

Administrative Office of the Courts



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

Complaint No. 23-D010

School No. [REDACTED]

February 5, 2025

Certification and Licensing Division

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

<i>CERTIFICATE HOLDER INFORMATION</i>	Business Name: School No. Type of Certificate:	ArizonaDriver.com [REDACTED] Defensive Driving School
<i>COMPLAINANT</i>	Name:	Bianca Sanchez
<i>INVESTIGATION INFORMATION</i>	Complaint Number: Investigator:	23-D010 Jared Arthur
Complaint Received:		
Complaint Forwarded to the Certificate Holder:		September 28, 2023
Certificate Holder Received Complaint:		December 8, 2023
Response From Certificate Holder:		Failed Address
Period of Active Certification:		On or about December 9, 2024.
Status of Certification:		May 2008 – October 31, 2023
Availability of Certificate Holder:		Expired
Availability of Complainant:		Unavailable
Report Date:		Available
		February 5, 2025

ALLEGATIONS:

1. Arizonadriver.com issued a check with insufficient funds for payment of court diversion fees.
2. Arizonadriver.com engaged in unprofessional conduct by repeatedly placing court representatives on hold for more than three hours.

ADDITIONAL FINDINGS:

None.

SUMMARY OF INVESTIGATIVE PROCEDURE:

- Written complaint and documentation submitted by complainant, Bianca Sanchez, (“Sanchez”) of West Mesa Justice Court (“Justice Court”)
- Email response from [name] from ArizonaDriver.com (“School [REDACTED]”)
- 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. Bianca Sanchez

SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:

Division records show that on September 8, 2023, Joseph Silva, for Arizonadriver.com (“School [REDACTED]”), notified the Defensive Driving Program it would not be renewing its defensive driving certification for School [REDACTED]. Accordingly, School [REDACTED] did not renew its certification by the end of the renewal period ending October 31, 2023.

The complaint was filed with the Division on or about September 28, 2023, at which time School [REDACTED]’s certification was active. The Division and Board retain authority to investigate and take disciplinary action against the now-expired certification under ACJA § 7-201(H)(1)(d).

Allegation 1: Arizonadriver.com issued a check with insufficient funds for payment of court diversion fees.

Sanchez, for the Justice Court, alleged School [REDACTED] issued a check for the court diversion fee that “bounced.” The Justice Court contacted School [REDACTED] on August 18, 2023, regarding the unpaid diversion fee and the associated non-sufficient funds (NSF”) fee.

Date	Type	Reason	Note	Amount
07/31/23 01:53 P	Payment			47.00
				53.00
08/18/23 03:11 P	Insufficient Funds	Insufficient Funds Check	check was returned	-53.00
				-47.00
08/29/23 08:34 A	Payment			11.75
				13.25
10/17/23 11:07 A	Payment			35.25
				39.75
				25.00

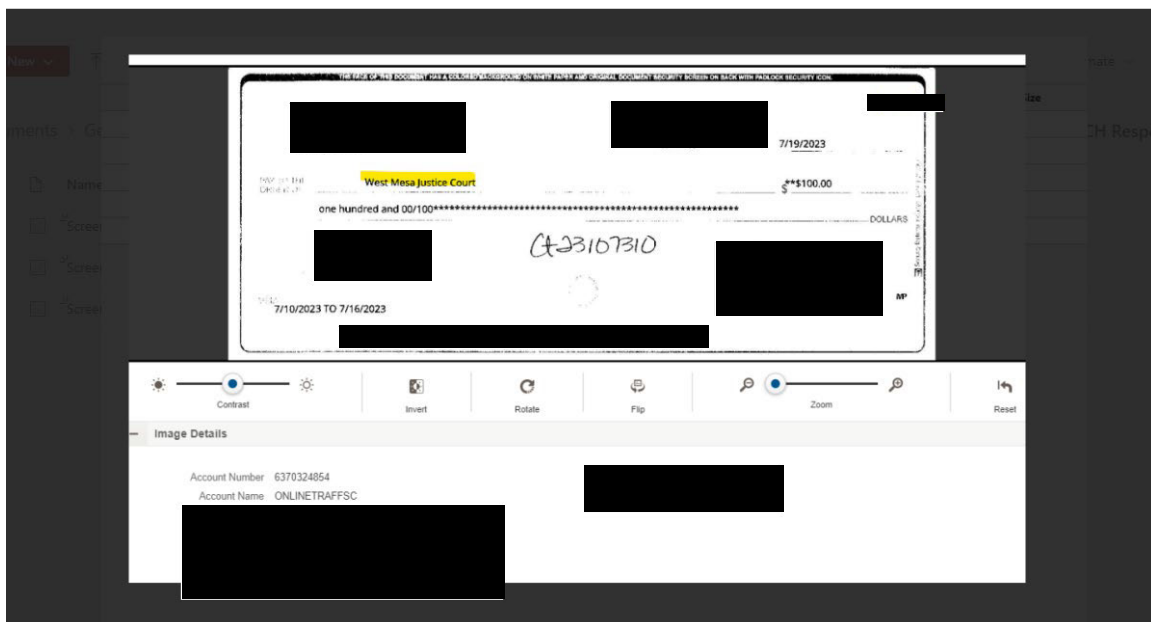
Sanchez said the Justice Court received a call from School [REDACTED] on August 22, 2023, informing that School [REDACTED] would mail a check plus the NSF fee. On August 29, 2023, the Justice Court received a check for the \$25 NSF fee, but School [REDACTED] failed to remit the initial diversion fee of \$100.

