



## Arizona Supreme Court Defensive Driving Board

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

Date: June 15, 2011  
Time: 10:00 a.m.

### Approved Regular Meeting Minutes

#### MEMBER ATTENDANCE

**Present:**

Robert G.A. Hall  
Elaine Acosta Sweet  
William (Patch) Pachnowski  
Melissa J. Caraker  
Judge Gary J. LaFleur

**Telephonically Present:**

Leonard Montanaro  
Paul E. Hallums (joined @  
10:20)  
Steven Soldis

**Absent:**

Judge Daniel S. Jurkowitz  
Lynette Rudlow

#### OTHER ATTENDEES

**AOC Staff:**

Kitty Boots  
Nancy Swetnam  
Kandace French  
Kimberly Siddall  
Jennifer Greene  
Chris Dewitt  
Richard Frohm  
Beth Rensvold  
Susan Hunt

**Guests:**

Alex Smith  
Dennis Morrow  
Matthew Frey  
Victoria Roedig  
Debbie Grado  
Michael Truscocco  
Charles Albertson  
Victoria Albertson

**CALL TO ORDER**

**Called to Order By:** Elaine Sweet, Chair

**Time:** 10:02 a.m.

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**1) REVIEW AND APPROVAL OF MINUTES**

*1-A: Review, discussion and possible approval of the regular session minutes for the meeting of April 20, 2011.*

**Individuals Addressing the Board:** Elaine Acosta Sweet

**Discussion:** Question regarding Item 5B on the Agenda from April 20, 2011. Certification was granted to the school, not to the sale of the school.

**Motion:** Move to approve the regular session minutes for the meeting of April 20,2011

**Motion Proposals:** First Robert G.A. Hall  
Second Steve Soldis

**Motion Results:** Pass

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**2) PENDING COMPLAINTS**

*2-A: Review, discussion and possible action regarding complaints to be addressed by the Defensive Driving Board.*

**Individuals Addressing the Board:** Elaine Acosta Sweet

**Discussion:** There are no complaint matters to be addressed by the Board in the month of June.

**Motion:** None

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**3) ADMINISTRATIVE ISSUES**

*3-A: Review and discussion and possible action regarding the certification*

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*Renewal application deadline pursuant to Arizona Code of Administration §7-201 (G)(2).*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** ACJA § 7-201 (G)(2) reads:

*“Application. A certificate holder is responsible for applying for a renewal certificate. The certificate holder shall apply for renewal of certification on the form provided by division staff. The board shall set a deadline renewal application date, in advance of the expiration date, to allow a reasonable time frame for processing the renewal application.”*

Active certificates expire at midnight on October 31<sup>st</sup> of each odd numbered year.

Staff recommends the Board establish the 2011-2013 renewal application deadline as October 9, 2011.

**Motion:** Move to approve recommendation and establish the 2011-2013 renewal application deadline as October 9, 2011.

**Motion Proposals:** First Melissa Caraker  
Second Patch Pachnowski  
Recusal None

**Motion Results:** Pass

**3-B:** *Review and discussion regarding Senate Bill 1465 and its effect on student eligibility.*

**Individuals Addressing the Board:** Kitty Boots and Nancy Swetnam

**Discussion:** Discussion regarding Senate Bill 1465 which disallows a consular identification card issued by a foreign government as a valid form of identification. The bill passed with an effective date of July 20, 2011. These ID cards are no longer acceptable; an email will be sent out to all schools and school owners. The code will be amended for Defensive Driving to reflect this new law.

**Motion:** None

**3-C:** *Discussion regarding ACJA § 7-201(I)(5)(b) regarding recusal by a Board member.*

**Individuals Addressing the Board:** Elaine Acosta Sweet

***Discussion:***

The Arizona Code of Judicial Administration, § 7-201(I)(5)(b) reads as follows:

5. Actions.

b. Recusal. A member shall recuse from discussing and voting on an issue pertaining to an applicant or certificate holder who is related to the member or in any other situations where there is a conflict of interest, or may be the appearance of a conflict of interest.

