

# BOARD OF LEGAL DOCUMENT PREPARERS

## Meeting Agenda – Tuesday, December 15, 2020

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 – 2:00 P.M. – Conference Room 109

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

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**For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).**

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**CALL TO ORDER.....Mary Carlton, Chair**

**1) REVIEW AND APPROVAL OF MEETING MINUTES.....Mary Carlton, Chair**

*1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of September 28, 2020.*

**2) PENDING COMPLAINTS.....Division Staff**

*2-A: Review, discussion and possible action regarding complaint number 19-L009 involving certificate holder Antoine Cobb.*

*2-B: Review, discussion and possible action regarding complaint number 19-L015 involving certificate holder Claudia Plotnick.*

**3) INITIAL CERTIFICATION AND ELIGIBILITY.....Division Staff**

*3-A: Review, discussion and possible action regarding the following applications for initial individual and business entity legal document preparer certification and business entity exemption requests:*

- |                                      |                        |
|--------------------------------------|------------------------|
| 1. Christine Moran                   | 9. Isreal Young        |
| 2. Mark Achuff                       | 10. Nancy Padilla      |
| 3. Judi Street                       | 11. Stephanie Chambers |
| 4. Marolyn Vincent                   |                        |
| 5. Pro Documents, LLC                |                        |
| 6. Stacey Odom                       |                        |
| 7. Legal Documents by<br>Brenda, LLC |                        |
| 8. Ginger Slover                     |                        |

**4) RENEWAL CERTIFICATION APPLICATIONS.....Division Staff**

*4-A: Review, discussion and possible action regarding the following applications for renewal of individual legal document preparer certification:*

- |                           |                             |
|---------------------------|-----------------------------|
| 1. Carri Brown            | 9. Kayla Thompson           |
| 2. John Dawson            | 10. Makia White             |
| 3. Nicole Casaus          | 11. Stephen Trezza          |
| 4. Horizon Legal Planning | 12. AZ State Wide Paralegal |
| 5. Hyun Kim               | 13. Shannon Trezza          |
| 6. Marisela Miranda       | 14. Davis Wilcox            |
| 7. Kenneth Singer         | 15. Sabrina Lopez           |
| 8. Kameron Stiely         | 16. Mary Kortsen            |

**5) CERTIFICATION AND ELIGIBILITY.....Division Staff**

*5-A: Review, discussion, and possible action regarding request for inactive status from the following applicants:*

1. Leslie Marquez
2. Lindsay Cline

**6) ADMINISTRATIVE ISSUES.....Division Staff**

**CALL TO THE PUBLIC.....Mary Carlton, Chair**

**ADJOURN .....Mary Carlton, Chair**

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**1) REVIEW AND APPROVAL OF MEETING MINUTES**

*1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of September 28, 2020.*

A draft of the regular session minutes for the meeting of September 28, 2020, has been provided for the Board's review and consideration.

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### 2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding complaint number 19-L009 involving certificate holder Antoine Cobb.*

Division received this complaint on July 3, 2019. Complainant owns a local title loan company and “sub-contracts” with Cobb for legal document preparation which includes actions such as garnishments and judgements. Complainant alleges Cobb failed to maintain “up-to-date” records thus causing improper legal actions

The matter was investigated, and PC Evaluator Mike Baumstark ultimately determined that PC does not exist as to the allegations.

#### **Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Antoine Cobb has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 19-L009.

It is further recommended that the Board dismiss complaint number 19-L009.

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### 2) PENDING COMPLAINTS

*2-B: Review, discussion and possible action regarding complaint number 19-L015 involving certificate holder Claudia Plotnick.*

Division received this complaint on December 26, 2019. Complainant went to Plotnick for Chapter 7 bankruptcy preparation but prefaced only if her spouse's assets would not be involved. Complainant alleged she was assured by Plotnick her husband would not be involved yet later discovered his assets were subjected to the process forcing them to pay substantial penalties. Based upon the circumstances, Division initiated a second allegation noting Plotnick failed to recognize the current criteria for bankruptcy preparation with respect to her client's situation.

The matter was investigated, and PC Evaluator Mike Baumstark ultimately determined that probable cause does exist as to the allegations.

#### **Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Claudia Plotnick has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 19-L015.

It is further recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6) for act(s) of misconduct involving ACJA §§ 7-208(F) and (J)(5)(c) for providing legal advice and ACJA § 7-208(J)(2) for failure to recognize criteria for bankruptcy.

It is further recommended the Board issue a censure.

