

Supreme Court Board of Legal Document Preparers

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room 119
10:00 a.m. - 2:00 p.m.

January 31, 2005 Approved Meeting Minutes

Members Present:

Judge Roland J. Steinle
Carol L. Wells
Donald F. Steward
Nancy Swetnam
Margaret J. Kleinman
Mary Carlton
Vellia M. Pina
Dr. Roger E. Hartley
J. Ward Sturm
Susan C. Vasquez
Virlynn Tinnell

AOC Staff Present:

Linda Grau
Nina Preston
Lauren Hargrave
David Stone

Guests:

Velia Hert
Allen Merrill
Stephanie Villalobos
Lisa Leon
Roy Warden
Michael Anderson
Glen Hadley

Call to Order

The meeting was called to order by Judge Roland J. Steinle at 10:07 a.m.

Review and Approval of Meeting Minutes

Regular Session Minutes from December 6, 2004.

Discussion was held regarding the regular session minutes of December 6, 2004. Margaret J. Kleinman and Nancy Swetnam requested grammatical and clerical changes be made to the minutes.

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to adopt the regular session minutes of December 6, 2004, as amended. Motion passed.
LDP-05-001

Regular Session Minutes from December 16, 2004.

Discussion was held regarding the regular session minutes of December 16, 2004. Margaret J. Kleinman and Nancy Swetnam requested grammatical and clerical changes be made to the minutes.

A **motion** was made by Margaret J. Kleinman and seconded by Nancy Swetnam to adopt the regular session minutes of December 16, 2004, as amended. Motion passed. **LDP-05-002**

Regular Session Minutes from December 20, 2004.

Discussion was held regarding the regular session minutes of December 20, 2004. Margaret J. Kleinman and Nancy Swetnam requested grammatical and clerical changes be made to the minutes. Nancy Swetnam requested the “Proposed Amendments to December 20, 2004 Minutes” be incorporated.

A **motion** was made by Mary Carlton and seconded by Nancy Swetnam to adopt the regular session minutes of December 20, 2004, as amended. Motion passed. **LDP-05-003**

Administrative Issues

Introduction of LDP Program Investigator David Stone.

Linda Grau reported David Stone has begun employment with the Certification and Licensing Division as the Legal Document Preparer Program Investigator. Mr. Stone has many years experience in both the judicial and regulatory arenas.

Update and discussion regarding the status of the pending Petition for Cease and Desist Order related to non-certificate holder Lisa Elwess, (aka Lisa Crocker).

Linda Grau reported the Court has requested the Arizona State Bar request an evidentiary hearing or file a ‘Motion for Summary Judgment’.

Subcommittee report regarding Board roles and responsibilities.

The Board reviewed a document which represents the work done to date by the subcommittee. The subcommittee consists of Dr. Roger Hartley, Mr. Ward Sturm, and Ms. Nancy Swetnam. The subcommittee recommended the Board discuss the draft proposal and provide comment that will assist it in preparing a final version for consideration and adoption by the Board at its February meeting.

The Board discussed Section D(2) and noted the Board previously voted to require members not miss more than two meetings per year. The Board reviewed examples of language which could be utilized. The subcommittee recommended the Board change its policy and adopt either the noted United Way or Board Guidebook sample language. The Board discussed situations where it is difficult to attend meetings. The Board concurred utilizing the Board Guidebook sample language.

The Board discussed D(3) regarding the potential conflict of interest or the appearance of a conflict of interest when a Board member accepts an award from the legal document preparer profession or association. The subcommittee requested additional discussion regarding the Board or Board members accepting awards.

The Board discussed D(4) regarding Board members and contractual arrangements. The subcommittee wanted the Board to be aware of potential conflicts of interest in contractual arrangements.

The Board discussed D(5) and whether the provision is too restricted. It is problematic the way in which it is currently worded and more work needs to be done. The subcommittee advised Board members referring services to other legal document preparers may give the appearance of impropriety. The Board agreed Board members should carefully consider the appearance of impropriety.

The Board discussed D(6) and whether Board members should serve simultaneously as an officer of a professional association for legal document preparers. A prohibition against such service could potentially be seen as unfair and impractical and not be viewed as protecting the public.

The Board discussed E(2) and agreed the Board should appoint a Vice Chair.

