DEFENSIVE DRIVING BOARD

Meeting Agenda - Thursday, December 18, 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 MINUTES ..... ***Daniel Edwards, Chair***

1-A: *Review, discussion, and possible action regarding the regular session minutes for the meeting of October 16, 2014.*

2) INITIAL CERTIFICATION AND ELIGIBILITY ..... ***Division Staff***

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

1. EZ AZ Approved
2. EZ AZ Traffic Schools
3. EZ AZ 4 Hour
4. Dismiss That Ticket Traffic School, LLC
5. Remove That Ticket Traffic School, LLC
6. AAA Driving School Corporation

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

1. Crystal Heustess
2. Carmen Schmit
3. Lucila Molinar
4. Timothy Schmit

3) PENDING COMPLAINTS.....*Division Staff*

3-A: *Review, discussion and possible action regarding complaint number 14-D005, involving certificate holder, West Phoenix Driving School.*

3-B: *Review, discussion and possible action regarding complaint number 14-D006, involving certificate holder, West Phoenix Driving School.*

3-C: *Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation in complaint number 14-D001 involving school #29, Arizona Crash Course (principal - Larry Clapick).*

3-D: *Update regarding the status of pending complaints.*

4) RENEWAL CERTIFICATION APPLICATIONS.....*Division Staff*

4-A: *Review, discussion and possible action regarding the following pending application for renewal of defensive driving school certification:*

National Driving and Traffic School

5) ADMINISTRATIVE ISSUES .....*Division Staff*

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

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

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

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1) REVIEW AND APPROVAL OF MINUTES

1-A: *Review, discussion, and possible action regarding the regular session minutes for the meeting of October 16, 2014.*

Attached for Board review and approval are the regular session minutes of the October 16, 2014 meeting.

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2) INITIAL CERTIFICATION AND ELIGIBILITY

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

1. EZ AZ Approved
2. EZ AZ Traffic Schools
3. EZ AZ 4 Hour
4. Dismiss That Ticket Traffic School, LLC
5. Remove That Ticket Traffic School, LLC
6. AAA Driving School Corporation

1. EZ AZ Approved, a classroom and internet format defensive driving school, applied for certification on November 18, 2014. The school's office is located in Tucson, Arizona. The school's owners are Paul and Johanna Hallums. The designated principal is Paul Hallums. Paul and Johanna Hallums operate the following certified schools: EZ AZ Traffic School, EZ AZ Defensive Driving, EZ AZ Licensed for All Arizona Courts, EZ AZ 4-Hour Traffic School for Quick Ticket Dismissal, EZ AZ Approved for All Arizona Courts, Online or Classroom, EZ AZ Certified Traffic School and EZ AZ Defensive Driving Services.

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

   It is recommended initial certification be granted to EZ AZ Approved.

2. EZ AZ Traffic Schools, a classroom and internet format defensive driving school, applied for certification on November 18, 2014. The school's office is located in Tucson, Arizona. The school's owners are Paul and Johanna Hallums. The designated principal is Paul Hallums. Paul and Johanna Hallums operate the following certified schools: EZ AZ Traffic School, EZ AZ Defensive Driving, EZ AZ Licensed for All Arizona Courts, EZ AZ 4-Hour Traffic School for Quick Ticket Dismissal, EZ AZ Approved for All Arizona Courts, Online or Classroom, EZ AZ Certified Traffic School and EZ AZ Defensive Driving Services.

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

   It is recommended initial certification be granted to EZ AZ Traffic Schools.

3. EZ AZ 4 Hour, a classroom and internet format defensive driving school, applied for certification on November 18, 2014. The school's office is located in Tucson, Arizona. The school's owners are Paul and Johanna Hallums. The designated principal is Paul Hallums. Paul and Johanna Hallums operate the following certified schools: EZ AZ Traffic School, EZ AZ Defensive Driving, EZ AZ Licensed for All Arizona Courts, EZ AZ 4-Hour Traffic School for Quick Ticket Dismissal, EZ AZ Approved for All Arizona Courts, Online or Classroom, EZ AZ Certified Traffic School and EZ AZ Defensive Driving Services.

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

   It is recommended initial certification be granted to EZ AZ 4 Hour.

4. Dismiss That Ticket Traffic School, LLC, a classroom and internet format defensive driving school, applied for certification on November 10, 2014. The school's office is located in Glendale, Arizona. The school's owner and designated principal is Michael Wright. Mr. Wright operates the following schools: Drop the Ticket Traffic School and Lose the Ticket, LLC.

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

   It is recommended initial certification be granted to Dismiss That Ticket Traffic School, LLC.

5. Remove That Ticket Traffic School, LLC, a classroom and internet format defensive driving school, applied for certification on November 10, 2014. The school's office is located in Glendale, Arizona. The school's owner and designated principal is Michael Wright. Mr. Wright operates the following schools: Drop the Ticket Traffic School and Lose the Ticket, LLC.

