



## TITLE 13. PUBLIC SAFETY

### CHAPTER 11. BOARD OF FINGERPRINTING

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of July 1, 2020 through September 30, 2020 (Supp. 20-3).

<a href="#">R13-11-102.</a>	<a href="#">Definitions .....</a>	<a href="#">2</a>	<a href="#">R13-11-108.</a>	<a href="#">Repealed .....</a>	<a href="#">4</a>
<a href="#">R13-11-104.</a>	<a href="#">Application Requirements .....</a>	<a href="#">2</a>	<a href="#">R13-11-109.</a>	<a href="#">Ex Parte Communications .....</a>	<a href="#">4</a>
<a href="#">R13-11-105.</a>	<a href="#">Expedited Review .....</a>	<a href="#">3</a>	<a href="#">R13-11-110.</a>	<a href="#">Rehearing or Review of Decision .....</a>	<a href="#">5</a>
<a href="#">R13-11-106.</a>	<a href="#">Hearing Matters .....</a>	<a href="#">3</a>	<a href="#">R13-11-113.</a>	<a href="#">Fee .....</a>	<a href="#">5</a>
<a href="#">R13-11-107.</a>	<a href="#">Repealed .....</a>	<a href="#">4</a>	<a href="#">R13-11-114.</a>	<a href="#">Interim Work Permit .....</a>	<a href="#">5</a>

#### Questions about these rules? Contact:

Name: Matthew Scheller, Executive Director  
Address: Arizona Board of Fingerprinting  
P.O. Box 6129  
Phoenix, AZ 85005  
Telephone: (602) 265-0135  
E-mail: matthew.scheller@fingerprint.az.gov  
Website: www.fingerprint.az.gov

#### The release of this Chapter in Supp. 20-3 replaces Supp. 15-1, 1-4 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

## PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director  
ADMINISTRATIVE RULES DIVISION

---

### RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

### THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2019 is cited as Supp. 19-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

### AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

### HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

### ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, [www.azleg.gov](http://www.azleg.gov). An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

### SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

### EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at [www.azsos.gov/rules](http://www.azsos.gov/rules), click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

### EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

### PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

*Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.*



Administrative Rules Division
The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 13. PUBLIC SAFETY

CHAPTER 11. BOARD OF FINGERPRINTING

Authority: A.R.S. §§ 41-619.53(A)(2) and 41-619.55(A)(1)

Title 13, Chapter 11, consisting of Sections R13-11-101 through R13-11-105, adopted by exempt rulemaking at 5 A.A.R. 3087, effective August 19, 1999 (Supp. 99-3).

ARTICLE 1. BOARD OF FINGERPRINTING

Table listing sections R13-11-101 through R13-11-114 with their respective page numbers and status (e.g., Expired, Repealed, Ex Parte Communications).

## CHAPTER 11. BOARD OF FINGERPRINTING

**ARTICLE 1. BOARD OF FINGERPRINTING****R13-11-101. Expired****Historical Note**

New Section adopted by exempt rulemaking at 5 A.A.R. 3087, effective August 19, 1999 (Supp. 99-3). Amended by exempt rulemaking at 9 A.A.R. 3744, effective August 1, 2003 (Supp. 03-3). Amended by exempt rulemaking at 9 A.A.R. 4449, effective September 26, 2003 (Supp. 03-3). Amended by exempt rulemaking at 13 A.A.R. 3435, effective September 19, 2007 (Supp. 07-3). Amended by exempt rulemaking at 18 A.A.R. 2146, effective August 8, 2012 (Supp. 12-3). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 465, effective November 28, 2014 (Supp. 15-1).