The Board discussed E(3) involving the appointment of subcommittees. The Board agreed either the Chair or the Board can establish subcommittees.

The Board discussed F(2) regarding a quorum. The subcommittee would like to know whether a member with a proxy vote constitutes one member or two for the purpose of establishing a quorum. Additionally, can a member carry more than one proxy at one time? The Board agreed a quorum could not have more than one proxy and six present individuals, whether telephonically or in person.

The Board discussed G(1) and whether it wants or needs the minutes to record the actual vote, or just whether the motion carried. The subcommittee recommended adoption of a provision that the minutes would reflect simply whether a motion passed or failed. The Board agreed the minutes would reflect simply whether a motion passed or failed, with the right provided to any Board member to request a recorded vote.

The Board discussed G(2)(a) & (b) regarding recusing from voting in different situations.

The Board discussed G(2)(d) regarding whether a Board member should leave the meeting during discussion of issues the member has recused on. The subcommittee recommended there is no need for the Board member to leave the meeting and that the Board not adopt the provision requiring the member to identify the reason for the recusal. The Board agreed.

The Board discussed G(3) regarding proxies. The Board discussed (e) regarding the number of times per year a member may designate a proxy. The subcommittee will work on this issue.

The Board reviewed H and I. Any comments should be sent to the subcommittee so they can incorporate them and finalize the document.

Review and discussion regarding possible future amendments (non-examination related) to Arizona Code of Judicial Administration § 7-208.

Linda Grau reported attorney Mark Harrison has submitted a letter to the Board requesting the Board consider a future amendment to Arizona Judicial Code of Administration § 7-208 which would enable the program coordinator to extend deadlines for requesting a hearing and filing of an answer of up to one week. Ms. Grau recommended the Board acknowledge Mr. Harrison's letter and comments. Future program issues should be addressed by the subcommittee working on the revisions to Arizona Judicial Code of Administration § 7-208. The Board discussed the time constraints outlined by the code and the requirement for holding an emergency Board meeting if an extension is requested. The issue needs to be addressed with legal counsel. The subcommittee is still working on issues and will bring proposed changes to the Board at a later date.

Virlynn Tinnell left the meeting.

Review and discussion of the pending State Bar of Arizona Petition to amend Arizona Supreme Court Rule 31.

Linda Grau reported the Petition is currently posted for public comment. The petition addresses a specific section of the existing Arizona Supreme Court Rule 31 and requests the court amend the existing rule which states "no person shall practice law in this state or hold himself out as one who may practice law in this state unless he is an active member of the State Bar". The proposed language would add a new subsection entitled "restrictions on disbarred attorneys and member's right to practice". The proposed subsection will add, "no member who is currently suspended or who is on disability inactive state, or a former member who has been disbarred, shall practice law in this state or represent in any way that he or she may practice law in this state". The provision is intended to eliminate anyone from qualifying to provide legal services under any of the exemptions to Rule 31, such as becoming a legal document preparer. Ms. Grau recommended the Board determine whether public comment from the Board is necessary. The proposed amendment would have an impact on one certificate holder. If the proposal is adopted it would mean the Board would not be able to grant certification to any disbarred Arizona attorney, regardless of how long ago the disbarment occurred. An alternative would be a provision that applies to all other categories in Rule 31, but not to exemption 23, which allows for legal document preparers, so the Board could consider an

applicant who falls under these guidelines. The Board has the option of filing a public comment to the Court. The Board discussed making the strongest possible statement and supplying specific language which could be used in the petition. The Board discussed the need for the Board to preserve its independence and take into consideration, the many reasons why an attorney has been disbarred, the rehabilitative conducted of an applicant, and individual circumstances. Dr. Roger E. Hartley and J. Ward Sturm volunteered to draft Board comment and bring it before the Board at the next scheduled Board meeting.

Virlynn Tinnell returned to the meeting.

Report regarding electronic renewal application process.

