

**Supreme Court Board of Defensive Driving**  
Arizona State Courts Building  
1501 West Washington, Phoenix, AZ 85007  
Hearing Room 109  
April 21, 2010  
10:00 am -2:00 pm

Approved Regular Session Minutes

**MEMBER ATTENDANCE**

***Present:***

Rolland (Ron) E. DeLong  
Robert G. A. Hall  
Judge Gary J. LaFleur  
Leonard Montanaro  
Elaine Acosta Sweet  
Virginia Davis  
Paul E. Hallums  
Cecile T. Woodward  
Steven Soldis

***Telephonically Present:***

Judge Daniel S. Jurkowitz,  
(exited @ 11:00)

***Absent:***

Lynette Rudow

**OTHER ATTENDEES**

***AOC Staff:***

Kandace French  
Kitty Boots  
Jennifer Greene  
Kimberly Siddall  
Nancy Swetnam  
Chris DeWitt  
Linda Grau  
Becky Sorenson  
Alex Navarro  
Tony Posante  
Karla Clanton  
Debbie MacDougall  
Robert Molina  
Susan Hunt

***Guests:***

W.E. Pachnaowki  
Rita Allen  
Olivia Rojus  
Randi Ballassai  
Amina Clark  
Robert Grossman  
Pamela Najera  
Debbie Grado  
Stephanie Schwartz  
Jeffrey Pairon  
Larry Clapick  
Bill Riedel

---

## CALL TO ORDER

**Called to Order By:** Elaine Sweet, Chair  
**Time:** 10:02 a.m.

---

### 1) REVIEW AND APPROVAL OF MINUTES

**1-A:** *Review, discussion, and possible action regarding the Regular Session Minutes for the meeting of February 17, 2010.*

**Individuals Addressing the Board:** Elaine Sweet

**Discussion:** None

**Motion:** Move to approve Regular Session Minutes for the meeting of February 17, 2010.

**Motion Proposals:** First: Robert Hall  
Second: Leonard Montanaro

**Motion Results:** Pass

---

### 2) PENDING COMPLAINTS

**2-A:** *Review, discussion and possible action regarding complaint number 09-D001 involving certified instructor William Riedel and certified defensive driving school Arizona Academy of Defensive Driving.*

On December 23, 2009, Probable Cause Evaluator Mike Baumstark entered a finding Probable Cause does not exist as to Allegation 1 of complaint number 09-D001 and does exist as to Allegation 2. Certification and Licensing Division Director Nancy Swetnam recommends the Board accept the finding of the Probable Cause Evaluator, consider the mitigating factors relative to Allegation 2 and dismiss complaint number 09-D001.

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Summary of complaint and investigation was read to the Board.

**Motion:** Move to enter into Executive session for advice of counsel and discuss matters that are confidential by rule.

**Motion Proposals:** First: Judge Gary LaFleur  
Second: Cecile Woodward

Recusal: Virginia Davis

**Motion Results:** Pass

**Executive Session: 10:10 a.m. to 10:20 a.m.**

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Discussion to accept the finding of the probable cause evaluator and dismiss Allegation 1. Regarding Allegation 2, it's recommended the Board enter a finding that William Riedel and The Arizona Academy of Defensive Driving, LLC committed the alleged act of misconduct and to dismiss both Allegation 1 and Allegation 2 and complaint number 09-D001.

**Motion:** Move to proceed as discussed in the Executive Session to adopt staff recommendation and dismiss the complaint.