**R13-11-102. Definitions**

The definitions at A.R.S. § 41-619.51 apply to this Article. Additionally, in this Article, the following definitions apply, unless the context otherwise requires:

1. "Applicant" means a person who applies for a:
  - a. Good cause exception under A.R.S. § 41-619.55 and who is qualified for a good cause exception under A.R.S. §§ 41-1758.03(C) or (L), 41-1758.04(D), or 41-1758.07(C) or (L); or
  - b. Central registry exception under A.R.S. § 41-619.57 and who is qualified for a central registry exception under A.R.S. § 8-804(J).
2. "Central registry exception application" means all the documents required by A.A.C. R13-11-104(B).
3. "CPS" means Child Protective Services.
4. "DES" means the Department of Economic Security.
5. "DES notice" means the notice of disqualification because of a central registry background check that the Department of Economic Security sends to an applicant under A.R.S. § 8-804(H).
6. "DPS" means the Department of Public Safety.
7. "DPS notice" means the notice of denial or suspension of a fingerprint clearance card that DPS sends to a fingerprint clearance card applicant under A.R.S. § 41-1758.04.
8. "Expedited review" means an examination by the Board, without the applicant being present and in accordance with R13-11-105, of the documents an applicant submits.
9. "Good cause exception" means the issuance of a fingerprint clearance card to an applicant under A.R.S. § 41-619.55.
10. "Good cause exception application" means all of the documents required by A.A.C. R13-11-104(A).
11. "Hearing officer" means an administrative law judge or other person appointed by the Board to determine good cause exceptions or central registry exceptions.

**Historical Note**

New Section adopted by exempt rulemaking at 5 A.A.R. 3087, effective August 19, 1999 (Supp. 99-3). Former Section R13-11-102 renumbered to R13-11-103; new Section R13-11-102 made by exempt rulemaking at 9 A.A.R. 3744, effective August 1, 2003 (Supp. 03-3). Amended by exempt rulemaking at 9 A.A.R. 4449, effective September 26, 2003 (Supp. 03-3). Amended by exempt rulemaking at 13 A.A.R. 3435, effective September 19, 2007 (Supp. 07-3). Amended by exempt rulemaking at 18 A.A.R. 2146, effective August 8, 2012 (Supp. 12-3). Amended by exempt rulemaking at 18 A.A.R. 2564, effective September 25, 2012 (Supp. 12-3). Amended by final exempt rulemaking at 26 A.A.R. 2091, with an

immediate effective date of September 30, 2020 (Supp. 20-3).

**R13-11-103. Repealed****Historical Note**

New Section adopted by exempt rulemaking at 5 A.A.R. 3087, effective August 19, 1999 (Supp. 99-3). Former Section R13-11-103 renumbered to R13-11-104; new Section R13-11-103 renumbered from R13-11-102 by exempt rulemaking at 9 A.A.R. 3744, effective August 1, 2003 (Supp. 03-3). Amended by exempt rulemaking at 9 A.A.R. 4449, effective September 26, 2003 (Supp. 03-3). Amended by exempt rulemaking at 13 A.A.R. 3435, effective September 19, 2007 (Supp. 07-3). Repealed by exempt rulemaking at 18 A.A.R. 2146, effective August 8, 2012 (Supp. 12-3).

**R13-11-104. Application Requirements**

- A. Good cause exception application. To apply for a good cause exception, an applicant shall submit the following materials to the Board within one year from the date of the denial or suspension letter from DPS:
  1. The good cause exception application form, which is available on the Board's website. The applicant shall have the completed form notarized before submitting the form.
  2. A copy of the denial or suspension letter from DPS.
  3. Two letters of reference, using the form available on the Board's website, which meet the following requirements:
    - a. Both letters of reference are from individuals who have known the applicant for at least one year; and
    - b. At least one letter of reference is from the applicant's current or former employer or from an individual who has known the applicant for at least three years.
  4. If the DPS notice indicates that DPS could not determine the disposition of a charge, documents from the appropriate court showing the disposition of the charge or showing that records pertaining to the applicant either do not exist or have been purged.
  5. For any charge that occurred no more than five years before the date on the DPS notice, regardless of whether the charge is listed on the DPS notice, the police report for each charge and documents from the appropriate court showing the disposition of the charge.
  6. For any criminal conviction, regardless of whether the offense is listed on the DPS notice, documents from the appropriate court showing either the applicant has met all judicially imposed obligations or sentencing conditions or records pertaining to the applicant do not exist or have been purged. If the applicant has not met all judicially imposed obligations or sentencing conditions, the applicant shall provide a written statement indicating or documents from the appropriate court showing the status of the applicant's efforts toward meeting the obligations.
  7. A statement written by the applicant that explains each charge, regardless of whether the charge is listed on the DPS notice.
- B. Central registry exception application. To apply for a central registry exception, an applicant shall submit the following materials to the Board:
  1. The central registry exception application form, which is available on the Board's website. The applicant shall have the completed form notarized before submitting the form.
  2. A copy of the denial letter from DCS or DPS.