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

   It is recommended initial certification be granted to Remove That Ticket Traffic School, LLC.

6. AAA Driving School Corporation, a classroom and internet format defensive driving school, applied for certification on November 20, 2014. The school's office is located in Tucson, Arizona. The school's owners are Mark Campbell and Michael Rambaud. The designated principal is Mark Campbell.

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

   It is recommended initial certification be granted to AAA Driving School Corporation.

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

1. *Crystal Heustess*
2. *Carmen Schmit*
3. *Lucila Molinar*
4. *Timothy Schmit*

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. Crystal Heustess
2. Carmen Schmit
3. Lucila Molinar
4. Timothy Schmit

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3) PENDING COMPLAINTS

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

Complaint Number 14-D005; West Phoenix Driving School

On May 8, 2014 the Division received a complaint against West Phoenix Driving School. The allegation claimed the school allowed an ineligible student to register for a class and as a result the student's license was suspended and his vehicle was impounded. The case was investigated and on November 18, 2014, Probable Cause Evaluator Mike Baumstark found that probable cause does exist.

Recommendation:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Adde Ikar has committed the alleged acts of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-D005.

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) and (k)(3), for acts of misconduct involving violation of ACJA § 7-205(F)(25)(d)(4)(h) by allowing a student to attend and complete a defensive driving class without prescreening the individual as required by AJCA § 7-205(F)(d)(1).

It is further recommended the Board issue a Letter of Concern.

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3) PENDING COMPLAINTS

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

Complaint Number 14-D006; West Phoenix Driving School

On May 8, 2014 the Division received a complaint against West Phoenix Driving School. The allegation claimed the school was a month late submitting a student's completion report and over two months late in submitting the student's diversion payment. The case was investigated and on November 18, 2014, Probable Cause Evaluator Mike Baumstark found that probable cause does exist.

Recommendation:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Adde Ikar has committed the alleged acts of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-D006.

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 acts of misconduct involving ACJA § 7-205(F)(19) by failing to promptly remit payments to the complainant.

Mitigating factors include but are not limited to cooperative attitude towards the proceedings and inexperience in the profession.

Aggravating factors include but are not limited to the failure to timely remedy the situation upon notice of nonpayment by the complainant.

It is further recommended the Board enter a Censure for violations of ACJA § 7-205(F)(19).

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3) PENDING COMPLAINTS

3-C: Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation in complaint number 14-D001 involving school #29, Arizona Crash Course (principal - Larry Clapick).

This complaint was initially presented to the Board on October 16, 2014, at which time the Board moved to accept staff's recommendations for filing and service of Notice of Formal Statement of Charges and impose revocation.

On November 17, 2014, the Board filed the attached Notice of Formal Statement of Charges in complaint number 14-D001 involving Arizona Crash Course. Division records reflect Arizona Crash Course was served on November 21, 2014. ACJA § 7-201(H)(11) provides:

Answer to Formal Statement of Charges or Default. The certificate holder shall file an answer to the formal statement of charges within fifteen days after the date the statement is served, unless otherwise ordered by the board for good cause. Answers shall comply with Rule 8, Rules of Civil Procedure. Any defenses not raised in the answer are waived. If a certificate holder fails to file an answer within the time provided, the certificate holder is in default and the factual allegations in the formal statement of charges are deemed admitted. The board may enter a finding or findings against the certificate holder of one or more of the assertions contained in the notice.

Arizona Crash Course (Clapick) did not file an Answer or request a hearing. Therefore, it is recommended the Board enter a finding of default in complaint number 14-D001 and adopt the Factual Allegations of Misconduct contained in the Notice of Formal Statement of Charges as the Findings of Fact.

It is recommended the Board adopt the Formal Charges contained in the Notice of Formal Statement of Charges as the Conclusions of Law and issue a Final Order and Cease Desist Order revoking the certification of school #29, Arizona Crash Course.

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3) PENDING COMPLAINTS AND RENEWAL APPLICATIONS

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

As of December 15, 2014, there are nine (9) open complaints, three of which have been presented on this agenda with a dispositive recommendation under agenda items 3-A, 3-B, and 3-C.

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	4	45%	44%
5-9	4	45%	84%
10-14	1	10%	100%
15-19			
20-22			
23-35			
36-50			
Over 50			
Total	9	100%	100%

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4) RENEWAL CERTIFICATION APPLICATIONS

4-A: *Review, discussion and possible action regarding the following pending application for renewal of defensive driving school certification:*

The following certified school entity has submitted an application for renewal of standard certification. The application is complete and the certificate holder has demonstrated that they continue to meet the minimum eligibility requirements for standard certification. It is recommended renewal of standard certification be granted to the following school entity:

1. National Driving and Traffic School

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5) ADMINISTRATIVE ISSUES

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