



Board of Legal Document Preparers

Arizona State Courts Building
1501 West Washington Street
Phoenix, Arizona 85007

July 18, 2016
Time: 10:00 a.m.
Hearing Room 109

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Mary Carlton
Paul Friedman
Rebecca Nilsen
Bonnie Matheson
Cheri Clark

Telephonically Present:

Honorable Michael Herrod
Pamela Milburn
Jerry Thomas
Deborah Colon-Mateo

Absent:

Mary Jo Randall

OTHER ATTENDEES

AOC Staff:

Mark Wilson
Debbie MacDougall
Pasquale Fontana
Anne Hunter
Michelle Martinez
Bill MacIntyre
Hal White
Wil Castro
Brianna Farmer

Guests:

Thomas Steele
Shane Buntrock
Vanessa Bermudez
Jessica Thomas
Leslie Turnbull
Jackie Bosnic

CALL TO ORDER

Called to Order By: Mary Carlton, Chair

Time: 10:13 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

Individuals Addressing the Board: Mary Carlton, Chair

1-A: *1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of May 23, 2016.*

Discussion: None.

Motion: Consideration of and motion to approve the regular session minutes from May 23, 2016

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

2) REVIEW OF PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

Individuals Addressing the Board: Bill MacIntyre

2-A: *2-A: Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation in complaint numbers 15-L008 and 15-L009, involving Penny Burley and That Paralegal Place.*

Discussion: It is recommended the Board find Penny Burley and That Paralegal Place in default and enter a Final Order issuing a Censure.

Motion: Defer to the next meeting and formally request Penny Burley be in attendance.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

2-B: ***2-B: Review, discussion and possible action regarding complaint number 15-L014.***

Discussion: Staff is requesting that complaint 15-L014 be held in abeyance because the legal document preparer did not file a renewal application.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman

Second Mary Carlton

Motion Results: Pass

Individuals Addressing the Board: Pasquale Fontana

2-C: ***Review, discussion and possible actions regarding:***
i. Complaint number 15-L020; and
ii. Renewal of certification involving certificate holder, Erlinda Yount.

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Erlinda Yount has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-L020.

It is further recommended the Board issue a Letter of Concern.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman

Second Rebecca Nilsen

Motion Results: Pass

Discussion: Based on the recommendation regarding the aforementioned complaint number, it is recommended to grant renewal of LDP certification to Erlinda Yount.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Mary Carlton

Second Paul Friedman

Motion Results: Pass

2-D: ***Review, discussion and possible actions regarding:***

- i. *Complaint number 15-L006; and*
- ii. *Renewal of certification involving certificate holder, Sergio Diaz.*

Discussion: Defer to the next meeting.

Motion: Consideration of and motion to accept staff’s recommendation.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

3) INITIAL CERTIFICATION AND ELIGIBILITY

Individuals Addressing the Board: Hal White

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. Cindy Boes
2. Danielle Kentch
3. Karen Mortensen
4. Virginia Parry
5. Family Tree Estate Planning, LLC
6. Jaimee Paine
7. Laura Warren
8. Patsy Ciardullo
9. Veronica Samaniego
10. Jessica Thomas
11. The Aurit Center for Mediation, LLC

Discussion: The following applicant has demonstrated that they meet the minimum eligibility requirements for standard certification and staff recommends that initial certification be granted to the following:

Cindy Boes

Motion: Consideration of and motion to accept staff’s recommendation.

Motion Proposals: First Mary Carlton
Second Paul Friedman
Recused Rebecca Nilsen

Motion Results: Pass

Discussion: The following applicant has demonstrated that they meet the minimum eligibility requirements for standard certification and staff recommends that initial certification be granted to the following:

Danielle Kentch
Karen Mortensen
Virginia Parry

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Discussion: Family Tree Planning, LLC, applied for initial certification as a legal document preparer business entity. The company meets the minimum requirements for certification as a business entity. Family Tree Planning, LLC's principal, Jennifer Wootten disclosed a couple of civil cases that were debt related.

The Division recommends approval for initial certification as a legal document preparer business entity for Family Tree Planning, LLC.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

Individuals Addressing the Board: Wil Castro

Discussion: Jaimee Paine applied for legal document preparer initial certification and has met the minimum standards required for certification. Ms. Paine disclosed one civil justice court case regarding a default judgment for an unpaid debt, a divorce and a bankruptcy with no adversarial proceedings. Ms. Paine also confirmed another civil justice court case regarding another unpaid debt that has since been satisfied.

The Division recommends approval of legal document preparer initial certification for Jaimee Paine.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Mary Carlton

Motion Results: Second Pamela Milburn
Pass

Individuals Addressing the Board: Hal White

Discussion: Laura Warren applied for legal document preparer initial certification and has met the minimum standards required for certification. Ms. Warren disclosed a divorce and a civil matter.

