

# 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.

**October 16, 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  
Doris Leonard

### Guests:

Dana Epstein  
Dale Shepherd  
G. Preston Parker  
Nadia Meza

## CALL TO ORDER

The regular session was called to order by Chair Judge Roland Steinle at 10:07 a.m.

## CERTIFICATION AND ELIGIBILITY (taken out of order)

*2-C: Review and discussion regarding pending applications for renewal submitted by Nadia Meza and Su Oficina Express, LLC and complaint number 04-L004.*

Ms. Meza and Assistant Attorney General Ms. Epstein were present at the meeting by invitation of the Board. Ms. Meza answered questions from the Board regarding her civil action regarding the Superior Court fraud action and settlement.

Staff recommended Ms. Meza be granted a renewed license by Consent Agreement which resolves the pending defaulted disciplinary action, with provisions Ms. Meza and her business entity will cease from any and all activities constituting the unauthorized practice of law and require Ms. Meza be assessed costs of the investigation in the amount of \$225.09. Staff further recommended the Board require payment of the assessed costs before the renewal of certification can be effective. Ms. Meza and the Board discussed these recommended provisions. Ms. Epstein provided the Board with information regarding the elements of the Superior Court civil actions. Ms. Meza agreed with the proposed conditions for a Consent Agreement.

**Motion** was made by Judge Steinle that the Board authorize him to sign a Consent Agreement on behalf of the full Board, containing the terms outlined during the meeting. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-339**

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

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

Ashley Renee Enterprises Corporation (G. Preston Parker)

Mr. Parker and Mr. Shepherd were present at the meeting at the invitation of the Board to answer questions regarding a failure to disclose a civil action on the business entity application.

Kimberly Siddall recommended business entity certification be granted. After considerable discussion and input from Mr. Shepherd and Mr. Parker, Judge Steinle advised Mr. Parker and Mr. Shepherd the Board would table the matter until later in the meeting and they would be notified of the Board's decision.

## **REVIEW AND APPROVAL OF MEETING MINUTES** (taken out of order)

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

**Motion** was made by Nancy Swetnam to adopt the Regular Session Minutes for the meeting of July 17, 2006 with technical amendments. Mary Carlton seconded the motion. Motion carried. **LDP-06-340**

*1-B: Regular and Executive Session Minutes for the meeting of September 18, 2006.*

**Motion** was made by Nancy Swetnam to adopt the Regular Session Minutes for the meeting of September 18, 2006 with technical amendments. Mary Carlton seconded the motion. Motion carried. **LDP-06-341**

Linda Grau asked the Board to accept a recommendation to defer consideration of the Executive Session Minutes for September 18<sup>th</sup> to the November meeting.

**Motion** was made by Judge Steinle to defer consideration of the Executive Session Minutes for September 18<sup>th</sup> to the November meeting. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-342**

## **CERTIFICATION AND ELIGIBILITY**

*2-A: Review and discussion regarding possible Consent Agreement involving applicant AMcN Group, LLC (Marcia Nolan-Malsack) regarding the pending business entity certification application for AMcN Group, LLC and regarding complaint number 05-L105.*

Staff recommended the Board reject the alternatively proposed Consent Agreement language offered by Ms. Nolan-Malsack, noting M. Nolan-Malsack's proposal essentially eliminates a finding of violation for failure to obtain business entity certification and the imposition of civil penalty.

Linda Grau reported of the Program has received multiple correspondences from Ms. Nolan-Malsack addressing the limited nature of the compensation she has earned from providing document preparation services. Ms. Grau reported Ms. Nolan-Malsack has repeatedly indicated in these correspondences she is not willing to enter the Consent Agreement as proposed by the Board. The Board discussed the proposed alternative language offered by Ms. Nolan-Malsack.

