



Board of Legal Document Preparers
Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 109

Date: January 24, 2011
Time: 10:00 a.m. – 2:00 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Les Krambeal
Andrew Saper
Paul Friedman
Hon. Robert H. Oberbillig
Bonnie Matheson

Telephonically Present:

Cynthia Felton
Deborah Colon-Mateo
Debra A. Young
Debra Griffin

Absent:

Stephanie Gates Wolf

OTHER ATTENDEES

AOC Staff:

Nancy Swetnam
Kandace French
Nina Preston
Alex Navarro
Kimberly Siddall
Afton Foutz

Guests:

Gordon Owsley
Darren Ortiz
Mark Vincent
James Jenkins
Barry R. Goldman
Karen Lepin
Nick Ferre
Ronda Fisk
Daryl Smith
Lynette Torres

CALL TO ORDER

Called to Order By:

Les Krambeal, Chair

Time:

10:00 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

Individuals Addressing the Board: Les Krambeal, Chair

1-A: *Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of November 22, 2010.*

Discussion: None.

Motion: Move to approve the regular session minutes of the meeting of November 22, 2010.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-001**

2) REVIEW OF PENDING COMPLAINTS

2-A: *Review, discussion, and possible action regarding the following certificate holder complaints:*

*Complaint Number 08-L064 – Jose Robledo
Complaint Number 09-L011 – Donna Vasquez
Complaint Number 04-L073 – Jody Patterson
Complaint Number 04-L051 – James Weathersby
Complaint Number 05-L061 – James Weathersby
Complaint Number 10-L029 – Laura Heffron
Complaint Number 09-L094 – AAM, LLC and Tiffany Lehr
Complaint Number 10-L026 – AAM, LLC*

Individuals Addressing the Board: Nancy Swetnam

Discussion: Complaint Number 08-L064 – Jose Robledo:
On November 24, 2010, Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists as to Allegation 1 in complaint number 08-L064. It was recommended the Board accept the finding of the Probable Cause Evaluator. Based on the noted mitigating factors, it was recommended the Board dismiss complaint number 08-L064.

Motion: Move to dismiss Complaint Number 08-L064.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-002**

Individuals Addressing the Board: Nancy Swetnam

Discussion: Complaint Number 09-L011 – Donna Vasquez:
On November 24, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause exists as to Allegation 1 in complaint number 09-L011. It was recommended the Board accept the finding of the Probable Cause Evaluator, enter a finding grounds for informal disciplinary action exist for an act of misconduct involving ACJA § 7-201(F)(1) and ACJA § 7-208(F)(2) and (J)(1)(d) and issue a Letter of Concern.

Motion: Move to approve as recommended.

Motion Proposals: First Cynthia Felton
Second Andrew Saper
Nay Paul Friedman

Motion Results: Pass **LDP 11-003**

Motion: Move to authorize the chair to sign the Letter of Concern in complaint number 09-L011 on behalf of the full board.

Motion Proposals: First Paul Friedman
Second Cynthia Felton

Motion Results: Pass **LDP 11-004**

Motion: Move to authorize the chair to sign the dismissal in complaint number 08-L064 on behalf of the full board.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 11-005**

Individuals Addressing the Board: Nancy Swetnam

Discussion: Complaint Number 04-L073 – Jody Patterson:
On November 24, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 04-L073. It was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss the complaint.

Motion: Move to accept the finding of the Probable Cause Evaluator and

dismiss complaint number 04-L073.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-006**

Individuals Addressing the Board: Nancy Swetnam

Discussion: Complaint Number 04-L051 – James Weathersby:

On June 14, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegations 3 and 4 and does exist as to Allegation 1 and 2 in complaint number 04-L051. The Board was schedule to review and take action on the complaint at the September 27, 2010 meeting. However, prior to the Board conducting its review, it was determined the certificate holder had admitted the misconduct alleged in Allegation 4 and it was recommended the Board defer consideration of this complaint pending further review by the Probable Cause Evaluator. On November 24, 2010, Probable Cause Evaluator Baumstark reviewed the attached Supplemental Allegation Analysis Report and entered a finding probable cause does exist as to Allegation 4. Therefore, it was recommended the Board accept the findings of the Probable Cause Evaluator and dismiss Allegation 3 of complaint number 04-L051.

Regarding Allegation 1, 2 and 4, it was recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201 (H)(6)(a), (H)(6)(k)(2) and (H)(6)(k)(3) for acts of misconduct involving ACJA § 7-208(F)(2), Appendix A Code of Conduct Standard (1)(a), (1)(b), (5)(a) and (5)(b).