Staff recommends approval of legal document preparer initial certification for Laura Warren.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Mary Carlton
Recused Rebecca Nilsen

Motion Results: Pass

Individuals Addressing the Board: Wil Castro

Discussion: Patsy Ciardullo submitted an application for individual legal document preparer certification which demonstrates that she meets the minimum eligibility requirements for certification. Ms. Ciardullo disclosed a dissolution of marriage but failed to disclose a civil superior court case in which she is listed as the plaintiff in a motor vehicle suit. The motor vehicle suit has since been dismissed without prejudice. Ms. Ciardullo state "To be completely honest I didn't even remember this case that is the only reason I didn't disclose it."

The Division recommends approval of initial legal document preparer certification for Patsy Ciardullo with non-disclosure language that has previously been approved by the Board.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

Individuals Addressing the Board: Hal White

Discussion: Veronica Samaniego has applied for legal document preparer initial certification and has met the minimum standards required for certification. Ms. Samaniego failed to disclose a 2007 civil suit where she was a plaintiff in a quiet title and won a default

judgment. Ms. Samaniego said, “I apologize for not disclosing this information in my original application for Legal Document Preparer. I misunderstood the question when it asked if I had ever been a party to any civil proceedings. I originally thought this meant to disclose any information where I had been sued in a civil proceeding.”

The Division recommends approval of legal document preparer initial certification for Veronica Samaniego with non-disclosure language.

Veronica Samaniego is present to answer questions and to address the Board.

Motion: Consideration of and motion to accept staff’s recommendation.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Discussion: Jessica Thomas submitted an application for individual legal document preparer certification which demonstrates that she meets the minimum eligibility requirements for certification. Ms. Thomas failed to disclose several cases, including default judgments for unpaid debt, two bankruptcies with no adversarial proceedings and was listed as a defendant in an injunction of harassment. Ms. Thomas was never served the injunction of harassment and had no knowledge of it ever being filed. A subsequent investigation by the Division confirmed that the injunction was never served. Ms. Thomas stated “Please accept my apologies in overlooking these cases on my application. I was under the impression that due to “no open actions” they were not necessary. I thought the Board was looking for pending or “open action” cases when I read and answered the question. Again I apologize.”

The Division recommends approval of initial legal document preparer certification for Jessica Thomas with non-disclosure language.

Jessica Thomas is present to address and answer any questions from the Board.

Motion: Consideration of and motion to accept staff’s recommendation.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Discussion: The Aurit Center for Mediation, LLC, has applied for standard certification as a Business Entity and subsequently for Business Entity Exemption. The principal of Aurit Center for Mediation, LLC, is Mr. Michael J. Aurit. Mr. Aurit is presently a licensed Arizona Lawyer, he was not a licensed Arizona Lawyer when he was initially certified as an LDP on January 24, 2014. The Aurit Center for Mediation has met the minimum standards for certification. As the business has no trainees or other certified document preparers that work for the business, the Business Entity Exemption minimum standards are also met.

The Division recommends certification of The Aurit Center for Mediation and the business entity exemption but that Mr. Aurit and the Aurit Center for Mediation, LLC be reminded, in writing, of the responsibilities pursuant to ACJA § 7-208(J)(5)(c) and that Mr. Aurit be informed that certification as an LDP does not relieve him of any of his responsibilities as an Arizona Licensed Attorney.

Motion: Defer to next meeting.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

4) INITIAL CERTIFICATION APPLICATIONS

Individuals Addressing the Board: Wil Castro

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

1. Vanessa Bermudez
2. Thomas Steele

Discussion: The Division recommends approval of LDP renewal of certification for Ms. Bermudez with non-disclosure language.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Individuals Addressing the Board: Hal White

Discussion: Thomas Steele submitted an application for renewal of his LDP certification. Mr. Steele meets the minimum eligibility requirements for renewal certification, however, failed to disclose civil litigation and that disciplinary action had been initiated against his CPA license. Mr. Steele failed to disclose a personal bankruptcy and two adversarial proceedings initiated against his bankruptcy petition regarding investments. Steele stated the court actions and subsequent adversarial proceedings were part of a bankruptcy petition that was initiated by himself and his wife and they were not civil lawsuits. Mr. Steele surrendered his CPA certification on January 5, 2015. The adversary proceedings were settled.

Given the lack of cooperation by those initiating the adversary proceeding, the Division recommends that the Board approve Thomas Steele for renewal of his legal document preparer certification with the standard non-disclosure language.

Thomas Steele was present to answer questions and to address the Board.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

4-B: *Review, discussion and possible action regarding the following applications for renewal of individual legal document preparer certification and continuing education audit submissions:*

1. Jacqueline Bosnic
2. Stephen Trezza

Discussion: The Division recommends that Jacqueline Bosnic be allowed to withdraw from the LDP program.

