

# DEFENSIVE DRIVING BOARD

Meeting Agenda - Wednesday, July 16, 2008

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 - 10:00 a m - 1 00 p m in Conference Room 109

General Inquiries Call (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

## AGENDA

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For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Section § 1-202 (C)(5)(b) and (c).

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### CALL TO ORDER

*Judge LaFleur, Chair*

### 1) REVIEW AND APPROVAL OF MINUTES

*Judge LaFleur, Chair*

1-A *Review, discussion, and approval of the Regular and Executive Session Minutes for the meeting of March 19, 2008*

1-B *Review, discussion, and approval of the Regular and Executive Session Minutes for the meeting of April 16, 2008*

1-C *Review, discussion, and approval of the Regular Session Minutes for the meeting of June 11, 2008*

### 2) ADMINISTRATIVE ISSUES. . . . .

*Division Staff*

2-A *Report of the subcommittee regarding draft proposed amendments of ACJA § 7-205 and the implementation of HB2001 [2007] and the potential impacts of HB2488 [2008]*

2-B *Report from staff regarding the criminal justice budget bill HB2210 [2008]*

2-C *Review, discussion, and possible action regarding the 2009 Defensive Driving Board meeting schedule*

### 3) CERTIFICATION AND ELIGIBILITY

*Division Staff*

3-A *Review and consideration of initial certification of the following defensive driving schools*

*Arizona Monsoon Driving School  
Safe 2 Drive*

3-B *Review and consideration of pending initial certification applications of the following defensive driving instructors*

*Carl Reese  
Annette Shestko  
Greg Crawford  
Linda Badilla  
Refugio V Quintero  
Harvey Woods  
Hugo Ortega  
James Caruso  
Allen Chaffey  
Kenneth Kelley  
Erica Rapp*

3-C *Interview with and possible action regarding applicant Robert Hockensmith*

**CALL TO THE PUBLIC**

*Judge LaFleur, Chair*

**ADJOURN**

*Judge LaFleur, Chair*

# **DEFENSIVE DRIVING BOARD**

**Agenda Summary - Wednesday, July 16, 2008**

## **1) REVIEW AND APPROVAL OF MINUTES**

- 1-A Review, discussion, and approval of the Regular and Executive Session Minutes for the meeting of March 19, 2008*
- 1-B Review, discussion, and approval of the Regular and Executive Session Minutes for the meeting of April 16, 2008*
- 1-C Review, discussion, and approval of the Regular Session Minutes for the meeting of July 16, 2008*

In the event drafts are available prior to the meeting, they will be posted and forwarded to the Board for review and consideration. Staff will make a verbal recommendation regarding the minutes at the July meeting

**Supreme Court**  
**Board of Defensive Driving**  
Arizona State Courts Building  
1501 West Washington Street, Phoenix, Arizona 85007  
Conference Room 119 A & B  
10 00 A M – 2 00 P M

June 11, 2008  
**Draft Regular Meeting Minutes**

**MEMBER ATTENDANCE:**

**Present:**

Rolland E DeLong  
Robert G A Hall  
Pamela K Najera  
Elaine Acosta Sweet  
Virginia Davis  
Steven Soldis

**Telephonically Present:**

Judge Gary J Lafleur

**Absent:**

Judge Daniel S Jurkowitz  
Cecile T Woodward  
Leonard Montanaro

**OTHER ATTENDEES**

**AOC Staff:**

Kandace French  
Nancy Sweetnam  
Jennifer Greene  
Elaine Jensen  
Kimberly Siddall  
Jenny Lubben  
Karla Clanton  
Cindy Thompson

**Guests:**

Debbie Grado

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**CALL TO ORDER**

*Called to Order By: Elaine Acosta Sweet (On behalf of Judge Gary J. Lafleur)*

*Time: 10:07 A.M.*

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*(Note) Judge Gary J LaFleur entered meeting telephonically at 10 08 A M*

**1) REVIEW AND APPROAL OF MINUTES**

*1-A: Review, discussion, and approval of the regular and Executive Session Minutes for the meeting of March 19, 2008.*

*1-B: Review, discussion, and approval of the regular and Executive Session Minutes for the meeting April 16, 2008*

*1-C: Review, discussion, and approval of the regular and Executive Session Minutes for the meeting of May 21, 2008.*

*Individuals Addressing the Board: Kandace French*

*Discussion:* Staff recommended the Board defer review and approval of draft Minutes until the July meeting due to drafts not yet available for review

*Motion:* Board moved to defer review and approval of minutes until July meeting

*Motion Proposals:* First Robert G A. Hall  
Second Pamela K Najera

*Motion Results:* Pass **DD-08-033**

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**3) CERTIFICATION OF ELIGIBILITY**

