

Board of Defensive Driving
Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 109
10:00 A.M. – 2:00 P.M.

November 19, 2008
Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

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

Telephonically Present:

Judge Daniel S. Jurkowitz

Absent:

OTHER ATTENDEES

AOC Staff:

Kitty Boots
Kandace French
Linda Grau
Nancy Swetnam
Maria Lopez
Kimberly Siddall
Jennifer Greene
Robert Molina
Richard Frohm
Jeanetta Waterbury
Chris Dewitt
Cynthia Thomas

Guests:

William Riedel
Michelle Riedel
Jonathan Lindsey
Gary Alexander
Richard (Last name illegible)
Bea Mena
Virginia (Last name illegible)

CALL TO ORDER

Called to Order By: Judge Gary J. LaFleur

Time: 10:00 a.m.

1) REVIEW AND APPROVAL OF MINUTES

I-A: Review, discussion, and approval of the regular and executive minutes for the meeting of October 15, 2008.

Individuals Addressing the Board: Kandace French

Discussion: Discussion, regarding regular session minutes for the meeting of October 15, 2008.

Motion: Approve the Regular Session Minutes for the meeting of October 15, 2008.

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

Motion Results: Pass

Individuals Addressing the Board: Kandace French

Discussion: Staff recommended the Board defer consideration and approval of the draft Executive Session Minutes October 15, 2008.

Motion: Moved to defer the Executive Session Minutes for the meeting of October 15, 2008.

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

Motion Results: Pass

2) **ADMINISTRATIVE ISSUES**

Move out of order

2-C: Review of the newly created Defensive Driving School website and telephone number.

Individuals Addressing the Board: Kandace French and Jeanetta Waterbury

Discussion: Staff presented the Board with the public website address and telephone number which will list all available schools to be used by those individual who receive eligible citations. Discussion regarding the lay out and function of the public website and telephone number recording.

Motion: No action taken.

2-A: Report of the Division staff regarding the status of draft proposed amendments of ACJA § 7-205 and implementation of the 2007-2008 legislation.

Individuals Addressing the Board: Nancy Swetnam

Discussion: Status of the proposed amendments ACJA§7-205 which will go into effect on January 1, 2009.

Motion: No action taken

2-B: Review, discussion and possible action regarding Exception Requests from courts.

Individuals Addressing the Board: Kandace French and Nancy Swetnam

Discussion: Discussion regarding exception requests received from courts. Further discussion regarding a summary of each exception for the Board's review.

Motion: No action taken

2-D: Review, discussion and possible action regarding the 2009 Defensive Driving Board meeting schedule.

Individuals Addressing the Board: Kandace French, and Nancy Swetnam

Discussion: Staff recommended the Board revise the previously approved 2009 schedule due to the current state budget restrictions and cost

savings of reducing the number of board meetings each year.

Motion: Board moved to amend the 2009 Board schedule to the following dates:

February 18, 2009
April 15, 2009
June 17, 2009
August 19, 2009
October 21, 2009
December 16, 2009

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

Motion Results: Pass

2-E: Review, discussion and possible action regarding the nomination and election of the Vice Chair.

Individuals Addressing the Board: Kandace French

Discussion: Staff recommended the Board nominate and elect a Vice Chair for the 2009 calendar year.

Motion: The Board nominates Leonard Montanaro to serve as Vice Chair through December 31, 2009.

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

Motion Results: Pass

2-F: Review discussion and possible action regarding the Board's recommendation to the Chief Justice pertaining to the appointment of new Board members.

Individuals Addressing the Board: Kandace French, Nancy Swetnam and Linda Grau

Discussion: Discussion regarding re appointing board members and applications for vacant positions.

