

Supreme Court Board of Legal Document Preparers

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room 230
10:00 a.m. – 2:00 p.m.

December 19, 2005

Approved Regular Session Meeting Minutes

Members Present:

Judge Roland J. Steinle
Mary Carlton
Carol L. Wells
Dr. Roger Hartley
Vellia M. Piña
Donald F. Steward
Nancy Swetnam
Frank Costanzo

AOC Staff Present:

Nina Preston
Linda Grau
Kimberly Siddall
Jeff Yocum
Dara Fonseth
Richard Sczerbicki

Members Absent:

J. Ward Sturm

Guests:

Joy Partridge
Carla Lief

Telephonically Present:

Jacqui Velde
Virlynn Tinnell

CALL TO ORDER

The regular session was called to order by Judge Roland Steinle at 10:13 a.m.

Mary Carlton holds the proxy vote for J. Ward Sturm.

REVIEW AND APPROVAL OF MEETING MINUTES

Regular Session Minutes for the meeting of October 24, 2005 and Regular and Executive Session Minutes from November 14, 2005.

A **motion** was made by Nancy Swetnam to adopt the Regular and Executive Session minutes for November 14, 2005 as amended. Mary Carlton seconded the motion. Motion passed. **LDP-05-365**

A **motion** was made by Nancy Swetnam to adopt the Regular Session minutes for October 24, 2005 as amended. Dr. Roger Hartley seconded the motion. Motion passed. **LDP-05-366**

ADMINISTRATIVE ISSUES

- *Review and discussion regarding a pending legislative proposal involving professional certification and licensing application denials related to criminal convictions.*

Linda Grau presented a copy of a legislative proposal submitted by the Honorable Barry Schneider of the Superior Court in Maricopa County. The proposal suggests legislation be enacted enabling an individual who has been convicted of a class 6 undesignated (“open”) offense to not be subject to collateral sanctions related to professional certification and licensing. Ms. Grau reported the proposal appears to consider the need to pave the way for obtaining plea agreements in criminal matters, it does appear to impact the Board’s authority to make certification determination. Ms. Grau recommended the Board discuss the proposal and determine if submission of a Public Comment from the Board is necessary.

The Board decided to take no position on this matter.

- *Review and discussion of recently adopted amendments to Arizona Supreme Court Rule 31 and Arizona Code of Judicial Administration § 7-208 pertaining to disbarred attorneys making application to become legal document preparers.*

A copy of the recently adopted changes of Rule 31 applicable to disbarred attorneys along with proposed revisions to ACJA § 7-208 were provided to the Board. It is recommended the Board review, discuss, and approve the proposed revisions to ACJA § 7-208.

Nancy Swetnam gave a presentation to the Board regarding the draft of the revisions to ACJA § 7-208 intended to equate § 7-208 with the changes recently adopted to Rule 31 pertaining to disbarred attorneys.

A **motion** was made by Judge Roland Steinle directing Nancy Swetnam to draft proposed changes of the Arizona Code of Judicial Administration § 7-208 and submit the proposed revisions to the Arizona Supreme Court. Virlynn Tinnell seconded the motion. Motion passed. **LDP-05-367**

CERTIFICATION AND ELIGIBILITY

- *Report and recommendations regarding Continuing Education course credit requests.*

Linda Grau introduced Kandace French, Programs Unit Specialist and informed the Board Kandace will be processing, preparing and making recommendations to the Board regarding Continuing Education requests received.

The following requests for continuing education credit have been received by the Legal

Document Preparer Program for Board review and consideration:

1. Arizona Paralegal Conference 2005 “Raising the Paralegal Bar” presented by the Maricopa County Bar Association in Phoenix, Arizona on 09/23/05 – 6 hours requested.

Program staff recommended the course “Raising the Paralegal Bar” be approved for 5 credit hours.

2. “Model Standard of Conduct for Mediators” presented by the American Arbitration Association in Phoenix, Arizona on 11/11/05 – 1 hour requested.
3. “Drafting for Flexibility Using Powers of Appointment & Disclaimers” presented by the Prescott Estate Planning Council in Prescott, Arizona on 11/16/05 – 1 hour requested.
4. “Evolution or Revolution: The Changing Dynamics of Estate Planning” presented by Edward Jones Professional Education Network in Sedona, Arizona on 11/9/05 – 3 hours requested.
5. “Secretary of State Notary Workshop” presented by the Arizona Secretary of State in Phoenix, Arizona on 11/3/05 – 4 hours requested.
6. “Family Court Rules” presented by the Judicial Education Center in Phoenix, Arizona on 12/16/05 – 3.5 hours requested.
7. “Fiduciary Relationships & Liabilities” presented by NALS of Yavapai County in Prescott, Arizona on 10/11/05 – 1 hour requested.
8. “Minimizing Malpractice & Ethical Issues” presented by the Prescott Estate Planning Council in Prescott, Arizona on 10/26/05 – 1 hour requested.
9. “Family Court Update & Alternative Dispute Resolution” presented by NALS of Yavapai County in Prescott, Arizona on 11/8/05 – 1 hour requested.
10. “Garnishment of Wages/Garnishment of Bank Accounts” presented by A.A.I.P. Show Low in Prescott, Arizona on 10/22/05 – 2 hours requested.