## CHAPTER 11. BOARD OF FINGERPRINTING

3. Two letters of reference, using the form available on the Board's website, which meet the following requirements:
    - a. Both letters of reference are from individuals who have known the applicant for at least one year; and
    - b. At least one letter of reference is from the applicant's current or former employer or from an individual who has known the applicant for at least three years.
  4. If the applicant has had any criminal charges:
    - a. Documents from the appropriate court showing either the disposition of the criminal charges or that records pertaining to the applicant do not exist or have been purged;
    - b. For any charge that occurred no more than five years before the date on the DES notice, the police report for the charge and documents from the appropriate court showing the disposition of the charge;
    - c. For any criminal conviction, documents from the appropriate court showing either the applicant has met all judicially imposed obligations or sentencing conditions or records pertaining to the applicant do not exist or have been purged. If the applicant has not met all judicially imposed obligations or sentencing conditions, the applicant shall provide a written statement indicating or documents from the appropriate court showing the status of the applicant's efforts toward meeting the obligations; and
    - d. A statement written by the applicant that explains each criminal charge.
  5. A statement written by the applicant that explains each incident that led to a substantiated allegation of child abuse or neglect.
  6. If CPS assigned a case plan to the applicant, the current CPS case plan or documentation from CPS showing that the case plan is unavailable.
- C.** After receiving the application form required under subsection (A) or (B), the Board shall conduct an investigation that includes obtaining the applicant's full criminal history record from DPS and, if applicable, the redacted CPS report and other investigative information available from DES.
- D.** The Board or its hearing officer may accept any other documents an applicant submits, as allowed by A.R.S. § 41-1062.

**Historical Note**

New Section adopted by exempt rulemaking at 5 A.A.R. 3087, effective August 19, 1999 (Supp. 99-3). Former Section R13-11-104 renumbered to R13-11-105; new Section R13-11-104 renumbered from R13-11-103 by exempt rulemaking at 9 A.A.R. 3744, effective August 1, 2003 (Supp. 03-3). Former Section R13-11-104 renumbered to R13-11-109; new Section R13-11-104 made by exempt rulemaking at 9 A.A.R. 4449, effective September 26, 2003 (Supp. 03-3). Amended by exempt rulemaking at 13 A.A.R. 3435, effective September 19, 2007 (Supp. 07-3). Amended by exempt rulemaking at 18 A.A.R. 2146, effective August 8, 2012 (Supp. 12-3). Amended by final exempt rulemaking at 26 A.A.R. 2091, with an immediate effective date of September 30, 2020 (Supp. 20-3).

**R13-11-105. Expedited Review**

- A.** Within 20 days after receiving an application, the Board shall conduct an expedited review. When determining whether the applicant should receive a good cause exception or central registry exception under an expedited review, the Board shall consider the following:

1. The criteria listed in A.R.S. § 41-619.55(E) for a good cause exception application or A.R.S. § 41-619.57(E) for a central registry exception application; and
  2. Whether the documentation submitted in support of a good cause exception application or central registry exception application is sufficient to allow the Board to grant a good cause exception or central registry exception, or whether the Board requires further documentation or oral testimony.
- B.** If the Board determines under an expedited review that the applicant is eligible for a good cause exception or central registry exception, the Board shall grant the applicant a good cause or central registry exception.
- C.** If the Board determines under an expedited review that the applicant is not eligible for a good cause exception or central registry exception, the Board shall direct the Board's executive director to schedule a hearing. The Board's executive director shall give the applicant reasonable notice of the hearing in accordance with A.R.S. § 41-1061. The hearing shall take place within 45 days after the expedited review.

