

# BOARD OF LEGAL DOCUMENT PREPARERS

## Meeting Agenda – Thursday, February 22, 2018

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 – 10:00 A.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 November 20, 2017.*

*1-B: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of December 11, 2017.*

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

*2-A: Review, discussion and possible action regarding complaint number 15-L016 involving certificate holder Carlos Galindo.*

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

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

1. Ryan Caldwell
2. Pamela Clausen
3. Jaimie French
4. Norman Thomas
5. Michael Hanoka
6. Stephanie Maloney
7. Michael Debenon
8. Manuel Portugal Beltran
9. Freshstart Family Law Services, LLC
10. Suzanne Howard

- 11. Jonathan Sutter
- 12. Steven Wyner
- 13. Abbie Godles
- 14. Senior Planning, LLC
- 15. Steven Johnson

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

*4-A: Review, discussion and possible action regarding request from Lilian Stephens-Murray and AZ Lien Services, Inc. to appear before the Board telephonically concerning application for renewal of individual and business entity legal document preparer certification.*

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

*5-A: Review, discussion and possible action regarding proposed Code changes to ACJA § 7-208.*

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

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

**BOARD OF LEGAL DOCUMENT PREPARERS**  
**Agenda Summary - Thursday, February 22, 2018**

**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 November 20, 2017.*

A draft of the regular session minutes for the meeting of November 20, 2017, is attached for the Board's review and consideration.

**BOARD OF LEGAL DOCUMENT PREPARERS**  
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**1) REVIEW AND APPROVAL OF MEETING MINUTES**

*1-B: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of December 11, 2017.*

A draft of the regular session minutes for the meeting of December 11, 2017, is attached for the Board's review and consideration.

# BOARD OF LEGAL DOCUMENT PREPARERS

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### 2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding complaint number 15-L016 involving certificate holder Carlos Galindo.*

This matter had previously been brought before the Board during its' October and December meetings of 2016. The Board instructed staff to meet with Mr. Galindo and determine whether it would be possible to enter into a consent agreement. Staff has recently met with Mr. Galindo and a proposed consent agreement has been reached. The agreement states Mr. Galindo may continue to perform as an individual LDP, his business must seek renewal and it further prohibits Mr. Galindo from supervising and/or employing other LDP's or trainee's.

#### **Background:**

By way of reminder, sometime in early 2015, Complainant was perusing a magazine and came across an advertisement for "Agencia Hispana" touting, among other services, divorce decrees. Complainant went to "Agencia Hispana" and was greeted by "receptionist" Carmen Galindo. Complainant says Carmen took all their preliminary case information then presented the information to her boss, Carlos Galindo. After a few additional questions, Mr. Galindo introduced Complainant to Grace Beltran, explaining she would be doing the final preparation.

Complainant said most of the preparation work was done by Beltran that first day, however, Complainant did have additional meetings for some follow-up work. The main divorce package was completed in March 2015 and court records confirm it was filed on March 17, 2015. Complainant alleged that the documentation was improperly prepared and it led to the divorce being dismissed.

An examination of the documents prepared by Beltran and "Agencia Hispana" reveal no errors and appear to have been filed in a timely fashion. The only delay was caused by the failure to serve proper notice upon the Respondent which appears to have been the responsibility of Complainant. An examination of receipts provided by Complainant from "Quick and Easy Legal Services" do not indicate the services of a process server which tends to confirm Complainant's obligation.

Mr. Galindo freely admits he operates Agencia Hispana as well as the dbas The Legal Man and Quick and Easy Legal Services. Mr. Galindo insists they are in no way associated with the preparation of legal documents and all document preparation is done either under his or Beltran's individual certification. Mr. Galindo acknowledged Beltran was his employee and "assists" with document preparation when needed. Mr. Galindo claims that only after clients come to him for "assistance" do they occasionally conclude document preparation is desired and request him to do it.

Mr. Galindo's advertising clearly uses phrases such as "Divorces," Prenuptial Agreements," "Property Matters" and "Paternity and Child Support" as "services" that he provides. It is, therefore, not implausible that Agencia Hispana's advertising could lead a reasonable person to believe that document preparation would be included as part of the service.

