

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 17, 2007

Approved Regular Session Minutes

MEMBER ATTENDANCE

Members Present:

Judge Roland Steinle
Paul D. Friedman
Andrew M. Saper
Stephanie Dawn Gates Wolf
Les Krambeal

Telephonically Present:

Kristina Fredericksen
Debra A. Griffin
Carol L. Wells

Members Absent:

Pat J. Taylor-Yarger
Virlynn Tinnell
Cynthia S. Felton

OTHER ATTENDEES

AOC Staff Present:

Rhonda Simmons
Linda Grau
Nina Preston
Kimberly Siddall
Maryanne Baiza
Tony Posante
Nancy Swetnam (*Telephonically*)

Guests:

Adam Neirenberg
Ken Volk
Christina Springer

CALL TO ORDER

Called to Order By:

Judge Roland Steinle, Chair

Time:

10:09a.m.

Individuals Addressing the Board: Linda Grau, Nina Preston, Nancy Swetnam

Discussion: Discussion was held about the fact the notice of this meeting was not posted pursuant to AJCA § 1-202: Public Meetings in that it was posted 24 hours in advance instead of 48 hours in advance of the meeting.

Motion: Moved to proceed with all items on the agenda for this meeting as the matters need to be resolved.

Motion Proposals: First Judge Roland Steinle
Second Paul D. Friedman

Motion Results: Pass LDP-07-204

1) REVIEW AND APPROVAL OF MEETING MINUTES

1-A: *Regular Session Minutes for the meeting of July 23, 2007.*

Individuals Addressing the Board: Judge Roland Steinle

Discussion: The Board discussed the Regular Session minutes for July 23, 2007.

Motion: Moved to approve the Regular Session minutes for July 23, 2007.

Motion Proposals: First Les Krambeal
Second Judge Roland Steinle

Motion Results: Pass LDP-07-205

2) REVIEW OF PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding restitution order requested in complaint number 04-L047 involving Mohammed Riyad and MSB Legal Consultants, LLC.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Board discussed complaint number 04-L047 involving Mohammed Riyad and MSB Riyad Legal Consultants, LLC. Staff recommended the Board review and approve the restitution amount of \$1200 to Siada Yagobova, pursuant to ACJA § 7-208 (H)(15)(a)(7).

Motion: Moved to order Mohammed Riyad and MSB Riyad Legal Consultants, LLC pay restitution in the amount of \$1200 to Siada Yagobova.

Motion Proposals: First Paul D. Friedman
Second Judge Roland Steinle

Motion Results: Pass LDP-07-206

2-B: *Review, discussion and possible action regarding non-certificate holder complaint numbers 06-L090 and 07-L018 involving Petra Lopez and LP Servicios Comunitarios.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Board reviewed and discussed non-certificate holder complaint numbers 06-L090 and 07-L018 and the Petition for Cease and Desist Order. Staff recommended the Board close the non-certificate holder complaints.

Motion: Moved to close non-certificate holder complaint numbers 06-L090 and 07-L018 as recommended.

Motion Proposals: First Judge Roland Steinle
Second Paul D. Friedman

Motion Results: Pass LDP-07-207

2-C: Review, discussion and possible action regarding the following complaints:

06-L006 – Steven Wyner
06-L023 – Marianne Smith

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Board reviewed and discussed complaint numbers 06-L006, Steven Wyner and 06-L023, Marianne Smith.

Motion: Moved to dismiss complaint number 06-L006, Steven Wyner as recommended.

Motion Proposals: First Judge Roland Steinle
Second Kristina Fredericksen

Motion Results: Pass LDP-07-208

Motion: Moved to dismiss complaint number 06-L023, Marianne Smith as recommended.

Motion Proposals: First Judge Roland Steinle
Second Les Krambeal

Motion Results: Pass LDP-07-209

2-D: Review, discussion and possible action regarding entry of Final Order in complaint numbers 03-L041, 04-L018, 05-L077, 05-L117, and 06-L004 involving Pamela Brown and Dakota Document Service, LLC.

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Board discussed issuing a Cease and Desist Order in complaint numbers 03-L041, 04-L018, 05-L077, 05-L117, and 06-L004 involving Pamela Brown and Dakota Document Service, LLC. Staff recommended authorizing Judge Roland Steinle to sign the Cease and Desist Order on behalf of the full Board.

Motion: Moved to issue Cease and Desist Order on the above mentioned complaint numbers involving Pamela Brown and Dakota Document Service, LLC.

