



Board of Legal Document Preparers
Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 109

Date: April 27, 2009
Time: 10:00 a.m. – 2:00 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Les Krambeal
Andrew M. Saper
Paul D. Friedman

Telephonically Present:

Cynthia S. Felton
Debra Griffin
Stephanie Dawn Gates Wolf
Debra A. Young
Kelly A. Dowdle

Absent:

Judge Robert H. Oberbillig
Kristina Fredericksen
Gwen Kemnitz

OTHER ATTENDEES:

AOC Staff:

Linda Grau
Tony Posante
Karla Clanton
Nina Preston
Nancy Swetnam
Kim Siddall
Bonnie Toms
Afton Foutz

Guests:

Cherry Blue
Michael Shadel
Bill Bownan

CALL TO ORDER

Called to Order By
Time:

Les Krambeal
10:07 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

1-A: *Review and approval of the regular session minutes of the meeting of February 23, 2008.*

Individuals Addressing the Board: Les Krambeal

Discussion: Discussion regarding approval of the above minutes.

Motion: Board moved to approve regular session minutes for the meeting of February 23, 2008.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-040**

2) REVIEW OF PENDING COMPLAINTS

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

Individuals Addressing the Board: Nancy Swetnam, Linda Grau

Complaint Number 07-L082 – Donald Steward and Document Resource Center, LLC

Discussion: On March 26, 2009, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in complaint number 07-L082. Recommendation the Board accept the finding of the probable cause evaluator and dismiss complaint number 07-L082.

Motion: Move to accept the findings of the Probable Cause Evaluator and dismiss Complaint Number 07-L082.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-041**

Complaint Number 06-L103 – Stephen Trezza

Discussion: On March 26, 2009, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in complaint number 06-L103. Recommendation the Board accept the finding of the probable cause evaluator and dismiss complaint number 06-L103.

Motion: Move to accept the findings of the Probable Cause Evaluator and dismiss Complaint Number 06-L103.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-042**

Complaint Number 05-L085 – Guadalupe Romero and AAA Legal Services, Inc.

Discussion: On March 26, 2009, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in complaint number 05-L085. Recommendation the Board accept the finding of the probable cause evaluator and dismiss complaint number 05-L085.

Motion: Move to accept the findings of the Probable Cause Evaluator and dismiss Complaint Number 05-L085.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-043**

Complaint Number 05-L038 –Leanora Lagas and Lagas & Associates Paralegal Services, LLC

Discussion: On March 26, 2009, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does exist in complaint number 05-L038. Mitigating factors, aggravating factors, and proportionality analysis were discussed. Recommendation the Board accept the finding of the probable cause evaluator and enter a finding grounds for formal disciplinary action exists. It was further recommended the Board impose the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to Lagas and Lagas & Associates Paralegal Services, LLC, pursuant to ACJA § 7-201 (H)(24)(a)(6)(b);
- b) Order Lagas participate in no less than three (3) hours of continuing education in the curriculum areas of professional responsibility, ethics, and the unauthorized practice of law, in addition to any hours otherwise required for renewal, pursuant to ACJA § 7-201 (H)(24)(a)(6)(f);
- c) Assess costs associated with the investigation and any related administrative proceedings involving complaint number 05-L038, pursuant to ACJA § 7-201 (H)(24)(a)(6)(j),and;
- d) Impose civil penalties in the amount of \$250.00 per found violation to be remitted no later than 60 days following

entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(k).

Motion: Move to accept the findings of the Probable Cause Evaluator and impose sanctions as referenced above.

Motion Proposals: First Andrew M. Saper
Second Paul D. Friedman

Motion Results: Pass **LDP 09-044**

Complaint Number 06-L016 – James Jennings and Discount Divorce Professional, LLC

Discussion: On March 26, 2009, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does exist in complaint number 06-L016. Mitigating factors, aggravating factors, and proportionality analysis were discussed. Recommendation Board accept the finding of the probable cause evaluator and enter a finding grounds for formal disciplinary action exists. It was further recommended the Board enter a finding these violations have occurred and impose the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to Jennings and Discount Divorce Professional, LLC, pursuant to ACJA § 7-201 (H)(24)(a)(6)(b);
- b) Order Jennings participate in no less than three (3) hours of continuing education in the curriculum areas of professional responsibility, ethics, and the unauthorized practice of law, in addition to any hours otherwise required for renewal, pursuant to ACJA § 7-201 (H)(24)(a)(6)(f);
- c) Assess costs associated with the investigation and any related administrative proceedings involving complaint number 06-L016, pursuant to ACJA § 7-201 (H)(24)(a)(6)(j),and;
- d) Impose civil penalties in the amount of \$250.00 per found violation to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(k).

