



## Arizona Supreme Court Defensive Driving Board

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

Date: December 21, 2011  
Time: 10:00 a.m.

### Regular Meeting Minutes

#### MEMBER ATTENDANCE

**Present:**

Judge Gary J. LaFleur  
Paul E. Hallums  
Robert G.A. Hall  
William (Patch) Pachnowski

**Telephonically Present:**

Judge Daniel S. Jurkowitz  
Leonard Montanaro  
Lynette Rudow

**Absent:**

Melissa J. Caraker  
Elaine Acosta Sweet  
Steve Soldis

#### OTHER ATTENDEES

**AOC Staff:**

Nancy Swetnam  
Kandace French  
Linda Grau  
Chris DeWitt  
Kimberly Siddall  
Jennifer Greene  
Anne Hunter  
Beth Rensvold  
Susan Hunt  
Arnita Oliver

**Guests:**

Alex Smith  
D.W. Edwards  
Tyler Truscio  
Mike Truscio  
Borna Mozafari  
Bill Riedel  
Debbie Grado  
April Wright  
Larry Clapick  
Debra Grossman

## CALL TO ORDER

**Called to Order By:** Paul Hallums, Vice Chair

**Time:** 10:00 a.m.

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Paul Hallums thanked outgoing members of the Defensive Driving Board for their service to the Board this past term; Leonard Montanaro, Steve Soldis and Judge Daniel S. Jurkowitz.

### 1) REVIEW AND APPROVAL OF MINUTES

**1-A:** *Review, discussion and approval of regular session minutes for the meeting of November 16, 2011.*

**Individuals Addressing the Board:** Paul Hallums

**Discussion:** None

**Motion:** Move to approve the regular session minutes for the meeting of November 16, 2011.

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

**Motion Results:** Pass

**1-B:** *Review, discussion and approval of the executive session minutes for the meeting November 16, 2011.*

**Discussion:** None

**Motion:** Move to approve the executive session minutes for the meeting of November 16, 2011.

**Motion Proposals:** First Patch Pachnowski  
Second Judge Gary LaFleur

**Motion Results:** Pass

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### 2) PENDING COMPLAINTS

**2-A:** *Review, discussion and possible action regarding complaint matters.*

**Individuals Addressing the Board:** Paul Hallums

**Discussion:** There are no complaint matters at this time.

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**3) ADMINISTRATIVE ISSUES**

**3-A:** *Report regarding status of Board Members terms, expirations and appointments.*

**Individuals Addressing the Board:** Paul Hallums

**Discussion:** Paul Hallums addressed this at the beginning of the meeting. No further discussion.

**3-B:** *Nomination and election of the 2012 Defensive Driving Board Vice Chair.*

**Individuals Addressing the Board:** Paul Hallums

**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 15, 2010, the Board appointed Paul Hallums to serve as vice chair for the 2011 calendar year. Mr. Hallums' term expires on December 31, 2011.

It was recommended the Board nominate and appoint a vice Chair for the 2012 calendar year.

**Motion:** Move to nominate Paul Hallums as Vice Chair for the 2012 calendar year.

**Motion Proposals:** First Leonard Montanaro  
Second Judge Gary J. LaFleur

**Motion Results:** Pass

**3-C:** *Report to the Board regarding the work of the Defensive Driving Board Rules Subcommittee:*

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Nancy Swetnam provided the Board with an update of the work of the Defensive Driving Board Rules Subcommittee. There are proposed changes to ACJA § 7-205 that need to be brought forward that are specific to Defensive Driving, as well as ACJA § 7-201 which are the general requirements for a number of programs including Defensive Driving. There will be a number of code sections undergoing amendments in 2012. Currently, there is a compiling list of issues that would be considered to ACJA § 7-205 which includes purchase of a school and what that process includes. All issues relating to ACJA § 7-201 and ACJA § 7-205 will be taken to the June AJC meeting agenda.

