

BOARD OF LEGAL DOCUMENT PREPARERS

Meeting Agenda – Monday, March 25, 2013

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

AMENDED AGENDA

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 § 1-202(C).

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 January 28, 2013.*

1-B: *Review, discussion, and possible action regarding approval of the executive session minutes of the meeting of January 28, 2013.*

2) REVIEW OF PENDING COMPLAINTS.....*Linda Grau*

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

Complaint Number 08-L011 – David Goulet

Complaint Number 09-L031 – Ramon Garcia

Complaint Number 11-L014 – Elizabeth Moore

Complaint Number 12-L037 – Shannon Trezza and AZ Statewide Paralegal

Complaint Number 09-L086 – Brenda Smith and CB Document Preparation, LLC

Complaint Numbers 05-L056/05-L068 – Carlos Galindo and Agencia Hispana

Complaint Number 09-L009 – Carlos Galindo and Agencia Hispana

Complaint Number 09-L066 – Carlos Galindo and Agencia Hispana

Complaint Number 12-L049 – Carlos Galindo and Agencia Hispana

Complaint Number 11-L005 – Carlos Galindo and Agencia Hispana

Complaint Number 11-L013 – Carlos Galindo and Agencia Hispana

Complaint Number 11-L048 – Carlos Galindo and Agencia Hispana

*Complaint Numbers 11-L053 and 12-L053 – Carlos Galindo and Agencia Hispana
Complaint Number 12-L005 – Carlos Galindo and Agencia Hispana
Complaint Number 12-L033 – Carlos Galindo and Agencia Hispana*

2-B: Review, discussion and possible action regarding the proposed Consent Agreement resolution of complaint numbers 12-L006 and 12-L018 involving certified legal document preparers Misty Coppedge and Southeast Arizona Paralegal Services.

2-C: Review, discussion and possible action regarding the proposed Consent Agreement resolution of complaint numbers 11-L054, 11-L055, 11-L057, 12-L013, 12-L025, 12-L038 and 12-L043 involving certified legal document preparer Sandra Coffman.

2-D: Review, discussion and possible action regarding non-certificate holder complaint number 13-L005 involving Holly Stautberg.

2-E: Update consent agreement compliance regarding Maria Ortiz and complaint number 07-L075.

2-F: Review, discussion and possible action regarding the proposed Consent Agreement resolution of complaint number 10-L045 involving certified legal document preparer Kenneth Singer.

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

*Complaint Number 11-L025 – Carlos Galindo and Agencia Hispana
Complaint Number 11-L047 – Carlos Galindo and Agencia Hispana
Complaint Number 12-L042 – Carlos Galindo and Agencia Hispana*

3) ADMINISTRATIVE ISSUESDivision Staff

3-A: Update regarding Administrative Order No. 2013-25 and pending legislation.

3-B: Review, discussion and possible action regarding pending Petition to Amend Rule 31(d)(24) number R-13-0001.

4) INITIAL CERTIFICATION APPLICATIONSKimberly Siddall

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

- 1. Beth Cornell*
- 2. James Carter*
- 3. Dovan Associates, Inc (Donna Vangury)*
- 4. Heather Yearneck*

5. *Greg Shannon-Levitt*
6. *Tamara Hirsch*
7. *Deisy Perez*
8. *Stefanie Montgomery Jochums*
9. *Yvonne Gutierrez*
10. *Edil Fernandez*
11. *Sandra Bunfill*
12. *Carmen Dominguez*
13. *Credit Management Association (Kimberly Lamberty)*

5) CERTIFICATION AND ELIGIBILITY*Kimberly Siddall*

- 5-A: Interview with and possible action regarding applicant Jennifer Cabble.*
- 5-B: Interview with and possible action regarding applicant Patricia Rockwell.*
- 5-C: Review, discussion and possible action regarding Hearing Officer William O'Neil's Recommendation Report involving the denial of the initial certification application submitted by Julie Haigh.*
- 5-D: Review, discussion, and possible action regarding request for placement on Inactive Status received from certified legal document preparer Walter Marcus, certification number 80706.*

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

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

BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – January 28, 2013

2) REVIEW OF PENDING COMPLAINTS

2-F: Review, discussion and possible action regarding the proposed Consent Agreement resolution of complaint number 10-L045 involving certified legal document preparer Kenneth Singer.

On January 28, 2013, the Board invited Mr. Singer to resolve complaint number 10-L045 by Consent Agreement. Mr. Singer has subsequently returned the signed Consent Agreement along with payment of the proposed assessed costs and civil penalty, proof of registration for the proposed hours of additional continuing education and a request the Board consider not issuing the proposed Censure.

It is recommended the Board consider Mr. Singer's request, enter the agreement and authorize the Chair to sign the Consent Agreement on behalf of the full Board.