**Motion** was made by Dr. Roger Hartley to request staff resend the original Consent Agreement proposed by the Board back to Ms. Nolan-Malsack and if she does not accept the Agreement as offered, to proceed with the previously ordered disciplinary action. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-344**

*2-B: Review of Hearing Officer Stephen Leshar's report and recommendation regarding the denial of renewal of certification involving certificate holder Jan Rust.*

Linda Grau reported Ms. Rust filed a Request for Rehearing upon receipt of Hearing Officer Leshar's report. Hearing Officer Leshar denied the Request for a Rehearing. Staff reported Hearing Officer Leshar recommends the Board affirm the earlier denial of individual certification renewal. The Board discussed Hearing Officer Leshar's report.

**Motion** was made by Ward Sturm to affirm denial of Ms. Rust's individual renewal application. Virlynn Tinnell seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-345**

*2-D: Review and discussion regarding examination retake policies.*

Linda Grau reported the Board had previously requested this agenda item to discuss whether it would be necessary to develop and implement a Board policy regarding examination retake requests. Ms. Grau noted effective January 1, 2007, ACJA § 7-201 (E)(1)(f)(2)(c) and (d) will govern the administration of re-examinations and address the areas which are currently without stated policy or provision. Staff recommended the Board review these sections of ACJA § 7-201 and determine if additional policies are necessary. The Board discussed ACJA § 7-201 (E)(1)(f)(2)(c) and (d) and resolved to take no action taken at this time.

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

Staff recommended the Board deem Ms. Guzman eligible to retake the examination a fourth time. The Board reviewed and discussed the results of Ms. Guzman's prior participations in the exam. Judge Steinle suggested staff invite Ms. Guzman to attend the next Board meeting and

provide the Board with information about what she is doing to prepare for retaking the LDP examination.

**Motion** was made by Nancy Swetnam to invite Ms. Guzman to the November Board meeting to report what measures she is taking to prepare for a fourth attempt at the examination. Ward Sturm seconded the motion. Motion carried. **LDP-06-346**

*2-G: Review and discussion regarding request of Socorro Castenada to retake the LDP Examination: (Taken out of order)*

Linda Grau informed the Board the original document received by Staff does not contain Ms. Castenada's signature as previously requested by the Board and required by ACJA § 7-208. Rather, it bears a signature stamp. Staff recommended the Board determine if the signature stamp satisfies the § 7-208 requirement or if additional information from Ms. Castenada is needed.

**Motion** by Nancy Swetnam to deem Ms. Castenada eligible to retake the LDP Examination. Judge Steinle seconded the motion. Motion carried. **LDP-06-347**

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

The Board reviewed and discussed Ms. Ramos' request to retake the examination. Staff recommended the Board deem Ms. Ramos eligible to retake the exam.

**Motion** by Nancy Swetnam to deem Ms. Ramos eligible to retake the LDP Examination. Mary Carlton seconded the motion. Motion carried. **LDP-06-348**

*2-F: Review of pending requests for continuing education credit approval.*

Kandace French presented the following continuing education credit requests submitted for Board review and approval:

- 1) "Ethical Issues and Confidentiality" presented by the Arizona Attorney General's Office in Phoenix on August 23, 2006. Certificate holder requested 8 hours of ethics credit. Staff recommends the Board grant 5 hours of ethics credit.
- 2) "Ethics: Practical Ethics" presented online on an on-going basis by DigiLearn. Certificate holder requested 2 hours of ethics credit. Staff recommends the Board grant 2 hours of ethics credit.
- 3) "Code Based Tax Planning" presented by Tax & Financial Planning Strategies, Ltd. in Phoenix on September 22, 2006. Certificate holder requested 2 hours of tax credit. Staff recommends Board grant 2 hours of tax credit.

- 4) “Advanced Issues of Elder Law” presented by the National Business Institute in Phoenix on October 18, 2006. Certificate holder requested 6 hours of credit, including 1 hour of ethics. Staff recommends the Board grant 5 hours of credit, including 1 hour of ethics.
- 5) “Current Issues in Employment Immigration” presented by NALS of Yavapai County in Prescott on September 12, 2006. Certificate holder requested 1 hour. Staff recommends the Board grant 1 hour.
- 6) “Guardians and Conservatorship” presented by Lorman Education Services in Phoenix on September 20, 2006. Certificate holder requested 6.5 hours. Staff recommends the Board grant 5 hours.