Program Staff recommended courses 2 through 10 be approved for the requested credit.

A **motion** was made by Dr. Roger Hartley to approve the noted recommendations for numbers 1 through 10. Mary Carlton seconded the motion. Motion passed. **LDP-05-368**

- *Review and discussion regarding AZCLDP Lisa DeLong's appeal of the Board's decision to deny continuing education credit for the event entitled, "Ethics and Confidentiality in Behavioral Health" presented by the Community Partnership of Southern Arizona on June 21, 2005.*

Kandace French informed the Board Ms. DeLong submitted an appeal request regarding the Board's denial of CE credit for her attendance at an event entitled "Ethics and Confidentiality in Behavioral Health". Ms. French recommended the Board determine if CE credit for this event is appropriate.

A **motion** was made by Frank Costanzo to grant 2 hours of Continuing Education to Lisa DeLong for attending the event entitled "Ethics and Confidentiality in Behavioral Health". Dr. Roger Hartley seconded the motion. Motion passed. **LDP-05-369**

ADMINISTRATIVE ISSUES (revisited)

- *Review and discussion regarding proposed revisions of Arizona Code of Judicial Administration § 7-208. (revisited)*

Nancy Swetnam gave a presentation regarding pending proposed revisions to Arizona Code of Judicial Administration (ACJA) § 7-201: General Requirements. § 7-201 currently serves as the general requirements for three of the programs of the Certification and Licensing Division Programs: Confidential Intermediary, Defensive Driving and Fiduciary. The amendments are being drafted to § 7-201 and the program specific sections of ACJA to have § 7-201 apply to all programs, including Legal Document Preparer. § 7-201 will contain general definitions, procedures and policies regarding certification and disciplinary proceedings. ACJA § 7-208 will be program specific to Legal Document Preparer program. ACJA § 7-201 and § 7-208 draft proposals are anticipated to be ready for public comment by the end of January 2006. The revised versions of § 7-201 and § 7-208 are intended to be ready to go before the Arizona Judicial Counsel in June 2006 for review following a Public Comment period and review by various Supreme Court Committees through early 2006. A meeting with certificate holders to discuss the proposals will be scheduled during January 2006.

- *Business entity application interview with designated principal Carla Lief of Carla's Paralegal Services, LLC.*

At the last meeting, the Board invited Ms. Lief to appear at this meeting for an interview regarding the statements submitted regarding her business entity application. Ms. Lief failed to disclose being the subject of an Order of Protection.

Ms. Lief attended the meeting as requested by the Board and explained she failed to disclose the Order of Protection on her business entity application, because it was related to a domestic relations case and did not consider this matter related to her business.

A **motion** was made by Dr. Roger Hartley to grant business entity certification to Carla's Paralegal Services, LLC. Mary Carlton seconded the motion. Motion passed. **LDP-05-370**

A **motion** was made by Judge Roland Steinle to grant business entity exemption to Carla's Paralegal Services, LLC. Mary Carlton seconded the motion. Motion passed. **LDP-05-371**

- *Business entity application interview with designated principal Joy Partridge of Business World Tax Specialist, LLC.*

At the last meeting, the Board invited Ms. Partridge to appear at this meeting for an interview regarding the statements submitted regarding her business entity application. Ms Partridge failed to disclose three civil actions in which she or the business entity were named parties. She stated that she misunderstood the question.

Ms. Partridge attended the meeting today as requested by the Board and explained she had misunderstood the scope of the question.

A **motion** was made by Dr. Roger Hartley to grant business entity certification to Business World Tax Specialist, LLC. Mary Carlton seconded the motion. Motion passed. **LDP-05-372**

A **motion** was made by Judge Roland Steinle to grant business entity exemption to Business World Tax Specialist, LLC. Mary Carlton seconded the motion. Motion passed. **LDP-05-373**

- *Review and discussion of the Legal Document Preparer Examination Validation Report submitted by HZ Assessments and Legal Document Preparer data regarding examination participation.*

Linda Grau provided the Board with a copy of the LDP Examination Validation Report submitted by HZ Assessments and Program statistics regarding exam participation rates and average score. The Board requested the report be posted electronically to the LDP Program website.

