

DEFENSIVE DRIVING BOARD

Meeting Agenda - Thursday, October 16, 2014

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 – 10:00 A.M. – Conference Room 109

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

CALL TO ORDER.....Daniel Edwards, Chair

1) REVIEW AND APPROVAL OF MINUTESDaniel Edwards, Chair

1-A: Review, discussion, and possible action regarding the regular session minutes for the meeting of August 21, 2014.

2) INITIAL CERTIFICATION AND ELIGIBILITYDivision Staff

2-A: Review, consideration, and possible action regarding pending initial certification of the following defensive driving schools:

1. Defensive Driving Online Ticket Dismissal
2. Certified Defensive Driving School Online
3. DISCOUNT Defensive Driving School Online
4. Slow Your Pony
5. Sir Waldorf Bentley's School for Naughty Drivers
6. Easy Peasy Defensive Driving
7. Arizona Driving School, LLC

2-B: Review, consideration, and possible action regarding pending initial certification of the following applicants:

1. Claudia Olson
2. Stanislav Mordukhayev
3. Volker Eckert

3) PENDING COMPLAINTS *Division Staff*

- 3-A: *Review, discussion and possible action regarding complaint number 14-D002, involving certificate holder, GoToTrafficSchool.com.*
- 3-B: *Review, discussion and possible action regarding complaint number 14-D007, involving certificate holder, AZ Defensive Driving School.*
- 3-C: *Review, discussion and possible action regarding complaint number 14-D001, involving certificate holder, Arizona Crash Course.*
- 3-D: *Review, discussion and possible action regarding complaint number 14-D012/ 14-D013, involving certificate holders Abedirizan Said and West Phoenix Driving School.*
- 3-E: *Review, discussion and possible action regarding complaint number 14-D010, involving certificate holders Julyana Berman Said and Arizonadriver.com*
- 3-F: *Update regarding the status of pending complaints.*

4) ADMINISTRATIVE ISSUES *Division Staff*

- 4-A: *Update regarding complaints processed by diversion pursuant to Administrative Order 2012-83.*
- 4-B: *Review, discussion, and possible action regarding the establishment of the 2015 Board meeting schedule.*

CALL TO THE PUBLIC.....*Daniel Edwards, Chair*

ADJOURN.....*Daniel Edwards, Chair*

DEFENSIVE DRIVING BOARD
Agenda Summary - Thursday, October 16, 2014

1) REVIEW AND APPROVAL OF MINUTES

I-A: Review, discussion, and possible action regarding the regular session minutes for the meeting of August 21, 2014.

Attached for Board review and approval are the regular session minutes of the August 21, 2014 meeting.

DEFENSIVE DRIVING BOARD

Agenda Summary - Thursday, October 16, 2014

2) INITIAL CERTIFICATION AND ELIGIBILITY

2-A: *Review, consideration, and possible action regarding pending initial certification of the following defensive driving schools:*

1. Defensive Driving Online Ticket Dismissal
2. Certified Defensive Driving School Online
3. DISCOUNT Defensive Driving School Online
4. Slow Your Pony
5. Sir Waldorf Bentley's School for Naughty Drivers
6. Easy Peasy Defensive Driving
7. Arizona Driving School, LLC

1. Defensive Driving Online Ticket Dismissal, a classroom and internet format defensive driving school, applied for certification on August 20, 2014. The school's office is located in Issaquah, Washington. The school's owners are Jeffrey Chase and David Irons. The designated principal is Alex Smith. Mr. Chase and Mr. Irons operate the following certified schools: National Traffic Safety Institute and Defensive Driving AZ, Defensive Driving School, Avoid the Points Defensive Driving and Defensive Driving School Online.

Division staff has performed a review of the new school's application and curriculum.

It is recommended initial certification be granted to Defensive Driving Online Ticket Dismissal.

2. Certified Defensive Driving School Online, a classroom and internet format defensive driving school, applied for certification on August 20, 2014. The school's office is located in Issaquah, Washington. The school's owners are Jeffrey Chase and David Irons. The designated principal is Alex Smith. Mr. Chase and Mr. Irons operate the following certified schools: National Traffic Safety Institute and Defensive Driving AZ, Defensive Driving School, Avoid the Points Defensive Driving and Defensive Driving School Online.

Division staff has performed a review of the new school's application and curriculum.

It is recommended initial certification be granted to Certified Defensive Driving School Online.

