

DRUG AND ALCOHOL DRIVING AWARENESS PROGRAMS
(DES)

Class A

Penalty Range:
\$100 to \$250

Administrative Violations

- Failed to ensure a contract transferring the ownership of the school includes the required information 84.70(e)(2)
- Failed to submit appropriate fee and all documents to the department 84.70(f)(2)
- Failed to notify the department of an instructor's change of address in writing 84.72(i)

Posting and Public Information-Related Violations

- Failed to notify consumers and service recipients of the department's complaint information 84.71(c)(5); 84.83(c); 84.84
- Failed to have a written grievance procedure that is disclosed to all students 84.83(a)

Class B

Penalty Range:
\$150 to \$500 and/or up to 1-year full suspension

Administrative Violations

- Failed to notify the department in writing of any change of address at least 3 working days before the move 84.70(f)(1)
- Failed to provide written notice to the department and the course provider within 5 working days of closure 84.70(i)(1)
- Failed to forward all records to the course provider responsible for the records within 5 days 84.70(i)(1)
- Failed to enroll a person who is being instructed in the program 84.82(c)(1)

Advertising Violations

- Used advertising that was false, misleading, or deceptive 1001.451(1); 84.80(d)

- Included more than one school name on school license 84.70(d)
- Conducted business or advertised under a name that is deceptively similar to another without approval 84.80(a)
- Used names than other the approved school name 84.80(b)

Operations-Related Violations by a Drug and Alcohol Awareness Program

- Failed to ensure instruction was provided by currently licensed instructors 84.71(b)
- Failed to evaluate instructor performance in accordance with the course provider plan 84.71(d)(5)
- Failed to meet any state and local ordinances governing housing and safety for the use designated 84.90(d)

Record-Related Violations

- Failed to furnish upon request any data pertaining to student enrollments and attendance to show compliance with the legal requirements for inspection by the department 84.81(c)(1)
- Failed to show compliance with the legal requirements for inspection by authorized representatives of the department 84.81(c)(1)
- Failed to retain all student records for at least 3 years 84.81(c)(2)
- Failed to include required information in enrollment forms 84.82(c)(2)

Class C

Penalty Range:
\$250 to \$750 and/or up to revocation

Operations-Related Violations by a Drug and Alcohol Awareness Program

- Failed to notify the department within 15 working days of a driver training school closing 1001.451(2); 84.70(i)(1)
- Refused to cooperate with an investigation by an authorized representative of the department 60.23(a)(3)
- Failed to perform instruction in location approved by the department 84.71(b)
- Failed to ensure instruction was provided by department-licensed instructors 84.71(b)
- Failed to ensure that all instructors are properly licensed with the proper endorsement 84.71(d)(1)
- Failed to prohibit an instructor from giving instruction or prohibit a student from receiving instruction if that instructor or student is using or exhibits any evidence or effect of an alcoholic 84.71(d)(2)

- beverage, controlled substance, drug, abusable glue, aerosol paint, or other volatile chemical
- Provided instruction or allow instruction to be provided in courses not on the school's list of approved courses 84.71(d)(3)
- Completed, issued, or validated a certificate of program completion for a person who had not successfully completed the entire course 84.71(d)(4)
- Failed to develop and maintain a means to ensure the security and integrity of student information in transit and at rest 84.71(d)(6)
- Failed to develop and maintain a means to ensure the privacy of student data and make the corporate privacy policy available to all course students 84.71(d)(7)
- Failed to ensure that no drug or alcohol awareness program is taught in any location where alcohol is present 84.90(j)

Facility-Related Violations

- Conducted a course in a facility not approved by the department 84.90(a)
- Failed to meet the use requirements of the maximum number of current students 84.90(c)
- Failed to ensure classroom facilities, when used for instruction, met all requirements 84.90(e)
- Failed to provide designated instructional areas that ensure students are able to see and hear the instructor and audiovisual aids 84.90(f)

Class D

Penalty Range:
\$1,000 and/or revocation

- Failed to comply with an order of the executive director or commission 51.353(a)
- Instructor failed to meet a requirement for issuance of or holding a license 1001.455(a)(1)
- Instructor permitted or engaged in misrepresentation, fraud or deceit in applying for obtaining a certificate, license or permit 1001.455(a)(2)
- Instructor induced fraud or fraudulent practices in an action between the application for a driver's license or permit 1001.455(a)(3)
- Instructor permitted or engages in any other fraudulent practice in an action between the applicant or license holder and the public 1001.455(a)(4)