



DEFENSIVE DRIVING BOARD

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

October 17, 2019
10:00 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Hon. Maria Brewer
Walter (Jack) Weberg
Thomas L. Davis
William Riedel
Hon. Mayra Galindo

Telephonically Present:

Victoria Reuss
Kevin Frei

Absent:

Margaret Stephens-Reed
Johnny Tse

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Jennifer Ashley
Windy Mohamed
Wil Castro
Chris DeWitt
Hal White
Bill McIntyre
Marcie Kanefield
Dominique Cidro

Guests:

Angelic Craig
Socorro Eribes
Karen Rushing
Cindy Trimble
Debbie Grado
Gary H.

CALL TO ORDER

Called to Order By: Hon. Maria Brewer

Time: 10:00 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: Review, discussion and possible action regarding the regular session minutes for the meeting of August 22, 2019.

Individual Addressing the Board: Hon. Maria Brewer

Discussion: None

Motion: Consideration of and motion to accept the regular session minutes of the August 22, 2019 meeting.

Motion Proposals: First Walter (Jack) Weberg
Second William Riedel

Motion Results: Pass

1-B: Review, discussion and possible action regarding the executive session minutes for the meeting of August 22, 2019.

Individual Addressing the Board: Hon. Maria Brewer

Discussion: None

Motion: Consideration of and motion to accept the executive session minutes of the August 22, 2019 meeting.

Motion Proposals: First Walter (Jack) Weberg
Second William Riedel

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: *Review, discussion and possible action regarding complaint number 18-D055 concerning certificate holder Cheap Fast Easy Dismiss Ticket AZ Driver.*

Individual Addressing the Board: Bill McIntyre

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Cheap – Fast - Easy Dismiss Ticket AZ Driver has committed the alleged act(s) of misconduct as detailed in the Investigative Summary and Allegation Analysis Report for complaint number 18-D055.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to ACJA § 7-201(H)(6) for act(s) of misconduct involving ACJA § 7-205(F)(26)(f)(2) for failure to timely remit diversion fees and ACJA § 7-205(F)(26)(a) for failure to maintain a remitting and reporting system ensuring accurate transmission of diversion fees.

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

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

Motion Proposals: First William Riedel
Second Walter (Jack) Weberg

Motion Results: Pass

Note: Items 2B through 2G were taken together.

2-B: *Review, discussion and possible action regarding complaint number 18-D034 concerning certificate holder DriversEd.com.*

2-C: *Review, discussion and possible action regarding complaint number 18-D035 concerning certificate holder I Drive Safely.*

2-D: *Review, discussion and possible action regarding complaint number 18-D047 concerning certificate holder An Online Traffic School by The Improv Comedy Club.*

2-E: *Review, discussion and possible action regarding complaint number 18-D049 concerning certificate holder Low Cost Defensive Driving.*

2-F: *Review, discussion and possible action regarding complaint number 18-D050 concerning certificate holder OnlineArizonaDefensiveDriving.com.*

2-G: Review, discussion and possible action regarding complaint number 18-D051 concerning certificate holder TrafficSchoolOnline.com.

Individual Addressing the Board: Mark Wilson

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding DriversEd.com, I Drive Safely, An Online Traffic School by The Improv Comedy Club, Low Cost Defensive Driving, OnlineArizonaDefensiveDriving.com, and TrafficSchoolOnline.com have not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 18-D034, 18-D035, 18-D047, 18-D049, 18-D050 and 18-D051.

It is further recommended the Board dismiss complaint numbers 18-D034, 18-D035, 18-D047, 18-D049, 18-D050 and 18-D051 without prejudice.

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

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

Motion Results: Pass

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

Individual Addressing the Board: Michelle Martinez

Discussion: As of October 15, 2019, there are currently 64 open complaints, seven of which have been presented on this agenda with dispositive recommendations under agenda items 2A through 2G.

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. Jennifer Nash

Individual Addressing the Board: Wil Castro

Discussion: Jennifer Nash applied for initial defensive driving instructor certification. She successfully passed the program examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements.