**Motion** by Judge Steinle all of the presented Continuing Education credit requests be approved as recommended by division staff. Virlynn Tinnell seconded the motion. Motion carried. **LDP-06-349**

## **REVIEW OF PENDING COMPLAINTS**

*3-A: Review and discussion regarding complaint numbers 03-L020, 03-L021, 04-L007, 04-L014, 04-L041, 04-L042, 04-L043, 04-L044, 05-L017, 05-L048, 05-L080, 05-L113, 05-L123, 06-L003, and 06-L041.*

Nancy Swetnam recused from discussion regarding all complaint matters identified in the Agenda item.

**Motion** made by Judge Steinle to go into Executive Session to review and discuss matters confidential by court rule. Dr. Hartley seconded the motion. Motion carried. **LDP-06-350**

Nancy Swetnam and the members of the public present at the meeting left the room.

**EXECUTIVE SESSION** began at 11:19 a.m.

**EXECUTIVE SESSION** ended at 11:29 a.m.

03-L020:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause does exist. Staff further recommended the Board issue a Letter of Concern and require Ms. Palmer to participate in three additional hours of CE. Staff also recommends Board determine if issuance of Notice of Formal Charges is needed to impose a sanction which includes mandated additional continuing education hours.

**Motion** made by Judge Steinle to enter finding of probable cause and grounds for discipline exist and to issue a Letter of Concern. Ward Sturm seconded the motion. Frank Costanzo opposed. Nancy Swetnam recused. Motion carried. **LDP-06-351**

Linda Grau noted, for purposes of the minutes, 03-L020 involves certificate holder Jo Ann Palmer.

**Motion** made by Judge Steinle to require Ms. Palmer to complete an additional three hours of Continuing Education. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-352**

**Motion** made by Judge Steinle asking the Staff to include language in a letter of consent requiring Ms. Palmer participate in three additional hours of Continuing Education. Mary Carlton seconded the motion. Motion carried. **LDP-06-353**

03-L021:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause does not exist and dismiss the complaint.

**Motion** made by Judge Steinle to enter a finding no probable cause exists and to dismiss complaint number 03-L021. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-354**

04-L014, 05-L113, 05-L123:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and entering a finding probable cause does not exist and dismiss the complaints.

**Motion** made by Judge Steinle to enter a finding probable cause does not exist and to dismiss complaint numbers 04-L014, 05-L113, 05-L123. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-355**

06-L003 and 06-L041:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause exists and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2), warranting the filing of Notice of Formal Charges pursuant to ACJA § 7-208 (H)(6)(b).

**Motion** made by Judge Steinle to enter a finding probable cause exists and find grounds for discipline exists pursuant to ACJA § 7-208 (H)(1)(a)(2). Les Krambeal seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-356**

Linda Grau noted, for purposes of the minutes, 06-L003 and 06-L041 involve certificate holder Elizabeth Moore.

**Motion** made by Judge Steinle requesting staff draft Notice of Formal Charges in complaint numbers 06-L003 and 06-L041 and the Board authorized Judge Steinle to sign the Notice of

Formal Charges on behalf of the full Board pursuant to ACJA § 7-208 (H)(6)(b). Mary Carlton seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-357**

04-L041, 04-L042, 04-L043 and 04-L044:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause exists and find grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2). Staff recommended the Board order the filing of Notice of Formal Charges pursuant to ACJA § 7-208 (H)(6)(b).

**Motion** made by Judge Steinle probable cause exists and find grounds for discipline pursuant to ACJA § 7-208 (H)(1)(a)(2). Dr. Hartley seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-358**

Linda Grau noted, for purposes of the minutes, 04-L041, 04-L042, 04-L043 and 04-L044 involve former certificate holder Norma Rodriguez.

