

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.

April 23, 2007

Approved Regular Session Minutes

MEMBER ATTENDANCE

Members Present:

Judge Roland Steinle
Vellia M. Pina
Jeffrey Ward Sturm
Kristina Fredericksen

Telephonically Present:

Mary Ellen Carlton
Cynthia S. Felton
Carol L. Wells
Dr. Roger Hartley
Les Krambeal
Virlynn Tinnell

Members Absent:

Frank Costanzo

OTHER ATTENDEES

AOC Staff Present:

Linda Grau
Nina Preston
Kimberly Siddall
Maryanne Baiza
Rhonda Simmons
Nancy Swetnam
Alex Navarro

Guests:

Lawrence Slater
Paul Brown
Russell Ehlinger
Jeff Dollins
Rex Noland
Renee McLeod
Dacoma Stevenson

CALL TO ORDER

Called to Order By:

Judge Roland Steinle, Chair

Time:

10:05a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

1-A: *Regular and Executive Session Minutes for the meeting of January 29, 2007.*

1-B: *Regular Session Minutes for the meeting of February 26, 2007.*

1-C: *Regular Session Minutes for the meeting of March 26, 2007.*

Individuals Addressing the Board: Judge Roland Steinle

Discussion: The draft of the meeting minutes for January 29, February 26, and March 26 were not available. Staff recommended deferring approval of the minutes until they have been completed.

Motion: Move to defer consideration of the minutes until they have been completed.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-73

2) REVIEW OF PENDING COMPLAINTS

Agenda item 2-E was taken out of order.

2-E *Review, discussion, and possible action regarding settlement of formal disciplinary action in complaint number 05-L020 involving certificate holder Paul Brown.*

Individuals Addressing the Board: Nancy Swetnam, Paul Brown, Lawrence Slater, Rex Noland and Jeff Dolan

Discussion: Mr. Lawrence Slater, attorney for Mr. Paul Brown, discussed a possible settlement of the formal disciplinary action.

Mr. Jeff Dolan, Assistant Attorney General informed the Board it was not appropriate to make recommendations on whether the Board should accept or reject the proposed settlement offer.

Vellia Pina appeared at 10:15 a.m.

Les Krambeal appeared telephonically at 10:16 a.m.

Motion: Moved to go into Executive Session to seek advice from Legal Counsel.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-74

EXECUTIVE SESSION: 10:20 a.m. – 10:29 a.m.

Motion: Moved to direct staff to prepare a Proportionality Report and a proposed Consent Agreement. Further moved to defer action on this agenda item until the next meeting.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Pass LDP-07-75

2nd Motion: Moved to continue the hearing set in this matter until such time as the Board rules on this matter.

Virlynn Tinnell appeared telephonically at 10:32 a.m.

Motion Proposals: First Judge Roland Steinle
Second Dually seconded

Motion Results: Pass LDP-07-76

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

Complaint Number 07-L010

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Board discussed Complaint Number 07-L010. Staff recommended the Board affirm the dismissal of this complaint.

Motion: Moved to dismiss Complaint Number 07-L010 as recommended.

Motion Proposals: First Ward Sturm
Second Mary Carlton

Motion Results: Pass LDP-07-77

Agenda item 2-C was taken out of order:

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

04-L020 -Russell Ehlinger and Mtn. Holiday, Inc.

03-L004 -Russell Ehlinger and Mtn. Holiday, Inc.

04-L076 -Russell Ehlinger and Mtn. Holiday, Inc.

05-L003 -Russell Ehlinger and Mtn. Holiday, Inc.

05-L019 -Russell Ehlinger and Mtn. Holiday, Inc.

04-L052 – Dacoma Stevenson

05-L024 – Dacoma Stevenson

05-L076 and 06-L056 – Dacoma Stevenson

06-L114 – Dacoma Stevenson

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Board discussed Complaint Numbers 04-L020, 03-L004, 04-L07, 05-L003, 05-L019 - Russell Ehlinger and Mtn. Holiday, Inc. The Board discussed the mitigating and aggravating factors associated with these complaints.

Motion: Moved to defer consideration of Complaint Numbers 04-L020, 03-L004, 04-L07, 05-L003, 05-L019 - Russell Ehlinger and Mtn. Holiday, Inc. until the next meeting.

