



BOARD OF DEFENSIVE DRIVING

Thursday, August 22, 2019

10:00 a.m.

Arizona State Courts Building

1501 West Washington Street, Phoenix, Arizona 85007

Hearing Room 109

APPROVED REGULAR MEETING MINUTES

MEMBER ATTENDANCE:

Present:

Hon. Maria Brewer

Walter (Jack) Weberg

William Riedel

Hon. Mayra Galindo

Telephonically Present:

Thomas L. Davis

Margaret Stephens-Reed

Johnny Tse

Kevin Frei

Victoria Reuss

Absent:

OTHER ATTENDEES:

AOC Staff:

Mark Wilson

Michelle Martinez

Jennifer Ashley

Brianna Farmer

Chris DeWitt

Hal White

Wil Castro

Marcie Kanefield

Scott McFadden

Guests:

Angelic Craig

Greg Harris

Chirag Patel

Debbie Grado

CALL TO ORDER

Called to Order By: Hon. Maria Brewer

Time: 9:59 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: Review, discussion and possible action regarding the regular session minutes for the meeting of June 13, 2019.

Individual Addressing the Board: Hon. Maria Brewer

Discussion: None

Motion: Consideration of and motion to accept the regular session minutes of the June 13, 2019 meeting.

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

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: Scott McFadden

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) by canceling classes

without extraordinary circumstances and in failing to notify the Division of such cancellations.

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

Motion: Defer to next meeting to gather information regarding any student(s) affected by the cancellation.

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

Motion Results: Pass

Note: Items 2B through 2M were taken out of order.

2-C: Review, discussion and possible action regarding complaint number 18-D019 concerning certificate holder All Over Arizona Traffic.

2-F: Review, discussion and possible action regarding complaint number 18-D023 concerning certificate holder Cheaper Easier Faster Arizona

2-G: Review, discussion and possible action regarding complaint number 18-D024 concerning certificate holder Payless Dismiss Ticket Fast

2-H: Review, discussion and possible action regarding complaint number 18-D025 concerning certificate holder AZ Defensive Driving by Safe2Drive

2-J: Review, discussion and possible action regarding complaint number 18-D027 concerning certificate holder Arizona Traffic Schools, LLC.

2-K: Review, discussion and possible action regarding complaint number 18-D030 concerning certificate holder Pay 4 Less Simple Fun.

2-L: Review, discussion and possible action regarding complaint number 18-D033 concerning certificate holder Drive Safe AZ Traffic School

Individual Addressing the Board: Brianna Farmer

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding All Over Arizona Traffic School, Cheaper Easier Faster Arizona, Payless Dismiss Ticket Fast, AZ Defensive Driving by Safe2Drive, Arizona Traffic Schools, LLC, Pay 4 Less Simple Fun, and Drive Safe AZ Traffic School have not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 18-D019, 18-D023, 18-D024, 18-D025, 18-D027, 18-D030, and 18-D033

It is further recommended the dismiss complaints 18-D019, 18-D023, 18-D024, 18-D025, 18-D027, 18-D030, and 18-D033 without prejudice.

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

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

Motion Results: Pass

2-D: Review, discussion and possible action regarding complaint number 18-D020 concerning certificate holder American Safety Council.

2-I: Review, discussion and possible action regarding complaint number 18-D026 concerning certificate holder AZ Fast 4 Hour Defensive Driving School.

Individual Addressing the Board: Brianna Farmer

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding American Safety Council and AZ Fast 4 Hour Defensive Driving School has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 18-D020 and 18-D026

It is further recommended the Board dismiss complaint numbers 18-D020 and 18-D026 without prejudice.

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

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

Motion Results: Pass

2-B: Review, discussion and possible action regarding complaint number 18-D018 concerning certificate holder 123 AZ Online Driving School

Individual Addressing the Board: Brianna Farmer

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding 123 AZ Online Driving School has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 18-D018.

It is further recommended the Board dismiss complaint number 18-D018 without prejudice.

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

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

Motion Results: Pass

2-E: Review, discussion and possible action regarding complaint number 18-D021 concerning certificate holder Arizona Academy of Defensive Driving.

Individual Addressing the Board: Brianna Farmer

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Arizona Academy of Defensive Driving committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 18-D021.

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)(26)(f)(2) and 7-205(F)(27)(a) by failing to timely remit diversion fees and to reconcile and balance all collected fees daily.

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 Hon. Mayra Galindo

Motion Results: Pass

2-M: Review, discussion and possible action regarding complaint number 18-D036 and 18-D037 concerning certificate holders Easy As Pie Defensive Driving Online and Online Traffic Ticket Dismissal

Individual Addressing the Board: Brianna Farmer

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Easy As Pie Defensive Driving Online has not committed the alleged act(s) of misconduct as detailed in Allegation 1 in the Investigation Summary and Allegation Analysis Report in complaint numbers 18-D036 and 18-D037.