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3 **ARIZONA SUPREME COURT**
4 **BOARD OF LEGAL DOCUMENT PREPARERS**

5 IN THE MATTER OF CERTIFIED)
6 LEGAL DOCUMENT PREPARER:)

No. 10-L045

7 KENNETH SINGER,)
8 Certificate Number 80777.)
9)
10)

CONSENT AGREEMENT

11 **JURISDICTION**

12 Pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201 and ACJA § 7-
13 208, the Board of Legal Document Preparers (“Board”) has jurisdiction over this matter as
14 Kenneth Singer (“Singer”) held active legal document preparer at the time the Certification and
15 Licensing Division (“Division”) received complaint number 10-L045. On August 13, 2010,
16 the Division received a complaint alleging Singer engaged in the unauthorized practice of law
17 by expressing legal opinions in legal documents he prepared (Allegation 1). One additional
18 allegation was derived during the course of the investigation. Allegation 2 alleged Singer
19 engaged in the unauthorized practice of law by identifying himself in an article he wrote as
20 having previously served as “corporate counsel” for a Fortune 500 company. On January 4,
21 2013, Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists as to
22 Allegations 1 and 2 in complaint number 10-L045. On January 28, 2013, the Board accepted
23 the finding of the Probable Cause Evaluator and entered a finding grounds for formal
24 disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) for acts of misconduct involving
25

1 Arizona Supreme Court Rule 31(a)(2)(B), ACJA § 7-201(F)(1), and ACJA § 7-208(F)(2),
2 (J)(2)(b), (J)(5)(b) and (J)(5)(c).

3 By entering this Consent Agreement, Singer understands he waives his right to a
4 hearing regarding complaint number 10-L045 and agrees to the following Consent Agreement
5 provisions pursuant to ACJA § 7-201(H)(24)(a)(6)(c):

6 1. The Board finds misconduct and Singer acknowledges and accepts responsibility for the
7 found misconduct detailed in the Investigation Summary, Allegation Analysis and Probable
8 Cause Determination Report and Board Order issued in complaint number 10-L045.

9 2. The Board will issue a Censure to Singer, pursuant to ACJA § 7-201(H)(24)(a)(6)(b).

10 3. The Board orders Singer to participate in no less than five (5) hours of continuing
11 education in the curriculum areas of ethics, professional responsibility or the unauthorized
12 practice of law, in addition to the hours of continuing education required for renewal of
13 certification, pursuant to ACJA § 7-201(H)(24)(a)(6)(f).

14 4. The Board assesses and Singer agrees to pay costs associated with the investigation and
15 any related administrative proceedings in the amount of \$190.20, to be remitted within 60 days
16 of the Board's entry into the Consent Agreement, pursuant to ACJA § 7-201(H)(24)(a)(6)(j).
17 Payment of the assessed costs shall be submitted to the Certification and Licensing Division
18 made payable to the "Arizona Supreme Court".

19 5. The Board imposes and Singer agrees to pay a civil penalty, as a disciplinary sanction
20 and a condition of reinstatement, in the amount of \$200.00 per found violation, totaling
21 \$400.00, pursuant to ACJA § 7-201(H)(24)(a)(6)(k). Singer shall remit payment of the civil
22 penalty within 60 days of the Board's entry into the Consent Agreement. Payment of the civil
23 penalty shall be submitted to the Certification and Licensing Division made payable to the
24 "Arizona Supreme Court".

1 6. Singer understands failure to comply with the terms of this Consent Agreement may
2 result in the Board taking further disciplinary action or denying renewal of certification.

3 Entered into on this date by: Entered into on this date by:
4
5 Kenneth Singer 03/13/2013 _____
6 Kenneth Singer Date Mary Carlton, Chair Date
7 Certificate Number 80777 Board of Legal Document Preparers

8 An original copy of the foregoing hand delivered and/or mailed this ____ day of _____,
9 2013, to:

10 Kenneth Singer _____ d

11
12 Nina Preston, Assistant Counsel
13 Administrative Office of the Court
14 1501 West Washington
15 Phoenix, Arizona 85007

16 Rex Nowlan, Assistant Attorney General
17 15 South 15th Avenue
18 Phoenix, Arizona 85007

19 Certification and Licensing Division
20 Arizona Supreme Court
21 1501 West Washington, Suite 104
22 Phoenix, Arizona 85007

23 By: _____
24 Linda Grau, Manager
25 Certification and Licensing Division

BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – March 25, 2013

2) REVIEW OF PENDING COMPLAINTS

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

Complaint Number 11-L025 – Carlos Galindo and Agencia Hispana

Complaint Number 11-L047 – Carlos Galindo and Agencia Hispana

Complaint Number 12-L042 – Carlos Galindo and Agencia Hispana

Complaint Number 11-L025 – Carlos Galindo and Agencia Hispana:

On March 21, 2013, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in complaint number 11-L025. It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 11-L025.

Complaint Numbers 11-L047 and 12-L042 – Carlos Galindo and Agencia Hispana:

On March 21, 2013, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 11-L047. It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists against Galindo and Agencia Hispana pursuant to ACJA § 7-201(H)(6)(a) for acts of misconduct involving ACJA § 7-201(F)(1), ACJA § 7-208(F)(2), (F)(5)(c), (J)(1)(d), (J)(2)(c) and (J)(4)(a).

On March 21, 2013, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 12-L042. It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists against Galindo and Agencia Hispana pursuant to ACJA § 7-201(H)(6)(a) for acts of misconduct involving ACJA § 7-201(F)(1), ACJA § 7-208(F)(2), (F)(6)(c) and (J)(4)(a).

It is recommended the Board consolidate these complaints and any other pending complaints involving Galindo and Agencia Hispana where the Board has separately determined grounds for disciplinary action exists.

Division staff will present a verbal recommendation to the Board regarding these complaints at the meeting.