09/19/2023	Note	Case Note: EMAILED ANOTHER REQUEST FOR PAYMENT TO ARIZONADRIVER.COM USING INFORMATION FROM CERTIFICATE OF COMPLETION/TC
	Note	Case Note: PER EMAIL FROM ARIZONADRIVER.COM A CHECK HAS BEEN MAILED AS OF 9/14/23 VIA USPS
09/14/2023	Note	Case Note: EMAILED ARIZONADRIVER.COM AND WROTE THE FOLLOWING ON THEIR 'CONTACT US' PAGE: West Mesa JC is still waiting for \$100 check for this student. The electronic DDS import shows that she completed the class on 7/11/23 it was imported to the AOC on 7/12/23. Her complaint # is 913485423155002- DOB is 5/9/85.
09/12/2023	Note	Case Note: I CALLED DDS 1-888-731-9237, NO ANSWER AFTER 3 HOURS AND 56 MINUTES BS
09/06/2023	Note	Case Note: I CALLED THE DDS REGARDING THE \$100 CHECK, NO ANSWER.
08/29/2023	Note	Case Note: 8:39am I CALLED THE DRIVING SCHOOL, WE ONLY RECIEVED THE \$25 CHECK, AND NOT THE \$100 I WAS NOT ABLE TO SPEAK TO ANYONE AFTER BEING ON HOLD FOR OVER 3 HOURS BS
08/22/2023	Note	Case Note: DDS SCHOOL CALLED BACK 407-629-4811 THEY WILL MAIL A CHECK WITH THE \$100 = \$25 NSF FEE, AND SHE WILL CALL BACK TO SEE IF WE RECIEVED IT BS
08/18/2023	Event	Notice - Undesignated Result:
	Note	Case Note: CHECK #28390 was returned. Please call the court to make necessary payment arrangements of the \$100 plus the additional nsf fees.

