



## **Board of Legal Document Preparers**

Arizona State Courts Building  
1501 West Washington Street  
Phoenix, Arizona 85007

Date: January 23, 2012  
Time: 10:00 a.m.  
Hearing Room 109

### **Approved Regular Meeting Minutes**

#### **MEMBER ATTENDANCE:**

##### **Present:**

Andrew Saper  
Paul Friedman  
Les Krambeal  
Pamela Milburn  
Mary Carlton

##### **Telephonically Present:**

Bonnie S. Matheson  
Deborah Colon-Mateo  
Hon. Samuel J. Myers

##### **Absent:**

Deborah A. Young  
Debra A. Griffin  
Becky Nilsen

#### **OTHER ATTENDEES**

##### **AOC Staff:**

Linda Grau  
Debbie MacDougall  
Nina Preston  
Alex Navarro  
Kimberly Siddall  
Eric Thomas  
Nancy Swetnam

##### **Guests:**

Gerald Zukerman  
Linda Hawley

Arnita Oliver  
Kimberly Mate

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**CALL TO ORDER**

**Called to Order By:** Les Krambeal

**Time:** 10:02 a.m.

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**1) REVIEW AND APPROVAL OF MEETING MINUTES**

**Individuals Addressing the Board:** Les Krambeal

**1-A:** *Review, discussion and possible action regarding approval of the regular session minutes of the meeting of November 28, 2011.*

**Discussion:** None

**Motion:** Move to approve the regular session meeting minutes of November 28, 2011.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saper

**Motion Results:** Pass

**Recusal:**

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**2) PENDING COMPLAINTS**

**Individuals Addressing the Board:** Nancy Swetnam

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

*Complaint Number 11-L052:*

**Discussion:** Complaint dismissed on November 14, 2011, with prejudice because the complaint did not meet the criteria contain in ACJA § 7-201(H)(2)(a)(2)(b) through (f). A notice of that dismissal was forwarded to the complainant with notice the complainant could request a board review of the dismissal; the complainant did send two requests for board review of the dismissal. The additional information that was submitted did not change the recommendation. It is recommended the complaint be dismissed.

**Motion:** Move to affirm dismissal.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton

**Motion Results:** Pass

**Individuals Addressing the Board:** Nancy Swetnam

**2-B:** *Review, discussion and possible action regarding non-certificate holder complaint numbers:*

*NC10-L015 – Cecilia Mejia and CC Title Services  
NC11-L040 – Gary Norris*

**Discussion:** NC10-L015-Cecilia Mejia and CC Title Services:

On November 28, 2011, the Board reviewed this complaint and ordered a cease and desist letter be sent to Cecilia Mejia and CC Title Services requesting that they reimburse the consumer complainant and requested a follow up report. The letter was returned “unable to forward”. On December 5, 2011, a reply was received from Ms. Mejia asking if she could pay back the complainant consumer by making monthly payments of \$200.00. Staff recommends closing the complaint but continue monitoring to confirm payments are being made.

**Motion:** Move to approve the recommendation to close the complaint but continue monitoring to confirm payments are being made.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton

**Motion Results:** Pass

**Discussion:** NC11-L040-Gary Norris:

On November 28, 2011, the Board reviewed the complaint and ordered a cease and desist letter be sent to Mr. Norris expressing the Board’s desire that Mr. Norris reimburse the consumer on what he charged with document preparation service while not certified. In light of the related underlying bankruptcy proceedings, the Board deferred requesting issuance of refunds and asked Mr. Norris additional information about the bankruptcy proceedings. The Division forwarded a letter to Mr. Norris and no response was received. Staff recommends sending a letter to Mr. Norris seeking reimbursement; and move forward with cease and desist petition in superior court.

**Motion:** Move to approve recommendation to seek reimbursement and to move forward with cease and desist petition.

**Motion Proposals:** First Paul Friedman  
Second Pamela Milburn

**Motion Results:** Pass

**Individuals Addressing the Board:** Linda Grau

**2-C:** *Review, discussion and possible action regarding the proposed Consent Agreement resolution of complaint number 10-L027 involving Jodi Phelps and City Property Management Company.*

**Discussion:** On September 25, 2011, the Board accepted the finding of the probable cause evaluator and entered a finding of grounds for formal disciplinary action in complaint number 10-L027, involving certificate holder Jodi Phelps and City Property Management Company. The Board moved to offer the certificate holders an opportunity to resolve the matter by way of Consent Agreement in advance of the filing of formal charges. The certificate holders have agreed to the proposed agreement. Staff recommends that the Board enter the agreement resolving complaint number 10-L027 and authorize the Chair to sign the Consent Agreement on behalf of the full Board.