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
INVESTIGATION SUMMARY and PROBABLE CAUSE ANALYSIS
and DETERMINATION REPORT**

CERTIFICATE HOLDER INFORMATION	Certificate Holder:	Carlos Galindo
	Certification Number:	80036
	Business Name:	Agencia Hispana
	Certification Number:	80038
	Type of Certificate:	Legal Document Preparer
COMPLAINANT	Name:	Patricio Argandona
INVESTIGATION INFORMATION	Complaint Number:	11-L025
	Investigators:	Richard Sczerbicki
		Alex Vilchis Linda Grau

Complaint Received:	May 26, 2011
Complaint Forwarded to the Certificate Holder:	June 2, 2011 and October 5, 2011
Certificate Holder Received Complaint:	October 5, 2011
Response From Certificate Holder:	November 7, 2011
Period of Active Certification:	7/1/2003 – current period
Status of Certification:	Active
Availability of Certificate Holder:	Available
Availability of Complainant:	Available
Report Date:	March 18, 2013

ALLEGATION:

1. Agencia Hispana failed to prepare documents in a timely manner.

List of sources for obtaining information: (Investigative, records, outside resources, etc.):

The investigation of this complaint included the following:

- Written complaint and documentation submitted by complainant Patricio Argandona (“Argandona”)
- Written response and documentation submitted by and investigatory interview with certificate holder Carlos Galindo (“Galindo”)
- Investigator interview with Agencia Hispana employee Carmen Galindo (“Carmen”)

- Review of applicable records in Superior Court in Maricopa County case number FC2011-003570
- Review of applicable Certification and Licensing Division (“Division”) records
- Review of applicable sections of Arizona Codes of Judicial Administration (“ACJA”) § 7-201 and § 7-208, and Arizona Supreme Court Rules

PERSONS INTERVIEWED:

1. Carlos Galindo
2. Carmen Galindo

SUMMARY OF INVESTIGATION:

Argandona reported paying Carmen and Agencia Hispana \$750.00 on April 22, 2011 for the preparation of dissolution documents and “was promised a fast divorce process.” Argandona stated he visited Carmen requesting updates on the production of the documents but only received excuses. On May 24, 2011, Argandona received the prepared documents. At this meeting, Argandona was purportedly asked about his monthly income and informed he needed to pay an additional \$320.00 for court filing fees and he could pay that fee directly to Agencia Hispana. He refused to pay the court fees to Agencia Hispana.

On November 7, 2011, Galindo submitted a written response denying Argandona’s allegation noting Argandona had a past due balance of \$200.00 for services rendered. Galindo reported Argandona demanded and received his documents upon his request, which Argandona then filed with the court.

SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:

On May 26, 2011, the Division received a complaint from Argandona. Argandona reported he visited Agencia Hispana on April 22, 2011 after he saw a magazine advertisement for Agencia Hispana which offered “fast and professional” divorce document preparation services starting at \$250.00. Argandona provided a copy of the ad with his written complaint as well as a copy of Carmen’s business card and the receipt he received from Agencia Hispana dated April 22, 2011 for payment of \$750.00. The receipt reflects the payment was for preparation of a divorce petition and temporary orders. The receipt reflects a zero balance due. Argandona stated he spoke to Carmen who promised him a fast divorce process and assured him that “the case number will be available as soon as possible.” Argandona, frustrated the preparation of the documents was taking longer than he anticipated, reported he contacted Carmen “about 5 times” and was assured the documents were almost ready. Argandona visited Agencia Hispana on May 24, 2011 and received the prepared documents from Carmen who then purportedly asked him about his monthly income and explained Argandona would need to pay an additional \$320.00 for court fees, which he could pay to Agencia Hispana. Argandona refused to

pay the court fee to Carmen and ultimately filed the documents and paid the filing fee directly to the Clerk of the Superior Court.

On June 2, 2011, the Division sent Agencia Hispana and Galindo a letter with a copy of the complaint with notice of the requirement they submit a written response within 30 days. The United States Postal Service made three attempts to deliver the letter, June 12, 2011, June 17, 2011, and June 27, 2011. Some time later, the unclaimed mailing was returned to the Division. Division staff reached Galindo by phone and informed him of the complaint. On October 5, 2011, Galindo visited the Division and was provided with a copy of the complaint. Galindo made a timely request for an extension to respond to the complaint and Division Director Nancy Swetnam granted the request setting a November 7, 2011 deadline.

On November 7, 2011, Galindo submitted a written response to the complaint. Galindo asserted Argandona had a balance due of \$200.00 for services rendered which delayed Argandona's receipt of the prepared documents. Galindo acknowledge Carmen was serving as an ACJA § 7-208(F)(5) trainee at the time Argandona was receiving services.

On December 15, 2011, December 16, 2011, and December 28, 2011, and April 30, 2012, Division Investigator Alex Vilchis ("Investigator Vilchis") attempted to contact Argandona without success.

On May 8, 2012, Investigator Vilchis and Programs and Investigation Manager Linda Grau ("Grau") conducted an investigatory interview with Galindo and Carmen. After discussion regarding Carmen's qualifications, duties and interaction with customers, Grau asked Carmen if there were any documents she prepared that were not reviewed and approved by Galindo. Carmen stated, "At the moment when the client is there, probably, but the client doesn't sign at that time. When the question revisited later in the interview, Carmen stated, "my best answer is I don't know or I don't recall."

