

# 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.

## November 13, 2006 Drafted Regular Session Meeting Minutes

### Members Present:

Dr. Roger Hartley  
Mary Carlton  
Les Krambeal  
Vellia M. Piña  
Nancy Swetnam

### Telephonically Present:

Frank Costanzo  
Virlynn Tinnell  
Carol L. Wells  
J. Ward Sturm

### Guests:

Rosa E. Guzman

### Members Absent:

Judge Roland Steinle  
Jacqui Velde

### AOC Staff Present:

Linda Grau  
Nina Preston  
Kimberly Siddall  
Dara Fonseth  
Doris Leonard

## CALL TO ORDER

The regular session was called to order by Vice Chair Dr. Roger Hartley, by Proxy from Judge Steinle, at 10:13 a.m.

## 1) REVIEW AND APPROVAL OF MEETING MINUTES

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

Linda Grau advised the Board the proposed drafts of the October 16<sup>th</sup> meeting minutes were not yet available for Board review and recommended deferring this item until the December 18<sup>th</sup> meeting.

**Motion** was made by Mary Carlton and seconded by Dr. Hartley to defer approval of the October 16 Minutes until the December 18 meeting. Motion carried. **LDP-06-391.**

## 2) CERTIFICATION AND ELIGIBILITY

*2-C: Review and discussion regarding request of Rosa Guzman to retake the LDP Examination (taken out of order).*

Kimberly Siddall reported the Board had previously invited Ms. Guzman to appear at this meeting and recommended Ms. Guzman be deemed eligible to retake the examination a fourth time. Ms. Grau introduced Ms. Guzman, who was in attendance, to answer the Board's questions regarding Ms. Guzman's readiness for retaking the exam. The Board and Ms. Guzman discussed her preparations for participating in the exam a fourth time.

**Motion** was made by Mary Carlton and seconded by Vellia Pina to authorize Ms. Guzman to retake the LDP Examination a fourth time. Motion carried. **LDP-06-392.**

Nancy Swetnam noted being in favor of the motion but, in the event Ms. Guzman doesn't pass, she may be hesitant to agree to approval for a fifth exam. Ms. Guzman left the meeting.

*2-A: Review and discussion regarding Consent Agreement involving applicant AMcN Group, LLC (Marcia Nolan-Malsack) regarding the pending business entity certification application for AMcN Group, LLC and regarding complaint number 05-L105.*

Ms. Grau recommended vacating this agenda item as to Consent Agreement, certification application and complaint.

**Motion** was made by Dr. Hartley and seconded by Mary Carlton to vacate this item and authorize Judge Steinle to sign the Consent Agreement on behalf of the Board. Motion carried. **LDP-06-392.**

Ms. Siddall recommended the Board address the issue of AMcN Group, LLC's Request for Business Entity Exemption for the 2006-07 certificate period. The Board discussed the request.

**Motion** was made by Nancy Swetnam and seconded by Mary Carlton to grant the business entity exemption to AMcN Group, LLC for the 2006-07 certificate period. Motion carried. **LDP-06-393.**

*2-B: Review and discussion regarding Consent Agreement involving applicants Nadia Meza, C.E. Claims and Services, LLC dba Su Oficina Express, LLC and complaint number 04-L004.*

Ms. Grau recommended the Board vacate this agenda item noting that since the publication of the Agenda, Ms. Meza signed and submitted the proposed Consent Agreement and related assessed costs, and per the Board's earlier order, Judge Steinle signed the Consent Agreement on behalf of the full Board.

**Motion** was made by Dr. Hartley and seconded by Mary Carlton to vacate this agenda item. Motion carried. **LDP-06-394.**

### **3) REVIEW OF PENDING COMPLAINTS**

*3-A: Review and discussion regarding complaint numbers 04-L040, 05-L021, 05-L110 and 06-L020.*

04-L040:

Ms. Grau recommended the Board accept the recommendation of the Probable Cause Evaluator and find probable cause does not exist the certificate holder engaged in the alleged act of misconduct and dismiss complaint number 04-L040.

