

## Supreme Court Board of Legal Document Preparers

Arizona State Courts Building  
1501 West Washington, Phoenix, AZ 85007  
Conference Room 230  
10:00 a.m. – 2:00 p.m.

**September 18, 2006**

### Approved Regular Session Meeting Minutes

**Members Present:**

Judge Roland Steinle  
Mary Carlton  
Dr. Roger Hartley  
Les Krambeal  
Vellia M. Piña  
J. Ward Sturm  
Nancy Swetnam

**Member Absent:**

Jacqui Velde

**Telephonically Present:**

Frank Costanzo  
Virlynn Tinnell  
Carol L. Wells

**AOC Staff Present:**

Linda Grau  
Nina Preston  
Kimberly Siddall  
Kandace French  
Dara Fonseth  
Linda Ferelli  
Doris Leonard  
Alex Navarro

**Guests:**

Charlene DeLucia  
Barbara Morejon  
Brent Miller

### CALL TO ORDER

The regular session was called to order by Vice Chair Roger Hartley at 10:05 a.m., noting Judge Steinle's office had contacted Division staff to advise the Judge was still in Court and would be arriving shortly.

### REVIEW AND APPROVAL OF MEETING MINUTES

*1-A: Regular and Executive Session Minutes for the meeting of July 17, 2006.*

In response to Roger Hartley's request for approval of the Meeting Minutes of July 17, 2006, Linda Grau noted that for the purpose of the minutes of this meeting, Jacqui Velde contacted Division staff and advised she will be unable to participate in this meeting but she does expect to be in attendance at the October meeting. Ms. Grau reported the draft for the July minutes contain issues which were not resolved prior to the meeting and since the Board had not been able to review the drafts in detail, recommended the Board defer consideration and approval of the July minutes to the meeting in October.

A **motion** was made by Nancy Swetnam to defer approval of the July Regular Session Minutes to the October meeting. Ward Sturm seconded the motion. Motion passed. **LDP-06-286.**

## **ADMINISTRATIVE ISSUES**

2-A: *Update regarding adoption of revisions to Arizona Code of Judicial Administration §§ -201 and 7-208.*

The Board received copies of Administrative Order Nos. 2006-70 and 2006-75 and the attached and amended versions of ACJA §§ 7-201 and 7-208. Division staff provided additional information about the effective dates of the amended sections. Ms. Grau noted this agenda item was intended for informational purposes and no related action was being requested or recommended.

2-B: *Discussion regarding Board Member training presented by CLEAR and division staff on December 4, 1006.*

Staff provided information about the scheduled training of Board members, indicating existing Board members would be receiving a survey requesting their input and ideas about what training areas would be most beneficial for the upcoming event. Ms. Grau noted this agenda item was intended for informational purposes and no related action was being requested or recommended.

2-C: *Review and discussion regarding 2007 Board Meeting schedule.*

Staff recommended proposed dates for the 2007 Board meeting schedule. The Board reviewed and discussed the proposed dates and established the following dates:

Monday, January 29, 2007  
Monday, February 26, 2007  
Monday, March 26, 2007  
Monday, April 23, 2007  
Monday, May 21, 2007  
Monday, June 11, 2007  
Monday, June 25, 2007  
Monday, July 23, 2007  
Monday, September 17, 2007  
Monday, October 22, 2007  
Friday, November 16, 2007  
Monday, December 17, 2007

**Motion** was made by Dr. Roger Hartley the Board approve the meeting schedule for 2007 as amended. Mary Carlton seconded the motion. Motion passed. **LDP-06-287.**

## **CERTIFICATION AND ELIGIBILITY**

3-A: *Review and discussion regarding denial of initial individual certification to Charlene DeLucia and possible Consent Agreement.*

Linda Grau recommended approval of the initial individual certification to Charlene DeLucia and possible Consent Agreement and authorize Judge Steinle to approve on behalf of the Board. Ms Grau recommended if the Board does approve the proposed Consent Agreement and grant certification to Ms. DeLucia, it be effective upon receipt of the payment of the civil penalty in the amount of \$122.73.

**Motion** was made by Roger Hartley that Ms. DeLucia be granted certification and the Board enter and accept the terms of the drafted and proposed Consent Agreement, and authorize Judge Steinle to sign the Consent Agreement on behalf of the full Board. Vellia Pina seconded the motion. Mary Carlton, Les Krambeal and Frank Costanzo opposed. Motion passed. **Motion LDP-06-288.**

**Motion** was made by Nancy Swetnam that Judge Steinle be authorized to sign the Consent Agreement on behalf of the Board. Les Krambeal seconded the motion. Motion passed. **Motion LDP-06-289.**

Judge Steinle entered the meeting at 10:25 a.m. Vice Chair Dr. Hartley turned the meeting over to Judge Steinle to proceed as Chair.

3-B: *Review and discussion regarding possible Consent Agreement involving applicant Joelle Sammetinger.*

Linda Grau recommended the Board accept and enter the draft Consent Agreement and authorize Judge Steinle to sign the document on behalf of the Board.

**Motion** was made by Judge Steinle to adopt the draft Consent Agreement. Mary Carlton seconded the motion. Motion passed. **Motion LDP-06-290.**

Judge Steinle asked that Item 3-C be skipped for the time being and move to Item 3D.

3-D: *Review and discussion regarding possible Consent Agreement involving applicant Melissa Gray.*

Division staff reported Ms. Gray did not respond to the proposed Consent Agreement and did not offer an alternative resolution. Therefore, based on staff having fulfilled the Board's requested actions of the July 17<sup>th</sup> meeting, staff recommended the Board deny Ms. Gray's application for standard individual certification pursuant to (E)(5)(b)(1)(a) based on her failure to meet the minimum eligibility requirement contained in (E)(3)(a) by having failed to comply with supreme court rules and orders governing legal document preparers by providing document preparation services under the auspices of being a trainee when she was not qualified to serve in the capacity of a trainee.

**Motion** was made by Frank Costanzo to deny Ms. Gray's application for standard individual certification pursuant to (E)(5)(b)(1)(a) based on her failure to meet the minimum eligibility requirement contained in (E)(3)(a) by having failed to comply with supreme court rules and orders governing legal document preparers by providing document preparation services under the auspices of being a trainee when she was not qualified to serve in the capacity of a trainee. Mary Carlton seconded the motion. Motion passed. **LDP-06-291.**

*3-E: Review and discussion regarding request of Rosa Guzman to retake the LDP Examination.*

Staff recommended Ms. Guzman be deemed eligible to retake the examination. The Board discussed the examination retake policy and asked for additional information about what other boards, agencies, or entities require regarding exam retake procedures. The Board also requested additional information be provided at the October meeting regarding the elements the Board should consider in determining if a person requesting to retake the exam is making a showing as to why they should be deemed eligible. Mary Carlton and Ward Sturm requested staff invite Ms. Guzman to the October meeting to ascertain what specific areas of content she had difficulty with and to discuss what measures she is taking to prepare for retaking the examination. The Board discussed whether any requester has been denied eligibility to retake and staff confirmed none have been denied.