*Agenda Item 3-A was taken out of order*

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

David Mattingly  
Linda Badilla  
Gregory Crawford

Kenneth Kelley  
Robert Hockensmith  
Rufugio Quintero  
Harvey Woods  
Annette Shestko

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Staff discussed the pending initial certification application of the aforementioned defensive driving instructors

**Motion:** Moved to Grant Certification to David Mattingly

**Motion Proposals:** First Robert G A Hall  
Second Rolland E Delong

**Motion Results:** Pass **DD-08-034**

**Discussion:** Staff provided information regarding Robert Hockensmith's failure to disclose pertinent information later discovered by staff during application process Staff recommended inviting applicant to July 16<sup>th</sup> meeting to inquire about the non-disclosure of the civil actions

**Motion:** Moved to invite Mr Hockensmith to the next regularly scheduled Board meeting for an informal interview regarding his certification application.

**Motion Proposals:** First Pamela K Najera  
Second Virginia Davis

**Motion Results:** Pass **DD-08-035**

**Discussion:** Staff recommended deferring applicants Linda Badilla, Gregory Crawford, Kenneth Kelley, Refugio Quintero, Harvey Woods, and Annette Shestko until next meeting due to applications being incomplete Robert G A Hall disclosed that applicant Kenneth Kelley no longer was interested in becoming an instructor

**Motion:** Board moved to defer applicants Linda Badilla, Gregory Crawford, Kenneth Kelley, Refugio Quintero, Harvey Woods, and Annette Shestko until next board meeting in July

**Motion Proposals:** First Pamela K Najera  
Second Rolland (Ron) E Delong

**Motion Results:** Pass **DD-08-036**  
Recusal Robert G A Hall

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*(Note) Judge Gary J LaFleur left meeting telephonically at 10 36 A M*

**2) ADMINISTRATIVE ISSUES**

**2-A:** *Report of the subcommittee regarding draft proposed amendments of ACJA § 7-205 and the implementation of HB2001 [2007] and the potential impacts of HB2488 [2008].*

**Individuals Addressing the Board:** Division Staff & Board

**Discussion:** Board & Staff addressed and discussed the report of the subcommittee regarding draft proposed amendments of ACJA § 7-205 and the implementation of HB2001 [2007] and the potential impacts of HB2488 [2008]

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**CALL TO THE PUBLIC**

*None*

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**ADJOURNMENT**

**Motion:** Adjourn the meeting

**Motion Proposals:** First Pamela K Najera  
Second Robert G A Hall

**Motion Results:** Pass **DD-08-037**

**Time:** 12 15 P M

**Initials EJ**

# DEFENSIVE DRIVING BOARD

Meeting Agenda - Wednesday, July 16, 2008

## 2) ADMINISTRATIVE ISSUES

2-A *Report of the subcommittee and Division Staff regarding the status of draft proposed amendments of ACJA § 7-205*

A copy of the draft proposed amendments of ACJA § 7-205 and Public Notice will be provided to the Board when it becomes available

Division staff will provide a verbal report regarding draft amendments to ACJA § 7-205 and the public comment period. The subcommittee and Board members will further report on the subcommittee's review of draft changes of ACJA § 7-205.

# **DEFENSIVE DRIVING BOARD**

**Meeting Agenda - Wednesday, July 16, 2008**

## **2) ADMINISTRATIVE ISSUES**

*2-B Report from staff regarding the criminal justice budget bill HB2210 [2008]*

Division staff will provide the Board with verbal report regarding HB2210[2008] and the collection of a \$45 surcharge for the attendance at Defensive Driving School

# DEFENSIVE DRIVING BOARD

Meeting Agenda - Wednesday, July 16, 2008

## 2) ADMINISTRATIVE ISSUES

2-C *Review, discussion, and possible action regarding the 2009 Defensive Driving Board meeting schedule*

In an effort to proactively plan for the effective administration of Board meetings during the 2009 calendar year, each Certification and Licensing Division Board is being asked to consider and approve a 2009 meeting schedule at this time. It is recommended the Defensive Driving Board continue to meet from 10:00 am to 2:00 pm on the third Wednesday of each month, during each month, except August.

As recommended, the 2009 meeting schedule would be as follows:

January 21, 2009  
February 18, 2009  
March 18, 2009  
April 15, 2009  
May 20, 2009  
June 17, 2009  
July 15, 2009  
September 16, 2009  
October 21, 2009  
November 18, 2009  
December 16, 2009

# DEFENSIVE DRIVING BOARD

Agenda Summary - Wednesday, July 16, 2008

## 3) CERTIFICATION AND ELIGIBILITY

3-A *Review and consideration of initial certification of the following defensive driving schools*

*Arizona Monsoon Driving School  
Safe 2 Drive*

### **Arizona Monsoon Driving School**

Arizona Monsoon Driving School, a traditional classroom format defensive driving school, applied for certification on September 24, 2007. The school's office is located in Prescott Valley, Arizona. The school's owner and principal is Geoff McNabb.

