



ARIZONA DEPARTMENT OF PUBLIC SAFETY

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"Courteous Vigilance"

KATIE HOBBS
Governor

JEFFREY GLOVER
Director

May 31, 2023

Attorney General Kris Mayes
Arizona Attorney General's Office
2005 N Central Ave
Phoenix, AZ 85004

Dear Attorney General Mayes:

Pursuant to A.R.S. § 41-193(A)(7), the Arizona Department of Public Safety (DPS), along with the Arizona Department of Housing (DOH), respectfully request a formal legal opinion regarding the definition of the following terms, within A.R.S. § 41-4025(E): "owner," "partner," "general partner," "president," "vice president," "secretary," "treasurer," "manager" and "managing members."

By way of background, when a state enacts a law authorizing access to federally held criminal history record information ("CHRI") for use in connection with licensing or employment, that law must be approved by the FBI before access to the records will be allowed. Last year, the Legislature passed HB2165 (codified in relevant part at A.R.S. § 41-4025(E)), which newly requires certain DOH licensees to obtain fingerprint clearance cards issued by the DPS as a condition of licensure. The processing of fingerprint clearance card applications requires access to federal CHRI.

DPS submitted the law to the FBI for approval. The FBI ultimately concluded that A.R.S. § 41-4025(E) does not identify the specific categories of licensees who must obtain fingerprint clearance cards because the terms identified above are not defined in Title 41. The FBI stated that an official Attorney General opinion defining those terms would satisfy their concerns and allow for the approval of HB2165.

Therefore, we respectfully request a formal legal opinion defining the terms identified above so that the FBI will approve HB2165 and DPS can process applications for fingerprint clearance cards for prospective DOH licensees.

Thank you for your consideration.

Sincerely,


Jeffrey Glover, Colonel
Director

Arizona Department of Public Safety


Joan Serviss
Director

Arizona Department of Housing