**Motion** was made by Mary Carlton to deem Ms. Guzman eligible to retake the examination.

Dr. Roger Hartley requested further discussion before proceeding noting the scores Ms. Guzman achieved at each attempt were further from the passing score than closer and requested the Board consider an applicable standard for the Board to assess the eligibility for a retest as Ms. Guzman's letter requesting eligibility is not persuasive and does not provide specificity regarding her efforts to prepare for a fourth exam. Nancy Swetnam requested staff contact the test administrator for specific data regarding Ms. Guzman's performance in the seven areas of the exam and requested staff provide that information to the Board at the next meeting.

Vellia Pina expressed concern many participants who are not being successful with the exam are Hispanic service providers who offer services predominantly in the areas of tax and immigration. Ms. Pina noted many of the similarly situated legal document preparers found it very hard to prepare for the exam and established study groups to help those who are less familiar with the court process so everyone could maintain their certification.

Ward Sturm requested the Board explore establishing a general guidance rule or policy which would enable the Board to consistently apply a standard when reviewing eligibility requests.

Mary Carlton amended her **motion** to table the discussions on Ms. Guzman and invite her to the October meeting. Ward Sturm seconded the motion. Motion passed. **LDP-06-292.**

Dr. Hartley requested staff include an agenda item for October which would enable the Board to discuss and review information about what other certification programs have for retake policies, including for Attorney Admissions Bar examination.

*3-F: Review and discussion regarding request of Cynthia Wood to retake the LDP Examination.*

Staff recommended Ms. Wood be deemed eligible to retake the examination.

**Motion** made by Dr. Roger Hartley that Ms. Wood be deemed eligible to retake the examination. Les Krambeal seconded the motion. Motion passed. **LDP-06-293.**

*3-G: Review and discussion regarding request of Patricia Rangel to retake the examination.*

Staff recommended Ms. Rangel be deemed eligible to retake the examination.

**Motion** made by Nancy Swetnam that Ms. Rangel be deemed eligible to retake the examination. Vellia Pina seconded the motion. Motion passed. **LDP-06-294.**

*3-H: Review and discussion regarding request of Saydee Ramos to retake the LDP Examination.*

*3-I: Review and discussion regarding request of Socorro Castenada to retake the LDP Examination.*

Staff recommended Ms. Castenada be deemed eligible to retake the examination. Staff recommended Ms. Ramos be deemed eligible to retake the examination. The Board reviewed the correspondence received from Ms. Ramos and Ms. Castenada's employer requesting they be allowed to retake the exam. The Board reviewed and discussed the section of ACJA § 7-208 regarding retake requests and noted ACJA § 7-208 provides the requested be submitted by the party wishing to retake the exam.

**Motion** made by Nancy Swetnam to defer the request submitted on behalf of Ms. Ramos and Ms. Castenada by their employer to the October meeting and requested staff contact Ms. Ramos and Ms. Castenada individually and request they submit a request under their own signature. Ward Sturm seconded the motion. Motion passed. **LDP-06-295.**

Virlynn Tinnell left the meeting.

*3-J: Update regarding A.R.S. § 12-323(B) and Arizona Supreme Court Administrative Order number 2006-75 regarding fingerprint background reviews of applicant for legal document preparer certification.*

Linda Grau provided the Board with a copy of the ratified statute and noted its September 21, 2006 effective date. Ms. Grau noted the Legal Services Unit of the AOC had advised this new statutory fingerprint criminal history check requirement be applicable to all applicants with certification applications pending on the September 21<sup>st</sup> effective date and for all future applicants. Ms. Grau noted there may be a small number of applications which may be delayed

in processing to allow the applicant an opportunity to submit a fingerprint card for processing. The Board discussed the applicants incurring the \$29.00 fee for processing the fingerprint card. Ms. Grau noted this agenda item was intended for informational purposes and no related action is being requested or recommended.

*3-K: Review of pending requests for continuing education credit approval.*

Kandace French presented pending requests for continuing education approval for the 2005-2006 and 2006-2007 certificate periods. The Board reviewed the following requests and staff recommendations:

**CE APPROVAL REQUEST FOR 2005-06:**

1. “Long Term Care - Do You Need It?” presented by Arizona Society of Practicing Accountants at the June Accounting Seminar on 6/24/2005 in Phoenix. Requested 2 hours; staff recommends the Board grant 2 hours.
2. “Criminal Law” presented by NALS on 6/16/2005 in Tucson. Requested 1.4 hours; staff recommends the Board grant 1.4 hours.
3. “Protecting Yourself from Identity Theft” on 6/24/2005 by the Arizona Society of Practicing Accountants June Accounting Seminar in Phoenix. Requested 1.75 hours; staff recommends the Board grant 1.75 hours.
4. “Ethics” presented by the Arizona Society of Practicing Accountants at the June Accounting Seminar on 6/25/2005 in Phoenix. Requested 1.75 hours; staff recommends the Board grant 1.75 hours of Ethics credit.
5. “Accounting and Tax Issues of Bankruptcy” presented by the Arizona Society of Practicing Accountants at the June Accounting Seminar on 6/25/2005 in Phoenix. Requested 1.75 hours; staff recommends the Board grant 1.75 hours of Tax credit.
6. “Fraud - Detecting It - Avoiding It - Protecting Against It” presented by the Arizona Society of Practicing Accountants at the June Accounting Seminar on 6/25/2005 in Phoenix. Requested 1.75 hours; staff recommends the Board grant 1.75 hours.
7. “Introduction to Contract Writing” presented by the Bud Crawley Real Estate School on 7/22/2005 in Phoenix. Requested 6 hours, staff recommends the Board grant 5 hours.
8. “2005 Annual Summer Tax Seminar” presented by the Arizona Forum for Improvement of Taxation on 7/26/2005 in Phoenix. Requested 4 hours, staff recommends the Board grant 4 hours.
9. “Extended Family Planning” presented by the Financial Planning Institute on 8/3/2005 in San Diego, CA. Requested 2 hours of Ethics; staff recommends the Board grant 2 hours of Ethics credit.