Linda Grau reported the program has been selected to participate as the model for an electronic renewal process for the upcoming renewal period. There are numerous benefits to electronic renewal, such as, significantly reducing the period of time a certificate holder will need to spend preparing a renewal application, the elimination of program costs for preparing, delivering, and distributing renewal applications to certificate holders, and enabling a certificate holder to pay application fees online by credit card. Additionally, it will have a significant impact on the costs associated with processing payments through the AOC Finance Department. There would be administrative fees associated with the use of credit card transactions, which would be incurred by the program (not the certificate holders) but there will be a significant reduction compared to current costs. Currently, the program is working with IT on the elements of the secure web application. The program will still make hard copy applications available. Anyone who chooses to apply electronically will need to have an active email address on file with the program. Additionally, the program has been selected to be the first in the Certification and Licensing Division to be placed on an electronic data management system, which will enable the program to electronically capture and maintain all the records related to document preparer files. The Board questioned how continuing education documentation would be supplied to the program. Currently, the Arizona Code of Judicial Administration § 7-208 states the information must be submitted in writing. Therefore, for this renewal certificate holders must submit the appropriate documentation and the information will then be manually scanned into the data management system.

Executive Session #1

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-05-004**

Executive Session ended #1

Certification and Eligibility

Judge Roland J. Steinle, Chair, reported the Board received a number of various pleadings involving Hearing Officer Recommendation Reports. The Board received the advice of counsel during executive session and there is no provision to accept the pleadings. Pursuant to Arizona Code of Judicial Administration § 7-208 (H)(12), (13) and (14) requires all petitions for rehearing to go to the Hearing Officer and there is no provision for the Board to hear those matters.

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J. Kleinman to strike all of the pleadings received by the Board due to there being no provision under Arizona Code of Judicial Administration § 7-208 for the Board to consider them. Motion passed. Nancy Swetnam recused. **LDP-05-005**

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton due to fact the some pleadings involve review and discussion of Hearing Officer recommendations, rather than wait for the Call to the Public at the end of the meeting, if a member of the public, a certificate holder, or an applicant wishes to be heard regarding the Hearing Officer's recommendation report, the Board will allow for five minutes of public comment at this stage in the meeting. Motion passed. **LDP-05-006**

Review of Hearing Officer Michele Iafrate's recommendation regarding the denial of renewal of individual certification for Glen Hadley.

Glen Hadley addressed the Board and urged the Board not to adopt the Hearing Officer's recommendations. Mr. Hadley requested his individual initial renewal certification be granted. Mr. Hadley stated the Hearing Officer's recommendations relied on inaccurate facts and conclusions. Mr. Hadley stated he did not have personal knowledge of the matters involved in the denial, but that Rob Andrews does. With regards to Robert Andrews he did not call Mr. Andrews as a witness. Mr. Hadley believes the hearing was regarding a phone number. Following the hearing Mr. Hadley filed a Motion for Rehearing so he could present Mr. Andrew as a witness to testify to the misconceptions. Mr. Hadley stated the Hearing Officer untimely denied the Request for Rehearing. Further, Mr. Andrew stated he filed a Motion to Supplement the Record in hopes the facts would help the Board understand his position. Mr. Hadley stated he has no ties with Why Pay a Lawyer and Mr. Andrew severed his association with Why Pay a Lawyer several years ago. Mr. Hadley reported he works hard to prepare effective legal documents and is honest, and has been honest in his application for certification.

The Board reviewed the filing timeframes. Mr. Hadley's request for rehearing was received on October 14, 2004 and filed on October 18, 2004. Hearing Officer Iafrate issued her Order regarding denial of the rehearing on November 4, 2004. The Hearing Officer was timely in responding to Mr. Hadley's motion.

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to adopt the Hearing Officer's report with the Findings of Fact, Conclusions of Law and affirm the Board's original denial of renewal of initial individual certification to Glen Hadley. Motion passed. **LDP-05-007**

Review of Hearing Officer Patricia Shaler's recommendation regarding the denial of individual certification for Patricia Morgal.

The Board discussed Ms. Morgal answering "no" on her application in respect to having any certificate or professional license denied, suspended, or revoked. On October 21, 2003, Ms. Morgal's commission as a Notary was revoked by the Secretary of State. Ms. Morgal applied for certification subsequent to her notary revocation.

A **motion** was made by Donald F. Steward and seconded by Dr. Roger E. Hartley to adopt the Hearing Officer's report with the Findings of Fact, Conclusions of Law and affirm the Board's original denial of initial individual certification to Patricia Morgal. Motion passed. **LDP-05-008**

Review of Hearing Officer Craig Tindall's recommendation regarding the denial of renewal of individual certification of Jace Gaston.

