

DEFENSIVE DRIVING BOARD

Meeting Agenda - Thursday, June 14, 2018

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 April 19, 2018.*

2) PENDING COMPLAINTS.....*Division Staff*

2-A: *Review, discussion and possible action regarding complaint number 16-D030, involving certificate holder West Phoenix Defensive Driving.*

2-B: *Review, discussion and possible action regarding complaint number 18-D002, involving certificate holder Highway Traffic School.*

2-C: *Update regarding the status of pending complaints.*

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

3-A: *Review, discussion and possible action regarding pending application for initial defensive driving instructor certification for Craig Caraker.*

4) CERTIFICATION AND ELIGIBILITYDivision Staff

4-A: Review, discussion and possible action regarding curriculum change for the following defensive driving schools:

1. Drive Safe Az Traffic School
2. All About Safety Traffic School, LLC
3. Stop and Go Traffic School
4. Affordable Stop and Go
5. Stop and Go Defensive Driving
6. Affordable Stop and Go Driving School

5) ADMINISTRATIVE ISSUESDivision Staff

5-A: Update on implementation of Code revisions.

CALL TO THE PUBLIC Daniel Edwards, Chair

ADJOURN Daniel Edwards, Chair

DEFENSIVE DRIVING BOARD
Agenda Summary – Thursday, June 14, 2018

1) REVIEW AND APPROVAL OF MINUTES

I-A: Review, discussion and possible action regarding the regular session minutes for the meeting of April 19, 2018.

Attached for the Board's review and approval are the regular session minutes of the April 19, 2018 meeting.

DEFENSIVE DRIVING BOARD

Agenda Summary – Thursday, June 14, 2018

2) PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding complaint number 16-D030, involving certificate holder West Phoenix Defensive Driving.

A student attended and successfully completed the West Phoenix Defensive Driving School's ("West Phoenix") defensive driving class on November 15, 2016. As of December 15, 2016, Kyrene Justice court had not received the diversion payment and called West Phoenix. Kyrene Justice Court ("KJC") briefly spoke with Adde Ikar about the matter, however, Mr. Ikar indicated he was busy and would call them back in about two hours. KJC never received a call back and tried unsuccessfully numerous times to contact him. KJC called Mr. Ikar several times throughout the month of December and only once did it actually talk to him. KJC further complained when it did speak to Mr. Ikar, he promptly "hung-up" the phone on them. Records reflect KJC eventually received payment on January 4, 2017.

Division initially received this complaint on December 19, 2016 and initiated the normal investigative process. It was learned a short time later that Mr. Ikar had left the country for a family emergency overseas. Mr. Ikar left local family members in charge of the business' administrative duties while he was away stating no classes were taught during that time. Mr. Ikar admits receiving the calls from the court, some of which while he was overseas, and said he told his family to make the payment to the court. Due to Mr. Ikar's unforeseen emergency, this complaint was held in abeyance until his return.

Mr. Ikar returned to the USA around December 2017 and provided a written response to this complaint on January 18, 2018. Mr. Ikar admits the late payment to KJC claiming he was "busy" at the time and simply forgot about it. Mr. Ikar acknowledged he earlier promised to call the court back but simply forgot. Mr. Ikar also admitted hanging up on the court clerk later but claims it was accidental since he was overseas with a bad connection.

On May 14, 2018, the Probable Cause Evaluator determined that probable cause existed that West Phoenix and Adde Ikar violated ACJA § 7-205(F)(28)(f)(2). Staff recommends that the Board accept the determination of the Probable Cause Evaluator and issue a censure.

DEFENSIVE DRIVING BOARD

Agenda Summary – Thursday, June 14, 2018

2) PENDING COMPLAINTS

2-B: Review, discussion and possible action regarding complaint number 18-D002, involving certificate holder Highway Traffic School.

A student registered for an on-line driving school with Highway Traffic School (“HTS”) on October 24, 2017 and erroneously selected “Mesa Municipal Court” as her appearance location. The student’s actual court was East Mesa Justice Court which HTS admits it did not catch upon their inspection of the citation. The student’s fees and completion record were then sent to the Mesa court instead of the East Mesa location.

The student’s license was suspended. In late January 2018, while doing an internal audit, that East Mesa called HTS to enquire about the missed payment. HTS then did an internal check and discovered the error. HTS admitted the error but claims part of the problem was their copy of Elam’s citation was “blurry” and because the courts have similar names they mistakenly confirmed the Mesa rather than East Mesa location.

HTS acknowledged its shortcomings in the process and noted there were mistakes made on several levels. HTS points out it was the student who erroneously entered the wrong court date on her citation and when HTS went to enter the information simply selected what it thought was the correct court. HTS emphasized part of the problem was its copy of the citation was “blurry” (Even though a copy of the citation provided by Elam to Division clearly read “EAST MESA JC”) and as a recourse it will no longer accept unreadable citations.

On May 14, 2018, the Probable Cause Evaluator entered a finding that probable cause existed. Staff recommends that the Board accept the findings of the Probable Cause Evaluator and enter a finding that Highway Traffic School and Tyler Songer violated ACJA § 7-205(F)(28)(f)(2) and issue a letter of concern.

DEFENSIVE DRIVING BOARD
Agenda Summary – Thursday, June 14, 2018

2) PENDING COMPLAINTS

2-C: Update regarding the status of pending complaints.

As of June 14, 2018, there are currently 14 open complaints, 2 of which have been presented on this agenda with dispositive recommendations under agenda items 2-A and 2-B.

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	9	64%	64%
5-9	2	14%	78%
10-14	1	7%	85%
15-19	2	14%	100%
20-22			
23-35			
36-50			
Over 50			
Total	14	100%	100%

DEFENSIVE DRIVING BOARD
Agenda Summary – Thursday, June 14, 2018

3) INITIAL CERTIFICATION AND ELIGIBILITY

3-A: Review, discussion and possible action regarding pending application for initial defensive driving instructor certification for Craig Caraker.

Craig Caraker applied for initial individual defensive driving instructor certification. Mr. Caraker successfully passed the program examination and submitted a complete application demonstrating that he meets the minimum education and experience requirements.

The Division recommends approval of initial defensive driving instructor certification for Craig Caraker.

DEFENSIVE DRIVING BOARD

Agenda Summary – Thursday, June 14, 2018

4) CERTIFICATION AND ELIGIBILITY

4-A: Review, discussion and possible action regarding curriculum change for the following defensive driving schools:

1. Drive Safe Az Traffic School
2. All About Safety Traffic School, LLC
3. Stop and Go Traffic School
4. Affordable Stop and Go
5. Stop and Go Defensive Driving
6. Affordable Stop and Go Driving School

The above-named schools are classroom and internet format defensive driving schools. The schools are owned by Joseph and Jan Zahara. The designated principal is Jan Zahara. The school is changing its classroom curriculum.

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

It is recommended the classroom curriculum for the schools named above be approved for use.

DEFENSIVE DRIVING BOARD
Agenda Summary – Thursday, June 14, 2018

5) **ADMINISTRATIVE ISSUES**

5-A: Update on implementation of Code revisions.

Staff will provide information at the meeting.