10. "Personal Injury Malpractice" presented by the National Association of Legal Professionals as an online event taken by the requester on 10/20/2005. Requested 1 hour; staff recommends the Board grant 1 hour.
11. "The Impact of the New Bankruptcy Legislation" presented by the Milwaukee Bar Association as an online event taken by the requester on 10/31/2005. Requested 1 hour; staff recommends the Board grant 1 hour.
12. "Ethics & Fair Housing" presented by the Phoenix Association of Realtors on 11/8/2005 in Phoenix. Requested 3 hours; staff recommends the Board grant 3 hours.
13. "The Golden Rule on How to Stay Ethical" presented by West Legal EdCenter and West Group in an online event taken by the requester on 12/21/2005. Requested 1 of Ethics; staff recommends the Board grant 1 hour of Ethics credit.
14. "Bankruptcy Law and Procedures from Start to Finish" presented by the National Business Institute on 2/21/2006 in Phoenix. Requested 6 hours; staff recommended the Board grant 5 hours to include 1 hour of Ethics credit.
15. "Finance: The Basics" presented by Lorman Educational Services on 3/23/2006 in Phoenix. Requested 6.5 hours; staff recommends the Board grant 5 hours.
16. "Spring 2006 Training - Estate Planning and Trusts" presented by Q4B Center on 4/18/2006 in Phoenix. Requested 2.5 hours; staff recommends the Board grant 2.5 hours.
17. "Complex Issues in Divorce for the Arizona Practitioner" presented online on an on-going basis by West Legal EdCenter and West Group. Requested 2.5 hours, staff recommends the Board grant 2.5 hours.

**CE APPROVAL REQUESTS FOR 2006-07:**

18. "Mandatory Training for LDPs" presented by the US District Bankruptcy Court, District of Arizona in Phoenix on various dates at various locations. Requested 1 hour; staff recommends the Board grant 1 hour.
19. "Arizona Court System" presented by the JCA on 5/1/2006 in Phoenix Requested 1 hour; staff recommends the Board grant 1 hour.
20. "Ethics for Detention Officers" presented by the Arizona Supreme Court on 5/1/2006 in Phoenix. Requested 1 hour; staff recommends the Board grant 1 hour.
21. "Introduction to Contract Writing" presented by the Bud Crawley Real Estate School on 6/5/2006 in Phoenix. Requested 6 hours; staff recommends the Board grant 5 hours.

22. "ARMS and the Law" presented by NALS of Yavapai County on 6/13/2006 in Prescott. Requested 1 hour; staff recommends the Board grant 1 hour.
23. "Sherlock and Me: A Labor Lawyer Tale" presented by West LegalEdCenter and West Group in an online event taken by the requester on 6/17/2006. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
24. "Predator Internet Safety and Internet Danger" presented by the Superior Court in Mohave County on 6/20/2006 in Kingman. Requested 3 hours; staff recommends the Board grant 3 hours.
25. "Unauthorized Practice of Law - How to Avoid It!" presented by the Superior Court in Mohave County on 6/20/2006 in Kingman. Requested 3 hours; staff recommends the Board grant 3 hours.
26. "FISH-How to Play at Work! Maintaining a Positive Work Environment" presented by the Superior Court in Mohave County on 6/20/2006 in Kingman. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
27. "Multi-Generational Trends in the Workplace" presented by the Superior Court in Mohave County on 6/20/2006 in Kingman. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
28. "Kung Fu in the Courtroom" presented by the Arizona Public Defenders Association on 6/21/2006 in Tempe. Requested 1.25 hours; staff recommends the Board grant 1.25 hours.
29. "Ethics - Conflicts of Interest and Appearance of Impropriety" presented by the Arizona Public Defenders Association on 6/21/2006 in Tempe. Requested 2 hours Ethics; staff recommends the Board grant 2 hours Ethics.
30. "Ethics for Support Staff" presented by the Arizona Public Defenders Association on 6/22/2006 in Tempe. Requested 1.5 hours; staff recommends the Board grant 1.5 hours Ethics.
31. "Grammar & Punctuation" presented by the Arizona Public Defenders Association on 6/22/2006 in Tempe. Requested 1.25 hours; staff recommends the Board grant 1.25 hours.
32. "Domestic Violence and Crawford Issues" presented by the Arizona Public Defenders Association on 6/22/2006 in Tempe. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
33. "Ethics; Leadership Skills" presented by the Arizona Public Defenders Association on 6/21/2006 in Tempe. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
34. "Living Wills and Health Care Directives" presented by the Arizona Public Defenders Association on 6/22/2006 in Tempe. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.

35. "Overview of the Arizona Dependency Process" presented by the Superior Court in Mohave County on 6/22/2006 in Kingman. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
36. "Giving Timely Advice. A Condo & Homeowner Legislative Update" presented by West LegalEdCenter and West Group as an online event presented on an on-going basis. Requested 1 hour; staff recommends the Board grant 1 hour of credit.
37. "Ethics: Creating Balance & Establishing Priorities" presented by the Arizona Public Defenders Association on 6/23/2006 in Tempe. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
38. "MVD and the Courts" presented by the Superior Court of Arizona in Mohave County on 6/23/2006 in Kingman. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
39. "The Role of the Paralegal in the Litigation Process" presented by NALS of Yavapai County on 7/11/2006 in Prescott. Requested 1 hour; staff recommends the Board grant 1 hour.
40. "Role of the Paralegal in the Litigation Process" presented by NALS of Yavapai County on 7/11/2006 in Prescott. Requested 1 hour; staff recommends the Board grant 1 hour.
41. "Agency Plus #C7186" presented by Pinnacle Business Education Center on 7/22/2006 in Mesa. Requested 3 hours; staff recommends the Board grant 3 hours to include 0.5 of Ethics.
42. "Spousal Support Basics" presented by the National Business Institute on 8/1/2006 on Phoenix. Requested 3 hours; staff recommends the Board grant 3 hours.
43. "Required Distributions from Retirement Plan and Estate Planning Issues" presented by NALS of Yavapai County on 8/8/2006 in Prescott. Requested 1 hour; staff recommends the Board grant 1 hour.
44. "Entrepreneurship for Neutrals" presented by the Association for Conflict Resolution on 8/9/2006 as a Teleseminar. Requested 1 hour; staff recommends the Board grant 1 hour.
45. "AZ Identity Theft Protection Training" presented by the National Notary Association on 8/22/2006 in Phoenix. Requested 3 hours; staff recommends the Board grant 3 hours.
46. "Nuts & Bolts of LLC Formation" presented by the Arizona Association of Independent Paralegals on 9/14/2006 in Phoenix. Requested 2 hours; staff recommends the Board grant 2 hours.
47. "Commercial & Real Estate Loan Documents" presented by Lorman Educational Services on 9/15/2006 in Phoenix. Requested 5 hours; staff recommends the Board grant 5 hours.

