

**Minutes of Board Meeting
September 14, 2011
10:00 A.M.**

Present

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

Not in Attendance

David Connell
Hunter Hill
Anthony Heath

Also present was Angelique McClendon, Assistant Attorney General, Alan Deighton and Lynn Breck of New London Driving School, Christopher Patterson of Atlanta Municipal Court, 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 10:10 A.M.

Approval of Minutes

Chairman Patrick called for a motion regarding the minutes from the August 10th board meeting. Virginia Galloway motioned to approve the minutes as presented; Todd Cowan seconded the motion with unanimous approval by the remaining board members.

Chairman Patrick stated that the board would first hear the Petitions for Board Waiver since several of the petitioners were present.

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:

Genny Nelson – This petition was submitted on Ms. Nelson's behalf by Cody Rayburn who apparently sold a car to Ms. Nelson; however, she has been unable to title the vehicle because she is unable to produce a birth certificate to obtain a Georgia driver's license. As a result, Mr.

Rayburn sent in the petition on her behalf; however, he is not an attorney, nor has he been provided power of attorney, and Ms. Nelson has not submitted any documentation in support of the petition other than what she allegedly provided to Mr. Rayburn. Since Mr. Rayburn does not have standing to act on Ms. Nelson's behalf, the board can not go forward on this petition.

Nellie Grace Smith – She is 95 years old and moved to Georgia to live with her family and has been unable to obtain an identification card. The State of Mississippi Vital Records has been unable to locate a birth certificate for her and they have provided a letter confirming such. She has provided a copy of her Illinois driver license; a bank statement; a letter from Social Security; her Medicare and Medicaid cards; and her marriage license.

Virginia Galloway motioned to approve the request for waiver; Lynda Coker seconded the motion with unanimous approval by 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:

Nola Judy – She was previously licensed in Georgia until she moved out of state 4 years ago, but has now returned. She has been unable to obtain a drivers license since she can not provide her marriage licenses and divorce decrees from all of her marriages. She states in her letter that she married Mr. Judy, and then they divorced. Afterwards, there was one or more intervening marriages but at the end of those marriages, she remarried Mr. Judy and remained married to him until his death. She has provided her last marriage license to Mr. Judy; his death certificate which reflects her as being the reporter of his death; and her birth certificate. Also DDS has a copy for her previous Georgia driving record which does reflect her photograph and her name as Nola Judy.

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

Carolyn Pete – She recently moved to Georgia but is unable to obtain a driver license. She can not provide the marriage license documentation from her second marriage because it was a common-law marriage. She has her Social Security card; California driver license; bank documents; pension documents; the deed to her house; and her utility bills. One of the discrepancies initially identified is the intervening surname of "Shields." She was unable to locate a marriage license for the marriage to Mr. Shields, her first husband; however, she was able to fax a copy of a record from a court in California where she divorced him, which explains the surname discrepancy. She also explained that she was common-law married since then, so DDS would not expect to see any further documentation.

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

Ms. Ammons reviewed the following petition for waiver from Ga. Admin. Comp. Ch. 375-3-4-.01 - Uniform Traffic Citation Form:

Christopher T. Patterson – Ms. Ammons stated that Mr. Patterson represents the Atlanta Municipal Court who is petitioning the board for a waiver to use an electronic non-conforming Uniform Traffic Citation. She explained that DDS is given statutory jurisdiction over the content

of the Uniform Traffic Citation. The purpose is to ensure that law enforcement officers and the courts capture the data that DDS needs not only for tickets to be added to the driver's record, but also to capture the data that the United States Dept. of Transportation needs so they can analyze conviction and crash data, recidivism and commercial driving records. When DDS implemented the new data management system, programming changes were made so the data entry fields on the screen follow the fields in the exact order as that on the Uniform Citation, which expedites the data entry. The court is working on becoming totally electronic and has developed a citation that is somewhat different from the Uniform Traffic Citation. It contains all of the required elements, but there are elements that are not present or in a different order than that on the Uniform Citation form. The court reports their convictions electronically so as far as any data entry discrepancy, that shouldn't be a problem unless they cease the electronic citation reporting which is not anticipated. The statutory provisions say that use of the Uniform Citation form, can also serve as the accusation and no additional documentation has to be filed by the prosecutor. So, there is some question as far as whether the Atlanta court solicitors would need to file an accusation rather than proceeding on these citations if the board were to grant their waiver.

