

Administrative Office of the Courts



INVESTIGATION SUMMARY, DETERMINATION, PROBABLE CAUSE REVIEW, AND RECOMMENDATION REPORT

Complaint No. 23-D003

School No. [REDACTED]

December 2, 2024

Certification and Licensing Division

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
INVESTIGATION SUMMARY, DETERMINATION, PROBABLE
CAUSE REVIEW, AND RECOMMENDATION REPORT**

CERTIFICATE HOLDER INFORMATION	Business Name:	Video-Cheap-Easy-Fast Arizona Defensive Driving School	
	School Number:	██████	
	Type of Certificate:	Defensive Driving School	
COMPLAINANT	Name:	Jenna Wade	
INVESTIGATION INFORMATION	Complaint Number:	23-D003	
	Investigator:	Jared Arthur	
Complaint Received:			August 7, 2023
Complaint Forwarded to the Certificate Holder:			September 28, 2023
Certificate Holder Received Complaint:			October 2, 2023
Response From Certificate Holder:			October 23, 2023
Period of Active Certification:			December 21, 2011
Status of Certification:			Active
Availability of Certificate Holder:			Available
Availability of Complainant:			Available
Report Date:			December 2, 2024

ALLEGATIONS:

1. Video-Cheap-Easy-Fast Arizona Defensive Driving School failed to properly determine eligibility and allowed a student to take the defensive driving course on a criminal speeding charge.

ADDITIONAL FINDINGS:

None.

SUMMARY OF INVESTIGATIVE PROCEDURE:

- Written complaint and documentation submitted by Jenna Wade (“Wade”) of Buckeye Municipal Court (“Buckeye Court”)
- Written response and documentation submitted by Borna Mozafari (“Borna”) and Jo Dahl (“Dahl”) of Video-Cheap-Easy-Fast Arizona Defensive Driving School (“School ██████”)
- Review of applicable Certification and Licensing Division (“Division”) records

- Review of applicable sections of Arizona Revised Statutes (“A.R.S.”), Arizona Codes of Judicial Administration (“ACJA”) § 7-201 and § 7-205, and Arizona Supreme Court Rules

INTERVIEWS:

1. Jenna Wade
2. Borna Mozafari
3. Jo Dahl

SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:

Allegation 1: Video-Cheap-Easy-Fast Arizona Defensive Driving School failed to properly determine eligibility and allowed a defendant to register for and complete a defensive driving course on a criminal speeding charge.

On August 7, 2023, Wade from the Buckeye Court, submitted a complaint to the Division, wherein she alleged that the School [REDACTED] allowed a defendant to take the online defensive driving course on a criminal speeding charge, after the court rejected the defendant's request for diversion. With the complaint, Wade attached a copy of the citation issued and an “official receipt” dated July 18, 2023, representing the School [REDACTED]'s payment of the court diversion fee (\$120.00) and court enhancement fee (\$10.00), via check number ending [REDACTED].

The Division reviewed the citation. On July 1, 2023, the defendant was issued citation [REDACTED] for criminal traffic speeding, going 73 miles per hour (“MPH”) in a 45 MPH zone. The Buckeye Court assigned the defendant case [REDACTED].

In the response to the complaint, Borna stated that the defendant was given access to the defensive driving course on July 9, 2023. The defendant completed the course on the same day and the completion was entered on July 10, 2023. According to Borna, the completion was rejected after School [REDACTED] had already submitted the completion and mailed the diversion check to the Buckeye Court. Borna said when School [REDACTED] contacted the Buckeye Court to inquire about the refund after being informed of the defendant's rejection, the Buckeye Court clarified that the judge had, in fact, accepted the defendant's completion of the defensive driving course.

In the response to the complaint, Borna stated that the employee who processed the defendant's registration is no longer employed with School [REDACTED]. She was with School [REDACTED] for just over three months and resigned less than two weeks after the incident. Borna suggested that the employee's focus may have been compromised during that period. Borna said School [REDACTED] conducted a “full audit of all students” processed by the employee who had received a criminal violation and found one other incident besides “this one where she allowed someone with a criminal violation without approval from the judge.” Borna said the former employee had processed over 50 registrations involving criminal violations “all without error and made mistakes on only those two.”

