



Defensive Driving Board

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

February 18, 2016
10:00 a.m.

Draft Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Daniel Edwards
Walter (Jack) Weberg
William (Patch) Pachnowski
Thomas Davis
Paul Hallums
Honorable Maria Brewer

Telephonically Present:

Margaret Stephens-Reed
Melissa Caraker

Absent:

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Anne Hunter
Debbie MacDougall
Wendy Reiter
Chris DeWitt
Hall White
Will Castro
Pasquale Fontana
Arnita Oliver

Guests:

Kevin Frei
Mark Campbell
Kristi Mielke
Michael Wright
Debbie Grado

CALL TO ORDER

Called to Order By: Daniel Edwards, Chair

Time: 10:01 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review, discussion, and possible action regarding the regular session minutes for the meeting of December 17, 2015.*

Individual Addressing the Board: Daniel Edwards, Chair

Discussion: None

Motion: Consideration of and motion to approve the regular session minutes of the meeting on December 17, 2015.

Motion Proposals: First Jack Weberg
Second Bill Pachnowski

Motion Results: Pass

2) PRESENTATION CONCERNING DIVISION PRACTICE

2-A: *Presentation, discussion, and possible action regarding Division practice in presenting applicants for certification or renewal when a pending complaint exists.*

Individual Addressing the Board: Mark Wilson

Discussion: Information regarding the Division's current practice concerning processing applications is provided and discussed with the Board.

Staff proposes that the Division continue to process applications if the pending complaint does not appear to warrant formal discipline; and will hold initial and renewal applications if the pending complaint appears to be at risk of suspension or revocation.

3) **INITIAL CERTIFICATION AND ELIGIBILITY:**

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

1. *DriveSafe Online*
2. *DSC On-Line, Inc.*
3. *Drive Safe*
4. *RIGHT TURN Easy Ticket Dismissal Course*
5. *RIGHT TURN 4 Hour Online School*
6. *RIGHT TURN 4 Hour Classroom Course*
7. *RIGHT TURN 4 U Traffic School*
8. *RIGHT TURN Points Dismissal Course*
9. *Online at Your Pace Defensive Driving School*
10. *Online Traffic Ticket Dismissal*
11. *At Home or Mobile Defensive Driving Online*
12. *Accelerated Traffic School, Inc.*
13. *Accelerated Defensive Driving School Online*
14. *Ticket Dismissal Online Defensive Driving*
15. *Traffic School Online*
16. *Too Fast! Defensive Driving*
17. *Defensive Driving Online AZ*
18. *Exclusive Defensive Driving*
19. *DROP THE TICKET AZ TRAFFIC SCHOOL, LLC*
20. *DISMISS THAT TICKET AZ TRAFFIC SCHOOL, LLC*

Individual Addressing the Board: Chris DeWitt

Discussion: It is recommended that the Board grant initial certification but include the following language in the notification of the Board's decision to the following applicants:

1. DriveSafe Online
2. DSC On-Line, Inc.
3. 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: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Tom Davis
Recused Bill Pachnowski and Paul Hallums

Motion Results: Pass

Individual Addressing the Board: Chris DeWitt

Discussion: It is recommended that the Board grant initial certification but include the following language in the notification of the Board's decision to the following applicants:

4. RIGHT TURN Easy Ticket Dismissal Course
5. RIGHT TURN 4 Hour Online School
6. RIGHT TURN 4 Hour Classroom Course
7. RIGHT TURN 4 U Traffic School
8. RIGHT TURN Points Dismissal Course

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: Consideration of and motion to accept staff's recommendation

Motion Proposals: First Judge Maria Brewer
Second Jack Weberg
Recused Paul Hallums

Motion Results: Pass

Individual Addressing the Board: Chris DeWitt

Discussion: It is recommended that the Board grant initial certification to the following applicants:

- 9. Online at Your Pace Defensive Driving School
- 10. Online Traffic Ticket Dismissal
- 11. At Home or Mobile Defensive Driving Online

