

**Minutes of Board Meeting
September 28, 2010
Conyers Headquarters**

Present

Trummie Patrick, Chairman
Lynda Coker
T, Gamble
David Connell
Virginia Galloway
Kelly Gay, Secretary (via teleconference)
Doug Chalmers (via teleconference)

Not in Attendance

Hunter Hill
Vacant position

Also present was Angelique McClendon, Assistant Attorney General, Ms. Michele Dixon, 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 10:05 a.m.

Approval of Minutes

Chairman Patrick called for a motion regarding the minutes from the August 11 board meeting. Lynda Coker pointed out several typographical errors; and moved to approve the minutes with those changes being made; David Connell seconded the motion with unanimous approval by the remaining board members.

Chairman Patrick informed the Board that Linda Evans has been appointed by the Governor to the Board of the Judicial Qualifications Commission, and as a result she has submitted her immediate resignation from the DDS Board. He stated that hopefully, Speaker Ralston would be naming her replacement within the next few weeks.

Commissioner's Report

Commissioner Dozier informed the board that Michele Jordan would be presenting DDS' budget recommendation to OPB. He stated that he would be glad to answer any questions afterwards and would ask for the board's support of that recommendation.

Michele Jordan reviewed a PowerPoint presentation outlining the FY2011 and FY 2012 budgets. She stated that all state agencies were asked to submit 4%, 6%, and 8% reductions for the FY 2011A budget, and for the FY2012 budget, they were asked to submit 6%, 8%, and 10% reduction plans. The budget presentation is attached as a permanent record to these minutes.

Upon completion of the budget presentation, Commissioner Dozier asked if there were any questions. Since there were none, he asked for the boards favorable approval.

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

Rule Changes

Jennifer Ammons, General Counsel, reviewed the following rule changes for final 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. She stated that the public hearing for these rules was held the previous week and there were no comments presented.

Chairman Patrick called for a motion. David Connell motioned to approve all the rule changes for final adoption; T. Gamble 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:

Jannie Bell Williams - requesting a waiver from 375-3-1-.02 – Documentation Required for Initial Issuance. Due to declining health, Ms. Williams recently moved to Georgia to live with her daughter, and has been working with Congressman Jack Kingston's office trying to get an ID card. She does not have her birth certificate to show proof of identity; however, she has provided documentation from the Social Security Administration; her marriage license; her children's birth certificates; a letter from the school system from where she attended as a child indicating that any records they may have had that would have contained her birth certificate were destroyed in a fire; there is also a reference to her in a census record from 1940; and documentation from the State of South Carolina stating they can not locate a birth certificate for her. Ms. Ammons stated that DDS initially had some question as to whether or not her date of birth could be verified but with further research that information was found within the Social Security record and she believes it can be relied upon to resolve that question.

T. Gamble motioned to approve the petition for waiver; David Connell seconded the motion with unanimous approval by the remaining board members.

Hester Ann Bearden – requesting a waiver from 375-3-1-.02 – Documentation Required for Initial Issuance. Ms. Bearden is seeking an identification card, and she also does not have a birth certificate. She has presented a letter from the GA Department of Human Resources vital records office confirming that they can not find a birth certificate for her here in Georgia. She has her marriage certificate from 1965; her daughter's birth certificate; a copy of her Medicare card; her Social Security card; her insurance card and billing statement; a 1099 from the Social

Security Administration; and school records. Similarly to the previous petition, DDS was able to locate her date of birth on the documentation from the Social Security Administration.

T. Gamble motioned to approve the petition form waiver; David Connell seconded the motion with unanimous approval by the remaining board members.

Frances Liss – requesting a waiver from 375-3-1-.02 – Documentation Required for Initial Issuance. Ms. Liss has moved back to Georgia from Florida and is trying to get a drivers license. She does not have a copy of her birth certificate to prove her identity. She has provided a copy of her Florida driver's license and vehicle registration; an ID card from the Douglas GA Housing Authority; Social Security card; Medicare card; voter registration card; and cosmetology license from the State of Florida.

David Connell asked if she had made any effort to obtain a copy of her birth certificate. Ms. Ammons replied that she had asked the Florida DMV if they have record of what she presented to them as proof of identity, but they have yet to respond. She has not provided any documentation from the state where she alleges that she was born to say they can not locate her birth certificate.

Virginia Galloway motioned to deny the request for waiver; David Connell seconded the motion and advised that she be told to attempt obtain a copy of her birth certificate. The motion to deny the waiver was unanimous among the remaining board members.

Michelle Dixon – requesting a waiver from 375-3-1-.02 – Documentation Required for Initial Issuance. Ms. Ammons informed the board that Ms. Dixon was present at the board meeting and stated that she is seeking a Georgia driver's license after moving from North Carolina. In her case, there is no question as to her identity, but there is question about documentation of her citizenship. She was born in the Philippines to parents who were both members of the U. S. Air Force; but apparently they did not obtain a Certificate of Birth Abroad from the State Department prior to her eighteenth birthday as required, and she has been unable to get one since. She provided her Social Security Card and letter from the Social Security Administration; a birth certificate issued by the Philippine government and by the hospital; a property tax bill; a power bill; and a copy of her mother's birth certificate and DD-214 upon her honorable discharge from the Air Force.

