



Arizona Supreme Court Board

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

Date: April 18, 2012
Time: 10:00 AM

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Elaine Acosta Sweet
Thomas L. Davis
Melissa J. Caraker
Daniel W. Edwards
Gordon Fox
Robert G.A. Hall
Judge Gary J. LaFleur
William (Patch) Pachnowski

Telephonically Present:

Lynette Rudow
Paul E. Hallums

OTHER ATTENDEES

AOC Staff:

Nancy Swetnam
Linda Grau
Jennifer Greene
Anne Hunter
Rick Sczerbicki
Kimberly Siddall
Chris DeWitt
Afton Foutz
Annette Fields
Brian Kennedy
Wendy Reiter
Eric Thomas

Guests:

Patrick Smith -AZSODD
Jesse Freeman -AZSODD
Kristi Mielke -Diamondback
Maria Medina -Phoenix Municipal Court
Debbie Grado - ACNSC
Stephanie Schwartz -Roadrunner
Larry W. Clapick -AZCCTS
April Wright -Learn and Go Traffic School
Michael Wright -Learn and Go Traffic School
Tyler Truscio -AZDDS
Mike Truscio -AZDDS
Debra Grossman -CPTS

CALL TO ORDER

Called to Order By: Elaine Acosta Sweet, Chair

Time: 10:02 AM

1) REVIEW AND APPROVAL OF MINUTES

1-A: Review, discussion and possible action regarding the Regular Session Minutes for the meeting of February 15, 2012.

Individuals Addressing the Board: Elaine Acosta Sweet

Discussion: None

Motion: Approve the Regular Session Minutes for the meeting of February 15, 2012.

Motion Proposals: First Robert G.A. Hall
Second Melissa J. Caraker

Motion Results: Pass Motion passed unanimously.
Recusal None

2) REVIEW OF PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding the following complaint dismissed by the Division Director pursuant to Arizona Code of Judicial Administration §7-201(D)(4)(a) and (H)(2)(a):

Complaint Number 11-D010

Individuals Addressing the Board: Nancy Swetnam

Discussion: Nancy Swetnam reminded the Board that any discussions of complaints dismissed by the Division Director are confidential and any necessary discussion regarding the complaint must be done in Executive Session. Ms. Swetnam recommended the Board affirm the dismissal of complaint number 11-D010.

Judge Gary LaFleur noted an observation for school owners, that although the behavior may not be a violation, it is highly inappropriate.

Motion: Affirm dismissal of complaint number 11-D010.

Motion Proposals: First Daniel W. Edwards
Second Judge Gary J. La Fleur

Motion Results: Pass Motion passed.
Recusal Robert G.A. Hall
William "Patch" Pachnowski

3) ADMINISTRATIVE ISSUES

3-A: *Review, discussion and possible action regarding proposed amendments to the Defensive Driving Program, including proposed amendments to Arizona Code of Judicial Administration § 7-201 and § 7-205.*

Individuals Addressing the Board: Nancy Swetnam, Judge Ann Segal of Pima County Justice Court

Discussion: Nancy Swetnam provided and the Board discussed a PowerPoint presentation addressing the following topics:

1. Civil Traffic Filings
2. Legislative Changes

10:47 a.m. Paul E. Hallums terminated his connection to the conference call and departed the meeting.

3. Legislative Appropriations
4. Number of Defensive Driving Schools
5. ACJA Changes Proposed by Courts and Defensive Driving School Owners
 - 10 Point Fingerprinting
 - A Two Step Certification Process
 - Licensing Approval
 - Increase of the Certification Fee
 - AZ Corporation
 - DBA's
 - AZ Instructor
 - Third Party Process for User Identity
 - Change of School Fees
 - School Audits
 - Website Listing

Judge Ann Segal of Pima County Justice Court proposed legislative changes concerning juvenile traffic offenders and the need for a curriculum targeted specifically at sixteen to nineteen year old drivers.

Nancy Swetnam requested that the Board provide some direction as to what changes need to be revisited and what issues require proposals to be drafted.

4) INITIAL CERTIFICATION APPLICATIONS

4-A: Review, consideration and possible action regarding pending initial certification applications of the following defensive driving instructors:

- 1. Janet Mattingly***
- 2. Cinthia Rodriguez***
- 3. Richard Gates***

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended that the Board grant certification to applicants: Janet Mattingly, Cinthia Rodriguez and Richard Gates.

