

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

May 15, 2007
Draft Regular Session Minutes

MEMBER ATTENDANCE

Present:

Judge Gary J. LaFleur
Rolland (Ron) E. DeLong
Jennifer E. Dubois
Alfred Frank III
Robert G. A. Hall
Linda M. Hill
Elaine Acosta Sweet

Telephonically Present:

Judge Daniel S. Jurkowitz
Leonard Montanaro
Pamela K. Najera

Absent:

Arnold O. Knack

OTHER ATTENDEES

AOC Staff:

Michael Hise
Nancy Swetnam
Kitty Boots
Kimberly Siddall
Robert Molina
Linda Ferelli

Guests:

None

CALL TO ORDER

Called to Order By:

Judge LaFleur, Chair

Time:

10:00 a.m.

1) REVIEW AND APPROVAL OF MINUTES

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

Individuals Addressing the Board: Judge LaFleur, Chair

Discussion: The April minutes are not completed and the Board made a decision to defer approval until the June meeting, after the members have had a chance to review.

2) REVIEW OF PENDING COMPLAINTS

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

Individuals Addressing the Board: Nancy Swetnam, Division Staff

Discussion: Nancy Swetnam, Division Staff, addressed the Board regarding the complaint 06-D002-Arizona Crash Course (Cert. #49029). Crash Course failed to inform the Defensive Driving Program about a third-party contract with Driving University, as required by ACJA §7-205 (D) (3) (b). The Crash Course website provides the public with a link to the D.U. website for potential students seeking to participate in online courses. Members of the Board asked questions of Ms. Swetnam and of Judge LaFleur. Ms. Swetnam explained the difference between a letter of concern or a letter of censure.

Motion: Finding Probable Cause

Motion Proposals: First Ron DeLong
Second Robert Hall

Motion Results: Pass Carries
Abstain Judge Jurkowitz

After discussion the Board determined its' final decision would be determined after having reviewed the investigation summary, allegation analysis report, finding of the Probable Cause Evaluator, and Recommendation regarding complaint number 06-D002 and Arizona Crash Course, certificate number 49029, based on the facts, evidence, and analysis, as presented and enters the following order:

*Determines grounds for discipline exist the certificate holder committed the alleged act(s) of misconduct and: enter a finding the alleged act(s) of misconduct or violations(s) be resolved through informal discipline, pursuant to ACJA § 7-201 (H) (7).

Motion: Issue a Letter of Concern

Motion Proposals: First Ron DeLong
Second Alfred Frank

Motion Results: Pass Carries
Abstain Judge Jurkowitz

3) CERTIFICATION AND ELIGIBILITY

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

- *ArizonaDriver.com
- *Go To Traffic School.com

Individuals Addressing the Board: Michael Hise, Division Staff

Discussion: Because both applicants have made good faith efforts to comply with requests from division staff, it is recommended the applicants each be granted a 90-day extension of time to complete the application process. ADM courses are considerably more complex for applicants and require substantial time commitments from division staff to completely process.

Motion: Grant extension to the above named schools for 90 days

Motion Proposals: First Judge Jurkowitz
Second Pamela Najera

Motion Results: Pass Carries

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

- Raymond Abate
- Jesus Arthur Espinoza

Individuals Addressing the Board: Kimberly Siddall, Division Staff

Discussion: The Board chose to take each applicant's certification individually.

Motion: It is recommended standard certification be granted to Raymond Abate.

Motion Proposals: First Linda Hill
Second Robert Hall

Motion Results: Pass Carries
Abstain Judge LaFleur

Motion: It is recommended to defer certification for Jesus A. Espinoza until the next Board meeting in June.

Motion Proposals: First Pamela Najera
Second Ron DeLong

Motion Results: Pass Carries

4-C: Discussion and possible action regarding board members attending defensive driving courses.

Individuals Addressing the Board: Mike Hise, Division Staff

Discussion: A board member has requested to attend a defensive driving course for educational purposes. This item is placed on the agenda for the purpose of discussing whether there are other members who would like to do this, when, and at what schools, including both traditional and alternative delivery method schools. Mike will contact Legal and find out if there is a problem with this.

Motion: It is recommended this item be reviewed at the next Board meeting in June.

Motion Proposals: First Linda Hill
Second Al Frank

Motion Results: Pass Carries
Abstain Judge LaFleur

CALL TO THE PUBLIC

Individuals Addressing the Board: Judge LaFleur, Chair

Discussion: None

ADJOURNMENT

Motion: To Adjourn meeting

Motion Proposals: First Ron DeLong
Second Robert Hall

Motion Results: Pass Carries

Time: 11:10 a.m.