

DEFENSIVE DRIVING BOARD

Meeting Agenda - Thursday, August 21, 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 June 19, 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 Certified Traffic School
2. EZ AZ Defensive Driving Services

2-B: Review, consideration, and possible action regarding the curriculum for the following defensive driving schools:

1. 123 EZ Ticket Dismissal
2. 123 AZ Online Driving School

3) PENDING COMPLAINTS AND RENEWAL APPLICATIONS.....Division Staff

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

1. Complaint Number 14-D003 – 2Pass Defensive Driving School
2. Complaint Number 13-D006 – 2Pass Defensive Driving

3-B: *Review, discussion and possible action regarding the following pending applications for renewal of defensive driving instructor certification:*

Gordon Fox

3-C *Review, discussion and possible action regarding the following pending applications for renewal of defensive driving school certification:*

2Pass Defensive Driving

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 applications for renewal of defensive driving instructor certification:*

1. Dennis Lee Arseneau
2. Frank Felix
3. Elaine Lewis
4. Robert Hall
5. Thomas Gammill
6. Robert Simmons
7. Albert Aronson
8. Eduardo Hernandez
9. Claude Ah Sing
10. David Williams
11. Stephanie Wilson
12. Michael Broughton

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

Southwest Traffic School

5) ADMINISTRATIVE ISSUES *Division Staff*

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

5-B: *Update regarding School #415, Super Fly Defensive Driving.*

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

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

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1) REVIEW AND APPROVAL OF MINUTES

I-A: Review, discussion, and possible action regarding the regular session minutes for the meeting of June 19, 2014.

Attached for Board review and approval are the regular session minutes of the June 19, 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 Certified Traffic School
2. EZ AZ Defensive Driving Services

1. EZ AZ Certified Traffic School, a classroom and internet format defensive driving school, applied for certification on July 23, 2014. The school's office is located in Tucson, Arizona. The school's owners are Paul Hallums and Johanna Hallums. The designated principal is Paul Hallums. Mr. Hallums operates the following certified schools: EZ AZ Traffic School, EZ AZ Defensive Driving, EZ AZ Licensed for All Arizona Courts, EZ AZ Four-Hour Traffic School for Quick Ticket Dismissal and EZ AZ Approved for All Arizona Courts, Online or Classroom.

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

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

2. EZ AZ Defensive Driving Services, a classroom and internet format defensive driving school, applied for certification on July 23, 2014. The school's office is located in Tucson, Arizona. The school's owners are Paul Hallums and Johanna Hallums. The designated principal is Paul Hallums. Mr. Hallums operates the following certified schools: EZ AZ Traffic School, EZ AZ Defensive Driving, EZ AZ Licensed for All Arizona Courts, EZ AZ Four-Hour Traffic School for Quick Ticket Dismissal and EZ AZ Approved for All Arizona Courts, Online or Classroom.

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

It is recommended initial certification be granted to EZ AZ Defensive Driving Services.

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2) INITIAL CERTIFICATION AND ELIGIBILITY

2-B: Review, consideration, and possible action regarding the curriculum for the following defensive driving schools:

1. 123 EZ Ticket Dismissal
2. 123 AZ Online Driving School

123 EZ Ticket Dismissal and 123 AZ Online Driving School are internet format defensive driving schools. Both schools are owned by Kristi Mielke. The designated principal is Kristi Mielke. The school had contracted, on initial certification, to use another school's approved curriculum. The owner and principal submitted a new curriculum for review on July 26, 2014.

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

It is recommended the curriculum for 123 EZ Ticket Dismissal and 123 AZ Online Driving School be approved for use by the schools.

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3) PENDING COMPLAINTS AND RENEWAL APPLICATIONS

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

1. Complaint Number 14-D003 – 2Pass Defensive Driving School
2. Complaint Number 13-D006 – 2Pass Defensive Driving School

1. Complaint Number 14-D003 – 2Pass Defensive Driving School:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Gordon Fox has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-D003.

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 § 7-205(F)(28)(f)(2) by failing to transmit the court diversion fees and remittance report to the court in a timely manner. In making this recommendation, Staff recognizes that substantial harm and inconvenience was caused to the student. Staff has also considered that the violation appears to be isolated in nature, appears to be an inadvertent error and that Certificate Holder has no other recent disciplinary history.

It is further recommended the Board issue a Letter of Concern for violation of ACJA §7-205(F)(28)(f)(2).

2. Complaint Number 13-D006 – 2Pass Defensive Driving School:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(a) for misconduct involving ACJA § 7-205(F)(25)(a)(4)(a) and ACJA § 7-205(F)(27)(f) and issue a Letter of Concern.

