



## **Supreme Court Defensive Driving Board**

Arizona State Courts Building  
1501 West Washington Street, Phoenix, Arizona 85007  
Conference Room 109

Date: August 20, 2008  
Time: 10:00 a.m. – 1:00 p.m.

### **Approved Regular Meeting Minutes**

#### **MEMBER ATTENDANCE:**

##### **Present:**

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

##### **Telephonically Present:**

Judge Daniel S. Jurkowitz

##### **Absent:**

Steven Soldis

#### **OTHER ATTENDEES**

##### **AOC Staff:**

Linda Grau  
Kitty Boots  
Kandace French  
Nancy Swetnam  
Jennifer Greene  
Kimberly Siddall  
Jenny Lubben  
Maria Lopez  
Robert Molina  
Richard Frohm

##### **Guests:**

Beatriz Menn  
Jonathan Lindsey  
Michelle Riedel  
Debbie Grado

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**CALL TO ORDER**

***Called to Order By:*** Judge Gary J. LaFleur

***Time:*** 10:06

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**1) REVIEW AND APPROVAL OF MINUTES**

***I-A:*** Review, discussion, and approval of the Regular and Executive Session Minutes for the meeting of March 19, 2008.

***Individuals Addressing the Board:*** Kandace French

***Discussion:*** Board discussed the Regular Session Minutes for the meeting of March 19, 2008.

***Motion:*** Moved to approve the Regular Session Minutes for the meeting of March 19, 2008.

***Motion Proposals:*** First Robert G. A. Hall  
Second Rolland (Ron) DeLong

***Motion Results:*** Pass  
Recusal Judge Gary J. LaFleur

***I-B:*** Review, discussion, and approval of the Regular and Executive Session Minutes for the meeting of April 16, 2008.

***Discussion:*** Board discussed the Regular Session Minutes for the meeting of April 16, 2008.

***Motion:*** Moved to approve the Regular Session Minutes for the meeting of April 16, 2008.

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

***Motion Results:*** Pass

***I-C:*** Review, discussion, and approval of the Regular Session Minutes for the meeting

of June 16, 2008.

**Discussion:** Board discussed the Regular Session Minutes for the meeting of June 19, 2008.

**Motion:** Moved to approve the Regular Session Minutes for the meeting of June 19, 2008.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Pamela K. Najera

**Motion Results:** Pass

**Individuals Addressing the Board:** Kandace French

**Discussion:** Staff recommended the Board defer consideration and approval of the draft Executive Session Minutes March 19, 2008, April 16, 2008, and June 19, 2008.

**Motion:** Board moved to defer review and approval of Executive Session Minutes.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Pamela K. Najera

**Motion Results:** Pass

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## 2) ADMINISTRATIVE ISSUES

**2-A:** Report of the Division Staff regarding the status of draft proposed amendments of ACJA § 7-205 and public comments, the implementation of HB2001 [2007] and the potential impacts of HB2488 [2008].

**Individuals Addressing the Board:** Kandace French

**Discussion:** Staff provided information to the board. The public comment period for the draft proposed amendments of ACJA § 7-205 will expire at noon on August 22, 2008. Division staff will provide a verbal report regarding draft changes of ACJA § 7-205 and the public comment. The board asked questions regarding public comment received to date and process for moving forward on draft amendments.

**Motion:** None

**2-B:** Report from staff regarding the criminal justice budget bill HB2210 [2008].

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Staff provided the Board with verbal report regarding HB2210 [2008] and the collection of a \$45 surcharge for the attendance at Defensive Driving School.

**Motion:** None

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### **3) CERTIFICATION AND ELIGIBILITY**

**3-A:** Review, discussion, and possible action regarding Hearing Officer Andrew F. Marshall's Order Re: Findings of Fact and Conclusions of Law and Recommendations regarding the denial of certification of applicant Edward Cottrell.

**Individuals Addressing the Board:** Kandace French

**Discussion:** Staff addressed the findings of the hearing officer with the Board and the hearing officer's findings the denial of certification of Mr. Cottrell be upheld.

**Motion:** Board moved to accept the Order Re: Findings of Fact and Conclusions of law and Recommendation of Hearing Officer Andrew F. Marshall regarding the denial of certification of Edward Cottrell.

**Motion Proposals:** First Judge Daniel S. Jurkowitz  
Second Cecile T. Woodward

**Motion Results:** Pass

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

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Staff recommended initial certification be granted to the following individual:  
Refugio V. Quintero  
Derik Burr

Hugo Ortega

**Motion:** Board moved to accept staff's recommendation and grant certification to the above individuals.

**Motion Proposals:** First Robert G. A. Hall  
Second Rolland (Ron) DeLong

**Motion Results:** Pass

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Staff recommended initial certification be granted to the following individual:  
James Caruso  
Janice Bacich

**Motion:** Board moved to accept staff's recommendation and grant certification to the above individuals.

**Motion Proposals:** First Robert G. A. Hall  
Second Rolland (Ron) DeLong

**Motion Results:** Pass

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Staff recommended initial certification be granted to the following individual:  
Amy Overcash

**Motion:** Board moved to accept staff's recommendation and grant certification to Amy Overcash. Staff is directed to include language in the certification letter that failure to disclose information in the future may result in the denial of certification or renewal of certification.

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

**Motion Results:** Pass

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Staff provided the Board with information regarding the certification documentation status of the following individual. The certification application is not complete and additional information is needed to allow the Board to make a decision regarding certification for the following

individual:  
Juan Gandara

**Motion:** Defer decision regarding certification of Juan Gandara to the next regularly scheduled meeting of the Board.

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

**Motion Results:** Pass

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** In regard to Gregory Crawford – In July the Board directed staff to draft a consent agreement to be signed by the Board and Mr. Crawford. The Board discussed entering into a Consent Agreement requiring Mr. Crawford to provide quarterly updates to the Board regarding payment of debt. The consent agreement was drafted, approved and signed by Mr. Crawford.

**Motion:** Move to accept the Consent Agreement signed by Mr. Crawford and direct Judge LaFleur, as Chair of the Board, to sign the Consent Agreement on behalf of the full board, and grant certification to Gregory Crawford.

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

**Motion Results:** Pass

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Staff discussed its original written recommendation the Board deny certification of Linda Badilla pursuant to ACJA § 7-201(E)(2)(c)(1) for failure to meet the eligibility requirements and for failure to provide a completed application by the following applicant. Staff informed the Board that it was learned applicant Badilla had communicated with another staff member outside the certification process but had not responded to Ms. Siddall's requests for information. The recommendation by staff was verbally changed to a recommendation to defer decision of certification of Linda Badilla pending receipt of additional information required for certification.

**Motion:** Moved to defer the decision regarding certification of Linda Badilla to the September meeting of the Board. Barring

