



Arizona Supreme Court Defensive Driving Board

Arizona State Courts Building
1501 West Washington Street
Phoenix, Arizona 85007-3222
Conference Room 109

Date: October 21, 2009
Time: 10:00 a.m. – 2:00 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE

Present:

Judge Gary J. LaFleur
Robert G. A. Hall
Virginia Davis
Leonard Montanaro
Rolland (Ron) E. DeLong
Pamela K. Najera
Elaine Acosta Sweet
Cecile T. Woodward

Telephonically Present:

Judge Daniel S. Jurkowitz
Lynette Rudow
Steven Soldis

OTHER ATTENDEES

AOC Staff:

Kitty Boots
Linda Grau
Kandace French
Kimberly Siddall
Jennifer Greene
Bonnie Toms
Nina Preston
Chris DeWitt
Cynthia Thomas
Becky Sorenson

Guests:

Debbie Grado
Carl Reese
Gary Alexander
Ben Mena
Rey Granillo
Debra Grossman

CALL TO ORDER

Called to Order By: Judge Gary J. LaFleur

Time: 10:00 a.m.

1) REVIEW AND APPROVAL OF MINUTES

1-A: *Review, discussion and possible approval of the Regular Session Minutes for the meeting of August 19, 2009.*

Individuals Addressing the Board: Judge Gary J. LaFleur

Discussion: No discussion.

Motion: Move to approve the Regular Session Minutes for the meeting of August 19, 2009.

Motion Proposals: First Elaine Acosta Sweet
Second Pamela K. Najera

Motion Results: **Pass**

2) ADMINISTRATIVE ISSUES

2-A: *Review, discussion and possible action regarding the 2010 Defensive Driving Board meeting schedule.*

Individuals Addressing the Board: Judge Gary J. LaFleur

Discussion: After discussion, it was recommended the Defensive Driving Board meet from 10:00 a.m. to 2:00 p.m. and that the Board approve the 2010 meeting schedule as follows:

February 17, 2010
April 21, 2010
June 16, 2010
August 18, 2010
October 20, 2010
December 15, 2010

Motion: Move to adopt the 2010 meeting schedule as proposed.

Motion Proposals: First Cecile T. Woodward
Second Robert G. A. Hall

Motion Results: **Pass**

2-B: Review, discussion and possible action regarding requests for extension of exceptions previously granted to courts pursuant to ACJA § 7-205(F)(5)(b)(1)(f).

Individuals Addressing the Board: Kandace French , Chris DeWitt, Kitty Boots, Cynthia Thomas

Discussion: The Certification and Licensing staff and the ITD staff reviewed the requests for a one year extension of exception to the automation requirement in ACJA § 7-205. The technical specifications were reviewed to ensure they provide sufficient information and detail to allow all schools the opportunity to comply with the reporting requirements necessary to do business with the court requesting the exception. Certification and Licensing staff also reviewed the requests for an extension of these exceptions for administrative policies to ensure compliance with ACJA § 7-205. Staff recommended the Board grant the extension of exception requests of the following courts for an additional year:

Chandler Municipal Court
Pima County Consolidated Justice Court
Scottsdale City Court
Tucson City Court
Prescott City Court
Prescott Justice Court

In addition, staff recommended the Board deny the extension of the exception request of the following court as this court holds a valid primary provider contract until 2013:

Gilbert Municipal Court

Judge Jurkowitz took over as Chair for this agenda item because of Judge LaFleur's affiliation with one of the courts. Discussion followed regarding the primary provider contract for Chandler Municipal Court and the possibility of a standardized reporting system that would include the (non-AZTEC) exception courts. Cynthia Thompson spoke regarding the rollout of AOC's new case management system.

Motion: Move to adopt staff recommendations.

Motion Proposals: First Leonard Montanaro
Second Steven Soldis
Abstain Judge Gary J. LaFleur

Motion Results: Pass

2-C: Review, discussion, and possible action regarding proposed alternative process

for confirming identity of online student by TrafficSchoolOnline.com.

2-D: Review, discussion, and possible action regarding a proposed alternative process for confirming identity of online student by I Drive Safely.

Individuals Addressing the Board: Chris DeWitt, Kitty Boots

Discussion: Requests for approval of alternative processes for confirming identity of online students, along with documentation, had been submitted to staff. TrafficSchoolOnline.com’s proposed method of student identity confirmation utilizes IDology and I Drive Safely’s proposed method utilizes Acxiom. In both methods, students answer questions gleaned from their credit history online by a third-party database. Upon successful identity verification, the student can proceed to complete the final exam, eliminating the need to go to a separate test site. Both methods were reviewed and tested by staff and recommended for approval by the Board. Discussion followed regarding if there were any major differences between the two company’s methods, the guarantee of identity confirmation of the person actually taking the test, the lack of credit history for younger drivers, and a possible code change to require those who have no credit history to attend a classroom school. As both Agenda Item 2-C and 2-D were included in the discussion, it was decided to combine both into one motion.