When asked if she continued working as a trainee after she took the certification examination, Carmen indicated, "yes, certain times only" because she understood the guidelines only allowed her to be a trainee for 2 ½ years. Carmen later indicated she was reviewing documents, managing the company, and doing administrative work after her trainee period expired. Carmen confirmed she prepared and Galindo reviewed and approved Argandona's documents which were filed on May 24, 2011. Carmen reported having met with Argandona twice. Carmen indicated Argandona paid \$750.00 of the \$950.00 he was quoted at the first visit on April 22, 2011. No explanation was offered as to why the April 22nd receipt reflected a zero balance owed. Argandona returned to Agencia Hispana on May 24, 2011 and received his documents. Carmen confirmed the \$750.00 Argandona paid did not include the court filing fee.

Division records reflect Galindo identified Carmen as an ACJA § 7-208(F)(5) trainee effective December 31, 2008. ACJA § 7-208(A) offers the following definition:

“Trainee” means a person who would qualify for certification as a legal document preparer but for the lack of required experience, and who is seeking to gain the required experience to qualify as a certified legal document preparer by working under the supervision of a designated principal, on behalf of a certified business entity, to perform authorized services, as set forth in this section.

ACJA § 7-208(F)(5)(a) reads:

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. [Emphasis added.]

With the equivalent of a high school diploma, Carmen became eligible to apply for individual legal document preparer certification on January 1, 2011. Galindo had an obligation as the designated principal of Agencia Hispana to ensure Carmen adhered to ACJA and court rules. Division records reflect Carmen took and passed the LDP exam on June 29, 2011, but, to date, has not apply for individual certification. The services Carmen provided to Argandona occurred after she was eligible for but had not applied for individual certification and before the expiration of the ACJA § 7-208(F)(5)(a) two and half year time frame for a trainee to secure certification.

ANALYSIS OF ALLEGATION:

Allegation 1. Agencia Hispana failed to prepare documents in a timely manner.

ACJA § 7-201(F)(1) and ACJA § 7-208(F)(2) require all certified legal document preparers to comply with the ACJA § 7-208(J) Code of Conduct. ACJA § 7-208(J)(4)(a) reads:

A legal document preparer shall provide completed documents to a consumer in a timely manner. The legal document preparer shall make a good faith effort to meet promised delivery dates and make timely delivery of documents when no date is specified. A legal document preparer shall meet document preparation deadlines in accordance with rules, statutes, court orders, or agreements with the parties. A legal document preparer shall provide immediate notification to the consumer of any delays.

Argandona complained he was frustrated by how long it took for Agencia Hispana to produce the documents he paid for, noting he had made numerous requests for the documents which were ultimately provided to him a month after he paid for them. Galindo asserted the delay resulted from an unpaid balanced owed by Argandona, contrary to receipt Argandona provided with the written complaint. No contract for

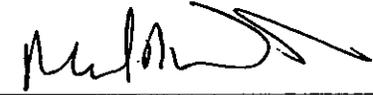
services was entered and it cannot be determined what, if any, promised delivery date was offered other than the assertion in the Agencia Hispana advertisement promising quick services. Attempts to reach Argandona for additional information were unsuccessful. Therefore, Allegation 1 is not substantiated.

SUBMITTED BY:

 3/18/13

Linda Grau, Unit Manager Date
Certification and Licensing Division

REVIEWED BY:

 3/18/13

Mark Wilson, Director Date
Certification and Licensing Division

DECISION OF THE PROBABLE CAUSE EVALUATOR:

Having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint number 11-L025, the Probable Cause Evaluator:

- requests division staff to investigate further.

- determines probable cause does not exist the certificate holder has committed the alleged acts of misconduct as to Allegation(s):
#1.

- determines probable cause exists the certificate holder committed the alleged acts of misconduct as to Allegation(s):

 3/21/13

Mike Baumstark Date
Probable Cause Evaluator

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
INVESTIGATION SUMMARY and PROBABLE CAUSE ANALYSIS
and DETERMINATION REPORT**

CERTIFICATE HOLDER INFORMATION	Certificate Holder:	Carlos Galindo
	Certification Number:	80036
	Business Name:	Agencia Hispana
	Certification Number:	80038
	Type of Certificate:	Legal Document Preparer
COMPLAINANT	Name:	Francisca Marquez
INVESTIGATION INFORMATION	Complaint Number:	11-L047
	Investigators:	Alex Vilchis
		Richard Sczerbicki Linda Grau
Complaint Received:	September 28, 2011	
Complaint Forwarded to the Certificate Holder:	October 5, 2011	
Certificate Holder Received Complaint:	October 20, 2011	
Response From Certificate Holder:	November 7, 2011	
Period of Active Certification:	July 1, 2003 to Present	
Status of Certification:	Active	
Availability of Certificate Holder:	Available	
Availability of Complainant:	Available	
Report Date:	March 15, 2013	

ALLEGATION:

1. Carmen Galindo ("Carmen") and Agencia Hispana failed to timely file agreed upon and paid for documents.

ADDITIONAL ALLEGATIONS:

2. Galindo failed to fulfill his responsibilities as designated principal to actively and directly supervise Agencia Hispana employees and to ensure the employees, specifically Carmen, were acting in compliance with ACJA § 7-201 and § 7-208 and court rules.