Jacqueline Bosnic was present to answer questions and to address the Board.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

Discussion: Stephen Trezza applied for renewal of his LDP certification. Mr. Trezza has met the minimum standards for his renewal. Mr. Trezza

answered “Yes” that he had met the Continuing Education requirements on his renewal application. Mr. Trezza was randomly audited and selected to produce his CE to Division. Mr. Trezza reported (27) hours of CE for the two year renewal period, which included (3) hours of ethics. The issue is that Mr. Trezza only completed (9) hours of CE in the first reporting period and did not complete any ethics. In the second reporting period, Mr. Trezza completed (18) hours of CE with (3) hours of ethics.

The Division recommends renewal of certification for Stephen Trezza with the Continuing Education Remedial Actions.

Stephen Trezza was present telephonically.

Motion: Consideration of and motion to accept staff’s recommendation.

Motion Proposals: First Mary Carlton
Second Rebecca Nilsen

Motion Results: Pass

5) CERTIFICATION AND ELIGIBILITY

Individuals Addressing the Board: Wil Castro

5-A: *Review, discussion and possible action regarding request for Inactive Status from certificate holder, Grace Elmer.*

Discussion: Ms. Elmer was granted certification on November 24, 2014. On June 2, 2016, Ms. Elmer submitted a request for her certification to be placed on Inactive Status.

Staff has confirmed there are no pending complaints filed against her.

Staff recommends that the Board accept the request and place Grace Elmer on Inactive Status.

Motion: Consideration of and motion to accept staff’s recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

5-B: *Review, discussion and possible action regarding request for waiver of continuing education requirements from certificate holder, Stephanie Villalobos.*

Discussion: Stephanie Villalobos is requesting that the Board waive her continuing education requirements for the first reporting period of the 2015-2017 renewal cycle, May 1, 2015 through April 30, 2016, due to health issues. This request had been previously deferred from the May 23, 2016 LDP Board Meeting.

The Division recommends the Board accept the request and waive Ms. Villalobos' continuing education for the first reporting period from May 1, 2015 through April 30, 2016.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

5-C: *Review, discussion and possible action regarding the request for an extension to complete continuing education requirements from certificate holder, Jolie Fontana-Black.*

Discussion: Jolie Fontana-Black, due to the passing of several members of her family and being a primary caregiver to her father, is requesting that the Board grant her an extension to complete her five hours of deficient CE by July 31, 2016.

The Division recommends the Board accept Ms. Fontana-Black's CE extension and credit the five hours of deficient CE by July 31, 2016. The deficient CE that Ms. Fontana-Black completes, will not be credited for the 2016-2017 CE reporting period.

Motion: Consideration of and motion to accept staff's recommendation and to grant Jolie Fontana-Black an extension until August 30, 2016.

Motion Proposals: First Paul Friedman
Second Mary Carlton
Recused Rebecca Nilsen

Motion Results: Pass

5-D: *Review, discussion and possible action regarding request for Voluntary Surrender from certificate holder, Heather Yearack.*

Discussion: On March 25, 2013, the Board of Legal Document Preparers granted initial certification to Ms. Yearack. On June 14, 2016, Ms. Yearack submitted a request for consideration by the Board to accept the voluntary surrender of her individual certification.

It is recommended the Board accept the voluntary surrender request by Heather Yearack, certificate number 81436.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Individuals Addressing the Board: Anne Hunter

5-E: *Update regarding Bernadette Barba's Request for Certification and subsequent denial.*

Discussion: Bernadette Barba requested initial certification and was denied that certification at the May meeting. She requested a hearing from the Presiding Disciplinary Judge but withdrew that request, which the Judge accepted. This is for informational purposes only, no Board action is required.

6) LETTERS TO THE BOARD

Individuals Addressing the Board: Mark Wilson

6-A: *Review of letters from Americana Services in response to disposition of Complaint Nos. 15-L017, L018 and L019.*

Discussion: This agenda item is informational only. Periodically, Staff receives letters from the public or individuals who are certified and this is the best way to get it to the Board so they can review it and discuss if needed.

7) ADMINISTRATIVE ISSUES

Individuals Addressing the Board: Mark Wilson

7-A: *Update on subcommittee to review possible Code changes concerning continuing education.*

Discussion: A quick update to the Board on possibly quoting changes that have been talked about at the meeting with the Subcommittee. Staff has finished some possible revisions. The revisions will be sent out to the Subcommittee shortly.

Individuals Addressing the Board: Anne Hunter

7-B: *Update on Consent Agreement for Daniel Carrasco.*

Discussion: Defer to next meeting.

CALL TO THE PUBLIC

None.

ADJOURNMENT

Motion: Adjourn.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Time: 11:05 a.m.