



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

Date: October 20, 2008
Time: 12:00 p.m. – 1:00 p.m.

Approved Regular Session Minutes

MEMBER ATTENDANCE:

Present:

Les Krambeal
Andrew Saper

Telephonically Present:

Cynthia Felton
Kristina Fredericksen
Paul Friedman
Debra Griffin
Stephanie Gates Wolf

Absent:

Pat Taylor-Yarger

OTHER ATTENDEES

AOC Staff:

Kandace French
Linda Grau
Nina Preston
Kimberly Siddall
Ruby Hernandez

Guests:

Elaine Miner

CALL TO ORDER

Called to Order By: Andrew Saper

Time: 12:00 p.m.

1) REVIEW AND APPROVAL OF MINUTES

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

Individuals Addressing the Board: Andrew Saper

Discussion: None

Motion: Board moved to approve the June 23, 2008 Regular Session Minutes.

Motion Proposals: First Les Krambeal
Second Paul Friedman

Motion Results: Pass **LDP 08-181**

1-B: Review and approval of the regular session minutes for the meeting of July 21, 2008.

Individuals Addressing the Board: Andrew Saper

Discussion: None

Motion: Board moved to the approve the July 21, 2008 Regular Session Minutes.

Note: Cynthia Felton joined telephonically.

Time 12:02 p.m.

Motion Proposals: First Les Krambeal
Second Paul Friedman

Motion Results: Pass **LDP 08-182**

1-C: Review and approval of the regular and executive session minutes for the meeting of September 15, 2008.

Individuals Addressing the Board: Andrew Saper

Discussion: None

Motion: Board moved to approval the September 15, 2008 Regular Session Minutes.

Motion Proposals: First Les Krambeal
Second Paul Friedman

Motion Results: Pass **LDP 08-183**

Individuals Addressing the Board: Andrew Saper

Motion: Board moved to accept the defer approval of the September 15, 2008 Executive Session Minutes.

Motion Proposals: First Les Krambeal
Second Kristina Fredericksen

Motion Results: Pass **LDP 08-184**

2) REVIEW OF PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding the following certificate holder complaint number 08-L039 involving Cheryl Wall.

Individuals Addressing the Board: Linda Grau

Discussion: Staff provided the Board with the finding of the Probable Cause Evaluator. Staff and the Board discussed the dismissal of the complaint.

Motion: Board moves to accept the findings of the Probable Cause Evaluator, in which probable cause does not exist of misconduct in Allegation #1, and dismiss complaint number 08-L039 against applicant Cheryl A. Wall certificate number 81010, and business entity Cheryl A. Wall, PC certificate number 81011.

Motion Proposals: First Cynthia Felton
Second Les Krambeal

Motion Results: Pass **LDP 08-185**

2-B: Review, discussion and possible action regarding the following non-certificate holder complaint numbers:

NC03-L176 Marc McDonald
NC04-L105 Kathie Davis
NC06-L109 Barbara Morejon
NC06-L106 Claire Schapiro
NC06-L094 Janet Lucchesi
NC06-L043 Grant Schroeder
NC07-L025 Saleh Riyad
NC07-L049 Master Liens Construction
NC07-L034 Cynthia Rivera
NC08-L051 Free Legal Consultation
NC08-L014 Nicole Harvery

Individuals Addressing the Board: Linda Grau

Discussion: Linda Grau recommended the board conduct the voting on applicants in the groups as presented in the materials due to the large volume of complaints addressed at this meeting.

Motion: Board moved to dismiss and close complaints against non-certificate holders, and business entities in Group #1, to following listed applicants:

NC03-L176 Marc McDonald
NC04-L105 Kathie Davis
NC06-L109 Barbara Morejon
NC06-L106 Claire Schapiro
NC06-L094 Janet Lucchesi
NC06-L043 Grant Schroeder
NC07-L025 Saleh Riyad
NC07-L049 Master Liens Construction
NC07-L034 Cynthia Rivera
NC08-L051 Free Legal Consultation
NC08-L014 Nicole Harvery

Motion Proposals: First Les Krambeal
Second Kristina Fredericksen

Motion Results: Pass **LDP 08-186**

Individuals Addressing the Board: Linda Grau

Discussion: Staff advised the board that attempts to contact the subjects listed in Group #2 was unsuccessful. However, no evidence suggests the subjects were providing document preparation services. Staff recommended the complaints against these listed non-certificate applicants closed.

