

Draft for Review
Board of Defensive Driving
Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Hearing Room 109
December 15, 2010
10:00 am -1:00 pm

Approved Regular Session Minutes

MEMBER ATTENDANCE:

Present:

Robert G. A. Hall
Elaine Acosta Sweet
Virginia Davis
Judge Gary J. LaFleur
Leonard Montanaro
Paul E. Hallums
Steven Soldis

Telephonically Present:

Judge Daniel S. Jurkowitz

Absent:

Lynette Rudow
Cecile T. Woodward
Rolland (Ron) E. DeLong

OTHER ATTENDEES:

Nancy Swetnam
Kitty Boots
Kandace French
Chris DeWitt
Kimberly Siddall
Jennifer Greene
Alex Navarro
Karla Clanton
Susan Hunt

Guests:

W.E. Pachowski
Randi Bellassai
Olivia Rojas
Debbie Grado
Anthonett Hurley
Patrick Smith
Jesse Freeman
Pamela Najera
Michael Truscio
Amina Clark
Jeffrey Pairan
Rick Hernandez
Debra Grossman
Jared Repinski

CALL TO ORDER

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

1) REVIEW AND APPROVAL OF MINUTES

1-A: *Review, discussion, and possible action regarding the regular session minutes for the meeting on October 20, 2010*

Individuals Addressing the Board: Elaine Sweet

Discussion: None

Motion: Moved to approve regular session minutes for the meeting on October 20, 2010

Motion Proposals: First: Robert Hall
Second: Paul Hallums

Motion Results: Pass

2) PENDING COMPLAINTS

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

Individuals Addressing the Board: Elaine Sweet

Discussion: There were no complaints for the Board's review in the month of December.

3) ADMINISTRATIVE ISSUES

3-A: *Report regarding status of Board appointments.*

Individuals Addressing the Board: Kandace French

Discussion: On December 31, 2010, the following board seats will expire for those members that have served two terms and are unable to serve another term. Applicants for successor appointments have been forwarded to the Chief Justice for consideration.

Virginia Davis – Defensive Driving Instructor
Rolland (Ron) E. DeLong – Defensive Driving School Owner
Cecile Woodward – Public Member

3B: *Report and discussion regarding status of draft amendments to ACJA 7-205: Defensive Driving.*

Individuals Addressing the Board: Kandace French

Discussion: Administrative Order No. 2010-15 was signed on November 10, 2010 by Chief Justice Rebecca White Berch adopting the amended version of ACJA 7-205: Defensive Driving.

The Administrative Order and amendments to ACJA § 7-205: Defensive Driving are the culmination of several months of collaborative effort by the Defensive Driving Board Rules Subcommittee, Limited Jurisdiction Court Defensive Driving Subcommittee, schools owners, staff and public comment. Both the legislative and non-legislative versions are posted on the website. The effective date of the amendment will be January 31, 2011.

3C: *Review, discussion and possible action regarding requests for extension of exceptions previously granted to courts pursuant to ACJA 7-205(f)(5)(b)(1)(f).*

Individuals Addressing the Board: Kandace French

Discussion: Pursuant to ACJA § 7-205((D)(5)(b)(1) provides as follows:

Duties of the Board: In addition to the responsibilities contained in ACJA § 7-201(D), the board:

- (1) Shall, pursuant to A.R.S. § 28-3393 and subsection (D)(6)(e)(3), review a request from a court for approval of the court's automation, reporting and fund transfer requirements. In conducting this review the board shall:*
 - (a) Develop and distribute a request form for the courts to complete and submit;*
 - (b) Conduct the review during a regularly scheduled meeting of the board;*
 - (c) Base its review of the court's request for approval on the statewide standards adopted by the Supreme Court for electronic reporting of defensive driving school registration and completion information;*
 - (d) Review the stated reasons why the court's needs cannot be met through the statewide standards;*

- (e) *Make a written decision either approving or denying the court's request. The board may grant an exception to the adopted standards only under the following circumstances:*
- (i) *The court's case management system currently receives defensive driving completion information from the defensive driving schools in a manner that electronically receipts the associated court diversion fees to each individual case; or*
 - (ii) *A non-AZTEC court can demonstrate it needs additional time or cannot make the programming changes necessary to accept the defensive driving XML messages distributed by MQ series for integration into its case management system.*
- (f) *If the board grants an exception, the board shall review the court's requirements one year after the approval. At the review, the board shall again consider the statewide automation standards and the court's needs and may either reauthorize the approval for another one year period or rescind the approval; and*
- (g) *Request division staff post the list of courts and approved automation and reporting requirements on the web site for distribution to the schools and public.*

In October 2009 the board granted extensions of exception requests by the following courts:

1. Chandler Municipal Court
2. Pima County Consolidated Justice Court
3. Scottsdale City Court
4. Tucson City Court
5. Prescott City Court
6. Prescott Justice Court

The AOC IT division reviewed the requests for extension of exception to validate the reason the exception extension meets the requirements as set forth in ACJA 7-205.