**Historical Note**

New Section adopted by exempt rulemaking at 5 A.A.R. 3087, effective August 19, 1999 (Supp. 99-3). Former Section R13-11-105 renumbered to R13-11-106; new Section R13-11-105 renumbered from R13-11-104 by exempt rulemaking at 9 A.A.R. 3744, effective August 1, 2003 (Supp. 03-3). Section repealed; new Section made by exempt rulemaking at 9 A.A.R. 4449, effective September 26, 2003 (Supp. 03-3). Amended by exempt rulemaking at 13 A.A.R. 3435, effective September 19, 2007 (Supp. 07-3). Amended by exempt rulemaking at 18 A.A.R. 2146, effective August 8, 2012 (Supp. 12-3). Amended by final exempt rulemaking at 26 A.A.R. 2091, with an immediate effective date of September 30, 2020 (Supp. 20-3).

**R13-11-106. Hearing Matters**

- A.** Request to vacate or reschedule a hearing. To request that the Board or its hearing officer vacate or reschedule a hearing, an applicant shall submit a written request to the Board before the date of the scheduled hearing.
1. The Board or its hearing officer shall give the applicant written notice of whether the request to vacate or reschedule the hearing is granted or denied. If the hearing is rescheduled, the Board or its hearing officer shall include in the notice the date of the rescheduled hearing.
  2. Vacating a hearing. The Board or its hearing officer may vacate a hearing if:
    - a. The applicant no longer requires a good cause exception or central registry exception;
    - b. The applicant withdraws the application by submitting a written notice to the Board; or
    - c. Facts demonstrate to the Board or its hearing officer that it is appropriate to vacate the hearing for the purpose of administrative convenience, expediency, or economy and the action does not conflict with law or cause undue prejudice to any party.
  3. Rescheduling a hearing. The Board or its hearing officer may reschedule a hearing if:
    - a. The applicant shows that attending the calendared hearing would cause excessive or undue prejudice or hardship;
    - b. The applicant shows that attending the calendared hearing would be impossible, using the effort expected from a reasonable person under the circumstances; or

## CHAPTER 11. BOARD OF FINGERPRINTING

- c. Facts demonstrate to the Board or its hearing officer that it is appropriate to reschedule the hearing for the purpose of administrative convenience, expediency, or economy and the action does not conflict with law or cause undue prejudice to any party.
- B.** Continuing a hearing. The Board or its hearing officer shall consider the following factors when ruling on a motion to continue a hearing:
1. The reasons for continuing the hearing; and
  2. Whether the continuance will cause undue prejudice to any party.
- C.** Reconvening a hearing. The Board or its hearing officer may recess a hearing and reconvene at a future date by a verbal ruling.
- D.** Testimony by telephone or electronic means. An applicant who wishes to submit or have a witness submit testimony at a hearing by telephone or electronic means shall submit a written request to the Board before the time of the scheduled hearing. The Board or its hearing officer may allow the applicant or the applicant's witness to submit testimony by telephone or electronic means at the hearing if:
1. Personal attendance by the applicant or the applicant's witness at the hearing will present an undue hardship for the applicant or the applicant's witness;
  2. Testimony by telephone or electronic means will not cause undue prejudice to any party; and
  3. The applicant or the applicant's witness assumes the cost of testifying by telephone or electronic means.
- E.** Failure to appear. Absent good cause, if an applicant fails to appear at a scheduled hearing, the Board may deny a good cause exception or central registry exception to the applicant. The Board, using its discretion, shall determine whether good cause exists.
1. An applicant demonstrates good cause by showing that the applicant:
    - a. Could not have been present at the hearing using the effort expected from a reasonable person under the circumstances, or
    - b. Requested that the hearing be rescheduled under R13-11-106.
  2. The Board shall not accept the applicant's failure to inform the Board of a change in address as grounds for good cause.
- F.** Board decision. The Board shall grant or deny a good cause exception or central registry exception within 80 days after the hearing.

**Historical Note**

New Section R13-11-106 renumbered from R13-11-105 by exempt rulemaking at 9 A.A.R. 3744, effective August 1, 2003 (Supp. 03-3). Former Section R13-11-106 renumbered to R13-11-110; new Section R13-11-106 made by exempt rulemaking at 9 A.A.R. 4449, effective September 26, 2003 (Supp. 03-3). Amended by exempt rulemaking at 18 A.A.R. 2146, effective August 8, 2012 (Supp. 12-3). Amended by final exempt rulemaking at 26 A.A.R. 2091, with an immediate effective date of September 30, 2020 (Supp. 20-3).