(1) For the purposes of this subsection:

(a) “related” includes the relationships of parent, child, sibling, spouse or cohabitant;

(b) “conflict of interest” includes situations where the member has a direct or indirect substantial interest in any contract, sale, purchase or service to the board or the AOC or who has, or whose relative has, a substantial interest in any decision of the board, or the existence of any situation where there is, or may be an appearance that the relationship is one that would affect the member’s ability to be impartial. The fact a member or the entire board has been named in a lawsuit by an applicant or certificate holder does not automatically constitute a conflict of interest requiring the recusal of the member in an issue relating to the applicant or certificate holder.

(2) The purpose of this recusal provision is to remove or limit the possibility of personal influence which might bear upon a member’s official decision, or provide the appearance of any impropriety in the member’s decision.

(3) A member may seek legal advice regarding specific conflicts of interest or other ethical issues pertaining to membership and action from the AOC legal counsel.

(4) The member shall recuse at the beginning of the discussion of the issue by the board, or at the first instance the member realizes the conflict. The member shall not participate in the discussion by the board and shall leave the meeting room during board discussion of the issue in executive session. The recusal shall be noted in the official minutes of the meeting.

The board reviewed this code section for informational purposes and as a reminder to ensure everyone is mindful of this code.

**Motion:** None

Elaine Acosta Sweet welcomed new Board staff member Beth Rensvold.

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#### 4) INITIAL CERTIFICATION APPLICATIONS

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

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The following applicants have submitted a complete application, demonstrating the applicants 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 following applicants:

1. Donald Richard Morrison
2. Dennis Gale Morrow
3. Stanislav Mordukhayev
4. Violetta Mordukhayev
5. Michael Anthony Garcia

**Motion:** Move to approve staff recommendation and grant initial certification to the above applicants.

**Motion Proposals:** First Robert G.A. Hall  
Second Judge Gary J. LaFleur

**Motion Results:** Pass

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The following applicant has submitted a complete application, demonstrating the 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 following applicant.

6. Kristie Marie Champlin

**Motion:** Move to approve staff recommendation and grant initial certification to the above applicant.

**Motion Proposals:** First Robert G.A. Hall  
Second Steve Soldis  
Recusal None

**Motion Results:** Pass

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

Backseat Driving Traffic Safety Program  
Tucson's Fun Defensive Driving  
Drive Smart University

**Individuals Addressing the Board:** Chris DeWitt

**Discussion:** Backseat Driver Traffic Safety Program, a classroom format defensive driving school, applied for certification on January 26, 2011. 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 Backseat Driver Traffic Safety Program.

**Motion:** Move to approve staff recommendation and grant initial certification to Backseat Driver Traffic Safety Program.

**Motion Proposals:** First Leonard Montanaro  
Second Steve Soldis

**Motion Results:** Pass

**Individuals Addressing the Board:** Chris DeWitt

**Discussion:** Tucson's Fun Defensive Driving, a classroom format defensive driving school, applied for certification on January 28, 2011. 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 Tucson's Fun Defensive Driving.

**Motion:** Move to approve staff recommendation and grant initial

certification to Tucson's Fun Defensive Driving.

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

**Individuals Addressing the Board:** Chris DeWitt

**Discussion:** Drive Smart University, a classroom format defensive driving school, applied for certification on March 31, 2011. The school's office is located in Peoria, Arizona.

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

It was noted the Board is approving this school on this name (Drive Smart University) and not on the name on the original application.

Staff recommended initial certification be granted to Drive Smart University.

**Motion:** Move to approve staff recommendation and grant initial certification to Drive Smart University.

<u>Nay</u>	<u>Yay</u>
Judge Gary J. LeFleur	Robert G.A. Hall
Steve Soldis	Melissa Caraker
	Patch Pachnowski
	Leonard Montanaro

**Motion Proposals:** First Steve Soldis  
Second Melissa Caraker  
Abstain Paul Hallums  
**Motion Results:** Pass

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## 5) CERTIFICATION AND ELIGIBILITY

**5-A:** *Review, discussion and possible action regarding certification and eligibility matters.*

**Discussion:** There are no certification and eligibility matters for the Board's review in the month of June.

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**CALL TO THE PUBLIC - None**

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**ADJOURNMENT**

***Motion:*** Move to adjourn the meeting.

***Motion Proposals:*** First Robert G. A. Hall  
Second Steve Soldis

***Motion Results:*** Pass

***Time:*** 10:35 a.m.

Initials: SRH

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