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**3) INITIAL CERTIFICATION AND ELIGIBILITY**

*3-A: Review, discussion and possible action regarding the following applications for initial individual and business entity legal document preparer certification and business entity exemption requests:*

The following applicants applied for initial individual legal document preparer certification. They have successfully passed the program examination and have submitted complete applications demonstrating they meet the minimum education and experience requirements.

The Division recommends approval of initial legal document preparer certification for the following:

1. Christine Moran
2. Mark Achuff.

3. Judi Street applied for initial legal document preparer (LDP) certification. The applicant successfully passed the program examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements. Ms. Street disclosed five civil cases in which she was involved in as a listed party. Two out of those five cases were family related matters, two involved debt in which she was listed as a defendant and have since been satisfied and the last one involved a 2004 bankruptcy that contained no adversarial proceedings.

The Division recommends approval of initial legal document preparer certification for Judi Street.

4. Marolyn Vincent applied for initial legal document preparer (LDP) certification. The applicant successfully passed the program examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements. Ms. Vincent disclosed three family matters that were filed in the years 1963, 1975 and 1978. Ms. Vincent also disclosed a 1989 bankruptcy.

The Division recommends approval of initial legal document preparer certification for Marolyn Vincent.

5. Pro Documents, LLC applied for business legal document preparer certification. Lori Kort is listed as the designated principal. Pro Documents, LLC has also applied for a business entity exemption. The company is in good standing with the Arizona Corporation Commission and has no other legal document preparers or trainees listed on the application.

This application was previously deferred from the last Board meeting as the Chair had provided some evidence to Division staff that demonstrates that Pro Documents, LLC might have been advertising LDP services prior to certification.

Historically, when a legal document preparer has operated a non-certified business, staff and the Board have alerted the legal document preparer to the certification requirements and directed the legal document preparer to either cease operating as a non-certified business or to file an application for certification.

The Division recommends approval of initial legal document preparer business certification for Pro Documents, LLC to include approving the business entity exemption.

6. Stacey Odom applied for initial legal document preparer certification. The applicant successfully passed the program examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements. Ms. Odom previously held Arizona LDP certification from 2007-2009 with no reported issues. Ms. Odom disclosed two 2009 civil cases she was involved in that included a dissolution of marriage and a bankruptcy that contained no adversarial proceedings. Ms. Odom also disclosed a 2019 misdemeanor conviction/citation for public intoxication.

Ms. Odom failed to disclose two bankruptcies that occurred in 1992 and 1997 that contained no adversarial proceedings. Ms. Odom stated that she unaware she had to disclose the bankruptcies due to the ages of the cases since they occurred over 23 years ago.

The Division recommends approval of initial legal document preparer certification for Stacey Odom with the standard non-disclosure language.

7. Legal Documents by Brenda, LLC applied for business legal document preparer certification. Brenda Odom is listed as the designated principal. Legal Documents by Brenda, LLC has also applied for a business entity exemption. The company is in good standing with the Arizona Corporation Commission and has no other legal document preparers or trainees listed on the application.

Ms. Odom disclosed a 2019 justice court case in which she and her business are listed as defendants. Ms. Odom stated that in 2018 she entered into a contract to have an LDP business transfer its business and clients to her. Ms. Odom stated that the business was not able to successfully complete the transfer due to the owner becoming seriously ill and eventually passing away. Ms. Odom stopped paying the contract and filed a counterclaim. The case was ultimately settled as Ms. Odom was able to renegotiate a new contract that has since been satisfied.

Ms. Odom failed to redisclose several civil and criminal matters that had been previously disclosed to the Board in her 2018 initial individual application. Ms. Odom stated that she was unaware she had to redisclose those matters in the business application and thought she only had to disclose matters related to her business.

The Division recommends approval of initial legal document preparer business certification for Legal Documents by Brenda, LLC to include approving the business entity exemption as well as the standard non-disclosure language.

8. Ginger Slover applied for initial individual legal document preparer certification and submitted an application demonstrating that she does not meet the minimum eligibility requirements for certification. Based on Ms. Slover's educational background of attaining a high school diploma, she would need to demonstrate that she has at least two years of law-related experience in one or a combination of the following situations:

- (i) Under the supervision of a licensed attorney;
- (ii) Providing services in preparation of legal documents prior to July 1, 2003;
- (iii) Under the supervision of a certified legal document preparer after July 1, 2003; or
- (iv) As a court employee

Ms. Slover initially stated in her application that she had four years of law related experience under the supervision of an attorney but failed to provide any information or documentation that helped support that claim.