3. DISCOUNT Defensive Driving School Online, a classroom and internet format defensive driving school, applied for certification on August 20, 2014. The school's office is located in Issaquah, Washington. The school's owners are Jeffrey Chase and David Irons. The designated principal is Alex Smith. Mr. Chase and Mr. Irons operate the following certified schools: National Traffic Safety Institute and Defensive Driving AZ, Defensive Driving School, Avoid the Points Defensive Driving and Defensive Driving School Online.

Division staff has performed a review of the new school's application and curriculum.

It is recommended initial certification be granted to DISCOUNT Defensive Driving School Online.

4. Slow Your Pony, an internet format defensive driving school, applied for certification on September 2, 2014. The school's office is located in Glendale, Arizona. The school's owners are Dean Frei, Jerilyn Frei and Kevin Frei. The designated principal is Kevin Frei. The Freis operate the following certified school: Super Fly Defensive Driving.

Division staff has performed a review of the new school's application and curriculum.

It is recommended initial certification be granted to Slow Your Pony.

5. Sir Waldorf Bentley's School for Naughty Drivers, an internet format defensive driving school, applied for certification on September 2, 2014. The school's office is located in Glendale, Arizona. The school's owners are Dean Frei, Jerilyn Frei and Kevin Frei. The designated principal is Kevin Frei. The Freis operate the following certified school: Super Fly Defensive Driving.

Division staff has performed a review of the new school's application and curriculum.

It is recommended initial certification be granted to Sir Waldorf Bentley's School for Naughty Drivers.

6. Easy Peasy Defensive Driving, an internet format defensive driving school, applied for certification on September 2, 2014. The school's office is located in Glendale, Arizona. The school's owners are Dean Frei, Jerilyn Frei and Kevin Frei. The designated principal is Kevin Frei. The Freis operate the following certified school: Super Fly Defensive Driving.

Division staff has performed a review of the new school's application and curriculum.

It is recommended initial certification be granted to Easy Peasy Defensive Driving.

7. Arizona Driving School, LLC, a classroom and internet format defensive driving school, applied for certification on September 17, 2014. The school's office is located in Phoenix, Arizona. The school's owners is Lorena Schmit. The designated principal is Lorena Schmit.

Division staff has performed a review of the new school's application and curriculum.

It is recommended initial certification be granted to Arizona Driving School, LLC.

DEFENSIVE DRIVING BOARD

Agenda Summary – Thursday, October 16, 2014

2-B: *Review, consideration, and possible action regarding pending initial certification of the following applicants:*

1. *Claudia Olson*
2. *Stanislav Mordukhayev*
3. *Volker Eckert*

The following applicant has submitted an application for initial certification. In the opinion of staff, the application is complete and no information has been presented during the background which is contrary to certification being granted. The applicant has demonstrated she meets the minimum eligibility requirements for certification. It is recommended initial certification be granted to the following individual:

1. *Claudia Olson*

The following applications for initial certification have been processed and are submitted to the Board for additional review and consideration.

2. Stanislav Mordukhayev - Mr. Mordukhayev is currently the principal of Jacob's Driving School. He was previously certified as an instructor from June 15, 2011 to October 31, 2011, when he chose not to renew his certification. The applicant submitted a new application for certification on June 11, 2014. In the opinion of staff, the application is complete and no information has been presented during the background review which is contrary to certification being granted. The applicant has demonstrated he meets the minimum eligibility requirements for certification and division records indicate that no complaints were filed against the applicant during his previous certification. It is recommended initial certification be granted to Stanislav Mordukhayev.

3. Volker Eckert – Applicant disclosed being involved in an auto accident wherein a civil action was filed on February 28, 2013. This case is still pending. Applicant failed to disclose a civil action and three medical liens. The civil action was filed on December 2005 wherein Mr. Eckert was the plaintiff. The case was a breach of contract from the sale of the assets of Mr. Eckert's business. Mr. Eckert stated he had no knowledge of this civil action. Staff received a copy of the complaint in this matter and spoke with Mr. Eckert regarding the case details and the attorneys that were involved. This action was dismissed. The three medical liens are related to the auto accident which is still pending. Mr. Eckert explained that he was unaware of the actions and it was certainly never his intention to hide or not to disclose any court cases.