Motion: Consideration of and motion to accept staff's recommendation

Motion Proposals: First Paul Hallums
Second Bill Pachnowski

Motion Results: Pass

Individual Addressing the Board: Chris DeWitt

Discussion: It is recommended that the Board grant initial certification to the following applicants:

- 12. Accelerated Traffic School, Inc.
- 13. Accelerated Defensive Driving School Online
- 14. Ticket Dismissal Online Defensive Driving

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Tom Davis
Second Jack Weberg
Recused Paul Hallums and Bill Pachnowski

Motion Results: Pass

Individual Addressing the Board: Chris DeWitt

Discussion: It is recommended that the Board grant initial certification to the following applicants:

- 15. Traffic School Online
- 16. Too Fast! Defensive Driving
- 17. Defensive Driving Online AZ
- 18. Exclusive Defensive Driving

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Judge Maria Brewer
Recused Bill Pachnowski and Paul Hallums

Motion Results: Pass

Individual Addressing the Board: Chris DeWitt

Discussion: It is recommended that the Board grant initial certification to the following applicants:

19. DROP THE TICKET AZ TRAFFIC SCHOOL LLC
20. DISMISS THAT TICKET AZ TRAFFIC SCHOOL LLC

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Judge Maria Brewer
Second Bill Pachnowski

Motion Results: Pass

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

1. Hovannes Stepanian
2. Elizabeth Klehfoth
3. Saed Qerbash
4. Austin Tun
5. John Barnes

Individual Addressing the Board: Wil Castro

Discussion: It is recommended that the Board grant initial certification to the following applicants:

1. Hovannes Stepanian
2. Elizabeth Klehfoth
3. Saed Qerbash
4. Austin Tun

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Tom Davis
Second Paul Hallums

Motion Results: Pass

Individual Addressing the Board: Wendy Reiter

Discussion: It is recommended that the Board grant initial certification to the following applicant **John Barnes**, but include the following non-disclosure language in the notification of certification to address his failure to disclose the 2009 civil suit:

The Defensive Driving Board (“Board”) has concluded its review of your application and determined you have satisfied the eligibility requirements for certification. Although the Board is granting you certification, the Board members have concerns regarding the failure to disclose your <insert failure to disclose>. Lack of diligence is not a quality embraced by the Board or your colleagues in the profession, and may jeopardize your success. 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: Consideration of and motion to accept staff’s recommendation.

Motion Proposals: First Bill Pachnowski
Second Paul Hallums

Motion Results: Pass

4) PENDING COMPLAINTS

4-A: *Review, discussion and possible action regarding complaint number 15-D004, involving AZ Defensive Driving School.*

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Arizona Defensive Driving School has not committed the alleged act(s) of misconduct as detailed in Allegation 1 but has committed the alleged act(s) as detailed in Allegation 2 of the Investigation Summary and Allegation Analysis Report in complaint number 15-D004.

It is further recommended that the Board issue a Letter of Concern as to Allegation 2.

Motion: Consideration of and motion to accept staff’s recommendation.

Motion Proposals: First Paul Hallums
Second Jack Weberg

Motion Results: Pass

4-B: *Review, discussion and possible action regarding complaint number 15-D010, involving 123 AZ Online Driving School.*

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding 123 Online Driving School has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D010.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Bill Pachnowski

Motion Results: Pass

4-C: Review, discussion and possible action regarding complaint number 15-D011, involving EZ AZ Traffic School.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding EZ AZ Traffic School has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D011.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Tom Davis
Recused Paul Hallums and Bill Pachnowski

Motion Results: Pass

4-D: Review, discussion and possible action regarding complaint number 15-D012, involving EZ AZ Defensive Driving.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding EZ AZ Defensive Driving School has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D012.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Tom Davis
Recused Paul Hallums and Bill Pachnowski

Motion Results: Pass

4-E: Review, discussion and possible action regarding complaint number 15-D013, involving EZ AZ Licensed for All AZ Courts.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding EZ AZ Licensed for All AZ Courts has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D013.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Tom Davis
Second Jack Weberg
Recused Paul Hallums and Bill Pachnowski