**Motion Proposals:** First: Judge Daniel S. Jurkowitz  
Second: Steve Soldis  
Recusal: Virginia Davis

**Motion Results:** Pass

---

### 3) ADMINISTRATIVE ISSUES

**3-A:** *Review, discussion, and possible action regarding a proposed alternative process for confirming identity of online students by GoToTrafficSchool.com and National Traffic Safety Institute.*

**Individuals Addressing the Board:** Chris DeWitt

**Discussion:** Staff tested and reviewed these methods and recommends approval by the Board.

**Motion:** Move to approve staff recommendation

**Motion Proposals:** First: Virginia Davis  
Second: Leonard Montanaro

**Motion Results:** Pass

**Agenda Item 3-B will be reviewed at a later time in the session.**

**Agenda Item 3-C will be reviewed at a later time in the session.**

---

**4) REVIEW OF CERTIFICATION APPLICATIONS**

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

*Roland E. Arellano  
Robert A. Dorminy  
Gregory L. Doryl  
Michael A. Duke  
Douglas Fitzpatrick  
James R. Fitzsimmons  
John J. Greene  
Lonny T. Powell  
Jamie L. Wilhelm*

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** None

**Motion:** Move to approve the initial certification applications for Defensive Driving instructors: Arellano, Doryl, Duke, Fitzpatrick, Fitzsimmons, Greene, Powell and Wilhelm, with the exception of Robert A. Dorminy.

**Motion Proposals:** First: Ron DeLong  
Second: Steve Soldis

**Motion Results:** Pass

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** In regard to Robert A. Dorminy, it is recommended the board defer this applicant to the next board meeting.

**Motion:** Move to approve to defer applicant Robert A. Dorminy certification to the next board meeting in June.

**Motion Proposals:** First: Steve Soldis  
Second: Leonard Montanaro

**Motion Results:** Pass

**4-B:** *Review, discussion, and possible action regarding initial certification of the following defensive driving schools:  
American Safety Council*

**Individuals Addressing the Board:** Chris DeWitt

**Discussion:** Division staff has performed a review of the new school's application and curriculum. It is recommended initial certification be granted to American Safety Council.

**Motion:** Move to approve initial certification to American Safety Council.

**Motion Proposals:** First: Steve Soldis  
Second: Leonard Montanaro

**Motion Results:** Pass

**4-C:** *Review, discussion, and possible action regarding pending renewal of certification application of the following defensive driving instructor Susan Schwarz.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The Board deferred consideration of the renewal application and granted 60 days for MS Schwarz to complete the remaining 6 hours of continuing education. She completed the continuing education requirement and it is recommended the Board grant renewal of certification.

**Motion:** Move to approve renewal of certification for Susan Schwarz.

**Motion Proposals:** First: Robert Hall  
Second: Steve Soldis

**Motion Results:** Pass

---

## 5) REVIEW OF CERTIFICATION APPLICATIONS

**5-A:** *Review, discussion, and possible action regarding approval of a third party contract between Northwest Arizona Defensive Driving and ArizonaDriver.com.*

A third party contract between Northwest Arizona Defensive Driving and ArizonaDriver.com, was submitted to, and reviewed by program staff. The contract will

provide ADM school services to customers of Northwest Arizona Defensive Driving by ArizonaDriver.com.

**Staff recommends the Board approve the third party contracts pursuant to ACJA 7-205(F)(22)(c)(13).**

*Individuals Addressing the Board:* Chris DeWitt

*Discussion:* None

*Motion:* Move to approve third party contract between Northwest Arizona Defensive Driving and ArizonaDriver.com

*Motion Proposals:* First: Leonard Montanaro  
Second: Robert Hall  
Recusal: Ron DeLong

*Motion Results:* Pass

*5-B: Review, discussion, and possible action regarding approval of a third party contract between Casa Grande Valley Counseling and ArizonaDriver.com.*

A third party contract between Casa Grande Valley Counseling and ArizonaDriver.com was submitted to and reviewed by program staff. The contract will provide ADM school services to customers of Casa Grande Valley Counseling by ArizonaDriver.com.

**Staff recommends the Board approve the third party contracts pursuant to ACJA 7-205(F)(22)(c)(13).**

*Individuals Addressing the Board:* Chris DeWitt

*Discussion:* None

*Motion:* Move to approve third party contract between Casa Grande Valley Counseling and ArizonaDriver.com

*Motion Proposals:* First: Judge Gary J. LaFleur  
Second: Cecile Woodward

*Motion Results:* Pass

***Return to Agenda 3-C***

**3-C:** *Review and discussion regarding proposed new legislation.*

The House engrossed version of HB 2424 has the following provisions:

1. Eligibility every 12 months,
2. Authority for schools to charge a 3% processing fee
3. Requirement that schools provide clear information to a student about school fees prior to registration,
4. Delayed effective date October 1, 2010.

