



Arizona Supreme Court Defensive Driving Board

Arizona State Courts Building
1501 West Washington Street
Phoenix, Arizona 85007-3222
Conference Room 109

Date: February 16, 2011
Time: 10:00 a.m. – 2:00 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE

Present:

Robert G.A. Hall
Elaine Acousta Sweet
Leonard Montanaro
Steven Soldis
Paul E. Hallums
William (Patch) Pachnowski
Melissa J. Caraker

Telephonically Present:

Judge Gary J. LaFleur
Judge Daniel S. Jurkowitz
Lynette Rudlow

Absent:

OTHER ATTENDEES

AOC Staff:

Kitty Boots
Nancy Swetnam
Kandace French
Kimberly Siddall
Linda Grau
Jennifer Greene
Chris Dewitt
Robert Molina
Alex Navarro
Karla Clanton
Debbie MacDougall
Richard From
Becky Sorenson
Susan Hunt

Guests:

Rey Granillo
Patrick Smith
Michelle Riedel
Bill Riedel
Debbie Grado

CALL TO ORDER

Called to Order By: Elaine Sweet, Chair

Time: 10:00 A.M.

INTRODUCTION OF NEW BOARD MEMBERS

The Board welcomes the following new Board members:

Melissa J. Caraker
Defensive Driving School Owner /Member

William (Patch) E. Pachnowski
Defensive Driving School Instructor/Member

1) REVIEW AND APPROVAL OF MINUTES

1-A: Review, discussion and possible approval of the Regular Session Minutes for the meeting of December 15, 2010.

Individuals Addressing the Board: Elaine Sweet

Discussion: No discussion.

Motion: Moved to approve the Regular Session Minutes for the meeting of December 15, 2010.

Motion Proposals: First Robert Hall
Second Leonard Montanaro

Motion Results: Pass

1-B: Review, discussion and possible approval of the Regular Session Minutes for the meeting of January 19, 2011.

Individuals Addressing the Board: Elaine Sweet

Discussion: No discussion.

Motion: Moved to approve the Regular Session Minutes for the meeting of January 19, 2011.

Motion Proposals: First Robert Hall
Second Leonard Montanaro

Motion Results: Pass

2) **PENDING COMPLAINTS**

2-A: *Review, discussion, and possible action regarding complaint numbers 10-D007 involving certified defensive driving instructor Christopher Honan.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: On December 2, 2010, the Certification and Licensing Division received complaint number 10-D007 involving certified instructor Christopher Honan.

On January 21, 2011, Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists in complaint number 10-D007. Therefore, it was recommended the Board accept the finding of the probable cause evaluator.

It was recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a), (H)(6)(k)(3) and (H)(6)(k)(7) for an act of misconduct involving ACJA § 7-201(F)(1) and ACJA § 7-205(J)(2), (J)(2)(b), (J)(2)(b)(1), (J)(2)(b)(4), (J)(2)(b)(5) and (J)(2)(b)(7).

It was recommended the Board move for the filing and service of Notice of Formal Statement of Charges and Right to Hearing and authorize the Chair to sign the document on behalf of the full Board.

The Board entered a finding that these violations have occurred, and imposed the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Revoke Honan's instructor certification, pursuant to ACJA § 7-201 (H)(24)(a)(6)(i):
- b) Mandate and order as a condition for reinstatement Honan participate in no less than ten (10) additional hours of continuing education in the curriculum areas of ethics and professional responsibility, in addition to the annual ten (10) hours continuing education requirement, pursuant to ACJA § 7-201 (H)(24)(a)(6)(f); and,
- c) Assess costs of the investigation and disciplinary proceedings, pursuant to ACJA § 7-201 (H)(24)(a)(6)(j); and,
- d) Impose a civil penalty in the amount of \$500.00, pursuant to ACJA § 7-201 (H)(24)(a)(6)(k).

Motion: Moved to accept the finding of the probable cause evaluator and grounds for formal disciplinary action exists pursuant to ACJA 7-

201 (H) and 7-201 (F)(J).

Motion Proposals: First Judge Daniel Jurkowitz
Second Judge Gary LaFleur
Recusal Paul Hallums, Patch Pachowski, Robert Hall

Motion Results: Pass

Motion: Moved to accept the recommendation of staff regarding the imposition of civil penalty for Mr. Honan, in addition to access costs of the investigation of the disciplinary proceedings and to mandate that as a condition of his re-instatement, Mr. Honan participate in no less than 10 additional hours of continuing education.

Motion Proposals: First Leonard Montanaro
Second Steve Soldis
Recusal Paul Hallums, Patch Pachowski, Robert Hall

Motion Results: Pass

Discussion: Roll call vote taken on the above motion:

<u>Yes</u>	<u>No</u>
Melissa Caraker	
Steve Soldis	
Leonard Montanaro	
Judge Gary LaFleur	
Judge Daniel Jukowitz	
Lynette Rudow	
Elaine Sweet	

Motion: Moved to allow the Chair to sign the filing and service of Notice of Formal Statement of Charges and Right to Hearing on behalf of the full Board.

Motion Proposals: First Judge Gary LeFleur
Second Steve Soldis
Recusal Paul Hallums, Patch Pachowski, Robert Hall

Motion Results: Pass

3) ADMINISTRATIVE ISSUES

3-A: Report and discussion regarding recent amendments to ACJA 7-205; Defensive Driving.