Motion: The Board unanimously recommended the re-appointment of the following Board members:

Judge Daniel S. Jurkowitz
Leonard Montanaro
Steve Soldis

Elaine Acosta Sweet

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

Motion Results: Pass

Recusal Judge Daniel S. Jurkowitz, Leonard Montanaro,
Steve Soldis and Elaine Acosta Sweet

Individuals Addressing the Board: Kandace French, Nancy Swetnam and Linda Grau

Discussion: Of the applicants considered for the vacant Court Administrator seat, the Board commented on the exceptional service provided by all the applicants. Upon further discussion, the Board chose to recommend, by motion, Lynette A. Rudow, for the Court Administrator seat. The Board commended Ms. Rudow for her exceptional work and felt that the representation of a court administrator from a small Pima County court, with a smaller community perspective, would be an excellent addition to the Board.

Motion: Recommend Lynette A. Rudow for the vacant court administrator seat.

Motion Proposals: First Leonard Montanaro
Second Elaine Acosta Sweet

Motion Results: Pass

Recusal Judge Gary J. LaFleur

3) **CERTIFICATION AND ELIGIBILITY**

3-A: Review and consideration of initial certification of the following defensive driving school:

Arizona Academy of Defensive Driving (Michelle Riedel)

Individuals Addressing the Board: Chris DeWitt

Discussion: Staff provided the Board with application review information and recommended certification of:

Arizona Academy of Defensive Driving

Motion: Grant initial certification to the following defensive driving school.

Arizona Academy of Defensive Driving

Motion Proposals: First Pamela K. Najera
Second Steven Soldis

Motion Results: Pass

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

Sarah Owens
Garrick Ward
Sandra Brown
Linda Badilla
Sean Stoermer
Thomas Wilson
Pamela York

Individuals Addressing the Board: Kimberly Siddall

Discussion: Discussion regarding the status of applications. It was recommended applications be deferred to the December 17, 2008 Board Meeting as the applications are incomplete or information is pending for the following:

Sarah Owens
Sandra Brown
Linda Badilla

Motion: Defer the applications of the following individuals to the December 17, 2008 Board Meeting:

Sarah Owens
Sandra Brown
Linda Badilla

Motion Proposals: First Robert G. A. Hall
Second Pamela K. Najera

Motion Results: Pass

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended initial certification be granted to Garrick Ward

with warning language included in the letter regarding a future failure to disclose pertinent information may result in denial of certification or renewal. The Board questioned staff on the specific matters Mr. Ward failed to disclose. There was additional discussion regarding Mr. Ward certification application, failure to disclose a traffic citation and employer sanctions for unsafe storage of a fire arm.

Motion: Board moved to denied certification Garrick Ward

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

Motion Results: Pass

Individuals Addressing the Board: Kandace French

Discussion: Staff recommended the board amend the motion to include the specific reasons the Board is denying Mr. Ward certification.

Motion: Deny certification of Garrick Ward for failure to comply with the ACJA§ 7-201 E(2) (c)(2)(b)(1) and (xv).

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

Motion Results: Pass

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended initial certification be granted to the following individuals:

Sean Stoermer
Thomas Wilson
Pamela York

Motion: Board moved to grant certification to the above individuals.

Motion Proposals: First Robert G. A. Hall
Second Virginia Davis

Motion Results: Pass

3-C: Review, discussion and possible action regarding the Findings of Fact, Conclusions of Law, and Hearing Officer's Recommendation by Hearing Officer David A. Pennartz regarding the denial of certification of applicant Safe Driving

Institute (Lt. Mark Hafkey).

Individuals Addressing the Board: Kitty Boots

Discussion: Staff reviewed new documentation submitted by the attorney for Safe Driving Institute which reflects that all corporate members with a potential conflict of interest have forfeited their shares in corporation. The conflict of interest issue has been resolved and staff recommends approval certification of the following defensive driving school:

Safe Driving Institute

Motion: Board moved to accept staff's recommendation and grant certification to the above defensive drive school.

Motion Proposals: First Judge Daniel S. Jurkowitz
Second Steven Soldis

Motion Results: Pass

CALL TO THE PUBLIC.....

Individuals Addressing the Board: Judge Daniel S. Jurkowitz

Discussion: None

ADJOURNMENT

Motion: Adjourn the meeting.

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

Motion Results: Pass

Time: 11:56 a.m.

Initials ML

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