

DEFENSIVE DRIVING BOARD

Meeting Agenda - Thursday, August 18, 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 June 27, 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. All Access Defensive Driving Traffic School, LLC
2. AZ Fast 4 Hour Defensive Driving Services, LLC
3. Stop and Go Traffic School
4. Affordable Stop and Go
5. Stop and Go Defensive Driving
6. Affordable Stop and Go Defensive Driving
7. ... LOW COST... BARGAIN... EASY... Arizona Defensive Driving Online
8. ...PAYLESS... EASY... SIMPLE... Arizona Defensive Driving Online
9. ... LESS COST... EASIER... FUN... Arizona Defensive Driving Online
10. ...BARGAIN... EASY... COST LESS... Arizona Defensive Driving Online
11. EZ AZ Certified 4-Hour Traffic School
12. EZ AZ Tucson, Licensed Traffic School for All Arizona Courts
13. EZ AZ Defensive Driving Schools
14. EZ AZ Licensed 4-Hour Traffic School
15. EZ AZ Approved

2-B: *Review, discussion and possible action regarding pending application for initial defensive driving instructor certification for Linda Hulverson.*

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

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

1. LowCostDefensiveDriving.com (Maria Valadez, designated principal)
2. ArizonaDriver.com (Jeff Pairan, designated principal)
3. Casa Grande Counseling Service, Inc.(Phyllis Wells, designated principal)
4. National Driving and Traffic School (Kim Chng, designated principal)
5. ABC Defensive Driving, LLC (Nancy Barnes, designated principal)
6. All Over Arizona Traffic School, LLC (Melissa Caraker, designated principal)
7. Yavapai Traffic Safety School, Inc. (Melissa Caraker, designated principal)
8. Safe Defensive Online (Adde Ikar, designated principal)
9. West Phoenix Defensive Driving (Adde Ikar, designated principal)

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

1. Albert Aronson
2. Mario Biasiucci
3. Stanislav Mordukhayev
4. Claudia Olson
5. Karen Rushing

4) PENDING COMPLAINTS.....Division Staff

4-A: *Review, discussion and possible action regarding complaint number 15-D006, involving National Traffic Safety Institute.*

4-B: *Review, discussion and possible action regarding complaint number 15-D009, involving National Traffic Safety Institute.*

4-C: *Review, discussion and possible action regarding complaint number 15-D026, involving National Traffic Safety Institute.*

4-D: *Review, discussion and possible action regarding complaint number 16-D004, involving Traffic School Online.*

4-E: *Review, discussion and possible action regarding complaint number 16-D005, involving EZ AZ Traffic School.*

- 4-F: *Review, discussion and possible action regarding complaint number 16-D006, involving EZ AZ Traffic School*
- 4-G: *Review, discussion and possible action regarding complaint number 16-D007, involving Improv Traffic School*
- 4-H: *Review, discussion and possible action regarding the Division Director dismissal of complaint numbers 15-D023 and 15-D024.*
- 4-I: *Update regarding the status of pending complaints.*

5) ADMINISTRATIVE ISSUESDivision Staff

- 5-A: *Review, discussion and possible action regarding the establishment of the 2017 Board meeting schedule.*
- 5-B: *Discussion regarding CE audits.*

CALL TO THE PUBLIC Daniel Edwards, Chair

ADJOURN Daniel Edwards, Chair

DEFENSIVE DRIVING BOARD
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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 June 27, 2016.

Attached for Board review and approval are the regular session minutes of the June 27, 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. All Access Defensive Driving Traffic School, LLC

The above-named school is a classroom format defensive driving school. They applied for certification on April 15, 2016. The school's office is located in Phoenix, Arizona. The school's owner and principal is Diana Olivas.

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

A background check revealed one civil case that had not been disclosed on the application.

Per ACJA § 7-201(E)(2)(c)(2)(b)(xv), the Board may deny certification of any applicant if one or more of the following is found:

(Applicant) failed to disclose information on the certification application subsequently revealed through the background check.

On June 22, 2016, an email was sent to the applicants requesting more information on this matter. The applicant responded in writing on July 7, 2016, indicating the case was related to a car accident. A lawsuit was subsequently filed, and the case was settled. The applicant apologized for the omission and indicated there was no malicious intent.