List of sources for obtaining information: (Investigative, records, outside resources, etc.):

The investigation of this complaint included the following:

- Written complaint, investigatory interview, and documentation submitted by complainant Francisca Hernandez Marquez
- Written response and documentation submitted by and investigatory interview with certificate holder Carlos Galindo

- Investigator Interview with non certificate holder and Agencia Hispana employee Carmen Galindo
- Review of Superior Court in Maricopa County records in case number FC2011-001253
- Review of applicable Certification and Licensing Division (“Division”) records
- Review of applicable sections of Arizona Codes of Judicial Administration (“ACJA”) § 7-201 and § 7-208, and Arizona Supreme Court Rules

PERSONS INTERVIEWED:

1. Francisca Marquez (“Marquez”)
2. Carlos Galindo (“Galindo”)
3. Carmen Galindo (“Carmen”)

SUMMARY OF INVESTIGATION:

Marquez reported she paid Carmen at Agencia Hispana \$350.00 for the preparation of dissolution related legal documents on June 28, 2010 and Carmen failed to prepared and file the documents in a timely manner. Marquez initially asserted Carmen represented herself as a Supreme Court certified document preparer. Marquez indicated that on a subsequent visit to the Agencia Hispana office, Carmen charged her another \$250.00 for services related to service by publication as Marquez was unaware of the address of her estranged spouse. Marquez indicated she understood Carmen would receive a call from the judge regarding the date of the court hearing but that Marquez would not need to attend the hearing.

In his written response to the complaint, Galindo asserted Marquez did not enter into an agreement for services with Marquez until February 18, 2011. Galindo denied Carmen ever represented herself to Marquez as a certified legal document preparer. Galindo explained the family court matter had been dismissed by the court but asserted this was a result of Marquez’s failure to serve the Respondent.

SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:

On September 28, 2011, the Division received a complaint from Marquez indicating that on June 28, 2010, she requested Agencia Hispana’s services after seeing an advertisement outside the offices charging \$200.00 to prepare a divorce. Marquez stated she spoke with and paid Carmen \$350.00 the same day for preparation of a “Petition for Dissolution of Marriage with Children” (“Petition”) and at this meeting Marquez informed Carmen she did not know where to find her husband. Marquez reported that at this initial meeting, Carmen fully represented herself as a “certified document preparer by the Supreme Court of Arizona”. Marquez reported Carmen later charged an additional \$250.00, which Marquez paid, for service by publication as she did not know the whereabouts of her estranged spouse. Despite the payment of all fees, Marquez reported the Petition was not filed until February 18, 2011. Marquez reported Carmen told her she [Carmen] would receive a call from the court about the hearing date but that Marquez would not need to go to court.

On November 7, 2011, Galindo submitted a written response to the complaint asserting Marquez signed a contract for legal document preparation services on February 18, 2011, rather than during June of 2010 as Marquez alleged. Galindo denied Carmen represented herself to Marquez as a certified legal document preparer. Galindo acknowledged the court ultimately dismissed the February 23, 2011 Petition filed for lack of prosecution and noted Agencia Hispana prepared a reinstatement motion for Marquez in July of 2011 but Marquez never followed up.

Investigator Vilchis reviewed the "Motion to Reinstate Case on the Active Calendar" ("Motion") filed July 25, 2011. Galindo and Agencia Hispana's name, title, and certificate number were listed on the Motion identifying Galindo as the certified legal document preparer responsible for the document. On August 18, 2011, the Honorable Thomas LeClaire denied the Motion because the court had not authorized service by publication in the case.

On December 12, 2011, Investigator Vilchis contacted Marquez to inquire about her initial visit with Carmen at Agencia Hispana. Marquez reported visiting Agencia Hispana on June 28, 2010 and that same day began making payments to Carmen towards the preparation and filing of her Petition. Marquez reported she spoke and only did business with Carmen. When asked if Carmen represented herself as a certified legal document preparer, Marquez could not recall. Marquez did remember Carmen explained she could not provide legal advice because she [Carmen] was not an attorney. Marquez reported she was unaware of the reason why the Petition was not filed until February of 2011 and reported she placed numerous phone calls to Carmen requesting updates. At each contact, Marquez said she received different excuses for the delay from Carmen. Marquez stated she paid Carmen for the preparation of the Petition and the "filing fee". However, as months passed she started receiving billing statements from Superior Court for the unpaid filing fee. The unpaid fee has been turned over to a collections agency. During the call, Marquez agreed to submit copies of receipts starting on June 28, 2010, which demonstrate full payments for services rendered to Agencia Hispana. Marquez did not recall whether she signed a contract for services but asserted she believed the additional \$250.00 charged by Carmen was to ensure Marquez "could avoid having to go to hearing."

On December 21, 2011, Marquez met with Investigator Vilchis and provided copies of invoices and receipts she received from Agencia Hispana on June 28, 2010 and October 1, 2010. Invoice number 0628106 reflects Marquez paid \$350.00 for the preparation of the Petition. Invoice number 1001102 reflects Marquez made a subsequent payment of \$250.00, presumably for the service by publication fee. Marquez also included copies of billing statements she received from the Clerk of the Superior Court and Pioneer collections agency. Marquez indicated she did not understand why it was her obligation to the court was for \$404.46 if she paid Carmen \$350.00 for the filing fee plus an additional \$250.00 for the preparation of the Petition.

