

**Minutes of Board Meeting  
January 19, 2012  
10:00 AM**

**Present**

Trummie Patrick, Chairman  
Todd Cowan  
Virginia Galloway  
Lynda Coker (via teleconference)  
Hunter Hill (via teleconference)  
Kelly Gay (via teleconference)  
Carolyn Roddy (via teleconference)

**Not in Attendance**

David Connell  
Anthony Heath

Also present via teleconference was Elizabeth Yarborough, Assistant Attorney General, as well as numerous DDS staff members.

**Establish Quorum / Call to Order**

Chairman Patrick confirmed the presence of a quorum and called the meeting to order at 10:00 AM.

**Approval of Minutes**

Chairman Patrick called for a motion regarding the minutes from the December 14 board meeting. Todd Cowan motioned to approve the minutes as presented; Carolyn Roddy seconded the motion with unanimous approval by the remaining board members.

Chairman Patrick stated that due to time constraints for several board members that had called in, the Rules for Initial Approval and Petitions for Board Waiver would be heard and voted on first and then the Commissioner's Report would be last.

**Rules for Initial Approval**

Jennifer Ammons, Legal Counsel, reviewed the following rules with the proposed changes and then answered questions. Since the rules were all for initial approval, only one vote would be necessary. She reminded the board there will be a public hearing to gather comments for these rules and then they would be brought back before the board at the March meeting for final adoption.

- 375-3-1-.16 – Eligibility for Veteran’s, Honorary or Distinctive Driver’s License and Identification Cards.
- 375-3-1-.25 – Restricted Instructional Permit for Child with Disabled Parent. Revised.
- 375-3-3-.01 – Penalties for Violations of Uniform Rules of the Road. Amended.
- 375-3-3-.12 – Suspension of License for Failure to Appear. Amended.
- 375-3-3-.22 – Review of Withdrawals Resulting from Out-of-State Conduct.
- 375-5-1-.23 – Alternative Resources for Background Investigations
- 375-5-2-.36 – Alternative Resources for Background Investigations
- 375-5-3-.24 – Alternative Resources for Background Investigations
- 375-5-5-.07 – Alternative Resources for Background Investigations
- 375-3-5-.09 – Incapacitated Drivers; Procedure. Amended.
- 375-5-6-.30 – Alternative Resources for Background Investigations
- 375-3-1-.02 – Documentation Required for Initial Issuance. Revised;
- 375-3-1-.13 – Changes to Customer Information. Amended;
- 375-3-1-.14 – Verification of Customer Information. Revised;
- 375-3-1-.23 – Application for Personal Identification Cards. Amended;
- 375-3-1-.29 – Replacement of Lost, Stolen or Destroyed Cards;
- 375-3-1-.30 – Exceptions Process;
- 375-3-2-.01 – Renewal of License and Identification Card: When Licenses and Identification Cards May be Renewed. Revised.
- 375-3-2-.02 – Alternative Means of Renewal. Amended.
- 375-3-2-.04 – Remote Renewal of License for Military and Students. Revised.
- 375-3-3-.21 – Surrender of Driver’s License. Revised.

Todd Cowan stated that he as well as Virginia Galloway had concerns regarding 375-3-1-.02 – Documentation Required for Initial Issuance. Specifically, the wording of section 1(d) requiring an applicant to list all previous violations of motor vehicle laws, the nature and circumstances, the penalty imposed, and the date and place of occurrence. He went on to say that in Section 2, it states that if the applicant neglects to identify any of those citations in their driving history, they would be under the penalty of perjury. Another concern is that now it doesn’t relate to just initial issuance but also renewals as well. He feels many people are not going to remember what violations are on record throughout their driving history and it concerns him that the penalty is so harsh.

Ms. Ammons clarified that is the current existing language in the rule; it has not been changed and it is also applicable to renewals. Holding off on the vote will not change the current rule.

Commissioner Dozier added that the current application does not have that provision on the application. Although it is in the rule, someone could not perjure themselves because it is not on the application. Having said that, he feels more investigation is needed since apparently in the last application revision that provision was removed; therefore the rule shouldn’t reflect it if it is not shown on the application.

Mr. Cowan motioned to postpone the vote since Ms. Galloway was still in transit to the meeting, so the board can verbally hear her opinion. Hunter Hill seconded the motion with unanimous approval by the remaining board members.

Upon completion of the Petitions for Waiver, Lynda Coker motioned to approve all rules except 375-3-1-.02; Kelly Gay seconded the motion with unanimous approval by the remaining board members.

Upon Ms. Galloway's arrival at the board meeting, Commissioner Dozier asked Jennifer Ammons to respond to her concerns and go over what the rest of the board had already discussed regarding 375-3-1-.02. She explained that because it relates to the driver's license application, DDS would discuss the matter with the Attorney General's office and also the Secretary of State's office, particularly regarding the motor voter issues, to make sure there is not a problem with the Justice Department. She indicated that DDS would be amenable to modifying the rule in scope and bringing that information back to the board once DDS has more information. If it doesn't have to be in there, then DDS is not entrenched in leaving it there. Once the initial rule goes through the public hearing it will be presented at the March meeting in a revised final draft for the board's consideration.