***Individuals Addressing the Board:*** Nancy Swetnam provided the current status and information regarding this bill.

***Discussion:*** Staff discussed the statutory cap on length of class and 12 month eligibility.

***Motion:*** None

**Return to Agenda Item 3-B**

**3-B:** *Information and update regarding issues indentified by defensive driving schools.*

A request was made by defensive driving school owners that the following matters be brought forward for review. It is anticipated these issues will be discussed in further detail at the Limited Jurisdiction Court Defensive Driving Subcommittee meeting currently scheduled for April 21, 2010 at 1:30 pm.

The school owners were asked to develop and bring forward proposed resolutions to address these issues. The proposed resolutions are attached.

- A. 7 Day Rule – Owners of defensive driving schools request students be allowed to attend a defensive driving school at any time before the court arraignment date. The owners also request the court adopt a seven day grace period following the court date to reconcile defensive driving course completions to the case. School owners prefer a uniform, state-wide arraignment date.
- B. Limit the number of schools to the number of schools currently licensed.
- C. Eliminate the requirement that a student who fails an online school attend a traditional school.

- D. Eligibility Checks – School owners request the AOC take responsibility for eligibility checks for all students registering for defensive driving. Schools are suggesting a model similar to that used in other states where eligibility is checked upon completion; the student is responsible for knowing if their eligible before completing class. If the student completed school and is not eligible, their citation would not be dismissed and no refunds would be granted to the student.
- E. Permit attendance for an eligible student once every 12 months instead of the current limit of once every 24 months. (HB2424 now contains this provision. An amendment in Senate committee on April 7, 2010 will provide for a delayed effective date of January 1, 2011. Without a delayed effective date, the necessary automation changes cannot be completed.)
- F. Eliminate the maximum time limit to complete a course online. Statute currently limits both online and traditional schools to a maximum of 4 ¼ hours of class time. This time should be eliminated for online classes.
- G. Error checks on phone school list – Some schools have experienced errors in the school list rotation that have created serious drops in business.
- H. \$20.00 Eligibility Fee – Schools are charged a \$20 fee when they let a student take the course who is not eligible. The school owners allege the system the schools have to check student eligibility is antiquated and not always accurate.
- I. Phone school list randomization – The current list of approved schools that is listed on the AOC phone line is not randomized.
- J. Schools are requesting the school fees not be posted to the website. (AOC staff will provide information regarding complaints received from the public that the schools are not providing clear information to the students regarding total school fees.)
- K. Review the eligibility requirement that instructors shall hold a valid Arizona driver license pursuant to ACJA 7-205(E)(2)(d).

*Ms. Sweet requested the following:*

New Rule Sub-Committee members appointed and accepted: Elaine Sweet  
Judge Gary J. LaFleur  
Leonard Montanaro  
Virginia Davis  
Paul Hallums

*Ms. Sweet thanked all former Sub-Committee members for their support.*

**Discussion:** Discussion and recommendation by staff that on any future attachments to agendas, the author should be identified and there should be appropriate attribution and sampling of criteria; i.e. who are the players in the group.

Each board member was given the opportunity (within a five minute timeframe) to state their views/opinions on all or specific issues listed above (A through K). All of these issues will be taken up in the coming months.

**Motion:** None

---

## CALL TO THE PUBLIC

Rita Allen, representing SafetoDrive.com, commented on the proposed resolutions.

Jeff Pairan, representing American Safety Council, thanked the board for its consideration of his application and commented on the 12 month eligibility issue.

---

## ADJOURN

**Motion:** Move to adjourn the meeting.

**Motion Proposals:** First: Elaine Sweet  
Second: Leonard Montanaro

**Motion Results:** Pass

**Time:** 11:55 a.m.

/SH