

STATE DRIVING BUSINESSES LICENSURE BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Conference Call Minutes of 5/11/2016

BOARD MEMBERS PRESENT: Robert M Fenn - Chair
Jason Jerome
Sally K Phillips
Theresa A Bradford

BOARD MEMBERS ABSENT: Lon A Pyper Sr

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel

The meeting was called to order at 12:00 PM MDT by Robert M Fenn.

APPROVAL OF MINUTES

Mr. Jerome made a motion to approve the minutes of 3/10/2016. It was seconded by Ms. Bradford. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that proposed law changes are due to the Governor's Office by August 1, and proposed rule changes are due to the Governor's Office by the third week in August for the 2017 Legislature. If the Board is considering the submission of laws or rules for the 2017 session the deadline is August 1st.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a negative cash balance of (\$2391.97) as of 4/30/2016. Based on Senate Bill 1120 in the 2015 session, Ms. Hall reported that the \$5.00 fee for reimbursement to the schools will affect the balance. The Division of Financial Management is working on the transfer details.

DISCIPLINE

Mr. Nelson presented a Stipulation and Consent Order in case DRB-2016-1. Mr. Jerome made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Phillips. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Phillips made a motion to approve the Bureau's recommendation and authorize closure in case I-DRB-2016-6. It was seconded by Mr. Jerome. Motion carried.

DRB-2015-1 and DRB-2015-2 - Ms. Phillips made a motion to grant the request for extension of payments. It was seconded by Mr. Jerome. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to-do list and no action was taken.

NEW BUSINESS

AAA On-line Course update. Mr. Fenn reported that AAA will customize the information for Idaho to include in the course. The course is guaranteed to be 30 hours and cannot be completed in less. AAA is working on the course and will be ready to implement it shortly. AAA is also looking at instructors CE courses that can be done on-line.

PROPOSED LAW AND RULE CHANGES

The requirement for a Federal Motor Carriers Safety Regulation (DOT) physical examination was discussed. Mr. Toryanski and Ms. Simpson will contact Ms. Urie at the Department of Education to see what Department of Education requires for medical exams for the public driving education instructors. Ms. Phillips moved to direct Ms. Simpson and Mr. Toryanski to review 250.05 and the Federal Motor Carriers Safety Regulations and determine what changes are necessary to allow a physician to provide a physical that is not subject to DOT requirements. It was seconded Mr. Jerome. Motion carried.

Discussion was held on the medical examination forms that are sent to the Board from the applicant with their application. The Board does not want to see these forms as they contain private information. The Board only requires a certificate

showing a current medical examination. Ms. Phillips made a motion to change the application to state that the physical forms will not be accepted and that only the certificate should be submitted as part of the application. The forms are to be sent back to the applicant along with a request for the certificate if the full form is received with the application. It was seconded by Mr. Jerome. Motion carried.

Mr. Jerome made a motion for Mr. Toryanski to draft potential rules and laws to deal with the issue of schools being disciplined if they employ instructors who are not currently licensed; the submission of student lists by a school to Department of Motor Vehicles; and a law change to recognize the on-line training for schools operating out of their home and provide on-line training and send the changes to be worked in conjunction with rule 250.05. Continue to work with Ms. Phillips and bring to the July meeting. It was seconded by Ms. Phillips. Motion carried.

CORRESPONDENCE

A request for approval of the All-Star on-line course was reviewed. Discussion was held on developing a process for requests to be an on-line course provider. It was determined that providers need to all be held to the same standard. Mr. Jerome made a motion to start researching the process for on-line providers and have staff draft proposed laws and rules and then create an application. It was seconded by Ms. Phillips. Motion carried. Mr. Jerome made a motion that the Bureau send the Board's current curriculum requirements to All-Star and request password information to enable the Board members to review the program. It was seconded by Ms. Bradford. Motion carried.

EXECUTIVE SESSION

Mr. Jerome made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Bradford. The vote was: Ms. Phillips, aye; Mr. Jerome, aye; Ms. Bradford, aye; and Mr. Fenn, aye. Motion carried.

Ms. Phillips made a motion to come out of executive session. It was seconded by Ms. Bradford. The vote was: Ms. Phillips, aye; Mr. Jerome, aye; Ms. Bradford, aye; and Mr. Fenn, aye. Motion carried.

CE FOR REINSTATEMENT

Ms. Phillips made a motion to approve the CE for reinstatement. It was seconded by Ms. Bradford. Motion carried.

APPLICATIONS

Ms. Phillips made a motion that applicant 901132126 complete a new application for apprentice training as the apprentice permit had expired. It was seconded by Mr. Jerome. Motion carried.

Ms. Bradford made a motion that the application for 901144384 be held pending the receipt of further documentation and to request the applicant meet with the Board during its next conference call. It was seconded by Ms. Phillips. Motion carried. Mr. Jerome recused himself from discussion and voting.

NEXT MEETING was scheduled for May 27, 2016 at 9:30 a.m.

ADJOURNMENT

Ms. Phillips made a motion to adjourn the meeting at 2:20 p.m. It was seconded by Ms. Bradford. Motion carried.

Robert M Fenn, Chair

Jason Jerome

Lon A Pyper Sr

Sally K Phillips

Theresa A Bradford

Tana Cory, Bureau Chief