



## **DEFENSIVE DRIVING**

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

**August 20, 2020**  
**10:00 a.m.**

### **Approved Regular Meeting Minutes**

#### **MEMBER ATTENDANCE:**

##### **Present:**

##### **Telephonically Present:**

##### **Absent:**

Hon. Maria Brewer  
Walter (Jack) Weberg  
Thomas L. Davis  
Margaret Stephens-Reed  
Johnny Tse  
Kevin Frei  
Hon. Mayra Galindo  
Victoria Reuss

William Riedel

#### **OTHER ATTENDEES:**

##### **AOC Staff:**

Michelle Martinez  
Jennifer Ashley  
Brianna Farmer  
Wil Castro  
Hal White  
Pasquale Fontana  
Chris DeWitt  
Arnita Oliver

##### **Guests:**

Angelic Craig – Phone  
Andrea Tazziola – In Person

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**CALL TO ORDER**

***Called to Order By:*** Hon. Maria Brewer

***Time:*** 10:02 a.m.

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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 April 16, 2020***

***Individual Addressing the Board:*** Hon. Maria Brewer

***Discussion:*** None

***Motion:*** Consideration of and motion to accept the regular session minutes of the April 16, 2020 meeting.

***Motion Proposals:*** First Walter (Jack) Weberg  
Second Johnny Tse

***Motion Results:*** Pass

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**2) PENDING COMPLAINTS:**

***2-A: Review, discussion and possible action regarding complaint number 18-D031 concerning certificate holder Defensive Driving School of Arizona (#089).***

Considered with Item 2-B.

***2-B: Review, discussion and possible action regarding complaint number 18-D032 concerning certificate holder National Traffic Safety Institute (#011).***

***Individual Addressing the Board:*** Brianna Farmer

***Discussion:*** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Defensive Driving School of Arizona (#089) and National Traffic Safety Institute (#011) has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 18-D031 and 18-D032.

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

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

**Motion Proposals:** First Walter (Jack) Weberg  
Second Hon. Mayra Galindo

**Motion Results:** Pass

**2-C: Review, discussion and possible action regarding complaint number 18-D014 concerning certificate holder Arizona Defensive Driving School (#058).**

**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 committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 18-D014.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6) for act(s) of misconduct involving ACJA §§ 7-205(F)(19) and 7-205(F)(26(f)(2) and A.R.S. § 28-3396 by failing to timely remit diversion fees to a limited jurisdiction court.

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

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

**Motion Proposals:** First Walter (Jack) Weberg  
Second Thomas L. Davis

**Motion Results:** Pass

**2-D: Review, discussion and possible action regarding complaint numbers 19-D005 through 19-D026 concerning school numbers 058, 089, 094, 095, 403, 405, 406, 410, 414, 419, 420, 421, 453, 455, 464, 465, 467, 468, 469, 497, 501, and 509.**

**Individual Addressing the Board:** Pasquale Fontana

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Defensive Driving Schools Nos. 058, 089, 094, 095, 403, 405, 406, 410, 414, 419, 420, 421, 453, 455, 464, 465, 467, 468, 469, 497, 501, and 509 have committed the alleged act(s) of misconduct as detailed in Allegations 1 through 6 of the Investigation Summary and Allegation Analysis Report in

complaint numbers 19-D005 through 19-D026.

It is further recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6) for act(s) of misconduct involving the misconduct described in the Investigation Summary and Allegation Analysis Report in complaint numbers 19-D005 through 19-D026.

**Mitigating Factors:**

1. Absence of a dishonest motive

**Aggravating Factors:**

1. Multiple offenses
2. Refusal to acknowledge wrongful nature of the conduct
3. Substantial experience in the profession

It is further recommended that the Board issue a Censure to Defensive Driving Schools Nos. 058, 089, 094, 095, 403, 405, 406, 410, 414, 419, 420, 421, 453, 455, 464, 465, 467, 468, 469, 497, 501, and 509 for the school’s misconduct described in the Investigation Summary and Allegation Analysis Report.