48. "Preparing the Family Immigration Petition" presented by the Arizona Association of Independent Paralegals on 10/4/2006 in Phoenix. Requested 2 hours; staff recommends the Board grant 2 hours.
49. "Ethics" presented by the Arizona Association of Independent Paralegals on 11/1/2006 in Phoenix. Requested 1 hour; staff recommends 1 hour of Ethics be granted.
50. "Client Relations" presented by the Arizona Association of Independent Paralegals on 11/1/2006 in Phoenix. Requested 1 hour; staff recommends 1 hour of Ethics be granted.
51. "Document Retention and Destruction: To Shred or Not to Shred?" presented by the National Business Institute on 11/14/2006 in Phoenix. Requested 5.5 hours; staff recommends the Board grant 5 hours to include 1 hour Ethics.
52. "Tribal Court Process" presented by the Arizona Association of Independent Paralegals on 2/7/2007 in Phoenix. Requested 2 hours; staff recommends the Board grant 2 hour of Ethics.
53. "Preparing and Processing the Dissolution Petition" presented by the Arizona Association of Independent Paralegals on 3/3/2007 in Phoenix. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
54. "Custody Modifications and Non-Parent Custody Petitions" presented Arizona Association of Independent Paralegals on 3/3/2007 in Phoenix. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
55. "Estate Planning" Arizona Association of Independent Paralegals on 4/7/2007 in Phoenix. Requested 2 hours; staff recommends the Board grant 2 hours.
56. "Probate & Guardianship Proceedings" presented by the Arizona Association of Independent Paralegals on 4/7/2007 in Phoenix. Requested 2 hours; staff recommends the Board grant 2 hours.
57. "Basic Real Estate Appraisal" presented by Yavapai College from 2/1/06 thru 5/19/06 in Prescott. Requested 3 semester hours; staff recommends the Board grant 5 hours.
58. "CLDP Best Practices" presented by the Arizona Association of Independent Paralegals on 3/3/2007 in Phoenix. Requested 1 hour; staff recommends the Board grant 1 hour Ethics credit.
59. "Estate Planning - CFP Program" presented by the University of Phoenix during March thru May of 2006-Phoenix. Requested 10 hours, staff recommends the Board grant 5 hours of Faculty credit.
60. "Estate Planning - CFP Program" presented by the University of Phoenix during May thru Sept 2006 in Phoenix. Requested 10 hours; staff recommends the Board deny credit for this item if credit is approved for number 59.

61. “Notary Workshop” presented by the Arizona Secretary of State as an on-going event at various locations. Requested 4 hours including 1 hour of Ethics credit; staff recommends the Board grant 4 hours of credit and deny request for Ethics credit. NOTE: This event and its curriculum have been repeatedly reviewed for and denied Ethics credit.

62. “Code of Ethics and Professional Responsibility” presented by CFPCE as an ongoing online event. Requested 2 hours; staff recommends the event be granted for 2 hours of Ethics.

63. “New Legislation Pertaining to Homeowners Associations” presented by Ekmark & Ekmark, LLC as an on-going event at various locations. Requested 1.5 hours including 1 hour Ethics; staff recommends the Board grant 1.5 hours to include 1 hour of Ethics.

The Board discussed each item with the following actions noted:

**Motion** made by Dr. Roger Hartley to deny credit for number 28, Kung Fu in the Courtroom. Judge Steinle seconded the motion. Nancy Swetnam opposed. Motion passed. **LDP-06-296.**

**Motion** was made by Ward Sturm to deny credit for number 44, Entrepreneurship for Neutrals. Nancy Swetnam seconded this motion. Motion passed. **LDP-06-297.**

After further discussion, **motion** was made by Nancy Swetnam to approve number 61, Notary Workshop, but to deny the request for Ethics credit. Ward Sturm seconded the motion. Motion passed. **LDP-06-298.**

**Motion** made by Nancy Swetnam to adopt the recommendations of staff regarding the remaining events. Mary Carlton seconded the motion. Motion passed. **LDP-06-299.**

Kandace French introduced the following four credit requests for Board consideration and review:

64. “Manipulative Techniques: A Bad Rap for Successful Results” presented by the Association for Conflict Resolution at the Mid-Year Conference held on 7/13-16/2006 in Cape Code, MA. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.

65. “First and Last Impressions: How to Open and Close a Mediation” presented by the Association for Conflict Resolution at the Mid-Year Conference held on 7/13-16/2006 in Cape Code, MA. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.

66. “Writing Effective Memoranda of Understanding and Becoming an ACR Advanced Practitioner” presented by the Association for Conflict Resolution at the Mid-Year Conference held on 7/13-16/2006 in Cape Code, MA. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.

67. “Mediating Happily Ever After: Marital Mediation and the Fairy Tale Complex” presented by the Association for Conflict Resolution at the Mid-Year Conference held on 7/13-16/2006 in Cape Code, MA. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.

**Motion** made by Judge Steinle to approve 1.5 credit hours for each of these items. Dr. Roger Hartley seconded the motion. Motion passed. **LDP-06-300.**

## **REVIEW OF CERTIFICATION APPLICATIONS (taken out of order)**

*5-B: Review of pending applications for renewal to Standard certification.*

Immigration Assistance Center, LLC (Barbara Morejon)

Ms. Morejon addressed the Board and answered questions regarding matters related to her individual and business entity applications for renewal. The Board discussed their concerns regarding Ms. Morejon having filed a civil lawsuit against a consumer who filed a complaint against her with the State Bar of Arizona. Kimberly Siddall recommended the Board deny Ms. Morejon’s individual renewal application and the business entity renewal application for Immigration Assistance Center, LLC pursuant to ACJA § 7-208 (G)(6) and (E)(5)(b)(1)(c) for failure to disclose her slander suit against a complaining consumer in Superior Court in Maricopa County case number CV2006-051175. Judge Steinle excused Ms. Morejon and advised the Board would address the applications further later in the meeting.

Virlynn Tinnell returned to the meeting (telephonically).

**Motion** was made by Judge Steinle to enter into **Executive Session** at 11:35 a.m. to discuss confidential information and for the Board to receive advice from legal counsel. Mary Carlton seconded the motion. Motion passed. Nancy Swetnam recused and left the meeting with the public guest. **LDP-06-301.**

Nancy Swetnam and the public guest returned to the meeting at 11:50.

*4-A: Review and discussion regarding complaint numbers 04-L023, 04-L053, 05-L030, 05-L074, 05-L082, 05-L105, 05-L112, and 06-L019.*

*Complaint Number 05-L105*

The Board having received and reviewed the Investigation Summary, Probable Cause Evaluation Report and Recommendation:

**Motion** made by Judge Steinle that complaint number 05-L105 be deferred to the October meeting. Mary Carlton seconded the motion. Nancy Swetnam recused. **LDP-06-302.**

A further **Motion** was made by Judge Steinle to enter a finding of probable cause in complaint number 05-L105 involving certificate holder Marcia Nolan-Malsack. Mary Carlton seconded the motion. Nancy Swetnam recused. **LDP-06-303.**

*Complaint Number 04-L023:*

The Board having received and reviewed the Investigation Summary, Probable Cause Evaluation Report and Recommendation:

**Motion** made by Dr. Roger Hartley to enter a finding of probable cause in complaint number 04-L023 and enter a finding certificate holder Anna Anderson is subject to discipline pursuant to ACJA § 7-208 (H)(1)(a)(2) and issue a Letter of Concern. Mary Carlton seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-304.**

*Complaint Number 04-L053:*

The Board having received and reviewed the Investigation Summary, Probable Cause Evaluation Report and Recommendation:

**Motion** made by Dr. Roger Hartley to enter a finding no probable cause exists and to dismiss complaint number 04-L053 but to issue an Advisory Letter to the certificate holder. Mary Carlton seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-305.**

*Complaint Numbers 05-L030 and 05-L074 and 06-L019:*

The Board having received and reviewed the Investigation Summaries, Probable Cause Evaluation Reports and Recommendations for these complaint numbers:

**Motion** made by Judge Steinle to enter a finding of probable cause in each of the three complaints and direct the drafting and filing of Notice of Formal Charges to Jan Rust and to consolidate all three complaints for further action. Mary Carlton seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-306.**

*Complaint Number 05-L082:*

Linda Grau, citing a conflict, removed herself from discussion of this matter. The Board having received and reviewed the Investigation Summary, Probable Cause Evaluation Report and Recommendation for this complaint:

**Motion** made by Judge Steinle to enter a finding probable cause does not exist the certificate holder committed the alleged act of misconduct and to dismiss complaint number 05-L082. Frank Costanzo seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-307.**

**Motion** made by Roger Hartley to offer an amendment to the Board's motion in complaint number 05-L082 include the issuance of an Advisory Letter. Ward Sturm seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-308.**

*Complaint Number 05-L112:*

Linda Grau, citing a conflict, removed herself from discussion of this matter. The Board having received and reviewed the Investigation Summary, Probable Cause Evaluation Report and Recommendation for this complaint:

**Motion** made by Judge Steinle to enter a finding probable cause does not exist the certificate holder committed the alleged act of misconduct and to dismiss complaint number 05-L112. Les Krambeal seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-309.**

*4-B: Review and discussion of proposed settlement offer regarding the pending disciplinary action in complaint numbers 05-L055, 05-L059, and 05-L071 involving Steven Wyner.*

The Board received and reviewed a settlement proposal from Mr. Wyner's attorney, William Doran, suggesting the Board dismiss the pending formal disciplinary action in complaint numbers 05-L055, 05-L059, and 05-L071 as Mr. Wyner did not apply for renewal of certification. Staff recommended the Board decline Mr. Doran's settlement offer and order the re-hearing to proceed.

**Motion** made by Judge Steinle to reject the proposed settlement offer and order the re-hearing to commence. Dr. Roger Hartley seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-310.**

*4-C: Review and discussion regarding Non-Compliant Report.*

The Board having received, reviewed, and discussed matters detailed in the confidential Non-Compliance Report entered the following actions:

Regarding certificate holder number 1:

**Motion** made by Judge Steinle to initiate a complaint pursuant to ACJA § 7-208 (H)(2)(b) for failure to comply with ACJA § 7-208 (F)(5)(a) and (F)(5)(3)(c). Dr. Roger Hartley seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-311.**

Regarding certificate holder number 2:

**Motion** made by Judge Steinle to initiate a complaint pursuant to ACJA § 7-208 (H)(2)(b) for failure to disclose requested background information when applying for certification and renewal of certification. Ward Sturm seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-312.**

Regarding certificate holder number 3:

**Motion** made by Judge Steinle to initiate a complaint pursuant to ACJA § 7-208 (H)(2)(b) for failure to comply with a Board order. Mary Carlton seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-313.**

Regarding certificate holders 4 thru 10:

**Motion** made by Judge Steinle to request staff send follow-up letters to the named certificate holders requesting immediate payment of the previously assessed and ordered \$25.00 delinquent continuing education fee.

Nancy Swetnam requested an amendment to that motion that by “immediate” that the Board set a specific date the payment must be received.

Judge Steinle accepted the requested amendment for the fee to be received no later than Friday, October 6, 2006 and requested the language in the notice to specifically state a failure to remit payment of the fee may result in the Board mitigating a complaint at the October meeting for failure to comply with a Board order. Mary Carlton seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-314.**

Regarding certificate holder number 11:

Judge Steinle made a further **motion** that the staff send a follow-up letter to the designated principal requesting the \$2500.00 business entity application fee be paid by October 6, 2006 as the entity is no longer eligible for business entity exemption and the Board previously denied an extension of the exemption status. Mary Carlton seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-315.**

*4-D: Review and discussion regarding pending disciplinary actions involving complaint numbers: 05-L088, Albert Brown; 05-L-091, Deborah Gilman; 05-L092, Caitlin Larkin; 05-L093, Cynthia Lenzie; 05-L095, Hallie Marr; 05-L096, Marilyn Monda; 05-L097, Patricia Morrison; 05-L098, Deborah Munoz; 05-L100, Wendy Sara-Kalisz; 05-L120, Edgar Mesa; 06-L020, Jennie Rhodes; 06-L021, Laura Tebaqui-Soto.*

The Board previously entered findings of probable cause in these complaints and moved for formal disciplinary action and found the named certificate holders were subject to disciplinary action for failing to participate in the LDP Examination as required by ACJA § 7-208. Linda Grau reported the certifications held by these certificate holders have expired and the Board’s prior orders for the matters to be resolved by filing of Notice of Formal Charges and Consent Agreement are moot. Ms. Grau recommended the Board vacate the earlier motions only as to the filing of Notice of Formal Charges and Consent Agreements only and instead, to issue Letters of Concern to memorialize the record of the findings in the certification records. If the subjects of the actions apply for certification in the future, the Board will then be able to consider these complaints.

**Motion made by Judge Steinle** to vacate the previously-entered order for filing of Notice of Formal Charges and Consent Agreements and instead issue Letters of Concern issued to these former certificate holders. Mary Carlton seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-316.**

*4-E: Review, discussion and interviews regarding non-certificate holder complaint numbers: NC-112, Bonnie Huffman; NC-349, Bonnie Huffman; NC-250, Jerry Williams/Williams and Assoc. & Paralegal Services; NC-255, Laura Marshal; NC-263, Richard Starks/Desert Crest Financial Services, LLC; NC06-L055, Robert Voss.*

The Board reviewed and discussed information and documentation related to these non-certificate holder complaints. Previously, the Board had requested staff invite these individuals and business entities to appear before the Board to discuss the complaint referrals and the subject's failure to respond to staff inquiries or to seek certification.

Staff recommended the Board discuss and consider implementing a procedure which would enable the Board to issue a cease and desist letter to the subject of non-certificate holder complaints.

**Motion** made by Judge Steinle requesting staff prepare a draft of a cease and desist letter format to be reviewed and considered by the Board at the October meeting. Mary Carlton seconded the motion. Motion passed. **LDP-06-317.**

**Motion** made by Judge Steinle requesting staff proceed with preparing the necessary paperwork for filing Superior Court Petition for Cease and Desist Order actions against Jerry Williams and Williams and Associates and Richard Starks, Desert Crest Financial Services, LLC, and to defer consideration of Superior Court actions involving Bonnie Huffman, Laura Marshall, and Robert Voss to the October meeting. Mary Carlton seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-318.**

*4-F: Review and discussion regarding non-certificate holder complaint numbers: NC-222, NC-279, NC-356, NC-106, NC-315, NC06-L071, NC-262, NC-320, NC-324, NC-357, NC06-L061, NC06-L062, NC06-L064, NC06-L066, NC06-L075, NC132, NC-290, NC-292, NC-358, NC-359, NC-06-L072 and NC-118.*

The Board having received and reviewed the following information and recommendations regarding the noted non-certificate holder complaints:

Staff reported the following non-certificate holder complaints and documentation and, in some cases, the responses of the subjects provide evidence the following individuals and business entities are providing Immigration preparation services which exceed the Board's jurisdiction. Staff recommended the Board refer these matters to the State Bar of Arizona and close these complaints:

NC-222            Asuntos Legales

NC-279 Patricia Batista  
NC-356 Eugene J. Kernan

Staff reported many unanswered attempts to reach these entities regarding the pending non-certificate holder complaints and recommended that the Board invite them to attend the October Board meeting to respond to the complaints.

NC-106 IncorporateTime.com  
NC-315 Advantage Group

Staff reported the following individuals and business entities have submitted applications for certification subsequent to receipt of the non-certificate holder complaint and staff has confirmed these individuals/businesses now hold active certification. Staff recommended the Board close these non-certificate holder complaints:

NC06-L071 Documentos/Ramon Beltran  
NC-262 Cyntia Bowman

Staff reported 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 future information be presented to the Program which is contrary to the written statements, staff will return to the Board with a request for formal action. Staff recommended the Board close these non-certificate holder complaints:

NC-320 Jill Monahan/Legals Etcetera  
NC-324 LegalPro Inc./Kathleen A. Roe  
NC-357 Administrative Associates Enterprises, LLC  
NC06-L061 Documentos Y Mas  
NC06-L062 Cecilia Bracamonte  
NC06-L064 Matilde's  
NC06-L066 Quality Title/Jose Grajeda  
NC06-L075 MC Title

Staff reported attempts to reach these individuals and business entities via U.S. Mail at the address provided with the referral. Upon receipt of return mail, additional attempts to locate these individuals and entities have been unsuccessful. Staff recommended the Board close these non-certificate holder complaints:

NC-132 Paralegal Services  
NC-290 Teresa Valles/Professional Paralegal & Business  
NC-292 Carrie Stoner/Carrie's Professional Services  
NC-358 Myrtle Boomfield  
NC-359 Darrell Barton  
NC06-L072 Advantage Title Etc.

Staff reported the following individual and business entity have applied for and been denied certification in response to receipt of the non-certificate holder complaint and there is no

evidence available which suggests the subjects continue to provide document preparation services. Should contrary information be presented, staff will return to the Board with a recommendation for formal action. Staff recommended the Board close these non-certificate holder complaints:

NC-118            Servicios Latinos La Esperanza/Cecilia Hidalgo

**Motion** made by Judge Steinle to adopt staff recommendations regarding the noted non-certificate holder complaints presented. Mary Carlton seconded the motion. Motion passed. **LDP-06-319.**

## **REVIEW OF CERTIFICATION APPLICATIONS**

*5-A:            Review of pending applications for Standard certification.*

Kimberly Siddall reported the following applications are complete; no information has been presented during the background which is contrary to certification being granted. The applicants have demonstrated they meet the minimum eligibility requirements for certification. It is recommended Standard certification be granted to the following individuals or entities for the 2006-07 certificate period:

Jill C. Smith  
Barbara L. Watson Ledger  
Linda Hill  
Vanessa Henderson  
Nancy James  
Tiffany A. Lehr  
Marni E. Gramhill  
Mark R. Shook  
Betty Singer  
Titan Lien Services, Inc. (Jill C. Smith)  
We the People USA, Inc. (Penny Murua)

**Motion** made by Judge Steinle to grant standard certification for above listed applicants. Virlynn Tinnell seconded the motion. Motion passed. **LDP-06-320.**

Ms. Siddall reported the following applications remain incomplete or pending the receipt of background review result and recommended these applications be deferred to the October meeting:

Robert D. Beck  
Carolyn M. Murray  
Lisa Showalter  
Brent J. Miller  
Kimberly E. Wagster

David D. Wilcox  
Steele Larson Anderson Legal, LLC (Thomas Steele)

**Motion** made by Nancy Swetnam to defer consideration of the above referenced applications until the October 16, 2006 meeting. Nancy Swetnam also moved the Board notify these certificate holders they will be required to submit fingerprint cards and further review of their applications for certification will be dependent upon receipt of the background check as a result of those fingerprint cards. Judge Steinle seconded the motion. Motion passed. **LDP-06-321.**

Ms. Siddall reported the following application has been received and processed for Board review but remains incomplete. Ms. Siddall recommended the Board defer consideration of the following application to the October meeting:

Residential Asset Management Company, LLC (Kristina L. Cervone)

**Motion** made by Virlynn Tinnell to defer consideration of this application until the October 16<sup>th</sup> meeting and request staff contact the designated principal, in writing, to require the principal to provide additional information about the status of the business entity formation and provide a current Certificate of Good Standing. Mary Carlton seconded the motion. Motion passed. **LDP-06-322.**

Ms. Siddall reported the following application has been received and processed for Board review and though the applicant disclosed a criminal conviction of an officer, it failed to disclose a civil action. Ms. Siddall recommended the Board defer consideration of the application to the October meeting and invite the designated principal and the officer of the entity to attend the October meeting to address any questions the Board may have.