Motion Proposals: First Ward Sturm
Second Dr. Roger Hartley

Motion Results: Pass LDP-07-78

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Board discussed Complaint Numbers 04-L052, 05-L024, 05-L076, 06-L056, and 06-L114 – Dacoma Stevenson. The Board discussed the allegations, and the aggravating and mitigating factors associated with these complaints.

Motion: *Complaint Number 04-L052 – Dacoma Stevenson.* Moved to dismiss Allegation 1 and 2 as recommended. Further moved to enter a finding for Allegation 3 that grounds for formal discipline exist.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Pass LDP-07-79

Discussion: *Complaint Number 05-L024 – Dacoma Stevenson.* The Board discussed Complaint Number 05-L024.

Motion: Moved to enter a finding that grounds for formal discipline exist on Complaint Number 05-L024 as recommended.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-80

Discussion: *Complaint Numbers 05-L076 and 06-L056 – Dacoma Stevenson.* The Board was informed that both of these complaint numbers are the same complaint.

Motion: Moved to dismiss Complaint number 06-L056 due to a technical error as recommended.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-81

2nd Motion: Moved for formal charges and directed staff to prepare a Notice of Formal Charges on Complaint number 05-L076.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-82

Individuals Addressing the Board: Nancy Swetnam

Discussion: *Complaint Number 06-L114 – Dacoma Stevenson.* The Board discussed the allegations, aggravating and mitigating factors associated with this complaint.

Motion: Moved for formal charges and directed staff to prepare a Notice of Formal Charges in Complaint Number 06-L114.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-83

2nd Motion: Moved to consolidate Complaint Numbers 04-L052, 05-L024, 05-L076 and 06-L114 for all future matters.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Pass LDP-07-84

3rd Motion: Moved to have staff prepare Notice of Formal Charges on all four Complaint Numbers and submit for Judge Roland Steinle's signature on behalf of the full Board.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-85

Individuals Addressing the Board: Nancy Swetnam

Agenda Item 2-D taken out of order:

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

Discussion: The Board discussed the following non-certificate holder complaints:

05-L140 Taxes, Etc., LLC
05-L138 Karen Rogers-Sims
05-L137 J.C. Durin

05-L139 Pat Kiss
06-L096 Southwest Legal Services/Larry Fassler
04-L227 Randy Pritchard
05-L149 Michael Rojas

Motion: Moved to close the files of the aforementioned non-certificate holder complaints as recommended.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-86

Discussion: None

03-L182 Lenard Sampson
04-L225 Payless Paralegal
04-L224 Legal Tech
04-L223 Center for Indian Law
04-L223 Carl Ingalls/DIY Divorce Assistance
04-L226 Susan Miller Paralegal Services

Motion: Moved to close the files of the aforementioned non-certificate holder complaints as recommended. Also, correct the typographical error listed; there are two identical Complaint Numbers indicated as 04-L223 for Center for Indian Law and Carl Ingalls/DIY Divorce Assistance, these are separate complaint numbers.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-87

Discussion: The Board discussed the following non-certificate holder complaints:

06-L099 David Stevens
06-L065 Cesar Martinez/Servicios Cabora
06-L067 Edgar Navarro/Ortiz Title
06-L045 Marla Neely-Treestone/Treestone Accounting
06-L095 Michael Hawkins/LLC Protection Services, LLC
06-L073 Fotos
06-L068 Rosalva Bartz
05-L181 Barry Strauss/Advantage Group
07-L014 Laura Meyers Ihrman

Motion: Moved to issue Cease and Desist letters to the individuals named in the aforementioned non-certificate holder complaints as recommended.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Pass LDP-07-88

Discussion: The Board discussed the following non-certificate holder Complaint Number 05-L179 - Diane Nguyen.

Motion: Moved to close non-certificate holder Complaint Number 05-L179 as recommended.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-89

Discussion: The Board discussed the following non-certificate holder Complaint Number 05-L184 - Jeffery Herald/Herald and Herald Legal Services.

Motion: Moved to close non-certificate holder Complaint Number 05-L184 as recommended.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-90

Discussion: The Board discussed non-certificate holder Complaint Number 06-L097 - Heidi Bayer/Capital Legal Services Inc.

Motion: Moved to close non-certificate holder Complaint Number 06-L097 as recommended.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-91

2-B: *Review, discussion, and possible action regarding Consent Agreement for Sandra Coffman involving complaint numbers 04-L011, 04-L069, and 05-L067.*

Individuals Addressing the Board: Rhonda Simmons

Discussion: The Board discussed the Proposed Consent Agreement involving Sandra Coffman.