Review of Pending Complaints

Review of Hearing Officer Craig Tindall's recommendation report regarding Jace Gaston and LDP Program complaint numbers 03-L007 and 03-L008.

Linda Grau clarified there were two separate agenda items related to Jace Gaston, one regarding her denial of renewal of initial individual certification (LDP 2004-014), and one regarding LDP complaint #03-007 and #03-008. The Board discussed the Hearing Officer's recommendations. The grounds for denial of renewal certification were based on Arizona Code of Judicial Administration § 7-208 (E)(5)(b)(1)(c) material misrepresentation in the application process, and Arizona Code of Judicial Administration § 7-208 (E)(5)(b)(1)(g) the applicant being subject to revocation or suspension of a certificate pursuant to § 7-208, or has had any occupational license denied, revoked, or suspended.

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to adopt the Hearing Officer's report with the Findings of Fact, Conclusions of Law and revoke certificate #80424, Jace Gaston, pursuant to Arizona Code of Judicial Administration § 7-208 (H)(15)(a)(6). Nancy Swetnam recused. **LDP-05-009**

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Sturm that Jace Gaston shall pay investigative costs, reporter costs and costs of staff time based upon hourly wage rates related to the investigation and processing of complaints #03-007 and #03-008. Nancy Swetnam recused. **LDP-05-010**

A **motion** was made by Judge Roland J. Steinle and seconded by Susan C. Vasquez pursuant to Arizona Code of Judicial Administration § 7-208 (H)(15)(a)(5) that Jace Gaston immediately cease and desist from providing legal document preparation services requiring legal document preparer certification to the public or any other person. Nancy Swetnam recused. **LDP-05-011**

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward to adopt the Hearing Officer's report with the Findings of Fact, Conclusions of Law and affirm the Board's earlier denial of renewal of initial individual certification to Jace Gaston. Motion passed. **LDP-05-012**

Review of Hearing Officer David Pennartz's recommendation report regarding Rose Quintero and LDP Program complaint number 03-L009.

A **motion** was made by Virlynn Tinnell and seconded by Susan C. Vasquez to adopt the Hearing Officer's report with the Findings of Fact, Conclusions of Law and affirm the Board's previous order regarding Rose Quintero. Nancy Swetnam recused. **LDP-05-013**

A **motion** was made by Margaret J. Kleinman and seconded by Virlynn Tinnell that Rose Quintero shall pay investigative costs, reporter costs and costs of staff time based upon hourly wage rates related to the investigation and processing of complaint #03-009. Nancy Swetnam recused. **LDP-05-014**

A **motion** was made by Virlynn Tinnell and seconded by Dr. Roger E. Hartley pursuant to Arizona Code of Judicial Administration § 7-208 (H)(15)(a)(5) that Rose Quintero immediately cease and desist from providing legal document preparation services requiring legal document preparer certification to the public or any other person. Nancy Swetnam recused. **LDP-05-015**

Review of Hearing Officer Richard Goldsmith's recommendation report regarding Allan Sobol and Quick and Legal Paralegal Services and LDP Program complaint numbers 03-L003, 04-L009, and 04-L024.

The Board discussed complaint numbers 03-L003, 04-L009, and 04-L024 and the Hearing Officer's recommendation report. The Hearing Officer did not make a recommendation regarding specific disciplinary sanctions. The Board discussed issuing a Letter of Concern regarding Mr. Sobol's role as a business owner and issues regarding trainees under his supervision. The Board discussed having Mr. Sobol demonstrate his compliance with regards to trainees and noted Ms. Carrie Stoner needs to make application to the legal document preparer program if assisting in the preparation of legal documents. The Board discussed assessing costs for the investigation and that Mr. Sobol obtain further continuing education training within sixty days. Further, the Board discussed placing a restriction on Mr. Sobol's certificate restricting him from having trainees under his employment. If Ms. Stoner does not apply for certification and

continues to prepare documents as an individual or a trainee, it will be an unauthorized practice of law issue.

