

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.

December 18, 2006

Approved Regular Session Meeting Minutes

Members Present:

Judge Roland Steinle
Mary Carlton
Vellia M. Piña
Nancy Swetnam

Telephonically Present:

Frank Costanzo
Virlynn Tinnell
Carol L. Wells
Les Krambeal

Guests:

Carolyn M. Murray
Sellena Murray
J. Murray
Sandra L. Coffman

Members Absent:

Dr. Roger Hartley
J. Ward Sturm
Jacqui Velde

AOC Staff Present:

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

CALL TO ORDER

The meeting was called to order by Board Chair Judge Roland Steinle at 10:12 a.m.

Division staff member Linda Grau reported Board Member J. Ward Sturm submitted a Proxy for this meeting authorizing Board Member Mary Carlton to exercise his vote during the meeting.

REVIEW AND APPROVAL OF MEETING MINUTES

1-A: Regular and Executive Session Minutes for the meeting of October 16, 2006.

The Board discussed the need for technical amendments to the draft of the Regular Session Minutes of October 16, 2006.

Motion was made by Mary Carlton and seconded by Vellia Pina to adopt the Regular Session Minutes for the meeting of October 16, 2006 with technical amendments. Judge Steinle recused. Motion carried. **LDP-06-415**.

Ms. Grau recommended the Board defer consideration of the October 16, 2006 Executive Session Minutes to the January meeting.

Motion was made by Judge Steinle and seconded by Mary Carlton to defer review and approval of the October 16, 2006 Executive Session Minutes until the January meeting. Motion carried. **LDP-06-416.**

2) **CERTIFICATION AND ELIGIBILITY**

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

Division staff member Kandace French presented a list of continuing education credit requests submitted for Board review and approval. The Board discussed the presented events and discussed receiving additional information.

Motion was made by Judge Steinle and seconded by Mary Carlton to defer action on these requests until the January meeting. Motion carried. **LDP-06-417.**

2-B: *Interview with individual legal document preparer certification applicant Carolyn Murray.*

Division staff member Kimberly Siddall reported the Board had previously requested applicant Carolyn Murray be invited to the meeting to address the Board regarding matters related to her application. The Board and Ms. Murray discussed her involvement in a civil action.

A **motion** was made by Nancy Swetnam and seconded by Judge Steinle to grant 2006-07 individual Standard certification to Ms. Murray. Motion carried. **LDP-06-418.**

3) **REVIEW OF PENDING COMPLAINTS**

3-A: *Review and discussion regarding pending formal disciplinary action involving Jan Rust and complaint numbers 05-L030, 05-L074 and 06-L019.*

Ms. Grau presented information to the Board regarding the pending administrative hearing process involving Ms. Rust and findings entered in the Superior Court in Pima County. Ms. Grau recommended the Board withdraw the Notice of Formal Charges filed in complaint numbers 05-L030, 05-L074 and 06-L019 involving Ms. Rust and, in the alternative, issue a Letter of Concern.

Motion was made by Frank Costanzo and seconded by Mary Carlton the Board withdraw the Notice of Formal Charges filed in complaint numbers 05-L030, 05-L074 and 06-L019 involving Ms. Rust and, in the alternative, to issue a Letter of Concern regarding. Motion carried. **LDP-06-419.**

Nancy Swetnam requested the Minutes reflect Ms. Rust has previously made statements asserting Ms. Swetnam is related to an individual in the Tucson area named Suzanne Swetnam. Nancy Swetnam stated she is not related to Suzanne Swetnam.

3-B: Informal Settlement Conference with certificate holder Sandra Coffman regarding pending Notice of Formal Charges in complaint numbers 04-L011, 04-L069 and 05-L067.

Certificate holder Sandra Coffman was present at the requested informal settlement conference scheduled during this Board meeting to respond to the charges and to discuss the proposed disciplinary sanctions in complaint numbers 04-L011, 04-L069, and 05-L067. Nancy Swetnam and Virlynn Tinnell recused.