Motion Proposals: First Paul D. Friedman
Second Judge Roland Steinle

Motion Results: Pass LDP-07-210

2nd Motion: Further moved to have Judge Roland Steinle sign the Final Order in this matter with the correction of the typographical errors, on behalf of the full Board.

Motion Proposals: First Les Krambeal
Second Paul D. Friedman

Motion Results: Pass LDP-07-211

2-E: *Report and possible action regarding complaint dismissed by Division Director, pursuant to Arizona Code of Judicial Administration § 7-201 (D)(4)(a) and (H)(2)(b):*

*Complaint Number 07-L036
Complaint Number 07-L053
Complaint Number 07-L052*

Individuals Addressing the Board: Nancy Swetnam

Discussion: Division Director Nancy Swetnam recommended the Board affirm the dismissal of complaint numbers 07-L036, 07-L053, 07-L052 and noted they are confidential and not a matter of public record pursuant to ACJA § 7-201 (D)(4)(a) and (H)(2)(b).

Motion: Moved to affirm the Division Director's dismissal of complaint number 07-L036 pursuant to ACJA § 7-201 (H)(2)(b) as recommended by staff.

Motion Proposals: First Judge Roland Steinle
Second Paul D. Friedman

Motion Results: Pass LDP-07-212

2nd Motion: Moved to affirm the Division Director's dismissal of complaint number 07-L053 pursuant to ACJA § 7-201 (H)(2)(b) as recommended by staff.

Motion Proposals: First Judge Roland Steinle
Second Paul D. Friedman

Motion Results: Pass LDP-07-213

3rd Motion: Moved to affirm the Division Director's dismissal of complaint number 07-L052 pursuant to ACJA § 7-201 (H)(2)(b) as recommended by staff.

Motion Proposals: First Judge Roland Steinle
Second Paul D. Friedman

Motion Results: Pass LDP-07-214

2-F: *Review, discussion and possible action regarding Hearing Officer Kathryn Underwood Recommendation Report involving certificate holder Paul Brown and complaint number 05-L020.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Board discussed the Hearing Officer's Recommendation Report regarding certificate holder Paul Brown and complaint number 05-L020. Staff recommended the Board adopt the Hearing Officer's Finding of Facts, Conclusions of Law, and Recommendations.

Motion: Moved to adopt the Hearing Officer's recommendation and to amend the continuing education requirement to 5 additional hours in the area of Child Support Guidelines.

Motion Proposals: First Judge Roland Steinle
Second Paul Friedman

Motion Results: Pass LDP-07-215

2-G: *Review, discussion and possible action regarding the proposed Consent Agreement involving certificate holder Daniel Gray regarding complaint number 05-L062.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Board discussed the proposed Consent Agreement involving certificate holder Daniel Gray regarding complaint number 05-L062.

Motion: Moved to adopt the Consent Agreement as proposed and authorize Judge Roland Steinle to sign it on behalf of the full Board.

Motion Proposals: First Andrew Saper
Second Judge Roland Steinle

Motion Results: Pass LDP-07-216

Nancy Swetnam left the meeting telephonically at 10:29 a.m.

3) CERTIFICATION AND ELIGIBILITY

3-A: *Review, discussion, and possible action regarding the \$50.00 assessment for late Continuing Education of Cara Engstrom.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: The Board discussed Ms. Engstroms' request to waive the \$50 delinquent continuing education fee.

Motion: Moved to deny Ms. Engstroms' request and require Ms. Engstrom to pay the delinquent continuing education fee of \$50.00 to be remitted no later than October 3, 2007.

Motion Proposals: First Judge Roland Steinle
Second Les Krambeal

Motion Results: Pass LDP-07-217

3-B: *Review, discussion, and possible action regarding applicant Ken Volk.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: The Board discussed the renewal of standard certification and the continuing education of 5 hours for Nuts and Bolts of Civil Practice and Procedure. Staff recommended pursuant to ACJA § 7-208 (L)(9)(e), Mr. Volk be assessed the delinquent continuing education fee of \$50.00 to be remitted no later than September 28, 2007.

Motion: Moved to grant renewal certification to Mr. Volk, and to approve the Nuts and Bolts of Civil Practice and Procedure, and require Mr. Volk to pay the delinquent continuing education fee of \$50.00 to be remitted no later than September 28, 2007.

Motion Proposals: First Judge Roland Steinle
Second Les Krambeal
Opposed Paul Friedman

Motion Results: Pass LDP-07-218

3-C: *Review, discussion, and possible action regarding applicant Rae Heimer and Bankruptcy and Divorce.*

Individuals Addressing the Board:

Discussion: The Board discussed the renewal of standard certification for Ms. Heimer and Bankruptcy and Divorce and the change in the name of the business to Divorce & Family Documents.

Motion: Moved to grant renewal certification to Ms. Heimer and directed staff to change the name of the business to Divorce & Family Documents.

Motion Proposals: First Les Krambeal
Second Judge Roland Steinle

Motion Results: Pass LDP-07-219

3-D: *Review, discussion, and possible action regarding applicant Ryan Gibson.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff advised the Board Mr. Gibson's application is complete, and recommended renewal of Standard certification be granted.

Motion: Moved to grant renewal of Standard certification to Ryan Gibson.

Motion Proposals: First Judge Roland Steinle
Second Paul Friedman

Motion Results: Pass LDP-07-220

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: Kimberly Siddall

Discussion: The Board discussed the following pending applications for 2007-2009 initial Standard certification.

Stacey O. Vann
Cindy McCoy
Darlene Landgrave
Nicole Roberson
Hilda Culbertson

Christine Springer
Cameron Hannum
Alenda Martin
Natalie Vadnais
Kevin Osterman
Accurate Signing, LLC (Adam Nierenberg)
Palm Valley Paralegal, LLC (Cindy McCoy)

Motion: Moved to grant Standard certification to the aforementioned applicants and businesses listed above.

Motion Proposals: First Judge Roland Steinle
Second Paul Friedman

Motion Results: Pass LDP-07-221

Discussion: Staff advised the Board the following applications remain incomplete pending receipt of additional information from the applicants. Staff recommended these applications be deferred to the October 22nd meeting.

Deborah Zea
Jerri Gustafson
Erlinda Yount
Prism Financial Concepts, P.C. (Kevin C. Maloney)
AA American Contractors License School, LLC

Motion: Moved to defer consideration of the aforementioned applications to the October 22nd meeting.

Motion Proposals: First Judge Roland Steinle
Second Kristina Fredericksen

Motion Results: Pass LDP-07-222

Discussion: Staff recommended deferring consideration of the application submitted by Naturalization & Immigrations Fotos (Saydee Ramos) until the October meeting and invite Ms. Ramos to appear before the Board to provide information on items of non-disclosure.

Motion: Moved to defer consideration of this application and invite Ms. Saydee Ramos to the October 22nd meeting.

Motion Proposals: First Paul Friedman
Second Les Krambeal

Motion Results: Pass LDP-07-223

Discussion: Staff recommended deferring consideration of the application submitted by Raul C. Manzanares and invite him to appear at the October meeting to provide the Board with information regarding the Order from the Bankruptcy Court and his experience in the preparation of documents.

Motion: Moved to defer consideration of this application and invite Mr. Raul C. Manzanares to the October 22nd meeting.

Motion Proposals: First Judge Roland Steinle
Second Paul Friedman

Motion Results: Pass LDP-07-224

Discussion: Staff recommended the Board discuss a Consent Agreement requiring Deborah Blunt to pay \$550.00 for certification and renewal of certification fees for the 2005-2006 and 2006-2007 certification periods; and to complete 15 hours of continuing education for the 2005-2006 partial certification period and 2006-2007 certification period by January 31, 2008.

Motion: Moved as recommended by staff to enter the Consent Agreement involving certification fees and the completion of continuing education hours.

Motion Proposals: First Paul Friedman
Second Judge Roland Steinle

Motion Results: Pass LDP-07-225

Discussion: Staff recommended the Board discuss entering into a Consent Agreement requiring Judith Alspaugh to pay \$300.00 certification fees for the 2006-2007 certification period and to complete 5 hours of continuing education for the 2006-2007 partial certification period by January 31, 2008.

Motion: Moved as recommended by staff to enter the Consent Agreement involving certification fees and the completion of continuing education hours.

Motion Proposals: First Les Krambeal
Second Paul Friedman

Motion Results: Pass LDP-07-226

Discussion: Staff recommended the Board invite William A. Hester, Jr. to appear at the October meeting to provide information regarding non-disclosures.

Motion: Moved to defer the application until the October 22nd meeting as recommended by staff.

Motion Proposals: First Les Krambeal
Second Paul Friedman

Motion Results: Pass LDP-07-227

Discussion: Staff recommended the Board deny certification to David Nyborg pursuant to ACJA 7-201 (E)(2)(c)(1). Mr. Nyborg does not meet the qualification or eligibility requirements pursuant to ACJA 7-208(E)(3)(b)(6)(b).