**Motion:** Move to approve the recommendations as noted.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton

**Motion Results:** Pass

**Recusal** Nancy Swetnam

**Motion:** Move to allow Chair Les Krambeal to sign the documentation.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saper

**Motion Results:** Pass

**Individuals Addressing the Board:** Nancy Swetnam

**2-D:** *Review, discussion and possible action regarding certificate holder complaint numbers:*

*Complaint Number 11-L034 – Donna Vasquez  
Complaint Number 11-L045 – Calah Thomas*

***Discussion:*** Complaint Number 11-L034 – Donna Vasquez:

On December 23, 2011, Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists in Allegations 1 through 6 of complaint number 11-L034. Therefore, it is 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), (H)(6)(k)(3), (H)(6)(k)(5) and (H)(6)(k)(7) for acts of misconduct involving Arizona Supreme Court Rule 31(a)(2)(B), ACJA § 7-201(F)(1), and ACJA § 7-208(F)(1)(b), (F)(2), (J)(1)(a), (J)(1)(d), (J)(2)(a), (J)(2)(b), (J)(2)(c), (J)(5)(a), (J)(5)(b) and (J)(5)(c). It is further recommended the Board authorize the Chair to sign the Notice of Formal Statement of Charges on behalf of the full Board.

***Motion:*** Move to accept the findings of the probable cause evaluator and enter that formal disciplinary actions exist and further authorize the chairman to sign on behalf of the Board and accept the recommendations as posted.

***Motion Proposals:*** First Paul Friedman  
Second Mary Carlton

***Motion Results:*** Pass

***Individuals Addressing the Board:*** Nancy Swetnam

***Discussion:*** Complaint Number 11-L045 – Calah Thomas:

On December 23, 2011, Probable Cause Evaluator Baumstark entered a finding probable cause exists in Allegation 1 of complaint number 11-L045 and does not exist in Allegations 2, 3 and 4. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegations 2, 3 and 4. Regarding Allegation 1, it is 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 an act of misconduct involving Arizona Supreme Court Rule 31(a)(2)(B), ACJA § 7-201(F)(1), ACJA § 7-208(F)(1), (F)(2), (J)(5)(a) and (J)(5)(b), and Arizona Supreme Court Rules of Family Law Procedure, Rules 31(A) and 35(A)(7). It is further recommended the Board authorize the Chair to sign the Notice of Formal Statement of Charges on behalf of the full Board.

Clarification: Staff is recommending to dismiss Allegations 2, 3 & 4; and Allegation 1 is substantiated

Amendment: The Probable Cause Evaluator determined Probable Cause does not exist as to the alleged acts of misconduct with respect to Allegations 2, 3 & 4; and Allegation 1 is where probable cause was found.

Modify the recommendation to say that the Board accepts the findings of the Probable Cause Evaluator and dismisses Allegations 2, 3 & 4. As to Allegation 1 - it is recommended to accept the findings of the Probable Cause Evaluator.

**Motion:** Move to accept the recommendations as noted.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton

**Motion Results:** Pass

**Individuals Addressing the Board:** Linda Grau

**2-E:** *Review, discussion and possible action regarding a possible consent agreement resolution of complaint number 10-L032 involving certificate holders Larry Heywood, Heywood Realty & Investments, Inc., and complaint number 10-1032.*

**Discussion:** On September 25, 2011, the Board accepted the finding of the Probable Cause Evaluator and entered a finding of grounds for formal disciplinary action in complaint number 10-L032. The Board moved to offer the certificate holders an opportunity to resolve the matter by way of Consent Agreement in advance of the filing of formal charges. The certificate holders have agreed to the attached proposed agreement. It is recommended the Board enter the agreement resolving complaint number 10-L032 and authorize the Chair to sign the Consent Agreement on behalf of the full Board.

**Motion:** Move to accept the recommendation as noted.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton

**Motion Results:** Pass

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3) ADMINISTRATIVE ISSUES

**Individuals Addressing the Board:** Les Krambeal

**3-A:** *Election of Vice Chair pursuant to Arizona Code of Judicial Administration § 7-201(I)(3)(b).*

**Discussion:** ACJA § 7-201(I)(3)(b): Vice Chair. The board shall elect a vice chair from among the appointed members of the board. The vice chair shall serve in the capacity as vice chair for a specified term. If the vice chair resigns or ceases to be a member of the board, the board shall vote to elect a new vice chair from among the existing members. The vice chair shall act as chair in the absence of the chair.

**Motion:** Move to nominate and accept Paul Friedman as Vice Chair.

**Motion Proposals:** First Mary Carlton  
Second Andrew Saper

**Motion Results:** Pass

**Individuals Addressing the Board:** Debbie MacDougall

**3-B:** *Review, discussion and possible action regarding House Bill 2037 and small claims court representation.*

**Discussion:** Open discussion of House Bill 2037 among the Board and Staff. Staff will continue to update the Board of any significant movement concerning this bill.