As the applicant's response provides a reasonable explanation for their failure to disclose and there are no indications of fraud or misconduct in the civil complaints, staff's recommendation is to grant certification 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.

2. AZ Fast 4 Hour Defensive Driving Services, LLC

The above-named school is a classroom format defensive driving school. They applied for certification on March 31, 2016. The school's office is located in Gilbert, Arizona. The school's owner and principal is Karol Mohamed.

On August 11, 2016, the applicant delivered a copy of an Article of Amendment filed with the Arizona Corporation Commission indicating a change of name for the business (see materials).

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

A background check revealed one civil case that had not been disclosed on the application.

Per ACJA § 7-201(E)(2)(c)(2)(b)(xv), the Board may deny certification of any applicant if one or more of the following is found:

(Applicant) failed to disclose information on the certification application subsequently revealed through the background check.

On May 24, 2016, an email was sent to the applicant requesting more information on this matter. The applicant responded in writing on May 25, 2016, indicating the case was related to a car accident. A lawsuit was subsequently filed, and the case was settled. Due to the length of time since the accident, she had forgotten about it.

As the applicant's response provides a reasonable explanation for their failure to disclose and there are no indications of fraud or misconduct in the civil complaints, staff's recommendation is to grant certification 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.

3. Stop and Go Traffic School
4. Affordable Stop and Go
5. Stop and Go Defensive Driving
6. Affordable Stop and Go Defensive Driving

The above-named schools are classroom and internet format defensive driving schools. They applied on April 12, 2016. The school's office is located in Mesa, Arizona. The schools are owned

by Joseph Zahara and Jan Zahara. The designated principal is Joseph Zahara. The schools are also known as Drive Safe AZ Traffic School and All About Safety Traffic School, LLC.

Division staff has performed a review of the new schools' applications and curricula.

It is recommended initial certification be granted to Stop and Go Traffic School, Affordable Stop and Go, Stop and Go Defensive Driving and Affordable Stop and Go Defensive Driving.

7. ... LOW COST... BARGAIN... EASY... Arizona Defensive Driving Online
8. ...PAYLESS... EASY... SIMPLE... Arizona Defensive Driving Online
9. ... LESS COST... EASIER... FUN... Arizona Defensive Driving Online
10. ...BARGAIN... EASY... COST LESS... Arizona Defensive Driving Online

The above-named schools are internet format defensive driving schools. They applied on April 14, 2016. The school's office is located in San Diego, California. The schools are owned by Marla Keller. The designated principal is Marla Keller. The schools are also known as EASY... FAST... CHEAP... ARIZONA Defensive Driving, 4-Less... Simple as 123... Arizona Defensive Driving Online, -EASY... FAST... FUN... ARIZONA Defensive Driving, PAY-4-LESS... SIMPLE... FUN... ARIZONA Defensive Driving Online, -EASY... PAYLESS... FAST... ARIZONA and -LOWPRICE... SIMPLE... FUN... Arizona Defensive Driving.

Division staff has performed a review of the new schools' applications and curricula.

It is recommended initial certification be granted to ... LOW COST... BARGAIN... EASY... Arizona Defensive Driving Online, ... PAYLESS... EASY... SIMPLE... Arizona Defensive Driving Online, ...LESS COST... EASIER... FUN... Arizona Defensive Driving Online and ... BARGAIN... EASY... COST LESS... Arizona Defensive Driving Online.

11. EZ AZ Certified 4-Hour Traffic School
12. EZ AZ Tucson, Licensed Traffic School for All Arizona Courts
13. EZ AZ Defensive Driving Schools
14. EZ AZ Licensed 4-Hour Traffic School
15. EZ AZ Approved

The above-named schools are classroom and internet format defensive driving schools. They applied on May 18, 2016. The school's office is located in Tucson, Arizona. The schools are owned by Paul Hallums and Johanna Hallums. The designated principal is Paul Hallums. The schools are also known as EZ AZ Traffic School, EZ AZ Defensive Driving, EZ AZ Licensed for All Arizona Courts, EZ AZ 4-Hour Traffic School for quick Ticket Dismissal, EZ AZ Approved for All Arizona Courts, Online or Classroom, EZ AZ Certified Traffic School, EZ AZ Defensive Driving Services, EZ AZ Defensive Driving School, EZ AZ Traffic Schools, EZ AZ 4 Hour, EZ AZ Simple Traffic School, EZ AZ Fast Traffic School, EZ AZ The Best Traffic School, EZ AZ #1 and EZ AZ #1 Traffic School.