It was recommended the Board offer Weathersby a Consent Agreement to resolve this complaint, pursuant to ACJA § 7-201(H)(24)(a)(6)(c). It was recommended the proposed Consent Agreement include an acknowledgement of the misconduct, a statement giving notice to Weathersby that if he enters the Consent Agreement he waives his right to a hearing, and imposes the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to Weathersby, pursuant to ACJA § 7-201 (H)(24)(a)(6)(b);
- b) Order Weathersby participate in no less than five (5) hours of continuing education in the curriculum areas of professional responsibility, ethics, and the unauthorized practice of law, in addition to any hours otherwise required for renewal, pursuant to ACJA § 7-201 (H)(24)(a)(6)(f);
- c) Impose civil penalties in the amount of \$250.00 per found

violation to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(k).

In the event Weathersby declines to enter the Consent Agreement within 20 days of receipt of the Board's offer, it was recommended the matter proceed with the filing and service of Notice of Formal Statement of Charges pursuant to ACJA § 7-201(H)(10) without further Board order.

Motion: Move to approve as listed above with the inclusion to the consent agreement that Weathersby pay any costs incurred by the division.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-007**

Motion: Move to authorize the chair to sign on behalf of the full board in complaint number 04-L051.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-008**

Individuals Addressing the Board: Nancy Swetnam

Discussion: Complaint Number 05-L061 – James Weathersby:
On June 14, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 05-L061. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201 (H)(6)(a), (H)(6)(k)(2) and (H)(6)(k)(3) for acts of misconduct involving ACJA § 7-208(F)(2), Appendix A Code of Conduct Standard (1)(a) and (5)(a).

It was recommended the Board consolidate this complaint with any pending complaints involving Weathersby where the Board has separately determined grounds for formal disciplinary action exists.

It was recommended the Board offer Weathersby a Consent Agreement to resolve this complaint, pursuant to ACJA § 7-201(H)(24)(a)(6)(c). It was recommended the proposed Consent Agreement include an acknowledgement of the misconduct, a statement giving notice to Weathersby that if he enters the Consent

Agreement he waives his right to a hearing, and imposes the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to Weathersby, pursuant to ACJA § 7-201 (H)(24)(a)(6)(b);
- b) Order Weathersby participate in no less than five (5) hours of continuing education in the curriculum areas of professional responsibility, ethics, and the unauthorized practice of law, in addition to any hours otherwise required for renewal, pursuant to ACJA § 7-201 (H)(24)(a)(6)(f);
- c) Impose civil penalties in the amount of \$250.00 per found violation to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(k).

In the event Weathersby declines to enter the Consent Agreement within 20 days of receipt of the Board's offer, it is recommended the matter proceed with the filing and service of Notice of Formal Statement of Charges pursuant to ACJA § 7-201(H)(10) without further Board order.

Motion: Move to approve as listed above with the inclusion to the consent agreement that Weathersby pay any costs.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-009**

Individuals Addressing the Board: Kandace French. (Nancy Swetnam recused herself from this matter.)

Discussion: Complaint Number 10-L029 – Laura Heffron:
On November 30, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 10-L029. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) and (H)(6)(k)(3) for an acts of misconduct involving ACJA § 7-201(F)(1), ACJA § 7-208(F)(2), (F)(3), (J)(5)(b) and Arizona Supreme Court Rule 31(a)(2)(B).

It was recommended the Board offer Heffron a Consent Agreement to resolve this complaint, pursuant to ACJA § 7-201(H)(24)(a)(6)(c). It was recommended the proposed Consent Agreement include an acknowledgement of the misconduct, a statement giving notice to Heffron that if she enters the Consent

Agreement she waives her right to a hearing, and imposes the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to Heffron, pursuant to ACJA § 7-201 (H)(24)(a)(6)(b);
- b) Order Heffron participate in no less than three (3) hours of continuing education in the curriculum areas of professional responsibility, ethics, and the unauthorized practice of law, in addition to any hours otherwise required for renewal, pursuant to ACJA § 7-201 (H)(24)(a)(6)(f);
- c) Impose civil penalties in the amount of \$250.00 per found violation to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(k).

In the event Heffron declines the opportunity to enter the Consent Agreement within 20 days of receipt of the Board's offer, it was recommended the matter proceed with the filing and service of Notice of Formal Statement of Charges pursuant to ACJA § 7-201(H)(10) without further Board order.

Motion: Move to approve as listed above and authorize the chair to sign on behalf of the full board.

Motion Proposals:

First	Deborah Colon-Mateo
Second	Cynthia Felton
Abstain	Paul Friedman

Motion Results: Pass **LDP 11-010**

Individuals Addressing the Board: Kandace French. (Nancy Swetnam recused herself from this matter.)