Ms. Grau recommended the Board discuss with Ms. Coffman resolving the complaints by Consent Agreement. The Board and Ms. Coffman discussed a possible Consent Agreement and agreed to resolve the matters by Consent Agreement containing the following provision:

- 1) Ms. Coffman admits responsibility for the alleged acts of misconduct;
- 2) Adoption by the Board of the Factual Allegations of Misconduct as Findings of Fact and Conclusions of Law and enter findings of violations as illustrated in the Notice of Formal Charges;
- 3) Issuance of a Letter of Concern to Ms. Coffman;
- 4) Assess investigatory and related proceeding costs to Ms. Coffman in the amount of \$429.76, to be remitted no later than January 31, 2007;
- 5) Ms. Coffman be mandated to participate in 5 hours of additional continuing education no later than April 1, 2007 to be eligible for 2007-09 renewal of certification; and,
- 6) Require Ms. Coffman to comply with all laws, court rules and orders, and ACJA §§ 7-201 and 7-208 at all times while certified as a legal document preparer; and,
- 7) The Board and Coffman acknowledge failure to comply with the Consent Agreement may result in future disciplinary action or denial of renewal of certification.

The Board requested staff draft and forward a written Consent Agreement to Ms. Coffman containing the aforementioned provisions. Further, the Board requested staff to return to the January meeting with an update and the signed Consent Agreement returned from Ms. Coffman for consideration, if she enters and returns the Consent Agreement.

3) REVIEW OF PENDING COMPLAINTS

3-C: Review and discussion regarding complaint numbers 03-L016, 03-L151, 03-L183, 04-L027, 04-L032, 04-L037, 05-L006, 05-L020, 05-L084, 05-L107, 05-L173, 06-L13, 06-L101 and 06-L113.

05-L084:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause does not exist the certificate holder committed the alleged acts of misconduct contained in complaint number 05-L084. Staff recommended the Board dismiss complaint number 05-L084.

Motion was made by Mary Carlton and seconded by Judge Steinle to enter a finding probable cause does not exist the certificate holder committed the alleged acts of

misconduct contained in complaint number 05-L084 and to dismiss the complaint. Nancy Swetnam recused. Motion carried. **LDP-06-420**.

05-L107:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause exists the certificate holder committed the alleged acts of misconduct in complaint number 05-L107 and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2) involving ACJA § 7-208 (C), (F)(2), and Appendix A Code of Conduct Standard (5)(a).

Motion was made by Judge Steinle and seconded by Mary Carlton to enter a finding probable cause and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2) that the certificate holder committed the alleged acts of misconduct in complaint number 05-L107 involving ACJA § 7-208 (C), (F)(2), and Appendix A Code of Conduct Standard (5)(a). Nancy Swetnam recused. Motion carried. **LDP-06-421**.

Staff noted complaint number 05-L107 involves certificate holder Paul Brown and recommended the Board issue a Letter of Concern to Mr. Brown in complaint number 05-L107.

A further **motion** was made by Judge Steinle and seconded by Mary Carlton to issue a Letter of Concern to Mr. Brown in complaint number 05-L107. Nancy Swetnam recused. Motion carried. **LDP-06-422**.

05-L020:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause exists the certificate holder committed the alleged acts of misconduct and grounds for discipline exists pursuant to ACJA § 7-208 (H)(1)(a)(1), (H)(11)(a)(2) and (H)(1)(a)(4) for alleged acts of misconduct involving ACJA § 7-208 (E)(3)(c)(1), (F)(2), (F)(3) and Appendix A Code of Conduct Standards (1)(a), (1)(d), (2)(c), (2)(d) and (5)(a).

Motion was made by Judge Steinle and seconded by Mary Carlton the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause exists the certificate holder committed the alleged acts of misconduct and grounds for discipline exists pursuant to ACJA § 7-208 (H)(1)(a)(1), (H)(1)(a)(2) and (H)(1)(a)(4) for alleged acts of misconduct involving ACJA § 7-208 (E)(3)(c)(1), (F)(2), (F)(3) and Appendix A Code of Conduct Standards (1)(a), (1)(d), (2)(c), (2)(d) and (5)(a). Nancy Swetnam recused. Motion carried. **LDP-06-423**.