In his interview with the Division, Borna explained that School [REDACTED]'s staff is "fully trained and knowledgeable on how to process registrations for students with criminal violations." He said to prevent future incidents, School [REDACTED] has introduced a two-step audit process, which takes place both during registration and upon completion of the course. According to Borna, students will not be granted access to the course unless the employee reviewing the submitted documents completes the audit step. When the Division inquired why this verification occurs at both points, Dahl explained that it ensures no mistakes are made during registration that might wrongfully grant access to the course.

Additionally, Borna said that defendants are now required to submit an authorized approval form from the Court before being allowed to enroll. No student can proceed without this form. When asked when this step was implemented, Borna confirmed it was introduced in response to the initial complaint.

The citation reviewed by the Division identified this violation involved criminal traffic in two places. See below:

CITATION TR 23000339		
COMMITTED A: 28-701.02A2 (M3) Exceed the posted speed limit in a business or residential district by more than twenty miles per hour, or if no speed limit is posted, exceed forty-five miles per hour.		
A	DISP CODE: 90	DISP DATE: 7/18/23
		SANCTION/PENALTY: DDS
☐ CRIMINAL	☒ CRIMINAL TRAFFIC	☐ CIVIL TRAFFIC
☐ MUNICIPAL CODE	☐ PETTY OFFENSE	☐ DOMESTIC VIOLENCE
☐ CIVIL NON-TRAFFIC		

APPEARANCE DATE AND TIME: 08/01/2023 @ 1:05 PM

Criminal: ☒ Without admitting guilt or responsibility, I promise to appear as directed here on.

Civil: ☐ Without admitting guilt or responsibility, I acknowledge receipt of this complaint.

Juvenile: ☐ BRING ONE PARENT WITH YOU TO COURT

In addition, the citation documented that this individual committed a violation of 28-701.02. A2(MS).

A.R.S. §28-702.02(A)(2) and (C):

28-701.02. Excessive speeds; classification

A. A person shall not:

2. Exceed the posted speed limit in a business or residential district by more than twenty miles per hour, or if no speed limit is posted, exceed forty-five miles per hour.

C. A person who is charged with a violation of this section may not be issued a civil complaint for a violation of section 28-701 if the civil complaint alleges a violation arising out of the same circumstances.

ACJA §7-201(F)(1):

F. Role and Responsibilities of Certificate Holders. 1. Code of Conduct. Each individual certificate holder shall adhere to the code of conduct or standards of conduct, subsection (J) in the applicable section of the ACJA.

ACJA §7-201(H)(6)(a) and (k)(7) and (8):

6. Grounds for Discipline. A certificate holder is subject to disciplinary action if the board finds the certificate holder has engaged in one or more of the following:

a. Failed to perform any duty to discharge any obligation in the course of the certificate holder's responsibilities as required by law, court rules, this section or the applicable section of the ACJA;

(7) Failed during the performance of any responsibility or duty of the profession or occupation to use the degree of care, skill and proficiency commonly exercised by the ordinary skillful, careful and prudent professional certificate holder engaged in similar practice under the same or similar conditions regardless of any level of harm or injury to the client or customer;

(8) Failed to practice competently by reason of any cause on a single occasion or on multiple occasions by performing unsafe or unacceptable client or customer care or failed to conform to the essential standards of acceptable and prevailing practice;

ACJA § 7-205 (F)(1):

F. Role and Responsibilities of Certificate Holders. In addition to the requirements of ACJA § 7 201(F), each school must:

1. Adhere to the standards in the code of conduct in subsection (J).

ACJA § 7-205(J)(1)(b):

J. Codes of Conduct. 1. Schools. This code of conduct is adopted by the supreme court to apply to all schools certified by the Arizona Supreme Court, pursuant to A.R.S. § 28-3395. The purpose of this code of conduct is to establish minimum standards of performance for schools. a. Curriculum. A school shall exercise extreme care and diligence and ensure all materials used in the instruction of

defensive driving courses, whether in a classroom or in an ADM format, are in the public domain or original and not copied without the appropriate written permission.

b. Ethics. A school shall not operate in a manner reflecting adversely on the judiciary, board, courts, division staff, or other agencies involved in the administration of justice including law enforcement agencies and attorneys.

ACJA § 7-205 (F)(24)(d)(1)(b)(i) and (ii):

(d)Eligibility, Registration and Attendance of Students.

