

DEFENSIVE DRIVING BOARD

Meeting Agenda - Thursday, October 20, 2016

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 August 18, 2016.

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

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

1. Epic Defensive Driving School
2. Complete Defensive Driving School
3. Safety First Defensive Driving
4. No More Points Traffic School
5. Slow Down! Traffic School
6. 123 Traffic School
7. Slow It Down Traffic School
8. Why Wait Traffic School
9. Simple Defensive Driving
10. Point Be Gone Traffic School
11. Make Driving Safe Again Arizona Driving School
12. RIGHT TURN Easy 4 Hour Online School
13. RIGHT TURN Online Easy 4 Hour Traffic School
14. RIGHT TURN 4 Hour Online Traffic School
15. RIGHT TURN 4 Hour Easy Online Traffic School
16. Funny Driving, LLC

17. *****CHEAPEST... FASTEST... BESTEST... ONLINE TRAFFIC SCHOOL*****
18. *****SUPER... DUPER... QUICK... AND... EASY... ONLINE TRAFFIC SCHOOL*****
19. *****EASY... BREEZY... CHEAP... AND... SPEEDY... ONLINE TRAFFIC SCHOOL

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

1. Dennis Harder
2. Scott Salthun
3. Diana J. Stapp
4. Roberto G. Villarreal
5. Hector Romero
6. Edwin Ferris, III

3) RENEWAL CERTIFICATION APPLICATIONS.....Division Staff

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

1. Franklin Robinson
2. Thomas Gammill

4) PENDING COMPLAINTS.....Division Staff

4-A: *Review, discussion and possible action regarding complaint number 15-D025, involving Improv Traffic School.*

4-B: *Review, discussion and possible action regarding complaint number 16-D003, involving Improv Traffic School.*

4-C: *Review, discussion and possible action regarding complaint number 15-D027, involving Right Turn Only Traffic School.*

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

5) ADMINISTRATIVE ISSUESDivision Staff

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 August 18, 2016.

Attached for Board review and approval are the regular session minutes of the August 18, 2016 meeting.

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2) INITIAL CERTIFICATION AND ELIGIBILITY

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

1. Epic Defensive Driving School
2. Complete Defensive Driving School
3. Safety First Defensive Driving
4. No More Points Traffic School
5. Slow Down! Traffic School

The above-named schools are classroom and internet format defensive driving schools. They applied for certification on June 14, 2016. The school's office is located in Issaquah, Washington. The school's owner is David Irons. The school's principal is Alex Smith. The schools are also known as Ticket Dismissal Online Defensive Driving, Accelerated Defensive Driving School Online and Accelerated Traffic School, Inc.

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

It is recommended initial certification be granted to Epic Defensive Driving School, Complete Defensive Driving School, Safety First Defensive Driving, No More Points Traffic School and Slow Down! Traffic School.

6. 123 Traffic School

The above-named school is a classroom and internet format defensive driving school. It applied for certification on June 14, 2016. The school's office is located in Issaquah, Washington. The school's owners are David Irons and Jeffrey Chase. The school's principal is Alex Smith. The schools are also known as National Traffic Safety Institute, Defensive Driving AZ, Defensive Driving School, Avoid the Points Defensive Driving, Defensive Driving School Online, Defensive Driving Online Ticket Dismissal, Certified Defensive Driving School Online, Discount Defensive Driving School Online, Traffic School Online, Too Fast! Defensive Driving, Defensive Driving Online AZ and Exclusive Defensive Driving.

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

It is recommended initial certification be granted to 123 Traffic School.

7. Slow It Down Traffic School
8. Why Wait Traffic School
9. Simple Defensive Driving
10. Point Be Gone Traffic School

11. Make Driving Safe Again Arizona Driving School

The above-named schools are classroom and internet format defensive driving schools. They applied for certification on June 14, 2016. The school's office is located in Issaquah, Washington. The school's owner is Lydia Zuniga-Chase. The school's principal is Alex Smith. The schools are also known as Drive Safe Online, Drive Safe Course Online and Drive Safe.

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

It is recommended initial certification be granted to Slow It Down Traffic School, Why Wait Traffic School, Simple Defensive Driving, Point Be Gone Traffic School and Make Driving Safe Again Arizona Driving School.

