

# BOARD OF LEGAL DOCUMENT PREPARERS

## Meeting Agenda – Monday, July 17, 2017

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 – 10:00 A.M. – Conference Room 109

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

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**For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).**

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**CALL TO ORDER.....*Mary Carlton, Chair***

**1) REVIEW AND APPROVAL OF MEETING MINUTES.....*Mary Carlton, Chair***

*1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of May 22, 2017.*

**2) PENDING COMPLAINTS..... *Division Staff***

*2-A: Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation regarding complaint numbers 16-L007 and 16-L008, involving certificate holders, Shannon Trezza and AZ Statewide Paralegal, LLC.*

*2-B: Review, discussion and possible action regarding complaint numbers 16-L010 and 16-L011, involving certificate holders, Shannon Trezza and AZ Statewide Paralegal, LLC.*

*2-C: Review, discussion and possible action regarding complaint number 16-L023, involving certificate holder, Wendy Whitehair.*

**3) INITIAL CERTIFICATION AND ELIGIBILITY.....*Division Staff***

*3-A: Review, discussion and possible action regarding the following applications for initial, individual, business entity legal document preparer certification and business entity exemption requests:*

- 1. Debra Adams*
- 2. Brandy Krug*
- 3. Spirit West Certified Planning, LLC*
- 4. Yuma Legal Documents, Inc.*

4) ADMINISTRATIVE ISSUES.....*Division Staff*

CALL TO THE PUBLIC.....*Mary Carlton, Chair*

ADJOURN.....*Mary Carlton, Chair*

**BOARD OF LEGAL DOCUMENT PREPARERS**  
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**1) REVIEW AND APPROVAL OF MEETING MINUTES**

*1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of May 22, 2017.*

A draft of the regular session minutes for the meeting of May 22, 2017, is attached for the Board's review and consideration.

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### 2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation regarding complaint numbers 16-L007 and 16-L008, involving certificate holders, Shannon Trezza and AZ Statewide Paralegal, LLC.*

This complaint was presented to the Board on March 27, 2017, at which time the Board voted to accept Division staff's recommendation to issue a Censure to Shannon Trezza and AZ Statewide Paralegal, LLC, for incorrectly preparing and filing partially blank garnishment documents with the Court and by preparing and filing garnishment documents with the Court that included legal document preparation fees after the judgment was awarded to Complainant and the Court had not approved the fees, in violation of ACJA §§ 7-201(F)(1); 7-208(F)(1)(b), 7-208(F)(2), 7-208(F)(6)(c), 7-208(J)(1)(a), 7-208(J)(4)(b) and 7-208(J)(5)(a) and (b).

On March 27, 2017, the Board filed a Notice of Formal Statement of Charges and Right to Hearing with the Honorable William J. O'Neil ("Judge O'Neil"). Division records indicate Trezza and AZ Statewide were served on April 6, 2017.

On April 11, 2017, Trezza and AZ Statewide filed an Answer denying the allegations. On June 22, 2017, Trezza and AZ Statewide filed a Request to Vacate Hearing which Judge O'Neil granted on June 23, 2017.

Staff recommends that the Board find Trezza and AZ Statewide in default and enter a Final Order issuing the Censure.

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### 2) PENDING COMPLAINTS

*2-B: Review, discussion and possible action regarding complaint numbers 16-L010 and 16-L011, involving certificate holders, Shannon Trezza and AZ Statewide Paralegal, LLC.*

This matter was presented to the Board on March 27, 2017, at which time the Board deferred this matter and directed Staff to determine the status of a pending breach of contract lawsuit litigation between Plaintiff, AZ Statewide Paralegal, LLC (“AZ Statewide”), and Defendant, Gayle Simmons (“Ms. Simmons”), in CC2016-075457.

#### Brief Summary/Background

In Complaint Numbers 16-L010/16-L011, Ms. Simmons alleged AZ Statewide falsely advertised a guaranteed satisfaction or your money back policy. Ms. Simmons retained AZ Statewide in November 2015 to prepare documents in a garnishment matter. As detailed in the Investigation Summary and Allegation Analysis Report, Ms. Simmons was dissatisfied with the services provided by Shannon Trezza (“Ms. Trezza”) and AZ Statewide.

On February 4, 2016, Ms. Simmons sent an email to AZ Statewide indicating that she was disputing the legal document preparation fees with the credit card company. Ms. Trezza was initially agreeable to refunding the fees but two days later decided that she would not refund the fees, in part, because she said the fees were a legitimate charge. She threatened to file a breach of contract complaint against Ms. Simmons if she succeeded in the charge back. Consequently, the breach of contract lawsuit was filed on April 27, 2016, and subsequently dropped sometime in late 2016.

The issue to be resolved in this Complaint is whether AZ Statewide falsely advertised a satisfaction guaranteed or your money back guarantee policy, as alleged. Ms. Trezza acknowledged that AZ Statewide openly advertised such a policy beginning in 2006 when she started her business but in November 2013, she actively had the money back language removed from her websites and it has not in effect in November 2015 when Ms. Simmons retained AZ Statewide.

The Division’s investigation verified that on November 14, 2013, Ms. Trezza instructed her website designer to remove all language regarding a money back guarantee from her websites:

- Azstatewideparalegal.com
- Tucsondivorceparalegal.com
- Tucsonprobateparalegal.com
- Tucsonllparalegal.com

On November 18, 2013, the web designer confirmed that he had finished doing so.