Discussion: Complaint Number 09-L094 – AAM, LLC and Tiffany Lehr:
On January 5, 2011, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 09-L094 and enter a finding grounds for formal disciplinary action against AAM, LLC and Ms. Lehr exists pursuant to ACJA § 7-201(H)(6)(a), (H)(6)(d), (H)(6)(k)(3) and (H)(6)(k)(9) for acts of misconduct involving Arizona Supreme Court Rule 31 (a)(2)(B), ACJA § 7-201(F)(1), ACJA § 7-208(F)(1)(b), (F)(2), (F)(6)(c), (J)(5)(b) and (J)(5)(c).

It was recommended the Board consolidate this complaint with any pending complaints involving AAM where the Board has separately determined grounds for formal disciplinary action exists.

It was recommended the Board offer AAM, LLC and Ms. Lehr a Consent Agreement to resolve this complaint, pursuant to ACJA § 7-201(H)(24)(a)(6)(c). It was recommended the proposed Consent Agreement include an acknowledgement of the misconduct, a statement giving notice to Lehr and AAM, LLC that if they enter a Consent Agreement, they waive their right to a hearing, and impose the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to Lehr, pursuant to ACJA § 7-201(H)(24)(a)(6)(b);
- b) Order Lehr participate in no less than five (5) hours of continuing education in the curriculum areas of professional responsibility, ethics, and the unauthorized practice of law, in addition to any hours otherwise required for renewal within (60) days following the entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(f);
- c) Issue a Censure to AAM, LLC, pursuant to ACJA § 7-201(H)(24)(a)(6)(b);
- d) Place AAM, LLC on probation for a period of not less than one year pursuant to ACJA § 7-201(H)(24)(a)(6)(e) with the following conditions:
 - i. AAM, LLC shall immediately and hence forth cease and desist from offering or providing any legal services that exceed the authorities of a certified legal document preparer or otherwise constitute the unauthorized practice of law; including any and all contractual service agreements and the removal of publically published advertising and solicitation materials, pursuant to ACJA § 7-201(H)(24)(a)(6)(g).
 - ii. No later than sixty (60) days following the entry of the Board's Final Order, AAM, LLC shall develop and implement policies and procedures necessary to ensure no member of the AAM staff, its officers, or any others acting on behalf of the business entity are not engaging in the unauthorized practice of law. A copy of the written policies and procedures shall be submitted to the Certification and Licensing Division ("Division").
 - iii. AAM, LLC and its named designated principal shall submit to the Division an updated and comprehensive list of any and all individuals providing legal document preparation services on behalf of the business entity within fifteen (15) days following entry of the Board's Final Order. The list shall identify the certification status of

each individual and identify, if applicable, whether each individual is an ACJA § 7-208(F)(5) trainee along with the date the trainee meets the minimum eligibility requirement to apply for individual certification.

- e) AAM, LLC shall be assessed costs associated with the investigation and any related disciplinary proceedings and shall remit the payment of the assessed costs no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j).
- f) AAM, LLC shall be assessed a civil penalty in the amount of \$250.00 per found violation and shall remit the payment of the civil penalty no later than sixty (60) days following entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(k).

In the event Lehr and AAM decline the opportunity to enter a Consent Agreement within twenty (20) days of receipt of the Board's offer, it was recommended the matter proceed with the filing and service of Notice of Formal Statement of Charges pursuant to ACJA § 7-201(H)(10) without further Board order.

Motion: Move to approve as listed above.

Motion Proposals: First Cynthia Felton
Second Andrew Saper
Recused Bonnie Matheson
Abstain Paul Friedman

Motion Results: Pass **LDP 11-011**

Motion: Move to authorize the chair to sign on behalf of the full board.

Motion Proposals: First Cynthia Felton
Second Andrew Saper
Recused Bonnie Matheson

Motion Results: Pass **LDP 11-012**

Individuals Addressing the Board: Kandace French. (Nancy Swetnam recused herself from this matter.)

Discussion: Complaint Number 10-L026 – AAM, LLC:
On January 5, 2011, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 10-L026 and enter a finding grounds for formal disciplinary action against AAM, LLC exists pursuant to ACJA § 7-201(H)(6)(a), (H)(6)(d),

(H)(6)(k)(3) and (H)(6)(k)(9) for acts of misconduct involving Arizona Supreme Court Rule 31 (a)(2)(B), ACJA § 7-201(F)(1), ACJA § 7-208(F)(1), (F)(2), (F)(3), (J)(1)(d), (J)(2)(b) and (J)(5)(b).

It was recommended the Board consolidate this complaint with any pending complaints involving AAM where the Board has separately determined grounds for formal disciplinary action exists.