12. RIGHT TURN Easy 4 Hour Online School
13. RIGHT TURN Online Easy 4 Hour Traffic School
14. RIGHT TURN 4 Hour Online Traffic School
15. RIGHT TURN 4 Hour Easy Online Traffic School

The above-named schools are classroom and internet format defensive driving schools. They applied for certification on July 20, 2016. The school's office is located in Tucson, Arizona. The school's owners are Mark Campbell and Michael Rambaud. The school's principal is Mark Campbell. The schools are also known as RIGHT TURN Easy 4 Hour Traffic School, RIGHT TURN Traffic School, RIGHT TURN 4 Hour Online Easy Traffic School, RIGHT TURN Online Defensive Driving School, RIGHT TURN Easy Online Traffic School, RIGHT TURN Online Easy 4 Hour School, RIGHT TURN Easy Ticket Dismissal School, RIGHT TURN 4 Hour Online School, RIGHT TURN Online & Classroom Traffic School, RIGHT TURN Online 4 Hour Traffic School, RIGHT TURN Easy 4 Hour Online Traffic School.

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

On September 20, 2016 the division received the application and supporting documentation pertaining to the sale of the above named RIGHT TURN schools to Regis Registration Systems, LLC. The owners of the company are Branson (Tony) Smith, Hugh Jones, Michael Rambaud, Sandra Smith and Mark Campbell. Background checks were conducted on all parties named on the application.

It is recommended initial certification be granted to RIGHT TURN Easy 4 Hour Online School, RIGHT TURN Online Easy 4 Hour Traffic School, RIGHT TURN 4 Hour Online Traffic School and RIGHT TURN 4 Hour Easy Online Traffic School.

16. Funny Driving, LLC

The above-named school is an internet format defensive driving school. It applied for certification on February 12, 2016. The school's office is located in Houston, Texas. The school's owners are Jeffrey Bitner, Damion McHenry and Mario Pozo. The school's principal is Jeffrey Bitner.

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

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

- 17. *****CHEAPEST... FASTEST... BESTEST... ONLINE TRAFFIC SCHOOL*****
- 18. *****SUPER... DUPER... QUICK... AND... EASY... ONLINE TRAFFIC SCHOOL*****
- 19. *****EASY... BREEZY... CHEAP... AND... SPEEDY... ONLINE TRAFFIC SCHOOL

The above-named schools are internet format defensive driving schools. They applied for certification on August 18, 2016. The school's office is located in Gilbert, Arizona. The school's owners are Joseph and Laura Kerby. The school's principal is Joseph Kerby. The schools are also known as Affordable Online Traffic School, LLC.

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

It is recommended initial certification be granted to *****CHEAPEST... FASTEST... BESTEST... ONLINE TRAFFIC SCHOOL*****, *****SUPER... DUPER...QUICK... AND... EASY... ONLINE TRAFFIC SCHOOL*****, *****EASY... BREEZY... CHEAP... AND... SPEEDY... ONLINE TRAFFIC SCHOOL*****.

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2) INITIAL CERTIFICATION AND ELIGIBILITY

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

The following applicants applied for their Defensive Driving Initial Certification. They have passed the Arizona Court examination. They have met the minimum qualifications under ACJA and supplied the required paperwork. They have all supplied compliant certified driving records. Staff recommends initial certification for the following individuals:

1. Dennis Harder
2. Scott Salthun
3. Diana J. Stapp
4. Roberto G. Villarreal applied for Defensive Driving Initial Certification on July 15, 2016. Mr. Villarreal has met the minimum qualifications under code and supplied a certified copy of his driving history, which also met code qualifications.

Mr. Villarreal disclosed a Chapter 7 Bankruptcy which was finalized April 6, 2009. Division looked at the bankruptcy and found no adversarial complaints.

Mr. Villarreal also disclosed an April 2014 domestic violence arrest and subsequent order of protection issued on the same date. A dissolution of marriage was also finalized in December 2014. Mr. Villarreal was asked for and produced the police reports regarding the domestic violence arrest. The police report said the husband alleged holding wife's wrists and face causing red marks and throwing a box of cereal across the room. The Division noted the court dismissed this misdemeanor case after Mr. Villarreal completed diversion and parenting classes. The Division also requested the police reports from Sahaurita Police Department which matched what Mr. Villarreal produced.

Mr. Villarreal disclosed a failure to stop for a red light violation in the past twenty-four months. ACJA states Mr. Villarreal may not have more than one moving violation in the past twenty-four months.