**Motion** was made by Mary Carlton and seconded by Les Krambeal complaint number 04-L040 be dismissed. Nancy Swetnam recused. Motion carried. **LDP-06-395**.

05-L021:

Ms. Grau recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause exists the certificate holder committed the alleged act of misconduct and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2).

**Motion** was made by Dr. Hartley and seconded by Mary Carlton entering a finding probable cause exists the certificate holder committed the alleged act of misconduct and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2). Nancy Swetnam recused. Motion carried. **LDP-06-396**.

Ms. Grau noted complaint number 05-L021 involves Shaaron Miller and recommended the Board issue a Letter of Concern to Ms. Miller in complaint number 05-L021, pursuant to ACJA § 7-208 (H)(15)(a)(5).

A further **motion** was made by Mary Carlton and seconded by Dr. Hartley the Board issue a Letter of Concern to Miller in complaint number 05-L021, pursuant to ACJA § 7-208 (H)(15)(a)(5). Nancy Swetnam recused. Motion carried. **LDP-06-397**.

05-L110:

Ms. Grau recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause exists the certificate holder committed the alleged act of misconduct and grounds for discipline exist, pursuant to ACJA § 7-208 (H)(1)(a)(2).

**Motion** was made by Dr. Hartley and seconded by Mary Carlton a finding probable cause exists the certificate holder committed the alleged act of misconduct and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2). Nancy Swetnam recused. Motion carried. **LDP-06-398**.

Ms Grau noted complaint number 05-L110 involves Shaaron Miller and recommended the Board direct the filing of Notice of Formal Charges to Ms. Miller 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)(a).

A further **motion** was made by Dr. Hartley and seconded by Mary Carlton directing the filing of Notice of Formal Charges to Miller, 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)(a). Nancy Swetnam recused. Motion carried. **LDP-06-399**.

06-L020:

Ms. Grau recommended the Board accept the recommendation of the Probable Cause Evaluator and enter a finding probable cause exists the certificate holder committed the alleged act of misconduct and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2).

**Motion** was made by Mary Carlton and seconded by Les Krambeal the Board enter a finding probable cause exists the certificate holder committed the alleged act of misconduct and grounds for discipline exist pursuant to ACJA § 7-208 (H)(1)(a)(2). Nancy Swetnam recused. Motion carried. **LDP-06-400**.

Ms. Grau noted complaint number 06-L020 involves Jennie Rhodes and recommended the Board issue a Letter of Concern to Ms. Rhodes in complaint number 06-L020 pursuant to ACJA § 7-208 (H)(15)(a)(5).

A further **motion** was made by Mary Carlton and seconded by Dr. Hartley the Board issue a Letter of Concern to Jennie Rhodes in complaint number 06-L020, pursuant to ACJA § 7-208 (H)(15)(a)(5), and the Letter of Concern address the Board's concerns regarding the noted non-compliance issues. Nancy Swetnam recused. Motion carried. **LDP-06-401**.

A further **motion** was made by Mary Carlton and seconded by Les Krambeal Dr. Hartley be authorized to sign the Letters of Concerns on behalf of the full Board. Nancy Swetnam recused. Motion carried. **LDP-06-402**.

*3-B: Review and discussion regarding pending disciplinary actions involving complaint numbers:*

*05-L090 - Randy Furse and  
05-L103 – Deborah Gilman*

05-L090 – Randy Furse:

Ms. Grau recommended the Board vacate the previously-entered order for filing of Notice of Formal Charges and proposed resolution by Consent Agreement and, in the alternative, issue a Letter of Concern to Mr. Furse. Ms. Grau noted Mr. Furse no longer holds active certification as the non-compliance issue involved his failure to participate in the LDP Examination as required by ACJA § 7-208 during the 2005-06 certificate period. Ms. Grau noted the recommendation is offered in an attempt to document the exam non-compliance issue, should Mr. Furse seek future consideration for certification.

**Motion** was made by Dr. Hartley and seconded by Mary Carlton the Board vacate the previously-entered order for filing Notice of Formal Charges and the proposed resolution by Consent Agreement. Nancy Swetnam recused. Motion carried. **LDP-06-403**.