Because Mr. Eckert previously lived in Wisconsin, staff conducted a background check in that state and discovered numerous additional civil actions involving Mr. Eckert. Initially seven civil actions were discovered including one Bankruptcy, three state tax liens and three civil judgments. Mr. Eckert acknowledged these particular actions and also disclosed eleven additional civil cases he was involved in.

Mr. Eckert explained that due to the economic downturn his business suffered financial hardships and he was forced to file for bankruptcy. The bankruptcy discharged his entire debt with the exception of his tax liabilities which initiated the tax liens from the state. Mr. Eckert was unable to provide documentation for each case, however, he did provide the case docket sheet for each. Mr. Eckert did say most of the cases involved business disputes and former investment properties and the docket sheets indicate that he was the defendant in seventeen of the eighteen cases. Mr. Eckert said he never had any intention of hiding these details, adding he honestly thought he only had to disclose actions in Arizona.

During staff's review of the bankruptcy filing, it was noted that there was a Motion for Relief from Stay filed. This motion indicated that Mr. Eckert fraudulently used a social security number to obtain money from various financial institution credit accounts. Staff contacted Mr. Eckert regarding this issue and also requested copies of all the complaint and final dispositions in the eighteen civil actions. Mr. Eckert responded that he was unaware of the allegations regarding the Motion for Relief from Stay and he was unable to provide further documentation regarding the civil actions.

Staff spoke with the attorney who handled the Motion for Relief from Stay for the creditor. The attorney stated that his client had purchased flooring from Mr. Eckert's business and the client alleged Mr. Eckert used the client's social security number to obtain additional materials that the client was unaware of and did not purchase. The attorney indicated that they abandoned the case as there was no financial advantage in continuing with the Stay.

Mr. Eckert has requested that the Board allow him to withdraw his application.

In light of the multiple non-disclosures it is recommended the Board deny Mr. Eckert's request to withdraw his application and enter a motion to deny his application for defensive driving instruction certification pursuant to Arizona Code of Judicial Administration § 7-201(E)(2)(c)(2)(b)(xv) *failed to disclose information on the certification application subsequently revealed through the background check*; for failing to disclose eleven actions (four actions in Arizona and seven actions in Wisconsin).

DEFENSIVE DRIVING BOARD
Meeting Agenda - Thursday, October 16, 2014

3) PENDING COMPLAINTS

3-A: Review, discussion and possible action regarding the following complaints:

Complaint Number 14-D002 involving GotoTrafficSchool.com

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding GoToTrafficSchool.com has not committed the alleged acts of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-D002.

It is further recommended the Board dismiss complaint number 14-D002.

DEFENSIVE DRIVING BOARD
Meeting Agenda - Thursday, October 16, 2014

3) PENDING COMPLAINTS

3-B: Review, discussion and possible action regarding the following complaints:

Complaint Number 14-D007 involving AZ Defensive Driving School.

On May 31, 2014, the Division received a written complaint against Arizona Defensive Driving School containing two allegations. The complaint was investigated and the investigation yielded one additional allegation. The third allegation involved Arizona Defensive Driving School not posting advance notice on the school's website of scheduled system outages for server maintenance and upgrades.

Upon conclusion of the investigation the Investigation Summary and Allegation Analysis Report was submitted to Probable Cause Evaluator, Mike Baumstark. On September 11, 2014, the Probable Cause Evaluator determined that probable cause does not exist as to Allegations 1 and 2 but does exist as to Allegation 3 in complaint number 14-D007.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Arizona Defensive Driving School has committed the alleged act(s) of misconduct as detailed in Allegation 3 as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-D007 and has not committed the alleged act(s) of misconduct as detailed in Allegations 1 and 3 of the said Report.

It is recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for act(s) of misconduct involving ACJA §§ 7-201(F)(1); 7-205(J)(1)(d) and 7-205(F)(25)(5)(d).

It is further recommended the Board issue a Letter of Concern regarding the acts detailed in Allegation 3 and dismiss Allegations 1 and 2.

DEFENSIVE DRIVING BOARD

Meeting Agenda - Thursday, October 16, 2014

3) PENDING COMPLAINTS

3-C: Review, discussion and possible action regarding the following complaints:

Complaint Number 14-D001 involving AZ Crash Course, Larry Clapick.