In addition to her own domain names/websites, Ms. Trezza previously paid to advertise on Yellow Pages (YP) and before YP, on dexknows.com. Around the time she directed her web designer to

remove the money back language from her own websites, Ms. Trezza said she contacted YP instructing them to remove the money back guarantee language and claimed that she was assured by YP that it was done. Regarding dexknows.com, Ms. Trezza claimed that she stopped advertising with them before her paid account with YP. She did not think that her business was being advertised on dexknows.com because she was no longer paying to advertise.

Dexknows.com told Division staff that businesses paying to advertise receive an account accessible with a username and password that is issued. The account holder can freely make any changes to content including language. Dexknows.com utilizes an affiliate partnering system and advertises with YP and various other sites on behalf of account holders. If an account holder no longer pays to advertise then search engine exposure for business's website will diminish over time. The account holder retains the dexknows.com account and can access the account unless the account holder forgets login information which apparently happens frequently.

During the Division's investigation, various web searches were conducted. In all but one of several YP websites AZ Statewide's money back guarantee language was removed. However, reviews including recent reviews of dexknows.com reveals that the satisfaction guaranteed or money back language was still being advertised.

Ms. Simmons did not rely on the YP or dexknows.com information when she filed her Complaint. Those sites were revealed through the Division's investigation. Ms. Simmons indicated that when she was searching for a legal document preparation company she was primarily looking at Yelp reviews and retained AZ Statewide without any knowledge of a money back guarantee policy although she claimed that her partner had seen the policy during his research but they did not appear to discuss this prior to retaining AZ Statewide. With her Complaint, Ms. Simmons referenced a blog thread that appeared on October 10, 2011, on azdivorceparalegal.com, a website owned and operated by Ms. Trezza. However, the date of the blog preceded the 2013 changes to the money back policy so it was in effect at that time.

The Division does not believe that Ms. Trezza and AZ Statewide falsely and knowingly advertised a money back policy.

The Division believes that Ms. Trezza and AZ Statewide made reasonable and good faith efforts to remove the money back guarantee language from her websites, evidenced by the correspondence between her and her web designer.

On September 22, 2016, Probable Cause Evaluator, Mike Baumstark entered a finding probable cause does not exist as to Allegation 1, as detailed in the Investigation Summary and Allegation Analysis Report.

**Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Shannon Trezza and AZ Statewide Paralegal, LLC have not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 16-L010 and 16-L011.

It is further recommended the Board dismiss Complaint Numbers 16-L010 and 16-L011.

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### 2) PENDING COMPLAINTS

*2-C: Review, discussion and possible action regarding complaint numbers 16-L023, involving certificate holder, Wendy Whitehair.*

Wendy Whitehair worked for Complainant and submitted her resignation giving a two week notice. One week earlier than originally planned, Whitehair notified the Complainant that she was leaving immediately.

After Whitehair's departure, Complainant stated it learned that her files were completely unorganized and, in some cases, various documents were missing altogether. Complainant's complaint alleges: (i) the disorganization; (ii) that Whitehair left abruptly which left the company without a designated principal and no way to operate; (iii) that Whitehair was "steering" one of its more "lucrative" clients away from Complainant just prior to her departure, and (iv) that two of their current employees, were being denied service credit for their certification with Whitehair. Complainant believes Whitehair's actions are a direct violation of integrity, professionalism and truthfulness per the ACJA.

Whitehair acknowledged the complaint may be factually correct, however, asserts that the issues are taken out of context and, even so, still do not violate the ACJA. Whitehair claims she left for personal reasons and she emphatically denies she "steered" an NLS client to AZ Lien Services.

On May 31, 2017, the Probable Cause Evaluator found that probable cause did not exist as to the allegations in complaint number 16-L023. Staff recommends that the Board accept the findings of the Probable Cause Evaluator and dismiss complaint number 16-L023.

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### 3) INITIAL CERTIFICATION AND ELIGIBILITY

*3-A: Review, discussion and possible action regarding the following applications for initial individual, business entity legal document preparer certification and business entity exemption requests:*

1. Debra Adams applied for initial legal document preparer (“LDP”) certification. The applicant successfully passed the LDP program’s examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements.

The Division recommends that initial LDP certification be granted to Debra Adams.

2. Brandy Krug applied for initial legal document preparer certification. The applicant successfully passed the LDP program’s examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements.

Ms. Krug disclosed three terminations. In an interview, Ms. Krug said two were for not showing up to work when scheduled six and 16 years ago. The third was 12 years ago and regarded a verbal dispute with a coworker.

The Division recommends granting initial LDP certification to Brandy Krug.

3. Spirit West Certified Planning, LLC applied for legal document preparer business entity certification. Kevin Schaefer is listed as the designated principal for Spirit West Certified Planning, LLC, and failed to disclose that a business member on the Spirit West Certified Planning, LLC’s application was involved in a 2009 civil superior court judgment case as a plaintiff. Mr. Schaefer stated “I apologize for any inconvenience to the board for my oversight in this matter.”

The Division recommends the approval of business certification for Spirit West Certified Planning, LLC with the standard non-disclosure language.

4. Yuma Legal Documents, Inc. applied for legal document preparer business entity certification. Marisela Miranda is the company’s principal. Yuma Legal Documents, Inc. is in good standing with the Arizona Corporation Commission. Yuma Legal Documents, Inc. also applied for a business entity exemption.

The Division recommends the approval of business certification as well as business entity exemption for Yuma Legal Documents, Inc.