Motion: Move to adopt staff recommendation to approve both schools proposed alternative methods for confirming identities.

Motion Proposals:

First	Leonard Montanaro
Second	Robert G. A. Hall
Abstain	Steven Soldis

Motion Results: **Pass**

Judge LaFleur announced Agenda Item 2-E would be reviewed at a later time in the session per the request of staff counsel.

3) REVIEW OF CERTIFICATION APPLICATIONS

3-A: Review, consideration and possible action regarding pending initial certification applications of the following defensive driving instructors:

Individuals Addressing the Board: Kimberly Siddall

*Scott E. Smyth
Thomas C. Francis, Jr.
William B. Howe*

Discussion: The above applications remain incomplete pending receipt of additional information or proof of passing the examination. It was recommended the applications be deferred to the December 16th meeting.

Motion: Move to adopt staff recommendation to defer consideration to the next meeting.

Motion Proposals: First Elaine Acosta Sweet
Second Cecile T. Woodward

Motion Results: **Pass**

David A. Havel
Daniel J. Richard

Discussion: Staff recommended the above applicants be granted initial certification effective November 1, 2009.

Motion: Move to adopt staff recommendation.

Motion Proposals: First Judge Daniel S. Jurkowitz
Second Virginia Davis

Motion Results: **Pass**

William E. Schuck

Discussion: Staff recommended the above applicant be granted initial certification effective November 1, 2009 and include language regarding nondisclosures on future applications may result in discipline or denial.

Motion: Move to adopt staff recommendation.

Motion Proposals: First Leonard Montanaro
Second Cecile T. Woodward

Motion Results: **Pass**

3-B: Review, consideration and possible action regarding pending initial certification applications of the following defensive driving instructors:

Judge LaFleur announced that in the interest of conducting the meeting in a timely manner, he would not ask if board members had a conflict with an individual instructor but would ask those who had school affiliation to automatically abstain from voting or discussion of such applicant.

Individuals Addressing the Board: Kimberly Siddall

1. *William Crum*
2. *Arthur Eckstat*
3. *Paul Hallums*
4. *Brian Hunt*
5. *William Lengacher*
6. *Martha Mueller-Madero*
7. *Paul Porter*
8. *Joseph Stearman*
9. *Paul Zach*
10. *Claude Ah Sing*
11. *Richard Gurganus*
12. *Adriana Hafkey*
13. *David Hofmann*
14. *Alejandro Longoria*
15. *Griselda Moya-Flores*

Discussion: The certificate holders listed above submitted applications for renewal of certification. The applications are complete, no information was presented during the background investigation which is contrary to renewal of certification being granted, and the certificate holders have demonstrated they meet the minimum eligibility requirements for certification. It was recommended renewal of certification be granted.

Motion: Move to adopt staff recommendation.

Motion Proposals: First Judge Daniel S. Jurkowitz
Second Robert G. A. Hall

Motion Results: Pass

16. *Alan Southergill*
17. *Howard Townsend*
18. *Thomas Wilson*
19. *Maria Curbelo*
20. *David Downing*
21. *Debra Grossman*
22. *Larry Clapick*
23. *Michael Littrell*
24. *Barry Thiem*
25. *Mark Wilner*
26. *Jordan Bender*
27. *Albert Clawson*
28. *John Drisler*
29. *Frank Felix*
30. *Alan Goodman*

Discussion: The certificate holders listed above submitted applications for renewal of certification. The applications are complete. It was recommended renewal of certification be granted.

Motion: Move to adopt staff recommendation.

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

Motion Results: Pass

31. *Mary Mastroianni*
32. *Michael Grill*
33. *Errol Heslop*
34. *Larry Lawrence*
35. *Joe Montoya*
36. *Lisa Lacey-Porras*
37. *Dennis Arseneau*
38. *Richard Slay*
39. *Robert Grossman*
40. *Stephanie Wilson*
41. *Robert Etherington*
42. *Jacqueline Starks*
43. *Edward McGlynn*
44. *Walter Weberg*
45. *Petra Haugen*

Discussion: The certificate holders listed above submitted applications for renewal of certification. The applications are complete. It was recommended renewal of certification be granted.

Motion: Move to adopt staff recommendation.

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

Motion Results: Pass

46. *Wigberto Coronel*
47. *Erik Johnson*
48. *Donald Gagnon*
49. *Douglas Sargent*
50. *Annette Shestko*

Discussion: The certificate holders listed above submitted applications for renewal of certification. The applications are complete. It was recommended renewal of certification be granted.