On January 10, 2014, Director, David Byers, initiated a complaint against Arizona Crash Course alleging numerous instances of late fee payments, late student submission reports, the schools trust account being overdrawn and Larry Clapick offering misleading statements to Division Staff. The complaint was investigated and on September 11, 2014 PC Evaluator Mike Baumstark found that PC did exist for all 8 allegations.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding AZ Crash Course School #29 and Larry Clapick have committed the alleged act(s) of misconduct in the allegations as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-D001.

It is further recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a), (c), (h), and (k)(3), (k)(6), (k)(7), (k)(8) (k)(11), (k)(12) for act(s) of misconduct involving violations of ACJA §§ 7-201(F)(1); 7-205(F)(1)(d)7-201(F)(5)(a)(1); and ACJA §§ 7-205(F)(5)(o); 7-205(F)(12); 7-205(F)(14); 7-205(F)(22); 7-205(F)(27)(j); 7-205(F)(28)(e); 7-205(F)(28)(f); 7-205(F)(28)(f)(2);; 7-205(F)(29); 7-205(J)(1)(b)(3); 7-205(J)(1)(d).

Mitigating Factors: None

Aggravating Factors:

1. Multiple Offenses
2. Submission of False Statements
3. Refusal to Acknowledge Wrongdoing
4. Substantial experience in the Profession

It is recommended that AZ Crash Course School #29 certification be revoked.

DEFENSIVE DRIVING BOARD

Meeting Agenda - Thursday, October 16, 2014

3) PENDING COMPLAINTS

3-D: Review, discussion and possible action regarding the following complaints:

Complaint Number 14-D0012 involving West Phoenix Driving School, Instructor Abdirizak Said.

On August 19, 2014, the Division received a complaint involving West Phoenix Driving school instructor Abdirizak Said. The complaint alleged that while teaching a class on August 16, 2014, Instructor Said engaged in inappropriate behavior toward one of the school's students, dismissed the class 30 minutes early and sold snacks during class time. The case was investigated and on October 10, 2014 PC Evaluator Mike Baumstark found that PC did exist for all of the allegations.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Abedirizan Said has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-D012, 013.

It is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for act(s) of misconduct involving ACJA §§ 7-205(F)(25)(c) and 7-205(J)(2)(b).

It is further recommended the Board revoke Abedirzan Said's certification.

DEFENSIVE DRIVING BOARD
Meeting Agenda - Thursday, October 16, 2014

3) PENDING COMPLAINTS

3-E: Review, discussion and possible action regarding the following complaints:

Complaint Number 14-D010 involving Arizonadriver.com, certificate holder Julyana Berumen.

On July 25, 2014, the Division received a complaint against Arizonadriver.com. The complaint was investigated and on August 21, 2014 PC Evaluator Mike Baumstark found that PC did not exist for the allegation.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Arizonadriver.com has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary, Probable Cause Analysis and Determination Report in complaint number 14-D010.

It is further recommended the Board dismiss complaint number 14-D010

DEFENSIVE DRIVING BOARD
Agenda Summary - Thursday, October 16, 2014

3) PENDING COMPLAINTS AND RENEWAL APPLICATIONS

3-F: Update regarding the status of pending complaints.

As of October 10, 2014, there are eleven (11) open complaints, five (5) of which are being presented on this agenda with dispositive recommendations under agenda items 3-A, 3-B, 3-C, 3-D and 3-E.

DEFENSIVE DRIVING COMPLAINTS
COURTOOLS MEASURE 4
AGE OF PENDING CASELOAD
Shaded Areas Indicate Cases within Time Standard of 22 Months

Age (Months)	Number Cases	Percent	Cumulative Percent
0-4	6	55%	55%
5-9	3	27%	82%
10-14	1	9%	91%
15-19	1	9%	100%
20-22			
23-35			
36-50			
Over 50			
Total	11	100%	100%

DEFENSIVE DRIVING BOARD
Agenda Summary – Thursday, October 16, 2014

4) ADMINISTRATIVE ISSUES

4-A: Update regarding complaints processed by diversion pursuant to Administrative Order 2012-83.

DEFENSIVE DRIVING BOARD

Agenda Summary – Thursday, October 16, 2014

4) ADMINISTRATIVE ISSUES

4-B: Review, discussion, and possible action regarding the establishment of the 2015 Board meeting schedule.

The Defensive Driving Board is asked to consider and approve the 2015 meeting calendar.

Therefore, it is recommended the 2015 meeting calendar be set as follows:

February 19, 2015
April 16, 2015
June 18, 2015
August 20, 2015
October 15, 2015
December 17, 2015