



DEFENSIVE DRIVING BOARD

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Hearing Room 109

December 17, 2015
10:00 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Daniel Edwards
Walter (Jack) Weberg
William (Patch) Pachnowski

Telephonically Present:

Margaret Stephens-Reed
Honorable Maria Brewer
Thomas Davis
Paul Hallums

Absent:

Melissa Caraker

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Anne Hunter
Deborah MacDougall
Wendy Reiter
Chris DeWitt
Hal White
Will Castro
Arnita Oliver

Guests:

Mark Campbell
Michael Truscio
Margaret Bobbitt
Andrea Tazioli
David Funkhouser
Audra Hatch
Katie Cruz
Bill Riedel

CALL TO ORDER

Called to Order By: Daniel Edwards, Chair

Time: 10:00 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review, discussion, and possible action regarding the regular session minutes for the meeting of October 29, 2015.*

Individual Addressing the Board: Daniel Edwards

Discussion: None

Motion: Move to accept the regular session minutes of October 29, 2015.

Motion Proposals: First Jack Weberg
Second Bill Pachnowski

Motion Results: Pass

2) INITIAL CERTIFICATION AND ELIGIBILITY

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

- 1. Affordable Online Traffic School, LLC.*
- 2. Highway Traffic School*
- 3. DriveSafe Online*
- 4. DSC On-Line, Inc.*
- 5. Drive Safe*

Individual Addressing the Board: Chris DeWitt

Discussion: It is recommended granting certification to Affordable Online Traffic School, LLC but include the following language in the notification of the Board's decision:

The Board has concluded its review of your application and determined you have satisfied the requirements for certification. Although the Board is granting your certification, 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.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Tom Davis

Motion Results: Pass

Individual Addressing the Board: Christ DeWitt

Discussion: It is recommended granting initial certification to Highway Traffic School.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Bill Pachnowski

Motion Results: Pass

Individual Addressing the Board: Chris DeWitt

Discussion: It is recommended granting certification and include the following language in the notification of the Board's decision for the following schools:

- DriveSafe Onlie
- DSC On-Line
- Drive Safe

The Board has concluded its review of your application and determined you have satisfied the requirements for certification. Although the Board is granting your certification, 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.

Motion: Move to defer the above-named schools until the next meeting.

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

1. **Mark Gotsch**
2. **Murray Peer**
3. **Maureen LeGeune**

Individual Addressing the Board: Wendy Reiter

Discussion: It is recommended granting initial certification to the following applicants:

1. Mark Gotsch
2. Murray Peer

Motion: Move to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Bill Pachnowski

Motion Results: Pass

Individual Addressing the Board: Wendy Reiter

Discussion: It is recommended granting initial certification to Maureen LeGeune but include the following language in the notification of the Board's decision:

The Board has concluded its review of your application and determined you have satisfied the requirements for certification. Although the Board is granting your certification, 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.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Bill Pachnowski
Second Jack Weberg

Motion Results: Pass

3) PENDING COMPLAINTS

3-A: Review, discussion and possible action regarding complaint number 15-D007, involving AZ Defensive Driving School.

Individual Addressing the Board: Hal White

Discussion: **Complaint No. 15-D007 – AZ Defensive School** – On July 7, 2015, the Division received a written complaint from Scottsdale City Court stating that a student completed AZ Driving School course on June 19, 2015, but the completion was not reported to the court until July 6, 2015, causing the judge to enter a default as to the student's case.

Upon conclusion of the investigation, the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. On October 30, 2015, Evaluator Baumstark entered a finding probable cause exists as to Allegation 1.

It is recommended the Board issue a Letter of Concern.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Bill Pachnowski
Second Paul Hallums
Recused Daniel Edwards

Motion Results: Pass

3-B: Review, discussion and possible action regarding complaint number 15-D008, involving Ticket Dismissal of AZ.

Individual Addressing the Board: Hal White

Discussion: **Complaint No. 15-D008 – Ticket Dismissal of AZ** – On July 8, 2015, the Division received a written complaint from Scottsdale City Court

stating that a student completed Ticket Dismissal of AZ's course on May 2, 2015, but the completion was not reported to the court until July 8, 2015, causing the judge to enter a default as to the student's case.

Upon conclusion of the investigation the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. On October 30, 2015, Evaluator Baumstark entered a finding probable cause does exist as to Allegation 1.

