



**Arizona Supreme Court
Defensive Driving Board**

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

October 17, 2012
10:00 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE

<i>Present:</i>	<i>Telephonically Present:</i>	<i>Absent:</i>
Elaine Acosta Sweet	Melissa J. Caraker	Gordon Fox
Thomas L. Davis	Paul E. Hallums	Lynette Rudow
Judge Gary J. LaFleur		
Daniel W. Edwards		
Robert G. A. Hall		
William (Patch) Pachnowski		

OTHER ATTENDEES

<i>AOC Staff:</i>	<i>Guests:</i>
Mark Wilson	Raymond Abar – Crash & Learn
Linda Grau	Maria Medina – Phoenix Municipal Court
Jennifer Greene	Debbie Grado – ACNSC
Anne Hunter	Bill R. - TSMS
Rick Sczerbicki	
Kimberly Siddall	
Chris DeWitt	
Afton Foutz	
William MacIntyre	
Arnita Oliver	

CALL TO ORDER

Called to Order By:

Elaine Acosta Sweet

Time:

10:00 A.M.

1) REVIEW AND APPROVAL OF MINUTES

Individuals Addressing the Board: Elaine Acosta Sweet

1-A: *Review, discussion and possible action regarding the regular session minutes for the meeting of August 15, 2012.*

Discussion: None

Motion: Move to approve the regular session meeting minutes for the meeting of August 15, 2012.

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

Motion Results: Pass

1-B: *Review, discussion and possible action regarding the executive session minutes for the meeting of August 15, 2012.*

Discussion: None

Motion: Move to approve the executive session meeting minutes for the meeting of August 15, 2012.

Motion Proposals: First Robert G. A. Hall
Second Thomas L. Davis

Motion Results: Pass

2) REVIEW OF PENDING COMPLAINTS

Individuals Addressing the Board: Linda Grau

2-A: *Review, discussion and possible action regarding the following certificate holder complaints:*

- *Complaint Number 10-D004 – ArizonaDriver.com*
- *Complaint Number 11-D004 – ArizonaDriver.com*
- *Complaint Number 11-D012 – Traffic School Online*
- *Complaint Number 11-D014 – EZ AZ Traffic School*
- *Complaint Number 11-D015 – National Traffic Safety Institute*

participated in an alternative school course and completed it on April 9, 2012. It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 11-D004.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Melissa J. Caraker
Second William (Patch) Pachnowski

Motion Results: Pass

Discussion: **Complaint Number 11-D012 – Traffic School Online** – The allegations on this complaint is that Traffic School Online did not timely provide notification of a completion or remit the fees to the Agua Fria Justice Court resulting in the suspension of the student's driving privileges. The student is Vincent Liotti.

On August 30, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 11-D012. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 11-D012.

Motion: Move to accept staff's recommendation.

Motion Proposals: First William (Patch) Pachnowski
Second Gary J. LaFleur

Motion Results: Pass

Discussion: **Complaint Number 11-D014 – EZ AZ Traffic School** – The allegation in this complaint is that EZ AZ Traffic School did not submit the student's certification of completion to the Agua Fria Justice Courts resulting in the suspension of the students driving privileges.

On October 1, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 11-D014. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 11-D014.

Motion: Move to accept staff's recommendation.

Motion Proposals: First William (Patch) Pachnowski
Second Thomas L. Davis
Recused Robert G.A. Hall, Paul Hallums

Motion Results: Pass

Discussion: **Complaint Number 11-D015 – National Traffic Safety Institute:**
The allegations submitted with this complaint is that National Traffic Safety Institute failed to notify the Court when the student completed traffic school causing his license to be suspended.

On September 11, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does exist in complaint number 11-D015. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for informal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) for an act of misconduct involving ACJA § 7-205(F)(27)(f) and issue a Letter of Concern.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Robert G.A. Hall
Second Daniel W. Edwards
Recused William (Patch) Pachnowski

Motion Results: Pass

Discussion: **Complaint Number 11-D017 – Safe 2 Drive:** The allegation is that Safe 2 Drive failed to submit an electronic notification of a registration to the Court concerning a student, Kip Thomas.

On August 30, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 11-D017. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 11-D017.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Daniel Edwards
Second Thomas Davis

Motion Results: Pass

Discussion: **Complaint Number 12-D003 – Arizona Traffic Safety School:**
The allegation submitted in this complaint is that Arizona Traffic Safety School online software program is faulty and resulted in the student failing twice on the required final exam.

On October 1, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 12-D003. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 12-

D003.

Motion: Move to accept staff's recommendation.