Division staff has performed a review of the new schools' applications and curricula.

It is recommended initial certification be granted to EZ AZ Certified 4-Hour Traffic School, EZ AZ Tucson, Licensed Traffic School for All Arizona Courts, EZ AZ Defensive Driving Schools, EZ AZ Licensed 4-Hour Traffic School and EZ AZ Approved.

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2) INITIAL CERTIFICATION AND ELIGIBILITY

2-B: Review, discussion and possible action regarding pending application for initial defensive driving instructor certification for Linda Halverson.

Linda Halverson submitted an application for defensive driving instructor certification demonstrating that she meets the minimum eligibility requirements for certification. The application is complete and no information has been presented which is contrary to initial certification being granted.

It is recommended that Ms. Halverson be granted initial defensive driving instructor certification.

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3) RENEWAL CERTIFICATION APPLICATIONS

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

The following business entities 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 of certification being granted. The business entities have demonstrated they meet the minimum eligibility requirements for renewal of certification.

Please Note: As to the 2015 school renewals – in addition to the documents routinely requested at renewal – division staff requested a copy of the school's current curriculum, and the policies and procedures pertaining to completions and diversion fee payments. At this time not all curricula or policies have been reviewed, although division staff will continue to review the requested documents as time permits. Therefore, it is recommended the Board grant renewal of standard certification to the following business entities with the understanding that the Board granting renewal today is not indicative of approval of the curricula or policies that were submitted:

1. LowCostDefensiveDriving.com (Maria Valadez, designated principal)
2. ArizonaDriver.com (Jeff Pairan, designated principal)
3. Casa Grande Counseling Service, Inc. (Phyllis Wells, designated principal)
4. National Driving and Traffic School (Kim Chng, designated principal)
5. ABC Defensive Driving, LLC (Nancy Barnes, designated principal)
6. All Over Arizona Traffic School, LLC (Melissa Caraker, designated principal)
7. Yavapai Traffic Safety School, Inc. (Melissa Caraker, designated principal)

Division Staff has processed the following applications for renewal of defensive driving school certification which are being submitted to the Board for additional review and consideration. The applicants have demonstrated that they continue to meet the minimum eligibility requirements. In the event the recommendation is to renew the school's certification with additional non-disclosure language, the following language would be used:

The Defensive Driving Board ("Board") has concluded its review of your application and determined you continue to satisfy the eligibility requirements for certification. Although the Board is renewing the school's certification, the Board members have concerns regarding the failure to disclose <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. The failure to disclose information on future applications may result in denial of renewal of certification or disciplinary action.

8. Safe Defensive Online (Adde Ikar, designated principal)
9. West Phoenix Defensive Driving (Adde Ikar, designated principal)

In the schools' applications for renewal of defensive driving school certification, the designated principal, Adde Ikar, failed to disclose a 2015 civil lawsuit in which he was a defendant. The Board was made aware of Mr. Ikar's failure to disclose this same lawsuit in April, when the renewal of his instructor certification was considered. Mr. Ikar explained that the suit was not disclosed as he had forgotten about it when completing the applications. With regards to his individual instructor renewal application, the Board accepted Mr. Ikar's explanation and renewed his certification.

Staff recommends that the Board renew the defensive driving school certification for both Safe Defensive Online and West Phoenix Defensive Driving, but include the aforementioned language regarding non-disclosure in notification of renewal.

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3) RENEWAL CERTIFICATION APPLICATIONS

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

1. Albert Aronson
2. Mario Biasiucci
3. Stanislav Mordukhayev
4. Claudia Olson
5. Karen Rushing

Staff will provide information at the meeting.

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4) PENDING COMPLAINTS

4-A: Review, discussion and possible action regarding complaint number 15-D006, involving National Traffic Safety Institute.