Mr. Galindo, as a certified legal document preparer may prepare legal documents. In 2013, however, Mr. Galindo entered into a Consent Agreement with the Board in which Mr. Galindo agreed not to renew certification for Agencia Hispana nor initiate any new business entities that provide legal document preparation.

**Recommendations:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Carlos Galindo has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-L016.

It is further recommended that the Board issue a Censure to Mr. Galindo and that he accept the proposed Consent Agreement from Staff.

# BOARD OF LEGAL DOCUMENT PREPARERS

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

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

1. Ryan Caldwell
2. Pamela Clausen
3. Jaimie French
4. Norman Thomas
5. Michael Hanoka
6. Stephanie Maloney

7. Michael Debenon applied for initial legal document preparer certification. The applicant successfully passed the LDP program's examination and has submitted a complete application demonstrating that he meets the minimum education and experience requirements. Mr. Debenon is currently a member of the California State Bar in good standing. Mr. Debenon disclosed a 2010 D.U.I. conviction he had received in California. Mr. Debenon complied with all the terms in his sentencing. Mr. Debenon is currently an active in good standing attorney in California.

Staff recommends that initial legal document preparer certification be granted to Michael Debenon, and that he also be cautioned concerning the ACJA requirements related to the use of the term "JD" and other similar terms. Staff has provided proposed language below.

Cautionary language:

"On January 22, 2018, the Board of Legal Document Preparers granted your application for certification. In doing so, the Board instructed Staff to caution you concerning the terms of ACJA §7-208(J)(5)(c) which prohibits the use of the terms JD, Esq. law office or other similar terms. As a member of the California Bar, the Board's certification actions are not intended to address any responsibilities or ethical obligations you may have as a licensed member."

8. Manuel Portugal Beltran applied for initial legal document preparer certification. The applicant successfully passed the LDP program's examination and has submitted a complete

application. Mr. Portugal Beltran submitted a foreign bachelor's degree from the Universidad Autonoma de Sinaloa, a public university from the country of Mexico. Mr. Portugal Beltran stated that he had to attend 12 years of school prior to entering the university consisting of six years of primary school, three years of secondary school and three years of high school. Mr. Manuel Portugal stated that it took him five full years to attain the bachelors in accounting degree from that university and even had it recently confirmed by a third-party agency as being equivalent to that of a regionally accredited U.S. college or university. Furthermore Mr. Portugal Beltran also has an associate's degree in general studies from Glendale Community College.

Division believes Mr. Portugal Beltran's foreign accounting degree to be equivalent to that of a regionally accredited U.S. college or university and believes he meets the minimum education and experience requirements as outlined in Code when compounded with his 1.8 years as an LDP trainee.

Division recommends that initial legal document preparer certification be granted to Manuel Portugal Beltran.

9. Freshstart Family Law Services, LLC applied for business legal document preparer certification. Ryan Caldwell is listed as the designated principal and has also submitted an initial legal document preparer individual application demonstrating that he meets the minimum education and experience requirements. The company is in good standing with the Arizona Corporation Commission and has no other legal document preparers or trainees listed on the application. Division Staff does not believe the business name to be in compliance with the Arizona Code of Judicial Administration ("ACJA") § 7-206 (J)(5)(c) and the owner and Mr. Caldwell were notified and stated that they would amend their name to Freshstart Family Law Documents, LLC to which Division believes would be in compliance with the Code.

Staff recommends initial business entity legal document preparer certification be granted for Freshstart Family Law Services, LLC with a contingency that they provide Division proof of them amending their business name to Freshstart Family Law Documents, LLC or another business name that is deemed suitable and be granted and effective date once the documentation has been provided and reviewed by Division Staff.

10. Suzanne Howard applied for initial legal document preparer 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. Howard disclosed two work terminations that occurred in 2001 and 2008. Ms. Howard stated the first termination was due to being inexperienced and the other for not accurately following the employee handbook. Ms. Howard failed to disclose a 2012 bankruptcy that contained no adversarial proceedings. Ms. Howard stated, "I apologize, it is not something I would hide, I must have misread the question."

Division recommends that initial legal document preparer certification be granted to Suzanne Howard with the standard non-disclosure language.