Motion: Move to accept the findings of the Probable Cause Evaluator and impose sanctions as referenced above.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-045**

Complaint Number 09-L001 – Derek Haigh

Discussion: On March 26, 2009, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does exist in complaint number 09-L001. Mitigating factors, aggravating factors, and proportionality analysis were discussed. Recommendation the Board accept the finding of the probable cause evaluator and enter a finding Derek Haigh committed the alleged acts of misconduct and also enter a finding grounds for formal disciplinary action against Derek Haigh exists. It was further recommended the Board issue a notice of formal charges and enter a finding these violations have occurred and impose the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Suspend Derek Haigh’s individual certificate for a period of no less than 90 days, pursuant to ACJA § 7-201 (H)(24)(a)(6)(h);
- b) Issue a Cease and Desist Order against Derek Haigh and his sole proprietorship, Majestic Legal Services (“MLS”), enjoining Derek Haigh and MLS from preparing legal documents, representing to the public they are certified legal document preparers, or conducting any activities that constitutes the unauthorized practice of law during the period of the suspension and until such time as any and all conditions for reinstatement are met, to the satisfaction of the Board, pursuant to ACJA § 7-201 (H)(24)(a)(6)(g);
- c) Mandate Derek Haigh, as a condition for reinstatement, to participate in no less than five (5) additional hours of continuing education in the curriculum areas of ethics, professional responsibility, and the unauthorized practice of law, in addition to the annual ten (10) hour continuing education requirement, pursuant to ACJA § 7-201 (H)(24)(a)(6)(f);
- d) Assess costs associated with the investigation and any related administrative proceedings involving complaint number 09-L001, pursuant to ACJA § 7-201 (H)(24)(a)(6)(j), and;
- e) Impose a civil penalty in the amount of \$100.00 per found violation to be paid within 60 days, pursuant to ACJA § 7-201 (H)(24)(a)(6)(k).

Motion: Move to accept the findings of the Probable Cause Evaluator, issue a notice of formal charges and impose sanctions as referenced above.

<i>Motion Proposals:</i>	First	Paul D. Friedman
	Second	Andrew M. Saper
<i>Motion Results:</i>	Pass	LDP 09-046

2-B: Report, discussion, and possible action regarding complaint number 09-L010 involving Russell Ehlinger and Mtn. Holiday, Inc.

Individuals Addressing the Board: Nancy Swetnam

Discussion: Mr. Ehlinger offered a counter proposal to the proposed Consent Agreement forwarded to him following the February meeting. The proposed counter offer, reviewed by the Board, detailed a payment plan for the ordered costs and civil penalties. The payment plan was found to be acceptable and it was recommended the Board enter into the Consent Agreement and authorize the Chair to sign the Agreement on behalf of the full Board.

Motion: Move to accept Division Director recommendation.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-047**

3) ADMINISTRATIVE ISSUES

3-A: Review, discussion and possible action regarding Rule Petition No. R-08-0011 submitted by the Arizona Corporation Commission petitioning amendment to Rule 31(d) of the Rules of the Supreme Court

Individuals Addressing the Board: Linda Grau

Discussion: Discussion regarding Rule Petition No. R-08-0011 concluded with the Board's decision to take no action.

Motion: Board moved to take no action.

Motion Proposals: First Paul D. Friedman
Second Kelly A. Dowdle

Motion Results: Pass **LDP 09-048**

3-B: Review, discussion and possible action regarding Rule Petition No. R-08-0012 submitted by the Arizona Association of Manufactured Home and R.V. Owners petitioning amendment to Rule 31(d) of the Rules of the Supreme Court.

Individuals Addressing the Board: Linda Grau

Discussion: Discussion regarding Rule Petition No. R-08-0012 concluded with the Board's decision to take no action.

Motion: Board moved to take no action.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-049**

4) REVIEW OF CERTIFICATION APPLICATIONS

4-A: *Review, discussion and possible action regarding pending applications for 2007-2009 Initial Standard Certification.*

Individuals Addressing the Board: Karla Clanton, Linda Grau

*Cathalina Galvan
AZ Legal Papers, LLC (Carrie Montoya)
AZ EZ Doc Prep, LLC (Malisa Lieurouw)
Document Resource Center, LLC (Donald Steward)*

Discussion: The applications listed above are complete. No information was presented during the background investigation which is contrary to certification being granted. Applicants have demonstrated they meet the minimum eligibility requirements for certification. Staff recommended the Board grant standard certification to these individuals or business entities for the remainder of this certification period.

Motion: Move to accept staff recommendation.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-050**

Peteris Berzins

Discussion: The application for the above listed applicant is complete. Applicant has demonstrated he meets the minimum eligibility requirement for certification. Staff recommended the Board grant standard certification.

Motion: Move to accept staff recommendation.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-051**

Jodi Peary

Discussion: The application for Ms. Peary remains incomplete pending receipt of additional information from or regarding applicant. Staff recommended application be deferred to the June 22, 2009 meeting.

Motion: Move to accept staff recommendation.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-052**

EPL Legal Document Preparation, LLC (Loray Bassini)

Discussion: During the background investigation it was discovered that the manager of the business, Peter Ellefson failed to disclose two civil actions that occurred in 1995 and 1998 involving the eviction of tenants for failure to pay rent. Mr. Ellefson stated he did not know he had to divulge civil actions against him personally and because they were so old he did not remember them initially. Staff recommended the Board grant standard certification and direct staff to include language indicating failure to disclose in subsequent applications may result in disciplinary action or denial of renewal.