Following a subsequent interview by Division staff, Ms. Slover stated that she had been periodically preparing and creating documents under the supervision of three attorneys. Ms. Slover stated that the attorneys were not her direct supervisors and would only review her work or documents on an as needed basis which could be weekly, monthly or bi-monthly. Combined hour estimates from Ms. Slover equate to less than 600 hours falling short of the two-year requirement as outlined in the Code above. Furthermore, two out of the three attorneys that Ms. Slover listed stated that she did not report to them since her position was outside of the legal department.

Based on the foregoing, the Division recommends denial of initial legal document preparer certification for Ginger Slover, pursuant to ACJA § 7-201(E)(2)(c)(1), for failure to meet the qualifications and eligibility requirements as outlined in ACJA § 7-208(E)(3)(b)(6)(a).

9. Isreal Young applied for initial individual legal document preparer certification and submitted an application demonstrating that he does not meet the minimum eligibility requirements for certification. Based on Mr. Young's educational background of attaining a high school diploma, he would also need to demonstrate that he has at least two years of law-related experience in one or a combination of the following situations:

- (i) Under the supervision of a licensed attorney;
- (ii) Providing services in preparation of legal documents prior to July 1, 2003;
- (iii) Under the supervision of a certified legal document preparer after July 1, 2003; or
- (iv) As a court employee

During an interview with Division staff, Mr. Young stated that he has no experience in any of the above listed Code provisions and should have known the requirements before taking the exam.

Based on the foregoing, the Division recommends denial of initial legal document preparer certification for Isreal Young, pursuant to ACJA § 7-201(E)(2)(c)(1), for failure to meet the qualifications and eligibility requirements as outlined in ACJA § 7-208(E)(3)(b)(6)(a).

10. Nancy Padilla applied for initial legal document preparer (LDP) certification. The applicant successfully passed the LDP program's examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements. Ms. Padilla disclosed two felony criminal convictions and an ongoing bankruptcy that at the end of Division's review of the application has not had any adversarial proceedings.

The first criminal conviction Ms. Padilla disclosed was a 2010 felony theft conviction. The conviction resulted when Ms. Padilla kept a rental vehicle longer than what she could. During the case, Ms. Padilla was also charged and convicted of a misdemeanor for failing to appear.

The second criminal felony conviction also occurred in 2010 when Ms. Padilla was convicted for theft means of transportation. This case resulted when Ms. Padilla stole a vehicle and changed the title to her name. Ms. Padilla was also charged with three additional felonies for forgery, fraudulent schemes/artifices and trafficking in stolen property, but these charges were later dismissed. Ms. Padilla stated that much has changed since her last criminal offense.

Ms. Padilla failed to disclose her involvement in nine civil cases. These cases included a 1995 dissolution of marriage and a 2000 bankruptcy filing. The remaining seven cases were matters related to debt in which she was listed as a defendant and were filed in the years 2006, 2008 and the remaining five being filed in 2018. The Division was unaware of the 1995 dissolution of marriage until it was disclosed to staff in a later interview. In the 2006 matter Ms. Padilla stated that she did not disclose it because it involved her ex-husband's debt and they divorced in 1995. Ms. Padilla stated that she was unaware she had to disclose the 2000 bankruptcy filing since the case was only filed but never progressed. In the 2008 case, Ms. Padilla stated she never knew her involvement until it was brought up by Division staff. Ms. Padilla stated that she did not disclose the five 2018 debt matters because they were being handled in her ongoing bankruptcy. Ms. Padilla also failed to disclose a 2009 misdemeanor conviction for failing to appear in court for a traffic violation. She stated that this was a result of her driving with a suspended license.

Ms. Padilla's criminal matters occurred about 10 years ago and at the conclusion of Division's investigation, she has not incurred any criminal charges or convictions. Ms. Padilla has since received her G.E.D., enrolled in college, gained meaningful employment and attained substance abuse courses.

The Division recommends that initial LDP certification be granted to Nancy Padilla with the standard non-disclosure language.

11. Stephanie Chambers applied for initial legal document preparer (LDP) certification. The applicant successfully passed the LDP program's examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements. Ms. Chambers disclosed a 1997 misdemeanor charge for making a false statement for unemployment assistance. Ms. Chambers stated that this incident occurred in 1994 and was largely due to her not fully understanding the rules. Ms. Chambers paid back the fees and in 2011 was granted a motion vacating the charge and judgment of guilt.

Ms. Chamber's criminal matter occurred over 26 years ago and at the conclusion of Division's investigation, she has not incurred any criminal charges or convictions. Ms. Chamber has since

received her Paralegal Certificate and has gained meaningful employment with the state of Arizona for over 25 years.

The Division recommends that initial LDP certification be granted to Stephanie Chambers.