**Motion** made by Judge Steinle requesting staff draft Notice of Formal Charges in complaint numbers 04-L041, 04-L042, 04-L043 and 04-L044 and the Board authorized Judge Steinle to sign the Notice of Formal Charges on behalf of the full Board pursuant to ACJA § 7-208 (H)(6)(b). Mary Carlton seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-359**

05-L017:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause does not exist, order the issuance of an advisory letter, and dismiss the complaint.

**Motion** by Judge Steinle finding probable cause does not exist, an advisory letter be issued and the complaint be dismissed. Virlynn Tinnell seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-360**

04-L007 and 05-L080:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause does not exist and dismiss the complaints.

**Motion** made by Judge Steinle to enter a finding probable cause does not exist and dismiss complaint numbers 04-L007 and 05-L080. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-360**

05-L048:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause exists and find grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2).

**Motion** made by Judge Steinle to enter a finding probable cause exists and find grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2). Mary Carlton seconded the motion. Nancy Swetnam and Virlynn Tinnell recused. Motion carried. **LDP-06-361**

Linda Grau noted, for purposes of the minutes, 05-L048 involves certificate holders Julie Haigh and Majestic Paralegal Center.

**Motion** made by Judge Steinle requesting staff draft the Notice of Formal Charges in complaint number 05-L048 and the Board authorized Judge Steinle to sign the Notice of Formal Charges on behalf of the full Board pursuant to ACJA § 7-208 (H)(6)(b). Mary Carlton seconded the motion. Nancy Swetnam and Virlynn Tinnell recused. Motion carried. **LDP-06-362**

*3-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.*

At the last meeting, the Board considered a proposal from Mr. Wyner and his attorney, William Doran, to resolve the pending disciplinary action. The Board did not accept Mr. Wyner's proposal for dismissal. Following the meeting, Mr. Doran sent an email to Assistant Attorney General Eryn McCarthy requested an opportunity to offer an alternative proposal for Board consideration at this meeting. No proposal was received and Mr. Doran again suggested the pending disciplinary actions be dismissed without further proceedings. Therefore, staff recommends the Board take no action and vacate this agenda item.

**Motion** made by Mary Carlton this item be vacated. Judge Steinle seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-363**

*3-C: Review and discussion regarding Informal Settlement Conference in pending disciplinary actions involving Richard French and Equal Access to the Law, LLC.*

Nancy Swetnam recused from the discussion regarding this Agenda item. Linda Grau reported a disciplinary hearing is currently pending in complaint numbers 06-L025 and 06-L046 and Mr. French and Equal Access have requested an Informal Settlement Conference. A Settlement Officer has been assigned and the Informal Settlement Conference is currently scheduled for October 27, 2006. Staff recommended the Board discuss and determine minimum provisions for settlement of the pending disciplinary action and authorize Assistant Attorney General Jeffery Dallins to propose the Board's offer at the settlement conference.

Staff recommended the Board offer a settlement proposal to include the following minimum provisions: a one year suspension of Mr. French's individual certification and Equal Access' business entity certification; issuance of a cease and desist order enjoining Mr. French and Equal

Access from preparing legal documents, identifying themselves as certified legal document preparers, or conducting any activities which constitute the unauthorized practice of law; as a condition for reinstatement, order Mr. French to participate in ten additional hours of continuing education; assess costs related to the investigation and related proceedings in the amount of \$915.55, and impose a civil penalty. The Board discussed the recommended minimum provisions for a Consent Agreement and the imposition of a one year suspension and civil penalties.

