

**Minutes of Board Meeting
August 11, 2010
Conyers Headquarters**

Present

Trummie Patrick, Chairman
Linda Evans, Vice Chair
Kelly Gay, Secretary (via teleconference)
Virginia Galloway
Lynda Coker (via teleconference)
David Connell (via teleconference)

Not in Attendance

Hunter Hill
T. Gamble
Doug Chalmers

Also present was Angelique McClendon, Assistant Attorney General, Margaret Emery, petitioner for a rule waiver, and numerous DDS staff members.

Establish Quorum / Call to Order

Chairman Patrick confirmed the presence of a quorum and called the meeting to order at 10:04 a.m.

Approval of Minutes

Chairman Patrick called for a motion regarding the minutes from the June 30th board meeting. Lynda Coker motioned to approve the minutes as presented; Virginia Galloway seconded the motion with unanimous approval by the remaining board members.

Chairman Patrick also called for a motion regarding the minutes of the June 30th closed Executive session. Linda Evans motioned to approve the minutes as presented; Lynda Coker seconded the motion with unanimous approval by the remaining board members.

Since several of the members had called in due to time constraints Chairman Patrick stated that he would begin with the agenda items that need board action and then end up with the Commissioner's report.

Rule Changes

Jennifer Ammons, General Counsel, reviewed the following rules changes for initial adoption: (1) 375-3-1-.28 – Request for Medical Alter Information; (2) 375-3-3-.07 – Reinstatement of Habitual Violator Revocation; (3) 375-3-5-.08 – Vision.

Chairman Patrick called for a motion. Linda Evans motioned to approve all the initial rule changes as presented; David Connell seconded the motion with unanimous approval by the remaining board members.

Ms. Ammons reviewed the following rule changes for final approval: (1) 375-3-1-.25 – Restricted Instructional Permit for Child with Disabled Parent; (2) 375-3-1-.26 – Non-Commercial Class E and F Driver’s Licenses; (3) 375-3-2-.01 – Renewal of License and Identification Card: When License and Identification Cards May Be Renewed; (4) 375-3-3-.0-1 - Penalties for Violations of Uniform Rules of the Road; (5) 375-3-3-.04 – Appeals of Withdrawals; (6) 375-3-3-.10 – Limited Driving Permits; (7) 375-3-3-.11 – Limited Driving Permits for Teen Drivers; (8) 375-5-2-.11 – Office Requirements; and (9) 375-5-2-.18 – Insurance and Safety Requirements; (10) 375-4-.02 – 375-4-.16 – Motorcycle Safety Program.

Kelly Gay motioned to approve all of the final rule changes as presented; Lynda Coker seconded the motion with unanimous approval by the remaining board members.

Petitions for Waiver

Jennifer Ammons reviewed each of the following petitions for rule waiver:

Cynthia Adams Bailey – requesting a waiver from 375-3-1-.02 – Documentation Required for Initial Issuance. Ms. Bailey is seeking a driver’s license; however, she has a German birth certificate but no Certificate of Birth Abroad. She has documents from the State Department that they have no record of her birth and suggesting that she apply for a passport or a Certificate of Citizenship. She has also submitted her Social Security card, her parent’s death certificates, along with her father’s military discharge papers. Ms. Ammons stated that it is the Department’s position that she has not provided sufficient documentation of her citizenship. Even the State Department has urged her to seek further documentation.

Linda Evans motioned to deny the petition for waiver and suggested that she be told that she needs to apply for a passport. Virginia Galloway seconded the motion. The motion to deny the waiver was unanimous among the remaining board members.

Gwendolyn Cloud – Ms. Ammons stated that the Department of Human Resources in Valdosta, GA submitted the petition on behalf of Gwendolyn Cloud; however they did not respond to her requests to provide additional documentation. Therefore, since no evidence was provided on which the board could base a decision, the petition was not presented.

Guy Leslie Graesser – requesting a waiver from 375-3-1-.02 – Documentation Required for Initial Issuance. Mr. Graesser states that he assumed a false identity in the 1980’s and went to prison under that name. He is now out but has been unable to obtain documentation of his true identity. He has provided a fingerprint based background run by the Cobb County Sheriff’s Office which shows three identities for him. One which he claims as his true identity, the one he went to prison using, plus a third one. He also has documentation of his release on parole, a school record that shows him as Guy Graesser. He is seeking a birth certificate from the State of New York. Ms. Ammons stated that she understands the State of New York is reluctant to give him a passport because they are also unsure of who he is. She stated that based upon the information provided, the Department feels he has not sufficiently proven his identity and recommends denial of the waiver.

Virginia Galloway motioned to deny the request for waiver; Linda Evans seconded the motion and advised that he be told to continue to peruse his efforts to obtain a passport. The motion to deny the waiver was unanimous among the remaining board members.

