in the process	Approximate time (in days)	Timeline
Expedited review to hearing	20-45 days	Month 1
Hearing to hearing officer recommendation	30 days	Month 2
Recommendation to Board decision	30-50 days	Month 3-4

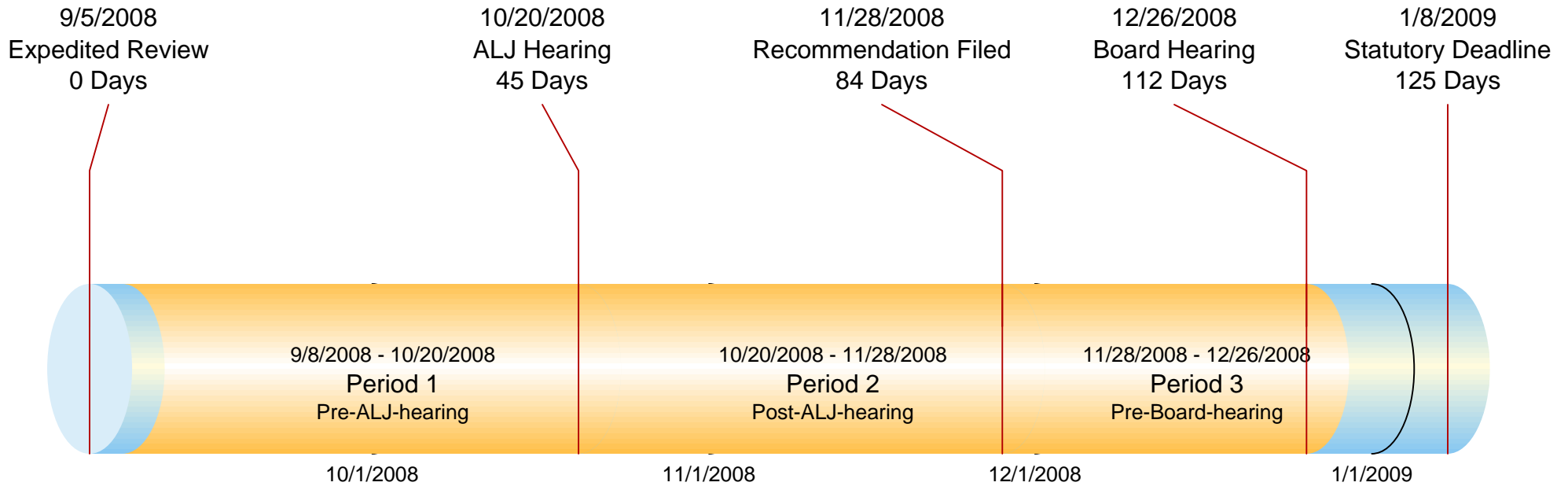
In the attachment, I have provided the timeline for example case. With this example, the case would take 112 days from expedited review to decide, including 67 days of activity following the hearing conducted by the hearing officer.

d. Rehearing or review

Under Arizona Administrative Code R13-11-110, applicants may request a rehearing or a review of a decision to deny a good cause exception. The Board will be responsible for considering these requests.

A request for rehearing or review allows the applicant an opportunity to identify errors in the Board's decision or in the conduct of the hearing that materially affected the applicant's rights. The rehearing or review is not intended to be a "second chance" to get a good cause exception, and so it is not an opportunity for the applicant to express mere disagreement with the outcome.

Attachment. Example Timeline for New Hearing Process



9/5/2008

1/8/2009

Period 1. Pre-ALJ-hearing
0 to 45 days

- Hearing scheduled
- Hearing notice sent at least 20 days (preferably more) before hearing

Period 2. Post-ALJ-hearing
45 to 84 days

- ALJ files draft recommendation
- Recommendation is reviewed, edited, and prepared for publication

Period 3. Pre-Board-hearing
84 to 112 days

- Recommendation and notice of Board hearing sent to applicant at least 20 days (preferably more) before Board hearing
- Two weeks before Board hearing, recommendation is sent to Board members
- At least 10 days before Board meeting, response filed by applicant (the response is optional)