**R13-11-107. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 3744, effective August 1, 2003 (Supp. 03-3). Former Section R13-11-107 renumbered to R13-11-111; new Section R13-11-107 made by exempt rulemaking at 9 A.A.R. 4449, effective September 26, 2003 (Supp. 03-3). Amended by exempt rulemaking at 18 A.A.R. 2146, effective August 8, 2012 (Supp. 12-3). Repealed by final exempt rulemaking at 26 A.A.R. 2091, with an immediate effective date of September 30, 2020 (Supp. 20-3).

Repealed by final exempt rulemaking at 26 A.A.R. 2091, with an immediate effective date of September 30, 2020 (Supp. 20-3).

**R13-11-108. Repealed****Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 4449, effective September 26, 2003 (Supp. 03-3). Amended by exempt rulemaking at 13 A.A.R. 3435, effective September 19, 2007 (Supp. 07-3). Amended by exempt rulemaking at 18 A.A.R. 2146, effective August 8, 2012 (Supp. 12-3). Repealed by final exempt rulemaking at 26 A.A.R. 2091, with an immediate effective date of September 30, 2020 (Supp. 20-3).

**R13-11-109. Ex Parte Communications**

- A.** In any good cause exception or central registry exception case, except to the extent required for disposition of *ex parte* matters as authorized by law:
1. An interested person outside the Board shall not make or knowingly cause to be made to any Board member, hearing officer, or other employee or consultant who may reasonably be expected to be involved in the decisional process of the proceeding, an *ex parte* communication relevant to the merits of the proceeding; and
  2. A Board member, hearing officer, or other employee or consultant who is or may be reasonably expected to be involved in the decisional process of the proceeding, shall not make or knowingly cause to be made to any interested person outside the Board an *ex parte* communication relevant to the merits of the determination.
- B.** A Board member, hearing officer, or other employee or consultant who is or may be reasonably expected to be involved in the decisional process of the proceeding, who receives, makes, or knowingly causes to be made a communication prohibited under subsection (A), shall place on the record of the proceeding and serve on all parties to the proceeding:
1. All prohibited written communications;
  2. Memoranda stating the substance of all prohibited oral communications; and
  3. All written responses, and memoranda stating the substance of all oral responses, to the communications described in subsections (B)(1) and (B)(2).
- C.** If the Board receives a communication made or knowingly caused to be made by a party in violation of this Section, the Board or its hearing officer may require the party to show cause why the party's claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected because of the violation.
- D.** The provisions of this Section apply beginning when an application for a good cause exception or central registry exception is filed.
- E.** For the purposes of this Section:
1. "Person outside the Board" means any person other than a Board member, employee or consultant of the Board, or attorney representing the Board in its adjudicatory role.
  2. "*Ex parte* communication" means an oral or written communication not on the administrative record and not the subject of reasonable prior notice to all parties.

**Historical Note**

Section renumbered from R13-11-104 and amended by exempt rulemaking at 9 A.A.R. 4449, effective September 26, 2003 (Supp. 03-3). Former R13-11-109 renumbered to R13-11-111; new R13-11-109 made by exempt rulemaking at 12 A.A.R. 4898, effective December 6, 2006 (Supp. 06-4). Amended by exempt rulemaking at 18

## CHAPTER 11. BOARD OF FINGERPRINTING

A.A.R. 2146, effective August 8, 2012 (Supp. 12-3). Amended by exempt rulemaking at 18 A.A.R. 2564, effective September 25, 2012 (Supp. 12-3). Amended by final exempt rulemaking at 26 A.A.R. 2091, with an immediate effective date of September 30, 2020 (Supp. 20-3).