- *Review and discussion regarding examination exemption requests.*

Linda Grau provided letters from Patricia Rangel, an LDP, and from Building Industry Credit Association ("BICA"), an employer of two LDPs, asking the Board to reconsider the examination requirement.

Patricia Rangel

The Board directed Program staff to issue a letter and send a copy of the LDP Examination Validation Report to Patricia Rangel stating the matter was submitted to the Board and no exemption will be granted.

BICA

BICA is a certified business which employs two certified LDPs. BICA has submitted a request for either an exemption from the examination requirement for the LDP employees based on the limited scope of LDP services offered by the company (i.e. preparation of lien notices), or, in the alternative, a written determination whether preparing lien notices is contemplated to be governed by Rule 31 and ACJA § 7-208. The Board determined the business entity and employees are subject to the certification requirement and directed Program staff to issue a letter stating no exemption would be granted.

- *Review and discussion regarding voluntary surrender request of AZCLDP number 80063, Edgar Meza.*

Linda Grau requested this agenda item be handled later in the meeting.

- *Review and discussion regarding voluntary surrender request of AZCLDP number 80710, Deborah Gilman.*

Linda Grau reported to the Board Deborah Gilman has submitted a request to voluntarily surrender her certificate. It is recommended the Board defer consideration of Ms. Gilman's request to the January meeting in order for Program staff to conduct an administrative review.

A **motion** was made by Virlynn Tinnell to defer consideration of AZCLDP number 80710, Deborah Gilman's request for voluntarily surrender of certificate until the January Board meeting. Mary Carlton seconded the motion. Motion passed. **LDP-05-374**

- *Review and discussion regarding criteria considered by the Board in certification determination reviews involving applicant with criminal convictions.*

Linda Grau provided the Board with a list of criteria the Board has previously applied in considering applications involving criminal convictions.

A **motion** was made by Judge Roland Steinle to adopt the "Conviction Criteria" as policy of the Board until such time as revisions are proposed to ACJA § 7-208 and in future revisions the criteria be included as part of the code. Dr. Roger Hartley seconded the motion. Motion passed. **LDP-05-375**

- *Review and discussion regarding Subcommittee report and recommendation regarding the denial of initial individual certification to Ken Volk.*

Donald Steward reported to the Board on behalf of the Subcommittee. After extensive review the Subcommittee recommended Ken Volk be granted initial individual certification.

A **motion** was made by Frank Costanzo to grant initial individual certification to Ken Volk. Dr. Roger Hartley seconded the motion. Motion passed. **LDP-05-376**

REVIEW OF PENDING COMPLAINTS

- *Review and discussion regarding LDP Program complaint numbers 04-L003, 04-L004, 04-L005, 04-L026, 05-L055, 05-L059, 05-L071, 05L-090, and 05-L116.*

04-L004

04-L005 (Edgar Meza)

A **motion** was made by Judge Roland Steinle to adopt the recommendations of the Probable Cause Panelists finding Probable Cause exists and draft a Notice of Formal Charges and proceed with discipline in complaint numbers 04-L004 and 04-L005. Dr. Roger Hartley seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-377**

Edgar Meza

A **motion** was made by Judge Roland Steinle to deny Edgar Meza's request to voluntary surrender his certificate. Dr. Roger Hartley seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-378**

A **motion** was made by Judge Roland Steinle for the Board to authorize Judge Roland Steinle to sign the Formal Notice of Charges and Right to Hearing for Edgar Meza and CE Claims. Dr. Roger Hartley seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-379**

04-L003

04-L026

A **motion** was made by Judge Roland Steinle to dismiss complaint numbers 04-L003 and 04-L026. Virlynn Tinnell seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-380**

05-L116

A **motion** was made by Judge Roland Steinle for the Board to dismiss complaint number 05-L116 due to lack of jurisdiction. Dr. Roger Hartley seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-381**

05-L090

A **motion** was made by Judge Roland Steinle to adopt the recommendations of the Probable Cause Panelist finding Probable Cause exists and to draft a Notice of Formal Charges and proceed with discipline in complaint number 05-L090, pursuant § 7-208(F)(2) and Code of Conduct, Appendix A. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-382**

A **motion** was made by Judge Roland Steinle authorizes the Program staff to make the necessary contact in regards to exploring a Consent Agreement for complaint number 05-L090. Donald Steward seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-383**

05-L055 (Steven Wyner)

05-L059 (Steven Wyner)

05-L071 (Steven Wyner)

A **motion** was made by Judge Roland Steinle to consolidate the matters and adopt the finding of Probable Cause finding Probable Cause exists and to draft a Notice of Formal Charges and proceed with discipline in complaint numbers 05-L055, 05-L059 and 05-L071. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-384**

A **motion** was made by Judge Roland Steinle to consolidate the matters for disciplinary proceedings for complaint numbers 05-L055, 05-L059 and 05-L071. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-385**

- *Review and discussion regarding business entity non-compliance complaint initiated on November 14, 2005.*

Linda Grau reported to the Board on November 14, 2005, Program staff recommended the Board initiate a business entity certification non-compliance complaint against a certificate holder who had, in fact, submitted an application the Friday before the meeting. It is recommended the Board withdraw its earlier order only as it pertains to this certificate holder. Because the complaint initiated is confidential pursuant to 7-208, it recommended that if the Board desires more information it request Executive Session.