Ms. Galloway stated as currently written she feels it is impossible to comply with the requirement to list every violation and when and where you got them. She stated that she would approve it pending changes to that section to reduce the requirement to 5 or 10 years.

Commissioner Dozier assured Ms. Galloway that DDS' intention is based on the previous discussions of this board meeting and if it is not on the application it should be removed from the rule, but if it is found that it has to stay on the application, DDS feels very comfortable with putting in a timeframe of 5 to 10 years.

Virginia Galloway motioned to initially approve 375-3-1-.02 based on the previous discussion and potentially rewriting that particular section of the rule. Todd Cowan seconded the motion with unanimous approval by the remaining board members.

### **Petitions for Board Waiver**

Ms. Ammons reviewed the following petitions for waiver from Ga. Admin. Comp. Ch. 375-3-1-.02 – Documentation Required for Initial Issuance:

Ralph W. Whitman – He moved to Georgia and is seeking a driver's license. He has had trouble providing proof of his identity. He has an uncertified copy of his Certificate of Citizenship that was issued when he was very young. He indicated that he is working on obtaining a certified copy but has not yet received it nor has he provided documentation to prove that he is trying to obtain one. Other documents he has presented are: his daughter's birth certificate from North Carolina; a print out from the Georgia Department of Corrections which is related to his probation or parole – it shows the name and date of birth that he alleges and that he was born in Germany. He also has a 2010 tax return where he and his wife filed; an ID card from Mississippi and his Social Security card.

Ms. Ammons stated that one of the concerns that DDS has is that he only holds an identification card from Mississippi and the information from the Department of Corrections indicates that he has had some type of traumatic brain injury and was in a comma about 15 years ago and suffers from seizures. She asks that if the board decides to approve a waiver, that they consider limiting it to only allow him to get an identification card. In order to get a drivers license, he would still have to test since he doesn't have a driver's license to surrender

but DDS would definitely want to see if Mississippi or any other state had taken any action against his driving privilege related to his medical condition.

Todd Cowan asked if the Department had a recommendation. Ms. Ammons responded that there is some concern over the inconsistency in the name on the Certificate of Citizenship vs. the name that appears on all the other documents. There are several avenues for him to pursue to resolve the issue without any action from the board. He could apply for a United States Passport; or get a certified copy of his Certificate of Citizenship.

Todd Cowan motioned to deny the request for waiver until he takes the additional steps to provide additional information and has exhausted all other options; Lynda Coker seconded. The motion to deny the request for waiver was unanimous among the remaining board members.

Ms. Ammons reviewed the following petitions for waiver from Ga. Admin. Comp. Ch. 375-3-1-.24 - Name on License or Identification Card. Amended:

LaKaesha Hewitt – She recently moved to Georgia from California after her divorce. When she obtained a certified copy of her birth certificate, it did not reflect the name she was raised using. As a child, she was raised a LaKaesha Pope; she married with that name, and her children’s birth certificates reflect that name. The birth certificate shows the last name of Cross which is her mother’s maiden name, and now that she is married, there is no way for her to go back and legally change her name to undo it because there has been a subsequent name change. The biological father’s last name on the birth certificate is Williams, so it is possible she has used the step-father’s surname all her life. She lived as LaKaesha Pope up until the time she married and obtained the last name of Hewitt. Documentation provided to prove her identity is her birth certificate; her marriage license; her children’s birth certificates, her Social Security card; her California driver’s license; and also an identification card from some type of benefit she received from the State of California.

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

Sherry L. Wills – She was common-law married in the late 1960’s in California and can not provide documentation of her marriage. The documentation she has provided to prove her identity include: written correspondence related to her retirement benefits; confirmation from the Social Security Administration which reflect her maiden and married names; a deed in the married name; her Ohio driver’s license which shows her first name, maiden name and married name; her Social Security card; a gas bill; documentation from an annuity; her birth certificate; her child’s birth certificate and her divorce decree from Mr. Wills which would indicate they would have had to be married.

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

### **Commissioner’s Report**

Commissioner Dozier reviewed the press package referring specifically to several of the newspaper articles.

Budget Update – Mr. Dozier stated that obviously the budget is a big issue and he had previously discussed DDS’ shortfall in the IT and Telecommunication budget with the board; however, the Governor’s recommendation was recently released and it does cover that shortfall. He asked Michele Jordan, Budget Manager to review the changes.

Michele Jordan, reviewed in detail a PowerPoint presentation outlining the current FY 2012 budget and the Amended FY 2012 recommendation which shows the addition of \$1.8 million.

Commissioner Dozier reviewed DDS’ implementation plan of the remaining requirements to be compliant under the Real ID Act. He stated that he would be giving the board a full vetting closer to the July implementation date.

### **Old/New Business and Adjournment**

Chairman Patrick reminded the board that the January meeting is scheduled for Wednesday, February 8, 2012 at 10:00 A.M.

Since there was no further business to discuss, Chairman Patrick called for a motion to adjourn.

Todd Cowan so motioned; Virginia Galloway seconded the motion with unanimous approval by the remaining board members.