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

Motion Results: Pass

2-B: Update regarding pending complaints:

Individuals Addressing the Board: Linda Grau

Discussion: As of September 30, 2012, there are a total of 12 pending complaints, all involving actively certified schools and/or instructors. Seven of these complaints are recommended for dispositive action in Agenda Item 2-A.

3) ADMINISTRATIVE ISSUES

Individuals Addressing the Board: Anne Hunter

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

Discussion: Anne Hunter, Compliance Unit Manager, provided information at the meeting regarding the proposed amendments that were reviewed and approved at the August 15, 2012 Defensive Driving Board meeting. A summary of the approved amendments to ACJA § 7-205 and to defensive driving procedures were attached for the Board's review.

3-B: Review, discussion and possible action regarding the establishment of the 2013 Board meeting schedule. {Linda Grau}

Discussion: The Defensive Driving Board is asked to consider and approve a 2013 meeting calendar. It is recommended the Board continue to meet on the third Wednesday of the applicable month at 10:00 A.M. The month of September was added as this is a certification renewal year.

Therefore, it is recommended the 2013 meeting calendar be set as follows:

February 20, 2013
April 17, 2013
June 19, 2013

August 21, 2013
September 18, 2013
October 16, 2013
December 18, 2013

Motion: Move to accept the 2013 board meeting calendar.

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

Motion Results: Pass

4) INITIAL CERTIFICATION APPLICATIONS

Individuals Addressing the Board: Kimberly Siddall and Chris DeWitt

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

1. *Crystal Couglin*
2. *Francis Barry*
3. *Bryan Adams*
4. *Jared Repinski*
5. *Katherine Hernandez*
6. *Hanna Pinner*
7. *Wayne Church*
8. *Raymond Abate*

Discussion: It is recommended to grant initial certification to *Crystal Couglin* and *Francis Barry*.

Motion: Move to accept staff's recommendation that the Board grant initial certification to *Crystal Couglin and Francis Barry*.

Motion Proposals: First Robert G.A. Hall
Second Thomas L. Davis

Motion Results: Pass

Discussion: It is recommended deferring *Bryan Adams and Katherine Hernandez* until the November meeting.

Motion: Move to defer the initial certification for *Bryan Adams and Katherine Hernandez* until the November meeting.

Motion Proposals: First William (Patch) Pachnowski
Second Paul Hallums

Motion Results: Pass

Discussion: It is recommended to grant initial certification to *Jared Repinski*.

Motion: Move to grant initial certification to Jared Repinski.

Motion Proposals: First William (Patch) Pachnowski
Second Thomas L. Davis

Motion Results: Pass

Discussion: The applicant, *Hanna Pinner* disclosed being convicted of use of marijuana, a class 1 misdemeanor, on September 11, 2005 and November 10, 2009. The staff has requested a detailed explanation from the applicant. As of today, the information has not been received. It is recommended that the Board invite Ms. Pinner to the November or December board meeting for an informal interview regarding these two convictions or any other information pertaining to her application. Staff will provide the completed application, the court documents, and additional information received from the applicant and received during the background investigation.

Motion: Move to invite Ms. Pinner to the December meeting to provide further explanation regarding certain information she has provided and defer initial certification until the December meeting.

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

Motion Results: Pass

Discussion: It is recommended to grant initial certification to *Wayne Church*.

Motion: Move to grant initial certification to *Wayne Church*.

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

Motion Results: Pass

Discussion: It is recommended the Board enter into a Consent Agreement with *Raymond Abate*, wherein the Board orders Mr. Abate to complete two hours of continuing education in ethics and four hours of continuing education in time management, for a total of six hours, to be completed within 120 days of the Board signing the Consent Agreement. The hours are in addition to the required hours for renewal. It is also recommended that if Mr. Abate signs the Consent Agreement, it would be sent directly to the Board Chair for signature on behalf of the full

Board without coming back to the Board in December.

Motion: Move that the Board enter the Consent Agreement with Abate and authorize the chair to sign on behalf of the full Board and that upon completing two hours of continuing education in ethics and four hours of continuing education in time management, for a total of six hours, plus the additional six hours he did not previously complete, that his application for initial certification be granted.

Motion Proposals: First Judge Gary J. LaFleur
Second Daniel W. Edwards
Motion Results: Pass

CALL TO THE PUBLIC.....Elaine Sweet, Chair

Individuals Addressing the Board: Elaine Sweet

Discussion: None

ADJOURNMENT

Motion: Move to adjourn the meeting.

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

Time: 10:54 A.M.

AO