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**4) INITIAL CERTIFICATION APPLICATIONS**

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

1. Heather D. Taveras
2. Michelle M. Shepherd
3. Janet D. Mattingly
4. Jon C. Jones

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The following applicants have submitted complete applications, demonstrating their applicants meet the minimum eligibility requirements, and no information has been presented during the background check. It was recommended the Board grant initial certification to the following applicants:

1. Heather D. Taveras
2. Michelle M. Shepherd

**Motion:** Move to grant initial certification to the above applicants.

**Motion Proposals:** First Judge Daniel S. Jurkowitz  
Second Lynette Rudow

**Motion Results:** Pass

**Recusal:**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The following application remains incomplete pending receipt of additional documentation. It was recommended the following application be deferred to the February meeting:

3. Janet D. Mattingly

**Motion:** Move to defer the above applicant to the February meeting.

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

**Motion Results:** Pass

**Discussion:** The following application is complete. It was recommended the following applicant be granted initial certification:

4. John C. Jones

**Motion:** Move to grant initial certification to the above applicant.

**Motion Proposals:** First Patch Pachnowski  
Second Judge Gary J. LaFleur

**Motion Results:** Pass

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The following application was received and processed for Board review:

5. Richard A. Zizzi

Applicant sat for and passed the examination on June 15, 2011. Applicant filed his application on June 6, 2011. Staff requested additional information on August 9<sup>th</sup> and again on October 27, 2011. To date the applicant has not responded or provide the additional information requested. Staff requested citizenship documentation; however, it was not received with the application. It was recommended the Board deny initial certification pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201 (E)(2)(c)(1) applicant has not submitted a complete application with all deficiencies corrected, and the applicable documents.

**Motion:** Move to deny initial certification to the above applicant.

**Motion Proposals:** First Robert G.A. Hall  
Second Lynette Rudow

**Motion Results:** Pass

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

1. *Grand Canyon Traffic School*
2. *Learn and Go Traffic School, LLC*
3. *Easy-Simple-Fun Defensive Driving Online*

**Individuals Addressing the Board:** Chris DeWitt

**Discussion:** 1. Grand Canyon Traffic School, a classroom and internet format defensive driving school, applied for certification on June 29, 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 Grand Canyon Traffic School.

**Motion:** Move to grant initial certification be granted to Grand Canyon Traffic School.

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

**Motion Results:** Pass

**Recusal:** Paul Hallums

**Individuals Addressing the Board:** Chris DeWitt

**Discussion:** 2. Learn and Go Traffic School, a classroom format defensive driving school, applied for certification on November 7, 2011. The school's office is located in Phoenix, Arizona.

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

It was recommended initial certification be granted to Learn and Go Traffic School. Note from staff: this is a dual format school; classroom and internet.

**Motion:** Move to grant initial certification to Learn and Go Traffic School.

**Motion Proposals:** First Robert G.A. Hall  
Second Patch Pachnowski

**Motion Results:** Pass

**Recusal:**

**Individuals Addressing the Board:** Chris DeWitt

**Discussion:** 3. Easy-Simple-Fun Defensive Driving Online, an internet format defensive driving school, applied for certification on June 23, 2011. The school's office is located in San Diego, California.

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

It was recommended initial certification be granted to Arizona Traffic Safety School.

**Motion:** Move to grant initial certification to Arizona Traffic Safety School.

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

**Motion Results:** Pass

**Recusal:**

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## 5) RENEWAL CERTIFICATION APPLICATIONS

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

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The following certificate holders have submitted applications for renewal of certification. The applications are complete, and those whom were randomly audited for continuing education and classes taught have provided their documentation and no information has been presented during the background check which is contrary to renewal of certification being granted, and the certificate holders have demonstrated they meet the minimum eligibility requirements for certification. It was recommended renewal of certification be granted to the following individuals:

1. Fredrik Eder
2. David Broughton
3. Paul Zach
4. Eduardo Hernandez
5. Nancy Shepherd

**Motion:** Move to grant renewal of certification to the above individuals.

**Motion Proposals:** First Lynette Rudow  
Second Leonard Montanaro  
**Motion Results:** Pass  
**Recusal:** Robert G.A. Hall on #4.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The following certificate holders have submitted applications for renewal of certification. They are complete and it was recommended they be granted renewal certification:

- 6. Roland Arellano
- 7. Donald Gaynon
- 11. Alan Southergill

**Motion:** Move to grant renewal certification to the above applicants.

**Motion Proposals:** First Judge Daniel S. Jurkowitz  
Second Robert G. A. Hall  
**Motion Results:** Pass  
**Recusal:**

**AMENDED Motion:** Move to grant renewal certification to the following applicants:

- 6. Roland Arellano
- 9. Dennis Hayes (not #7, Donald Gaynon)
- 11. Alan Southergill

**Motion Proposals:** First Robert G. A. Hall  
Second Patch Pachnowski  
**Motion Results:** Pass  
**Recusal:**

**Discussion:** The following applicants have submitted applications but remain incomplete. It was recommended to defer the following renewal applicants to the February meeting:

- 8. Lisa Lacey Porras
- 10. Raymond Abate

**Motion:** Move to defer the above applicants to the February meeting.

**Motion Proposals:** First Robert G. A. Hall  
Second Patch Pachnowski

**Motion Results:** Pass  
**Recusal:**

**Discussion:** The following applicant has requested a waiver for his CE for 2010. He missed the training in 2010 and completed two different trainings in 2011. He completed twelve hours in one calendar year. Staff discussed ACJA § 7-201 Section L(7)(b). Applicant did not follow the rule or meet the requirement for a waiver. It was recommended the applicant be required to obtain six additional hours with the condition between now and before the February meeting, additionally assess a delinquent CE fee of \$50.00.

7. Donald Gagnon

**Motion:** Move to defer the above applicant to the February meeting on the condition he takes the additional six hours of CE between now and the February Board meeting, and assess a \$50.00 delinquent CE fee.

**Motion Proposals:** First Judge Gary J. LaFleur  
Second Leonard Montanaro

**Motion Results:** Pass  
**Recusal:**

**Amended Motion:** Move to defer to the February meeting on the condition Mr. Gagnon takes the additional six hours of CE between now and **10 days prior to the February Board meeting**, and assess a \$50.00 delinquent CE fee.

**Motion Proposals:** First Leonard Montanaro  
Second Judge Gary J. LaFleur

**Motion Results:** Pass  
**Recusal:**



**6) CERTIFICATION AND ELIGIBILITY**

**6-A:** *Review, discussion and possible action regarding Voluntary Surrender request received from Defensive Driving School TakeHome AZ Defensive Driving.*

**Individuals Addressing the Board:**

**Discussion:** TakeHome AZ Defensive Driving (TakeHome) was purchased by Rick Hernandez on October 15, 2010. Because the school application was pending when the purchase occurred, initial certification proceeded and was granted on December 15, 2010.

TakeHome timely submitted a renewal application for the 2011-2013 certification period. On October 17, 2011, Division staff received a request from school owner, Rick Hernandez for a voluntary surrender of certified Defensive Driving School #018, TakeHome AZ Defensive Driving.

ACJA § 7-201(E)(7) reads:

*“Voluntary Surrender”*. A certificate holder in good standing may surrender their certificate to the board. However, the surrender of the certificate is not valid until accepted by the board. The board or division staff may require additional information reasonably necessary to determine if the certificate holder has violated any provision of the statutes, court rules and this section or the applicable section of the ACJA. The surrender does not prevent the commencement of subsequent discipline proceedings for any conduct of the surrendered certificate holder occurring prior to the surrender.”

Division records confirm there are no pending complaints involving TakeHome AZ Defensive Driving. Staff recommended the Board accept the voluntary surrender of TakeHome AZ Defensive Driving School.

***Motion:*** Move to accept the voluntary surrender of TakeHome AZ Defensive Driving.

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

***Motion Results:*** Pass

***6-B:*** *Review, discussion, and possible action regarding approval of a third party contract between Arizona Academy of Defensive Driving and ArizonaDriver.com.*

***Individuals Addressing the Board:*** Chris DeWitt

***Discussion:*** A third party contract between Arizona Academy of Defensive Driving and ArizonaDriver.com was submitted and reviewed by program staff. The contract stipulates ArizonaDriver.com will refer all students who wish to take a classroom course to Arizona Academy of Defensive Driving.

Arizona Academy of Defensive Driving and ArizonaDriver.com are both certified defensive driving schools and 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 contracts pursuant to ACJA 7-205(F)(22)(c)(13).

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

**Motion Results:** Pass

**6-C:** *Review, consideration and possible action regarding the request for a continuing education (CE) extension for instructor Lisa Lacey.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Applicant is asking for an extension to complete six of the twelve CE hours. Given the previous motion, it was recommended she be given until the extension (Ten days before the February Board meeting) to complete the six hours and also to include an assessment of a \$50.00 delinquent fee.

**Motion:** Move to grant the above recommendation as stated.

**Motion Proposals:** First Judge Daniel S. Jurkowitz  
Second Robert G.A. Hall

**Motion Results:** Pass

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**CALL TO THE PUBLIC - None**

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**ADJOURNMENT**

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

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

**Motion Results:** Pass

**Time:** 10:40 a.m.

/SRH

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