EXECUTIVE SESSION STARTED - 12:26 P.M.

A **motion** was made by Dr. Roger Hartley to enter into Executive Session to discuss confidential information and for advice of legal counsel. Frank Costanzo seconded the motion. Motion passed. **LDP-05-386**

EXECUTIVE SESSION ENDED - 12:40 P.M.

REVIEW OF PENDING COMPLAINTS

- *Review and discussion regarding LDP Program complaint numbers 04-L003, 04-L004, 04-L005, 04-L026, 05-L055, 05-L059, 05-L071, 05L-090, and 05-L116. (revisited)*

Nancy Swetnam requested the complaints be clarified as to who they pertain to or to show they are confidential pursuant to § 7-208. They are recapped as follows:

04-L003 was dismissed and is confidential, pursuant to § 7-208.

04-L004 is an action regarding C.E. Claims & Services, LLC.

04-L005 involves individual certificate holder Edgar Meza.

04-L026 was dismissed and is confidential, pursuant to § 7-208.

05-L055, 05-L059 and 05-L071 were consolidated and relate to individual certificate holder Steven Wyner.

05-L090 involves individual certificate holder Randy Furse.

05-L116 was dismissed and is confidential, pursuant to § 7-208.

- *Review and discussion regarding business entity non-compliance complaint initiated on November 14, 2005. (revisited)*

A **motion** was made by Judge Roland Steinle to withdraw the motion made at the November 14, 2005 Board meeting involving a business entity regarding initiation of a complaint. Dr. Roger Hartley seconded the motion. Motion passed. **LDP-05-387**

- *Review and discussion regarding Board initiation of LDP Program complaints pursuant to Arizona Code of Judicial Administration § 7-208 (H)(2)(b) regarding AZCLDPs who failed to take the examination prior to the deadline, business entity certification non-compliance, and other matters pertaining to legal document preparation.*

A **motion** was made by Judge Roland Steinle to initiate a complaint for non-compliance against the five individuals listed on the Non-Compliance Report dated December 19, 2005. Frank Costanzo seconded the motion. Motion passed. **LDP-05-388**

- *Review and discussion regarding non-certificate holder complaints NC-348, NC-367, NC-368, and NC-370.*

NC-348

Linda Grau reported to the Board non-certificate holder complaint NC-348 was presented against non-certificate holder William Hamm and his allegedly preparing documents on behalf of an individual named Paul Wheeler. The Board was presented with a copy of the complaint received and numerous responses and documents submitted by Mr. Hamm. Ms. Grau recommended the Board review the materials and determine in any action is necessary.

A **motion** was made by Frank Costanzo to take no action and close the non-certificate holder complaint NC-348 against non-certificate holder William Hamm. Judge Roland Steinle seconded the motion. Motion passed. **LDP-05-389**

NC-367

Linda Grau reported to the Board non-certificate holder complaint NC-367 appears to have been erroneously submitted to the LDP Program. The complaint offers allegations against an Arizona attorney and has no relationship to the LDP Program. It is recommended the Board refer this matter to the State Bar of Arizona pursuant to ACJA § 7-208 (H)(2)(3).

A **motion** was made by Judge Roland Steinle to refer non-certificate holder complaint NC-367 to the State Bar, pursuant to ACJA § 7-208 (H)(2)(3), and close the complaint. Mary Carlton seconded the motion. Motion passed. **LDP-05-390**

NC-368

Linda Grau reported to the Board non-certificate holder NC-368 appears to have been erroneously forwarded to the LDP Program. The subject of the allegations appears to be an employee of the Arizona Department of Child Support Enforcement and does not have a relationship to the LDP Program. It is recommended the Board refer this matter to the Arizona Department of Child Support Enforcement pursuant to ACJA § 7-208 (H)(2)(3).

A **motion** was made by Frank Costanzo to refer non-certificate holder complaint NC-368 to the Arizona Department of Child Support Enforcement, pursuant to ACJA § 7-208 (H)(2)(3), and close the complaint. Mary Carlton seconded the motion. Motion passed. **LDP-05-391**

NC-370

Linda Grau reported to the Board non-certificate holder NC-370 is a complaint filed by a consumer regarding matters involving non-certified business entity Cast'On Corporation and denied applicant Cicero Cast'On. On September 27, 2005, Superior Court in Maricopa County, Judge Pendleton Gaines ordered a Cease and Desist Order against

Cicero Cast'On. Ms. Grau recommended the Board determine what action, if any, should be taken regarding this complaint and direct staff accordingly.

