

Draft for Review
Board of Defensive Driving
Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Hearing Room 109
June 16, 2010
10:00 am - 2:00 pm

Approved Regular Session Minutes

MEMBER ATTENDANCE

Present:

Rolland (Ron) E. DeLong
Robert G. A. Hall
Judge Gary J. LaFleur
Leonard Montanaro
Elaine Acosta Sweet
Virginia Davis
Paul E. Hallums
Cecile T. Woodward
Judge Daniel S. Jurkowitz,

Telephonically Present:

Steven Soldis
Lynette Rudow

Absent:

OTHER ATTENDEES

AOC Staff:

Kandace French
Kitty Boots
Jennifer Greene
Kimberly Siddall
Nancy Swetnam
Chris DeWitt
Linda Grau
Becky Sorenson
Alex Navarro
Tony Posante
Susan Hunt

Guests:

Amina Clark
Stephanie Schwarz
Randi Bellassai
Olivia Rojas
Rick Hernandez
Cynthia Thomas
Carrie Stoneburner
Denise Rodriguez
Larry Clapick
Robert Grossman
D. Grossman
Debbie Grado
Dave Worler

CALL TO ORDER

Called to Order By: Elaine Sweet, Chair
Time: 10:00 a.m.

1) REVIEW AND APPROVAL OF MINUTES

I-A: *Review, discussion, and possible action regarding the Regular Session Minutes for the meeting of April 21, 2010.*

Individuals Addressing the Board: Elaine Sweet

Discussion: None

Motion: Moved to approve Regular Session Minutes for the meeting of April 21, 2010.

Motion Proposals: First: Judge Gary LaFleur
Second: Leonard Montanaro

Motion Results: Pass

I-B: *Review, discussion, and possible action regarding the Executive Session Minutes for the meeting of April 21, 2010.*

Individuals Addressing the Board: Elaine Sweet

Discussion: None

Motion: Moved to approve Executive Session Minutes for the meeting of April 21, 2010

Motion Proposals: First: Bob Hall
Second: Leonard Montanaro

Motion Results: Pass

2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding complaint number 09-D018, Arizona Crash Course and Arnulfo Gandara.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: Complaint Number 09-D018 – Arizona Crash Course and Arnulfo Gandara: On May 24, 2010, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in complaint number 09-D018. Summary of complaint was read to the Board. It was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 09-D018.

Motion: Moved to accept the finding of the Probably Cause Evaluator and dismiss complaint number 09-D018.

Motion Proposals: First: Leonard Montanaro
Second: Paul Hallums

Motion Results: Pass

2-B: *Review, discussion and possible action regarding certificate holder complaint numbers:*

Complaint Number 09-D006 – National Traffic Safety Institute

Complaint Number 09-D019 – Safe2Drive

Complaint Number 09-D010 – Arizona Crash Course

Complaint Number 09-D009 – Arizona Crash Course

Complaint Number 09-D012 – Arizona Crash Course and Harry Ryon

Complaint Number 09-D003 – I Drive Safely

Complaint Number 09-D013 – I Drive Safely

Complaint Number 09-D014 – I Drive Safely

Complaint Number 09-D015 – I Drive Safely

Complaint Number 09-D016 – I Drive Safely

Complaint Number 10-D001 – I Drive Safely

Complaint Number 09-D004 – ArizonaDriver.com

Complaint Number 09-D006 – National Traffic Safety Institute

Individuals Addressing the Board: Nancy Swetnam

Discussion: On June 3, 2010, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in complaint number 09-D006. It was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 09-D006.

Motion: Moved to accept the finding of Probable Cause Evaluator and dismiss complaint number 09-D006.