Motion: Accept staff recommendation to grant certification to applicants: Janet Mattingly, Cinthia Rodriguez and Richard Gates

Motion Results: Pass Motion passed unanimously.
Recusal None

- 4. Debra Perkins***
- 5. Erick Bowdler***
- 6. Michael Wright***
- 7. Richard Maerk***

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended that the Board grant certification to applicants: Debra Perkins, Erick Bowdler, Michael Wright and Richard Maerk.

Motion: Accept staff recommendation to grant certification to applicants: Debra Perkins, Erick Bowdler, Michael Wright and Richard Maerk.

Motion Results: Pass Motion passed.
Recusal Robert G.A. Hall recused himself from the vote on the certification of applicant, Debra Perkins.

8. Abdirizak A. Said

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended that the Board deny certification pursuant to ACJA § 7-201(E)(2)(c)(1) as the applicant did not meet the eligibility requirements at the time of the application as described in ACJA § 7-205(E)(2)(e).

Motion: Accept staff recommendation to deny certification to applicant, Abdirizak A. Said.

Motion Results: Pass Motion passed by unanimously.
Recusal None

4-B: Review, consideration and possible action regarding pending initial certification applications of the following defensive driving schools:

1. All About Safety Traffic School, LLC

Individuals Addressing the Board: Chris DeWitt

Discussion: Staff recommended that the Board grant certification to applicant: All About Safety Traffic School, LLC.

Judge Gary J. LaFleur noted the lack of quality in the application.

The Board discussed the possibility of uploading the New School Application in a fill-able PDF format to the website, so applicant submissions are typed and legible as opposed to hand written.

Motion: Accept staff recommendation to grant certification to applicant: All About Safety Traffic School, LLC.

Motion Proposals: First Daniel W. Edwards
Second Lynette Rudow

Motion Results: Pass Motion carried 7:2 vote (Judge Gary LaFleur and Elaine Acosta Sweet opposed)
Recusal None

2. Diamondback Online Driving School, LLC

Individuals Addressing the Board: Chris DeWitt

Discussion: Staff recommended that the Board grant certification to applicant:
Diamondback Online Driving School, LLC

Motion: Accept staff recommendation to grant certification to applicant:
Diamondback Online Driving School, LLC

Motion Proposals: First Lynette Rudow
Second Melissa J. Caraker

Motion Results: Pass Motion carried 8:1 vote (Robert G.A. Hall opposed)
Recusal None

3. Arizona Defensive Driving by Safe2Drive

Individuals Addressing the Board: Chris DeWitt

Discussion: Staff recommended that the Board grant certification to applicant:
Arizona Defensive Driving by Safe2Drive.

Motion: Accept staff recommendation to grant certification to applicant:
Arizona Defensive Driving by Safe2Drive.

Motion Proposals: First Lynette Rudow
Second Thomas L. Davis

Motion Results: Pass Motion carried 8:1 vote (Melissa J. Caraker
opposed)
Recusal None

5) CERTIFICATION AND ELIGIBILITY

5-A: Review, discussion and possible action regarding approval of a third party contract between Arizona Academy of Defensive Driving and ABC Defensive Driving.

Individuals Addressing the Board: Chris DeWitt

Discussion: Staff recommended that the Board approve the third party contract between Arizona Academy of Defensive Driving and ABC Defensive Driving.

The proposed is a referral contract between two existing schools.

Motion: Accept the staff recommendation to approve the third party contract

between Arizona Academy of Defensive Driving and ABC Defensive Driving.

Motion Proposals: First Daniel W. Edwards
Second William (Patch) E. Pachnowski

Motion Results: Pass Motion passed unanimously.
Recusal None

5-B: Review, discussion and possible action regarding previously denied renewal of certification for Donald Gagnon.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended that the Board accept the consent agreement that was provided and authorize the Chair to sign the consent agreement on behalf of the full Board.

Motion: Accept the staff recommendation that the Board accept the consent agreement that was provided and authorize the Chair to sign the consent agreement on behalf of the full Board.

Motion Proposals: First Robert G.A. Hall
Second William (Patch) E. Pachnowski

Motion Results: Pass Motion passed unanimously.
Recusal None

CALL TO THE PUBLIC

No Response

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First Robert G.A. Hall
Second Melissa J. Caraker

Motion Results: Pass Motion passed unanimously.

Time: 12:09 PM

/WLR

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