A **motion** was made by Dr. Roger Hartley to defer non-certificate holder complaint NC-370 until January 23, 2006 Board meeting. Judge Roland Steinle seconded the motion. Motion passed. **LDP-05-392**

- *Review and discussion of subpoena request regarding non-certificate holder complaint investigation.*

Linda Grau reported on February 25, 2005, on the Board's Petition, Superior Court in Maricopa County Judge Janet Barton issued a Cease and Desist Order against former certificate holder Robert Pilkington, enjoining Pilkington from engaging in any business activities related to legal document preparation. Program staff is currently working with the AG's Office to return to Court seeking a contempt order regarding possible violations of the Superior Court Cease and Desist Order. During the month of October 2005, the Program received a copy of a magazine called *Grande Living* which contained advertising for Pilkington's denied business entity (Central Arizona Paralegal Services) an article authored by Pilkington entitled "Affordable Legal Services". Assistant Attorney General Brian Luse requested Program staff contact the magazine's publisher and obtain a copy of any contract or agreement Pilkington entered into for the advertising and/or the submission of the article. On October 24, 2005, a certified letter was sent to *Grande Living* requesting the documentation. Verification of delivery of the letter has been made. To date, no response has been received. Therefore, Ms. Grau respectfully recommended the Board issue a Subpoena to Grande Living Magazine requesting production of any agreement or contracts entered into with Pilkington or Central Arizona Paralegal Services regarding the advertising, and, identify the date of submission of the article, pursuant to ACJA § 7-208 (H)(1)(f).

A **motion** was made by Judge Roland Steinle to direct staff to issue a Subpoena to Grande Living Magazine requesting production of any agreement or contracts entered into with Robert Pilkington or Central Arizona Paralegal Services regarding the advertising, and, identify the date of submission of the article, pursuant to ACJA § 7-208 (H)(1)(f) for Judge Roland Steinle to sign. Dr. Roger Hartley seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-393**

- *Review and discussion regarding Superior Court Petition for Cease and Desist Order against non-certificate holder Evelyn Baumgardner, and business entities Your Living Trust and Arizona Wills and Trusts, LLC pursuant to Arizona Code of Judicial Administration § 7-208 (H)(1)(c).*

Linda Grau reported to the Board Evelyn Baumgardner and her business entities were previously certified, but did not apply for renewal this certificate period. All three certificates expired on June 30, 2005. On October 24, 2005 and November 11, 2005 Ms. Baumgardner on behalf of Arizona Wills and Trusts, LLC accepted fees in the amount of \$650.00 for assistance with modifications to a trust. Based on Ms. Baumgardner being

fully aware of the certification requirements, her failure to renew individual and business entity certificates and the evidence demonstrating she continues to prepare legal documents on behalf of third parties, Ms. Grau recommended the Board direct Program staff to work with the Attorney General's office for the purposes of filing a Cease and Desist petition in the Superior Court, pursuant to § 7-208 (H)(1)(c).

A **motion** was made by Judge Roland Steinle to direct staff to work with the Attorney General's office for the purposes of filing a Cease and Desist Petition in the Superior Court, pursuant to § 7-208 (H)(1)(c), against Evelyn Baumgardner, and her business entities Your Living Trust and Arizona Wills and Trusts, LLC. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-394**

REVIEW OF CERTIFICATION APPLICATIONS

PENDING APPLICATIONS FOR INITIAL CERTIFICATION:

The following applicants have submitted applications for initial certification. The applications are complete, no information has been presented during the background which is contrary to certification being granted. The applicants have demonstrated they meet or exceed the minimum eligibility requirements for certification. Certification Specialist Kimberly Siddall recommended initial certification be granted to the following individuals or entities:

Metro Tax, Inc. (Michael Whittle)
Paju Inc. (Paul E. Brown)
National Document Filing & Retrieval, Inc. (Scott Boyer)
Scott Boyer
Tracy D. Stanfield
Melinda Pierce

A **motion** was made by Nancy Swetnam to grant initial certification to the above listed applicants. Mary Carlton seconded the motion. Motion passed. **LDP-05-395**

The following applications remain incomplete or pending the receipt of background review results. Ms. Siddall recommended these applications be deferred to the January meeting:

Yared B. Mekonnen
Stephen T. Coombs
Anjum J. Malone
Ivan Kobey
Kobey, LLC

A **motion** was made by Nancy Swetnam to defer certification determination for the above listed applicants to the January meeting. Frank Costanzo seconded the motion. Motion passed. **LDP-05-396**