Motion Proposals: First: Judge Gary LaFleur
Second: Leonard Montanaro
Motion Results: Pass

Complaint Number 09-D019 – Safe2Drive

Individuals Addressing the Board: Nancy Swetnam

Discussion: On June 11, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does exist in complaint number 09-D019. Discussed allegations and summary of investigation. Noted the designated principal accepted responsibility. Discussed allegations and summary of investigation. Noted the designated principal accepted responsibility. It was recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) and (H)(7) for acts of misconduct involving Arizona Revised Statutes § 28-3396(C) , ACJA § 7-205(F)(17), (F)(24)(i), (F)(24)(k) and (F)(25)(f)(2) and issue a Letter of Concern.

Motion: Moved to accept the recommendation and issue a Letter of Concern.

Motion Proposals: First: Judge Daniel Jurkowitz
Second: Leonard Montanaro
Motion Results: Pass

Complaint Number 09-D010 – Arizona Crash Course
Complaint Number 09-D009 – Arizona Crash Course
Complaint Number 09-D012 – Arizona Crash Course and Harry Ryon
Complaint Number 09-D003 – I Drive Safely
Complaint Number 09-D013 – I Drive Safely
Complaint Number 09-D014 – I Drive Safely
Complaint Number 09-D015 – I Drive Safely
Complaint Number 09-D016 – I Drive Safely
Complaint Number 10-D001 – I Drive Safely

Discussion: Discussed the above complaints and deferring these to the next Board meeting in order for everyone to review the complaint information and proposed outcome.

Motion: Moved to defer the above complaints and invite the principals of the above schools to the next Board meeting.

Motion Results: Pass

Individuals Addressing the Board: Nancy Swetnam

Discussion: On June 11, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 09-D004. Discussed case summary and citation. It was 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)(22)(d)(2)(b) and issue a Letter of Concern. It was further recommended the Board include language in the Letter of Concern requesting ArizonaDriver.com reimburse consumer Robert Kuri (“Kuri”) for all fees charged to Kuri that have not previously been refunded.

Motion: Moved to accept the finding of Probable Cause Evaluator and issue a Letter of Concern and reimburse Robert Kuri for all fees.

Motion Proposals: First: Judge Daniel Jurkowitz
Second: Virginia Davis

Motion Results: Pass

3) INELIGIBLE COMPLETION PROCESSING FEES

3-A: *Review, discussion, and possible action regarding request for review of assessment of ineligible completion processing fee.*

Drive Safe AZ Traffic School

Individuals Addressing the Board: Becky Sorenson

Discussion: Discussion and review of citation. Staff recommended the Board affirm the processing fee assessed to Drive Safe AZ Traffic School for the ineligible completion of the DPS photo radar citation for Reyes Orozco.

Motion: Moved to accept recommendation of staff

Motion Proposals: First: Ron DeLong
Second: Paul Hallums

Motion Results: Pass

4) ADMINISTRATIVE ISSUES

4-A: *Review and discussion regarding status of proposed legislation.*

Individuals Addressing the Board: Kandace French

Discussion: Discussed the 49th Legislature, 2nd regular session adjourned Sine Die on Thursday, April 29, 2010 without HB 2424 being acted upon by the Committee on the Whole. Staff provided information regarding legislative matters; legislation adjourned and no bill passed, therefore no action was taken and if anything moves through in the new session, staff will bring information to the Board.

Motion: None

4-B: *Review, discussion, and possible action regarding approval of defensive driving school's administrative, operational and financial manuals in compliance with Administrative Directive No. 2010-10.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: Staff discussed Administrative Directive No. 2010-10, which requires schools to ensure a student's participation does not exceed the maximum of 4.5 hours, allows them to complete the course in segments, and requires schools to maintain an electronic record of each student's participation.

Administrative, operational and financial manuals submitted by the following defensive driving schools were reviewed and meet the require specifications Division staff performed a review of the new school's application and curriculum.

*National Traffic Safety Institute
I Drive Safely
Traffic School Online
Arizona Chapter National Safety Council
ArizonaDriver.com
DrivingUniversity, LLC
Improv Traffic Schools
GoToTrafficSchool.com
Safe 2 Drive*

Motion: Moved to accept the school manuals as presented with stipulation that it only include acceptance of Administrative Directive No. 2010-10.

