

Arizona Supreme Court Defensive Driving Board

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room CLD1
10:00 am – 2:00 pm

March 19, 2008
Approved Regular Session Minutes

MEMBER ATTENDANCE

Present:

Rolland (Ron) E. DeLong
Robert G. A. Hall
Pamela K. Najera
Leonard Montanaro
Elaine Acosta Sweet
Cecile T. Woodward
Virginia Davis
Steve Soldis

Telephonically Present:

Judge Daniel S. Jurkowitz

Absent:

Judge Gary J. LaFleur

OTHER ATTENDEES

AOC Staff:

Kandace French
Nancy Swetnam
Kitty Boots
Linda Grau
Jenny Lubben
Nina Preston
Maria Lopez
Chris DeWitt
Kimberly Siddall
Robert Molina
Richard Frohm

Guests:

Beatriz Mena
Jonathan Lindsey
Wanda L. Candelaria
Chris Adams

CALL TO ORDER

Called to Order By: Judge Daniel S. Jurkowitz

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 February 20, 2008

Individuals Addressing the Board: Kandace French

Discussion: Board discussed the Regular Session Minutes for the meeting of February 20, 2008.

Motion: Moved to approve the Regular Session Minutes for the meeting of February 20, 2008.

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

Motion Results: Pass **DD-08-016**

2) PENDING COMPLAINTS

Individuals Addressing the Board: Nancy Swetnam

2-A: Review, discussion and possible action regarding pending Notice of Formal Statement of Charges in complaint 07-D008 involving Lewis Green and Arizona State Defensive Driving School dba World's Best.

Discussion: Staff provided the Board with information related to the complaint and Formal Statement of Charges. Discussion regarding the certificate holder's default in a disciplinary action and recommended sanctions.

Motion: Find Lewis Greene and Arizona State Defensive Driving School in default; adopt the factual allegations contained in the Notice of Formal Statement of Charges as Findings of Fact. Adopt the

formal charges stated in the notice as Conclusions of Law. Accept and impose the sanctions as listed pursuant to ACJA § 7-201(H)(24)(a)(6).

Motion Proposal: First: Pamela K. Najera
Second: Cecile T. Woodward

Motion Results: Pass **DD-08-017**

Motion: Leonard Montanaro to sign the Notice of Formal Statement of Charges on behalf of the full board.

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

Motion Results: Pass **DD-08-018**

3) ADMINISTRATIVE ISSUES

Individuals Addressing the Board: Nancy Swetnam

3-A: ***Report and discussion regarding the history of the Defensive Driving Program.***

Discussion: Staff provided the Board with the background and history of the Defensive Driving Program including legislative history, statutory authority and the administration of the program by the Certification and Licensing Division. Statistical information was also provided including case clearance rates as defined by using a CourtTools Measure adopted by the National Center for State Courts. The Board asked questions regarding reported participation in Defensive Driving Schools and other statistical reports. Discussion regarding the suggested tracking of online school statistics and traditional schools.

Motion: *None*

3-B: ***Introduction of Certification and Licensing Division staff members Maria Lopez, Kandace French and Christopher DeWitt.***

Discussion: Staff was introduced to the Board. Discussion regarding the staff member roles in the Certification and Licensing Division.

Motion: *None*

4) CERTIFICATION AND ELIGIBILITY

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

Ezra Loring
Hardy Warren
Keith Bailly
Edward Cottrell
Kenneth Kelley
Casey Albitre
Howard Townsend
Chris Loeffler
Erika Papp

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff advised the Board the applications of the following applicants are complete and verified. Granting of initial certification is recommended for the following applicants:

Ezra Loring
Howard Townsend

Motion: Grant initial certification to Ezra Loring and Howard Townsend.

Motion Proposals: First Leonard Montanaro
Second Cecile T. Woodward

Motion Results: Pass **DD-08-019**

Discussion: The Board discussed the pending certification applications of the below referenced applicants:

Hardy Warren
Keith Bailly
Edward Cottrell
Kenneth Kelley
Casey Albitre
Chris Loeffler
Erika Papp

Motion: Defer consideration of certification to the next regularly scheduled meeting to allow receipt of additional information required to make a determination regarding certification.

Motion Proposals: First Pamela K. Najera

Second Rolland (Ron) E. DeLong

Motion Results: Pass **DD-08-020**

Discussion: Staff provided the Board with an update regarding the status of the application of certification of Edward Cottrell. Mr. Cottrell failed to respond to numerous requests by staff to provide additional information needed to complete his application for certification.

Motion: Deny certification for Edward Cottrell pursuant to ACJA § 7-201(E)(2)(c)(1) for failure to provide a completed application with all the deficiencies corrected.

Motion Proposals: First Leonard Montanaro
Second Cecile T. Woodward

Motion Results: Pass **DD-08-021**

4-B: ***Review and consideration of renewal initial certification for the two-year period beginning November 1, 2007 for the following defensive driving instructor:***

Tommy Kanuck

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff provided the Board with the status of Mr. Kanuck's application and background review.

Motion: Grant initial certification to Tommy Kanuck.

Motion Proposals: First Pamela K. Najera
Second Steve Soldis

Motion Results: Pass **DD-08-022**

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

Monsoon Driving School

Individuals Addressing the Board: Chris DeWitt

Discussion: Staff provided the Board with information pertaining to the request for extension of time.

Motion: Grant a 90-day extension of time for processing the initial

application of Monsoon Driving School pursuant to ACJA § 7-201(E)(3)(c).

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

Motion Results: Pass **DD-08-023**

4-D: *Review discussion, and possible action regarding defensive driving school certification applications submitted by:*

Arizona Defensive Driving School (Gayle Bentley)
Safe Driving Institute, Inc. (Lt. Mark Hafkey)

Individuals Addressing the Board: Kitty Boots and Chris DeWitt

Discussion: Staff provided the Board with information pertaining to the application of Arizona Defensive Driving School. The Board discussed the requirements for certification to offer alternative delivery curriculum.

Motion: Grant certification to Arizona Defensive Driving School.

Motion Proposals: First Cecile T. Woodward
Second Leonard Montanaro
Recused Pamela K. Najera, Virginia Davis

Motion Results: Pass **DD-08-024**

Discussion: Staff provided the Board with information pertaining to the application of Safe Driving Institute, Inc. The Board discussed the requirements for certification and the actual or potential conflict of interest regarding Lt. Hafkey's employment with the Phoenix Police Department.

Motion: Motion to enter into executive session for advice of counsel.

Motion Proposals: First Cecile T. Woodward
Second Leonard Montanaro

Motion Results: Pass **DD-08-025**

Board entered into executive session at 10:40 a.m.

Board returned from executive session at 10:55 a.m.

Discussion: The Board discussed a possible conflict of interest regarding Lt. Hafkey's employment with the Phoenix Police Department and directing staff to invite Mr. Hafkey to the next regularly scheduled

meeting to answer questions regarding that conflict of interest.

Motion: Invite Mr. Hafkey to the April meeting of the Board to answer questions regarding a conflict of interest based on Mr. Hafkey's employment with the Phoenix Police Department.

Motion Proposals: First Leonard Montanaro
Second Robert G.A. Hall
Recused Cecile T. Woodward

Motion Results: Pass **DD-08-026**

CALL TO THE PUBLIC.....*Judge Daniel S. Jurkowitz*

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Adjourn the meeting.

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

Motion Results: Pass **DD-08-027**

Time: 11:25 a.m.

(ML)