Kimberly Siddall reported to the Board she has received the additional information requested and the applications are now complete, no information has been presented during the background which is contrary to certification being granted. The applicants have demonstrated they meet or exceed the minimum eligibility requirements for certification. Ms. Siddall recommended initial certification be granted to the following individuals or entities:

Elizabeth A. Freeman
Robin J. McElfresh
Val Vista Paralegal, LLC (Kristina Babbitt)

A **motion** was made by Judge Roland Steinle to grant initial certification to the above listed applicants. Mary Carlton seconded the motion. Motion passed. **LDP-05-397**

Previously, the Board deferred application consideration of the following and asked Ms. Thurman to direct her legal document preparer employees to submit applications or to explain why these employees have not been certified. To date Staff has not received the applications or an explanation from Ms. Thurman. It is recommended the Board direct Ms. Thurman to provide the requested information by December 28, 2005.

Cheryl M. Thurman
Asset Research Services, Inc. (Cheryl M. Thurman)

A **motion** was made by Judge Roland Steinle to defer this matter until the January 23, 2006 Board meeting in order for Ms. Thurman to provide the requested information to the Board before December 28, 2005. Mary Carlton seconded the motion. Motion passed. **LDP-05-398**

The following applications were received and processed for Board review and consideration.

Thomas L. Steel

Kimberly Siddall informed the Board Thomas Steel reported he received his BA from the University of Phoenix in 2000 and he received certificate in financial planning from Florida State University in 2001. Under employment history the applicant stated from 6/1/03 to present he has worked with clients to establish appropriate financial goals, complete estate planning, limited liability entity planning and ensured that clients follow through with all financial strategies. Mr. Steel has also worked with Northern Trust Bank as a state sales manager and compliance principal and at Bank of America as a financial relationship manager. Ms. Siddall recommended the Board make a determination if the applicant's education and work history qualifies him to become certified or if additional information is required.

A **motion** was made by Nancy Swetnam to request clarification from Thomas L. Steel regarding his specific work duties from June 1, 2003 to present, and to further clarify if

Mr. Steel was working under the supervision of an attorney or certified legal document preparer during the same time period. Mary Carlton seconded the motion. Motion passed. **LDP-05-399**

Diana H. Nguyen

Kimberly Siddall reported to the Board that Diana H. Nguyen filed her application on October 24, 2005. Staff received information that the applicant entered into Consent Order with the State Bar of Arizona on November 14, 2005. In the Consent Order Ms. Nguyen admitted to violating Supreme Court Rule 31(a)2A, (1), (3), (5) and 2B(2) on three counts. A copy of the Consent Agreement was provided to the Board for their review. The Consent Order requires Ms. Nguyen work under the supervision of a licensed Arizona attorney if her work is related to the practice of law. Ms. Siddall recommended the Board find Diana H. Nguyen does not meet the minimum eligibility requirements pursuant to ACJA § 7-208(E)(3)(a)(4) based on her failure to comply with court rules governing legal document preparers. It is recommended the Board deny the application pursuant to ACJA § 7-208(E)(5)(b)(1)(a) and (h).

A **motion** was made by Frank Costanzo to defer Diana H. Nguyen's request for initial application until the January 23, 2006 Board meeting and direct Program staff to clarify with the State Bar if Ms. Nguyen's application is in violation of the Consent Order. Dr. Roger Hartley seconded the motion. Motion passed. **LDP-05-400**

Jerrie Ortiz

Kimberly Siddall reported that during the Board meeting on November 14, 2005, the Board directed staff to contact Ms. Ortiz and have her provide a sworn affidavit attesting she had not engaged in the preparation of legal documents since she became aware of the certification requirements in October 2004. Ms. Ortiz filed that affidavit stating after October 2004 she has not engaged in the preparation of legal documents. On the application Ms Ortiz failed to disclose two civil actions. Ms. Ortiz responded confirming the civil action involving her mortgage company, but did not disclose because it was never arbitrated and it was not criminal. The other complaint Ms. Ortiz denied stating that "is unknown to me. I have never been served nor known about this complaint", however, staff notes on the court docket a "certificate of service received" was received 10/4/01. Ms. Siddall recommended the Board deny the application pursuant to ACJA § 7-208(E)(5)(b)(1)(c).