On June 26, 2015, the Division received a written complaint against National Traffic Safety Institute containing the following allegations:

1. Complainant alleges National Traffic Safety Institute allowed a defendant to complete a class two days after the court date.
2. Complainant alleges National Traffic Safety Institute did not timely report the completion.

The matter was investigated and upon conclusion of the investigation, the Investigation Summary was forwarded to Probable Cause Evaluator Mike Baumstark. On April 25, 2016, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegations 1 and 2.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding National Traffic Safety Institute has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D006.

It is further recommended the Board dismiss complaint number 15-D006.

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4) PENDING COMPLAINTS

4-B: Review, discussion and possible action regarding complaint number 15-D009, involving National Traffic Safety Institute.

On July 8, 2015, the Division received a written complaint against National Traffic Safety Institute containing the following allegations:

1. Complainant alleges the National Traffic Safety Institute allowed a student to complete a class less than seven days prior to the court date.
2. Complainant alleges the National Traffic Safety Institute did not timely report the defendant's completion date resulting in the case being defaulted.

The matter was investigated and upon conclusion of the investigation, the Investigation Summary was forwarded to Probable Cause Evaluator Mike Baumstark. On June 6, 2016, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegations 1 and 2.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding National Traffic Safety Institute has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D009.

It is further recommended the Board dismiss complaint number 15-D009.

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4) PENDING COMPLAINTS

4-C: Review, discussion and possible action regarding complaint number 15-D026, involving National Traffic Safety Institute.

On November 16, 2015, the Division received a written complaint against National Traffic Safety Institute containing the following allegations:

1. Complainant alleges National Traffic Safety Institute allowed a defendant to complete a defensive driving class less than seven days prior to the court date.
2. Complainant alleges the National Traffic Safety Institute did not timely report the defendant's completion date.

The matter was investigated and upon conclusion of the investigation, the Investigation Summary was forwarded to Probable Cause Evaluator Mike Baumstark. On April 25, 2016, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegations 1 and 2, as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D026.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding National Traffic Safety Institute has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D026.

It is further recommended the Board dismiss complaint number 15-D026.

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4) PENDING COMPLAINTS

4-D: Review, discussion and possible action regarding complaint number 16-D004, involving Traffic School Online.

Scottsdale Municipal Court alleges an ineligible student (“Shy”) was allowed to register for Traffic School Online’s defensive driving class. The student initially signed up for the class on March 17, 2016 and entered his court arraignment date as May 15, 2015.

TSO initially caught the expired arraignment date on the student’s citation and informed him he was ineligible without a court extension. The student then later reapplied and supplied what was later determined as a falsified extension date. The student logged back into his account on April 2, 2016 and entered the falsified extension date of April 24, 2016. The student completed the course on April 9, 2016 and all the required documentation was forwarded to the court.

Sandy Knottenbelt from TSO explained it is not uncommon to see citations over a year old. She stated the courts routinely grant extensions for a variety of reasons including military service, traveling abroad or any other unforeseen emergencies.

Knottenbelt complained that due to significant inconsistencies in the various protocols for court extension dates it is almost impossible for them to verify the validity of the dates supplied by students. On TSO’s website as well as the student “sign-up” page is the verbiage that the students are ultimately responsible for the accuracy of the information they supply.

Knottenbelt said the school unsuccessfully attempted to contact Shy when the error was discovered.

This matter was submitted to Probable Cause Evaluator Mike Baumstark on July 1, 2016 and the Probable Cause Evaluator determined that probable cause did not exist.

Staff recommends the Board accept the determination of the Probable Cause Evaluator and dismiss complaint number 16-D004.

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4) PENDING COMPLAINTS

4-E: Review, discussion and possible action regarding complaint number 16-D005, involving EZ AZ Traffic School.

Scottsdale Municipal Court filed a complaint alleging that EZ AZ Traffic School allowed an ineligible defendant to register for a DD class.

The student ("Loo") received the citation on March 8, 2016, with a court date of April 4, 2016. The student subsequently self-registered with EZ AZ for their online traffic school on April 3, 2016 and entered an erroneous court date of May 19, 2016.