11. Jonathan Sutter applied for initial legal document preparer certification. The applicant successfully passed the LDP program's examination and has submitted a complete application demonstrating that he meets the minimum education and experience requirements. Mr. Sutter failed to disclose a 2010 bankruptcy case that contained no adversarial proceedings and a 2009 justice court case regarding a small judgement against him. Mr. Sutter stated, "I honestly do not recall seeing a question inquiring about bankruptcy cases and since it was debt involved in the bankruptcy that it was one and the same". During the inquiry of the above listed cases, Mr. Sutter than disclosed a 2016 order of protection he filed against his current spouse that was not initially disclosed on his application.

Division recommends that initial legal document preparer certification be granted to Jonathan Sutter with the standard non-disclosure language.

12. Steven Wyner's application was reviewed by the Board on November 20, 2017. At that time, the Board deferred voting on Mr. Wyner's individual LDP certification until he paid a fine of \$2,634.31 that was imposed by the Board on June 14, 2007. As noted below, the fine has been paid in its entirety.

By way of further background, Mr. Wyner submitted a complete application demonstrating that he meets the minimum education and experience requirements and successfully passed the program examination. Mr. Wyner was previously revoked by the LDP Board on September 1, 2007, in reference to several complaints that were compounded and that had multiple substantiated allegations of unauthorized practice of law and multiple ACJA violations. Mr. Wyner disclosed several cases since his revocation including a 2008 dissolution of marriage, 2012 D.U.I and a 2010 case in which the Board of Legal Document Preparers filed a complaint in the Maricopa County Superior Court for a Verified Petition for Cease and Desist Order stemming from a written complaint in which Mr. Wyner was revoked at the time and operating a legal document preparer business called Family Metro which was also not certified. Mr. Wyner had prepared a child support modification and the complainant alleged that Mr. Wyner did not answer her communications for two months and did not receive a refund and forwarded the matter to the State Bar of Arizona. It was further noted that Mr. Wyner engaged in the unauthorized practice of law for having prepared documents under a revoked individual certification and an uncertified business and was issued a cease and desist from providing legal document preparation services and pay his former consumer \$782.00. The satisfaction of judgement was recently paid on September 15, 2017.

Mr. Wyner has been involved in 16 complaints with the Legal Document Preparer Program to which nine of them were substantiated. 15 of the complaints fell in between the years of 2004-2006 with only one being filed after his revocation. Out of the nine complaints that were substantiated, three complaints were substantiated based on the sole fact that Mr. Wyner did not respond to Division Staff within 10 days of being noticed for the complaints. There were three instances to which Mr. Wyner was found to have committed unauthorized practice of law including two substantiated complaints: Complaint 05-L055, Complaint 05-L071 which led to his revocation and the Superior Court case mentioned above regarding his continuation of practice of preparing legal documents after being revoked. When Mr. Wyner was revoked he was

also imposed a fine of \$2,634.31 that had to be paid by September 1, 2007. The fine was paid in its entirety on January 10, 2018.

Mr. Wyner has stated that many past extenuating circumstances were the main reasons for the multiple complaints. Mr. Wyner stated that the lack of money, taking on cases he should not have (due to his personal financial status), taking care of his elder mother, being in a toxic personal relationship and acquiring a failing legal document preparer business were the main attributing factors that led to so many complaints being filed and he has since changed his lifestyle and business practices. Mr. Wyner has stated that since his revocation he has stayed in the legal field working as a contracted paralegal for two attorneys and should he regain certification, he would model his LDP practice in such a way he would not get behind in work and not have to undertake unauthorized work.

For the exception of two complaints, Mr. Wyner's complaints occurred over 10 years ago and he has expressed remorse from his past behaviors and actions. Mr. Wyner has stated that while working under the supervision of several attorneys, he has gained legal experiences and practice methods that should preclude past issues from reoccurring.

Division recommends that Mr. Wyner be reinstated and be granted legal document preparer certification.

13. Abbie Godles applied for initial legal document preparer 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. Godles disclosed two civil cases on matters that the Division does not believe would preclude certification. Ms. Godles graduated from Roger Williams University School of Law and has attained her Juris Doctorate degree.

Staff recommends Abbie Godles be granted initial individual legal document preparer certification but that she also be cautioned concerning the ACJA requirements related to the use of the term "JD" and other similar terms. Staff has provided proposed language of the cautionary note below.