A **motion** was made by Judge Roland J. Steinle and seconded by Dr. Roger E. Hartley to adopt the Hearing Officer's report with the Findings of Fact, Conclusions of Law and issue a Letter of Concern involving the conduct the Hearing Officer found to be in violation of the Arizona Code of Judicial Administration § 7-208. Nancy Swetnam, Donald F. Steward, and J. Ward Sturm recused. **LDP-05-016**

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J. Kleinman to require Mr. Sobol to do an additional 5 hours of continuing education to be completed within the next 60 days. Nancy Swetnam, Donald F. Steward, and J. Ward Sturm recused. **LDP-05-017**

A **motion** was made by Judge Roland J. Steinle and seconded by Virlynn Tinnell that Allan Sobol shall pay investigative costs, reporter costs and costs of staff time based upon their hourly rate related to complaints #03-003 and #04-009, Nancy Swetnam recused. **LDP-05-018**

Certification and Eligibility (Continued)

Review and recommendations regarding Continuing Education course credit requests.

The Board discussed a request which involved approving credit for a class which was attended in May of 2004, with credit to be applied toward the current certificate period continuing education requirement. In the past, and consistent with the continuing education policy, Linda Grau recommended the Board deny the request. The Board reviewed the continuing education policy which does not clearly define a year as being from July 1st to June 30th. This is the first request to backdate credit, other requests for credit, for events outside the certificate period have previously been denied. However, the Board deferred consideration of some renewals until individuals obtained continuing education, which was outside the certificate period. A change to ACJA § 7-208 should be considered to clarify the period in which continuing education should be obtained. Linda Grau reported there may be an administratively burdensome renewal process by addressing the same requests for other certificate holder continuing education issues.

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward to approve the request for approval of credit for the class which was attended in May of 2004 for 2005 Renewal. Motion Passed. Mary Carlton recused. **LDP-05-019**

The following list of events were submitted for Board approval of continuing education credit. The Board discussed various continuing education opportunities. After the discussion Linda Grau recommended these courses be approved for the noted hours of credit.

1. “Drafting LLC and LLP Agreements in Arizona” presented by the National Business Institute – 5 hours
2. “How to Protect Yourself and Your Clients” presented by Securities America (on-line) – 1 hour.
3. “Resolving Client Tax Liabilities” presented by Richard Pooley & Associates – 3 hours tax related.
4. “CCH Federal Tax Course” presented by the Arizona Society of Practicing Accountants – 5 hours.
5. “Basic Mechanics’ Lien Law” presented by BICA Educational Seminars – 5 hours.
6. “Money Laundering” presented by Securities America (on-line) – 1 hour.
7. “Variable Annuity Stability” presented by Securities America (on-line) – 1 hour.
8. “10 Most Costly Errors in Divorce” presented by Divorce Dollars & Sense, LLC – 1.5 hours.
9. “Representing Yourself in Court” presented by the Superior Court in Coconino County – 1 hour.
10. “Current Issues in Arizona Probate” presented by Professional Education Systems Institute, LLC – 5 hours.
11. “LDP Exam Overview” presented by Arizona CLDP Legal Seminar Group – 4 hours, including 1 hour of ethics.
12. “Justice Court 101” presented by the Superior Court in Maricopa County – 1.5 hours.

A **motion** was made by Virlynn Tinnell and seconded by Judge Roland J. Steinle to approve the above listed continuing education courses for the recommended hours. Motion Passed. Susan C. Vasquez recused from #11. **LDP-05-020**

Status Report Regarding 2005 Examination

Status Update on 2005 LDP examination development process.

Linda Grau reported the process of the focus groups has been completed through to the point that the process will allow for presentation of two forms of the exam. Upon

approval of examination content specifications, a study guide will be published and a cut score will be determined.

Review and discussion of proposed revisions (related to the 2005 examination) to Arizona Code of Judicial Administration §7-208.

Linda Grau reported a Public Announcement was issued on January 11th, and the program has received comments which were prepared for the Board's review and consideration. The Board reviewed Dr. Hertz's letter regarding the examination process and test security. The Board reviewed an inquiry regarding an individual not taking the exam in the required timeframe and the result it would have on that certificate holder.