**R13-11-110. Rehearing or Review of Decision**

- A.** An applicant may seek a review or rehearing of a Board decision that results from an administrative hearing by submitting a written request for a review or rehearing to the Board within 30 days after the date the decision is served. The Board shall grant a request for review or rehearing for any of the following reasons materially affecting the rights of the applicant:
1. The findings of fact, conclusions of law, or decision are not supported by the evidence or are contrary to law;
  2. The applicant was deprived of a fair hearing due to irregularity in the proceedings, abuse of discretion, or misconduct by the hearing officer;
  3. Newly discovered material evidence exists that could have a bearing on the decision and that could not have been discovered and produced earlier using the effort expected from a reasonable person under the circumstances; or
  4. Error in admission or rejection of evidence or other errors of law occurring at the hearing.
- B.** The applicant shall specify in the request under subsection (A) the grounds for a review or rehearing and provide reasonable evidence that the applicant's rights were materially affected.
- C.** The Board or its hearing officer may take additional testimony; amend or make new findings of fact and conclusions of law; and affirm, modify, or reverse the original decision.
- D.** A rehearing or review, if granted, shall be a rehearing or review only of the issue upon which the decision is found erroneous. The Board shall specify in the order granting or denying a rehearing or review, the basis for the order.

**Historical Note**

Section renumbered from R13-11-106 and amended by exempt rulemaking at 9 A.A.R. 4449, effective September 26, 2003 (Supp. 03-3). Former R13-11-110 renumbered to R13-11-112; new R13-11-110 made by exempt rulemaking at 12 A.A.R. 4898, effective December 6, 2006 (Supp. 06-4). Amended by exempt rulemaking at 13 A.A.R. 3435, effective September 19, 2007 (Supp. 07-3). Amended by exempt rulemaking at 18 A.A.R. 2146, effective August 8, 2012 (Supp. 12-3). Amended by final exempt rulemaking at 26 A.A.R. 2091, with an immediate effective date of September 30, 2020 (Supp. 20-3).

**R13-11-111. Repealed****Historical Note**

Section renumbered from R13-11-107 by exempt rulemaking at 9 A.A.R. 4449, effective September 26, 2003 (Supp. 03-3). Former R13-11-111 renumbered to R13-11-113; new R13-11-111 renumbered from R13-11-

109 by exempt rulemaking at 12 A.A.R. 4898, effective December 6, 2006 (Supp. 06-4). Amended by exempt rulemaking at 13 A.A.R. 3435, effective September 19, 2007 (Supp. 07-3). Repealed by exempt rulemaking at 18 A.A.R. 2146, effective August 8, 2012 (Supp. 12-3).

**R13-11-112. Repealed****Historical Note**

Section R13-11-112 renumbered from R13-11-110 by exempt rulemaking at 12 A.A.R. 4898, effective December 6, 2006 (Supp. 06-4). Repealed by exempt rulemaking at 18 A.A.R. 2146, effective August 8, 2012 (Supp. 12-3).

**R13-11-113. Fee**

- A.** When an individual applies to DPS for a fingerprint clearance card, the individual pays a fee to DPS that includes an amount for the fingerprint clearance card and, if necessary, a good cause or central registry exception determination.
- B.** The portion of the fee paid under subsection (A) that is for a good cause or central registry exception determination is \$4.

**Historical Note**

Section R13-11-113 renumbered from R13-11-111 by exempt rulemaking at 12 A.A.R. 4898, effective December 6, 2006 (Supp. 06-4). Amended by exempt rulemaking at 18 A.A.R. 2564, effective September 25, 2012 (Supp. 12-3). Amended by final exempt rulemaking at 26 A.A.R. 2091, with an immediate effective date of September 30, 2020 (Supp. 20-3).

**R13-11-114. Interim Work Permit**

- A.** Under A.R.S. § 41-619.55(I), the Board may grant an interim work permit to an applicant for a good cause exception if the applicant for a good cause exception:
1. Is required by newly effective legislation to obtain a fingerprint clearance card for the applicant's job;
  2. Held the job at the time the new legislation went into effect; and
  3. Was not previously required to have a fingerprint clearance card for the job.
- B.** The employer of an applicant who meets the standards under subsection (A) shall submit a letter of reference under R13-11-104(A)(3)(b) with the applicant's good cause exception application.
- C.** The Board shall not grant an interim work permit to an applicant who is precluded from receiving a fingerprint clearance card under A.R.S. § 41-1758.03(B) or 41-1758.07(B).
- D.** An interim work permit ceases to have effect when the Board makes a final decision on the applicant's good cause exception application.

**Historical Note**

New Section made by final exempt rulemaking at 26 A.A.R. 2091, with an immediate effective date of September 30, 2020 (Supp. 20-3).