Staff noted complaint number 05-L020 involves certificate holder Paul Brown and recommended the Board order the filing of Notice of Formal Charges pursuant to ACJA § 7-208 (H)(6)(b) and authorize Judge Steinle to sign the Notice of Formal Charges on behalf of the full Board.

A further **motion** was made by Judge Steinle and seconded by Mary Carlton to order the filing of Notice of Formal Charges in complaint number 05-L020 involving Paul Brown, pursuant to ACJA § 7-208 (H)(6)(b), and to authorize Judge Steinle to sign the Notice of

Formal Charges on behalf of the full Board. Nancy Swetnam recused. Motion carried. **LDP-06-424.**

03-L016 and 04-L037:

Staff recommended the Board accept the recommendations of the Probable Cause Evaluator and enter findings probable cause does not exist in complaint numbers 03-L016 and 04-L037. Staff recommended complaint numbers 03-L016 and 04-L037 be dismissed.

Motion was made by Mary Carlton and seconded by Vellia Pina to enter findings probable cause does not exist the certificate holder committed the alleged acts of misconduct contained in complaint numbers 03-L016 and 04-L037 and dismiss complaints. Nancy Swetnam recused. Motion carried. **LDP-06-425.**

04-L027:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause does not exist as to Allegation 2 of complaint number 04-L027 and dismiss Allegation 2.

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause does exist as to Allegation 1 of complaint number 04-L027 and recommended the Board find grounds for discipline exists pursuant to ACJA § 7-208 (H)(1)(a)(2) for alleged acts of misconduct involving ACJA § 7-208 (F)(2) and Appendix A Code of Conduct Standard (4)(b).

Staff recommended the Board consolidate this complaint with any pending complaints where the Board has separately determined probable cause and grounds for discipline involving the named certificate holder.

Staff further recommended the Board order the filing of Notice of Formal Charges in complaint number 04-L027 and authorize Judge Steinle to sign the Notice of Formal Charges on behalf of the full Board.

Motion was made by Mary Carlton and seconded by Judge Steinle the Board consolidate this complaint with all other pending complaints involving this certificate holder where the Board has found grounds for discipline exists. Nancy Swetnam recused. Motion carried. **LDP-06-426.**

A second **motion** was made by Judge Steinle and seconded by Mary Carlton that no probable cause exists with respect to Allegation 2 in complaint number 04-L027. Nancy Swetnam recused. Motion carried. **LDP-06-427.**

Staff noted complaint number 04-L027 involves Tiffany DiGregorio.

A further **motion** was made by Judge Steinle and seconded by Mary Carlton the Board order the filing of Notice of Formal Charges regarding Allegation 1 in complaint number 04-L027 involving Tiffany DiGregorio, pursuant to ACJA § 7-208 (H)(6)(B) for alleged acts of misconduct involving ACJA § 7-208 (F)(2) and Appendix A Code of Conduct

Standard (4)(b) and authorize Judge Steinle to sign the Notice of Formal Charges on behalf of the full Board. Nancy Swetnam recused. Motion carried. **LDP-06-428.**

04-L032:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(1), (H)(1)(a)(2), and (H)(1)(a)(4) for alleged acts of misconduct involving ACJA § 7-208 (F)(2), and Appendix A Code of Conduct Standards (1)(a), (1)(d), (4)(b), and (5)(a).

Staff further recommended the Board consolidate this complaint with any pending complaints where the Board has separately determined probable cause and grounds for discipline involving the named certificate holders.

Motion was made by Judge Steinle and seconded by Mary Carlton to enter a finding probable cause and grounds for discipline exist as recommended by staff and to consolidate complaint number 04-L032 with any pending complaints where the Board has separately determined probable cause and grounds for discipline exist involving the named certificate holders. Nancy Swetnam recused. Motion carried. **LDP-06-429.**

Staff noted complaint number 04-L032 involves Tiffany DiGregorio and the Document Source, LLC. Staff recommended the Board order the filing of Notice of Formal Charges in complaint number 04-L032 involving Tiffany DiGregorio and The Document Source, LLC pursuant to ACJA § 7-208 (H)(6)(b) and authorize Judge Steinle to sign the Notice of Formal Charges on behalf of the full Board.