Timothy Cox – requesting a waiver from 375-3-1-.19 – Purged or Expired License. He was recently release from prison and his driver’s license has been expired for more than two years. The Administrative rule requires him to retest. His sister submitted the petition on his behalf, because she says he suffers from disabilities that make it impossible for him to hear or communicate. According to the information provided, he does not read, so a written test is not a workable option, and he also does not know sign language or apparently any language which would be a problem when administering the road skills test. It appears from the letter they are requesting that he not have to be tested at all.

There was much discussion as to him not being able to read road signs or understanding the rules of the road. Lynda Coker motioned to deny the request for waiver. Virginia Galloway seconded the motion. The motion to deny the waiver was unanimous among the remaining board members.

Snjezana Mikula – requesting a waiver from 375-3-1-.02 - Documentation Required for Initial Issuance and 375-3-.19 – Purged or Expired License. Ms. Mikula had both her Yugoslavian passport and green card stolen at the beach. She is trying to replace her driver’s license or get an ID card. The Croatian embassy will not renew her passport without a photo ID. Her driver’s license expired more than two years ago, so she will need to bring in proof of her identity and immigration documentation. She has her Yugoslavian birth certificate, her Pennsylvania marriage license, and her Social Security letter. Ms. Ammons stated she was able to verify her lawful status in the SAVE database.

Linda Evans motioned to deny the request for waiver and suggested that she be told to contact the U. S. State Department and request their assistance with the Croatian diplomats. David Connell seconded the motion. The motion to deny the waiver passed 4 votes to 1 opposed.

Charlene Martin – requesting a waiver from 375-3-1-.24 – Name on License or Identification Card. Ms. Martin has moved to Georgia and is employed at the new Kia plant in West Point and wants to get a driver’s license. She has been unable to secure documentation from her first marriage and has not been able to locate her second marriage license. She has her birth certificate, the divorce decree from her first marriage, and her marriage license from her second marriage. Ms, Ammons stated that although she is lacking the first marriage certificate; the surname from her first marriage appears on the second marriage certificate so she feels confident that was her legal name at the time.

Virginia Galloway motioned to approve the request for waiver. Linda Evans seconded the motion with unanimous approval by the remaining board members.

Erma Marchman. - requesting a waiver from 375-3-1-.24 – Name on License or Identification Card. Ms. Marchman is 90 years old and needs an ID card to obtain medical care. She has been unable to find a copy of her birth certificate. However, she has provided a copy of her Social Security card, her marriage license from 1938, letters from Georgia Vital Records confirming they are unable to locate her birth certificate; her voter registration card, and an application for a delayed birth certificate.

Linda Evans motioned to approve the request for waiver. Lynda Coker seconded the motion with unanimous approval by the remaining board members.

Lisa D. Hundley - requesting a waiver from 375-3-1-.24 – Name on License or Identification Card. Ms. Hundley is seeking a driver's license. At the time of her Baptism as a child, she was baptized with the step-father's surname, Hundley, but was never formally adopted. All of her legal documents since then show the stepfather's surname. The birth certificate shows her as Lisa Roberson, she married Mark Slater with the name of Hundley and went by Lisa Hundley-Slater until she divorced and went back to just Hundley. As proof of her name, she provided her insurance card, Massachusetts driver's license and ID card, Medicaid card for her children, her Social Security card, and a letter from Social Security; as well as birth certificates for her children.

Ms. Ammons stated there is really nothing she could do to go back and have her name legally changed because it was a childhood name change that just happened. Commissioner Dozier stated that she does have the legal document of the divorce decree going back to the surname of Hundley, which is the name she is requesting to use on the license.

Virginia motioned to approve the request for waiver; Lynda Coker seconded with unanimous approval by the remaining board members.

Margaret Emery - requesting a waiver from 375-3-1-.24 – Name on License or Identification Card. Ms. Emery moved to Georgia from Pennsylvania, but has been unable to provide a certified copy of her marriage license, although she does have an uncertified copy. She was married in Turkey while in the military and has since divorced. The original document is either in the possession of her ex-husband in Turkey or has been destroyed, but is not available. She does have a copy of the divorce decree from that marriage; her DD-214 from the military, and her application for a job here in Georgia with the Federal Aviation Administration.

Chairman Patrick asked Ms. Emery, who was present at the meeting, if she would like to address the board.

Ms. Emery stated she has been a federal employee for 12 years and was subjected to a complete background check, so they have verified her identity. She applied to the Turkish embassy in Washington, DC on July 26th but they have not responded. It was a very small town in Turkey where they were married which was subjected to an earthquake since then, and she has no way of knowing if any records still exist. She went on to say that her DD-214 (Military Discharge) shows her maiden name, married name and her father's name which is also on the birth certificate. She also has a valid Pennsylvania driver's license in the name she wants to use on a Georgia license.