Ashley Renee Enterprises Corporation (G. Preston Parker)

**Motion** made by Nancy Swetnam to defer entering a certification determination to the meeting scheduled for October 16<sup>th</sup> and to invite Mr. Parker and Mr. Shephard to appear at the meeting to provide the Board with information regarding the failure to disclose the civil action and to provide information about the disclosed felony conviction. Dr. Roger Hartley seconded the motion. Motion passed. **LDP-06-323.**

Ms. Siddall reported the following application had been received and processed for Board review:

American Living Trust Services, LLC (Dennis Lawrence)

Ms. Siddall reported the LLC Manager, Allen VanderWey disclosed having surrendered his Series 7 license "under investigation". Additionally, the designated principal failed to disclose being a named party in an IRS action which resulted in he and another business he is associated with being the subject of a Judgment and Permanent Injunction action in the U.S. District Court. Ms. Siddall recommended the Board seek advice of counsel regarding whether the provisions of

the Consent Order Mr. VanderWey, Mr. Lawrence, and the applicant entity entered are prohibitive to legal document preparer certification being granted to the business entity.

The Board determined it would seek advice of counsel during executive session later in the meeting.

Ms. Siddall reported the following applicants have not responded to repeated requests they participate in the LDP Examination. None have participated in the exam, therefore, they are not eligible to be considered for Standard certification. Therefore, Ms. Siddall recommended the Board deny the following applications pursuant to AJCA § 7-208 (E)(5)(b)(1)(a) as the applicants do not meet the requirements for certification based on their failure to take and pass the examination. Ms. Siddall also recommended the Board request staff note in the denial letter these applicants are not entitled to a hearing.

Amalia Alvarez-Vieyra  
Brittney N. Mendez  
Joel F. Velarde

**Motion** made by Nancy Swetnam to deny certification to the above listed applicants pursuant to AJCA § 7-208 (E)(5)(b)(1)(a) as the applicants do not meet the requirements for certification based on their failure to take and pass the examination and to request staff note in the denial letters these applicants are not entitled to a hearing on the denial. Dr. Roger Harley seconded the motion. Motion passed. **LDP-06-324.**

*5-B: Review of pending applications for renewal to Standard certification.*

Kimberly Siddall reported the following certificate holders have submitted applications for renewal to Standard certification. The applications are complete, no information has been presented during the background which is contrary to Standard certification being granted and the certificate holders have demonstrated they meet the minimum eligibility requirements for Standard certification. Ms. Siddall recommended renewal to Standard certification be granted to the following individuals and entities:

Peter Fargo  
Cheryl Thurman  
Asset Protectors, LLC (Peter Fargo)  
Edward F. Daily CPA, P.C. (Edward F. Daily)  
Resolutions Solutions, LLC (Scott A. Anderson)  
Rider Hunt Levett & Bailey LTD (Julian Anderson)  
Heckinger & Associates (Robert F. Heckinger)  
Premier Community Management, Inc. (Robert E. Lipsey)  
Saddlebrooke Homeowners' Association #1, Inc. (John D. Price)  
Dan Peterson Property Management, LLC (Dan D. Peterson)

**Motion** made by Mary Carlton that renewal to Standard certification be granted to the above referenced applicants. Ward Sturm seconded the motion. Motion passed. **LDP-06-325.**

Ms. Siddall reported the following certificate holders have demonstrated they have completed the continuing education requirement and meet all other eligibility requirements to renew to Standard certification. However, they completed the required hours after the April 30, 2006 Board Continuing Education Policy deadline. No information has been presented during the background review which is contrary to Standard certification being granted and the certificate holder has otherwise demonstrated they meet the minimum eligibility requirements for Standard certification. Therefore, Ms. Siddall recommended these applicants be granted renewal to Standard certification and pursuant to the Board Continuing Education Policy, they be assessed a delinquent CE compliance fee of \$25.00 to be remitted no later than September 29, 2006:

Tina Wickland  
Darla Winters

**Motion** made by Dr. Roger Hartley that Tina Wickland and Darla Winters be granted renewal to Standard certification and, pursuant to the Board Continuing Education Policy, be assessed a delinquent CE compliance fee of \$25.00 to be remitted no later than September 29, 2006. Mary Carlton seconded the motion. Motion passed. **LDP-06-326.**

Ms. Siddall reported the following applications for renewal were received and processed for Board review and consideration:

Su Oficina Express, LLC (Nadia Meza)  
Nadia R. Meza

Ms. Siddall reported Ms. Meza disclosed she entered into an “Assurance of Discontinuance” on September 16, 2005 in Superior Court in Maricopa County case number CV2005-014621, a matter brought by the Attorney General’s Consumer Protection Division, regarding advertising in Spanish publications using the descriptor “Notario”. Meza was fined \$5000.00. Ms. Siddall recommended the Board deny these applications for renewal to Standard certification pursuant to Arizona Code of Judicial Administration § 7-208 (E)(5)(b)(1)(h) for having been found civilly liable in an action involving fraud and intentional misrepresentation regarding advertising “Notario” without including the required language.

Vel Pina noted there is ongoing confusion among the Hispanic community regarding the use of the term “Notario”. In Mexico, the term refers to an attorney. Here in the United States the term is often used to refer to a notary, however, the public does not have cause to know the difference. The Board discussed the civil action and the impacts of the Assurance of Discontinuance.

**Motion** made by Judge Steinle to invite Ms. Meza and the Assistant Attorney General Mario Urrutia to attend the October 16 meeting to discuss whether the Assurance of Discontinuance supports the protection of the public regarding the “Notario” issue. Mary Carlton seconded the motion. Motion passed. **LDP-06-327.**

Ms. Siddall reported the following application is now complete and no information obtained during the background review is contrary to renewal of certification being granted. Therefore, Ms. Siddall recommends the Board grant renewal of business entity certification.

Capital Corporate & Living Trust Services, Inc. (Matthew Witman)

**Motion** made by Frank Costanzo the Board grant certification to Capital Corporate & Living Trust Services, Inc. Dr. Roger Hartley seconded the motion. Motion passed. **LDP-06-328.**

Ms. Siddall reported the following applications remain incomplete and recommends the Board defer entering a certification determination until the October 16<sup>th</sup> meeting and require the applicants to remedy the shortfalls no later than September 29, 2006.

Michael James  
Tracy Stanfield

**Motion** made by Les Krambeal to defer recommended consideration until the October 16 meeting and notify these certificate holders, in writing, to remedy all shortfalls no later than 5 p.m. on September 29<sup>th</sup> and to note the next Board meeting is October 16<sup>th</sup> and their applications will be reviewed. Mary Carlton seconded the motion. Motion passed. **LDP-06-329.**

Ms. Siddall reports the following application is now complete and no information obtained during the background review is contrary to renewal of certification being granted. Therefore, Ms. Siddall recommends the Board grant renewal to Charlotte Hargreaves.

Charlotte Hargreaves

**Motion** made by Mary Carlton to grant renewal of certification to Charlotte Hargreaves. Dr. Roger Hartley seconded the motion. Motion passed. **LPD-06-330.**

Kimberly Siddall reports the following business entities submitted applications for renewal to Standard certification. The identified business entity designated principals have not yet completed requirements for Standard certification. It is recommended the Board defer consideration of these applications to the October 16<sup>th</sup> meeting and require the business entities to submit a qualified alternative designated principal or submit a request to re-take the examination no later than 5 p.m. September 29, 2006:

Hasslacher Tax & Financial, LLC (John Hasslacher)  
Caprenos, Inc. (Cynthia Wood)

**Motion** by Virlynn Tinnell to defer consideration of the above referenced applications to the October 16<sup>th</sup> meeting and to request the designated principals submit a qualified alternative designated principal or submit a request to re-take the examination no later than 5 p.m. September 29, 2006. Dr. Roger Hartley seconded the motion. Motion passed. **LDP-06-331.**

Kimberly Siddall reported the following application is pending Board review. Linda Grau reported Ms. Nolan-Malsack has maintained communication with the staff and has requested the Board afford her additional time to propose alternative Consent Agreement language which would aim to resolve the matters addressed in agenda item 3-C and the pending application for certification. Ms. Grau reported Ms. Nolan-Malsack indicated she would submit her proposal no later than October 2, 2006 and recommended the Board defer consideration of the application until the October meeting.

Ms. Siddall reasserted the earlier recommendation the following applicants be denied renewal to Standard certification pursuant to ACJA §§7-208 (G)(6) and (E)(5)(b)(1)(c) for failure to disclose her slander suit against a complaining consumer in Super Court in Maricopa County case number CV2006-051175:

Barbara Morejon  
Immigration Assistance Center, LLC (Barbara Morejon)

Ward Sturm made a **Motion** to adopt the recommendation to deny Ms. Morejon's individual and business entity application for renewal to Standard certification pursuant to ACJA §§7-208 (G)(6) and (E)(5)(b)(1)(c) for failure to disclose her slander suit against a complaining consumer in Superior Court in Maricopa County case number CV2006-051175. Nancy Swetnam seconded the motion. Vellia Pina recused. Motion passed. **LDP-06-332**.

The Board further discussed Ms. Morejon's statements to the Board earlier in the meeting regarding the failure to disclose the civil action and Ms. Morejon's failure to notify the Program of the filing of the Superior Court action on the same day she submitted her application for renewal of certification. The Board discussed if there were existing provisions which would authorize them to deny the application based on her having been the subject of an unauthorized practice of law complaint. The Board discussed concerns Ms. Morejon filed a slander action against a complaining consumer. The Board determined the cause for denial should remain as contained in the motion, noting the civil matter remains pending and unresolved.

Regarding business entity certification applicant AMcN Group, LLC (Marcia Nolan-Malsack):

**Motion** made by Judge Steinle the Board defer consideration of the application and proposed Consent Agreement until the October meeting to allow Ms. Nolan-Malsack an opportunity to submit proposed alternative Consent Agreement language. Mary Carlton seconded the motion. Motion passed. Nancy Swetnam recused. **LDP-06-333**.

5-C: *Review of Business Entity Exemption and Exemption Extension Requests for the 2006-07 certificate period:*

Ms. Siddall reported the following business entity has requested 2006-2007 Business Entity Exemption and recommends the Board grant the exemption.

Saddlebrooke Homeowners Association #1, Inc. (John D. Price)

**Motion** made by Mary Carlton to accept the recommendation the Business Entity Exemption be granted to Saddlebrooke Homeowners Association #1, Inc. for the 2006-2007 certificate period. Nancy Swetnam seconded the motion. Motion passed. **LDP-06-334.**

Ms. Siddall reported the following business entities have requested extension of their previously ordered Business Entity Exemption status and recommended the Board grant an extension to the following entities:

Edward F. Daily CPA, P.C. (Edward F. Daily)  
Resolutions Solutions, LLC (Scott A. Anderson)  
Rider Hunt Levett & Bailey LTD (Julian Anderson)  
Asset Protectors, LLC (Peter Fargo)  
Heckinger & Associates (Robert F. Heckinger)  
Premier Community Management, Inc. (Robert E. Lipsey)  
Dan Peterson Property Management, LLC (Dan D. Peterson)

**Motion** by Mary Carlton to accept the recommendation to extend the Business Entity Exemption status for the above listed entities for the 2006-2007 certification period. Nancy Swetnam seconded the motion. Motion passed. **LDP-06-335.**

Regarding the application for certification of American Trust Services, LLC (Dennis Lawrence):

**Motion** made by Judge Steinle the Board move into Executive Session for advice of counsel. Les Krambeal seconded the motion. Motion passed. **LDP-06-336.**

Executive Session commenced at 12:35 p.m.

Executive Session ended at 12:40 p.m.

**Motion** made by Judge Steinle to defer consideration of the application to the October 16<sup>th</sup> meeting and to request Mr. VanderWey provide more documentation regarding the circumstances and investigation surrounding the surrender of his Series 7 license. Mary Carlton seconded the motion. Motion passed. **LDP-06-337.**

## **CALL TO THE PUBLIC**

There was no response.

There being no further business, Judge Steinle made a **motion** to adjourn the meeting at 12:42 p.m. Ward Sturm seconded the motion. Motion passed. **LDP-06-338.**