On May 8, 2012, Investigator Vilchis and Programs and Investigation Manager Linda Grau conducted an investigatory interview with Galindo and Carmen. Carmen was asked to provide an overview of her experience preparing legal documents on behalf of Agencia Hispana and Galindo. Carmen indicated her education was limited to what is equivalent to a High School diploma. Carmen stated she started working for Agencia Hispana in 2001 and from 2001 to 2003 doing secretarial work. After 2003, she started working in an administrative capacity until 2008. Carmen asserted she had training sessions in which she learned to complete blank forms until she learned how to do the work on her own. Carmen stated she took and passed the legal document preparer exam, however, she indicated she did not apply for certification because she was aware of the pending complaints and was awaiting the final decision from the Board before applying. Division records reflect Carmen took and passed the certification exam on June 29, 2011.

Carmen indicated as a trainee she was responsible for conferring with customers, preparing the documents, and Galindo would review her work to ensure the documents were accurate before documents were provided to customers.

When asked if there were any documents Carmen prepared that were not reviewed and approved by Galindo, Carmen stated, "At the moment when the client is there, probably, but the client doesn't sign at that time." When the question was asked a second time, Carmen stated, "my best answer is I don't know or I don't recall."

When asked if she continued working as a trainee after she took the certification examination, Carmen indicated, "yes certain time only" because she understood the guidelines only allowed her to be a trainee for 2 ½ years. Carmen later indicated she was reviewing documents, managing the company, and doing administrative work after her trainee period expired.

Carmen was asked her role in the process of assisting customers. Carmen stated there are no other certified legal document preparers but Agencia Hispana has trainees, Grace Beltran ("Beltran") and Dulce Mendez ("Mendez") who "sometimes" ask Carmen for help as she is "half the owner," and she gives them general information in the preparation of documents. Carmen indicated after Beltran and/or Mendez prepared documents, Carmen reviews them and if changes need to be made, the documents are given to Galindo for corrections and approval even if the documents do not need any corrections.

Carmen was asked to describe what document preparation services were provided for \$200.00 as advertised by Agencia Hispana. Carmen indicated the advertisement specifies the services start "from" \$250.00 depending if the divorce is with or without children."

When asked if Carmen recalled the events that took place the day she introduced herself to Marquez, who alleged Carmen told her she was a certified legal document preparer. Carmen stated Agencia Hispana's certificate is hanging on the wall identifying the business and Galindo as certified legal document preparers. Carmen stated when she begins the "consultation" she informs customers Agencia Hispana is not a law firm, that she and any other individual working on the customer's case is a trainee.

When asked about Marquez allegation that she was told she would not have to go to court, Carmen stated:

When you start explaining the options that the person or the client have, obviously you go according with the information that they give you at the time. If you go in the steps of a divorce and the other party is served personal service, either way at the end of the case you can do a default of hearing appearing on court or you can do a consent decree when both parties are in agreement that is according to procedures. I do not understand why she misinterpreted at that time if she was doing her case by publication because according of what she said she didn't know where the other party was.

Carmen added:

At no moment she was told she cannot go to court maybe...unfortunately, she misinterpreted that she cannot go to court but if I give her that option it was only if the service was a proper service, a personal service, upon the respondent. She never asked me or told me how can I not go to court maybe, and I cannot assume what she was thinking but if she never asked me I didn't have the chance to clarify that she wasn't you know, do it by mail.

Carmen acknowledged she prepared and Galindo reviewed and approved Marquez' Petition filed February 23, 2011, in Superior Court in Maricopa County case number FC2011-001253.

Carmen indicated she has always explained to her customers that it is not a guarantee the customer will not need to attend court. Carmen was asked what information she provides to customers that make the customers leave Agencia Hispana after talking to her thinking the customer does not need to go to court. Carmen indicated she did not know why Marquez left Agencia Hispana believing she did not need to go to court. Carmen stated had Marquez opted to submit a Consent Decree, she would not need to go to court.

Division records reflect Galindo identified Carmen as an ACJA § 7-208(F)(5) trainee effective December 31, 2008. ACJA § 7-208(A) offers the following definition:

“Trainee” means a person who would qualify for certification as a legal document preparer but for the lack of required experience, and who is seeking to gain the required experience to qualify as a certified legal document preparer by working under the supervision of a designated principal, on behalf of a certified business entity, to perform authorized services, as set forth in this section.

ACJA § 7-208(F)(5)(a) reads:

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. [Emphasis added.]

With the equivalent of a high school diploma, Carmen became eligible to apply for individual legal document preparer certification on January 1, 2011. Galindo had an obligation as the designated principal of Agencia Hispana to ensure Carmen adhered to ACJA § 7-208. Division records reflect Carmen took and passed the LDP exam on June 29, 2011, but, to date, has not apply for individual certification.

On January 29, 2013, Investigator Sczerbicki met with Galindo about different complainants stating Carmen charged them for court filing fees. Galindo stated each customer signs a document noting Agencia Hispana is not responsible for court fees. Galindo was asked to provide a copy of this document signed by Marquez. On March 4, 2013, Galindo provided a copy of an agreement signed by the complainant on February 18, 2011. Interviews with the complainant reflect Marquez did not understand the fees she paid Agencia Hispana did not include the court fees.

ANALYSIS OF ALLEGATIONS:

Allegation 1. Carmen and Agencia Hispana failed to timely file agreed upon and paid for documents, assured the consumer she would not have to appear in court, and led the consumer to believe she was paying fees to Agencia Hispana that included court filing fees.

