

Supreme Court Board of Defensive Driving
Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference room 230
10:00 a.m. – 1:00 p.m.

April 17, 2007
Draft Regular Session Minutes

MEMBER ATTENDANCE

Present:

Hon. Gary J. LaFleur
Rolland (Ron) E. DeLong
Alfred Frank III
Pamela K. Najera
Jennifer E. Dubois
Leonard Montanaro
Elaine Acosta Sweet
Arnold O. Knack
Robert G. A. Hall
Linda M. Hill

Telephonically Present:

Hon. Daniel S. Jurkowitz

Absent:

OTHER ATTENDEES

AOC Staff:

Michael Hise
Kimberly Siddall
Maryanne Baiza
Nina Preston
Nancy Swetnam
Tony Posante
Linda Grau
Richard Frohm

Guests:

Jerry Landau

CALL TO ORDER

Called to Order By:

Judge LaFleur, Chair

Time:

9:58am

Individuals Addressing the Board: Mike Hise

Discussion: Introduction of Defensive Driving Board Members followed by Certification and Licensing support staff for the purpose of minute taking.

Judge Daniel S. Jurkowitz joined the meeting telephonically at 10:02am.

Individuals Addressing the Board: Judge LaFleur, Chair

The final item 4-G: There is limited opportunity of input on this and this matter will be taken out of order upon the arrival of those addressing the Board.

1) REVIEW AND APPROVAL OF MINUTES

1-A: *Review, discussion, and approval of the Regular Session Minutes for the meeting of March 20, 2007.*

Individuals Addressing the Board: Judge LaFleur, Chair

Discussion: Board members reviewed minutes and approved Regular and Executive session minutes for March 20, 2007.

Motion: To approve the March 20, 2007 Regular and Executive session minutes.

Motion Proposals: First Elaine Sweet
Second Robert Hall

Motion Results: Pass Motion Carries
Fail

2) REVIEW OF PENDING COMPLAINTS

2-A: *Review, discussion, and possible action regarding the following complaints:*

- *06-D002 Arizona Crash Course (Cert. #49029)*

Individuals Addressing the Board: Judge LaFleur, Nancy Swetnam

Discussion: Disclosure made by Judge LaFleur that Arizona Crash Course is one of the two preferred contracts that he works with. It would not impact his opinion or the ability to decide on this matter.

Nancy Swetnam gave overview of how a complaint is handled for the Board's understanding. Discussion was held on the investigation and analysis of

complaint number 06-D002 Arizona Crash Course. Since the Board online access wasn't working for some Board Members to view the information prior to the meeting, it is recommended to defer this matter until the Board can review the complaint.

Motion: To defer this matter until the next meeting May 15, 2007; with Judge LaFleur's name to be corrected on the Complaint document.

Motion Proposals: First Pamela K. Najera
Second Leonard Montanaro
Recusal Daniel S. Jurkowitz

Motion Results: Pass Motion Carries
Fail

Item taken out of order:

4) PROGRAM ISSUES

4-G: *Review and discussion of pending legislation affecting the Defensive Driving Program.*

Individuals Addressing the Board: Jerry Landau, Director of Government Affairs

Discussion: Discussion held on the research of pending legislation on the research of bills being conducted by division staff. Revisions need to be made to the ACJA § 7-205 to address all issues and also addressed through court rules. The court must permit any Defensive Driving school certified by the Supreme Court and be approved by the court to be deem eligible if they meet the requirements. Since this is an amendment, there are no alternatives and the Bill will have to pass through the Senate and the House before being sent to the Governor for consideration.

Motion: No action requested or taken.

Jennifer E. Dubois joined the meeting at 10:15 a.m.

3) CERTIFICATION AND ELIGIBILITY

3-A: *Review and consideration of request for extension for processing the initial application for the following alternative delivery method school:*

- *Safe2Drive*

Individuals Addressing the Board: Mike Hise

Discussion: Discussion held to extend this matter for 90 days for the school to make revisions to the application for Safe2Drive for curriculum compliance; recommendation for the Board to grant approval.

Motion: Board grants approval for a 90-day extension for the Safe2Drive School to be certified, as requested by staff.

Motion Proposals: First Al Frank
Second Arnold Knack

Motion Results: Pass Motion Carries
Fail

3-B: *Review and consideration of pending initial certification status and applications of defensive driving instructors:*

- *Rebecca David*
- *Patrick Otto*
- *Joseph Rossano*
- *Jesse Anderson*

Individuals Addressing the Board: Kimberly Siddall

Discussion: Kimberly Siddall made a recommendation that certification applications are complete, no further information was presented. Staff recommends certification be granted to the following applicants: Rebecca David; Patrick Otto; Joseph Rossano; Jesse Anderson.

Motion: Approve certification to these individuals as recommended by staff.

Motion Proposals: First Leonard Montanaro
Second Bob Hall
Recusal Ron DeLong

Motion Results: Pass Motion Carries
Fail

3-C: *Review, consideration, and possible action regarding renewal certification for the following instructors:*

- *Rebecca Tomlinson*
- *Diana Calhoun*

Individuals Addressing the Board: Kimberly Siddall

Discussion: Board Members and staff held a discussion on the Policy Rules regarding having two instructors on duty every day; initially a problem arose and both

Instructors Tomlinson (certificate #0694) and Calhoun (certificate #0695) were denied renewal of their certification for failing to indicate a sufficient number of on-duty hours were performed to meet the requirement pursuant to the ADM Policy in effect prior to January 1, 2007; the online hours for the year were incorrectly stated. A correction of the hours was submitted by applicants. Board is to withdraw the previous denial of certification for these instructors and approve renewal of certification for the current certificate period.