Doug Chalmers asked if both parents were U. S. citizens. Ms. Ammons replied that is what Ms. Dixon alleges. Her mother was born in North Carolina, but there is no documentary evidence for the father.

Chariman Patrick asked Ms. Dixon if she would like to address the board. Ms. Dixon replied that her father had never really been in her life, so she has no way to contact him to get documentation from him. Mr. Patrick asked if she had looked into getting a passport, and she replied that she had, but was told that they also require a Certificate of Birth Abroad. Ms. Ammons stated that in correspondence seen in previous cases of similar situations what's been recommended is that the customer apply for a U. S. passport or contact USCIS to get a Certificate of Citizenship. Since she has no documentation to prove her citizenship, Ms. Ammons said that she would work with Ms. Dixon in trying to find her father's birth certificate, or to get her in touch with the right people at USCIS to begin the process of obtaining a Certificate of Citizenship. Doug Chalmers asked if any request has been made of the Air Force to obtain documentation on the father. Ms. Ammons

replied that she has not but could work with Ms. Dixon to pursue that avenue and contact the state Veteran's office as well.

Doug Chalmers motioned to deny the request for waiver but asked that assistance be given in trying to obtain information from the Air Force on her father or try to locate a birth certificate for him so she can re-submit the petition for waiver for consideration. Virginia Galloway seconded the motion. The motion to deny the waiver was unanimous among the remaining board members.

Diana Lee Otterman – requesting a waiver from 375-3-1-.24 – Name on License or Identification Card. Ms. Otterman is moving back to Georgia from the State of Iowa after living there for 18 months. She previously held a Georgia drivers license that was turned in when she obtain an Iowa license. She does not have documentation from any of her marriages and divorces other than the license from her current marriage. Other documents provided are: her birth certificate; a bank statement; an Iowa driver's license; and ID card issued to her by the Department of Community Health acknowledging her credential as a nurse's aide in the State of Georgia; and her Social Security card. Ms. Ammons stated she compared the photograph on her Iowa driver's license and her old Georgia driver's license and has determined her to be the same person. The problem is documentation has not been provided to connect the dots from the name on her birth certificate to her current married name; however, DDS has issued a license to her in her current married name in the past and feels comfortable that she is who she alleges.

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

Fairby Mae Brooks – requesting a waiver from 375-3-1-.24 – Name on License or Identification Card. Ms. Brooks 72 years old and is attempting to obtain an identification card. She has provided a copy of her birth certificate, a Sam's Club card; a food stamp card and letter addressed to her from the Dept. of Community Health; and a Social Security and Medicare card and SSI letter. She does not have a copy of her marriage license. The Webpage for the Illinois Vital Records states that they can not confirm the existence of the marriage because it predates their records. She only lacks that one piece of documentation and has no means to obtain it. Ms. Ammons stated that she did some research and was able to confirm that her daughter's last name is Brooks and they are residing at the same residence, and she feels relatively sure she is who she alleges.

David Connell motioned to approve the request for waiver; T. Gamble seconded the motion with unanimous approval by the remaining board members.

The Driver's Group - requesting a waiver from 375-5-1-.10 – Office Requirements. The Driver's Group already has a driver education facility and wants to expand into defensive driving. Ms. Ammons stated that one of the efforts DDS has long-term with Regulatory Compliance is to standardize the space requirements for all of the classes so there is only one size. Unfortunately, because that has not yet been accomplished, this company finds itself having a classroom that is fine for driver education but is about twelve square feet too small for defensive driving. She stated that DDS anticipates presenting a change to the board in the future that would make a board waiver unnecessary; however, currently a waiver is required.

Virginia Galloway motioned to approve the request for waiver. T, Gamble seconded the motion with unanimous approval by the remaining board members.

Commissioner Dozier gave a brief update on the Real ID Law. He stated that the Real ID requirements are scheduled to go into effect as of May 11, 2011. The current Secretary has talked about introducing Pass ID requirements that will repeal the Real ID requirements. However, it appears that Pass ID is not moving. The latest unofficial information received is that there will be a new rule review process going into effect in the next several months, which will require more time, so he anticipates the implementation date will be extended. Florida and several other states have already enacted Real ID. He stated that Georgia has the foundation ready for the Real ID to go into effect, which will require DDS is to recertify everyone. Customers would be notified that all on-line services would be shut down for awhile and everyone must bring in their birth certificates and things of that nature to prove their identities. The Customer Service Centers will be extremely busy with long waits and the board will be inundated with requests for waiver.

Old/New Business/Adjourn

Chairman Patrick reminded the board that the October meeting had been canceled, so the next meeting is scheduled for November 10, 2010 at 10:00 AM.

As there was no further business to discuss, Chairman Patrick called for a motion to adjourn. Lynda Coker so motioned; T. Gamble seconded the motion with unanimous approval by remaining board members.