ACJA § 7-201(F)(1) and ACJA § 7-208(F)(2) require all certified legal document preparers to comply with the ACJA § 7-208(J) Code of Conduct. ACJA § 7-208(J)(4)(a) reads:

A legal document preparer shall provide completed documents to a consumer in a timely manner. The legal document preparer shall make a good faith effort to meet promised delivery dates and make timely delivery of documents when no date is specified. A legal document preparer shall meet document preparation deadlines in accordance with rules, statutes, court orders, or agreements with the parties. A legal document preparer shall provide immediate notification to the consumer of any delays.

ACJA § 7-208(J)(1)(d) reads:

A legal document preparer shall refrain from knowingly making misleading, deceptive, untrue, or fraudulent representations while assisting a consumer in the preparation of legal documents. A legal document preparer shall not engage in unethical or unprofessional conduct in any professional dealings that are harmful or detrimental to the public.

ACJA § 7-208(J)(2)(c) reads:

A legal document preparer shall maintain and observe the highest standards of integrity and truthfulness in all professional dealings.

Marquez stated she met with Carmen Galindo on June 28, 2010 to have her prepare and file a Petition for Dissolution of a Non-Covenant Marriage with Children in case number FC2011-001253. Court records reflect this document was not filed until February 23, 2011. Galindo's written response to the complaint asserted Marquez did not contract with Agencia Hispana until February 11, 2011. Invoice records provided by Marquez demonstrate she paid the initial payment for the preparation of the dissolution petition on June 28, 2010. No explanation for the delay was offered by Galindo or Agencia Hispana.

Marquez reported she paid an additional \$250.00 fee to Carmen so she [Marquez] would not have to appear in court. Galindo was not present or involved when Marquez and Carmen discussed service by publication and it cannot be established what verbal information was provided that prompted Marquez to believe the payment would result in her not having to go to court.

Marquez reiterated her belief that she paid Carmen for the preparation of the Petition and for the filing fee. Investigator Sczerbicki met with Galindo on January 29, 2013. Investigator Sczerbicki spoke with Galindo about different complainants reporting Carmen charged them for court filing fees. Galindo stated each customer signs a document that notes Agencia Hispana is not responsible for court fees. Galindo later provided a copy of the document signed by Marquez. Galindo was not present or involved in the meeting that occurred between Marquez and Carmen when Marquez signed the agreement and it cannot be determined what verbal information was provided that prompted Marquez to believe the filing fees were included in the amounts she paid Agencia Hispana.

To the extent the Petition was filed until nearly 9 months after Marquez met with Carmen and paid for the preparation of the documents and 4 months after Marquez paid for service by publication, and to the extent Marquez believed she was paying fee that included the filing fees and for her not to have to appear in court, Allegation 1 is substantiated.

Allegation 2. Galindo failed to fulfill his responsibilities as designated principal to actively and directly supervise Agencia Hispana employees and to ensure the employees, specifically Carmen, were acting in compliance with ACJA § 7-201 and § 7-208 and court rules.

ACJA § 7-208(F)(5)(c) reads: Any designated principal who undertakes to train an employee shall:

- (1) Assume personal professional responsibility for the trainee's guidance in any work undertaken and supervising, generally or directly, as necessary, the quality of the trainee's work;
- (2) Assist the trainee in activities to the extent the designated principal considers it necessary;

- requests division staff to investigate further.

- determines probable cause does not exist the certificate holder has committed the alleged acts of misconduct as to Allegation(s):

- determines probable cause exists the certificate holder committed the alleged acts of misconduct as to Allegation(s):

H 1 & 2.

Mike Baumstark *3/21/13*

Mike Baumstark Date
Probable Cause Evaluator

(Galindo/11-L047)

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
INVESTIGATION SUMMARY and PROBABLE CAUSE ANALYSIS
and DETERMINATION REPORT**

CERTIFICATE HOLDER INFORMATION	Certificate Holder:	Carlos Galindo
	Certification Number:	80036
	Business Name:	Agencia Hispana
	Certification Number:	80038
	Type of Certificate:	Legal Document Preparer
COMPLAINANT	Name:	Ricardo Guzman Contreras
INVESTIGATION INFORMATION	Complaint Number:	12-L042
	Investigators:	Richard Sczerbicki
		Linda Grau

Complaint Received:	August 30, 2012
Complaint Forwarded to the Certificate Holder:	September 4, 2012
Certificate Holder Received Complaint:	October 12, 2013
Response From Certificate Holder:	October 25, 2012
Period of Active Certification:	July 1, 2003 to Present
Status of Certification:	Active
Availability of Certificate Holder:	Available
Availability of Complainant:	Available
Report Date:	March 18, 2013

ALLEGATION:

1. Agencia Hispana failed to prepare agreed upon and paid for documents.

ADDITIONAL ALLEGATION:

2. Galindo failed to fulfill his responsibilities as designated principal to actively and directly supervise Agencia Hispana employees and to ensure the employees, specifically Carmen, were acting in compliance with ACJA § 7-201 and § 7-208 and court rules.