Motion Results: Pass

4-F: Review, discussion and possible action regarding complaint number 15-D014, involving EZ AZ 4-Hour Traffic School for Quick Ticket Dismissal.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding EZ AZ 4-Hour Traffic School for Quick Ticket Dismissal has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D014.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Tom Davis
Second Jack Weberg

Motion Results: Recused Paul Hallums and Bill Pachnowski
Pass

4-G: Review, discussion and possible action regarding complaint number 15-D015, involving EZ AZ Approved for All AZ Courts, Online or Classroom.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding EZ AZ Approved for All AZ Courts, Online or Classroom has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D015.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Tom Davis
Recused Paul Hallums and Bill Pachnowski

Motion Results: Pass

4-H: Review, discussion and possible action regarding complaint number 15-D016, involving EZ AZ Certified Traffic School

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding EZ AZ Certified Traffic School has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D016.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Tom Davis
Recused Paul Hallums and Bill Pachnowski

Motion Results: Pass

4-I: Review, discussion and possible action regarding complaint number 15-D017, involving EZ AZ Defensive Driving Services.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding EZ AZ Defensive Driving Services has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D017.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Tom Davis
Second Jack Weberg
Recused Paul Hallums and Bill Pachnowski

Motion Results: Pass

4-J: Review, discussion and possible action regarding complaint number 15-D018, involving EZ AZ AAA Traffic School.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding EZ AZ AAA Traffic School has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D018.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Tom Davis
Second Jack Weberg
Recused Paul Hallums and Bill Pachnowski

Motion Results: Pass

4-K: Review, discussion and possible action regarding complaint number 15-D019, involving EZ AZ Traffic Schools.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding EZ AZ Traffic Schools has committed the

alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D019.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Tom Davis
Recused Paul Hallums and Bill Pachnowski

Motion Results: Pass

4-L: Review, discussion and possible action regarding complaint number 15-D020, involving EZ AZ 4 Hour.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding EZ AZ 4 Hour has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D020.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Jack Weberg
Second Tom Davis
Recused Paul Hallums and Bill Pachnowski

Motion Results: Pass

4-M: Review, discussion and possible action regarding complaint number 15-D022, involving EZ AZ Traffic School.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding EZ AZ Traffic School has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15- D022.

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

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Tom Davis

Second Bill Pachnowski
Recused Paul Hallums

Motion Results: Pass

4-N: Review, discussion and possible action regarding the Division Director dismissal of complaint number 15-D021.

Individual Addressing the Board: Debbie MacDougall

Discussion: Pursuant to ACJA § 7-201(H)(1)(g)(3), complaints dismissed by the Division Director are CONFIDENTIAL and not a matter of public record. If the Board wishes to address specific details regarding this matter, it is recommended the Board enter Executive Session to discuss matters confidential.

Complaint Number 15-D021:

On February 9, 2016, Division Director Wilson dismissed complaint number 15-D021 with prejudice after being notified by the complainant that the complaint was erroneously submitted. Notice of the dismissal was not forwarded to the complainant based on the notification received by the Division.

It is recommended the Board affirm the dismissal.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Bill Pachnowski
Second Tom Davis
Recused Daniel Edwards

Motion Results: Pass

4-O: Update regarding the status of pending complaints.

Individual Addressing the Board: Debbie MacDougall

Discussion: As of February 11, 2016, there are 21 open complaints, 14 of which have been presented on this agenda with dispositive recommendations under agenda items 4-A through 4-N.

5) ADMINISTRATIVE ISSUES:

5-A: Update regarding the status of renewal applications.

Individual Addressing the Board: Mark Wilson

Discussion: An update is provided to the Board.

6) SUBCOMMITTEE CONCERNING SCHOOL NAMES:

6-A: *Review, discussion and possible action regarding the Defensive Driving Subcommittee on School Names recommended amendments to ACJA § 7-205.*

Individual Addressing the Board: Anne Hunter

Discussion: A brief update is provided concerning possible code language amendments which will give the Board more authority when it comes to denying schools based on the school names. The proposed amendments have been submitted and will be posted for public comments.

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Jack Weberg
Second Bill Pachnowski

Motion Results: Pass

Time: 11:00 a.m.

Initials: AO