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

**Motion Proposals:** First Thomas L. Davis  
Second Johnny Tse

**Motion Results:** Pass

**2-E:** *Review, discussion and possible action regarding complaint number 19-D027 through 19-D033 concerning school numbers 083, 531, 055, 433, 492, 432, and 491.*

**Individual Addressing the Board:** Pasquale Fontana

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Defensive Driving Schools Nos. 083, 531, 055, 433, 492, 432, and 491 have not committed the alleged act(s) of misconduct as detailed in Allegations 2 and 3 of the Investigation Summary and Allegation Analysis Report in complaint numbers 19-D027 through 19-D033.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Defensive Driving Schools Nos. 083, 531, 055, 433, 492, 432, and 491 have committed the alleged

act(s) of misconduct as detailed in Allegation 1 of the Investigation Summary and Allegation Analysis Report in complaint numbers 19-D027 through 19-D033.

It is further recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) §§ 7-201(H)(6)(a) and (k)(9); 7-205(J)(1)(d) and (e) for act(s) of misconduct involving misleading advertising as further described in the Investigation Summary and Allegation Analysis Report

**Mitigating Factors:**

1. Full and free disclosure to staff
2. Cooperative attitude towards proceedings

**Aggravating Factors:**

1. Prior disciplinary record
2. Multiple offenses
3. Substantial experience in the industry

It is further recommended that the Board issue a Censure.

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

**Motion Proposals:** First Walter (Jack) Weberg  
Second Johnny Tse

**Motion Results:** Pass

**2-F:** *Review, discussion and possible action regarding complaint number 19-D034 through 19-D037 concerning school numbers 066, 434,540, and 537.*

**Individual Addressing the Board:** Pasquale Fontana

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Defensive Driving Schools Nos. 006, 434, 540, and 537 have not committed the alleged act(s) of misconduct as detailed in Allegations 2 and 3 of the Investigation Summary and Allegation Analysis Report in complaint numbers 19-D034 through 19-D037.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Defensive Driving Schools Nos. 006, 434, 540, and 537 have committed the alleged act(s) of misconduct as detailed in Allegation 1 of the Investigation Summary

and Allegation Analysis Report in complaint numbers 19-D034 through 19-D037.

It is further recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) §§ 7-201(H)(6)(a) and (k)(9); 7-205(J)(1)(d) and (e) for act(s) of misconduct involving misleading advertising as further described in the Investigation Summary and Allegation Analysis Report

**Mitigating Factors:**

1. Full and free disclosure to staff
2. Cooperative attitude towards proceedings

**Aggravating Factors:**

1. Prior disciplinary record
2. Multiple offenses
3. Substantial experience in the industry

It is further recommended that the Board issue a Censure.

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

**Motion Proposals:** First Thomas L. Davis  
Second Victoria Reuss

**Motion Results:** Pass

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

**Individual Addressing the Board:** Michelle Martinez

**Discussion:** As of August 17, 2020, there are currently 38 open complaints 36 of which have been presented on this agenda with dispositive recommendations under items 2A through 2F.

**Motion:** No Vote Required/Informational Only.

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**3) INITIAL CERTIFICATION AND ELIGIBILITY:**

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

- 1. Gregory Helseth**
- 2. Sinencia Villanueva**
- 3. Erika Johnson**

**Individual Addressing the Board:** Wil Castro

1. Gregory Helseth
2. Sinencia Villanueva

**Discussion:** It is recommended initial defensive driving instructor certification be granted to applicants 1 and 2.

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

**Motion Proposals:** First Hon. Maria Brewer  
Second Margaret Stephens-Reed

**Motion Results:** Pass

3. Erika Johnson

**Discussion:** The Division recommends approval of defensive driving instructor certification for Erika Johnson with the standard non-disclosure language.