Nancy Swetnam reported there have been individuals who have written to the Court requesting a hearing. However, the proposed revision is not a Rule 28 procedure and there is no provision for a hearing before the Court. The revision process is governed by Arizona Code of Judicial Administration § 1-201, which states anyone can initiate a proposal by submitting the proposal to the Administrative Director, Dave Byers. The Administrative Director then sends the proposal to the Arizona Judicial Council. Comments on the revision can be in writing. All meetings involving the proposal including the Committee on Superior Courts, the Limited Jurisdiction Court Committee, and the Arizona Judicial Council are public meetings. Once the proposal is reviewed by the Arizona Judicial Council, a recommendation will be forwarded to the Court. During the review process the proposal can be amended. None of the public comments have addressed the onset of standard certification being deferred to July 1, 2006. The Board discussed the timeframe available for certificate holders to have and utilize the proposed study guide. The Committee on Superior Court is meeting Friday, February 25, 2005 in Conference Room 345A/B at 10:00 a.m., and the Committee on Limited Jurisdiction Courts meeting is Wednesday, March 2, 2005 in Conference Room 230 at 10:00 a.m. The Board discussed the process and the adoption or rejection of amendments. Additionally, the Arizona Judicial Council can make amendments. The Court can make further amendments to the proposal.

Nancy Swetnam left the meeting.

Review of Pending Complaints (Continued)

Review and discussion regarding non-certificate holder cease and desist petition pursuant to Arizona Code of Judicial Administration §7-208 (H)(1)(c).

Linda Grau reported on two separate occasions a denied applicant, Cicero Cast'On, has testified, under oath, that despite being denied certification three times, he continues to prepare documents on behalf of third parties. Linda Grau recommended the Board

appoint a Hearing Officer as allowable by Arizona Code of Judicial Administration § 7-208 (H)(1)(c) to proceed with a petition for a Cease and Desist Order. The Board discussed filing a cease and desist action in superior court. Ms. Grau reported the timelines of the process to file in Superior Court may not be as expeditious as appointing a Hearing Officer. The Board noted the Superior Court has the power to initiate a contempt proceeding if a Cease and Desist Order is ignored.

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Sturm to refer the above discussed matter involving Cicero Cast'On to the Superior Court through a petition Cease and Desist Order. Virlynn Tinnell recused. **LDP-05-021**

Review of Certification Applications

Linda Grau reported the following applicants for initial individual and business entity certification have demonstrated they meet the minimum eligibility requirements, the applications are complete, and no information contrary to eligibility for certification was presented during the background review. It was recommended certification be granted to:

Hallie Marr
Miranda Buono-Kashou
Continental Recovery Services
Celia Barotz
Saundra O'Day
Angela Eastlack
Mary Marcus
Sharon Cooper
Lucia Encinas

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J. Kleinman to grant Initial Individual and Business Entity Certification to the applicants listed above. Motion passed. **LDP-05-022**

Linda Grau reported Michael Disney disclosed numerous civil and criminal matters. Ms. Grau recommended the Board review the documentation submitted by Mr. Disney and determine whether additional information is needed. The Board questioned one case which Mr. Disney indicated resulted in a stipulated judgment. The judgment was later discharged in bankruptcy. The Board would like additional information regarding the relative dates and the details of the case.

Michael Disney

A **motion** was made by J. Ward Sturm and seconded by Virlynn Tinnell to defer consideration of Initial Individual Certification of the applicant listed above until

the February Board Meeting pending the receipt of additional information.
Motion Passed. **LDP-05-023**

Linda Grau reported Deanne Cywinski disclosed involvement in numerous criminal and civil cases. Ms. Grau recommended the Board review the documentation submitted by Ms. Cywinski and determine whether additional information is needed. Linda Grau reported two criminal cases involved the issuance of bad checks in 1997 and both cases were ultimately dismissed. Additionally, there is another civil pending matter. The Board reviewed the documentation provided.

Deanne Cywinski

A **motion** was made by Margaret J. Kleinman and seconded by Virlynn Tinnell to grant Initial Individual Certification to the applicant listed above. Motion passed.
LDP-05-024

Linda Grau reported Roy Warden is present and has additional documents to present to the Board related to actions in Tucson. Ms. Grau recommended certification be granted to Mr. Warden.

Roy Warden

A **motion** was made by Dr. Roger E. Hartley and seconded by J. Ward Sturm to grant Initial Individual Certification to the applicant listed above. Motion passed.
LDP-05-025

Linda Grau reported late on Friday she received a packet from Eric Scott Schoeller containing court documents and records relating to various issues previously addressed by the Board. Mr. Schoeller has been very conscientious in responding to the Board's requests for more information. Ms. Grau recommended the Board defer the matter to the February meeting to allow for a thorough review of the extensive documentation presented.