Staff recommends initial certification for Roberto Villarreal as a Defensive Driving Instructor.

5. Hector Romero applied for Defensive Driving Initial Certification on September 28, 2016. Mr. Romero has met the minimum qualifications under code and supplied a certified copy of his driving history which also met code qualifications. Mr. Romero disclosed in his affidavit a 1997

out of state DUI and subsequent California driver's license suspension, a Chapter 7 Bankruptcy, a termination from employment and a 2014 Nevada speeding ticket.

Mr. Romero disclosed his 1997 DUI and stated that after he received the DUI and before he finished paying the fines, he was injured and unable to work. Once he was unable to work, he was unable to pay the fine resulting in his license being suspended. Mr. Romero declared bankruptcy in 2000. There were no adversarial complaints in Mr. Romero's bankruptcy.

Regarding the termination from employment Mr. Romero disclosed,

"In January 2014, I was terminated from a company named Vemma. The allegation was that I made a racially inappropriate comment. The incident revolved a [sic] situation when someone's vehicle had been tampered in the company lot. A big stir was raised as to the concern of safety in the lot and of the vehicles. At the time of my alleged inappropriate comment, I was working by myself and a worker had approached me. He asked me if I knew why they were making such a big commotion over this situation. This was an individual that was typically making off color remarks and he had a smirk in [sic] his face. I want to be clear that I never associated with this individual on a personal level but tolerated him because of the working environment. I simply replied to him, 'why, because he's white.' I said it with offence knowing that was the type of joke he would say. The individually [sic] simply laughed and walked away. This interaction was overheard out of context and reported, I was called into a meeting to explain all of this. When I told my version of events it fell on deaf ears. Without having any prior issues both written or not with this company or any of the employees/hierarchy, at the age of 42, I was terminated from a job for the first time in my life-that same day."

The Division contacted the employer regarding Mr. Romero's termination, but they would only give Mr. Romero's dates of employment and his job title.

Staff recommends initial certification for Hector Romero as a Defensive Driving Instructor.

6. Edwin Ferris, III applied for Defensive Driving Initial Certification on August 15, 2016. Mr. Ferris has met the minimum qualifications under code and supplied a certified copy of his driving history, which also met code qualifications.

Mr. Ferris disclosed a Dissolution of Marriage from Maryland. No other notable information was revealed in staff's investigation.

Staff recommends initial Defensive Driving Instructor certification be granted for Edwin Ferris, III.

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3) RENEWAL CERTIFICATION APPLICATIONS

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

The following defensive driving instructors have submitted applications for renewal of standard certification. The applications are complete; no information has been presented during the background which is contrary to renewal certification being granted. The applicants have demonstrated they meet the minimum eligibility requirements for renewal certification.

It is recommended granting renewal of standard certification for the following defensive driving instructors:

1. Franklin Robinson
2. Thomas Gammill

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4) PENDING COMPLAINTS

4-A: Review, discussion and possible action regarding complaint number 15-D025, involving Improv Traffic School.

Complainant alleges that defensive driving school, Improv Traffic School, failed to timely report a student's completion causing her license to become suspended.

The three separate issues are presented: did Improv violate the seven-day rule by allowing the student to take the course on May 24, six days before the May 31st court date; assuming Improv did not error by allowing the student to commence the course on the 24th did Improv appropriately lock her out and keep her from completing the course when she did not "finish" until the 25th at 12:04 a.m.; and finally if Improv appropriately locked her out and didn't file a completion with the court, did Improv act inappropriately when it subsequently filed a completion in September?

The evidence submitted demonstrates the student gave an incorrect extension date to Improv and therefore was allowed to take the course in violation of the seven-day rule. A school has the obligation to inquire of the student and make a good faith determination based on that inquiry that the student is in compliance with the seven-day rule. Improv appears to have done so in this situation.

It is clear that Improv violated the ACJA by either inappropriately not reporting the completion and locking the student out of the course or by subsequently reporting the completion. By locking the student out of the course, Improv caused her completion to not be filed. If the student completed, then Improv failed to timely report the completion which lead to student's license being suspended. If on the other hand, the student was appropriately locked out of the course, Improv should not have subsequently forwarded a completion to the Court. In light of Improv's assertions the course was timely completed and subsequent completion of the student, Staff found that Improv did not timely file the completion with the court pursuant to ACJA § 7-205(F)(25)(a)(4). Staff further finds that Improv did not timely forward the diversion fee to the court pursuant to ACJA § 7-205(F)(28)(f).