There have been no changes to these requests.

Division staff recommended the Board grant the extension of exception requests of the following courts for an additional year:

Chandler Municipal Court
Pima County Consolidated Justice Court
Scottsdale City Court
Tucson City Court
Prescott City Court
Prescott Justice Court

Motion:

Moved to accept recommendation and grant extension of exception requests of the above courts for an additional year.

Motion Proposals: First: Judge Daniel Jurkowitz
Second: Leonard Montanaro
Recusal: Judge Gary LaFleur

Motion Results: Pass

3D: *Review, discussion and possible action regarding setting a telephonic meeting on the 2011 meeting calendar to address the approval of school curriculum reviews and school certification matters that require the Board's approval prior to due to changes to ACJA 7-205 with an effective date of January 31, 2011.*

Individuals Addressing the Board: Kandace French

Discussion: The Defensive Driving Board was asked to consider and approve an additional telephonic meeting for the 2011 meeting calendar. Due to changes to ACJA 7-205 with an effective date of January 31, 2011, staff requests an additional Defensive Driving Board meeting on January 19th. The meeting would be telephonic and is needed to address a substantial number of curriculum reviews and school certification matters that require the Board's approval. The meeting was requested since curriculum needs to be approved before January 31st and it will not be addressed at the December meeting.

It was recommended the 2011 meeting calendar be amended to include a telephone meeting of the Board on January 19, 2010 from 10:00 a.m. to 12:00 p.m.

Motion: Move to accept recommendation that the 2011 meeting calendar be amended to include a telephonic meeting of the Board on January 19, 2011 from 10:00 to 12:00.

Motion Proposals: First: Paul Hallums
Second: Robert Hall

Motion Results: Pass

3E: *Nomination and election of the 2011 Defensive Driving Board vice Chair.*

Individual Addressing the Board: Kandace French

Discussion: § 7-201 (I)(3)(b) reads:

Vice Chair: The board shall elect a vice chair from among the appointed members of the board. The vice chair shall serve in the capacity as vice chair for a specified term. If the vice chair resigns or ceases to be a member of the board, the board shall vote to elect

a new vice chair from among the existing members. The vice chair shall act as chair in the absence of the chair.

On December 16, 2009, the Board reappointed Leonard Montanaro to serve as vice chair for the 2010 calendar year. Mr. Montanaro's term expires on December 31, 2010.

It was recommended the Board nominate and appoint Paul Hallums as vice chair for the 2011 calendar year.

Motion: Moved to accept recommendation by the Board to appoint Paul Hallums as vice chair for the 2011 calendar year.

Motion Proposals: First: Robert Hall
Second: Steve Soldis

Motion Results: Pass

4) INITIAL CERTIFICATION APPLICATIONS

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

Individuals Addressing the Board: Alex Navarro

Discussion: The following applicants have submitted a complete application, demonstrating they meet the minimum eligibility requirements, and no information has been presented during the background check which is contrary to certification being granted. It was recommended the Board grant initial certification to the following applicants:

1. Adrian, Robin G.
2. Creel, Melvin C.
3. Wright, April L.

Motion: Moved to accept recommendation the Board and grant initial certification to applicants Adrian, Creel and Wright.

Motion Proposals: First: Judge Gary LaFleur
Second: Virginia Davis

Motion Results: Pass

Individuals Addressing the Board: Alex Navarro

Discussion: The following applicants have submitted a complete application, demonstrating they meet the minimum eligibility requirements, and no information has been presented during the background check which is contrary to certification being granted. It was recommended the Board grant initial certification to the following applicants:

4. Aronson, Albert L.
5. Long, Vanessa N.
6. Robinson, Franklin W. III

Motion: Moved to accept recommendation the Board grant initial certification to applicants Aronson, Long and Robinson.

Motion Proposals: First: Robert Hall
Second: Judge Gary LaFleur

Motion Results: Pass

4-B: *Review, discussion and possible action regarding initial certification of the following defensive driving schools:*

TakeHome Defensive Driving
ABC Defensive Driving
Arizona School of Defensive Driving, LLC
DriversEd.com

Individuals Addressing the Board: Chris DeWitt

Discussion: TakeHome Defensive Driving, a take-home DVD format defensive driving school, applied for certification on July 18, 2008. The school's office is located in Houston, Texas. Division staff has performed a review of the new school's applications and curriculum.

Discussion by staff and Board regarding the process of the DVD format and how the school verifies the participant is actually taking the class. Further discussion regarding delivery method.

It was recommended initial certification be granted to Takehome Defensive Driving.

Motion: Moved to accept the recommendation and grant initial certification to TakeHome Defensive Driving.

Motion Proposals: First: Judge Daniel Jurkowitz
Second: Steve Soldis

Motion Results: Failed

Vote Taken: Tie among Board members

Yes	No
Virginia Davis	Robert Hall
Paul Hallums	Leonard Montanaro
Steve Soldis	Judge Gary LaFleur
Judge Daniel Jurkowitz	Elaine Sweet

Discussion: Further information is needed for the Board to make a decision. Further discussion regarding the difference between an internet offering and a DVD offering and confirmation of participant. Discussion regarding effect of deferring application.