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 Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-92

3) CERTIFICATION AND ELIGIBILITY

3-A: *Review of pending requests for continuing education credit approval.*

Individuals Addressing the Board: Rhonda Simmons

Discussion: The Board discussed the requests for continuing education credit.

Motion: Moved to approve the continuing education credits as recommended.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm
Recusal Les Krambeal

Motion Results: Pass LDP-07-93

3-B: *Review, discussion, and possible action regarding obtaining the required continuing education credits entirely through self-study methods.*

Individuals Addressing the Board: Rhonda Simmons

Discussion: The Board discussed the continuing education credit policy and the amount of continuing education credits a certificate holder can obtain through self-study methods.

Motion: Moved to approve this individual's continuing education request. All other similar requests will be considered on an individual basis.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Pass LDP-07-94

Agenda item 3-D was taken out of order:

3-D: *Review, discussion, and possible action regarding processing of continuing education credit requests submitted by certificate holders.*

Individuals Addressing the Board: Linda Grau

Discussion: The Board discussed certificate holders' current process and requirements for continuing education preapproval after the changes to ACJA §7-201 effective January 1, 2007.

Motion: Moved to allow staff to return the continuing education credit requests that clearly fall within the Continuing Education Policy to the certificate holder and notify them of the new requirements for continuing education preapproval.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Pass LDP-07-95

3-C: Review, discussion, and possible action regarding proposed Findings of Facts and Conclusions of Law involving Barbara Morejon and Immigration Assistance Center, LLC regarding denial of renewal of certification.

Individuals Addressing the Board: Linda Grau

Discussion: The Board discussed Ms. Morejon's denial of renewal of certification.

Motion: Moved to go into Executive Session to seek advice from Legal Counsel.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Pass LDP-07-96

2nd EXECUTIVE SESSION: 11:20 a.m. until 11:26 a.m.

Motion: Moved to defer consideration of this matter to the next meeting to allow the Board to review the case law provided in Executive Session. Further moved to direct staff to provide a copy of the original Findings of Facts and Conclusions of law drafted by the Hearing Officer.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-97

4) REVIEW OF CERTIFICATION APPLICATIONS

4-A: *Review, discussion, and possible action regarding pending applications for Standard certification.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: The Board discussed the following applications:

Melanie Cupp
Holly L. Skelton
Strategic Points Document Preparation, PLLC (Lisa Tonge)
Fosters Paralegal Services LLC (Mabel Foster)

Motion: Moved to grant standard certification to the aforementioned applicants.

<i>Motion Proposals:</i>	First	Judge Roland Steinle
	Second	Mary Carlton

Motion Results: Pass LDP-07-98

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Board discussed the applications for the following individuals:

Saydee Ramos
Deborah M. Zea

Motion: Moved to defer consideration of the applications of the aforementioned applicants until the next meeting.

Motion Proposals: First Judge Roland Steinle
Second Virlynn Tinnell

Motion Results: Pass LDP-07-99

Individuals Addressing the Board: Kimberly Siddall

Discussion: The Board discussed the application of Brenda C. Smith.

Motion: Moved to grant Ms. Smith standard certification.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-100

Individuals Addressing the Board: Kimberly Siddall

Discussion: The Board discussed the application of Alfred G. Madrid.

Motion: Moved to deny certification to Mr. Madrid pursuant to ACJA § 7-201 (E)(2)(c)(1) and ACJA § 7-208 (E)(3)(b)(6)(a).

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Pass LDP-07-101

Individuals Addressing the Board: Kimberly Siddall

Discussion: The Board discussed the application of Gary Moser.

Motion: Moved to deny certification to Mr. Moser.

Motion Proposals: First Les Krambeal
Second Ward Sturm
Opposed Vellia Pina, Cindy Felton, Mary Carlton, Kristina
Fredericksen, Dr. Roger Hartley

Motion Results: Failed LDP-07-102

2nd Motion: Moved to grant certification to Mr. Moser.

Motion Proposals: First Mary Carlton
Second Vellia Pina
Opposed Judge Roland Steinle, Ward Sturm, Les Krambeal

Motion Results: Pass LDP-07-103

CALL TO THE PUBLIC

Discussion: None

ADJOURNMENT

Motion: Moved to adjourn.

Motion Proposals: First Ward Sturm
Second Judge Roland Steinle

Motion Results: Pass LDP-07-104

Time: 11:35 a.m.
