



Board of Legal Document Preparers

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

May 23, 2016
Time: 10:00 a.m.
Hearing Room 109

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Mary Carlton
Paul Friedman
Beck Nilsen
Bonnie Matheson

Telephonically Present:

Honorable Michael Herrod
Pamela Milburn
Mary Jo Randall
Deborah Colon-Mateo
Jerry Thomas

Absent:

Cheri Clark

OTHER ATTENDEES

AOC Staff:

Mark Wilson
Michelle Martinez
Anne Hunter
Debbie MacDougall
Wendy Reiter
Bill MacIntyre
Hal White
Wil Castro
Sheryll Prokop

Guests:

Mark Lepire
Sara Agne
Robert Smith
Penny Burley
Lisa Ferneau-Haynes
Michael Law
Ronda Fisk
Trisha Morrison
Edna Gomez-Green
Christine

Terry Roman
Concepcion Zombrano
Freddy Saavedra
Susan Bennett
Bernadette Barba
Clark Shipley
Rachael Buitz
Maricela Regalado
Amelia Mara

CALL TO ORDER

Called to Order By: Mary Carlton, Chair

Time: 10:00 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

Individuals Addressing the Board: Mary Carlton, