

Supreme Court Board of Legal Document Preparers

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room 345B
10:00 a.m. – 2:00 p.m.

April 24, 2006

Approved Regular Session Meeting Minutes

Members Present:

Mary Carlton
Frank Costanzo
Vellia M. Piña
Donald F. Steward
J. Ward Sturm
Nancy Swetnam
Carol L. Wells

Telephonically Present:

Dr. Roger Hartley
Virlynn Tinnell

Members Absent:

Judge Roland J. Steinle
Jacqui Velde

AOC Staff Present:

Linda Grau
Nina Preston
Kimberly Siddall
Brenda Dominguez

Guest:

Cheri Dillion

CALL TO ORDER

The regular session was called to order by Vice Chair Carol Wells at 10:19 a.m.

Nancy Swetnam holds the proxy vote for Judge Roland Steinle.

REVIEW AND APPROVAL OF MEETING MINUTES

Regular and Executive Session Minutes for the meeting of February 27, 2006.

Review of meeting minutes for February 27, 2006 was deferred, as recommended by Program staff, until the May meeting.

Regular and Executive Session Minutes for the meeting of March 20, 2006.

A **motion** was made by Nancy Swetnam to adopt the Regular Session Minutes for March 20, 2006 as amended. Mary Carlton seconded the motion. Motion passed. **LDP-06-099**

ADMINISTRATIVE ISSUES

Review and discussion regarding proposed revisions of Arizona Code of Judicial Administration §§ 7-201 and 7-208, including a review of received Public Comments.

The Board received copies of and reviewed the Public Comments received regarding the proposed revisions and discussed numerous issues. The board discussed matters related to proposed revisions involving staff access to credit reports, confidentiality of complaints, and certificate holder identification retirements on documents they prepare. Specific to the issue of

the proposed increases in certification fees, Program staff reported provided the Board with an overview of the Program revenues and expenditures, noting revenues are not meeting expenditures.

BREAK – 12:16 p.m.

BREAK ENDED – 12:30 p.m.

CERTIFICATION AND ELIGIBILITY

Report and recommendations regarding Continuing Education course credit requests.

The Board discussed the Continuing Education Policy which provides the Board will not consider continuing education credit requests during the months of May and June. Linda Grau requested the Board address whether to consider staying this policy for the current renewal period. Noting each certificate holder had received a copy of the CE Policy when last renewed or upon being granted certification during the 2005-06 certificate period and Program staff has provided repeated notice to all active certificate holders about the need to submit credit requests before May and June, Ms. Grau reported the Program is receiving a high volume of credit requests and it is anticipated a substantial number of applicants for renewal to Standard certification will face expiration of their current certifications for a temporary period if the Board waits until July to review the associated credit requests. The Board determined a stay pertaining to the existing CE Policy was warranted.

The Board discussed and reviewed the following list of continuing education requests and Program staff recommendations:

1. “Annual Update of Arizona Law: Employment and Construction Law” presented by Jones, Skelton & Hochuli, P.L.C.in Phoenix, AZ on 5/4/2005 - 2.5 requested --- recommend granting request.
2. “Professional Ethics” presented by Positive Systems Inc.(Self Study) on 7/14/2005 – 4 hours Ethics requested --- recommend granting request.
3. “Intro to Contract Writing” presented by Professional Institute of Real Estate in Phoenix, AZ on 7/26/2005 – 6 hours requested --- recommend 5 hours be granted.
4. “Charitable Remainder Trusts (CRT)” presented by Morris, Hall & Kinghorn PLLC in Phoenix, AZ on 7/29/2005 – 2 hours requested --- recommend granting.
5. “Life Insurance for Business” presented Online by WEBCE, a Nationwide eLearning Co. – 12 hours requested --- recommend 5 hours be granted.
6. “Estate Planning for an IRA” presented by Morris, Hall & Kinghorn PLLC in Phoenix, AZ on 8/22/2005 – 2 hours requested --- recommend granting request.

7. "Resolving Client Tax Liabilities" presented by R. Pooley & Associates in Phoenix, AZ on 8/29/2005 – 3 hours requested --- recommend granting request.
8. "New Bankruptcy Law Training Session for Document Preparers" presented by U.S. Bankruptcy Court in Phoenix, AZ on 9/27/2005 – 1 hour requested --- recommend granting request.
9. "Medicare Boot Camp" presented by HRAI Coding Specialist, LLC in Phoenix, AZ 10/24 through 10/28/05 – 35 hours requested --- recommend 5 hours be granted.
10. "How to Structure Commercial Leases for Win-Win Outcome" presented by National Business Institute in Phoenix, AZ on 11/14/2005 – 7 hours requested --- recommend 5 hours be granted.
11. "2006 & 2007 CCH Federal Tax Course" presented by AZ Society of Practicing Accountants in Phoenix, AZ on 11/14/2005 – 5 hours requested --- recommend granting request.
12. "Recognizing Blind Spots in the World of LLC in Arizona" presented by Lorman Education Services in Phoenix, AZ on 11/18/05 – 7 hours requested --- recommend 5 hours be granted, including 0.5 hour of Ethics.
13. "Advanced Like Kind Real Estate Exchanges" presented by Lorman Education Services in Scottsdale, AZ on 12/6/2005 – 8 hours requested --- recommend 5 hours be granted.
14. "Professional Ethics for CPAs" presented by Arizona Society of Certified Public Accountants in Phoenix, AZ on 12/14/2005 - 4 hours Ethics requested --- recommend granting request.
15. "Bankruptcy - New Laws" presented by Legal Assistants of Metro Phoenix (LAMP) in Phoenix, AZ on 12/14/2005 - 1.25 hours requested --- recommend granting request.
16. "New Arizona Rules of Family Law Procedure (PM Session) presented by AOC Education Services in Phoenix, AZ on 12/16/2005 – 3 hours requested --- recommend granting request.
17. "Before Estate Planning 101: Looking at the Big Picture" presented Online by National Academy of Continuing Legal Education – 1 hour requested ---recommend granting request.
18. "General Estate Planning" presented Online by National Academy of Continuing Legal Education – 2 hours requested --- recommend granting request.
19. "Drafting a Basic Trust" presented Online by National Academy of Continuing Legal Education – 1 hour requested --- recommend granting request.

20. "Intro to Ethics/Ethics" presented by University of Phoenix in Phoenix, AZ on 1/12/2006 - 3 hours Ethics requested --- recommend granting request.
21. "Landlord Tenant Act" presented by Legal Assistants of Metro Phoenix (LAMP) in Phoenix, AZ on 1/14/2006 - 2.5 hours requested --- recommend granting request.
22. "Asset Protection in Arizona" presented by State Bar of Arizona in Phoenix, AZ on 9/30/2005 – 6 hours requested --- recommend granting request.
23. "Drafting a Basic Will" presented Online by National Academy of Continuing Legal Education – 1 hour requested --- recommend granting request.
24. "Arizona Elder Law 2006" presented by Health Ed in Phoenix, AZ on 2/17/2006 – 6 hours requested --- recommend 5 hours be granted.
25. "AZ Family Law Practice for Paralegals" presented by Halfmoon LLC in Phoenix, AZ on 2/23/2006 – 6 hours requested --- recommend 5 hours be granted.
26. "Trust Administration and Probate" presented by Morris, Hall & Kinghorn PLLC in Phoenix, AZ on 3/2/2006 – 2 hours requested --- recommend granting request.
27. "Drafting LLC & LLP Agreements in Arizona" presented by National Business Institute in Phoenix, AZ on 3/8/2006 – 6.5 hours requested --- recommend 5 hours be granted, including 1 hour of Ethics.
28. "AZ Rules of Family Law Procedure" presented by Superior Court in Yavapai County in Prescott, AZ on 3/13/2006 – 3 hours requested --- recommend granting request.
29. "Current Issues with AHCCCS and ALTCS" presented by NALS of Yavapai County in Prescott, AZ on 3/14/2006 – 1 hour requested --- recommend granting request.
30. "Ethical Aspects of Providing Legal Advice" presented by ABA Center for Continuing Legal Education via webcast on 3/22/2006 – 1 hour requested --- recommend granting request.
31. "1031 Exchanges" presented by Arizona School of Real Estate and Business in Scottsdale, AZ on 3/22/2006 – 3 hours requested --- recommend granting request.
32. "Real Estate Contracts - Legal and Ethical Considerations" presented by Arizona School of Real Estate and Business in Scottsdale, AZ on 3/24/2006 – 3 hours requested --- recommend granting request.
33. "Bankruptcy 101" presented by Arizona School of Real Estate and Business in Scottsdale, AZ on 3/27/2006 – 3 hours requested --- recommend granting request.

34. "Business Structures Legal and Tax Considerations" presented by Arizona School of Real Estate and Business in Scottsdale, AZ on 3/28/2006 – 3 hours requested --- recommend granting request.
35. "Contract Law - Legal & Ethical" presented by AZ School of Real Estate & Business in Scottsdale, AZ on 4/4/2006 - 3 hours Ethics requests --- recommend granting request.
36. "Forms of Business Ownership" presented by AZ School of Real Estate & Business in Scottsdale, AZ on 4/4/2006 – 3 hours requested --- recommend granting request.
37. "Disclosure Law" presented by AZ School of Real Estate & Business in Scottsdale, AZ on 4/6/2006 – 3 hours requested --- recommend granting request.
38. "Agency Law" presented by AZ School of Real Estate & Business in Scottsdale, AZ on 4/11/2006 - 3 hours Ethics requested --- recommend granting request.
39. "Ethics" presented by AAIP Show Low in Show Low, AZ on 4/14/2006 - 1 hour Ethics requested --- recommend granting request.
40. "Federal Fair Housing" presented by AZ School of Real Estate & Business in Scottsdale on 4/19/2006 – 3 hours requested --- recommend granting request.
41. "Choosing the Right Legal Structure for Your Business" presented by SCORE in Glendale, AZ on 4/20/2006 – 2 hours requested --- recommend granting request.
42. "Elder Care in Arizona: Resolving Legal & Financial Issues" presented by National Business Institute in Phoenix, AZ on 4/28/2006 – 6 hours requested ---recommend 5 hours be granted, including 1 hour of Ethics.
43. "Bankruptcy in Arizona" presented by Lorman Education Services in Scottsdale, AZ on 5/4/2006 - 6.5 hours requested --- recommend 5 hours be granted.
44. "Elder Planning" presented by Lorman Education Services in Tucson, AZ on 1/18/2006 - 6.5 hours requested --- recommend granting request.
45. "New Arizona Rules of Family Law Procedure" presented by AOC Education Services in Phoenix, AZ on 1/31/06 – 2 hours requested --- recommend granting request.
46. "Sculpting Healthy Families" presented by Arizona Association of Family & Conciliation Courts in Sedona, AZ on February 3rd thru 5th, 2006 - 14.5 hours requested --- recommend 6 hours be granted, including 1.5 hours of Ethics.
47. "How to Stay Off the Top 10 List - The Academy" presented by A School of Real Estate in Phoenix, AZ on 3/7/2006 – 3 hours requested ---recommend 3 hours of Business Management credit be granted.

48. "It's a Family Affair" presented by Arizona's Children Association & Casey Family Programs in Tucson, AZ on 9/22/05 – 4 hours requested --- recommend denial.
49. "Living Trusts" presented by Morris, Hall & Kinghorn PLLC in Phoenix, AZ on 9/27/2005 – 2 hours, including Ethics requested --- recommend 2 hours be granted without Ethics.
50. "Power up Credit/Collection Conference" presented by NACM in Las Vegas, NV on 10/18 through 10/19/06 – 6 hours requested --- recommend denial.
51. "Whose Children? The State and Child Welfare" presented by the Arizona State University on 12/2/05 in Phoenix, AZ on 12/2/05 – 2 hours requested --- recommend denial.
52. "State Notary Workshop" presented by the Arizona Secretary of State in Phoenix, AZ on 2/23/06 – 1 hour of Ethics requested --- recommend denying Ethics credit for this event. (This event has already been approved for 4 hours of credit.)
53. "The Impaired Lawyer from a Law Firm's Point of View" presented by ABA Center for Continuing Legal Education via webcast on 3/27/06 – 1.5 hours requested -- recommend denial.
54. "FLP & LLC: Formation to Liquidation" presented by Edward Jones in Gilbert, AZ on 5/11/2005 – 3 hours requested --- recommend granting request.
55. "Special Needs Planning for Persons with Down Syndrome" presented by National Down Syndrome Society in Chicago, IL on 7/9/2005 - 1.5 hours requested --- recommend granting request.
56. "Special Needs Planning for Persons with Autism" presented by Autism Society of American Conference in Nashville, TN on 7/14/2005 - 1.5 hours requested --- recommend granting request.
57. "Social Security Basics & Recent Updates" presented by Financial Planning Association of Greater Phoenix in Phoenix, AZ on 7/25/2005 – 2 hours requested --- recommend granting request.
58. "New ADR & DR Filings from the Folks Who Wrote Them" presented by Maricopa County Association of Family Mediators in Phoenix, AZ on 7/26/2005 – 1 hour requested --- recommend granting request.
59. "Special Needs Planning for Persons with Aspergers" presented by Asperger Parent Support Group in Chandler, AZ on 9/15/2005 - 1.5 hours requested --- recommend granting request.

60. "Bringing the Grief Process Out of the Divorce Closet" presented by Maricopa County Association of Family Mediators in Phoenix, AZ on 10/25/2005 – 1 hour requested --- recommend granting request.
61. "Selected Partnership & LLC Tax Problems" presented by University of Denver Graduate Tax Program in Denver, CO on 11/10/2005 – 8 hours requested --- recommend 3 hours Tax credit be granted.
62. "Recognizing Blind Spots In the World of LLC in Arizona" presented by Lorman Education Services in Phoenix, AZ on 11/18/2005 – 8 hours requested --- recommend 5 hours be granted, including 0.5 hours of Ethics.
63. "Recent Updates in the Child Support Guidelines" presented by Maricopa County Association of Family Mediators in Phoenix, AZ on 11/29/2005 – 1 hour requested --- recommend granting request.
64. "Professional Ethics for AZ CPAs" presented Online by Learn Live Technologies – 4 hours requested --- recommend granting request.
65. "Advanced Like Kind Real Estate Exchanges" presented by Lorman Education Services in Scottsdale, AZ on 12/6/2005 – 8 hours requested --- recommend 5 hours be granted.
66. "2005 Tax Update Seminar" presented by University of Denver Graduate Tax Program-Denver, CO on 12/9/2005 – 8 hours requested --- recommend 3 hours Tax credit be granted.
67. "Health Insurance Issues in Divorcing Families" presented by Maricopa County Association of Family Mediators in Phoenix, AZ on 1/31/2006 – 1 hour requested --- recommend granting request.
68. "Long Term Consequences of Divorce" presented by Arizona Association of Family & Conciliation Courts in Sedona, AZ on 2/3/2006 – 2 hours requested --- recommend granting request.
69. "Child Abuse - What You Need to Know" presented by Arizona Association of Family & Conciliation Courts in Sedona, AZ on 2/3/2006 – 7 hours requested --- recommend 5 hours be granted.
70. "One Person's Ceiling is Another Person's Floor" presented by Arizona Association of Family & Conciliation Courts in Sedona, AZ on 2/4/2006 - 1.5 hours requested --- recommend granting request.
71. "Domestic Violence & Divorce Mediation" presented by Arizona Association of Family & Conciliation Courts in Sedona, AZ on 2/4/2006 - 2.5 hours requested --- recommend granting request.

72. "Client Competence to Participate in Divorce Mediation" presented by Arizona Association of Family & Conciliation Courts in Sedona, AZ on 2/4/2006 - 1.5 hours requested --- recommend granting request.
73. "Hot Topics, Ethics - Mediation Track" presented by Arizona Association of Family & Conciliation Courts in Sedona, AZ on 2/5/2006 - 1.5 hours Ethics requested --- recommend granting request.
74. "Complex Financial Issues in Divorce" presented by National Business Institute in Phoenix, AZ on 3/28/2006 – 6 hours requested --- recommend 5 hours be granted.
75. "Landlord and Tenant Law" presented by Lorman Education Services in Tucson, AZ on 3/30/2006 - 7.5 hours requested --- recommend 5 hours be granted.
76. "Procedures and Operations Update for the Yavapai County Superior Court" presented by NALS of Yavapai County in Prescott, AZ on 4/11/2006 – 1 hour requested --- recommend granting request.
77. "Mechanics Liens and Construction Claims" presented Online by West Legal Ed Center - 3.25 hours requested --- recommend granting request.
78. "Asset Protection" presented by Morris, Hall & Kinghorn PLLC in Phoenix, AZ on 1/24/2006 – 2 hours requested --- recommend granting request.
79. "Principles of Asset Allocation" presented Online by Sunset Financial Services, Inc. on 9/20/05 – 3 hours requested --- recommend denial of credit.
80. "Special Needs Planning for Americans with Disabilities" presented by Bart Stevens Special Needs Planning, LLC in Scottsdale, AZ on 1/26/05 - 2.5 hours requested --- recommend denial due to event occurred prior to May 1, 2005.
81. "529 Plans and Other College Savings Plan" presented Online by Sunset Financial Services, Inc. on 9/12/05 – 3 hours requested --- recommend denial of credit.
82. "Stock Options" " presented Online by Sunset Financial Services, Inc. on 8/1/05 – 2 hours requested --- recommend denial of credit.
83. "Lien Law Workshop" presented by Southwest Business Credit Services in Tempe, AZ on 5/ 3 and 5/4/06 – requested hour for hour of attendance --- recommend granting up to 5 hours.
84. "The Law of Community Association in Arizona Overview for Arizona Association of Community Managers" presented by Ekmark & Ekmark, LLC and Carpenter Hazelwood, PLC in Scottsdale, AZ on 5/12/2006 – 5 hours requested --- recommend granting request.

A **motion** was made by Nancy Swetnam to approve continuing education as recommended by Program staff for numbers 1 through 53, with the exception of number 52 which is approved for 1 hour of ethics and 3 hours of regular credit. Donald Steward seconded the motion. Motion passed. **LDP-06-100**

A **motion** was made by Frank Costanzo to approve continuing education as recommended by Program staff for numbers 54 through 84. Donald Steward seconded the motion. Nancy Swetnam opposed. Motion passed. **LDP-06-101**

Review and discussion regarding the Arizona Association of Independent Paralegals (“AAIP”) inquiry involving AAIP sponsored Continuing Education events.

The Board received and reviewed the request for continuing education clarification requests from the AAIP and certificate holder Victor Linn.

A **motion** was made by Mary Carlton to direct Program staff to redirect AAIP to the approved continuing education list published on the Program website and to authorize Carol Wells, on behalf of the to Board, to sign a letter to Mr. Linn directing him to the Continuing Education Policy and the cause for the denial of his request for credit. J. Ward Sturm seconded the motion. Motion passed. **LDP-06-102**

Review and discussion regarding Hearing Officer Craig Tindall’s Recommendation report regarding the denial of renewal of Javier Flores.

The Board reviewed Hearing Officer Craig Tindall’s Recommendation Report regarding the Board’s earlier denial of the renewal of certification to Javier Flores.

A **motion** was made by Frank Costanzo to accept the Findings of Facts, Conclusions of Law, and Recommendation of Hearing Officer Craig Tindall and to affirm the Board’s earlier denial of the renewal of certification for Javier Flores. Mary Carlton seconded the motion. Motion passed. **LDP-06-103**

Review and discussion regarding Hearing Officer Stephen Lesher’s Recommendation report regarding denial of certification to Barbara Morejon and Immigration Assistance Center, LLC.

The Board reviewed and discussed Hearing Officer Stephen Lesher’s Recommendation Report and additional documentation regarding denial of certification to Barbara Morejon and Immigration Assistance Center, LLC. Hearing Officer Stephen Lesher recommended after the applicants have submitted satisfactory proof of having corrected their advertising and listing practices, their applications should be approved.

A **motion** was made by Donald Steward to grant certification to Barbara Morejon and Immigration Assistance Center, LLC. Dr. Roger Hartley seconded the motion. Nancy Swetnam, Frank Costanzo, J. Ward Sturm and Judge Roland Steinle (proxy exercised by Ms. Swetnam) opposed. Motion passed. **LDP-06-104**

Review and discussion regarding inquiry from certificate holder Billye Wilda, AZCLDP 80074, regarding workshop participation.

A **motion** was made by Mary Carlton to direct Program staff to report to Billye Wilda, certificate number 80074, the Board finds no conflict regarding her workshop participation with the Arizona's Children Association and Casey Foundation, as detailed in her submission for Board review and consideration. Vellia M. Piña seconded the motion. Motion passed. **LDP-06-105**

Review and discussion regarding inquiry from Terry Sutter regarding certification eligibility requirements.

The Board discussed whether Terry Sutter's experience as a Mediator enabled her to meet the minimum eligibility requirements for certification.

A **motion** was made by Mary Carlton directing Program staff to respond to Terry Sutter stating the information provided was not adequate to determine the applicability of Ms. Sutter's request for certification eligibility requirements and to submit an application for the Board's review. J. Ward Sturm seconded the motion. Motion passed. **LDP-06-106**

Review and discussion regarding causes for denial of initial individual certification application of Charlene DeLucia.

The Board discussed the options offered for consideration by Assistant Attorney General Jeanne Galvin for the Board to resolve the pending matters regarding the denial of initial individual certification to Charlene DeLucia.

A **motion** was made by Nancy Swetnam to defer consideration of the Board's prior denial of initial individual certification for Charlene DeLucia and direct Program staff to request additional information from Assistant Attorney General Jeanne Galvin, specific to her recommendation the Board to enter into a Consent Agreement with Ms. DeLucia. J. Ward Sturm seconded the motion. Motion passed. **LDP-06-107**

REVIEW OF PENDING COMPLAINTS

Review and discussion regarding non-certificate holder complaint NC-376, NC-377, and NC-381 regarding James Reid and Curtis Management and Consulting, LLC.

Linda Grau reported additional attempts to garner a response from Mr. Reid and Curtis Management regarding the non-certificate holder complaints have been unsuccessful and the Program has received copies of documents purported to have been prepared by Mr. Reid, on behalf of Curtis Management, subsequent to the expiration of their certifications. Ms. Grau recommended the Board order a Petition for Cease and Desist Order be filed in the Superior

Court in Maricopa County against James Reid and Curtis Management and Consulting, LLC pursuant to ACJA § 7-208 (H)(1)(c).

A **motion** was made by Frank Costanzo to direct Program staff to work with the Attorney General's Office for the purpose of filing a Petition for Cease and Desist Order in the Superior Court against James Reid and Curtis Management and Consulting, LLC, pursuant to § 7-208 (H)(1)(c). J. Ward Sturm seconded the motion. Motion passed. **LDP-06-108**

Review and discussion regarding staff recommendation for issuance of investigative subpoenas in LDP Program non-certificate holder complaint numbers NC-264, NC-277, and NC-278.

The Board reviewed and discussed documentation and Program staff and Probable Cause Evaluator Mike Baumstark's recommendation the Board issue investigatory subpoenas to non-certified business entity The Peoples Courthouse, and former certificate holder Glen Hadley.

A **motion** was made by Mary Carlton to direct Program staff to prepare the investigatory subpoenas and to authorize Vice Chair Carol Wells to sign the subpoenas on behalf of the full Board for service to The Peoples Courthouse and Glen Hadley. Virlynn Tinnell seconded the motion. Motion passed. **LDP-06-109**

Review and discussion regarding LDP Program complaint numbers 03-L044, 04-L021, 04-L033, 05-L032, 05-L088, and 05-L100.

Regarding complaint numbers 03-L044 and 04-L021,

A **motion** was made by Frank Costanzo for the Board to enter a finding probable cause does not exist regarding complaint numbers 03-L044 and 04-L021 and that the complaints be dismissed. Virlynn Tinnell seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-110**

Regarding complaint number 05-L032,

A **motion** was made by Frank Costanzo for the Board to enter a finding probable cause does not exist regarding complaint number 05-L032 and that the complaint be dismissed. Dr. Roger Hartley seconded the motion. Nancy Swetnam and Donald Steward recused. Motion passed. **LDP-06-111**

Regarding complaint number 05-L088,

A **motion** was made by Mary Carlton to enter a finding probable cause exists in complaint number 05-L088 and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2). Donald Steward seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-112**

A **motion** was made by Mary Carlton directing Program staff to prepare a Notice of Formal Charges against Alfred Brown, certificate number 80776, and to authorize staff to attempt to resolve this complaint by Consent Agreement. Donald Steward seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-113**

Regarding complaint number 05-L100,

A **motion** was made by Donald Steward to enter a finding probable cause exists in complaint number 05-L100 and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2). Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-114**

A **motion** was made by Mary Carlton to direct Program staff to prepare a Notice of Formal Charges against Wendy Sara-Kalisz, certificate number 80752, and to authorize staff to attempt to resolve the complaint by a Consent Agreement requiring Ms. Sara-Kalisz to pay a fine in the amount of \$250.00. Virlynn Tinnell seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-115**

EXECUTIVE SESSION - 1:39 p.m

Nancy Swetnam recused and public guest left the meeting during the Executive Session at 1:39 p.m.

A **motion** was made by Donald Steward to enter into Executive Session to discuss confidential information and for the Board to receive the advice of legal counsel. Mary Carlton seconded the motion. Motion passed. **LDP-06-116**

EXECUTIVE SESSION ENDED - 1:49 p.m.

Nancy Swetnam and the public attending the meeting returned to the meeting at 1:49 p.m.

REVIEW OF PENDING COMPLAINTS (revisited)

Review and discussion regarding LDP Program complaint numbers 03-L044, 04-L021, 04-L033, 05-L032, 05-L088, and 05-L100 (continued).

Regarding complaint number 04-L033,

A **motion** was made by J. Ward Sturm to enter a finding probable cause exists in complaint number 04-L033 and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2), and to direct Program staff to prepare a Letter of Concern and authorize Judge Roland Steinle to sign the Letter of Concern on behalf of the full Board. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-117**

Review and discussion regarding LDP Program Non-Certificate Holder complaint numbers NC-027, NC-043, NC-052, NC-054, NC-059, NC-064, NC-065, NC-066, NC-068, NC-069, NC-070,

NC-071, NC-078, NC-079, NC-081, NC-091, NC-095, NC-101, NC-103, NC-107, NC-112, NC-125, NC-126, NC-148, NC-153, NC-157, NC-159, NC-162, NC-164, NC-165, NC-166, NC-170, NC-171, NC-188, NC-202, NC-207, NC-211, NC-212, NC-214, NC-217, NC-223, NC-224, NC-227, and NC-231.

Linda Grau informed the Board Program staff has attempted to reach the following individuals and business entities via U.S. mail at the address provided with each non-certificate holder complaint referral. Upon receipt of return mail, additional attempts to locate these individuals and business entities have been unsuccessful. Ms. Grau recommended the Board close these non-certificate holder complaints:

| | |
|--------|---|
| NC-126 | Williams Paralegal Specialist |
| NC-027 | Sunbelt Phorms |
| NC-043 | Paralegal Services |
| NC-054 | Paul Gutierrez |
| NC-081 | Lopez Carolina Paralegal |
| NC-091 | Paralegal Plus |
| NC-095 | Debbie A. Coatney |
| NC-101 | Cristy Lynn Gray |
| NC-107 | Paralegal-Plus.com |
| NC-112 | Bonnie Huffman |
| NC-125 | Marie Peters-Badoni |
| NC-159 | DML Corporation |
| NC-162 | The LEX Group |
| NC-165 | International Translation & Public Relations Services |
| NC-166 | Harrington's Legal Records |
| NC-170 | Divorce in 90 Days |
| NC-171 | Arizona-Divorce.com |
| NC-202 | A Discount Store |
| NC-214 | Doc's Plus |
| NC-217 | Ahwatukee Paralegal Divorce Assistance |
| NC-233 | Deanna Peters Paralegal Inc. |
| NC-224 | Free Lance Paralegal Service |
| NC-277 | Legal Resource Consultants |
| NC-231 | Romad Enterprises |

A **motion** was made by Donald Steward to close the non-certificate holder complaint numbers listed above. J. Ward Sturm seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-118**

