



Defensive Driving Board

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

December 12, 2019
10:00 a.m.

Approved Regular Session Minutes

MEMBER ATTENDANCE:

Present:

Hon. Maria Brewer
Walter (Jack) Weberg
Thomas L. Davis
Hon. Mayra Galindo
Victoria Reuss

Telephonically Present:

Johnny Tse
Kevin Frei

Absent:

Margaret Stephens-Reed
William Riedel

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Jennifer Ashley
Arnita Oliver
Brianna Farmer
Wil Castro
Hal White
Bill McIntyre
Chris DeWitt

Guests:

Dana Garcia
Angelic Craig
Debbie Grado
Debra Grossman

CALL TO ORDER

Called to Order By: Hon. Maria Brewer

Time: 10:03 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: Review, discussion and possible action regarding the regular session minutes for the meeting of October 17, 2019.

Individual Addressing the Board: Hon. Maria Brewer

Discussion: None

Motion: Consideration of and motion to accept the regular session minutes of the October 17, 2019 meeting.

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

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: Review, discussion and possible action regarding complaint number 19-D002 concerning certificate holder All Access Defensive Driving School.

Individual Addressing the Board: Michelle Martinez

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding All Access DDS has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 19-D002.

It is 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 violation of ACJA § 7-205(F)(23) for cancelation of classes without extraordinary circumstances and for failure to notify the Division of such cancelations.

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 Johnny Tse

Motion Results: Pass

2-B: *Review, discussion and possible action regarding complaint number 18-D053 concerning certificate holder Statewide Traffic Schools.*

2-C: *Review, discussion and possible action regarding complaint number 18-D054 concerning certificate holder Statewide Traffic Schools.*

2-D: *Review, discussion and possible action regarding complaint number 19-D001 concerning certificate holder Statewide Traffic Schools.*

Individual Addressing the Board: William McIntyre

Discussion: Staff notes there are two other complaints for which probable cause has been determined; 18-D054 and 19-D001. Staff recommends that the Board accept the determination of the Probable Cause Evaluator and issue Statewide Traffic Schools a single censure for complaints number 18-D053, 18-D054 and 19-D001.

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

Motion Proposals: First Thomas L. Davis
Second Victoria Reuss

Motion Results: Pass

2-E: *Update regarding the status of pending complaints*

Individual Addressing the Board: Michelle Martinez

Discussion: As of December 3, 2019, there are currently 56 open complaints, four of which have been presented on this agenda with dispositive recommendations under agenda items 2A through 2D.

Motion: Informational item only. No vote required.

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. *Maria Santa Cruz***
- 2. *Daniel Klimut***

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial defensive driving instructor certification for the following applicant:

1. Maria Santa Cruz

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

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

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends initial defensive driver instructor certification be granted to the following applicant with non-disclosure language:

2. Daniel Klimut

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

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

Motion Results: Pass

4) RENEWAL CERTIFICATION APPLICATIONS:

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

- | | |
|----------------------------------|-----------------------------------|
| 1. <i>Chaffey, Allen</i> | 24. <i>Raymond, Edward</i> |
| 2. <i>Clawson, Albert</i> | 25. <i>Raymond, Lois</i> |
| 3. <i>Colosi, Paul</i> | 26. <i>Riedel, William</i> |
| 4. <i>Davis, Virginia</i> | 27. <i>Robinson, Franklin III</i> |
| 5. <i>Downing, David</i> | 28. <i>Rushing, Karen</i> |
| 6. <i>Drisler, John</i> | 29. <i>Schwarz, Susan</i> |
| 7. <i>Eckstat, Arthur</i> | 30. <i>Shestko, Annette</i> |
| 8. <i>Eves, Esperanza</i> | 31. <i>Simmons, Robert</i> |
| 9. <i>Gotsch, Mark</i> | 32. <i>Snook, Dennis</i> |
| 10. <i>Hales, Christopher</i> | 33. <i>Stearman, Joseph</i> |
| 11. <i>Hallums, Paul</i> | 34. <i>Thiem, Barry</i> |
| 12. <i>Hamilton, Alfred</i> | 35. <i>Urueta, Michael</i> |
| 13. <i>Haugen, Petra</i> | 36. <i>Villanueva, Felix</i> |
| 14. <i>Horgash, Robert</i> | 37. <i>Weberg, Walter</i> |
| 15. <i>Kerby, Joseph</i> | 38. <i>White, Michael</i> |
| 16. <i>Maerk, Richard</i> | 39. <i>Williams, Carl</i> |
| 17. <i>Montoya, Joe</i> | 40. <i>Worley, Dave</i> |
| 18. <i>Morrison, Donald</i> | 41. <i>Wright, Michael</i> |
| 19. <i>Morrow, Dennis</i> | 42. <i>Zach, Paul</i> |
| 20. <i>Moya-Flores, Griselda</i> | 43. <i>Zahara, Jan</i> |
| 21. <i>Olson, Claudia</i> | 44. <i>Zahara, Joseph</i> |
| 22. <i>Pachnowski, William</i> | 45. <i>Zhelyazkov, Zhivko</i> |
| 23. <i>Pearce, Shana</i> | 46. <i>Smith, Robert</i> |

Individual Addressing the Board: Wil Castro

Discussion: It is recommended renewal of standard certification be granted to applicant numbers 1 – 45.

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

Motion Proposals: First Thomas L. Davis
Second Victoria Reuss

Recusals: Walter (Jack) Weberg as to #37

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: It is recommended renewal of standard certification be granted to the following applicant:

46. Robert Smith

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

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

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. *EZ AZ #1 Traffic School*

Individual Addressing the Board: Chris DeWitt

Discussion: The Division has received the necessary documentation and recommends the Board approve the requested name change from EZ AZ #1 Traffic School to AZ Ticket Busters.

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

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

Motion Results: Pass

Individual Addressing the Board: Chris DeWitt

2. *EZ AZ Approved*

Discussion: The Division has received the necessary documentation and recommends the Board approve the requested name change from EZ AZ Approved to Best Value Traffic School.

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

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

Motion Results: Pass

6) ADMINISTRATIVE ISSUES:

6-A: *Update regarding complaint/law suit from law firm, Fennemore Craig.*

Individual Addressing the Board: Mark Wilson

Discussion: Staff presents information regarding law suit CV2019-014727.

Motion: Informational item only. No vote required.

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

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

Motion Results: Pass

Time: 10:33 a.m.

Initials: JA