Motion Results: Pass

4-C: *Report, discussion, and possible action regarding draft amendments to ACJA § 7-205 by the Defensive Driving Board Rules Subcommittee.*

Individuals Addressing the Board: Kandace French

Discussion: The Defensive Driving Board appointed a new Rules Subcommittee to address changes and revisions to ACJA § 7-205: Defensive Driving. The appointed subcommittee members include Elaine Sweet, Judge Gary LaFleur, Paul Hallums, Virginia Davis, Leonard Montanaro and Daniel Edwards.

Division Staff provided a verbal report to the Board regarding the status of proposed changes and its review of those items identified by defensive driving schools and addressed by the Board at the last meeting.

A draft of ACJA § 7-205 will be posted on the Defensive Driving website during the public comment period which is anticipated to begin within the next week or two.

Motion: None

5) REVIEW OF CERTIFICATION APPLICATIONS

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

Individuals Addressing the Board: Alex Navarro

Discussion: None

Motion: Moved to accept initial certification of the following applicants:

*Dana L. Daubert
Henry B. Johnson
Kerry L. Bierbaum
Stephanie J. Schwartz*

Motion Proposals: First: Gary LaFleur

Second: Bob Hall

Motion Results: Pass

Motion: Moved to defer the following applicants to the August meeting:

*Anthonett J. Hurley
Sandra L. Brown
Robert Dominy*

Motion Proposals: First: Ron DeLong
Second: Gary LaFleur
Motion Results: Pass

Stephen J. Franz

Individuals Addressing the Board: Alex Navarro

Discussion: The application for Stephen J. Franz was filed on November 9, 2009 and was processed for Board review. On December 15, 2009, applicant sent staff an email requesting his application be placed on hold and/or temporarily withdrawn due to some of the details in the application had changed. On February 24, 2010 staff requested the applicant to provide an update and his intentions regarding his application. To date, staff has not received a response. Therefore, it was recommended the Board accept the applicant's withdrawal as previously requested in December.

Motion: Moved to accept withdrawal of the application of Stephen J. Franz.

Motion Proposals: First: Ron DeLong
Second: Gary LaFleur
Motion Results: Pass

5-B: *Review, discussion, and possible action regarding initial certification on the following defensive driving school:*

Roadrunner Traffic School, LLC

Individuals Addressing the Board: Chris DeWitt

Discussion: Division staff has performed a review of the new school's application and curriculum.

Motion: Moved to grant initial certification to Roadrunner Traffic School.

Motion Proposals: First: Steve Soldis
Second: Gary LaFleur
Motion Results: Pass

6-A: *Review, discussion, and possible action regarding approval of a third party contract between Arizona Monsoon Driving School and ArizonaDriver.com.*

Individuals Addressing the Board: Chris DeWitt

Discussion: Division staff has performed a review of the contracts and recommends approval by the Board.

Motion: Moved to approve the third party contracts pursuant to ACJA 7-205(f)(22)(c)(13).

Motion Proposals: First: Steve Soldis
Second: Leonard Montanaro

Motion Results: Pass

6-B: *Review, discussion, and possible action regarding approval of a third party contract between Drive Safe Arizona Traffic School and I Drive Safely.*

Individuals Addressing the Board: Chris DeWitt

Discussion: Division staff has reviewed this contract and recommends approval by the Board.

Motion: Moved to approve staff recommendation.

Motion Proposals: First: Gary LaFleur
Second: Judge Daniel Jurkowitz

Motion Results: Pass

CALL TO THE PUBLIC

Debra Grossman, Central Phoenix Traffic School, discussed completion certificates and exit rosters.

Rick Hernandez, I Drive Safely, discussed sign in rosters and also deferment of agenda items for Board meetings.

ADJOURN

Motion: Moved to adjourn the meeting.

Motion Proposals: First: Elaine Sweet
Second: Virginia Davis

Motion Results: Pass

Time: 12:10

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