It was recommended the Board offer AAM a Consent Agreement to resolve this complaint, pursuant to ACJA § 7-201(H)(24)(a)(6)(c). It was recommended the proposed Consent Agreement include an acknowledgement of the misconduct, a statement giving notice to AAM that if AAM enters a Consent Agreement the certified business entity waives its right to a hearing, and impose the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to AAM, LLC, pursuant to ACJA § 7-201(H)(24)(a)(6)(b);
- b) Place AAM, LLC on probation for a period of not less than one year pursuant to ACJA § 7-201(H)(24)(a)(6)(e) with the following conditions:
 - i. AAM, LLC shall immediately and hence forth cease and desist from offering or providing any legal services that exceed the authorities of a certified legal document preparer or otherwise constitute the unauthorized practice of law; including any and all contractual service agreements and the removal of publically published advertising and solicitation materials, pursuant to ACJA § 7-201(H)(24)(a)(6)(g).
 - ii. No later than sixty (60) days following the entry of the Board's Final Order, AAM, LLC shall develop and implement policies and procedures necessary to ensure no member of the AAM staff, its officers, or any others acting on behalf of the business entity are not engaging in the unauthorized practice of law. A copy of the written policies and procedures shall be submitted to the Certification and Licensing Division ("Division").
 - iii. AAM, LLC and its named designated principal shall submit to the Division an updated and comprehensive list of any and all individuals providing legal document preparation services on behalf of the business entity within fifteen (15) days following entry of the Board's Final Order.

The list shall identify the certification status of each individual and identify, if applicable, whether each individual is an ACJA § 7-208(F)(5) trainee along with the date the trainee meets the minimum eligibility requirement to apply for individual certification.

- c) AAM, LLC shall be assessed costs associated with the investigation and any related disciplinary proceedings and shall remit the payment of the assessed costs no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j).
- d) AAM, LLC shall be assessed a civil penalty in the amount of \$250.00 per found violation and shall remit the payment of the civil penalty no later than sixty (60) days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(k).

In the event AAM declines the opportunity to enter a Consent Agreement within twenty (20) days of receipt of the Board's offer, it was recommended the matter proceed with the filing and service of Notice of Formal Statement of Charges pursuant to ACJA § 7-201(H)(10) without further Board order.

Motion: Move to authorize as listed above, authorize the chair to sign on behalf of the full board and consolidate this complaint with any pending complaints involving AAM where the Board has separately determined grounds for formal disciplinary action exists.

Motion Proposals:

First	Andrew Saper
Second	Cynthia Felton
Recused	Bonnie Matheson
Abstain	Paul Friedman

Motion Results: Pass **LDP 11-013**

2-B: Review, discussion and possible action regarding complaints dismissed the Division Director pursuant to Arizona Code of Judicial Administration § 7-201(D)(4)(a) and (H)(2)(a):

Complaint Number 10-L050

Individuals Addressing the Board: Nancy Swetnam

Discussion: Complaint Number 10-L050:
On November 18, 2010, Division Director Nancy Swetnam dismissed complaint number 10-L050 with prejudice. On November 19, 2010, notice of the dismissal was forwarded to the

complainant with notice the complainant could request Board review of the dismissal. No request for review has been received. It was recommended the Board affirm the dismissal of complaint number 10-L050.

Motion: Move to affirm the dismissal of complaint number 10-L050.

Motion Proposals: First Paul Friedman
Second Hon. Robert H. Oberbillig

Motion Results: Pass **LDP 11-014**

2-C: Review, discussion and possible action regarding a proposed Consent Agreement resolution of the pending formal disciplinary action involving complaint number 09-L035 and Victoria Cegla.

Individuals Addressing the Board: Nancy Swetnam

Discussion: On September 27, 2010, the Board entered finding grounds for formal disciplinary action exists pertaining to complaint number 09-L035 and involving Ms. Cegla. The Board ordered the filing and service of a Notice of Formal Statement of Charges to Ms. Cegla, her former employer, certified legal document preparer business entity National Future Benefits Unlimited, Inc., and another former certified LDP employee of the business entity. The Notice of Formal Statement of Charges was filed on December 3, 2010 and served to Ms. Cegla on December 6, 2010.

The Board has viewed the proposed Consent Agreement resolution of the action involving Ms. Cegla. It was recommended the Board accept and enter the Consent Agreement and thereby, resolve the formal action as it pertains to Ms. Cegla.

Motion: Move to enter the Consent Agreement and authorize the chair to sign on behalf of the full board.