Cautionary language:

"On February 22, 2018, the Board of Legal Document Preparers granted your application for certification. In doing so, the Board instructed staff to caution you concerning the terms of ACJA §7-208(J)(5)(c) which prohibits the use of the terms JD, Esq. law office or other similar terms."

14. Senior Planning, LLC applied for business entity legal document preparer certification. Brandon Clark is listed as the designated principal. The company is in good standing with the Arizona Corporation Commission and has an A plus rating with the Better Business Bureau. Senior Planning, LLC disclosed several civil cases in which they were parties as well as individual cases involving the designated principal and business partner. In one case, Senior Planning, LLC and the business partner were named as defendants in a 2013 superior court case

with allegations of financial misconduct. The case was ultimately dismissed with prejudice. The business partner stated that the case concerned a business agreement that fell through, “with everyone walking away and no one getting anything.”

Staff recommends initial business entity legal document preparer certification be granted for Senior Planning, LLC.

15. Steven Johnson applied for initial legal document preparer certification. Mr. Johnson successfully passed the program examination and has submitted a complete application demonstrating that he meets the minimum education and experience requirements.

Mr. Johnson is a licensed Arizona lawyer on inactive status. Mr. Johnson has been disciplined by the State Bar on two occasions: (i) 2009 Informal Reprimand, Probation and Costs for drafting an estate plan for a client when a non-lawyer employee of a financial planning service had all contact with the client and was not supervised by Mr. Johnson; and (ii) 2016 Reprimand and Probation for preparing estate planning documents for clients of Fortress Documents. It appears from a review of the agreement between the State Bar and Mr. Johnson, a review of the order accepting the agreement between the State Bar and Mr. Johnson and staff’s interview of Mr. Johnson that if Mr. Johnson had been a certified legal document preparer he would not have been disciplined in 2016.

As part of the resolution of the 2016 matter, the State Bar and Mr. Johnson agreed he would place his State Bar membership in inactive status and apply for certification as a legal document preparer. As noted above, Mr. Johnson’s State Bar license is in inactive status.

This information was brought to the September 25, 2017 Board meeting. The Board had questioned whether Mr. Johnson was working for Fortress Documents and, if so, was it necessary for Fortress Documents to be certified. The Board deferred the matter and directed Division staff to look into these matters.

Fortress Documents’ certification expired on July 1, 2011 for failure to renew its certification. In an interview Mr. Johnson stated that Fortress Documents became Premier Documents, LLC. In looking at the Arizona Corporation Commission records, the Division found that both Fortress Documents and Premier are listed as in good standing. Johnson explained that Fortress has merged into Premier.

Staff looked online and found business information on Fortress from “superpages,” “Manta,” “Bing Local,” “bizapedia,” “Kudzu,” and “yellow and white pages.” No webpages were found identifying Fortress Documents as the page owner. A search of Fortress Documents and their old address, produced a website identifying the location as “closed.” Staff could not find anything that would confirm Fortress Documents, LLC was still in business on the internet.

Mr. Johnson used to work for Fortress Documents from June of 1997 thru June of 2006. He was self-employed as Steven R Johnson P.C. from December 2005 to June 2008 and again from July 2009 to December 2010. Mr. Johnson stated in his initial application he works for Premiere Documents, LLC, CLDP business certification #81648, which was certified on 1/25/2016. Their

Designated Principal is Michael Moloney, Sr., CLDP #81403. Mr. Johnson started work for Premier Documents, LLC in January 2016.

Division recommends certification for Steven R. Johnson.

# **BOARD OF LEGAL DOCUMENT PREPARERS**

## **Agenda Summary - Thursday, February 22, 2018**

### **4) RENEWAL CERTIFICATION APPLICATIONS**

*4-A: Review, discussion and possible action regarding request from Lilian Stephens-Murray and AZ Lien Services, Inc. to appear before the Board telephonically concerning application for renewal of individual and business entity legal document preparer certification.*

Staff will present information at the Board meeting.

**BOARD OF LEGAL DOCUMENT PREPARERS**  
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**5) ADMINISTRATIVE ISSUES**

*5-A: Review, discussion and possible action regarding proposed Code changes to ACJA § 7-208.*

Staff will present information at the Board meeting.