A **motion** was made by Mary Carlton and seconded by Judge Steinle to order the filing of Notice of Formal Charges in complaint number 04-L032 pursuant to ACJA § 7-208 (H)(6)(b) and authorize Judge Steinle to sign the Notice of Formal Charges on behalf of the full Board. Nancy Swetnam recused. Motion carried. **LDP-06-430.**

06-L013:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(1) and (H)(1)(a)(2) for alleged acts of misconduct involving ACJA § 7-208 (E)(3)(c)(1), (F)(2), and Appendix A Code of Conduct Standard (5)(a).

Staff further recommended the Board consolidate this complaint with any pending complaints where the Board has separately determined probable cause and grounds for discipline involving the named certificate holder.

Staff recommended the Board order the filing of Notice of Formal Charges in complaint number 06-L013 pursuant to ACJA § 7-208 (H)(6)(b) and authorize Judge Steinle to sign the Notice of Formal Charges on behalf of the full Board.

Motion was made by Mary Carlton and seconded by Judge Steinle to enter findings probable cause and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(1)

and (H)(1)(a)(2) for alleged acts of misconduct involving ACJA § 7-208 (E)(3)(c)(1), (F)(2), and Appendix A Code of Conduct Standard (5)(a) in complaint number 06-L013 and to consolidate this complaint with any pending complaints involving the named certificate holder where the Board has separately determined probable cause and grounds for discipline exist. Nancy Swetnam recused. Motion carried. **LDP-06-431.**

Staff noted complaint number 06-L013 involves certificate holder Dennis Lawrence.

A **motion** was made by Mary Carlton and seconded by Virlynn Tinnell the Board order the filing of Notice of Formal Charges in complaint number 06-L013 involving Dennis Lawrence pursuant to ACJA § 7-208 (H)(6)(b) and authorize Judge Steinle to sign the Notice of Formal Charges on behalf of the full Board. Nancy Swetnam recused. Motion carried. **LDP-06-432.**

06-L101:

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2) for alleged acts of misconduct involving ACJA § 7-208 (F)(2) and Appendix A Code of Conduct Standards (2)(c) and (5)(a).

Staff further recommended the Board consolidate this complaint with any pending complaints where the Board has separately determined probable cause and grounds for discipline involving the named certificate holder.

Staff further recommended the Board order the filing of Notice of Formal Charges in complaint number 06-L101 pursuant to ACJA § 7-208 (H)(6)(b) and authorize Judge Steinle to sign the Notice of Formal Charges on behalf of the full Board.

Motion was made by Judge Steinle and seconded by Mary Carlton to enter findings probable cause and grounds for discipline exist in complaint number 06-L101 pursuant to ACJA § 7-208 (H)(1)(a)(2) for alleged acts of misconduct involving ACJA § 7-208 (F)(2) and Appendix A Code of Conduct Standards (2)(c) and (5)(a) and to consolidate this complaint with any pending complaints where the Board has separately determined probable cause and grounds for discipline involving the named certificate holders Nancy Swetnam recused. Motion carried. **LDP-06-433.**

Staff noted complaint number 06-L103 involves certificate holder Dennis Lawrence.

A **motion** was made by Mary Carlton and seconded by Judge Steinle to order the filing of Notice of Formal Charges in complaint number 06-L101 involving Dennis Lawrence pursuant to ACJA § 7-208 (H)(6)(b) and to authorize Judge Steinle to sign the Notice of Formal Charges on behalf of the full Board. Nancy Swetnam recused. Motion carried. **LDP-06-434.**

05-L006:

Staff recommended the Board reject the recommendation of the Probable Cause Evaluator and enter a finding probable cause exists the alleged acts of misconduct occurred. Staff further recommended the Board close this complaint, formally noting the complaint is being closed with no further action taken as the certificate holder is now deceased.

The Board discussed the impact of the alleged misconduct on the consumer complainant and whether establishing a record of the complaint and of action being taken would serve to protect the public.