Motion Proposals: First Paul Friedman
Second Cynthia Felton

Motion Results: Pass **LDP 11-015**

2-D: Review, discussion and possible action regarding the pending formal disciplinary action involving complaint number 09-L035 and Robin McElfresh.

Individuals Addressing the Board: Nancy Swetnam

Discussion:

On September 27, 2010, the Board entered a finding grounds for formal disciplinary action exists in complaint number 09-L035 and involving Ms. McElfresh. The Board ordered the filing and service of a Notice of Formal Statement of Charges to Ms. McElfresh, her former employer, certified legal document preparer business entity National Future Benefits Unlimited, Inc., and another former certified LDP employee of the business entity. The Notice of Formal Statement of Charges was filed on December 3, 2010 and served to Ms. McElfresh on December 6, 2010. Ms. McElfresh timely submitted the attached Answer to the Notice of Formal Statement of Charges requesting the mandated additional continuing education sanction not be ordered as proposed.

It was recommended the Board review and consider the Notice of Formal Statement of Charges, the submitted Answer, and enter the following Final Order in complaint number 09-L035 pertaining to Ms. McElfresh:

- Adopt the Factual Allegations of Misconduct contained in the Notice of Formal Statement of Charges, as applicable to Ms. McElfresh, as the Findings of Fact and the Formal Charges, as applicable to Ms. McElfresh, as the Conclusions of Law in complaint number 09-L035.
- Enter a finding Ms. McElfresh violated ACJA § 7-201(F)(1), ACJA § 7-208(F)(2), (F)(5)(a), (F)(5)(c)(3), (F)(6)(a), (J)(1)(a), (J)(2)(c) and (J)(5)(a); constituting grounds for formal disciplinary action pursuant to AJCA § 7-201(H)(6)(a), (H)(6)(k)(2), (H)(6)(k)(3) and (H)(6)(k)(11).
- Issue a Censure to Ms. McElfresh pursuant to ACJA § 7-201(H)(24)(a)6(b) and required Ms. McElfresh to complete no less than five (5) additional hours of continuing education in the curriculum areas of ethics and/or professional responsibility, in addition to the annual ten (10) hour continuing education requirement, within ninety (90) days of entry of the Board's Final Order. Documentation of completion of the mandated hours shall be submitted to the Certification and Licensing Division within ninety (90) days of entry of the Board's Final Order.

Motion:

Move to adopt as listed above with the exception to also issue a letter of concern and mandate 10 hours of continuing education in the curriculum areas of ethics and/or professional responsibility, in addition to the annual ten(10) hour continuing education requirement.

Motion Proposals: First Paul Friedman
Second Cynthia Felton
Nay Hon. Robert H. Oberbillig

Motion Results: Pass **LDP 11-016**

2-E: Review, discussion and possible action regarding the pending formal disciplinary action involving complaint number 10-L022 and Estelle Gaudreau.

Individuals Addressing the Board: Kandace French. Nancy Swetnam recused herself from this matter.

Discussion: On November 22, 2010, the Board entered a finding grounds for formal disciplinary action exists in complaint number 10-L022 involving Ms. Gaudreau. The Board ordered the filing and service of a Notice of Formal Statement of Charges to Ms. Gaudreau. The Notice of Formal Statement of Charges was filed on December 3, 2010 and served to Ms. Gaudreau on December 8, 2010. Ms. Gaudreau timely submitted the attached Answer to the Notice of Formal Statement of Charges and did not request a hearing.

It was recommended the Board review and consider the Notice of Formal Statement of Charges, the submitted Answer, and enter the following Final Order in complaint number 10-L022 pertaining to Ms. Gaudreau:

- Adopt the Factual Allegations of Misconduct contained in the Notice of Formal Statement of Charges as the Findings of Fact and the Formal Charges as the Conclusions of Law in complaint number 10-L022.
- Enter a finding Ms. Gaudreau violated ACJA § 7-201(F)(1) and ACJA § 7-208(F)(2), (J)(1)(a) and (J)(2)(b); constituting grounds for discipline pursuant to ACJA § 7-201(H)(6)(a).
- Issue a Censure to Ms. Gaudreau pursuant to ACJA § 7-201(H)(24)(a)6(b).
- Required Ms. Gaudreau to complete no less than five (5) additional hours of continuing education in the curriculum areas of ethics and/or professional responsibility, in addition to the annual ten (10) hour continuing education requirement, pursuant to ACJA § 7-201(H)(24)(a)6(f), within sixty (60) days of entry of the Board's Final Order.

Documentation of completion of the mandated hours shall be submitted to the Certification and Licensing Division within sixty (60) days of entry of the Board's Final Order.

- Assess costs associated with the investigation and disciplinary proceedings related to complaint numbers 10-L022 in the amount of \$224.05, to be remitted no later than sixty (60) days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j).