Motion: Move to adopt staff recommendation.

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

Motion Results: Pass

51. Dave Worley

Discussion: The certificate holder listed above submitted an application for renewal of certification as a restricted certificate holder. No other information was presented during the background which is contrary to renewal of certification being granted, and the certificate holder demonstrated he meets all other minimum eligibility requirements for certification. It was recommended renewal of certification as restricted be granted.

Motion: Move to adopt staff recommendation.

Motion Proposals: First Leonard Montanaro
Second Pamela K. Najera

Motion Results: Pass

52. Ron DeLong

Discussion: The certificate holder listed above submitted an application for renewal of certification. No other information was presented during the background investigation which is contrary to renewal of certification being granted and the certificate holder has demonstrated he meets all other minimum eligibility requirements for certification. It was recommended renewal of standard certification be granted.

Motion: Move to adopt staff recommendation.

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

Motion Results: Pass

53. Judith Lowry

54. Harry Ryon

55. Dennis Hayes

Discussion: The certificate holders listed above submitted applications for renewal of certification. The applications are complete; however, they failed to complete the examination by the required deadline of September 1, 2009. The applicants did sit for and pass the

examination in September. No other information was presented during the background investigation which is contrary to renewal of certification being granted and the certificate holders have demonstrated they meet all other minimum eligibility requirements for certification. It was recommended renewal of certification be granted.

Motion: Move to adopt staff recommendation.

Motion Proposals: First Pamela K. Najera
Second Leonard Montanaro

Motion Results: Pass

56. *Wayne Church*
57. *Sean Stoermer*
58. *Lori Winans*
59. *Virginia Davis*
60. *Robert Hall*
61. *Willie Hall*
62. *William Riedel*
63. *Stephen Abney*
64. *Mario Biasiucci*
65. *William Pachnowski*
66. *Pamela York*
67. *Oscar Rosas*
68. *Edmund Dubiel*
69. *Robert Bocskay*
70. *James Caruso*
71. *Kenneth Cada*
72. *Juan Gandara*
73. *Adriana Ruiz*
74. *Jane Hoyt*
75. *Michael White*
76. *Donald Hudson*
77. *Yves Pierre*
78. *Debra Sears*
79. *Juan Valdez*
80. *Ana Durazo*
81. *Patrice Arnout*
82. *Esperanza Eves*
83. *Edward Lockwood*
84. *Wayne McBride*
85. *Kent Ware*
86. *Arnulfo Gandara*
87. *Walter Moschowsky*
88. *David Broughton*
89. *Janice Bacich*

- 90. *Gregory Crawford*
- 91. *Gordon Fox*
- 92. *Robert Schaller*
- 93. *Raymond Abate*
- 94. *Lloyd Anderson*
- 95. *Dana Arries*
- 96. *Michael Broughton*
- 97. *Fredrik Eder*
- 98. *David Herman*
- 99. *Chris Loeffler*
- 100. *David Mattingly*
- 101. *Shana Pearce*
- 102. *Robert Simmons*
- 103. *Felix Villanueva*
- 104. *John Gigicon*

Discussion: The certificate holders listed above have submitted applications for renewal of certification; however, they remain incomplete pending receipt of additional information, background investigation, or proof of continuing education and classes taught. It was recommended consideration of these applications be deferred to the December 16th meeting.

Motion: Move to adopt staff recommendation.

Motion Proposals: First Elaine Acosta Sweet
 Second Cecile T. Woodward

Motion Results: Pass

Note: Judge Jurkowitz left the meeting telephonically at 10:30 a.m.

3-C: Review, discussion and possible action regarding pending initial certification applications of the following defensive driving schools:

Individuals Addressing the Board: Chris DeWitt, Kitty Boots

The Improv Traffic School

Discussion: Division staff completed a review of the new school’s application, curriculum and testing. It was recommended initial certification be granted to The Improv Traffic School. Discussion followed regarding school name guidelines, the possible legal ramifications of rejecting a school name, and if initial certification consideration should be deferred or granted at this time. The board decided to go into executive session for advice of legal counsel.

Motion: Move to enter into executive session for advice of legal counsel.

Motion Proposals: First Elaine Acosta Sweet
Second Rolland (Ron) E. DeLong

Motion Results: Pass

Executive Session: 10:37 a.m. – 10:50 a.m.

Discussion: Discussion continued regarding possible code violation in regard to school names, how the name may be interpreted by the public, and the school monitoring process. A motion to grant initial certification had been made prior to executive session.

Motion: Move to adopt staff recommendation to grant initial certification.

Motion Proposals: First Steven Soldis
Second Leonard Montanaro

Motion Results: Pass

EZ AZ Traffic School

Discussion: Division staff completed a review of the new school's application and curriculum. Staff observed the course demonstration on October 1, 2009. It was recommended initial certification be granted to EZ AZ Traffic School.