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

**Motion Proposals:** First Thomas L. Davis  
Second Margaret Stephens-Reed

**Motion Results:** Pass

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**4) RENEWAL CERTIFICATION APPLICATIONS:**

**4-A: *Review, discussion and possible action regarding pending renewal application for the following applicants:***

- 1. Acosta, Mari Crus**
- 2. Aronson, Albert**
- 3. Clark, Stacy**
- 4. Freeman III, Jesse**

**5.Harder, Dennis**

**Individual Addressing the Board:** Hal White

- 1. Acosta, Mari Crus
- 2. Aronson, Albert
- 3. Clark, Stacy
- 4. Freeman III, Jesse

**Discussion:** It is recommended renewal of certification be denied for applicants 1 through 4 pursuant to Code § 7-201(E)(2)(c)(2)(b)(xvi) for failure to respond or furnish information to Division staff or the Board when the information is legally requested and is in the applicant’s control or is reasonably available to the applicant and pertains to certification or investigative inquiries.

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

**Motion Proposals:** First Walter (Jack) Weberg  
Second Hon. Maria Brewer

**Motion Results:** Pass

- 5. Harder, Dennis

**Discussion:** It is recommended that the Board accept three of Mr. Harder’s untimely 2019 CE credit hours including using the two hours of ethics for 2017 and 2018 and that certification be renewed for Dennis Harder with CE remedial actions.

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

**Motion Proposals:** First Walter (Jack) Weberg  
Second Victoria Reuss

**Motion Results:** Pass

**5) CERTIFICATION AND ELIGIBILITY:**

**5-A: Review, discussion and possible action regarding request for school name changes for the following defensive driving schools:**

- 1.Avoid the Points Defensive Driving, School #413**
- 2.Too Fast! Defensive Driving, School #466**



- 3. Safety First Defensive Driving, School #498**
- 4. Slow Down! Traffic School, School #500**
- 5. Why Wait Traffic School, School #510**
- 6. Slow It Down Traffic School, School #511**

**Individual Addressing the Board:** Chris DeWitt

- Discussion:**
- 1. Avoid the Points Defensive Driving, School #413, submitted a request to change the school's name on May 19, 2020.

The proposed name for the school is Defensive Driving for Responsible Drivers.

The Division has received the necessary documentation and recommends the Board approve the requested name change from Avoid the Points Defensive Driving to Defensive Driving for Responsible Drivers.

- 2. Too Fast! Defensive Driving, School #466, submitted a request to change the school's name on May 18, 2020.

The proposed name for the school is Defensive Driving: How to Drive Safer.

The Division has received the necessary documentation and recommends the Board approve the requested name change from Too Fast! Defensive Driving to Defensive Driving: How to Drive Safer.

- 3. Safety First Defensive Driving, School #498, submitted a request to change the school's name on May 19, 2020.

The proposed name for the school is Arizonans for Better Driving.

The Division has received the necessary documentation and recommends the Board approve the requested name change from Safety First Defensive Driving to Arizonans For Better Driving.

- 4. Slow Down! Traffic School, School #500, submitted a request to change the school's name on May 19, 2020.

The proposed name for the school is Defensible Driving Techniques for Arizonans.

The Division has received the necessary documentation and recommends the Board approve the requested name change from Slow Down! Traffic School to Defensible Driving Techniques for Arizonans.

5. Why Wait Traffic School, School #510, submitted a request to change the school's name on May 19, 2020.

The proposed name for the school is Defending Arizona Drivers.

The Division has received the necessary documentation and recommends the Board approve the requested name change from Why Wait Traffic School to Defending Arizona Drivers.

6. Slow It Down Traffic School, School #511, submitted a request to change the school's name on May 19, 2020.

The proposed name for the school is Arizona Academy of Responsible Driver.

The Division has received the necessary documentation and recommends the Board approve the requested name change from Slow It Down Traffic School to Arizona Academy of Responsible Drivers.

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

**Motion Proposals:** First Walter (Jack) Weberg  
Second Thomas L. Davis

**Motion Results:** Pass

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## CALL TO THE PUBLIC

**Individuals Addressing the Board:** None

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## ADJOURNMENT

**Motion:** Move to adjourn.

**Motion Proposals:** First Thomas L. Davis  
Second Walter (Jack) Weberg

**Motion Results:** Pass

**Time:** 11:21 a.m.

Initials: JA