Motion: Move to approve as listed above and authorize the chair to sign on behalf of the full board.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 11-017**

2-F: Review, discussion and possible action regarding complaint number 11-L001 involving Julie Star.

Individuals Addressing the Board: Nancy Swetnam

Discussion: On January 10, 2011, the Certification and Licensing Division received complaint number 11-L001 involving certificate holder Julie Star. On January 21, 2011, Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists as to Allegation 1, 2, 3, 4, 5 and 6.

It was recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Star committed the alleged acts of misconduct as detailed in the Initial Summary and Allegation Analysis Report in complaint number 11-L001.

It was recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a), (H)(6)(g), (H)(6)(k)(3), and (H)(6)(k)(7) for acts of misconduct involving ACJA § 7-201(F)(1), ACJA § 7-208(F)(2), (J)(1)(a), (J)(1)(b), (J)(1)(d), (J)(2)(c), (J)(3)(c)(1), (J)(5)(a), Arizona Revised Statutes ("ARS") § 41-311(1), § 41-311(6) and § 41-311(10), Superior Court in Maricopa County Local Rule 2.15.

It was recommended the Board enter a finding the public health, safety and welfare is at risk and order the immediate summary suspension of Star's legal document preparer certification pursuant to ACJA § 7-201(H)(9)(d).

Should the Board ultimately enter a finding these violations have occurred, the Board impose the following sanctions pursuant to ACJA § 7-201(H)(24)(a)(6):

- a) Revoke Star's legal document preparer certification, pursuant to ACJA § 7-201(H)(24)(a)(6)(i);
- b) Issue a cease and desist order enjoining Star from preparing legal documents, representing herself to the public as a certified legal document preparer, or conducting any activity that constitutes the unauthorized practice of law until such time as any and all conditions for reinstatement are met in full, as determined by the Board, pursuant to ACJA § 7-201(H)(24)(a)(6)(g);
- c) Order and mandate as a condition for reinstatement, Star participate in no less than ten (10) hours of continuing education in the curriculum areas of professional responsibility and ethics, in addition to the hours of continuing education required for renewal of certification, pursuant to ACJA § 7-201(H)(24)(a)(6)(f);
- d) Assess costs associated with the investigation and related disciplinary proceedings to be remitted no later than sixty (60) days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j); and,
- e) Impose civil penalties in the amount of \$250.00 per found violation to be remitted no later than sixty (60) days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(k).

Motion: Move to accept the findings and enter a finding the public health, safety and welfare is at risk and order the immediate summary suspension of Star's legal document preparer certification pursuant to ACJA § 7-201(H)(9)(d).

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-018**

Motion: Move to accept the proposed sanctions as listed above.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-019**

Motion: Move to authorize the chair to sign the emergency summary

suspension order and the notice of formal statement of charges on behalf of the full board.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 11-020**

3) ADMINISTRATIVE ISSUES

3-A: *Review, discussion and possible action regarding the certification renewal application deadline pursuant to Arizona Code of Administration § 7-201 (G)(2).*

Individuals Addressing the Board: Kimberly Siddall

Discussion: Active certificates expire at midnight on June 30th of each odd numbered year.

The Board sets the deadline for renewal applications. Staff recommends the Board establish the 2011-2013 renewal application deadline as June 12, 2011 for the current renewal period.

Motion: Move to establish the renewal application deadline of June 12, 2011 for the current renewal period.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-021**

4) INITIAL CERTIFICATION APPLICATIONS

4-A: *Review, discussion and possible action regarding the following pending applicants for 2009-2011 certification.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: It was recommended standard certification be granted to the following individuals/business entities:

1. Brenda J. Stuart
2. Arizona Legal Briefcase, LLC (Michelle A. Blake)
3. AZ Legal Document Solutions LLC (Michael T. Mahoney)

Motion: Move to grant standard certification to the above listed applicants.

Motion Proposals: First Andrew Saper
Second Cynthia Felton

Motion Results: Pass **LDP 11-022**

Discussion: Move to grant standard certification to:
5. Myra L. Ferell-Womochil
6. Trudence (Trudi) A. Formica
15. Scott E. Gamboa
19. Amy C. Dicochea

Motion: Move to grant standard certification to the applicants listed above.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-023**

Discussion: It was recommended to defer the following applicants to the February meeting:

4. Cynthia M. Cooks
7. Amy L. Sayler
8. Daryl D. Smith
9. Michael N. Figueroa
10. Bernadette M. Guzman
12. Amber R. Jackson
13. Susan C. Beyette
14. Cassandra J. Wagner
18. Theresa E. Keves
20. Christopher Amnrosio
21. Dawn E. Polk
23. Paul R. Noseworthy
26. Consultus Lexius, LLC (Michael N. Figueroa)

Motion: Move to defer the above listed applicants to the February meeting.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-024**

Discussion: Applicant disclosed having her notary revoked. It was recommended to grant standard certification to:
11. Vicky A. Halleck

Motion: Move to grant standard certification to Vicky A. Halleck.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-025**

Discussion: Applicant has been a trainee for the past 2 years. It was recommended to deny certification to:
16. Mark C. Vincent

Motion: Move to deny certification to Mr. Vincent.