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### 4) RENEWAL CERTIFICATION APPLICATIONS

*4-A: Review, discussion and possible action regarding the following applications for renewal of individual legal document preparer certification:*

The following individual certificate holders have submitted applications for renewal of standard certification. The applications are complete, and the certificate holders have demonstrated they meet the minimum eligibility requirements for standard certification. It is recommended renewal of standard certification be granted to the following individuals:

1. Carri Brown
2. John Dawson
3. Nicole Casaus
4. Horizon Legal Planning
5. Hyun Kim
6. Marisela Miranda
7. Kenneth Singer
8. Kameron Stiely
9. Kayla Thompson
10. Makia White
11. Stephen Trezza
12. AZ State Wide Paralegal
13. Shannon Trezza

14. David Wilcox applied for renewal of certification and the Division performed a background investigation.

Mr. Wilcox disclosed a dissolution of marriage and did not disclose a civil suit where he was the petitioner. The civil suit was dismissed with prejudice. Wilcox brought the civil suit which could not be served to all parties because he did not have their addresses and was dismissed.

It is recommended renewal of certification be granted to David Wilcox with Non-Disclosure language for not disclosing the civil suit before being asked by the Division.

15. Sabrina Lopez applied for renewal of certification and the Division performed a background investigation. Ms. Lopez was originally certified March 28, 2015.

In Ms. Lopez' application, on the "Applicant Continuing Education Affidavit," she answered "No" that she had not timely completed her CE. Ms. Lopez did not complete any CE for reporting periods one or two. Without staff urging, Ms. Lopez completed 20 hours of untimely CE in July 2019. Although Ms. Lopez had 20 hours of CE, she had too many self-study credits, and still needs 1.75 hours of CE that is not self-study.

Ms. Lopez said, “Really sorry at the end of last year we moved into a commercial building and financial things have not been great, and then in March we decided to foster. Which has not helped with my priorities.”

It is recommended that the Board accept the out of timeframe CE and grant renewal of certification to Sabrina Lopez, with CE remedial actions as defined below:

Continuing Education Remedial Actions:

- The applicant will pay a \$50 CE late fee (Check or MO payable to the Arizona Supreme Court).
- The applicant will make up their deficient 1.75 hours CE within 90 days after CE Remedial Actions are approved by the Board. The applicant will submit deficient CE to Division for approval/compliance with remedial actions. In this case the Board has approved your late CE submission and your deficient CE is complete and approved by the Board.
- The applicant will submit their CE annually for the next renewal period. Their CE is due on or before:

*December 30, 2020 for the May 1, 2019 thru April 30, 2020 reporting period.*

*May 30, 2021 for the May 1, 2020 thru April 30, 2021 reporting period.*

16. Mary Kortsen applied for renewal of certification and the Division performed a background investigation. Ms. Korsten was not renewed in the last 2017-2019 renewal period and the 2019 -2021 renewal period as well. Background investigations have been performed for these renewal periods.

Ms. Kortsen answered “No” on her 2017-2019 renewal application to the CE question indicating that she did not timely complete her CE. Ms. Kortsen has untimely submitted an additional 7.75 hours of CE, which, if the Board approves, will give her the needed hours for the 2017-2019 renewal period.

Ms. Kortsen sent a letter stating she had been struggling with health issues and apologized for not addressing the problem with the Board sooner.

Ms. Korsten did not receive the Division’s email request for CE. When staff discovered Ms. Korsten had not responded, the CE was requested by telephone. Ms. Korsten was subsequently able to provide what she had originally sent April 30, 2018.

It is recommended that the Board accept the 7.75 hours of untimely CE and grant renewal of certification to Mary Kortsen for the 2017-2019 & 2019-2021 renewal periods.

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## **Agenda Summary – Tuesday, December 15, 2020**

### **5) CERTIFICATION AND ELIGIBILITY**

*5-A: Review, discussion, and possible action regarding request for inactive status from the following applicants:*

1. Leslie Marquez was granted certification on July 22, 2019. On September 30, 2020 Ms. Marquez submitted a request for her certification to be placed on inactive status. Staff has confirmed there are no pending complaints filed against Ms. Marquez.

It is recommended that the Board accept the request and place Leslie Marquez, certification number 81859, on inactive status.

2. Lindsay Cline was granted certification on February 25, 2008. On October 15, 2020 Ms. Cline submitted a request for her certification to be placed on inactive status. Staff has confirmed there are no pending complaints filed against Ms. Cline.

It is recommended that the Board accept the request and place Lindsay Cline, certification number 81029, on inactive status.