



Board of Defensive Driving

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 109

Date: February 18, 2009
Time: 10:00 a.m. – 2:00 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Judge Gary J. LaFleur
Rolland (Ron) E. DeLong
Robert G. A. Hall
Pamela K. Najera
Leonard Montanaro
Judge Daniel S. Jurkowitz
Elaine Acosta Sweet
Virginia Davis
Steven Soldis
Lynette Rudow

Telephonically Present:

Cecile T. Woodward

Absent:

OTHER ATTENDEES

AOC Staff:

Kitty Boots
Nancy Swetnam
Kandace French
Linda Grau
Chris DeWitt
Maria Lopez
Becky Sorenson
Jennifer Greene
Jeanetta Waterbury
Karla Clanton
Alex Navarro
Cynthia Thomas

Guests:

Nishan De Soysa
Larry Clapick
Bill Redel
Debra Grossman
Robert Simmons
Dave Worley

CALL TO ORDER

Called to Order By: Judge Gary J. LaFleur

Time: 10:14 a.m.

1) REVIEW AND APPROVAL OF MINUTES

I-A: Review, discussion, and approval of the Regular Session Minutes for the meeting of November 19, 2008.

Individuals Addressing the Board: Kandace French

Discussion: Board discussed the Regular Session Minutes for the meeting of November 19, 2008.

Motion: Moved to approve the Regular Session Minutes for the meeting of November 19, 2008.

Motion Proposals: First Leonard Montanaro
Second Pamela K. Najera

Motion Results: Pass

I-B: Review, discussion, and approval of the Regular Session Minutes for the meeting of December 4, 2008.

Individuals Addressing the Board: Kandace French

Discussion: Board discussed the Regular Session Minutes for the meeting of December 4, 2008.

Motion: Moved to approve the Regular Session Minutes for the meeting of December 4, 2008.

Motion Proposals: First Elaine Acosta Sweet
Second Robert G. A. Hall

Motion Results: Pass

I-C: Review, discussion, and approval of the Regular Session Minutes for the meeting of December 17, 2008.

Individuals Addressing the Board: Kandace French

Discussion: Board discussed the Regular Session Minutes for the meeting of December 17, 2008.

Motion: Moved to approve the Regular Session Minutes for the meeting of December 17, 2008.

Motion Proposals: First Leonard Montanaro
Second Pamela K. Najera

Motion Results: Pass

2) ADMINISTRATIVE ISSUES

2-A: Introduction of reappointed and new board members.

Individuals Addressing the Board: Kandace French

Discussion: Staff announced the reappointment of board members Leonard Montanaro, Steve Soldis, Elaine Acosta Sweet and Judge Daniel S. Jurkowitz and the appointment of new member Lynette Rudow – Court Administrator Member.

Motion: No action taken

2-B: Review and discussion regarding the implementation of 2007-2008 legislation.

Individuals Addressing the Board: Nancy Swetnam

Discussion: Staff provided a verbal report regarding the implementation of legislation which went into effect January 1, 2009.

Motion: No action taken

2-C: Review and discussion regarding proposed new legislation.

Individuals Addressing the Board: Nancy Swetnam

Discussion: Staff provided a verbal report to the Board regarding the status of proposed legislation related to the Defensive Driving Program.

Motion: No action taken

3) REVIEW OF PENDING COMPLAINTS

3-A: Review, discussion, and possible action regarding following complaint numbers:

Complaint Number 08-D002 - GoToTrafficSchool.com
Complaint Number 08-D004 – Arizona Crash Course in Traffic Safety
Complaint Number 08-D006 – Yves Pierre

Individuals Addressing the Board: Linda Grau

Discussion: Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist as to allegations of complaint number 08-D002 - GoToTrafficSchool.com.

Motion: Board moved to adopt the findings of the Probable Cause Evaluator and dismiss the complaint.

Motion Proposals: First Judge Daniel S. Jurkowitz
Second Leonard Montanaro

Motion Results: Pass

Individuals Addressing the Board: Linda Grau

Discussion: Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist as to allegations 1 and 2 of complaint number 08-D004 - Arizona Crash Course In Traffic Safety.

Motion: Board moved to adopt the findings of the Probable Cause Evaluator and dismiss the complaint.

Motion Proposals: First Robert G. A. Hall
Second Steven Soldis

Motion Results: Pass

Individuals Addressing the Board: Linda Grau

Discussion: Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist as to allegation 2 of complaint number 08-D006 – Yves Pierre.

Motion: Board moved to adopt the findings of the Probable Cause Evaluator and dismiss allegation 2 of complaint number 08-D006 – Yves Pierre.