Motion was made by Judge Steinle and seconded by Vellia Pina to dismiss the complaint noting the certificate holder is now deceased. Nancy Swetnam recused. Motion carried. **LDP-06-435.**

06-L113:

Staff reported this non-certificate holder complaint involving Steven Wyner was received after the date of expiration of Mr. Wyner's certificate alleging acts misconduct which reportedly occurred during the period his certification was in active status. Staff noted the currently effective provisions of ACJA § 7-208 do not provide the Board with jurisdiction authority to act on the complaint because Mr. Wyner's certification has expired. Staff reported the recently amended version of ACJA §§ 7-201 and 7-208 which become effective January 1, 2007 do provide the Board with future authority to address complaints received for a limited period following a certificate expiration.

Staff recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding of lack of jurisdiction pursuant to ACJA § 7-208 (H)(1)(b) and dismiss complaint number 06-L113. Staff further recommended the Board refer this matter and forward copies of the original complaint, Investigation Summary, Probable Cause Evaluation Report and Board Order to the Attorney General's Office Consumer Protection Division for review.

Motion was made by Judge Steinle and seconded by Mary Carlton to accept the recommendation of the Probable Cause Evaluator and enter a finding of lack of jurisdiction pursuant to ACJA § 7-208 (H)(1)(b) and dismiss complaint number 06-L113 and to refer this matter and forward copies of the original complaint, Investigation Summary, Probable Cause Evaluation Report and Board Order to the Attorney General's Office Consumer Protection Division for review. Nancy Swetnam recused. Motion carried. **LDP-06-436.**

03-L151, 03-L183 and 05-L173:

Staff reported the Board resolved the matters related to these complaint numbers by entry into and acceptance of Consent Agreement with certificate holder Marcia Nolan-Malsack and AMcNGourp, LLC. Staff recommended the Board close these non-certificate holder complaints.

Motion was made by Mary Carlton and seconded by Virlynn Tinnell to close non-certificate holder complaint numbers 03-L151, 03-L183 and 05-L173. Motion carried. **LDP-06-437.**

3-D: Review and discussion regarding Non-Compliance Report.

Staff noted the identity of certificate holders referenced in the Non-Compliance Report are confidential pursuant to ACJA § 7-208.

Regarding the certificate holder referenced in Part I of the Non-Compliance Report, staff recommended the Board initiate a complaint against the named certificate holder, pursuant to ACJA § 7-208 (H)(2)(b), for possible acts of misconduct involving Rule 31 and ACJA § 7-208 Appendix A Code of Conduct Standard (5)(b).

Motion was made by Judge Steinle and seconded by Mary Carlton the Board initiate a complaint against the certificate holder referenced in Part I of the Non-Compliance Report, pursuant to ACJA § 7-208 (H)(2)(b), for investigation of possible acts of misconduct involving Rule 31 and ACJA § 7-208 Appendix A Code of Conduct Standard (5)(b). Nancy Swetnam recused. Motion carried. **LDP-06-438.**

Regarding the certificate holders referenced in Part II of the Non-Compliance Report, staff recommended the Board initiate a complaint against this certificate holder, whose name is confidential, pursuant to ACJA § 7-208 (H)(2)(b) for investigation of failing to comply with ACJA § 7-208 (F)(5)(a) and (F)(5)(3)(c).

Motion was made by Mary Carlton and seconded by Virlynn Tinnell to initiate a complaint against the named certificate holders, pursuant to ACJA § 7-208 (H)(2)(b), for investigation of possible acts of misconduct involving ACJA § 7-208 (F)(5)(a) and (F)(5)(3)(c). Nancy Swetnam recused. Motion carried. **LDP-06-439.**

4) REVIEW OF CERTIFICATION APPLICATIONS

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

Kimberly Siddall reported the following applicants have submitted complete applications which demonstrate they meet the minimum eligibility requirements for certification and no information was presented during the background review which is contrary to certification being granted. Ms. Siddall recommended these individuals be granted Standard certification for the remainder of the 2006-07 certificate period:

Victoria Roff
Karen Paschall
Regina Ainsworth
Tommera Roberson
Audra Koerber

Motion was made by Nancy Swetnam and seconded by Mary Carlton to grant Standard certification to the above listed individuals for the remainder of the 2006-07 certificate period. Motion carried. **LDP-06-440.**