It is further recommended the Board dismiss complaint number 18-D036 as to Easy As Pie Defensive Driving Online without prejudice.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Online Traffic Ticket Dismissal has committed the alleged act(s) of misconduct as detailed Allegation 2 in the Investigation Summary and Allegation Analysis Report in complaint numbers 18-D036 and 18-D037.

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)(a) for act(s) of misconduct involving ACJA § 7-205 (F)(28)(f)(2) for failure to submit timely payment to the court.

It is further recommended the Board issue a Letter or Concern as to Online Traffic Ticket Dismissal complaint number 18-D037.

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

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

Motion Results: Pass

2-N: Update regarding the status of pending complaints

Individual Addressing the Board: Michelle Martinez

Discussion: As of August 16, 2019, there are currently 50 open complaints, 13 of which were presented on this Agenda with dispositive recommendations under Agenda Items 2A-2M.

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. Robert Robinson**
- 2. Christina Williams**
- 3. Morgan Robidoux**

Individual Addressing the Board: Wil Castro

Discussion: The following applicants applied for initial defensive driving instructor certification. They successfully passed the program examination and have submitted a complete application demonstrating that they meet the minimum education and experience requirements.

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

1. Robert Robinson
2. Christina Williams
3. Morgan Robidoux

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

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

Motion Results: Pass

4. Chirag Patel

Individual Addressing the Board: Wil Castro

Discussion: Chirag Patel applied for initial defensive driving instructor certification and has successfully passed the Arizona Written Exam. Mr. Patel disclosed a 2014 DUI misdemeanor conviction and has successfully completed all terms that were outlined in his probation. The DUI conviction is over five years from the date of his application was submitted and since then he has not been involved in any other criminal or civil matters.

The Division recommends that initial defensive driver instructor certification be granted to Chirag Patel.

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

Motion Proposals: First Margaret Stephens-Reed
Second Walter (Jack) Weberg

Motion Results: Pass

Note: Moved to Executive Session at 10:29 a.m.
Executive Session ended at 10:31 a.m.

4) CERTIFICATION AND ELIGIBILITY:

4-A: Review, discussion and possible action regarding pending sale or transfer of defensive driving schools I Drive Safely and DriversEd.com.

Individual Addressing the Board: Chris DeWitt

Discussion: It is recommended the sale of I Drive Safely and DriversEd.Com to Aceable be approved by the Board.

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

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

Motion Results: Pass

4-B: Review, discussion and possible action regarding request for inactive status from defensive driving school, Crash and Learn, LLC

Individual Addressing the Board: Chris DeWitt

Discussion: The division recommends that the board grant the certificate holder's request for inactive status retroactive to July 1, 2019.

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

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

Motion Results: Pass

4-C: Review, discussion and possible action regarding a change of curriculum for Arizona Chapter National Safety Council.

Individual Addressing the Board: Chris DeWitt

Discussion: It is recommended the change in curricula be granted to Arizona Chapter National Safety Council.

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

Motion Proposals: First Margaret Stephens-Reed
Second William Riedel

Motion Results: Pass

4-D: Review, discussion and possible action regarding request for school name change for the following defensive driving schools:

- 1. Start Today Online Defensive Driving**
- 2. Easy as Pie Defensive Driving Online**

Individual Addressing the Board: Chris DeWitt

Discussion: 1. Start Today Online Defensive Driving, School 557, submitted a request to change the school's name on June 7, 2019.

The proposed name for the school is American Roadways Driver Safety Course.

The Division has received the necessary documentation and recommends the Board approve the requested name change from Start Today Online Defensive Driving to American Roadways Driver Safety Course.

2. Easy as Pie Defensive Driving Online, School 563, submitted a request to change the school's name on July 12, 2019.

The proposed name for the school is Defensive Driving the Musical.

The Division has received the necessary documentation and recommends the Board approve the requested name change from Easy as Pie Defensive Driving Online to Defensive Driving the Musical.

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

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

Motion Results: Pass

5) ADMINISTRATIVE ISSUES:

5-A: Review, discussion and possible action regarding the certification renewal application deadline pursuant to ACJA § 7-201(G)(2).

Individual Addressing the Board: Hal White

Discussion: The Division recommends that the Board establish renewal application period starting September 2, 2019, through October 31, 2019. Division staff further recommends that applications submitted on or after October

1, 2019 be assessed an additional \$50.00. In the event that a certificate holder has filed a timely and complete application for renewal, the existing certification does not expire until the Board has acted on the application for renewal of certification.

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

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

Motion Results: Pass

5-B: Review, discussion and possible action concerning random audits of continuing education compliance for renewal

Individual Addressing the Board: Hal White

Discussion: It is recommended the Board request staff to sample audit 10% of the instructor pool for continuing education compliance.

Motion: Consideration of and motion to reject staff's recommendation and instruct staff to audit 100% of certified instructors who do not attend the Instructor Training provided by AOC.

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

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board: Mark Wilson

ADJOURNMENT

Motion: Move to adjourn.

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

Motion Results: Pass

Time: 10:49 a.m.

Initials: JA