**Motion** made by Judge Steinle for the Board to propose a settlement offer to Mr. French and Equal Access requiring a one year suspension of their individual and business entity certifications, mandate Mr. French complete ten (10) additional hours of continuing education hours as a condition for future reinstatement, and assess a fee of \$915.55 for costs already incurred by the Program. Regarding the proposed imposition of civil penalties, the Board authorizes AAG Dallins to negotiate the amount of the stipulated civil penalties, up to and including waiving the civil penalties if necessary. Further, Judge Steinle motioned for the Board to authorize Assistant Attorney General Jeffery Dallins offer and enter into an agreement containing these provisions. Virlynn Tinnell seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-364**

*3-D: Review and discussion regarding complaint numbers 05-L007 and 05-L027 involving Allan Sobol and Quick and Legal Paralegal Services.*

Staff recommended the Board reaffirms the previously entered finding of probable cause and grounds for discipline in complaint numbers 05-L007 and 05-L027 involving now revoked certificate holders Allan Sobol and Quick and Legal Paralegal Services. Staff recommended the Board close both complaints without further action being taken.

**Motion** by Judge Steinle to close complaint numbers 05-L007 and 05-L027 with no further action being taken. Ward Sturm seconded the motion. Nancy Swetnam recused. Motion carried. **LDP-06-365**

*3-E: Review and discussion regarding the Non-Compliance Report.*

Staff recommended Board initiate complaints against certificate holders identified as numbers 1 and 4 in the Non-Compliance Report, pursuant to ACJA § 7-208 (H)(2)(b), for failure to comply with the Board's orders they to pay a continuing education delinquency fee in the amount of \$25.00.

**Motion** made by Judge Steinle to initiate complaint against certificate holders listed as #1 and 4, pursuant to ACJA § 7-208 (H)(2)(b), for failure to comply with the Board's orders requiring them to pay the continuing education delinquency fee. Mary Carlton seconded the motion. Nancy Swetnam recused. Virlynn Tinnell recused as to number 4. Motion carried. **LDP-06-366**

Staff reported that since the drafting of the Non-Compliance Report, the certificate holders identified as numbers 2 and 3 have remitted payment of the CE delinquency fee.

**Motion** made by Judge Steinle to vacate this Agenda item as to the certificate holders listed as numbers 2 and 3. Mary Carlton seconded the motion. Motion carried. **LDP-06-367**

Staff reported the business entity identified on the Non-Compliance Report as number 5 has, since the drafting of the report, submitted the required and order business entity renewal application fee and no action is necessary.

**Motion** made by Judge Steinle to vacate this Agenda item as to the business entity identified in the Non-Compliance Report as number 5. Mary Carlton seconded the motion. Motion carried. **LDP-06-368**

*3-F: Review and discussion regarding draft of Cease and Desist Letter.*

Staff reported the Board previously requested this Agenda and requested staff return to the Board with a proposed draft o a cease and desist letter intended to serve as an additional tool for handling non-certificate holder complaints. Staff provided the Board with a draft letter and recommended the Board review and discuss the form and content of the letter. Staff recommended the Board consider implementing the use of a cease and desist letter, much like the process currently being used by the State Bar of Arizona, to address applicable non-certificate holder complaints as a possible precursor to petitioning for a Superior Court Cease and Desist Order. The Board discussed the content of the letter and technical changes. The Board discussed the potential values for using a cease and desist letter tool in support of the Board's mandate to protect the public.

**Motion** made by Judge Steinle to amend the proposed draft letter to conform with the technical changes discussed by the Board and to authorize staff to recommend use of the cease and desist letter tool in applicable non-certificate holder complaint issue. Les Krambeal seconded the motion. Motion carried. **LDP-06-369**

**BREAK** taken from 11:45 to 11:55 a.m.

*3-G: Review and discussion regarding non-holder complaint numbers NC04-L087, NC04-L215, NC03-L168, NC04-L146, 05-L151, NC06-L055, NC05-L124 and NC04-L082.*

NC03-L168, NC04-L146 and 05-L151:

Staff recommends the Board close these non-certificate holder complaints involving former certificate holder Edgar "Alex" Meza as the matters presented in these non-certificate holders complaints have been resolved through the previously adjudicated action against Mr. Meza's now revoked certificate.

**Motion** made by Judge Steinle these complaints be closed with no further action. Mary Carlton seconded the motion. Motion carried. **LDP-06-370**

NC04-L082 (NC-106):

Linda Grau recommended the Board issue a cease and desist letter to IncorporateTime.com.