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4) INITIAL CERTIFICATION APPLICATION

**Individuals Addressing the Board:** Kimberly Siddall

**4-A:** *Review, discussion and possible action regarding the following pending applications for the 2011-2013 certification period:*

1. North Star Management Group, Inc. (Mark Lepire)
2. Kathleen C. Yarger
3. Eric R. Smith
4. A to Z Legal Doc Solutions, LLC (Kathleen C. Yarger)
5. Sylvia C. Moreno, PC
6. Wellth Life, LLC (Carissa Olson)

7. *Deborah Billingsley*
8. *Rachel Wright*
9. *Monica Valenzuela*
10. *Alejandra Mena*
11. *Jacquelyn K. Chambers*
12. *Mohave County Paralegal, LLC (Elizabeth Moore)*
13. *Susan Fowler*
14. *Jeremy Kahn*
15. *Four Peaks Planning, Inc. (Jeremy Kahn)*
16. *Trenton Seay*
17. *Shannon Kuller*
18. *Elizabeth Miller-Spam*
19. *Elizabeth Clements*
20. *Judith Block*

**Discussion:** *Item No. 1 – North Star Management Group, Inc. (Mark Lepire):*  
*Item No. 3 – Eric R. Smith:*

It is recommended to grant standard certification.

**Motion:** Move to grant standard certification.

**Motion Proposals:** First Paul Friedman  
 Second Mary Carlton

**Motion Results:** Pass

**Discussion:** *Item No. 2 – Kathleen C. Yarger:*

It is recommended to grant standard certification and have Ms. Yarger provide an affidavit regarding an authorized practice of law and the use of JD.

**Motion:** Move to grant recommendation.

**Motion Proposals:** First Paul Friedman  
 Second Mary Carlton

**Motion Results:** Pass

**Discussion:** *Item No. 4 – A to Z Legal Doc Solutions, LLC*  
*(Kathleen C. Yarger):*

Recommend to grant standard certification.

**Motion:** Move to grant standard certification.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton  
**Motion Results:** Pass

**Discussion:** Item No. 5 – Sylvia C. Moreno

Staff recommends the Board grant standard certification, standard business certification and include language regarding of non-disclosure of future applications that may result in denial of renewal or disciplinary action.

**Motion:** Move to grant standard certification

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton  
**Motion Results:** Pass

**Discussion:** Item No. 6 – Wellth Life, LLC (Carissa Olson)

Staff recommends that the Board deny standard business certification. Pursuant to ACJA § 7-201(E)(2)(c)(1), applicant has not submitted a completed application with all deficiencies corrected and the applicable document fees.

**Motion:** Move to deny standard certification.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton  
**Motion Results:** Pass

**Discussion:** Item No. 7 – Deborah Billingsley  
Item No. 11 – Jacquelyn K. Chambers  
Item No. 14 – Jeremy Kahn  
Item No. 15 – Four Peaks Planning, Inc. (Jeremy Kahn)  
Item No. 16 – Trenton Seay

Additional information has been received, it is recommended to grant standard certification

**Motion:** Move to grant standard certification.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton  
**Motion Results:** Pass

**Discussion:** Item No. 8 – Rachel Wright  
Item No. 9 – Monica Valenzuela  
Item No. 10 – Alejandra Mena  
Item No. 17 – Shannon Kuller  
Item No. 18 –Elizabeth Miller-Spam

It is recommended to defer until the March meeting. Staff has not received additional information on finger print cards.

**Motion:** Move to defer until the March meeting.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton

**Motion Results:** Pass

**Discussion:** Item No. 12 – Mohave County Paralegal, LLC (Elizabeth Moore):

Applicant filed a business application on June 30, 2011. The appointed designated principal, Elizabeth Moore, let her certification expire on June 30, 2011. Staff has contacted Ms. Moore to inquire if she is pursuing an initial certification again. Ms. Moore requested to sit for the November 16, 2011 examination; however, she did not show.

It is recommended to deny the application for Mohave County Paralegal, LLC. Pursuant ACJA § 7-201(E)(2)(c)(1), the applicant does not meet the qualifications or eligibility requirements at the time of the application as prescribed in ACJA § 7-208(E)(3)(b).

**Motion:** Move to deny standard certification.

**Motion Proposals:** First Pamela Milburn  
Second Mary Carlton

**Motion Results:** Pass

**Discussion:** Item No. 13 – Susan Fowler:

It is recommended to grant standard certification.