EZ AZ points out Loo self-registered for the class and there were no indications he was ineligible. EZ AZ also points out that due to significant variations throughout the court systems with respect to court date extensions it is almost impossible to verify each students' extension.

On July 20, 2016, the Probable Cause Evaluator determined that probable cause did not exist.

Staff recommends the Board accept the findings of the Probable Cause Evaluator and dismiss complaint number 16-D005.

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4) PENDING COMPLAINTS

4-F: Review, discussion and possible action regarding complaint number 16-D006, involving EZ AZ Traffic School.

Scottsdale Municipal Court filed a complaint alleging that EZ AZ Traffic School did not transmit a student's completion report timely. The student's court date was April 11, 2016 and the Court did not receive the completion until April 13, 2016.

The student ("Bair") received the citation on November 30, 2015, with a court date of January 6, 2016. The student subsequently self-registered with EZ AZ for their online traffic school on April 10, 2016, but entered an erroneous extension date of April 17, 2016. The student completed the class the same day, however, due to the incorrect court extension, her completion record was not forwarded to the court prior to the court date.

EZ AZ points out Bair self-registered for the class and there were no indications she was ineligible. EZ AZ also points out that due to significant variations throughout the court systems with respect to court date extensions it is almost impossible to verify each students' extension.

On July 20, 2016, the Probable Cause Evaluator determined that probable cause did not exist.

Staff recommends the Board accept the findings of the Probable Cause Evaluator and dismiss complaint number 16-D006.

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4) PENDING COMPLAINTS

4-G: Review, discussion and possible action regarding complaint number 16-D007, involving Improv Traffic School.

Scottsdale Municipal Court filed a complaint stating Improv Traffic School allowed a defendant to complete a defensive driving course for criminal speeding without judicial permission.

On May 16, 2016, Improv allowed a student to complete a defensive driving course when the student's ticket was for a criminal speeding charge. The Court indicated that this student did not have judicial permission to attend a defensive driving course and rejected the completion. The judge also advised court staff to notify the school directing that the money be refunded back to the defendant.

Improv admitted that the defendant was found eligible and that the error was not discovered until after the defendant had completed the course which was entered into the DDTS.

Improv explained this happened because when Improv received the defendant's citation, it was accompanied by another court document indicating that the violation cited on the ticket was eligible. The other court document belonged to another student. Improv refunded the student's money on July 14, 2016.

Division staff reviewed the DDTS report which confirms that the defendant's completion was removed.

On August 10, 2016 the Probable Cause Evaluator determined that probable cause exists that Improve committed the alleged act of misconduct. Staff recommends the Board accept the finding of the Probable Cause Evaluator and issue a Letter of Concern.

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4) PENDING COMPLAINTS

4-H: Review, discussion and possible action regarding the Division Director dismissal of complaint numbers 15-D023 and 15-D024.

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 Numbers 15-D023 and 15-D024:

On June 14, 2016, Division Director Wilson dismissed complaint numbers 15-D023 and 15-D024 without prejudice because the allegations of acts of misconduct or violations that if true, would not constitute a violation of the statutes or court rules that the certificate holders are required to comply with. Notice of the dismissals were forwarded to the complainant who has not responded nor requested Board review.

It is recommended the Board affirm the dismissals.

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4) PENDING COMPLAINTS

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

As of August 11, 2016, there are 13 open complaints, nine (9) of which have been presented on this agenda with dispositive recommendations under agenda items 4-A through 4-H.

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	4	31%	31%
5-9	4	31%	62%
10-14	5	38%	100%
15-19			
20-22			
23-35			
36-50			
Over 50			
Total	13	100%	100%

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5) ADMINISTRATIVE ISSUES

5-A: Review, discussion and possible action regarding the establishment of the 2017 Board meeting schedule.

The Defensive Driving Board is asked to consider and approve the 2017 meeting calendar.

Therefore, it is recommended the 2017 meeting calendar be set as follows:

February 16, 2017
April 20, 2017
June 15, 2017
August 17, 2017
October 19, 2017
December 14, 2017

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5) ADMINISTRATIVE ISSUES

5-B: *Discussion regarding CE audits.*

Staff will provide information at the Board meeting.