A further **motion** was made by Dr. Hartley and seconded by Mary Carlton a Letter of Concern be issued to Randy Furse as an alternative to the Notice of Formal Charges and

proposed resolution by Consent Agreement. Nancy Swetnam recused. Motion carried. **LDP-06-404.**

05-L103 – Deborah Gilman:

Ms. Grau recommended the Board vacate the previously-entered order for filing of Notice of Formal Charges and the proposed resolution by Consent Agreement, and, in the alternative, issue a Letter of Concern. Ms. Grau noted Ms. Gilman no longer holds active certification and this recommendation is offered in an attempt to document the business entity certification non-compliance issue, should Ms. Gilman seek future consideration for certification.

**Motion** was made by Dr. Hartley and seconded by Mary Carlton the Board vacate the previously-entered order for filing of Notice of Formal Charges, as well as the proposed resolution by Consent Agreement and issue a Letter of Concern instead. Nancy Swetnam recused. Motion carried. **LDP-06-405.**

#### 4) **REVIEW OF CERTIFICATION APPLICATIONS**

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

Ms. Siddall reported the following applicants have passed the LDP Examination and submitted fingerprint background cards. The applications are complete; no information has been presented during the background which is contrary to certification being granted. The applicants have demonstrated they meet the minimum eligibility requirements for certification.

##### 1. Brent Miller

Ms. Siddall presented information reviewed during processing of the application and recommended certification be granted.

**Motion** was made by Nancy Swetnam and seconded by Vellia Pina the Board grant 2006-07 individual certification to Brent Miller. Motion carried. **LDP-06-406.**

##### 2. Kimberly Wagster

Ms. Siddall presented information reviewed during processing of the application and recommended certification be granted.

**Motion** was made by Nancy Swetnam and seconded by Vellia Pina the Board grant 2006-07 individual certification to Kimberly Wagster. Motion carried. **LDP-06-407.**

##### 3. Kusum Behari

Ms. Siddall presented information reviewed during processing of the application and recommended certification be granted.

**Motion** was made by Nancy Swetnam and seconded by Vellia Pina the Board grant 2006-07 individual certification to Kusum Behari. Motion carried. **LDP-06-408.**

4. Amanda Murray

Ms. Siddall presented information reviewed during processing of the application and recommended certification be granted.

**Motion** was made by Dr. Hartley and seconded by Mary Carlton the Board grant 2006-07 individual certification to Amanda Murray. Motion carried. **LDP-06-408.**

5. Carolyn Murray

Kimberly Siddall presented information reviewed during processing of the application and recommended certification be granted.

**Motion** was made by Nancy Swetnam and seconded by Dr. Hartley the Board grant 2006-07 individual certification to Carolyn Murray. Motion carried. **LDP-06-409.**

6. ABC Paralegal Services (Deanne Cywinski)

Ms. Siddall presented information reviewed during processing of the application and recommended certification be granted.

**Motion** was made by Nancy Swetnam and seconded by Vellia Pina the Board grant 2006-07 business entity certification to ABC Paralegal Services. Motion carried. **LDP-06-410.**

7. AMcN Group, LLC (Marcia Nolan-Malsack)

Ms. Siddall noted the Board had previously addressed the certification determination regarding this applicant in resolving Agenda Item 2-A.

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

8. Caprenos, Inc. (Cynthia Wood)

Ms. Siddall presented information received and reviewed during processing of the Capreno's application and recommended Board defer consideration of the application until the newly named Designated Principal's background review is complete and the individual certification application is available for Board review.

**Motion** was made by Dr. Hartley and seconded by Mary Carlton to defer consideration of the application until the new Designated Principal's background review is complete and the individual application is available for Board review. Motion carried. **LDP-06-411.**

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

9. AMcN Group, LLC (Marcia Nolan-Malsack)

Ms. Siddall noted the Board had previously addressed the certification determination regarding this applicant in resolving Agenda Item 2-A.

**CALL TO THE PUBLIC**

No Response.

**ADJOURNMENT**

**Motion** was made by Dr. Hartley and seconded by Mary Carlton to adjourn the meeting at 10:52 a.m. Motion carried. **LDP-06-412.**

/del