Linda Evans motioned to approve the request for waiver; Virginia Galloway seconded the motion with unanimous approval by the remaining board members.

Robert Cleveland - requesting a waiver from 375-5-6-.03 – Exclusions. Mr. Cleveland is asking to be able to continue to operate a DUI Risk Reduction Program. The new Administrative Rule prohibits a bail bondsman from operating such a program. In conjunction with his application for renewal, it was discovered that he is in fact a bail bondsman.

Chairman Patrick stated that he assumed that the fear in this case is that he would require his bail bond customers to take his DUI course. One option is to approve the waiver as a last exception to this rule, and “grandfather” it in, with the stipulation that he can not require these people to go to his school. The other option is to deny the waiver.

Ms. Evans asked for DDS’ recommendation. Ms. Ammons responded that she felt a workable solution is to carve out an exception since that was not something that was part of the requirements of the previous rule under which he was originally certified.

Virginia Galloway motioned to approve the waiver to make this one exception to “grandfather” him in since he was already a bail bondsman, with the stipulation that he sign a prepared affidavit stating that he can not require his bail bond customers to use his DUI school. Lynda Coker seconded the motion with unanimous approval by the remaining board members.

Cheryl Copley – requesting a waiver from 375-5-6-.06 – Qualifications of Program Instructors. Ms. Copley is already the owner of a DUI Risk Reduction Program and is applying to also be an instructor. Her application has been denied because she does not meet the regulatory requirements for her prior education and employment. She contends her prior work as an office manager and her work through Hillside United Methodist Church as a Stephen Minister should suffice. The regulation requires that she have an under-graduate degree or graduate degree from a university or college in a human service related field; or an under-graduate degree in any field with two years of teaching, counseling or training experience; or three years part-time training experience; or two years of full-time work experience as a licensed certified or credentialed counselor. Ms. Ammons stated that it is Department’s position that while her work through the Stephen Ministry is laudable, it does not meet the regulation requirements.

Linda Evans motioned to deny the request for waiver; Lynda Coker seconded the motion. The motion to deny was unanimous among the remaining board members.

Commissioner’s Report

Commissioner Dozier pointed out an article in the board’s press package about the sentencing of two former DDS examiners who had been convicted of fraud by issuing fraudulent licenses for pay. He stated that one Examiner was sentenced to 30 months in prison and other to 24 months. He stated that although he is not proud of the incident, he is very proud of the work that the DDS Investigators and other staff did to ensure that this case was brought to fruition and saw to it that they got an appropriate sentence.

Mr. Dozier mentioned that he will be attending the American Association of Motor Vehicle Administrators (AAMVA) International Conference in St. John, New Brunswick in Canada at no cost to the state. DDS will be presented two International awards. One is for the Communications Plan for the new driver’s license, and the other is for the e-ADAP on-line program.

Update on Budget Instructions – Commissioner Dozier stated that DDS must submit a budget to the Governor’s Office of Planning and Budget (OPB) by September 1, and staff is working diligently on the agency’s submission. After multiple years of budget reduction, DDS is in a very difficult position as is everyone these days. The announcement came out stating the Governor is withholding 4% of the current year budget and will not release it in the allotment process. The budget instructions are for all state agencies and authorities to submit three separate reduction

plans of 4%, 6% and 8% for FY 2011. For FY 2012, they are asking for reduction plans for 6%, 8% and 10%. The agency is struggling to find a method to do that without it truly hitting the most valuable resource – the employees. It is unclear whether furloughs are still an acceptable option to include in the submission so he has asked to meet with the OPB budget analyst to get clarification. There are several weeks left to try to finalize the budget submission; however he knows it will have an impact on service and performance. Unfortunately, performance is already down, mainly because the centers are short 110 full-time positions. However, some temporary workers have been hired to fill in at centers where they are most needed. Mr. Dozier told the board he would keep them informed on the budget.

Mr. Dozier said that the Agency has just finished the first Wildly Important Goals (WIG) with the completion of the new driver's license system, so the board will be getting a new scorecard on DDS' WIG focus this year, which is extending on-line services to take some of the demand off the CSCs and the contact center. "DDS On-Demand" will offer several kinds of reinstatements on-line instead of customers having to go into the CSCs; road test reservation system on-line instead customers having to call the Contact Center; and also a system that will tie into the graduation of DUI and Defensive Driving school classes where a certificate of course completion can be pulled up by the CSC if the customer has lost their original.

Old/New Business/Adjourn

Chairman Patrick reminded the board that the next meeting is scheduled for September 8 at 10:00 AM.

As there was no further business to discuss, Chairman Patrick called for a motion to adjourn. Linda Evans so motioned; Virginia Galloway seconded the motion with unanimous approval by remaining board members.