List of sources for obtaining information: (Investigative, records, outside resources, etc.):

- The investigation of this complaint included the following:
- Written complaint and documentation submitted by and investigatory interview with complainant Ricardo Guzman Contreras (“Contreras”)

- Written response and documentation submitted by certificate holder Carlos Galindo (“Galindo”)
- Review of applicable Certification and Licensing Division (“Division”) records
- Review of applicable sections of Arizona Codes of Judicial Administration (“ACJA”) § 7-201 and § 7-208, and Arizona Supreme Court Rules

PERSONS INTERVIEWED:

1. Ricardo Guzman Contreras

SUMMARY OF INVESTIGATION:

Contreras paid \$1,000.00 to Agenia Hispana and Carmen Galindo (“Carmen”) for document preparation services. Approximately 8 months after paying for the documents without receiving them, Contreras contacted Carmen and she promised a full refund of the \$1000.00 paid if Contreras came into the office to sign a document. Contreras asserted he found it odd he had waited so long for his documents to be prepared, yet if he wanted a refund he had to hurry to sign a different document, especially when his on-going attempts to reach Carmen went unanswered.

Galindo responded to the complaint acknowledging Agencia Hispana agreed and received payment for services that were never rendered. Galindo explained arrangements were underway for Galindo to personally deliver Contreras’ refund. Galindo and Contreras later confirmed the refund was delivered.

SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:

On August 30, 2012, Ricardo Guzman Contreras (“Contreras”) submitted a written complaint against Galindo and Agencia Hispana. In the complaint, Contreras stated he met with Carmen and paid \$1,000.00 for preparation of legal documents involving the custody of his children. Contreras reported numerous failed attempts to reach Carmen for status information and/or his documents. Approximately 8 months after making payment, Contreras was able to make contact with Carmen and was promised a refund if he would come to the office to sign a document. After a year passed without receiving the documents or the refund, Contreras filed the complaint with the Division.

On October 25, 2012, Galindo submitted a written response to the complaint acknowledging the agreed upon and paid for services were not rendered but that he was making arrangements to personally deliver a refund to Contreras. Galindo stated, “It was very unfortunate the client did not receive the service he was looking for, but this office will continue to better our service and make the process more efficient.” Galindo indicated Carmen is not preparing any legal documents for the business and her duties are administrative only in a capacity as part owner.

On February 4, 2013, Investigator Richard Sczerbicki (“Investigator Sczerbicki”) conducted a telephone interview with the complainant Contreras. Contreras stated when he first met with Carmen he paid \$1,000.00 for document preparation services that he

never received. Contreras stated there was no written contract provided and he did receive a receipt for the money he paid. Contreras stated he only met with Carmen for the document preparation and no one else. Contreras stated the money he paid did not include the court fees and he was not told it would cover the court fees. Contreras stated he made numerous attempts to contact Carmen but he could never reach her to discuss his documents. Contreras stated he finally contacted Carmen in April of 2012 after learning his court documents were never filed. At that point Carmen told him to come to the office to sign some papers for a refund. Contreras stated approximately 7-8 months had passed and his documents were never prepared and he made a Saturday appointment to meet with Carmen but when he arrived at the business it was closed. Contreras indicated he later met with Galindo who had him sign a document providing Contreras would receive his refund in 4 installment payment. Contreras stated he received the payment installments and has received a full refund.

ANALYSIS OF ALLEGATION:

Allegation 1. Agencia Hispana failed to prepare agreed upon and paid for documents.

ACJA § 7-201(F)(1) and ACJA § 7-208(F)(2) require all certified legal document preparers to comply with the ACJA § 7-208(J) Code of Conduct. ACJA § 7-208(J)(4)(a) reads:

A legal document preparer shall provide completed documents to a consumer in a timely manner. The legal document preparer shall make a good faith effort to meet promised delivery dates and make timely delivery of documents when no date is specified. A legal document preparer shall meet document preparation deadlines in accordance with rules, statutes, court orders, or agreements with the parties. A legal document preparer shall provide immediate notification to the consumer of any delays.

Contreras paid Agencia Hispana and Carmen \$1,000.00 and many months later, learned the documents had never been filed His attempts to reach Carmen were largely unsuccessful until approximately 8 months after he paid for the services. A refund was promised but not delivered until more than a year had passed. Galindo acknowledged the paid for services were not provided. Therefore, Allegation 1 is substantiated.

Allegation 2. Galindo failed to fulfill his responsibilities as designated principal to actively and directly supervise Agencia Hispana employees and to ensure the employees, specifically Carmen, were acting in compliance with ACJA § 7-201 and § 7-208 and court rules.

ACJA § 7-208(F)(6)(c) requires a certified business entity designated principal to “Actively and directly supervise all other certified legal document preparers, subsection (F)(5) trainees, and staff working for the certified business entity...”

Galindo failed to ensure Agencia Hispana employees provided Contreras with the documents he paid for or that the employees complied with ACJA § 7-208(J)(4)(a). Therefore, Allegation 2 is substantiated.

SUBMITTED BY:

 3/18/13
Linda Grau, Unit Manager Date
Certification and Licensing Division

REVIEWED BY:

Mark Wilson, Director Date
Certification and Licensing Division

DECISION OF THE PROBABLE CAUSE EVALUATOR:

Having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint number 12-L042, the Probable Cause Evaluator:

- requests division staff to investigate further.

- determines probable cause does not exist the certificate holder has committed the alleged acts of misconduct as to Allegation(s):

- determines probable cause exists the certificate holder committed the alleged acts of misconduct as to Allegation(s):

#142.

 3/21/13
Mike Baumstark Date
Probable Cause Evaluator