**Motion** made by Judge Steinle requesting staff prepare and forward a cease and desist letter to IncorporateTime.com and close this complaint. Mary Carlton seconded the motion. Motion carried. **LDP-06-371**

NC04-L087 (NC-112) and NC04-L215 (NC-349):

Linda Grau recommended the Board issue a cease and desist letter to Bonnie Huffman.

**Motion** made by Judge Steinle requesting staff prepare and forward a cease and desist letter to Bonnie Huffman and close these complaints. Les Krambeal seconded the motion. Motion carried. **LDP-06-372**

NC06-L055:

Linda Grau recommended the Board issue a cease and desist letter to Robert Voss.

**Motion** made by Mary Carlton requesting staff prepare and forward a cease and desist letter to Robert Voss and close this complaint. Judge Steinle seconded the motion. Motion carried. **LDP-06-373**

NC05-L124 (NC-255):

Linda Grau recommended the Board petition the Superior Court for a cease and desist order against Lisa Marshall pursuant to ACJA § 7-208 (H)(1)(c).

**Motion** made by Judge Steinle to petition the Superior Court for a cease and desist order against Lisa Marshall pursuant to ACJA § 7-208 (H)(1)(c). Mary Carlton seconded the motion. Motion carried. **LDP-06-374**

*3-H: Review and discussion regarding Superior Court Cease and Desist Order against Lafayette Moses and Just Us Paralegals and non-certificate holder complaint numbers 05-L204, 06-L040 and 06-L042.*

Linda Grau reported the Program has received confirmation and reviewed court document pertaining to the unauthorized practice of law civil action filed against Mr. Lafayette and Just Us Paralegals. Staff reports the complaints being address by the State Bar in the UPL action include the three on file with the Program and several others. As these matters are being addressed in the Superior Court through the State Bar's case, staff recommended the Board vacate the May 15, 2006 order, motion number LDP-06-153, to file a Superior Court Cease and Desist Petition and close non-certificate holder complaint numbers 05-L204, 06-L040 and 06-L042.

**Motion** made by Judge Steinle to vacate the prior order of the Board issued on May 15, 2006 for filing of a Superior Court cease and desist order against Lafayette Moses and Just Us Paralegals. Mary Carlton seconded the motion. Motion carried. **LDP-06-375**

## **REVIEW OF CERTIFICATION APPLICATIONS**

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

Arizona Legal Specialists, LLC (Vanessa J. Henderson)

Kimberly Siddall recommends the Board grant Arizona Legal Specialists' application for business entity legal document preparer certification.

**Motion** made by Judge Steinle to grant certification to Arizona Legal Specialists, LLC. Dr. Roger Hartley seconded the motion. Motion carried. **LDP-06-376**

Lenora Arnold

Kimberly Siddall reported Ms. Arnold has not taken and passed the LDP Examination and therefore she is not eligible for individual legal document preparer certification. Ms Siddall recommended the Board deny Ms. Arnold's application for standard certification based on ACJA § 7-208 (E)(5)(b)(1)(a) as applicant doesn't meet the requirements for certification based on her failure to take and pass the examination. Ms. Siddall also recommended the Board request staff note in the denial letter Ms. Arnold is not entitled to a hearing on the denial.

**Motion** by Nancy Swetnam to deny standard certification to Leonora Arnold pursuant to ACJA § 7-208 (E)(5)(b)(1)(a) and request staff note in the denial letter Ms. Arnold is not entitled to a hearing on the denial. Judge Steinle seconded the motion. Motion carried. **LDP-6-377**

Steele Larson Anderson Legal, LLC (Thomas Steele)

Kimberly Siddall reported the individual certification of the designated principal, Thomas Steele, expired on June 30, 2006 and Mr. Steele did not apply for 2006-07 renewal of certification. Ms. Siddall noted numerous correspondences were forwarded to Mr. Steele explaining the designated principal individual certification requirement and requesting Mr. Steele apply for renewal or submit a qualified alternative designated principal. No response has been received. Therefore, Ms. Siddall recommended the Board deny the Steele Anderson Legal, LLC business entity certification application pursuant to ACJA § 7-208 (E)(5)(b)(1)(a) for failure to submit the requested and applicable documents and (E)(3)(c)(1) for not having a designating principal who is certified as an individual legal document preparer.