Motion Proposals: First Leonard Montanaro
Second Robert G. A. Hall

Motion Results: Pass

Individuals Addressing the Board: Linda Grau

Discussion: Staff recommended the Board accept the finding of the Probable Cause Evaluator pertaining to Allegation 1 of complaint number 08-D006 and enter a finding grounds for formal disciplinary action against Pierre exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201 (H)(6)(a) and (H)(6)(k)(3) for acts of misconduct involving ACJA § 7-201 (F)(1), ACJA § 7-205 (J)(2), (J)(2)(b)(1), (J)(2)(b)(2) and (J)(2)(b)(5)(a).

Motion: Board moved to accept staff’s recommendation.

Motion Proposals: First Leonard Montanato
Second Elaine Acosta Sweet

Motion Results: Pass

3-B: Report, discussion, and possible action regarding complaints dismissed by the Division Director pursuant to Arizona Code of Judicial Administration § 7-201 (D)(4)(a) and (H)(2)(b):

Complaint Number 08-D008

Individuals Addressing the Board: Linda Grau

Discussion: Staff recommended the Board affirm the Division Director’s dismissal pursuant to ACJA § 7-201 (H)(2)(d).

Motion: Board moved to accept staff’s recommendation and affirm the dismissal of the complaint.

Motion Proposals: First Rolland (Ron) E. DeLong
Second Lynette Rudow

Motion Results: Pass

4) REVIEW OF CERTIFICATION APPLICATIONS

4-A: Review and consideration of pending initial certification applications of the following defensive driving instructors:

Linda Badilla
Sara Owens
Brenna Johnston

Donald Hudson
Claude Ah Sing
Dwight McDivitt
Peter Rimmasch
Lori Winans
Lisa Lacey-Porras

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended initial certification be granted to Sara Owens.

Motion: Board moved to grant certification to Sara Owens.

Motion Proposals: First Robert G. A. Hall
Second Rolland (Ron) E. DeLong

Motion Results: Pass

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended the Board deny certification of Linda Badilla pursuant to ACJA 7-201(E) (2)(c)(1) for failure to meet the qualifications or eligibility requirements prescribed in ACJA 7-201(E) (2)(c)(1).

Motion: Board moved to deny certification pursuant to ACJA 7-201(E) (2)(c)(1).

Motion Proposals: First Rolland (Ron) E. DeLong
Second Robert G. A. Hall

Motion Results: Pass

Individuals Addressing the Board: Kimberly Siddall

Discussion: In regard to Brenna Johnston and Claude Ah Sing; no action is required as no applications have been filed.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Applications for the following applicants are incomplete. Staff recommended Board defer consideration of these certification applications until the April 15, 2009 Board Meeting:

Donald Hudson
Dwight McDivitt
Peter Rimmasch

Motion: Board moved to accept staff's recommendation and defer decision on the above referenced applicants until the next regularly scheduled meeting of the Board.

Motion Proposals: First Robert G. A. Hall
Second Rolland (Ron) E. DeLong

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended initial certification be granted to the following individuals:
Lori Winans
Lisa Lacey-Porras

Motion: Moved to grant certification to Lori Winans and Lisa Lacey-Porras.

Motion Proposals: First Rolland (Ron) E. DeLong
Second Pamela K. Najera

Motion Results: Pass

4-B: Review and discussion regarding application of § 7-205(E)(4)(a)(3) regarding defensive driving instructor certification eligibility based on dismissed citations and DPS Photo Enforcement violations.

Individuals Addressing the Board: Kimberly Siddall

Discussion: The Board was asked to consider if an applicant who receives two civil traffic moving violations, one of which one is later dismissed, would be eligible for certification under § 7-205(E)(4)(a)(3) and would a DPS photo radar violation, which does not assign points to the driver license, affect certification eligibility under § 7-205(E)(4)(a)(3).

Motion: No action taken

CALL TO THE PUBLIC

Individuals Addressing the Board: Jeanetta Waterbury.

Discussion: Ms. Waterbury discussed the objectives of and the differences between photo radar and regular tickets.

Individuals Addressing the Board: Larry Clapick

Discussion: Mr. Clapick expressed his concerns regarding contracts with the courts.

Individuals Addressing the Board: Bill Redel

Discussion: Mr. Redel expressed his concerns on the rotation of the Defensive Driving Website.

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First Pamela K. Najera
Second Leonard Montanato

Motion Results: Pass

Time: 12:31 p.m.

Initials: ml/bt