(1) To determine eligibility, the school shall:

(b) Verify, by reviewing the person's driver's license and citation that the violation is:

- (i) an eligible moving violation as specified by A.R.S. § 28-3392(A);
- (ii) permitted by the court for diversion if an eligible misdemeanor.

Determining a defendant's eligibility for defensive driving diversion is a critical function of the registration process. Borna, for School [REDACTED] acknowledges that one of its employees improperly allowed a defendant to register for and complete the defensive driving course. Borna noted that upon a review of the employee's actions, discovered that this occurred with another defendant. School [REDACTED] has identified and implemented a two-step process, described in this Investigation Summary, to prevent a repeat of the problem. He said the employee is no longer with School [REDACTED].

The evidence demonstrates that School [REDACTED] failed to properly determine eligibility and allowed a defendant to register for and complete a defensive driving course on a criminal speed charge.

Allegation 1 is substantiated.

DISCIPLINARY HISTORY:

Complaint No. 14-D016

Board decision: August 20, 2015: 30-day suspension and six-month probation

Substantiated Allegation: Complainant alleged that after completing the online course test, the wording on the last page demanded that he pay an additional fee to download his certificate of completion.

Complaint No.19-D034

Board decision: August 20, 2020: Censure

Substantiated Allegation: School [REDACTED] and other schools, by the same school owner, are allowing erroneous, deceptive or misleading advertising by publishing the same customer testimonials on other school websites.

SUBMITTED BY:

[REDACTED]

December 2 , 2024

Jared Arthur, Investigator
Certification and Licensing Division

Date

REVIEWED BY:

[REDACTED]

12/2/2024

Pasquale Fontana, Manager
Certification and Licensing Division

Date

REVIEWED BY:

[REDACTED]

12/9/2024

Aaron Nash, Director
Certification and Licensing Division

Date

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
REVIEW AND DECISION OF THE PROBABLE CAUSE
EVALUATOR**

REVIEW AND DECISION OF THE PROBABLE CAUSE EVALUATOR:

Under ACJA § 7-201(H)(5)(a), the deputy director, serving in the capacity of probable cause evaluator under ACJA § 7-201(D)(3)(a), having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint number **23-D003**:

- ☐ Directs division staff to investigate further.
- ☐ Determines probable cause does not exist demonstrating the certificate holder has committed any acts of misconduct or violations of the statutes, court rules, this section, or the applicable section of the ACJA and enters a written finding to that effect as to Allegation(s):

- ☒ Determines probable cause exists demonstrating the certificate holder has committed one or more acts of misconduct or violations of the statutes, court rules, this section, or the applicable section of the ACJA and enters a written finding to that effect as to Allegation(s):

_____1_____

Marcus Reinkensmeyer
Probable Cause Evaluator

12/26/2024

Date

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
RECOMMENDATION TO THE BOARD**

***CERTIFICATE
HOLDER
INFORMATION***

Business Name:

Video-Cheap-Easy-Fast Arizona
Defensive Driving School

School Number:

██████

Type of Certificate:

Defensive Driving School

RECOMMENDATION TO THE DEFENSIVE DRIVING BOARD (“BOARD”):

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Video-Cheap-Easy-Fast Arizona Defensive Driving School ██████ has committed the alleged act(s) of misconduct as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint number 23-D003.

It is further recommended the Board enter a finding grounds for formal disciplinary action exists under Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6) for act(s) of misconduct involving ACJA §§7-201(F)(1), 7-201(H)(6)(a) and (k)(7) and (8), ACJA §§7-205(F)(1), 7-205 (F)(24)(d)(1)(b)(i)(ii), and ACJA 7-205 (J)(1)(b)

Mitigating factors under ACJA § 7-201(H)(22)(b)(1):

- ☐ The absence of a prior disciplinary record;
- ☐ The absence of a dishonest motive;
- ☐ The absence of a selfish motive;
- ☐ Personal or emotional problems;
- ☒ A timely good faith effort to make restitution or to rectify consequences of misconduct;
- ☒ Full and free disclosure to the division staff, the board or the hearing officer;
- ☒ A cooperative attitude toward any proceedings;
- ☐ Inexperience in the practice of the profession or occupation;
- ☐ Character or reputation;
- ☐ Physical or mental disability;
- ☐ Physical or mental impairment;
- ☐ Delays in the disciplinary proceedings;
- ☐ Interim rehabilitation;
- ☐ Imposition of other penalties or sanctions;
- ☐ Remorse;
- ☐ The remoteness of prior offenses;
- ☐ Other: _____

