



Arizona Supreme Court Defensive Driving Board

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

Date: August 17, 2011
Time: 10:00 a.m.

Regular Meeting Minutes

MEMBER ATTENDANCE

Present:

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

Telephonically Present:

Judge Daniel S. Jurkowitz
Judge Gary J. LaFleur
Leonard Montanaro
Lynette Rudlow
Paul E. Hallums

Absent:

Steven Soldis

OTHER ATTENDEES

AOC Staff:

Linda Grau
Kandace French
Kimberly Siddall
Jennifer Greene
Chris Dewitt
Karla Clanton
Eric Thomas
Susan Hunt

Guests:

Jesse Freeman
Patrick Smith
Rey Granillo
Doug Hauser
Guy Miotke
Debbie Grado
Michael Truscio
Tyler Truscio
Amina Clark
Debra Grossman

CALL TO ORDER

Called to Order By: Elaine Acosta Sweet, Chair

Time: 10:00 a.m.

1) REVIEW AND APPROVAL OF MINUTES

1-A: *Review, discussion and approval of the regular session minutes for the meeting of June 15, 2011.*

Individuals Addressing the Board: Elaine Acosta Sweet

Discussion: None

Motion: Move to approve the regular session minutes for the meeting of June 15, 2011.

Motion Proposals: First Robert G.A. Hall
Second Melissa Caraker

Motion Results: Pass

2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding request for waiver of ordered costs and civil penalties submitted by Christopher Honan pertaining to the Board’s Final Order of April 20, 2011 in complaint number 10-D007.*

Individuals Addressing the Board: Linda Grau

Discussion: The Board was provided a letter from Mr. Honan which contains a request the Board waive the “administrative and investigation fees” ordered by the Board on April 20, 2011 in complaint number 10-D007.

Also provided to the Board for review was the Board’s Final Order in which Mr. Honan was ordered to pay \$484.69 in assessed cost and a \$500.00 civil penalty. Mr. Honan was ordered to remit the costs and civil penalty within 60 days. His request for the waiver was received within 60 days. Division records reflect no payments have been made to date.

It was recommended the Board deny Mr. Honan's request to waive the ordered costs and civil penalties and provide Mr. Honan with an opportunity to make payments in the amount of \$100.00 per month, due the 15th of every month, beginning September 15, 2011 and due every month thereafter until the ordered amounts have been paid in full.

Motion: Move to deny Mr. Honan's request to waive the ordered costs and civil penalties and provide Mr. Honan with an opportunity to make payments in the amount of \$100.00 per month, due the 15th of every month, beginning September 15, 2011 and due every month thereafter until the ordered amounts have been paid in full.

Motion Proposals: First Leonard Montanaro
Second Lynette Rudlow
Motion Results: Pass
Recusal Paul Hallums, Robert G.A. Hall, Patch Pachnowski

Board Chair, Elaine Acosta Sweet, ask the board to recognize staff member Kitty Boots, Program Compliance Manager of Certification and Licensing Division, has recently retired. The Board would like to commend and thank her for her years of service with the Supreme Court and her service to the Defensive Driving Board.

3) ADMINISTRATIVE ISSUES

3-A: *Review and discussion regarding responsibilities of schools to accommodate disabled students.*

Individuals Addressing the Board: Chris DeWitt

Discussion: No discussion at this time.

Motion: None

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 applications are complete and it was recommended to grant the following applicants certification.

1. Marla R. Keller
4. Victoria A. Albertson

Motion: Move to grant certification to the above applicants.

Motion Proposals: First Paul Hallums
Second Robert G.A. Hall

Motion Results: Pass

Individuals Addressing the Board: Kimberly Siddall

3. Kenneth L. Butters

Discussion: Discussion regarding application of Butters.

Motion: Move to enter into executive session.

Motion Proposals: First Robert G.A. Hall
Second Melissa Caraker

Motion Results: Pass

EXECUTIVE SESSION: Start: 10:09 a.m. End: 10:16 a.m.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff and legal staff asked by Board if others applicants had been granted certification when there is a criminal conviction. Further discussion. Recommendation from staff was to accept certification of applicant.

Motion: Move to deny certification of Kenneth L. Butters under ACJA 7-201(E)(2)(3).

Motion Proposals: First Paul Hallums
Second Leonard Montanaro

Motion Results: Pass

Individuals Addressing the Board: Kimberly Siddall

2. Richard A. Zizzi

Discussion: The above applicant's application remains incomplete. It was recommended it be deferred to the October Board meeting.

Motion: Move to defer the above applicant to the October meeting.

Motion Proposals: First Robert G. A. Hall
Second Lynette Rudlow

Motion Results: Pass

5) CERTIFICATION AND ELIGIBILITY

5-A: *Review, discussion and possible action regarding approval of a third party contract between ArizonaDriver.com and Drive Right, LLC.*

Individuals Addressing the Board: Chris DeWitt

Discussion: A third party contract between ArizonaDriver.com and Drive Right, LLC was submitted to and reviewed by program staff. The contract stipulates Drive Right, LLC will refer all students who wish to take an internet course to ArizonaDriver.com.

ArizonaDriver.com and Drive Right, LLC 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: Move to approve third party contract as noted above.

Motion Proposals: First Patch Pachnowski
Second Leonard Montanaro

Motion Results: Pass

Individuals Addressing the Board: Chris DeWitt

Discussion: A third party contract between EZ AZ Traffic School and SaferTraffic.com was submitted to and reviewed by program staff. The contract stipulates SaferTraffic.com will refer all students who wish to take a classroom course to EZ AZ Traffic School.

EZ AZ Traffic School and SaferTraffic.com 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: Move to approve third party contract as noted above.

Motion Proposals: First Leonard Montanaro
Second Melissa Caraker

Motion Results: Pass
Recusal Paul Hallums, Patch Pachnowski, Robert Hall

CALL TO THE PUBLIC - None

ADJOURNMENT

Motion: Move to adjourn the meeting.

Motion Proposals: First Robert G. A. Hall
Second Leonard Montanaro

Motion Results: Pass

Time: 10:24 a.m.

/SRH

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