Individuals Addressing the Board: Kandace French

Discussion: Proposed amendments to ACJA 7-205: Defensive Driving was adopted by Administrative Order on November 10, 2010. The effective date was January 31, 2011. There have been no concerns regarding the new changes.

Motion: None

4) INITIAL CERTIFICATION APPLICATIONS

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

Individuals Addressing the Board: Alex Navarro

1. Korel, Scott D.

Discussion: The above defensive driving applicant has submitted a complete application, demonstrating applicant meets 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 above applicant.

Motion: Moved to accept staff recommendation to grant initial certification to Scott D. Korel.

Motion Proposals: First Robert Hall
Second Leonard Montanaro

Motion Results: Pass

Individuals Addressing the Board: Alex Navarro

2. Hanson, Michelle P.

Discussion: The above defensive driving applicant has submitted a complete application, demonstrating applicant meets 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 above applicant.

Motion: Moved to accept staff recommendation to grant initial certification

to Michelle P. Hanson

Motion Proposals: First Robert Hall
Second Steve Soldis
Motion Results: Pass

3. Schmidt, Karol L.

Discussion: The above application remains incomplete pending receipt of additional documentation. It was recommended the application for Karol L. Schmidt be deferred to the April 20, 2011 meeting.

Motion: Moved to approve staff's recommendation and defer the above applicant to the April meeting.

Motion Proposals: First Leonard Montanaro
Second Robert Hall
Motion Results: Pass

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

Easy-Fast-Run.com
Verde Valley Defensive Driving School
National Driving and Traffic School
Safer Traffic.com

Individuals Addressing the Board: Chris DeWitt

Discussion: Easy-Fast-Fun.com Defensive Driving School, an internet format defensive driving school, applied for certification on July 19, 2010. The school's office is located in San Diego, California. Division staff has performed a review of the new school's application and curriculum.

Discussion regarding the look of this school on the California website. Chair asked staff if it was feasible for the Board to ask that as new schools are approved, they are to bring forward a mockup website, prior to the Board approving the school. It was noted by staff that this information will be added to the application process in the future, and a mock-up of their proposed website will be required.

Motion: Moved to defer to the April meeting in order for staff to provide further information to present to the Board.

Motion Proposals: First Leonard Montanaro
Second Robert Hall
Motion Results: Pass

Discussion: Verde Valley Defensive Driving School, a traditional classroom format defensive driving school, applied for certification on May 25, 2010. The school's office is located in Sedona, Arizona. Division staff has performed a review of the new school's application and curriculum. It was recommended initial certification be granted to Verde Valley Defensive Driving School.

Motion: Moved to approve staff recommendation and grant initial certification to Verde Valley Defensive Driving School.

Motion Proposals: First Leonard Montanaro
Second Steve Soldis
Motion Results: Pass

Individuals Addressing the Board: Chris DeWitt

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

Motion: Moved to approve staff recommendation and grant initial certification to National Driving and Traffic School.

Motion Proposals: First Leonard Montanaro
Second Robert Hall
Motion Results: Pass

Individuals Addressing the Board: Chris DeWitt

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

Motion: Moved to approve staff recommendation and grant initial certification to SaferTraffic.com.

Motion Proposals: First Robert Hall
Second Paul Hallums
Motion Results: Pass

5) CERTIFICATION AND ELIGIBILITY

5-A: *Review, discussion and possible action regarding approval of a third party contract between Traffic School Online and American Safety Council.*

Individuals Addressing the Board: Chris DeWitt

Discussion: A third party contract between Traffic School Online and American Safety Council, was submitted to, and reviewed by program staff. The contract provided ADM school services to customers of Traffic School Online by American Safety Council.com. Traffic School Online will be responsible for correcting registration and completion errors within three days, as specified by code. Traffic School Online will be responsible for collecting and remitting all court diversion fees, state fees and state surcharges.

Traffic School Online and American Safety Council are both certified defensive driving schools in good standing.

Staff recommended the Board approve the third party contracts pursuant to ACJA 7-205(F)(22)(c)(13).

Motion: Moved to approve staff's recommendation as noted above to approve third party contracts pursuant to ACJA 7-205(F)(22)©(13).

Motion Proposals: First Leonard Montanaro
Second Lynette Rudow
Recusal Steve Soldis, Paul Hallums
Motion Results: Pass

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

Got a Ticket?
Arizona Academy of Defensive Driving

Individuals Addressing the Board: Chris DeWitt

Discussion: Got A Ticket? 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 the curriculum for Got A Ticket?

Motion: Moved to approve staff recommendation for the online version of the curriculum for Got a Ticket?

Motion Proposals: First Leonard Montanaro
Second Robert Hall

Motion Results: Pass

Individuals Addressing the Board: Chris DeWitt

Discussion: Arizona Academy of Defensive Driving 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 Academy of Defensive Driving's curriculum.

Motion: Moved to approve staff recommendation for the online version of the curriculum for Arizona Academy of Defensive Driving.

Motion Proposals: First Leonard Montanaro
Second Robert Hall

Motion Results: Pass

CALL TO THE PUBLIC - None

ADJOURNMENT

Motion: Moved to adjourn the meeting.

Motion Proposals: First Leonard Montanaro
Second Robert Hall

Motion Results: Pass

Time: 11:10 A.M.

Initials: SH

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