It is recommended the Board issue a Letter of Concern.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Bill Pachnowski
Second Paul Hallums
Recused Daniel Edwards

Motion Results: Pass

3-C: *Review, discuss and possible action regarding proposed settlement of: (i) the pending Board action against the certification of Easy Simple Fun Defensive Driving and (ii) possible Board actions against the certifications of:*

- *Payless-EZ-Speedy Arizona Online Defensive Driving*
- *U-Save... Easy 4U... Fun 2 Arizona Defensive Driving Online*
- *EASIER... AFFORDABLE... FUN... Arizona Defensive Driving Online*
- *QUICK... BARGAIN... EASY... Arizona Defensive Driving Online*
- *Easy-Fun-Arizona-Defensive- Driving-Online*
- *Arizona-Express In-N-Out Defensive Driving Online*
- *4-Less... Simple As 123... Arizona Defensive Driving Online*
- *PAY-4-LESS... SIMPLE... FUN... Arizona Defensive Driving Online*
- *LOW COST... QUICK-N-EASY... Arizona Defensive Driving Online*
- *EASY... PAY-4-LESS... FUN... Arizona Licensed Defensive Driving*
- *LOW PRICE... SIMPLE... EASY... Arizona Licensed Defensive Driving*

Individual Addressing the Board: Anne Hunter

Discussion: The terms of "Offer of Compromise" are as follows:

1. Easy Simple will agree to a 30-day suspension. Easy Simple will also agree to be placed on probation for a six month period. During this probationary period, Easy Simple will agree to report any complaint to the Defensive Driving Board regarding a school specific receipt or certificate.
2. All of Borna Mozafari's schools (with the exception of Payless...Easier...Fun...AZ Licensed Defensive Driving and

Easy...Low Cost...Simple...Arizona Approved Defensive Driving), shall also be placed on probation for a six month period. During the probationary period, these schools will agree to report any complaint to the Defensive Driving Board regarding a school specific receipt or certificate. Mr. Mozafari is also willing to accept a Censure with regards to these schools.

3. Mr. Mozafari will affirmatively agree to operate his schools in accordance with the Certification and Licensing Program provisions of the Arizona Code of Judicial Administration

Additionally, Marla Keller hereby makes the following Offer of Compromise with regards to her schools:

1. All of Ms. Keller's schools will receive a Letter of Concern pertaining to an allegation that these schools failed to provide a readily accessible code compliant receipt/certificate.
2. Ms. Keller will affirmatively agree to operate her schools in accordance with the Certification and Licensing Program provisions of the Arizona Code of Judicial Administration.

Division staff have confirmed that Mr. Mozafari's and Ms. Keller's schools are providing code compliant receipts and are no longer offering completion certificates for sale.

Motion: Move to accept staff's recommendation and accept the Offer of Compromise as stated.

Motion Proposals: First Paul Hallums
Second Bill Pachnowski

Motion Results: Pass

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

Individual Addressing the Board: Debbie MacDougall

Discussion: As of December 9, 2015, there are 21 open complaints, two of which have been presented on this agenda with dispositive recommendations under agenda items 3-A and 3-B.

4) ADMINISTRATIVE ISSUES

4-A: Review and discussion regarding certification process if applicant has a pending complaint.

Individual Addressing the Board: Mark Wilson

Discussion: Discussion is held regarding the Division's certification process when there are open complaints against a certificate holder.

Staff informed the Board that based on legal advice, the current practice is to delay processing an application until a complaint is resolved.

The Division will come up with a firm policy and anticipates placing this issue on the next agenda.

4-B: Review and discussion regarding the number of schools that can be owned by one individual.

Individual Addressing the Board: Mark Wilson

Discussion: Discussion is held regarding the number of schools that one owner can have. The code does not address a limit as the schools are considered to be separate certificate holders and treated as such. The Division will continue to look at this issue and discuss it with the Board.

5) SUBCOMMITTEE CONCERNING SCHOOL NAMES

5-A: Update on subcommittee concerning defensive driving school names.

Individual Addressing the Board: Anne Hunter

Discussion: A brief update is provided concerning possible code changes. The subcommittee is in the process of drafting code language and will be scheduling another meeting in the near future.

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Jack Weberg

Motion Results: Second Bill Pachnowski
Pass

Time: 10:51 a.m.