**Motion:** Move to grant standard certification.

**Motion Proposals:** First Mary Carlton  
Second Paul Friedman

**Motion Results:** Pass

**Discussion:** Item No. 19 – Elizabeth Clements:

It is recommended to grant standard certification.

**Motion:** Move to grant standard certification.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton  
Opposed Pamela

**Motion Results:** Pass

**Discussion:** Item No. 20 – Judith Block:

It is recommended the Board grant standard certification and include language regarding non-disclosure on future applications may result in denial or secondary action.

**Motion:** Move to grant standard certification and include language on non-disclosure on future applications.

**Motion Proposals:** First Pamela Milburn  
Second Andrew Saper

**Motion Results:** Pass

**Individuals Addressing the Board:** Kimberly Siddall

**4-B:** *Review of Business Entity Exemption Requests for the 2011-2013 initial certification period:*

1. *North Star Management Group, Inc. (Mark Lepire)*
2. *A to Z Legal Doc Solutions, LLC (Kathleen C. Yarger)*
3. *Sylvia C. Moreno, PC (Sylvia Moreno)*
4. *Mohave County Paralegal, LLC (Elizabeth J. Moore)*
5. *Four Peaks Planning, Inc. (Jeremy Kahn)*

**Discussion:** Staff recommends Business Entity Exemption Requests be granted to North Star Management Group and A to Z Legal Doc Solutions.

**Motion:** Move to accept recommendations.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton

**Motion Results:** Pass

**Discussion:** Item 3 - Sylvia Moreno:  
Item 5 - Four Peaks Planning:

It is recommended to grant Business Exemption Requests.

**Motion:** Move to accept recommendation.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton

**Motion Results:** Pass

**Discussion:** Item 4 – Mohave County Paralegal:

It is recommended to deny the Business Exemption Request.

**Motion:** Move to deny Business Exemption Request.

**Motion Proposals:** First Mary Carlton  
Second Pamela Milburn

**Motion Results:** Pass

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## 5) CERTIFICATION AND ELIGIBILITY

**5-A:** *Review, discussion and possible action regarding previously denied renewal of certification for Thomas Brown.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Thomas Brown:

On September 26, 2011, the Board denied Mr. Brown's renewal application for certification. Mr. Brown requested a hearing on the denial. In addressing the denial with the Assistant Attorney General prior to the hearing being conducted, Mr. Brown requested to enter into a Consent Agreement in lieu of the hearing.

**Motion:** Move to accept recommendation and authorize the Board Chair to sign on behalf of full board.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton

**Motion Results:** Pass

**5-B:** *Interview with and possible action regarding applicant Veronica Rolley.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Staff recommends the Board address the failure to disclose the 2010 criminal action and the trainee status to determine if the information presented is contrary to certification being granted.

Ms. Rolley did not respond to Staff's letter requesting an interview. This is the second time Staff has had this applicant on the Board's agenda.

Staff recommends the Board deny this applicant for failure to disclose information on the application that was subsequently revealed through the background check.

**Motion:** Move to deny application.

**Motion Proposals:** First Pamela Milburn  
Second Paul Friedman

**Motion Results:** Pass

**Recusal:** Bonnie Matheson

**5-C:** *Interview with possible action regarding applicant Gerald Zukerman.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Staff recommends that the Board address the failure to disclose and determine if the information presented is contrary to certification being granted.

Applicant Gerald Zukerman is present. The Board interviews applicant Zukerman in public session.

Staff recommends the Board deny this applicant for failure to disclose information on the application that was subsequently revealed through the background check.

**Motion:** Move to deny application.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton

**Motion Results:** Pass

**5-D:** *Review, discussion and possible action regarding Hearing Officer Jonathan Schwartz's Recommendation Report involving the denial of the initial certification application submitted by Jimmie E. Cannon.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Staff recommends the Board adopt Hearing Officer Schwartz's recommendation on Mr. Cannon.

**Motion:** Move to accept the recommendation to uphold the denial as noted by Hearing Officer Schwartz.

**Motion Proposals:** First Pamela Milburn  
Second Mary Carlton

**Motion Results:** Pass

**Recusal:**

**5-E:** *Review, discussion and possible action regarding applications for reinstatement after suspension submitted by Darren Ortiz and business entity Legal Awareness Arizona, LLC.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Staff is requesting additional information on Mr. Ortiz. It is recommended to defer until the March meeting.

**Motion:** Move to defer until the March meeting.

**Motion Proposals:** First Paul Friedman  
Second Mary Carlton

**Motion Results:** Pass

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**CALL TO THE PUBLIC - None**

**ADJOURNMENT**

**Les Krambeal**

***Motion:*** Move to adjourn the meeting.

***Motion Proposals:*** First Andrew Saper  
Second Mary Carlton

***Motion Results:*** Pass

***Time:*** 11:17 a.m.

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