Linda Grau informed the Board the following individuals and business entities have provided written statements reporting they are not in the business of preparing legal documents for the public or non-represented consumers. Should information be presented to the Program in the future which is contrary to the written statement on file, Program staff will return to the Board with a request for formal action. Ms. Grau recommended the Board close these non-certificate holder complaints:

| | |
|--------|---------------------------------|
| NC-052 | Bondwriter Southwest, LLC |
| NC-064 | Enrique & Anna Garcia |
| NC-065 | Enrique & Anna Garcia |
| NC-066 | Enrique & Anna Garcia |
| NC-059 | Debora Becksma |
| NC-068 | Diane Nguyen |
| NC-069 | Diane Nguyen |
| NC-103 | Catholic Social Service |
| NC-148 | Kramer & Kramer Estate Planning |
| NC-207 | DocuTrak, LLC |
| NC-211 | Litigation Strategies, Inc. |
| NC-212 | Legaltech.net |

A **motion** was made by Virlynn Tinnell to close the non-certificate holder complaint numbers listed above, but noting the Board reserves the right to proceed with formal action if additional information is presented to the Program which is contrary to the written statements on file. Dr. Roger Hartley seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-119**

Linda Grau reported the following business entities or the sole proprietors operating these businesses have submitted applications for certification subsequent to being contact by the Program about the non-certificate holder complaints. Program staff has confirmed these business entities or the sole proprietors operating the entities hold active certification. Ms. Grau recommended the Board close these non-certificate holder complaints:

| | |
|--------|---|
| NC-079 | First Choice Legal Services |
| NC-164 | National Document Filing & Retrieval Inc. |

A **motion** was made by Virlynn Tinnell to close the non-certificate holder complaint numbers listed above. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-120**

Linda Grau informed the Board investigation of the following non-certificate holder complaints and written responses received from the named individuals appear to have provided evidence these individuals are or have been engaging in the unauthorized practice of law, beyond providing document preparation services. Ms. Grau recommended the Board close these non-certificate complaints and refer them to the State Bar of Arizona for review and investigation:

| | |
|--------|---|
| NC-070 | Gerald G. Parkinson |
| NC-071 | Gerald G. Parkinson |
| NC-078 | Linda Devoy – Accord Mediation Services |
| NC-153 | Markos Georgeou |
| NC-157 | Jennifer J. Foshe |

A **motion** was made by Mary Carlton to close the non-certificate holder complaint numbers listed above and refer these complaints to the State Bar of Arizona. Dr. Roger Hartley seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-121**

REVIEW OF CERTIFICATION APPLICATIONS

Review of pending applications and business entity exemption requests.

Kimberly Siddall reported the following applications for individual and business entity certification have been submitted and are requesting review for the 2005-2006 certification period. Ms. Siddall recommended the Board defer consideration of these applications until the May meeting, considering that if these applicants were to be granted initial certification they would be required to take and pass the exam, complete no less than 5 hours of continuing education and reapply for renewal before May 1, 2006.

Ms. Siddall further recommended the Board direct staff to contact the applicants and provide information regarding the July 1, 2006 conversion to Standard certification and provide the applicants with an opportunity to take the steps necessary to have their pending Initial certification application converted for consideration as a 2006-07 Standard certification application.

We the People of Mesa, AZ, Inc. (Karen Strauss)
Brittney N. Mendez
Yared B. Mekonnen
Eddie W. Taylor
Statewide Document Preparation (Eddie W. Taylor)
George H. Chant, III
Joel F. Velarde
Martha G. Borga

A **motion** was made by Donald Steward to defer consideration for the above listed applicants for individual and business entity certification until the May meeting. Mary Carlton seconded the motion. Motion passed. **LDP-06-122**

CALL TO THE PUBLIC

Cheri Dillion addressed the Board and requested information regarding non-certificate holder James Reid and documents which he has prepared for her homeowners association. Ms. Dillion was informed the Board has, at this meeting, voted to file a Petition for a Cease and Desist Order in the Superior Court against James Reid and Curtis Management and Consulting, LLC and she was referred to seek advice of legal counsel for answers regarding documents prepared by Mr. Reid.

ADJOURN

A **motion** was made by J. Ward Sturm to adjourn. Mary Carlton seconded the motion.
Motion passed. **LDP-06-123**

Meeting adjourned at 2:15 p.m.

/bld