

**Supreme Court Defensive Driving Board**  
Arizona State Courts Building  
1501 West Washington, Phoenix, AZ 85007  
Conference Room CLD1  
November 21, 2007  
10:00 a.m. -1:00 p.m.

Approved Regular Session Minutes

**MEMBER ATTENDANCE**

***Present:***

Judge Gary J. LaFleur  
Rolland (Ron) E. DeLong  
Robert G. A. Hall  
Leonard Montanaro  
Elaine Acosta Sweet

***Telephonically Present:***

Judge Daniel S. Jurkowitz  
Steven Soldis

***Absent:***

Pamela K. Najera  
Jennifer E. Dubois  
Virginia Davis  
Linda M. Hill

**OTHER ATTENDEES**

***AOC Staff:***

Kitty Boots  
Alex Navarro  
Tony Posante  
Nina Preston  
Kimberly Siddall  
Rhonda Simmons  
Nancy Swetnam  
David Geriminsky

***Guests:***

Beatric Mena

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**CALL TO ORDER**

**Called to Order By:**  
**Time:**

Judge Gary J. LaFleur  
10:45 a.m.

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**1) REVIEW AND APPROVAL OF MINUTES**

***1-A: Review, discussion, and approval of the Regular Session Minutes for the meeting of October 17, 2007.***

***Individuals Addressing the Board:*** None

***Discussion:*** Board discussed the Regular Session Minutes for the meeting of October 17, 2007.

***Motion:*** Moved to approve the Regular Session Minutes for the meeting of October 17, 2007.

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

***Motion Results:*** Pass

***1-B: Review, discussion, and approval of the Regular Session Minutes for the meeting of October 31, 2007.***

***Individuals Addressing the Board:*** None

***Discussion:*** Board discussed the Regular Session Minutes for the meeting of October 31, 2007.

***Motion:*** Moved to approve the Regular Session Minutes for the meeting of October 31, 2007.

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

***Motion Results:*** Pass

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## 2) REVIEW OF PENDING COMPLAINTS

**2-A: Review, discussion, and possible action regarding complaint numbers:**

**06-D005 – Robert Horgash**

**07-D008 – Arizona State Defensive Driving School (Lewis Green)**

**Individuals Addressing the Board:** Nancy Swetnam, Nina Preston

**Discussion:** Board discussed the aforementioned complaints.

**Motion:** Moved to dismiss Complaint number 06-D005

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

**Motion Results:** Pass

**Motion:** Moved to defer consideration of complaint number 07-D008 until after consideration of the Hearing Officer Report and Recommendation regarding complaint number 07-D003.

**Motion Proposals:** First: Judge Daniel S. Jurkowitz  
Second: Elaine Acosta Sweet

**Motion Results:** Pass  
**Recused:** Robert G. A. Hall

**2-B: Review, discussion, and possible action regarding Hearing Officer Craig Tindall's Recommendation Report involving Lewis Green, Arizona State Defensive Driving School, and complaint number 07-D003.**

*Agenda item 2-B was taken out of order.*

**Individuals Addressing the Board:**

**Discussion:** Board discussed Hearing Officer Craig Tindall's Recommendation Report involving Lewis Green, Arizona State Defensive Driving School, and complaint number 07-D003.

**Motion:** Moved to adopt the findings of fact and conclusions of law and recommendations of the Hearing Officer.

**Motion Proposals:** First: Rolland (Ron) E. DeLong  
Second: Leonard Montanaro

**Motion Results:** Pass

**Motion:** Moved to adopt the draft Cease and Desist order regarding complaint number 07-D003 and to authorize Judge Gary J. LaFleur to sign the Order on behalf of the full board.

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

**Motion Results:** Pass

**Readdressing of 2-A: Review, discussion, and possible action regarding complaint numbers:**

**06-D005 – Robert Horgash**

**07-D008 – Arizona State Defensive Driving School (Lewis Green)**

**Individuals Addressing the Board:** Nancy Swetnam, Nina Preston

**Motion:** Moved to find that grounds for formal disciplinary action exist and to move for the filing of notice of formal charges to include imposing the issuance of a Censure, assess costs associated with the investigation and impose a civil penalty in the amount of \$250.00 per found violation. Further moved to include the Hearing Officer's Report regarding complaint number 07-D003 as an aggravating factor in this matter.