Kimberly Siddall reported the following applicant has submitted complete application which demonstrates the business entity meets the minimum eligibility requirements for certification and no information was presented during the background review which is contrary to certification being granted. Ms. Siddall recommended the following business entity be granted Standard certification for the remainder of the 2006-07 certificate period:

Cheaper Than a Lawyer, LLC (Tracey Kokumo Craig)

Motion was made by Virlynn Tinnell and seconded by Judge Steinle to grant business entity certification to Cheaper Than a Lawyer, LLC for the remainder of the 2006-07 certificate period. Motion carried. **LDP-06-441.**

Ms Siddall reported the following applicants hold Juris Doctor degrees, though not admitted in any jurisdiction and recommended the following applicants be granted Standard certification. Ms. Siddall recommended, if the Board grants certification to these applicants, that they be required to submit an Affidavit stating they understand and will comply with the provisions of ACJA § 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law and use of the “J.D.” designation:

Tracey Kokumo Craig
David D. Wilcox
Walter Chapko

The Board discussed the ACJA provision becoming effective January 1, 2007 which requires all certified legal document preparers to provide notice to the Certification and Licensing Division of they, while holding active certification, are denied admission to the practice of law.

Motion was made by Nancy Swetnam and seconded by Judge Steinle to grant certification with the requirement that they each submit an Affidavit stating they understand and will comply with the provisions of Administrative Code of Judicial Administration § 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law and use of the “JD” designation and understand they will be required by ACJA to report any future denials of admission to the practice of law which occur during the period they hold active legal document preparer certification. Motion carried. **LDP-06-442.**

Ms Siddall reported the following applicant failed to disclose a transcript judgment on her application. Ms. Siddall reported she contact the applicant and the transcript judgment and the applicant reported stated the judgment was against her ex-husband (only) and on November 8, 2006 the court dismissed the complaint filed against her. The dismissal as to the applicant was confirmed by review of court records and Ms. Siddall recommended to the Board grant Standard certification for the remainder of the 2006-07 certificate period to the following applicant:

Rhonda Terrell

Motion was made by Virlynn Tinnell and seconded by Judge Steinle the Board grant standard certification to the above applicant for the remainder of the 2006-07 certificate period. Motion carried. **LDP-06-443**.

Ms. Siddall reported the following applicant does not meet the minimum eligibility requirements for certification and recommended the application be denied pursuant to ACJA § 7-208 (E)(5)(b)(1)(a) the applicant does not meet the requirements for certification based on ACJA § 7-208 (E)(3)(a)(5)(a) lacking a minimum of two years of law-related experience under the supervision of a licensed attorney, or providing services in preparation of legal documents prior to July 1, 2003, or under the supervision of certified legal document preparer after July 1, 2003, or as a court employee.

Caroline Eck

Motion was made by Virlynn Tinnell and seconded by Judge Steinle the Board deny the application of Caroline Eck as recommended by staff. Motion carried. **LDP-06-444**.

Ms. Siddall reported the following applicant provided information on the application form which demonstrated she was acting as an ACJA § 7-208 (F)(5) trainee providing document preparation services on behalf of a certified business entity during a period of time she met the minimum eligibility requirements to hold individual certification and, therefore, did not qualify as an (F)(5) Ms. Siddall recommended the Board discuss and consider entering into a Consent Agreement to grant individual certification to the applicant and require her to pay \$550.00 for application fees she would have incurred if she had been in compliance during the 2005-06 and 2006-07 certification periods. Additionally, Ms. Siddall recommend the Consent Agreement include a provision requiring the applicant to complete the 15 hours additional hours of continuing education the applicant would have been required to complete during the 2004-2005 and 2005-06 certification periods if she had been in compliance with ACJA § 7-208.

Julie E. McClure

Motion was made by Judge Steinle and seconded by Mary Carlton requesting staff draft and forward a proposed Consent Agreement to Ms. McClure containing the provisions recommended by staff and to defer further consideration of this application until the January meeting. Motion carried. **LDP-06-445**.