Eric Scott Schoeller

A **motion** was made by Virlynn Tinnell and seconded by Dr. Roger E. Hartley to defer consideration of Initial Individual Certification of the applicant listed above until the February Board Meeting. Motion Passed. **LDP-05-026**

Linda Grau reported Michael Anderson, designated Principal for Financial Strategies, Inc. is requesting certification. The Board discussed needing information from the other party in a NASD pending matter. Ms. Grau has been unable to obtain additional information due to the fact that the matter is still in litigation. Ms. Grau reported no additional employees or trainees were listed for the company.

Michael Anderson
Financial Strategies, Inc.

A **motion** was made by Mary Carlton and seconded by J. Ward Sturm to grant Initial Individual and Business Entity Certification to the applicants listed above. Motion passed. **LDP-05-027**

Linda Grau recommended the Board address the business entity application of Granite Gavel, LLC in a manner consistent with the designated principal's (Glen Hadley) individual denial.

Granite Gavel, LLC

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to deny Initial Business Entity Certification to Granite Gavel, LLC. Motion passed. **LDP-05-028**

The Board reviewed material for Roadrunner Ridge Enterprises, LLC, Debra Pope, and Miles Fisher. Ms. Grau recommended the Board defer certification determination to the February meeting to obtain additional information.

Roadrunner Ridge Enterprises, LLC
Debra Pope
Miles Fisher

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward to defer consideration of Initial Individual and Business Entity Certification of the applicants listed above until the February Board Meeting. Motion Passed. **LDP-05-029**

Linda Grau recommended the Board deny certification of Javier Flores pursuant to Arizona Code of Judicial Administration § 7-208 (E)(5)(b)(1)(c) for failure to disclose the earlier denial of a legal document preparer certification application. It was further recommended the Board send an advisory letter to Mr. Flores requesting he cease and desist from identifying himself as a certified legal document preparer.

Javier Flores

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Sturm to deny Initial Individual Certification of Javier Flores pursuant to Arizona Code of Judicial Administration § 7-208 (E)(5)(b)(1)(c) for failure to disclose the earlier denial of a legal document preparer certification application. Motion passed. Donald F. Steward and Vellia M. Pina recused. **LDP-05-030**

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to send an advisory letter to Mr. Flores requesting he cease and desist from

identifying himself as a certified legal document preparer. Motion passed. Donald F. Steward and Vellia M. Pina recused. **LDP-05-031**

Linda Grau recommended the Board grant the following request for 2005 certification period business entity exemption. The designated principal for this entity has made an affidavit as to its qualification for exemption:

Financial Strategies, Inc.
Andrew C. Sarager, CPA, PC

A **motion** was made by Margaret J. Kleinman and seconded by Mary Carlton to grant Business Entity Exemption to the applicant listed above for the 2005 certification period based on documentation provided showing it meets all qualifications for Business Entity Exemption. Motion passed. **LDP-05-032**

Linda Grau recommended the Board defer the following request for 2005 certification period business entity exemption until the February meeting.

Roadrunner Ridge Enterprises, LLC

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to defer Business Entity Exemption to the applicant listed above for the 2005 certification period to the February meeting. Motion passed. **LDP-05-033**

Executive Session #2

A **motion** was made by Judge Roland J. Steinle and duly seconded to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-05-034**

Executive Session ended #2

Review and Approval of Meeting Minutes (Continued)

Executive Session Minutes from December 6, 2004.

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to adopt the executive session minutes of December 6, 2004, as amended during executive session. Motion passed. **LDP-05-035**

Executive Session Minutes from December 20, 2004.

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to adopt the executive session minutes of December 20, 2004, as amended during executive session. Motion passed. **LDP-05-036**

A **motion** was made by Judge Roland J. Steinle and seconded by Dr. Roger E. Hartley to authorize program staff to initiate complaints in the matters discussed during executive session. Motion passed. Donald F. Steward, J. Ward Sturm, and Vellia M. Pina recused. **LDP-05-037**

Call to the Public

There was no response.

Adjourn

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to adjourn. Motion passed. **LDP-05-038**

The meeting of the Board of Legal Document Preparers adjourned at 2:50 p.m.