A **motion** was made by Judge Roland Steinle to invite Jerry Ortiz to the January 23, 2006 Board meeting to clarify her failure to disclose civil actions on her initial individual application and for the Board to have court documents available regarding "certificates of service received". Donald Steward seconded the motion. Motion passed. **LDP-05-401**

Simply Legal (Jody Patterson)

On the business entity application, Ms. Patterson failed to disclose four civil actions. Upon inquiry from the Program staff, Ms Patterson reported she believed information regarding the civil actions was provided with her individual application, which it was not. During the November Board meeting the Board deferred certification determination to allow staff to review the undisclosed civil actions. Staff reviewed the court files. Three of the actions had no relationship to document preparation or business practices. The one directly relates to the applying business entity and Ms. Patterson's involvement in offering document preparation services. Ms. Siddall recommended the Board deny the application pursuant to ACJA § 7-208(E)(5)(b)(1)(c) for material misrepresentation and failure to disclose.

A **motion** was made by Judge Roland Steinle to defer certification determination until the January 23, 2006 Board meeting for Jody Patterson and to invite her to attend the January meeting to clarify her failure to list four civil actions on her initial individual application and the pending business entity application. Donald Steward seconded the motion. Motion passed. **LDP-05-402**

Barbara L. Morejon
Immigration Assistance Center, LLC (Barbara L. Morejon)

Kimberly Siddall informed the Board Ms. Morejon disclosed on August 23, 2005 a Consent Judgment she entered into with the State of Arizona Attorney General's Office for advertising in "Notario Publico" in a Spanish magazine without the required disclaimer. The State was also awarded judgment against the applicant jointly and severally for civil penalties, and attorney's fees and costs in the sum of \$5,000 and ordered not to provide Notary Public services. Prior to the applications being submitted LDP Program records reflect receipt of a consumer complaint alleging Ms. Morejon was holding herself out as a licensed attorney and her business card states she provides civil case support and divorce action. Ms. Siddall recommended the Board consider the disclosure and enter a certification determination.

A **motion** was made by Nancy Swetnam to deny initial certification to Barbara L. Morejon and her business Immigration Assistance Center pursuant to § 7-208(E)(5)(b)(1)(a), (E)(3)(a)(4), (E)(5)(b)(1)(g) and (E)(5)(b)(1)(h). Mary Carlton seconded the motion. Motion passed. **LDP-05-403**

HEARING ON DENIAL OF BUSINESS ENTITY CERTIFICATION

- *1 p.m. hearing regarding the denial of business entity certification 2005-06 renewal of Universal Tax Services.*

Linda Grau provided the Board with a copy of a request for hearing from Universal Tax Services designated principal Blanca Quinonez Montalbo. The business entity renewal application was received in May of 2005; Program staff's attempts to secure Ms. Quinonez Montalbo application for individual renewal went unanswered. On September 19, 2005, the Board deemed the business entity incomplete and denied the application. Ms. Quinonez Montalbo is requesting to submit an alternative designated principal.

Ms. Quinonez Montalbo stated she is not qualified for initial certification because she knows that she can not pass the legal document preparer examination. Ms. Quinonez Montalbo further requested Rosa Bagnod-Gastelum to be the designated principal.

A **motion** was made by Judge Roland Steinle upon the condition the new principal, Rosa Bagnod-Gastelum, executes and submits the proper documents to the LDP Program the application of business entity Universal Tax Services be approved. Mary Carlton seconded the motion. Motion passed. **LDP-05-404**

REVIEW OF CERTIFICATION APPLICATIONS (resumed)

PENDING APPLICATIONS FOR INITIAL CERTIFICATION:

Gloria H. Moon

Ms. Moon originally disclosed on her application that she was involved in a civil action regarding an automobile accident. However, during the background investigation staff received information that Ms. Moon was involved in 19 other civil actions. Staff contacted Ms. Moon to inquire about these actions. Ms. Moon confirmed that she was involved in these actions and represented herself and provided an explanation for each along with a statement stating that for some reason she over-looked her application and by the time she had received it she was in a hurry to get it back and have it reviewed. Ms. Moon stated on her application that she has 18 years of providing services in preparation of legal documents prior to July 1, 2003 as self employed documents. Staff inquired for whom she provided this service for and she responded she only prepares documents for her business. Ms. Siddall recommended the Board deny the application pursuant to ACJA § 7-208(E)(5)(b)(1)(a) and (c) because, Ms. Moon does not meet the requirements for certification and material misrepresentation.

A **motion** was made by Frank Costanzo to deny initial certification to Gloria H. Moon for failure to disclose civil actions on her application, pursuant to § 7-208(E)(5)(b)(1)(a) and (c). Judge Roland Steinle seconded the motion. Motion passed. **LDP-05-405**

Equal Access to the Law, LLC (Richard French)

Mr. French has been requested to provide a Certificate of Good Standing on August 30, 2005, October 26, 2005, and November 25, 2005. To date he has not submitted the Certificate of Good Standing. Mr. French disclosed a felony conviction and civil actions on his individual application which the Board approved. Ms. Siddall recommended the Board deny the application and deem incomplete pursuant to ACJA § 7-208(E)(5)(b)(1)(b).