Motion Proposals: First Cynthia Felton
Second

Motion Results: Failed **LDP 11-026**

Discussion: Board members interviewed Mr. Vincent and his employer, Mr. Ortiz, regarding the type of work performed by Mr. Vincent.

Motion: Move to accept applicant's application and grant standard certification to Mark C. Vincent.

Motion Proposals: First Paul Friedman
Second Andrew Saper
Nay Les Krambeal

Motion Results: Pass **LDP 11-027**

Discussion: Applicant disclosed a DUI in 2005 and being discharged for being tardy 3 times, it was recommended to grant standard certification to:
17. Gina E. Cote

Motion: Move to grant standard certification to Gina E. Cote.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-028**

Discussion: Applicant requested to withdrawal her application, it was recommended to accept the withdraw of:
22. Sheri A. Barrios

Motion: Move to accept the request to withdraw application of Sheri A. Barrios.

Motion Proposals: First Paul Friedman
Second Bonnie Matheson

Motion Results: Pass **LDP 11-029**

Discussion: Applicant received her Juris Doctorate Degree in December 2008, and is not admitted in any jurisdiction. Applicant also failed to disclose a small claims action regarding a cosmetic procedure. It was recommended to grant standard certification and require Ms. Pousson to submit an Affidavit stating she understands and will comply with the provisions of Arizona Code of Judicial Administration § 7-201 and § 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law and use of the “JD” designation, and have staff to include language regarding non-disclosure on future application may result in denial or disciplinary action for:

24. Janee D. Pousson

Motion: Move to grant standard certification as listed above.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-030**

Discussion: Applicant received his Juris Doctorate Degree in June 1989, and is admitted in Wisconsin, and is currently in good standing. Applicant also failed to disclose 2 civil actions on his application. It was recommended to grant standard certification and require Mr. Zenk to submit an Affidavit stating she understands and will comply with the provisions of Arizona Code of Judicial Administration § 7-201 and § 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law and use of the “JD” designation, and have staff to include language regarding non-disclosure on future application may result in denial or disciplinary action for:

25. William R. Zenk

Motion: Move to grant standard certification as listed above.

Motion Proposals: First Paul Friedman

Second Andrew Saper

Motion Results: Pass **LDP 11-031**

Discussion: The following application was received and processed for Board review:

27. John D. Price – Applicant was initially granted certification on September 27, 2004. Applicant requested to voluntarily surrender his certification and on July 21, 2008, the Board accepted the voluntary surrender and therefore applicant was no longer to practice as a Legal Document Preparer. On his current application he stated he has been in the supportive/trainee role under a certified LDP Deborah Colon-Mateo for the past two years (2008-2010). Applicant did not qualify to be a (F)(5) trainee. Staff recommended to the Board at their November 22, 2010, meeting to enter into a Consent Agreement requiring the applicant to pay \$300.00 for renewal of certification fee he would have paid for the remainder of the 2007-2009 certification period and to pay \$300.00 for the first half of the 2009-2011 certification period. In addition, the applicant was to complete 20 hours of continuing education, plus the 10 hours of CE he will need for the remainder of the 2009-2011 certification period. The Board entered a motion for staff to prepare the Consent Agreement and send it to the applicant for review and signature. Applicant has provided a detailed letter clarifying his answers on his current application stating he was not a trainee. It was recommended the Board withdrawal their motion to enter into a Consent Agreement and enter a motion to grant standard certification.

Motion: Move to grant standard certification to John D. Price.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-032**

Discussion: 28. Jessica C. Star – Applicant stated on her application she has been a trainee for three (3) years under certified Legal Document Preparer Julie D. Star. Pursuant to ACJA § 7-208 (F)(5)(a) if a certified business entity employs a person who would qualify for certification as a legal document preparer but for the lack of required experience, the designated principal may train the employee to perform services authorized by this section until such time as the

trainee meets the minimum eligibility requirements for individual certification pursuant to subsection (E)(3)(b) for a period not to exceed two and one-half years. Julie D. Star is individually certified and does not have a certified business. It was recommended the Board deny the application pursuant to ACJA § 7-201(E)(2)(c)(1) *the applicant does not meet the qualifications or eligibility requirements at the time of the application* as described in ACJA § 7-208(E)(3)(b)(6)(b).