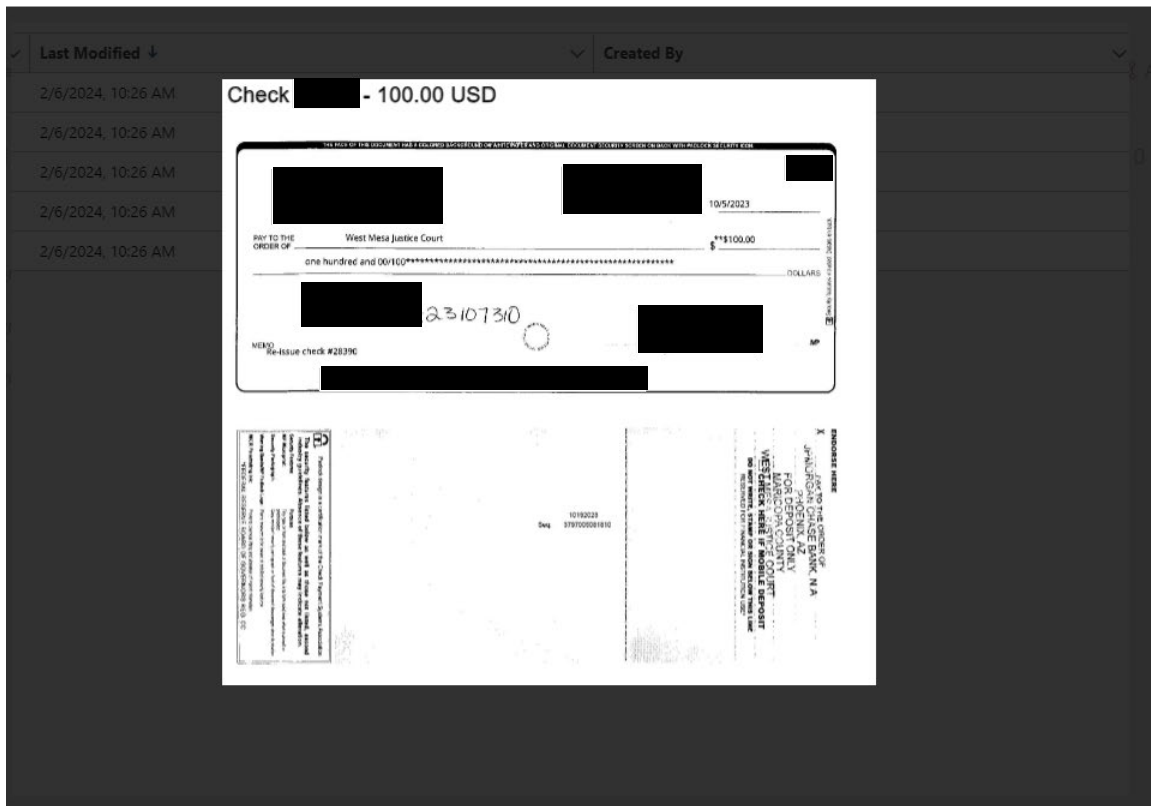
Sanchez said she called School [REDACTED] but was placed on hold for several hours not able to speak with anyone. Sanchez experienced the same problem over several calls and attempts to resolve the issue on September 6, 2023, and September 12, 2023. The Justice Court emailed School [REDACTED] on September 14, 2023, and School [REDACTED] replied that the check was issued on September 14, 2023. The Justice Court called School [REDACTED] on September 28, 2023, regarding not receiving the check but the matter was not resolved because Sanchez was placed on hold and then asked to participate in a survey. Sanchez terminated the call.

In her interview, Sanchez said the court eventually received the initial \$100 remittance check on October 17, 2023.

In an email response to the Division, School [REDACTED] explained that the original check ([REDACTED]), issued on July 19, 2023, in the amount of \$100, was returned due to a posting error.



Records show School [REDACTED] did not reissue a check ([REDACTED]) in the amount of \$100 until October 5, 2023.



The Division did not interview any representative of School [REDACTED]

School [REDACTED] initially issued the court diversion fee via check number [REDACTED], dated July 19, 2023. The nature of the posting error is unclear. The Justice Court told the Division that when School [REDACTED] tried to resolve the issue, School [REDACTED] paid the \$25 NSF fee but did not pay the diversion fee at the same time. School [REDACTED] eventually issued payment of the diversion fee on or about October 17, 2023.

AJCA §7-205(F)(26)(f)(2) requires defensive driving schools to remit court diversion fees within 11 days of a student's completion of a defensive driving school. Although School [REDACTED] may have timely issued payment via the July 19, 2023, check, due to the issues described in this investigation summary, School [REDACTED] failed to actually pay the court diversion fee until October 5, 2023, when School [REDACTED] issued a new check for payment of the fees.

AJCA §7-205(F)(26)(f)(2):

f. A school shall transmit all diversion fees to the appropriate court in compliance with the following:

(2) The school shall transmit the court diversion fees and the remittance report to the court once a week and within eleven (11) days of the successful completion of the class.

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):

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;

AJCA §7-205(J)(1)(d):

d. Compliance. A school shall perform all duties and discharge all obligations in accordance with current Arizona law and the administrative rules, court orders, administrative orders, ACJA § 7-201, and this section.

Allegation 1 is substantiated.

Allegation 2: Arizonadriver.com engaged in unprofessional conduct by repeatedly placing court representatives on hold for more than three hours.