Motion: Move to accept staff recommendation.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-053**

Michael Shadel

Discussion: Information was presented regarding applicant's felony charge, probation, and participation in a work program. Mr. Shadel received early discharge from probation in 1982 and shortly thereafter was issued an order vacating the judgment of guilt. The charges against him were dismissed and all his civil rights were restored. Staff recommended the Board grant individual standard certification.

Motion: Move to accept staff recommendation.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-054**

Cherry Blue

Discussion: The applicant's fingerprint card has been returned twice to the Division as unreadable. Pursuant to ACJA § 7-201(E)(1)(d)(2) Ms. Blue was asked to submit a written statement, under oath, stating she has not been arrested, charged, indicted, convicted of or pled guilty to any felony or misdemeanor, other than as disclosed on the application. Her notarized statement has been received and no information was presented during the background investigation which is contrary to certification being granted. Staff recommended the Board grant individual standard certification.

Motion: Move to accept staff recommendation.

Motion Proposals: First Andrew M. Saper
Second Paul D. Friedman

Motion Results: Pass **LDP 09-055**

Patricia Milino

Discussion: Due to Ms. Milino's failure to disclose civil actions and problems with medical/financial hardships, staff recommended the Board interview her at the June 22, 2009 Board meeting to determine if there are any issues that may be contrary to her individual certification being granted.

Motion: Move to accept staff recommendation.

Motion Proposals: First Andrew M. Saper
Second Paul D. Friedman

Motion Results: Pass **LDP 09-056**

Stephen Peary

Discussion: Applicant failed to disclose a petty theft. He was not aware a legal action, which was later dismissed, had been filed against him. He stated he had forgotten about the incident as it was a case of mistaken identity. Staff recommended the Board grant standard certification and require Mr. Peary to submit an affidavit stating he understands and will comply with the provisions of ACJA § 7-201 and ACJA §7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law and use of the JD designation.

Motion: Move to accept staff recommendation.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-057**

4-B: Review, discussion and possible action regarding pending applications for Business Entity Exemption requests.

AZ Legal Papers, LLC (Carrie Montoya)

Individuals Addressing the Board: Karla Clanton

Discussion: Staff recommended the above listed Business Entity Exemption be granted.

Motion: Move to accept staff recommendation.

Motion Proposals: First Andrew M. Saper
Second Paul D. Friedman

Motion Results: Pass **LDP 09-058**

4-C: Review, discussion, and possible action regarding Voluntary Surrender request received from certified legal document preparer Guadalupe Lavallade-Sitorius, certification number 80985.

Individuals Addressing the Board: Karla Clanton

Discussion: Ms. Lavallade-Sitorius was granted certification on October 22, 2007. On April 5, 2009, she submitted a request to voluntarily surrender her certification. Division records confirm there are no pending complaints involving Ms. Lavallade-Sitorius. Staff recommended the Board accept the voluntary surrender pursuant to ACJA § 7-201 (E)(7).

Motion: Move to accept Staff recommendation.

Motion Proposals: First Andrew M. Saper
Second Paul D. Friedman

Motion Results: Pass **LDP 09-059**

Motion: Move to accept Staff recommendation.

5) CERTIFICATION AND ELIGIBILITY

5-A: Review, discussion and possible action regarding the request of Christine Gant for an extension or waiver of her continuing education requirements.

Individuals Addressing the Board: Karla Clanton, Linda Grau, Kimberly Siddall,
Nina Preston

Discussion: Staff received a request from Christine Gant that continuing education credits required for renewal of her certificate be extended or waived due to her inability to pay for attendance of continuing education activities. Board determined Ms. Gant's request should be considered a special circumstance pursuant to ACJA § 7-208(L)(9)(c)(2)(d) that would warrant the waiver to fulfill the continuing education requirements.

Motion: Move to grant Ms. Gant a 90 day extension to fulfill her continuing education requirements and to pay any related delinquency fees.

Motion Proposals: First Cindy
Second Paul D. Friedman

Motion Results: Pass **LDP 09-060**

5-B: *Review, discussion and possible action regarding the request of Gary Moser for waiver of his continuing education requirements and partial waiver of his renewal fee.*

Individuals Addressing the Board: Karla Clanton, Linda Grau, Nina Preston,
Kimberly Siddall

Discussion: Staff received a request from Gary Moser that continuing education credit requirements for renewal of his certification be waived due to the financial difficulty of his businesses. Mr. Moser also requested to be allowed to pay \$300 for renewal fees, the equivalent of one year of certification. Mr. Moser was previously certified on April 23, 2007 but because he wasn't able to fulfill his continuing education requirement before May 1, 2007, he failed to renew his certification. He subsequently applied for certification again which was granted on October 27, 2007. Discussion followed concluding with Board decision that Mr. Moser's request be denied.

Motion: Move to deny request for waiver.

Motion Proposals: First Cynthia S. Felton
Second Stephanie Dawn Gates Wolf

Motion Results: Pass **LDP 09-061**

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First Paul D. Friedman
Second Andrew M. Saper

Motion Results: Pass **LDP 09-062**

Time: 11:17 a.m.

Initials: bt