Legal counsel was requested to discuss the order to approve online instruction.

Motion: To move into Executive Session for legal counsel.

Motion Proposals: First Judge LaFleur
Second Leonard Montanaro

Motion Results: Pass Motion Carries
Fail

EXECUTIVE SESSION – 10:39AM to 10:56 AM

Motion: To withdraw previous denial and to approve renewal for the current certification period on Rebecca Tomlinson and Diana Calhoun.

Motion Proposals: First Daniel S. Jurkowitz
Second Leonard Montanaro

Motion Results: Pass Motion Carries
Fail

4) PROGRAM ISSUES

4-A: *Discussion of the Board's process in the procedure and required steps for amending a section of the Arizona Code of Judicial Administration.*

Individuals Addressing the Board: Mike Hise, Nancy Swetnam

Discussion: This issued moved from March 20th meeting. Further discussion was held at this meeting for proposed changes and modifications to the Arizona Code of Judicial Administration were discussed. Both Mike Hise and Nancy Swetnam answered questions from Board members. There was a recommendation to defer this matter for 60 days to process the required steps for amending a section of the ACJA. Staff recommended that this item to be placed on next agenda for further discussion and to propose volunteers for a Subcommittee to evaluated this matter further on rules' drafting.

Motion: No action requested or taken.

4-B: *Review, discussion, and possible action for the proposal to adjust the limit of 60 students in a traditional classroom course.*

Individuals Addressing the Board: Ron DeLong

Discussion: Review of the proposal to amend ACJA § 7-205(F)(19)(b)(8) with regard to adjusting the 60-student limit for class size. Mr. DeLong along with the Board reviewed, discussion held for possible action. It was recommended by Mr. DeLong to replace verbiage in ACJA § 7-205(F)(19)(b)(8) “In no case shall the number of students exceed 60 attendees per class” and replace it with the sentence indicated on hand-out. Mr. DeLong did announce that this was not an emergency.

Motion: Judge LaFleur requests consideration of redrafting this matter at a later time. No action requested or taken.

4-C: *Review, discussion, and possible action for the proposal to amend ACJA § 7-205(F)(19)(c)(2)(c) and § 7-205(M)(14)(b).*

Individuals Addressing the Board: Judge LaFleur

Discussion: Division staff was directed by the Board to prepare a draft of verbiage of text to be proposed for insertion into the Arizona Code of Judicial Administration (ACJA) §7-205(F)(19)(c)(2)(c) and §7-205(M)(14)(b).

In light of the previous item 4B and the potential for substantial rule redrafting it is recommended the Board either look at these individually or grouping them at a later date. It was proposed that a Subcommittee be established and to have items 4B and 4C grouped together. According to Leonard Montanaro that there are items that are different from each other and he suggested that they not be lumped together, and pieces can be revised then the packet can be submitted together. Volunteers for standing subcommittee include: Pamela Najera, Judge Gary LaFleur, Leonard Montanaro, and Jennifer E. Dubois.

Motion: Move to delay this discussion until there is a more comprehensive approach and to postpone consideration and for the creation of a Rules Drafting Subcommittee. This matter will be combined with item 4B and to be reviewed and discussed at a future meeting.

Motion Proposals: First Elaine Sweet
Second Al Knack

Motion Results: Pass Motion Carries
Fail

4-D: *Review, discussion, and possible action for the Board's review and/or consideration of schools' proposed curriculum and presentation changes, including substantial and minor or technical changes.*

Individuals Addressing the Board: Mike Hise, Al Frank

Discussion: Discussion on how the Board is to handle and/or view schools' course presentations. It is recommended that all changes be brought to the Board and staff put this matter on a consent agenda as pursuant to ACJA § 7-205(F)(19)(b)(13).

Motion: Approved as indicated in the recommendation by staff that all changes to the curriculum be brought to the board; and for staff to provide a recommendation for approval or denial, and this matter to be placed on a Consent Agenda.

Motion Proposals: First Daniel S. Jurkowitz
Second Linda Hill

Motion Results: Pass Motion Carries
Fail

4-E: *Review and discussion of the schedule and agenda for the spring Defensive Driving Instructor Training Conference scheduled for April 27, 2007.*

Individuals Addressing the Board: Kimberly Siddall, Nancy Swetnam, Mike Hise

Discussion: Staff and Board reviewed the agenda for the first training conference offered for the current renewal period for instructors; that will provide opportunities for meeting continuing education requirements on April 27, 2007.

Subsequent conferences will be held in Tucson on August 24, 2007, and in Phoenix on September 28, 2007.

Motion: No action requested or taken.

4-F: *Discussion and possible action for establishing a policy for situations where a class must be ended earlier than four hours due to an emergency situation.*

Individuals Addressing the Board: Judge Gary J. LaFleur, Pamela K. Najera

Discussion: Discussion was held regarding an emergency within a class where an instructor had to cancel or reschedule. It was noted that no provisions exist in the ACJA to give credit to students who attend a class which ends prior to the four-hour instructional time, which is the minimum requirement. It was recommended the Board discuss and approve a policy to count a class as "completed" when a legitimate emergency situation prevents full completion

of a class and at least 180 minutes (75 percent) of instructional time has been presented.

Motion: In order to approve a policy to count a class as “completed” in a legitimate emergency situation, at least 75% or 180 minutes of the instructor time has to be presented. No action requested or taken.

CALL TO THE PUBLIC

Individuals Addressing the Board: Judge LaFleur, Chair

Discussion: None

ADJOURNMENT

Individuals Addressing the Board: Judge LaFleur, Chair

Motion: To adjourn meeting

Motion: No action requested or taken; meeting adjourned.

Time: 11:49 am