Chairman Patrick asked Mr. Patterson if he would like to address the board. Mr. Patterson responded that the City of Atlanta is heavily invested and has already put a half a million dollars into this project. The courts are seeing a significant uptake in the number of cases filed and with this increase of work flow, the electronic transmission of data will help decrease the workload on their data entry staff by 35%. He concluded by saying he hoped the board would approve their request for waiver.

Virginia Galloway asked if there could be a potential problem. To clarify, Commissioner Dozier stated that the Atlanta court already reports citations to DDS electronically. This e-citation process would begin when the law enforcement officer issues a ticket and then transmits it directly to the court. This won't be an operational issue for DDS, but would become one if for some reason they decide not to send DDS electronic citations and began to send paper citations – they would not be in the same order as the DDS data entry screens. Even if the software could be changed to where it wouldn't be a data entry issue for DDS, a board waiver would still be needed because they are capturing additional data that DDS doesn't require.

Ms. Ammons stated that a number of other municipalities already have electronic citation issuance but their vendors have actually produced a document that is identical to what is required in the regulation.

Mr. Cowan said the form itself looks very close to the Uniform Citation form with the exception of the additional fields at the bottom, and the electronically submitted conviction data would match identically with DDS requirements, so if they did have to start submitting these paper forms again, with all that data at the top of the form being standardized, he doesn't feel it would be an issue. Mr. Cowan motioned to conditionally approve the request for waiver based upon the form identically matching the Uniform Citation at the top with the additional data being located at the bottom of the form. Lynda Coker asked if there was any real difficulty, could the board come back and revisit it again. Ms. Ammons replied that they could. Lynda Coker seconded the motion with unanimous approval by the remaining board members.

Ms. Ammons reviewed the following petition for waiver from Ga. Admin. Comp. Ch. 375-5-2-.11 – Office Requirements. Amended:

New London School of Driving – Ms. Ammons stated that Allen Deighton, owner of New London School of Driving, is seeking a waiver to allow a larger number of students in their classroom for drivers' education. The current language of the regulation is that classroom space needs to offer 20 square feet per student; and the proposal by New London is 14 square feet per student.

Chairman Patrick asked if the 14 square feet conforms to the fire code. Ms. Ammons replied that she has researched it and in both the Georgia Department of Education and in private schools, the fire code provides that it needs to be 20 square feet per student. The local Fire Marshal has inspected the premises and has given a rating based upon the fact that it is a "mixed-use" facility.

Ms. Lynn Breck spoke on behalf of New London. She demonstrated with paper cut outs showing 20 square feet compared to 14 square feet which would allow them to have a maximum of 40 students instead of the current maximum of 28 students. She said the Fire Marshal determined their classroom could hold as many as 46 students. The State Board of Education decided last year to lift the limits on class size for the maximum amount of 40 students, which is what New London is also requesting for their drivers education classes.

Lynda Coker asked if they had considered increasing the cost instead of trying to alter the rule. Mr. Deighton responded that the school operates in Loganville which is a low economic area and for him to raise prices would literally be impossible. They currently charge \$400 for driver education and in a lot of cases they discount it due to family financial hardship.