Aggravating factors under ACJA § 7-201(H)(22)(b)(2):

- ☒ A prior disciplinary record;
- ☐ A dishonest motive;
- ☐ A selfish motive;

- ☒ Multiple offenses;
- ☐ Bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with this section, the applicable section of ACJA, court rules or orders of the hearing officer; (Failure to respond to Division requests sent to a valid point of contact reflects an uncooperative attitude toward the investigation)
- ☐ Submission of false evidence, false statements or other deceptive practices during the discipline process;
- ☐ Refusal to acknowledge wrongful nature of the conduct;
- ☐ Vulnerability of the victim;
- ☐ Substantial experience in the profession or occupation;
- ☐ Indifference to making restitution;
- ☐ Other: _____

It is further recommended the Board issue a Censure to Video-Cheap-Easy-Fast Arizona Defensive Driving School [REDACTED].

SUBMITTED BY:

[REDACTED]

12/26/2024

Aaron Nash, Director Date
Certification and Licensing Division

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
DECISION AND ORDER OF THE BOARD**

DECISION AND ORDER:

The Board having reviewed the above Investigation Summary, Determination, Probable Cause Review, and Recommendation Report, regarding complaint number 23-D003 and Video-Cheap-Easy-Fast Arizona Defensive Driving School [REDACTED], makes a finding of facts and this decision, based on the facts, evidence, and analysis as presented and:

- ☐ Request division staff to conduct further investigation;
- ☐ Refer the complaint to another entity with jurisdiction;

Referral to: _____

- ☐ Determine no violation exists and dismiss the complaint

☐ with prejudice

☐ without prejudice

- ☐ Determine no acts of misconduct or violation occurred and no discipline is warranted; however the certificate holder's actions need modification or elimination and issue an advisory letter pursuant to subsection (D)(5)(c)(1)(g);

- ☐ Enter a finding the certificate holder has violated any provisions of the statutes, court rules, this section, or the applicable ACJA specific sections or subsection (H)(6) and order an emergency summary suspension, pursuant to subsection (H)(9)(d);

- ☒ Enter a finding the certificate holder has violated any of the provisions of the statutes, court rules, this section, the applicable ACJA sections or subsection (H)(6) and issue an order imposing any or a combination of the following information or formal disciplinary sanctions:

☒ Issue a letter of concern

☐ Issue a censure

☐ Resolve any found acts of misconduct or violations by consent order or other negotiated settlement

☐ Place specific restrictions on a certificate

☐ Place the certificate holder on probation or a set period of time under specified conditions

☐ Mandate additional training for the certificate holder

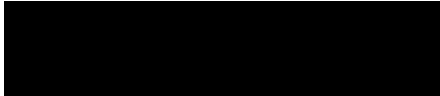
☐ Issue a cease and desist order pursuant to subsection (E)96)

- ☐ Order suspension of a certificate for a set period of time with specific conditions for reinstatement
 - ☐ Order revocation of a certificate with specific conditions for reinstatement
 - ☐ Assess costs associated with the investigation and disciplinary proceedings; or
 - ☐ Impose civil penalties associated with the investigation and disciplinary proceedings.
- ☐ Order the preparation of documents necessary for informal or formal disciplinary actions under subsection (H)(7)(b), (H)(8)(b) or (H)(9)(b)
- ☐ Request the license holder appear before the Board to participate in a Formal Interview, pursuant to ACJA § 7-201(H)(8).
- ☐ Enter a finding the public health, safety or welfare is at risk, requires emergency action, and orders the immediate emergency suspension of the license and sets an expedited hearing for:

Date, Time, and Location: _____

- ☐ Order the filing of Notice of Formal Charges, pursuant to ACJA § 7-201(H)(10).
- ☐ Adopts the recommendations of the Division Director.
- ☒ Does not adopt the recommendations of the Division Director and orders:

The Board does not adopt the Division Director's recommendation to issue a Centure. The Board directs the Division to issue a Letter of Concern.

 3/24/2025

Jennifer Curtiss, Vice Chair Date
Board of Defensive Driving