

**Arizona Supreme Court
Defensive Driving Board**
Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room 230
Time 10:00 A.M. – 1:00 P.M.

August 21, 2007
Approved Regular Session Minutes

MEMBER ATTENDANCE

Present:

Linda M. Hill
Rolland (Ron) E. DeLong
Robert G. A. Hall
Pamela K. Najera
Arnold O. Knack
Leonard Montanaro
Judge Daniel S. Jurkowitz
Elaine Acosta Sweet

Telephonically Present:

Jennifer E. Dubois

Absent:

Judge Gary J. LaFleur

OTHER ATTENDEES

AOC Staff:

Mike Hise
David Geriminsky
Tony Posante
Nina Preston
Kimberly Siddall
Nancy Swetnam
Kitty Boots
Chris DeWitt
Richard Frohm

Guests:

Mark Hafkey
Richard Besserman
Beatriz Mena
Paul Hallums
Debra Cambridge

CALL TO ORDER

Called to Order By: Judge Jurkowitz, Vice Chair

Time: 10:00 A.M.

1) REVIEW AND APPROVAL OF MEETING MINUTES

1-A: Regular and Executive Session Minutes for the meeting of July 17, 2007

Individuals Addressing the Board: N/A

Discussion: Board discussed the approval of the Regular Session Minutes for the July 17, 2007 Board meeting.

Motion: Moved to Accept the Regular Session Minutes for July 17, 2007.

Motion Proposals: First Elaine Acosta Sweet
Second Arnold O. Knack

Motion Results: Pass

3) CERTIFICATION AND ELIGIBILITY

Agenda Item 3-A taken out of order

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

- ***Fredrick C. Cole***
- ***Daniel Neifeld***
- ***Martha A. Mueller-Madero***
- ***Hugo F. Ortega:***

Individuals Addressing the Board: Kimberly Siddall

Discussion: Board discussed the pending initial certification status and application of defensive driving instructors

- Fredrick C. Cole
- Daniel Neifeld
- Martha A. Mueller-Madero
- Hugo F. Ortega:

Motion: Moved to certify Fredrick C. Cole, Daniel Neifeld, Martha A. Mueller-Madero, and Hugo F. Ortega

Motion Proposals: First Rolland (Ron) DeLong
Second Pamela K. Najera

Motion Results: Pass

Agenda Item 3-B taken out of order

3-B: Review, discussion and possible action regarding Hearing Officer Richard Goldsmith's Recommendation Report regarding the denial of business entity certification involving Safe Driving Institute, Inc.

Individuals Addressing the Board: Nancy Swetnam

Discussion: Board discussed possible action regarding Hearing Officer Richard Goldsmiths Recommendation Report.

Motion: Moved to go to Executive Session

Motion Proposals: First Pamela K. Najera
Second Arnold O. Knack

Motion Results: Pass

Motion: Moved to request Legal Counsel to draft an order for signature by the Board Chair:

- To adopt the findings of fact in total with any appropriate modification in the way of additional facts found in the transcript regarding the application and application process.
- To adopt the conclusions of law with the following modifications:
 - #4 Line 13 should read – “Hafkey” not “Hise,”
 - Reject #6 and substitute: “The Board should have continued the matter to allow for an opportunity for Hafkey to make efforts to resolve the conflict.”
 - Reject #7 and substitute: “Hafkey should be given an opportunity to have the school application fully reviewed to determine if the school qualifies pursuant to 7-205 (E).”
- To clarify the full review of the application pursuant to ACJA § 7-205(E) had not yet taken place.
- To reject recommendation except as it pertains to the Board’s opportunity to turn back.
- To vacate the denial of certification entered on January 23, 2007.

- To request staff to continue the review of the applicant school's qualifications for certification pursuant to ACJA § 7-205(E) and permit the applicant the opportunity to resolve any conflict of interest.
- The Board reserves the right to review the conflict of interest issue based on the facts present at the time the final recommendation for certification is made pursuant to ACJA § 7-205(E).
- To draft findings of fact and conclusions of law for signature by Board Chair consistent with above.
- Further moved to strike any and all instances of opinion by the hearing officer.

Motion Proposals: First Pamela Najera
Second Arnold O. Knack

Motion Results: Pass

2) Review Of Pending Complaints

2-A: Review and discussion regarding complaint number:

07-D006 – Alexander Munday

Individuals Addressing the Board: Nancy Swetnam

Discussion: Board reviewed and discussed complaint number: 07-D006

Motion: Moved to offer a consent agreement as outlined by staff to Mr. Munday without a \$500.00 fine

Motion Proposals: First Rolland (Ron) DeLong
Second Arnold O. Knack

Motion Results: Pass

Recusals: Robert G. A. Hall

Motion amended: Amended fee in consent agreement to \$250.00

4) Program Issues

4-A: Review and discussion of rules subcommittee report.

Individuals Addressing the Board: Michael Hise

Discussion: Board discussed that the Rules Subcommittee has not yet met.

4-B: Review, discussion, and possible action for rescheduling the remaining 2007 Board meetings

Individuals Addressing the Board: Michael Hise

Discussion: Board discussed the possible rescheduling of future board meetings per request of the Boards Chair.

Motion: Moved to accept an amended meeting schedule rescheduling as recommended by staff.

Motion Proposals: First Robert Hall
Second Pamela Najera

Motion Results: Pass

4-C: Review, discussion, and possible action with regard to advertising found on certified schools' websites.

Individuals Addressing the Board: Michael Hise

Discussion: Board discussed the measures being taken for advertisement found on Defensive Driving School websites.

No Action Taken

CALL TO THE PUBLIC

Individuals Addressing the Board: None

Discussion: None

ADJOURNMENT

Motion: Moved to adjourn the meeting.

Motion Proposals: First Pamela Najera

Second Roland (Ron) DeLong

Motion Results: Pass

Time: 11:25 A.M.

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