**Motion Proposals:** First: Judge Daniel S. Jurkowitz  
Second: Elaine Acosta Sweet

**Motion Results:** Pass

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### 3) CERTIFICATION AND ELIGIBILITY

**3-A: Review and consideration of renewal certification for the two-year certificate period beginning November 1, 2007, following defensive driving instructors:**

**Eddie Danyfield**  
**Eduardo Hernandez**  
**Anthonett Hurley**  
**Alejandro Longoria**  
**Hugo Ortega**  
**John Tobin**  
**Adriana Ruiz**  
**Joseph Rossano**  
**Wayne Church**

**Gary Fabbri**  
**Brian Hunt**  
**Lori Larsen**  
**Amanda Marinaro**  
**Patrick Otto**  
**Tommy Kanuck**  
**Martha Mueller-Madero**  
**Arnulfo Gandara**  
**Jesus Hughes**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the aforementioned standard applications for renewal of certification for the two-year period beginning November 1, 2007.

**Motion:** Moved to grant renewal certification for Eddie Danyfield, Eduardo Hernandez, Anthonett Hurley, Alejandro Longoria, Hugo Ortega, John Tobin, Gary Fabbri, Brian Hunt, Lori Larsen, Amanda Marinaro, and Patrick Otto.

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

**Motion Results:** Pass

**Recused:** Rolland (Ron) E. DeLong

**Motion:** Moved to grant the request made by Tommy Kanuck for a 60-day extension of time to renew his certification to allow him to complete the continuing education requirements and to have proof of the continuing education credits provided to the Board by January 21, 2008.

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

**Motion Results:** Pass

**Motion:** Moved to grant the request made by Adriana Ruiz for an extension of time to complete the scheduled November 25, 2007 class in order to have taught 4 classes within the certification period.

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

**Recused:** Robert G. A. Hall

**Motion Results:** Pass

**Motion:** Moved to grant the request made by Martha Mueller-Madero for an extension of time to complete the scheduled November 17, 2007 class in order to have taught 4 classes within the certification period and to provide proof to the Board at the December 19, 2007 Board meeting.

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

**Motion Results:** Pass

**Motion:** Moved to defer consideration of Joseph Rossano, Arnulfo Gandara, Wayne Church, and Jesus Hughes's pending standard renewal applications to the next regularly scheduled meeting held in December.

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

**Motion Results:** Pass

**3-B:** *Review, discussion, and possible action regarding Voluntary Surrender request received from certified instructor Phillip Decker, certificate number 40147.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the Voluntary Surrender Requests received from certified instructors Phillip Decker, John Newlon, Norman Vickers, Jennifer Ringhofer, Jesse Anderson, Raymond Eckert, and Arnold Knack.

**Motion:** Moved to consider the Voluntary Surrender requests in Agenda Items 3-B through 3-H en masse

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

**Motion Results:** Pass

**Motion:** Moved to approve the Voluntary Surrender Requests submitted by Phillip Decker, John Newlon, Norman Vickers, Jennifer Ringhofer, Jesse Anderson, Raymond Eckert, and Arnold Knack.

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

**Motion Results:** Pass

**3-C:** *Review, discussion, and possible action regarding Voluntary Surrender request received from certified instructor John Newlon, certificate number 40665.*

**Individuals Addressing the Board:**

**Discussion:** Considered in Agenda Item 3-B

**3-D:** *Review, discussion, and possible action regarding Voluntary Surrender request received from certified instructor Norman Vickers, certificate number 40706.*

**Individuals Addressing the Board:**

**Discussion:** Considered in Agenda Item 3-B

**3-E:** *Review, discussion, and possible action regarding Voluntary Surrender request received from certified instructor Jennifer Ringhofer, certificate number 40192.*

**Individuals Addressing the Board:**

**Discussion:** Considered in Agenda Item 3-B

**3-F:** *Review, discussion, and possible action regarding Voluntary Surrender request received from certified instructor Jesse Anderson, certificate number 40754.*

**Individuals Addressing the Board:**

**Discussion:** Considered in Agenda Item 3-B

**3-G:** *Review, discussion, and possible action regarding Voluntary Surrender request received from certified instructor Raymond Eckert, certificate number 40455.*

**Individuals Addressing the Board:**

**Discussion:** Considered in Agenda Item 3-B

**3-H:** *Review, discussion, and possible action regarding Voluntary Surrender request received from certified instructor Arnold Knack, certificate number 40515.*

**Individuals Addressing the Board:**

**Discussion:** Considered in Agenda Item 3-B

**3-I:** *Review, discussion, and possible action regarding Inactive Status request received from certified instructor Patrick Otto, certificate number 40115.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the Inactive Status request received from certified instructor Patrick Otto, certificate number 40115.