Motion: Move to adopt staff recommendation to grant initial certification.

Motion Proposals: First Elaine Acosta Sweet
Second Leonard Montanaro

Motion Results: Pass

3-D: Review, discussion and possible action regarding pending renewal of certification applications of the following defensive driving schools:

Individuals Addressing the Board: Kimberly Siddall

Arizonadriver.com (Casey Albitre)
Safe 2 Drive (Carl Reese)
Traffic School Online CA (Steve Soldis)
Central Phoenix Traffic School (Debra Grossman)
Nat'l Curriculum & Training (Gary Bushkin)
NW AZ Defensive Driving (Rolland Delong)
Casa Grande Valley Counseling (Phyllis Wells)
Safe Driving Institute, Inc. (Richard Besserman)
National Safety Council (Pamela Najera)
Traffic 101 (Debra Sears)
Arizona Crash Course (Larry Clapick)

AZ Defensive Driving School (Gayle Bentley)
Yavapai CO TSS (Melissa Cartaker)
AZ Traffic Schools, LLC (Dave Worley)
Prescott Valley DDS (Robert Etherington)

Discussion: The certified school entities listed above submitted applications for renewal of standard certification. The applications are complete, no information was presented during the background which is contrary to renewal of standard certification being granted, and the certificate holders have demonstrated they meet the minimum eligibility requirements for standard certification. It was recommended renewal of standard certification be granted.

Motion: Move to adopt staff recommendation to grant standard certification to the above listed schools.

Motion Proposals: First Robert G. A. Hall
Second Elaine Acosta Sweet
Abstain Pamela K. Najera , Steven Soldis, Rolland (Ron) E. DeLong, Virginia Davis
Motion Results: Pass

AZ Monsoon Driving LLC (Geoff McNabb)

Discussion: It was recommended to defer consideration of AZ Monsoon Driving, LLC to the next meeting, scheduled for December 16, 2009.

Motion: Move to adopt staff recommendation to defer consideration to the December 16th meeting.

Motion Proposals: First Robert G. A. Hall
Second Cecile T. Woodward
Motion Results: Pass

Return to Agenda Item 2-E

2-E: *Report, discussion and possible action regarding proposed amendments of ACJA § 7-205.*

Individuals Addressing the Board: Kitty Boots, Kandace French, Jennifer Greene

Discussion: Staff provided a verbal report to the Board regarding proposed amendments to ACJA § 7-205. Relevant and related materials that became available prior to the meeting were circulated to the Board and posted to the website. Kitty Boots explained the changes and stated the additional changes were necessary to clarify or streamline some of the processes and requirements. The proposed changes represented collaborative efforts of the Defensive Driving Subcommittee, the subcommittee of the LJCC, and defensive driving school owners, along with input from the limited jurisdiction courts and the public. Questions from board members were answered by staff and further discussed. It was recommended the code draft move forward to the upcoming AJC meeting. Language amendments to further clarify instructional time pursuant to § 7-205 (E)(1)(k) and (F)(25)(c)(3) were suggested by the Board.

Instructional time does not include time spent for identity verification, participation in validation processes, nor for travel to and from a classroom or testing site. Instructional time does not include the time used obtaining student evaluations. However, obtaining student evaluations, any testing, reviewing, grading and providing students with their completion certificates will be included in the maximum of four and one half hours (270 minutes) of statutorily required instructional time.

Motion: Move to have the code draft rule changes, with suggested language amendments, move forward to the AJC meeting to be held December 16, 2009.

Motion Proposals: First Elaine Acosta Sweet
Second Rolland (Ron) E. DeLong

Motion Results: Pass

4) CERTIFICATION AND ELIGIBILITY

4-A: *Review, discussion, and possible action regarding approval of a third party contract between Prescott Valley Defensive Driving School and ArizonaDrivercom.*

Individuals Addressing the Board: Chris DeWitt

Discussion: Staff recommended the Board approve the third party contract pursuant to ACJA § 7-205 (F)(22)(c)(13).

Motion: Move to adopt staff recommendation to approve the third party contract.

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

CALL TO THE PUBLIC

Gary Alexander, representing Improv Traffic School, thanked the staff and acknowledged the concerns regarding school names saying he intends to conduct business in a professional manner.

Carl Reese, representing Safe To Drive, commented on the proposed changes to ACJA § 7-205, specifically the terminology change of “valid driver’s license” to “Arizona driver’s license”. He also spoke regarding the possibility of printing a certificate of completion from the website.

ADJOURNMENT

Motion: Adjourn the meeting.

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

Time: 11:20 a.m.

Initials: BT