**Motion** made by Judge Steinle to deny Steele Anderson Legal, LLC's business entity certification application pursuant to ACJA § 7-208 (E)(5)(b)(1)(a) and (E)(3)(c)(1). Mary Carlton seconded the motion. Motion carried. **LDP-06-378**

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

Kimberly Siddall recommended the Board grant business entity certification to Residential Asset Management Company, LLC.

**Motion** made by Mary Carlton to grant business entity certification to Residential Asset Management Company, LLC. Nancy Swetnam seconded the motion. Motion carried. **LDP-06-379**

American Living Trust Services, LLC (Dennis Lawrence)

Kimberly Siddall reported the designated principal, Dennis Lawrence, failed to disclose he personally and his business entity Legal-Ease, LLC are named defendants in U.S. District Court case number CV-05-1114-PHX-JAT. Therefore, Ms. Siddall recommended the Board deny American Living Trust Services, LLC application for business entity certification pursuant to ACJA § 7-208 (E)(5)(b)(1)(c) based on Mr. Lawrence's failure to disclose he and Legal-Ease, LLC were named defendants in U.S. District Court case number CV-05-1114-PHX-JAT.

**Motion** made by Judge Steinle to deny American Living Trust Services, LLC's application for business entity certification pursuant to ACJA § 7-208 (E)(5)(b)(1)(c). Mary Carlton seconded the motion. Motion carried. **LDP-06-380**

Ashley Renee Enterprises Corporation (G. Preston Parker)

**Motion** made by Judge Steinle to go into Executive Session to obtain advice of counsel. Dr. Roger Hartley seconded the motion. Motion carried. **LDP-06-381**

Mary Carlton recused from the discussion of this Agenda item and left the room.

**EXECUTIVE SESSION began at 12:07 P.M.**

**EXECUTIVE SESSION ended at 12:15 p.m.**

Ashley Renee Enterprises Corporation (G. Preston Parker) – CONTINUED

The Board discussed including notice language in the business entity certification letter directing the designated principal to the recently adopted provisions of ACJA § 7-201 regarding renewal. The Board discussed reserving the right to address the issue of corporation officer Dale Shepherd's criminal conviction at the time of renewal. Additionally, the Board discussed if Mr. Shepherd applies for individual certification, his conviction will be considered at the time of processing his application.

**Motion** made by Judge Steinle to grant business entity certification to Ashley Renee Enterprises Corporation and include notice in the certification letter directing the designated principal to the recently adopted amended version of ACJA § 7-201 regarding renewal and notify the designated principal the Board reserves the right to consider Mr. Shepherd's criminal conviction at the time of renewal. Further, Judge Steinle motioned for notice to be included the Board reserves the right to consider Mr. Shepherd's conviction if he files an application for individual certification. Ward Sturm seconded the motion. Mary Carlton recused. Motion carried. **LDP-06-382**

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

Kimberly Siddall recommended the Board consider granting the pending applications via a Consent Agreement which also resolves the defaulted disciplinary action referenced in Agenda Item 2-C.

**Motion** made by Judge Steinle the Consent Agreement be drafted and executed as referenced in Agenda Item 2-C discussed earlier in the meeting. Dr. Roger Hartley seconded the motion. Motion carried. **LDP-06-383**

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

Business World Tax Specialists, LLC (Joy Partridge)  
Accounting World CPA's, PLC (Joy Partridge)

Kimberly Siddall recommended the Board grant business entity certification to Business World Tax Specialists, LLC and Accounting World CPA's, PLC.