Division staff has performed a review of the new school's application and curriculum, including observing a successful presentation of a course demonstration. Division staff have determined the applicant school meets the minimum requirements of ACJA §§ 7-201 and 7-205.

*It is recommended certification be approved for school Arizona Monsoon Driving School*

### **Safe 2 Drive**

Safe 2 Drive, an alternative delivery method (ADM) format defensive driving school, applied for certification on October 27, 2006. The school's owner and principal is Carl Reese. The school's main office is located in San Diego, California.

Division staff has performed a review of the new school's application and curriculum, including thorough testing of the school's online course. Division staff have determined the applicant school meets the minimum requirements of ACJA §§ 7-201 and 7-205.

*It is recommended certification be approved for school Safe 2 Drive*

# DEFENSIVE DRIVING BOARD

Agenda Summary - Wednesday, July 16, 2008

## 3) CERTIFICATION AND ELIGIBILITY

3-B *Review and consideration of pending initial certification applications of the following defensive driving instructors*

*Carl Reese  
Annette Shestko  
Greg Crawford  
Linda Badilla  
Refugio V Quintero  
Harvey Woods  
Hugo Ortega  
James Caruso  
Allen Chaffey  
Kenneth Kelley  
Erica Rapp*

*The following defensive driving instructor applicants have submitted applications for certification. The applications are complete and no information has been presented during the background, which is contrary to certification being granted, and the applicants have demonstrated they met the minimum eligibility requirements for certification. It is recommended initial certification be granted to the following individual*

Carl Reese

Harvey Woods

Annette Shestko – Failed to disclose a civil action regarding a credit card account

Applicant states it was paid off in 1998 and she completely forgotten about it since it has been more than 10 years ago

*The following applications remain incomplete pending receipt of additional information or proof of passing the examination. It is recommended these applications be deferred to the August meeting. In the event the anticipated information is received prior to the July meeting, alternative verbal recommendations will be presented to the Board at the meeting*

Refugio Quintero

Linda Badilla

Hugo Ortega

James Caruso

Allen Chaffey

*The following application was received and processed for Board review and consideration*

Gregory Crawford – Applicant failed to disclose two civil actions. The first action was an Injunction Prohibit Harassment filed against a roommate's ex-fiancé. The second action was filed against the applicant for unpaid invoices in excess of \$40,000 stemming from his failed business. Applicant states he has paid \$25,000 of the debt and will continue to pay until all debt has been satisfied. Applicant states the actions were not intentionally omitted, he did not feel any of the questions on the application required there disclosure.



**It is recommended the Board consider entering into a Consent Agreement wherein the applicant provides quarterly updates to the Board regarding payment of the debt.**

Kenneth A. Kelley – Applicant filed an application on February 1, 2008. Staff contacted Mr. Kelley on March 14, March 20, April 19, May 29, and June 16, 2008, for background information and testing. To date staff has not received the requested information nor has Mr. Kelley sat for the examination. **Therefore, it is recommended the Board deny certification pursuant to ACJA § 7-201(E)(2)(c)(1) for failure to meet the eligibility requirements and for failure to provide a completed application.**

Erika A. Rapp – Applicant filed an application on January 9, 2008. Staff contacted Ms. Rapp on February 13, February 22, March 20, and April 19, 2008 regarding the testing requirement. In May applicant left a voice message stating she would be taking the examination in June. To date staff has not received a registration form to sit for the examination. **Therefore, it is recommended the Board deny certification pursuant to ACJA § 7-201(E)(2)(c)(1) for failure to meet the eligibility requirements.**

**DEFENSIVE DRIVING BOARD**  
**Agenda Summary - Wednesday, July 16, 2008**

**3) CERTIFICATION AND ELIGIBILITY**

*3 -C Interview with and possible action regarding applicant Robert Hockensmith*

At the June 16, 2008 meeting, the Board requested staff invite Robert Hockensmith (Hockensmith) to attend the July 16, 2008 meeting to provide additional information regarding the failure to disclose civil actions

Hockensmith disclosed one citation for improper lane change which was paid in April 2008. However, he failed to disclose two civil actions. One action was for collection of monies owed, a judgment was entered in favor of Hockensmith and the other action was against the home builder of his home for sub-standard conditions. This case was settled out of court. Hockensmith states he was under the impression he was to report cases that were made against him, not those that he started against other, and that is why they were not mentioned.

Hockensmith holds Legal Document Preparer Certification, during last year's renewal of the LDP certificate, he answered yes to the same questions asked on the Defensive Driving Application. Therefore, Hockensmith is aware of the actions that need to be disclosed on the application.

Staff received an email from Hockensmith stating he is not available to attend the July 16<sup>th</sup> meeting. See enclosed.

**It is recommended the Board defer the interview until their August 20<sup>th</sup> meeting.**