Staff recommends that the Board accept the determination of the Probable Cause Evaluator that probable cause exists that Improv violated ACJA § 7-205(F)(25)(a)(4) and ACJA § 7-205(F)(28)(f) and issue a Letter of Concern.

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4) PENDING COMPLAINTS

4-B: *Review, discussion and possible action regarding complaint number 16-D003, involving Improv Traffic School.*

In the first incident, Complainant says her court (Apache Junction) received the fees for a student from Improv almost two months after his completion date. They received the fees on February 17, 2016 which overlapped his court appearance of January 5, 2016, leading to a default on January 12, 2016. Complainant also complained they never received the completion report. It was later discovered Improv erroneously sent the completion information to “Apache County, Eagar Municipal Court” instead of “Apache Junction Municipal Court.”

In her second complaint, Complainant said Improv again sent a student’s completion report to the wrong court; “Casa Grande Municipal Court” instead of “Apache Junction Municipal Court.” Complainant was made aware of the matter when she was contacted by Casa Grande on February 22, 2016. Complainant added that Casa Grande has a higher diversion fee than Apache Junction so she points out the student was also overcharged.

Improv responded to the first incident claiming it was the student who initially selected the wrong court. Improv said their “processor,” who verifies initial eligibility, caught the error and allegedly changed their computer records accordingly. The student completed the course on December 28, 2015 and all documentation and payments were submitted to what they assumed was the correct court within a few days.

About two weeks later, Improv was reviewing records and discovered the court selection, although initially corrected, had not been “confirmed” by their computer system. As a result the student’s completion information and fees had gone to “Eager Municipal” instead of “Apache Junction.” Improv said that once the mistake had been discovered they immediately informed Apache Junction of the error. Improv said the fees were late because they had to wait for the refund check from Eager Municipal.

Improv said the second incident was caused by the student who also selected the wrong court on his registration. Improv acknowledged their “processor” missed the error and the student’s completion information was sent to Casa Grande Municipal instead of Apache Junction. Improv apologized for the error and states they will take immediate steps to provide additional training for their staff. Records indicate the mistake was rectified by the courts before the student’s court date and he was refunded the overage by the court.

Division staff recommends the Board accept the findings of the Probable Cause Evaluator and find probable cause exists that Improv violated ACJA § 7-205(F)(28)(f)(2), by failing to timely make payments to the court and ACJA § 7-205(F)(25)(d)(4)(c), by failing to timely report a completion to the court and issue a Letter of Concern.

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4) PENDING COMPLAINTS

4-C: Review, discussion and possible action regarding complaint number 15-D027, involving Right Turn Only Traffic School.

Scottsdale City Clerk filed a complaint that a defendant's license was scheduled for suspension because "Right Turn Only" (RTO) defensive driving school did not submit a completion report in time. The Complainant stated the defendant completed RTO's "on-line" DD class on December 2, 2015, in lieu of her December 17, 2015 court date. Because the completion report was not submitted prior to defendant's court date, her case was "defaulted" and her license was scheduled for suspension.

In a phone conversation with defendant, defendant stated she came home in the afternoon of December 24th and opened a letter from the Scottsdale Municipal Court. The letter stated that because she failed to appear for the December 17th court appearance her license would be suspended December 29th. Defendant immediately called the Scottsdale Court and was informed that although the court received its fees from RTO, they never received a completion report. Defendant then called the Arizona MVD, who confirmed her license was set to be suspended on December 29th. In a panic, defendant then called RTO and explained the circumstances.

RTO followed up on the matter and realized it was a computer "glitch" on their end. The situation was corrected in the defendant's case.

RTO did not timely file the completion reports for defendant. Division staff recommends that the Board accept the findings of the Probable Cause Evaluator and find that probable cause exists that RTO violated ACJA § 7-205(F)(25)(a)(4), by failing to timely submit the completion to the court. Staff further recommends the Board issue a Letter of Concern.

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4) PENDING COMPLAINTS

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

As of October 17, 2016, there are four open complaints, three of which have been presented on this agenda with dispositive recommendations under agenda items 4-A through 4-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	0		
5-9	2	50%	50%
10-14	2	50%	100%
15-19			
20-22			
23-35			
36-50			
Over 50			
Total	4	100%	100%