Motion: Move to defer to the February meeting.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-033**

Discussion: 29. Barry R. Goldman – Applicant disclosed being involved in many civil actions. Applicant states he invests in (purchases) judgments. The applicant becomes the party of record as the Assignee and although not a defendant, is a party to many lawsuits (judgments) as a creditor. It was recommended to grant standard certification.

Motion: Move to grant standard certification to Barry R. Goldman.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 11-034**

Discussion: 30. Rhonda L. Carder – Applicant disclosed the following on her application:

7/03 – Telephone Harassment – received a deferred sentence one year unsupervised probation, and six months anger management.

1/09 – Criminal Damage/Disorderly Conduct – took the plea offer of one year probation, fine, anger management and no alcohol for term of probation.

Applicant failed to disclose the following on her application:

10/22/85 – DUI – charged dismissed after diversion.

4/17/91 – DUI – charged dismissed after diversion.

10/20/03 and 7/13/04 – Criminal Mischief 1st Degree – Plea agreement to pay restitution in lieu of proceeding with criminal trial. Dismissed.

It was recommended the Board deny the application pursuant to ACJA § 7-201(E)(2)(c)(2)(b)(v) *has a conviction by final judgment of a misdemeanor if the crime has a reasonable relationship to the practice of the certified profession or occupation, regardless of whether civil rights have been restored* and pursuant to ACJA § 7-201(E)(2)(c)(2)(b)(xv) *failed to disclosed information on the certification application subsequently revealed through the background check.*

Motion: Move to deny Rhonda Carter’s application as listed above.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-035**

Discussion: 31. Lynette M. Torres – Applicant originally stated on her application she worked for attorney Fernando Fajardo, now disbarred attorney, from 2/92 to 6/92 and worked for attorney Mark Goodman as a legal secretary assistant from 12/83 to 12/84. Staff asked for applicant to provide an affidavit of employer from Mr. Fajardo. Applicant provided the detailed steps she took to try to obtain such an affidavit. Also, when applicant worked for Mr. Goodman she provided detailed description of her job duties as follows: Legal Secretary assistant, computer typing, answer phones, office reception, file case documents with legal courts. Banking and legal transactions. Staff’s review of applicants file indicates she does not have the experience as required by code and therefore, it was recommended to deny the application pursuant to ACJA § 7-201(E)(2)(c)(1) *the applicant does not meet the qualifications or eligibility requirements at the time of the application* as described in ACJA § 7-208(E)(3)(b)(6)(a).

Motion: Move to deny Lynette M. Torres application as listed above.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 11-036**

4-B: Review of Business Entity Exemption Request for the 2009-2011 initial certification period:

Individuals Addressing the Board: Kimberly Siddall

Discussion: It is recommended the following Business Entity Exemption be granted:

1. AZ Legal Document Solutions LLC (Michael T. Mahoney)

Motion: Move to grant Business Entity Exemption to the above listed businesses.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-037**

5) OTHER CERTIFICATION ACTIONS

5-A: Review, discussion and possible action regarding Hearing Officer Daniel Jurkowitz's Recommendation Report involving the denial of the individual certification application submitted by James D. Jenkins.

Individuals Addressing the Board: Kimberly Siddall

Discussion: At the September 27th meeting the Board deferred consideration of the Hearing Officer's Report due to additional information received from Mr. Jenkins.

Board has reviewed the Finding of Facts, Conclusions of Law, and Hearing Officer's Recommendation report regarding the denial of Mr. Jenkins' certification application. Hearing Officer Jurkowitz recommends the Board uphold the denial or, permit reconsideration of the decision and allow Mr. Jenkins an opportunity to present his mitigating information.

Mr. Jenkins was present at the meeting and provided a statement to the board which included information about his career background, his suspension and what he would like to do in the future.

Motion: Move to accept Mr. Jenkins application and require him to submit an Affidavit stating he understands and will comply with the provisions of Arizona Code of Judicial Administration § 7-201 and

§ 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law and use of the “JD” designation

Motion Proposals: First Paul Friedman
Second Andrew Saper
Recused Deborah Colon-Mateo
Nay Les Krambeal

Motion Results: Pass **LDP 11-038**

CALL TO THE PUBLIC

Individuals Addressing the Board: Barry R. Goldman

Discussion: Mr. Goldman thanked the Board for approving his application.

ADJOURNMENT

Motion: Move to adjourn the meeting.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 11-039**

Time: 12:47 p.m.

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