Motion: Board moved to close complaints against non-certificate holders listed in Group #2, and dismiss the complaints against the non-certificate applicants listed below:

NC03-L059 Arizona Legal Assistance
NC03-L178 Lisa Widman
NC03-L179 Kevin Atchison
NC03-L180 Jack Gribben
NC04-L210 Melissa Star-Bryan
NC04-L211 Ginnie Crain Legal Document Services
NC04-L216 Diane Cooper
NC04-L228 Martha Barga
NC04-L0220 Sid Davis
NC04-L219 Gary Katz
NC04-L218 Paul Demos
NC04-L158 Budget Bankruptcy Services
NC04-L212 Ernesto Llamas
NC04-L213 Rodger Petska
NC05-L210 Evelyn Baumgardner
NC05-L200 JRW Document & Lien Svcs.
NC05-L027 Ivonne Perez
NC05-L127 Rosa Quintero
NC05-L196 Paul Demos
NC06-L005 Evelyn Baumgardner
NC06-L030 Evelyn Baumgardner
NC06-L036 Evelyn Baumgardner
NC08-L013 John Nicholas
NC08-L034 Debra (Last Name Unknown)

Motion Proposals: First Les Krambeal
Second Andrew Saper

Motion Results: Pass **LDP 08-186**

Individuals Addressing the Board: Linda Grau

Discussion: Staff advised the board applicants listed in Group #3 have been given notice of certification requirement, and have agreed to submit and affidavit or written statement acknowledging they are aware of the certification requirements but to date, no written response has been received. Staff recommends the board issue a Cease and Desist Letter requiring a written response to the listed subjects:

NC07-L062 Shelly Wilson
NC07-L050 Littleton Long, Inc.
NC07-L071 Littleton Long, Inc.

Motion: Board moved to issue a Cease and Desist Letter requesting a response in writing to Shelly Wilson in NC07-L062, and subject entity Littleton Long, Inc. in NC07-L050, and NC07-L071.

Motion Proposals: First Kristina Fredericksen
Second Paul Friedman

Motion Results: Pass **LDP 08-187**

Individuals Addressing the Board: Linda Grau

Discussion: Staff advised the board applicant #4 Kristen Rhoad complaint number NC08-L041 was given notice of the certification requirements. Investigative information presented suggests Ms. Rhoad continues to prepare LDP services without certification. Staff recommends that the board issue a Cease and Desist Letter, and invite the applicant to appear at the November meeting to explain why she is providing services without certification.

Motion: Board moved to issue a Cease and Desist Letter to Ms. Rhoad complaint number NC08-L041, and invite her attend the November meeting to address her failure to seek certification.

Motion Proposals: First Paul Friedman
Second Kristina Fredericksen

Motion Results: Pass **LDP 08-188**

Individuals Addressing the Board: Linda Grau

Discussion: Staff advised the board Division records reflect the State Bar of Arizona closed applicant #5, Ruben Mejia complaint number NC07-L042 on May 6, 2008, after issuing a Cease and Desist Letter which involved matters in which the board does not hold jurisdiction, and recommends the complaint be closed.

Motion: Board had taken action on applicant Ruben Mejia, although October 20, 2008, agenda did not list applicant. The issue of complaint number NC07-L042 Ruben Mejia will be listed on the November agenda and addressed at that meeting.

Motion Proposals: First Kristina Fredericksen
Second Les Krambeal

Note: Motion will carry to the November 24th meeting.

Individuals Addressing the Board: Linda Grau

Discussion: Staff advised the board the following individuals and business entity applications in group #6 submitted applications for certification subsequent to the non-certificate holder complaints. These subjects now hold active certification. Staff recommends the board close these non-certificate holder complaints.

Motion: Board moved to close complaints to group #6 non-certificate holders listed:

NC04-L186 Simply Legal
NC06-L052 Brad Mathney
NC06-L053 Davis Agasi
NC07-L067 Georgi Anna Willis
NC07-L015H&H Accounting/Jennette Heath
NC07-L083 Blue Dolphin, L.L.C.
NC08-L015 Georgi Anna Willis

Motion Proposals: First Cynthia Felton
Second Andrew Saper

Motion Results: Pass **LDP 08-189**

3) REVIEW OF CERTIFICATION APPLICATIONS

3-A: Review and discussion regarding request of Jace Cunnningham a.k.a. Jace Gaston for reinstatement of her revoked license.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended the Board deny reinstatement of applicant.

Motion: Board moved to deny certification to applicant Ms. Cunningham pursuant to ACJA § 7-201(E)(2)(c)(b)(vi) for having a denial, revocation, suspension or any disciplinary action of any professional or occupational license or certificate. ACJA § 201(E)(2)(c)(b)(vii) for having a censure, probation or any other disciplinary action of any professional or occupational license or certificate by other licensing or regulatory entities if the underlying conduct is relevant to the certification sought. ACJA § 201(E)(2)(c)(b)(xii) for violating any order of a court judicial officer, administrative tribunal, or the board, also for ACJA § 201(E)(2)(c)(b)(xv) for failing to disclose information on the

certification application subsequently revealed through the background check.

Motion Proposals: First Les Krambeal
Second Paul Friedman

Motion Results: Pass **LDP 08-191**

3-B: Review, discussion, and possible action regarding pending applications for 2007-2009 initial Standard certification.