Motion Proposal: Moved that this matter be continued at the February meeting in order for staff to continue to research the company.

Motion Proposals: First: Judge Daniel Jurkowitz
Second: Steve Soldis

Motion Results: Failed

Vote Taken:

Yes	No
Robert Hall	Virginia Davis
	Paul Hallums
	Steve Soldis
	Leonard Montanaro
	Judge Gary LeFleur
	Judge Daniel Jurkowitz
	Elaine Sweet

Discussion: School Owner Rick Hernandez was present and addressed Board to answer questions regarding mechanisms and security issues regarding the DVD program. Questions and further discussion by Board members.

Motion: Moved to grant certification to TakeHome Defensive Driving.

Motion Proposals: First: Steve Soldis
Second: Virginia Davis

Motion Results: Pass

Vote Taken:

Yes	No
Robert Hall	Leonard Montanaro
Virginia Davis	
Paul Hallums	
Steve Soldis	
Judge Gary LeFleur	
Judge Daniel Jurkowitz	
Elaine Sweet	

Individuals Addressing the Board: Chris DeWitt

Discussion: ABC Defensive Driving, a traditional classroom format defensive driving school, applied for certification on May 19, 2010. The school's office is located in Tempe, Arizona. Division staff has performed a review of the new school's applications and curriculum. Staff observed the course demonstration on November 19, 2010. It was recommended initial certification be granted to ABC Defensive Driving.

Motion: Moved to accept the recommendation and grant certification to ABC Defensive Driving.

Motion Proposals: First: Gary LaFleur
Second: Robert Hall

Motion Results: Pass

Individuals Addressing the Board: Chris DeWitt

Discussion: Arizona School of Defensive Driving, LLC; Division staff performed a review of the new school's application and curriculum. Staff observed the course demonstration on November 18, 2010.

Motion: Moved to accept the recommendation to grant certification Arizona School of Defensive Driving, LLC.

Motion Proposals: First: Leonard Montanaro
Second: Steve Soldis

Motion Results: Pass

Individuals Addressing the Board: Chris DeWitt

Discussion: DriversEd.com, an internet format defensive driving school, applied for certification on June 4, 2010. The school's office is located in Oakland, California. Division staff has performed a review of the new school's application and curriculum. It was recommended initial certification be granted to DriversEd.com.

Motion: Moved to accept the recommendation and grant certification to DriversEd.com.

Motion Proposals: First: Steve Soldis
Second: Leonard Montanaro

Motion Results: Pass

5) CERTIFICATION AND ELIGIBILITY

5-A: *Review, discussion and possible action regarding change of ownership of the following school:*

Arizona Defensive Driving School

Individuals Addressing the Board: Chris DeWitt

Discussion: Arizona Defensive Driving School is a dual format defensive driving school that has been certified continuously for fifteen years and has been operated by Gayle Bentley. The school is being sold to another individual, Mr. Michael Truscio. No changes are being made to the current curriculum or operations. Mr. Truscio's application has been reviewed by staff. It was recommended certification be granted to Arizona Defensive Driving School.

It was brought to the attention to the board that there is no code section addressing change of ownership for a school or transfer to guide the Board or staff. This will be discussed in the future and consideration will be made to include code language regarding the sale of a school.

Motion Moved to accept the recommendation to grant certification to Arizona Defensive Driving School.

Motion Proposals: First: Paul Hallums
Second: Steve Soldis
Recusal: Virginia Davis

Motion Results: Pass

5-B: *Review, discussion and possible action regarding online presentation of defensive driving courses by the following schools:*

Arizona Traffic Schools
EZ AZ Traffic School

Individuals Addressing the Board: Chris DeWitt

Discussion: Arizona Traffic Schools is currently certified as a classroom defensive driving school. A review of an online version of their curriculum has been completed by staff. It was recommended the board approve the online version of Arizona Traffic Schools' curriculum.

Motion: Moved to approve the online version of Arizona Traffic Schools' curriculum.

Motion Proposals: First: Judge Gary LaFleur
Second: Virginia Davis
Recusal: Paul Hallums and Robert Hall

Motion Results: Pass

Individuals Addressing the Board: Chris DeWitt

Discussion: EZ AZ Traffic School is currently certified as a classroom defensive driving school. A review of an online version of their curriculum has been completed by staff. It was recommended the board approve the online version of EZ AZ Traffic School's curriculum.

Motion: Moved to accept the recommendation and grant approval of the online version of EZ AZ Traffic School's curriculum.

Motion Proposals: First: Leonard Montanaro
Second: Steve Soldis

Motion Results: Pass

CALL TO THE PUBLIC: None

ADJOURN

Motion: Moved to adjourn the meeting.

Motion Proposals: First: Paul Hallums
Second: Robert Hall

Motion Results: Pass

Time: 11:30 a.m.

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