A **motion** was made by Mary Carlton to deem incomplete and deny initial certification to Equal Access to the Law, LLC for failure to provide a Certificate of Good Standing,

pursuant to § 7-208(E)(5)(b)(1)(b). Dr. Roger Hartley seconded the motion. Motion passed. **LDP-05-406**

J.C.O. Companies, Inc.

Staff has requested Mr. Osselaer to provide his individual application, Articles of Incorporation/Organization and Certificate of Good Standing. On November 14, 2005, the Board deferred the application and instructed staff to give Mr. Osselaer until December 1, 2005 to provide his individual application, Articles of Incorporation/Organization and Certificate of Good Standing. To date staff has not received the requested documentation. It is recommended the Board deny the application pursuant to ACJA 7-208 (E)(5)(b)(1)(b).

A **motion** was made by Mary Carlton to deny initial certification to J.C.O. Companies, Inc for failure to submit his individual application and Articles of Incorporation/Organization, pursuant to § 7-208(E)(5)(b)(1)(b). Dr. Roger Hartley seconded the motion. Motion passed. **LDP-05-407**

Legal-Ease, LLC (Dennis Lawrence)

The applicant was requested by staff on November 1, 2005 to provide additional information regarding two civil actions that were not disclosed on his business application, Articles of Incorporation/Organization, and Certificate of Good Standing. The applicant responded to the two civil actions confirming that he was involved but did not disclose on application “because he misunderstood the timeframe we were wanting and he felt that we were wanting cases that pertained to the operation of his business and not traffic accidents”. Also, in that response he indicated that he was applying to the Corporation Commission for another copy of the Articles of Organization. Kimberly Siddall reported to the Board that Mr. Lawrence has provided a Certificate of Good Standing, but to date has not received the Articles of Incorporation/Organization. It is recommended the Board deny the application pursuant to ACJA 7-208 (E)(5)(b)(1)(b) and (c).

A **motion** was made by Frank Costanzo to defer certification determination until the January 23, 2006 Board meeting for Program staff to review the background and business entity structure of Legal-Ease, LLC. Donald Steward seconded the motion. Motion passed. **LDP-05-408**

S.P. Wyner, LLC (Steven Wyner)

At the November 14, 2005 meeting the Board (at Wyner’s request) deferred certification determination and directed staff to provide the enclosed response to his inquiry about the use of the Q & L trade name. To date, the Program has received no request for reinstatement of Q & L. On November 25, 2005, Wyner notified the program he has decided not to use the Q & L trade name and his intent to use the name Family Metro Paralegal Service. On November 28, 2005, Wyner submitted a second clarification request to the Board acknowledging the Board’s October 24, 2005 order revoking Q & L and

inquiring if the Board order equated to the trade name passing “into public domain” or if the Board had concluded use of the Q & L “name is not an option for any future applicant”. A copy of the inquiry is enclosed for your review. It is recommended the Board decline the opportunity to address Wyner’s November 28, 2005 inquiry and refer him to legal counsel.

A **motion** was made by Judge Roland Steinle to refer Steve Wyner to legal counsel to address his November 28, 2005 inquiry to the Board. Mary Carlton seconded the motion. Motion passed. **LDP-05-409**

A **motion** was made by Judge Roland Steinle to deny the application of S.P. Wyner, LLC and deem it incomplete, pursuant to § 7-208(E)(5)(b)(1)(b) for failure to submit Certificate of Good Standing and deny pursuant to § 7-208(E)(5)(b)(1)(c) for material misrepresentation based on Mr. Wyner’s failure to disclose being a named party in Superior Court in Maricopa County case numbers CV1993-023438 and CV1989-002127, and City of Phoenix Municipal Court case numbers M-0741-142412 and M-0741-1424143. Further to deny certification, pursuant to § 7-208 (E)(5)(b)(1)(a) for failing to meet the eligibility requirements for certification by failing to comply with court rules adopted by the supreme court when he knowingly permitted non-certified individuals to prepare documents on behalf of the non-certified business entity. Mary Carlton seconded the motion. Motion passed. **LDP-05-410**

BUSINESS ENTITY EXEMPTION REQUESTS:

Val Vista Paralegal, LLC (Kristina Babbitt)

A **motion** was made by Judge Roland Steinle to grant Business Entity Exemption to Val Vista Paralegal, LLC. Mary Carlton seconded the motion. Motion passed. **LDP-05-411**

CALL TO PUBLIC

No response.

ADJOURN

A **motion** was made by Judge Roland Steinle to adjourn. Nancy Swetnam seconded the motion. Motion passed. **LDP-05-412**

Meeting adjourned at 1:32 p.m.

/bld