Staff recognizes that a Letter of Concern is the lowest form of informal discipline. Staff’s recommendation is premised on the fact that Staff’s investigation indicated that the Certificate Holder was misinformed by the student concerning whether a Court had granted an extension. While the ACJA does require the Certificate Holder to notify the Court of completion under the facts of this situation, Staff believes the Certificate Holder acted in good faith in failing to do so and therefore should be cautioned against taking the same action in the future.

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3) PENDING COMPLAINTS AND RENEWAL APPLICATIONS

3-B: *Review, discussion and possible action regarding the following pending application for renewal of defensive driving instructor certification:*

1. Gordon Fox

The following certificate holder has submitted an application for renewal of defensive driving instructor certification. The application is complete. Applications were randomly audited for continuing education have provided their documentation. No information has been presented during the background which is contrary to renewal of certification being granted. The certificate holder has demonstrated they continue to meet the minimum eligibility requirements for certification. It is recommended renewal of certification be granted to the following individual:

1. Gordon Fox

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3) PENDING COMPLAINTS AND RENEWAL APPLICATIONS

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

1. 2Pass Defensive Driving School

The following certified school has submitted an application for renewal of standard certification. The application is complete, no information has been presented during the background which is contrary to renewal of standard certification being granted, and the certificate holder has demonstrated they meet the minimum eligibility requirements for standard certification. It is recommended renewal of standard certification be granted to the following school entity:

1. 2Pass Defensive Driving

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3) PENDING COMPLAINTS AND RENEWAL APPLICATIONS

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

As of August 15, 2014, there are eleven (11) open complaints, two (2) of which are being presented on this agenda with dispositive recommendations under agenda item 3-A.

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%

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4) RENEWAL CERTIFICATION APPLICATIONSDivision Staff

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

The following certificate holders have submitted applications for renewal of defensive driving instructor certification. The applications are complete, those who were randomly audited for continuing education have provided their documentation and no information has been presented during the background investigation which is contrary to renewal of certification being granted. These certificate holders have demonstrated they continue to meet the minimum eligibility requirements for certification. Therefore, it is recommended that renewal of certification be granted to the following individuals:

1. Dennis Lee Arseneau
2. Frank Felix
3. Elaine Lewis
4. Robert Hall
5. Thomas Gammill
6. Robert Simmons
7. Albert Aronson
8. Eduardo Hernandez
9. Claude Ah Sing
10. David Williams
11. Stephanie Wilson

The following renewal applications were received and processed for Board review:

12. Michael Broughton – On his application for renewal of his defensive driving instructor certification, Mr. Broughton failed to disclose a civil suit to which he was a party. Per Mr. Broughton, the civil suit was a result of his falling behind on his monthly payments on a personal line of credit. The certificate holder stated that he made attempts to resolve the debt and offered to negotiate monthly payments but the bank was not willing to compromise on the debt amount. Mr. Broughton stated that he did not hear from the bank for three years and then was served with the complaint for case number CV2013-093324. Upon receiving the complaint, the certificate holder states that he contacted the attorneys representing the creditor and worked out a payment plan to pay off the debt. Mr. Broughton said that he failed to disclose the civil suit on his application due to the turmoil he was experiencing in his life at the time of renewal, the specifics of which are included in his response provided in the Board materials. Staff did not identify

indications of fraud or misconduct in the civil complaint filed and the court documents indicate that the certificate holder took appropriate measures to resolve the debt, staff's recommendation is to grant renewal of certification but include the following language in the notification of the Board's decision to renew:

The Board has concluded its review of your application and determined you have satisfied the requirements for renewal of certification. Although the Board is granting your renewal, the Board members have concerns regarding your failure to disclose your civil litigation. Lack of diligence is not a quality embraced by the Defensive Driving Board members or your colleagues in the profession, and may jeopardize your success in the future. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of certification or disciplinary action.

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4) RENEWAL CERTIFICATION APPLICATIONS

4-B: 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, no information has been presented during the background which is contrary to renewal of standard certification being granted, and the certificate holder has demonstrated they meet the minimum eligibility requirements for standard certification. It is recommended renewal of standard certification be granted to the following school entity:

1. Southwest Traffic School

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5) ADMINISTRATIVE ISSUES

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

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5) ADMINISTRATIVE ISSUES

5-B: Update regarding School #415, Super Fly Defensive Driving.

Super Fly Defensive Driving was certified at the June 19th Defensive Driving Board meeting contingent on Kevin Frei, the principal, being able to secure one or more of the trade names he verbally listed to the Board at that time.

Mr. Frei was able to register the trade name Super Fly Defensive Driving on June 21, 2014. The school is therefore certified and is currently operating by that name.