Ms. Siddall reported the following applicant provided information on the application form which demonstrated he was acting as an ACJA § 7-208 (F)(5) trainee providing document preparation services on behalf of a certified business entity during a period of time he met the minimum eligibility requirements to hold individual certification and, therefore, did not qualify as an (F)(5) Ms. Siddall recommended the Board discuss and consider entering into a Consent Agreement to grant individual certification to the applicant and require him to pay \$550.00 for application fees he would have incurred if he had been in compliance during the 2005-06 and 2006-07 certification periods. Additionally, Ms. Siddall recommend the Consent Agreement include a provision requiring the applicant to complete the 15 hours additional hours of continuing

education the applicant would have been required to complete during the 2004-2005 and 2005-06 certification periods if he had been in compliance with ACJA § 7-208.

Alfred G. Madrid

Motion was made by Judge Steinle and seconded by Mary Carlton requesting staff draft and forward a proposed Consent Agreement to Mr. Madrid containing the provisions recommended by staff and to defer further consideration of this application until the January meeting. Motion carried. **LDP-06-446.**

Ms. Siddall reported the following applicant has failed to respond to numerous requests for required information and documentation needed to complete the processing of the application. Ms. Siddall recommended the Board deem the application incomplete and deny certification pursuant to ACJA § (E)(5)(b)(1)(b) the applicant has not submitted the applicable documents based on ACJA § 7-208 (E)(3)(b)(1):

Lisa Showalter

Motion was made by Mary Carlton and seconded by Frank Costanzo to deem the application incomplete and deny certification as recommended by staff. Motion carried. **LDP-06-447.**

The following application was reviewed, discussed, and granted by the Board earlier in the meeting following an interview with applicant as reflected in Agenda Item 2-B.

Carolyn Murray

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

Ms. Siddall reported the following business entity submitted an application for renewal to Standard certification many months ago and after contact with the business entity requesting presentation of a qualified designated principal, the Board deferred consideration of the application at the November 20th meeting to permit the newly-named designated principal's application could be processed and reviewed by the Board. Ms. Siddall confirmed the named designated principal has been granted individual certification and recommended the Board granting renewal of business entity certification to:

Caprenos, Inc. (Karen Paschall)

Motion was made by Nancy Swetnam and seconded by Mary Carlton the Board grant renewal of Standard certification to Caprenos, Inc. for the remainder of the 2006-07 certificate period. Motion carried. **LDP-06-448.**

Linda Grau reported the Board had entered an order on June 26, 2006 to defer consideration of the following application for renewal to Standard certification until such time as the Board entered a Final Order in complaint numbers 06-L025 and 06-L046 involving these applicants.

On November 9, 2006, Judge Steinle, on behalf of the Board, signed a Consent Agreement to resolve the formal disciplinary action in these complaints. The Consent Agreement included a stipulation to a one year suspension commencing January 1, 2007.

Nancy Swetnam recused on this matter.

Ms. Grau recommended the Board deny the following renewal applications, effective December 31, 2006, pursuant to ACJA § 7-208 (E)(5)(b)(1)(g) which reads, "The applicant is subject to revocation or suspension of a certificate pursuant to this code section or has had any occupational or professional license denied, revoked, or suspended.":

Richard French
Equal Access to the Law, LLC (Richard French)

The Board discussed the recommendation for a deferred effective date of the denial.

Motion was made by Judge Steinle and seconded by Virlynn Tinnell to deny the renewal applications of Richard French and Equal Access to the Law, LLC as recommended by staff, effective December 31, 2006, and to further order French and Equal Access initial certifications remain active until the effective date of the stipulated suspension. Nancy Swetnam recused. Motion carried. **LDP-06-449**.

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

Ms. Siddall reported the following business entity has submitted an appears to be qualified for Business Entity Exemption status. Ms. Siddall recommended the Baord grant Business Entity Exemption to the following business entity for the remainder for the 2006-07 certificate period:

Cheaper Than A Lawyer, LLC (Tracey Kokumo Craig)

Motion was made by Nancy Swetnam and seconded by Mary Carlton to grant Cheaper Than A Lawyer, LLC (Tracey Kokumo Craig) Business Entity Exemption for the remainder of the 2006-2007 certificate period. Motion carried. **LDP-06-450**.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Motion was made by Nancy Swetnam and seconded by Vellia Pina the meeting be adjourned at 11:16 a.m. Motion carried. **LDP-06-451**.

/del