**Motion** made by Nancy Swetnam to grant business entity certification to Business World Tax Specialists, LLC and Accounting World CPA's, PLC. Mary Carlton seconded the motion. Motion carried. **LDP-06-384**

Michael James

Kimberly Siddall reported Mr. James submitted a late application for renewal and documentation presented with the application demonstrated Mr. James did not complete the CE requirement by the timeline established by the Board's Continuing Education Policy. Therefore, Ms. Siddall recommended the Board grant certification and, pursuant to the Board Continuing Education Policy, order Mr. James be assessed a delinquent continuing education fee of \$25.00 to be remitted no later than November 3, 2006.

**Motion** by Nancy Swetnam the Board grant Michael James' application for renewal of certification and, pursuant to the Board Continuing Education Policy, order Mr. James to pay a delinquent continuing education fee of \$25.00 to be remitted no later than November 3, 2006. Mary Carlton seconded the motion. Motion carried. **LDP-06-385**

Tracy Stanfield

Kimberly Siddall reported Ms. Stanfield failed to submit relevant and requested information necessary for the processing of her renewal application. Therefore, Ms. Siddall recommended the Board deny Ms. Stanfield's renewal application based on ACJA § 7-208 (G)(4) and pursuant to ACJA § 7-208 (E)(5)(b)(1)(b) based on her failure to submit requested and applicable documentation.

**Motion** made by Virlynn Tinnell to deny Tracy Stanfield's 2006-07 renewal application pursuant to ACJA § 7-208 (G)(4) and (E)(5)(b)(1)(b). Mary Carlton seconded the motion. Motion carried. **LDP-06-386**

Hasslacher Tax & Financial, LLC (John Hasslacher)

Kimberly Siddall reported the business entity designated principal, John Hasslacher failed to apply for renewal of his individual certification, which expired on June 30, 2006, and failed submit relevant and requested information necessary for the processing of the application. Therefore, Ms. Siddall recommended the Board deny renewal of Hasslacher Tax & Financial, LLC's business entity certification pursuant to ACJA § 7-208 (E)(5)(b)(1)(b) for failure to submit requested and applicable documentation and (E)(3)(c)(1) for not having a designating principal who is certified as an individual legal document preparer.

**Motion** made by Nancy Swetnam to deny renewal of business entity certification to Hasslacher Tax & Financial, LLC pursuant to ACJA § 7-208 (E)(5)(b)(1)(b) and (E)(3)(c)(1). Mary Carlton seconded the motion. Motion carried. **LDP-06-387**

Caprenos Inc. (Cynthia Wood)

Kimberly Siddall reports the Board has previously deferred this application to allow the designate principal, Cynthia Wood, and opportunity to submit and qualified alternative designated principal or for Ms. Wood to participate in the LDP Examination and submit her individual application for renewal of certification. Ms. Siddall recommended the Board again defer consideration of the business entity renewal application and request staff contact Ms. Wood about registering and participating in the exam no later than October 31, 2006.

**Motion** made by Nancy Swetnam to defer consideration of the business entity renewal application and request staff to contact Ms. Wood about registering and participating in the exam by October 31, 2006. Mary Carlton seconded the motion. Motion carried. **LDP-06-388**

*4-C: Review of Business Entity Exemption for the 2006-07 certificate period.*

AMcNGroup, LLC (Marcia Nolan-Malsack)

Kimberly Siddall recommended the Board review and consider the business entity exemption request and enter an order consistent with the determination entered regarding the business entity application, in conjunction with any action taken in Agenda Item 2-A.

**Motion** by Judge Steinle to defer consideration of the AMcN Group, LLC Request for Business Entity Exemption in conjunction with the action taken in Agenda Item 2-A. Mary Carlton seconded the motion. Motion carried. **LDP-06-389**

## **CALL TO PUBLIC**

No response.

**Motion** by Ward Sturm to adjourn meeting at 12:25 p.m. Judge Steinle seconded the motion. Motion carried. **LDP-06-390**