According to the complaint, on August 22, 2023, Sanchez attempted to contact School [REDACTED] to resolve the insufficient funds check but was placed on hold for over three hours before eventually hanging up without reaching anyone. On September 6, 2023, she made a second attempt to call, only to face a similar situation, waiting on hold for hours before hanging up. A third attempt was made on September 12, 2023, during which Sanchez was on hold for three hours and fifty-six minutes, again without being able to speak with anyone.

After these repeated unsuccessful attempts to reach the School by phone, Sanchez decided to send an email. On September 14, 2023, she emailed the School, informing them that the \$100 diversion fee remained unpaid. In response, the School emailed the Court on September 19, 2023, claiming that the \$100 diversion fee had been mailed on September 14, 2023. However, when the check had not been received by September 28, 2023, Sanchez called the School again to follow up. According to Sanchez, she was on hold for thirty-two minutes before she was able to speak to School staff to put in a ticket. However, Sanchez, in her complaint shared that she was put on hold and eventually hung up.

The Division did not interview anyone involved with School [REDACTED]. However, Sanchez, a court employee, was attempting to resolve the issue of the late diversion fee and documented her calls and emails. The Division found her statements credible.

Defensive driving schools are required to comply with all requests for communications or information from court staff. In this matter, School [REDACTED] did not timely respond to the Justice Court's queries when Sanchez tried to resolve the court diversion fee issue.

ACJA §7-205(J)(1)(b)(3):

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.

(3) In addition to the provisions of ACJA § 7-201(H)(6)(c), a school and its staff shall comply with all requests for communications or information from court staff.

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):

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;

AJCA §7-205(J)(1)(d):

d. Compliance. A school shall perform all duties and discharge all obligations in accordance with current Arizona law and the administrative rules, court orders, administrative orders, ACJA § 7-201, and this section.

Allegation 2 is substantiated.

DISCIPLINARY HISTORY:

Complaint No. 09-D004

Board decision: June 16, 2010, Letter of Concern

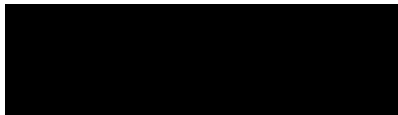
Substantiated Allegation: Complainant alleged that the School would not allow the student to complete the DD course, wrongly citing the 7-day rule.

Complaint No. 10-D004

Board decision: October 17, 2012: Letter of Concern

Substantiated Allegation: Complainant alleged that the School attempted to collect additional fees not initially charged and asserting student's license would be suspended if the additional fee was not paid.

SUBMITTED BY:

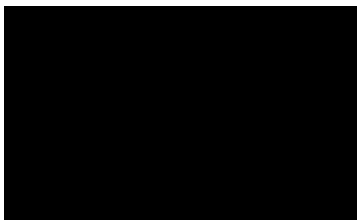


February 5, 2025

Jared, Arthur, Investigator
Certification and Licensing Division

Date

REVIEWED BY:



3/28/2025

Pasquale Fontana, Manager
Certification and Licensing Division

Date

REVIEWED BY:



3/28/2025

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-D010**:

- ☐ 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 and 2



Jeffrey Schrade
Probable Cause Evaluator

3/31/2025

Date

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

***CERTIFICATE
HOLDER
INFORMATION***

Business Name:
School Number:
Type of Certificate:

ArizonaDriver.com
[REDACTED]
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 **ArizonaDriver.com** 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-D010**.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists under Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6) for act(s) of misconduct involving ACJA §7-205(J)(1)(b)(3); ACJA §7-201(F)(1); ACJA §7-201(H)(6)(a); AJCA §7-205(J)(1)(d); AJCA §7-205(F)(26)(f)(2).

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: School [REDACTED] is no longer a certified defensive driving school.

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: _____

School [REDACTED] is no longer a certified defensive driving school because it did not renew its certification by the end of the certification renewal period ending October 31, 2023. Therefore, formal discipline that could result in an appeal would not be an efficient use of judicial resources.

It is further recommended the Board direct the Division to issue a Letter of Concern to ArizonaDriver.com (School [REDACTED]).

SUBMITTED BY:

[REDACTED]

3/31/2025 _____

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-D010 and ArizonaDriver.com, School Number [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:



Johnny Tse, Chair
Board of Defensive Driving

06/23/2025

Date