Motion: Moved to deny certification to Mr. David Nyborg as recommended.

Motion Proposals: First Paul Friedman
Second Judge Roland Steinle

Motion Results: Pass LDP-07-228

Discussion: Staff recommended the Board deny certification to Cindy Borquez pursuant to ACJA 7-201 (E)(2)(c)(1). Ms. Borquez does not meet the qualifications or eligibility requirements pursuant to ACJA 7-208 (E)(3)(b)(6)(a).

Motion: Moved to deny certification to Ms. Cindy Borquez as recommended.

Motion Proposals: First Paul Friedman
Second Judge Roland Steinle

Motion Results: Pass LDP-07-229

Discussion: The following business entity applications were reviewed and the individual applications for designated principals have not been received. Therefore, staff recommended denying the applications pursuant to ACJA 7-201 (E)(2)(c)(1) as the applicants do not meet the qualifications for certification.

Ted Watkins E.A., Inc. (Theo C. Watkins Jr.)
LLC IT!, LLC (J. Brad Jenner)
Servicios Caborca (Cesar Martinez)

Motion: Moved to deny certification to the business entities listed above as recommended as a certified legal document preparer has not been established as the designated principal for these businesses.

Motion Proposals: First Les Krambeal
Second Andrew Saper

Motion Results: Pass LDP-07-230

Discussion: Staff recommended the Board deny certification to Lorina M. Torres pursuant to ACJA 7-201 (E)(2)(c)(2)(b)(xv) for failing to disclose information on the certification application subsequently revealed through the background check.

Motion: Moved to deny certification to Ms. Lorina M. Torres as recommended.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass LDP-07-231

Discussion: Staff recommended the Board deny certification to Debra Shaffer pursuant to ACJA 7-201 (E)(2)(c)(2)(b)(xv) for failing to disclose information on the certification application subsequently revealed through the background check.

Motion: Moved to deny certification to Ms. Debra Shaffer as recommended.

Motion Proposals: First Judge Roland Steinle
Second Les Krambeal
Abstained Paul Friedman

Motion Results: Pass LDP-07-232

Discussion: Staff recommended the Board deny the application for individual legal document preparer certification submitted by Jan Rust pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(vi), (E)(2)(c)(2)(b)(xii), and (E)(2)(c)(1).

Motion: Moved to deny the application for individual legal document preparer certification to Ms. Jan Rust as recommended.

Motion Proposals: First Paul Friedman
Second Judge Roland Steinle

Motion Results: Pass LDP-07-233

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

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended Business Entity Exemptions be granted for the 2007-2009 certification period to: Palm Valley Paralegal, LLC (Cindy M. McCoy) and Accurate Signings, LLC (Adam Nierenberg)

Motion: Moved to grant Business Entity Exemptions for the 2007-2009 certification period to the above listed applicants as recommended.

Motion Proposals: First Les Krambeal
Second Judge Roland Steinle

Motion Results: Pass LDP-07-234

5) ADMINISTRATIVE ISSUES

5-A: Nominations for and election of a Vice Chair.

Individuals Addressing the Board: Rhonda Simmons

Discussion: Discussion was held regarding verbal nominations and election of a Vice Chair to the Board to serve a term which expires on June 30, 2008.

Motion: Moved to elect Andrew Saper as Vice-Chair to the Board.

Motion Proposals: First Judge Roland Steinle
Second Paul Friedman

Motion Results: Pass LDP-07-235

5-B: Establish a passing score for the certification examination and approve the study guide used for the exam.

Individuals Addressing the Board: Rhonda Simmons

Discussion: The Board discussed the Legal Document Preparer examination revised and validated in January of 2007 and the establishment of the cut score of 72 for the examination.

Motion: Moved to approve 72 as the cut score for the revised legal document preparer examination.

Motion Proposals: First Les Krambeal
Second Judge Roland Steinle

Motion Results: Pass LDP-07-236

Discussion: The Board reviewed and discussed the approval of the Legal Document Preparer examination study guide pursuant to ACJA § 7-201 (E)(1)(f)(1)(d).

Motion: Moved to approve the examination study guide.

Motion Proposals: First Les Krambeal
Second Paul Friedman

Motion Results: Pass LDP-07-237

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Moved to adjourn.

Motion Proposals: First Judge Roland Steinle
Second Les Krambeal

Motion Results: Pass LDP-07-238

Time: 10:45 a.m.