Individuals Addressing the Board: Kimberly Siddall

Dottie Ohe
BKH Technical, Inc. (Dottie Ohe)
Deed Girl LLC (Christine Jerome)

Discussion: Staff advised the Board the applicants have met the minimum eligibility for certification, the applications are complete and no information has been presented which is contrary to standard certification being granted.

Motion: Board moved to grant standard certification to the following applicants listed.

Dottie Ohe
BKH Technical, Inc. (Dottie Ohe)
Deed Girl LLC (Christine Jerome)

Motion Proposals: First Cynthia Felton
Second Kristina Fredericksen

Motion Results: Pass **LDP 08-192**

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff advised the Board the following applicant's applications remain incomplete. Staff recommended the Board defer decision regarding these application to November meeting.

Louise Kioski
Joyce's Services Corporation (Edith Funk)
Keith Reed
Vivian Gallagher
Amy Villarreal-Orantex

Motion: Board moved to defer a decision certification on the following applicants listed to November meeting.

Louise Kioski
Joyce's Services Corporation (Edith Funk)
Keith Reed
Vivian Gallagher
Amy Villarreal-Orantez

Motion Proposals: First Cynthia Felton
Second Kristina Fredericksen

Motion Results: Pass **LDP 08-193**

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommends certification of applicant #9 Dawn Fountain. Linda Grau addressed the board on complaint issue and stated the State Bar made a referral to the Division of the ongoing e-mail exchanges, no formal action taken by the State Bar or case filed in the Superior court.

Motion: Grant certification to Dawn Fountain with cautionary language included against the misuse of public email boxes for retaliatory purposes.

Motion Proposals: First Cynthia Felton
Second Kristina Fredericksen

Motion Results: Pass **LDP 08-194**

Motion Results: Abstain Paul Friedman
Nay Les Krambeal

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

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended the Board grant Entity Business Exemptions to the following applicants.

Deed Girl LLC (Christine Jerome)
BKH Technical Inc (Dottie Ohe)

Motion: Grant Business Entity Exemption to the following applicants.

Deed Girl LLC (Christine Jerome)
BKH Technical Inc (Dottie Ohe)

Motion Proposals: First Les Krambeal
Second Andrew Saper

Motion Results: Pass **LDP 08-194**

3-D: Review, discussion, and possible action regarding Voluntary Surrender request received from certified legal document preparer Lucy Herman, certification number 80375.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff advised the Board there are no outstanding complaints against Lucy Herman and recommended the Board accept the request of voluntary surrender of certification by Lucy Herman.

Motion: Accept the voluntary surrender of applicant Lucy Herman certification number 80375.

Motion Proposals: First Cynthia Felton
Second Les Krambeal

Motion Results: Pass **LDP 08-195**

3-E: Review, discussion, and possible action regarding Voluntary Surrender request received from certified legal document preparer business Herman and Associates, LLC (Lucy Herman), certification number 80624.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff advised the board there were no outstanding complaints against Herman and Associates, LLC and to recommended the Board accept the request of voluntary surrender of certification of Herman and Associates, LLC.

Motion: Accept the voluntary surrender of business applicant Herman and Associates, LLC (Lucy Herman) certification number 80624.

Motion Proposals: First Cynthia Felton
Second Paul Friedman

Motion Results: Pass **LDP 08-196**

3-F: Review, discussion, and possible action regarding the applicant interview process pursuant to § 7-201 (D)(5)(c)(2)(a-b).

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff addressed alternatives when recommending an applicant to the board for the informal interview process. Staff and Board discussed the Board's recommendations as to particular criteria, or circumstances, the Board would like staff to provide to the Board prior to the interview in order to avoid issues in the interview process. The Board agreed it would be helpful for staff to provide the questions needed to interview the applicant.

Note: No action taken.

4) CERTIFICATION AND ELIGIBILITY

4-A: Review, discussion and possible action regarding request for approval of continuing education credit and number of hours requested.

Individuals Addressing the Board: Kandace French

Discussion: Staff and Board discussed and reviewed the Request for Approval of Continuing Education and discussion regarding the request to award 4 credit hours to applicant Mary Carlton for attendance and involvement in an activity not clearly listed under ACJA 7-208(L)(4), Authorized Continuing Education Activities. The Board discussed the meaning of continuing education and the worthy project subject to the continuing education request.

Motion: Accept Mary Carlton's request for approval of her participation on the State Bar of Arizona's Consumer Information and Education Task force and award 4 hours of continuing education for her participation.

Motion Proposals: First Les Krambeal
Second Andrew Saper

Motion Results: Pass **LDP 08-197**

CALL TO THE PUBLIC

Individuals Addressing the Board: Andrew Saper

Discussion: None

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First Andrew Saper
Second Cynthia Felton

Motion Results: Pass **LDP08-198**

Time: 12:29 p.m.

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