**Motion:** Moved to approve the Inactive Status request received from certified instructor Patrick Otto, certificate number 40115.

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

**Motion Results:** Pass

**Recused:** Rolland (Ron) E. DeLong

**3-J:** *Review and consideration of request for a 90-day extension for processing the initial application submitted by the following business entity:*

*Safe Driving Institute, Inc.*

**Individuals Addressing the Board:** Rhonda Simmons

**Discussion:** Board discussed the request for a 90-day extension for processing the initial application submitted by Safe Driving Institute, Inc.

**Motion:** Moved to approve the request for a 90-day extension for processing the initial application submitted by Safe Driving Institute, Inc.

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

**Motion Results:** Pass

**3-K:** *Review and consideration of revisions to the following certified school's defensive driving course:*

*Arizona "Crash Course" in Traffic Safety*

**Individuals Addressing the Board:** Rhonda Simmons

**Discussion:** Board discussed the revisions to Arizona "Crash Course" in Traffic Safety's defensive driving course.

**Motion:** Moved to accept the revisions to Arizona "Crash Course" in Traffic Safety's defensive driving course.

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

**Motion Results:** Pass

**3-L:** *Review and consideration of a new Power Point presentation submitted by:*

*Arizona Chapter—National Safety Council*

**Individuals Addressing the Board:** Rhonda Simmons

**Discussion:** Board discussed the Power Point presentation submitted by Arizona Chapter—National Safety Council.

**Motion:** Moved to approve the Power Point presentation submitted by Arizona Chapter—National Safety Council.

**Motion Proposals:** First: Judge Daniel S. Jurkowitz  
Second: Elaine Acosta Sweet

**Motion Results:** Pass

**3-M:** *Review and consideration of pending initial application of defensive driving instructor:*

*Maria Curbelo*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the pending initial application of defensive driving instructor Maria Curbelo.

**Motion:** Moved to approve the pending application for initial certification and to grant certification to Maria Curbelo.

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

**Motion Results:** Pass

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#### **4) ADMINISTRATIVE ISSUES**

**4-A:** *Discussion regarding, and approval of, the 2008 Defensive Driving Board meeting schedule.*

**Individuals Addressing the Board:** Rhonda Simmons

**Discussion:** Board discussed the proposed 2008 Defensive Driving Board meeting schedule.

**Motion:** Moved to adopt the proposed 2008 Defensive Driving Board meeting schedule as recommended by staff.

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

**Motion Results:** Pass

**4-B:** *Review, discussion, and possible action for rescheduling the December 19, 2007 Board meeting.*

**Individuals Addressing the Board:** Rhonda Simmons

**Discussion:** Board discussed scheduling of the December 19, 2007 Board meeting.

**Motion:** Moved to amend the commencement time of the December 19, 2007 meeting to 1:30 p.m.

**Motion Proposals:** First: Robert G. A. Hall  
Second: Steve Soldis

**Motion Results:** Pass

**4-C:** *Establish a passing score for the certification examination and approve the study guide used for the exam.*

**Individuals Addressing the Board:** Rhonda Simmons, Kitty Boots

**Discussion:** Board discussed and established a passing score for the certification examination and approved the study guide used for the exam.

**Motion:** Moved to approve a scaled score of 70.

**Motion Proposals:** First: Rolland (Ron) E. DeLong  
Second: Leonard Montanaro

**Motion Results:** Pass

**Motion:** Moved to approve the exam study guide as proposed.

**Motion Proposals:** First: Robert G. A. Hall  
Second: Steve Soldis

**Motion Results:** Pass

**4-D:** *Discussion regarding the requirements for individuals who fail online courses.*

***Individuals Addressing the Board:***

***Discussion:*** Board discussed the need to postpone consideration of Agenda Items 4-D and 4-E.

***Motion:*** Moved to defer Agenda Items 4-D and 4-E to the next regularly scheduled meeting held in December.

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

***Motion Results:*** Pass

***4-E:*** *Discussion regarding the passing score for an online defensive driving course.*

***Individuals Addressing the Board:***

***Discussion:*** Considered in Agenda Item 4-D

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**CALL TO THE PUBLIC**

***Individuals Addressing the Board:*** None

***Discussion:*** None

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**ADJOURN**

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

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

***Motion Results:*** Pass

***Time:*** 11:30 a.m.