Ms. Galloway stated that she would like to approve the waiver, but feels possibly the board should take a look at changing the rule. Commissioner Dozier stated the problem is the board may decide to approve this waiver which may open the flood gates for additional waivers, but he doesn't know if the rule can be changed because the rule is set on the Life Safety Code of a "classroom" environment, which sets the occupant load at 20 square feet per student. New London is not in a space that is rated as a "classroom" it is rated "multi-use." If they were rated as a classroom environment, they would be held to the 20 square feet per student. So he feels the board and agency would be at risk if the rule is changed to something lower than the amount set by the Fire and Life Safety Code.

Todd Cowan asked if the rule could be changed based on conditional approval by the local Fire Marshal. Ms. Ammons replied that it could be done, but she doesn't know how low a space can be rated that still could be used for this purpose – there is no clear cut answer.

Virginia Galloway said, not to override any fire codes, but she is much more concerned about kids being killed on the road than a fire in a classroom. Chairman Patrick interjected however, that from a strictly competitive business point of view, all the other schools are conforming to the 20 square foot rule. Ms. Galloway said if the rule is changed, it would need to be consistent. She feels the rule should be changed to if the local Fire Marshal approves it for that use, then it's done and the board wouldn't have to consider so many waivers.

Ms. Ammons stated that she could craft a rule change for the board to review at the next board meeting.

Virginia Galloway motioned that the waiver be approved to allow 14 square feet per student and have Ms. Ammons draft a rule change for next month's board meeting so all schools are treated equitably. Todd Cowan seconded the motion. The motion to approve the waiver carried with a vote of five to one.

CDL Rule Change

Ms. Ammons stated that changes to the Commercial Drivers License rules are not subject to the Administrative Procedures Act so the board needs vote only once. This rule change was brought about by an inquiry of a specific customer's employer. The customer is a wrecker driver, which requires a Commercial Drivers License (CDL). However, many years ago he had a traumatic amputation of his arm but has been a wrecker driver with just the use of one arm for a great number of years since then, and has a spotless driving record. It was discovered that he continued to have a CDL despite the fact that there was a problem with his eligibility under the Federal Motor Carrier Safety Administration regulations regarding medical fitness which ultimately resulted in his CDL disqualification. However, the board has the ability to allow him to only operate his wrecker in intrastate commerce. It is legally permissible for the state to grant provisions whereby intrastate only commercial licenses can be issued where there are some exemptions from the medical requirements. This is essentially a rule change that will help one extremely deserving customer who has the complete support of his employer. He is able to perform the duties of his job, and this will allow him to go back to work after sitting out for 8 months.

1-1-.04 –Minimum Physical Requirement Required to Obtain a Commercial Driver's License. Amended. The purpose of the proposed amendment is to modify an existing regulation to clarify the procedure by which the Department will issue a commercial driver's license valid for intrastate use only to a customer who does not meet the requirements of 49 CFR §391.41.

Virginia Galloway motioned to approve the rule change as presented; Todd Cowan seconded the motion with unanimous approval by the remaining board members.

Commissioner's Report

Commissioner Dozier informed the board of the statewide computer outage on Friday, September 9 which caused a shutdown of DDS' entire operations until around 1:00 P.M. It turned out to be an AT & T problem that eventually was found and corrected; unfortunately, it impacted a large number of customers. Other than that, things have been running well, however performance is not currently at the level that he would like for it to be, but based on the current economic situation he feels the agency is doing very well.

The Commissioner informed the board that the FY 2012 budget, which has been sent in draft form to the Governor's office of Planning and Budget, would be presented for their approval and he wanted them to be aware that the requested 2% reduction will unfortunately, have an impact on personnel.

Budget Review and Approval

Michele Jordan, Budget Manager, reviewed a PowerPoint presentation of the FY 2012 budget. Upon completion Chairman Patrick called for a motion.

Virginia Galloway motioned to approve the budget as presented; Todd Cowan seconded the motion with unanimous approval by the remaining board members.

Old/New Business and Adjournment

Chairman Patrick informed the board that due to scheduling conflicts, the October meeting date has been changed to October 11 at 3:00 P.M.

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

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