The Division recommends approval of initial defensive driving instructor certification for Jennifer Nash.

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

Motion Proposals: First Hon. Mayra Galindo
Second William Riedel

Motion Results: Pass

2. Donna Youdelman

Individual Addressing the Board: Wil Castro

Discussion: Donna Youdelman applied for initial defensive driving instructor certification and has successfully passed the program examination. Ms. Youdelman disclosed involvement in a 1985 product liability lawsuit in which she was listed as the plaintiff and a 2018 traffic citation. During the background investigation it was further discovered that Ms. Youdleman was listed alongside her husband in two motor vehicle tort civil cases that were filed in 1993 and 2000. Ms. Youdelman and her husband are listed as plaintiffs in the 1993 case and defendants in the 2000 case. Ms. Youdleman stated that she had no recollection of being involved in either case.

The Division recommends approval of initial defensive driving instructor certification for Donna Youdelman.

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

Motion Proposals: First Walter (Jack) Weberg
Second William Riedel

Motion Results: Pass

3. Sharon Mendenhall

Individual Addressing the Board: Wil Castro

Discussion: Sharon Mendenhall applied for initial defensive driving instructor certification and has successfully passed the program examination. Ms. Mendenhall disclosed discipline that was imposed in the form of a 2016 Consent Agreement against her clinical social worker's license.

Ms. Mendenhall failed to disclose a dissolution of marriage. Ms. Mendenhall did disclose the former name in the application but answered “No” under involvement in civil matters. Ms. Mendenhall stated she failed to disclose it because she did not think of a dissolution of marriage as a civil case.

The Division recommends that initial defensive driver instructor certification be granted to Sharon Mendenhall with non-disclosure language.

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

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

Motion Results: Pass

3-B: *Review, discussion and possible action regarding pending applications for initial certification for West Valley PHX Defensive Driving School.*

Individual Addressing the Board: Chris DeWitt

Discussion: West Valley PHX Defensive Driving School is currently certified as a classroom-based defensive driving school and applied for alternative delivery method (ADM) format for its currently certified business entity. The school is owned by Karen Rushing.

Division staff has performed a review of the school’s application and ADM curriculum.

It is recommended that the current certification for West Valley PHX Defensive Driving School be amended to include the additional ADM modality.

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

Motion Proposals: First Walter (Jack) Weberg
Second William Riedel

Motion Results: Pass

4) CERTIFICATION AND ELIGIBILITY:

4-A: *Review, discussion and possible action regarding request for school name change for defensive driving school West Valley PHX Defensive Driving School.*

Individual Addressing the Board: Chris DeWitt

Discussion: West Valley PHX Defensive Driving School, School 404, submitted a request to change the school's name on October 7, 2019.

The proposed name for the school is West Valley PHX Defensive Driving School*Online4U2.

The Division has received the necessary documentation and recommends the Board approve the requested name change from West Valley PHX Defensive Driving School to West Valley PHX Defensive Driving School*Online4U2.

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

Motion Proposals: First Hon. Mayra Galindo
Second William Riedel

Motion Results: Pass

5) ADMINISTRATIVE ISSUES:

5-A: Review and discussion regarding correspondence from law firm, Fennemore Craig.

Individual Addressing the Board: Mark Wilson

Discussion: Review of letter from Fennemore Craig concerning the application of Code provisions relating to substantially different and use of the Court website and Division's response.

Motion: Informational item only. No vote required.

5-B: Review, discussion and possible action regarding meeting dates for 2020.

Individual Addressing the Board: Michelle Martinez

Discussion: The Defensive Driving Board is asked to consider and approve the 2020 meeting calendar.

It is recommended the 2020 meeting calendar be set as follows:

February 27, 2020
April 16, 2020
June 18, 2020

August 20, 2020
October 15, 2020
December 10, 2020

All meetings to begin at 10:00 a.m.

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

Motion Proposals: First Walter (Jack) Weberg
Second William Riedel

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Walter (Jack) Weberg
Second William Riedel

Motion Results: Pass

Time: 10:23 a.m.

Initials: JA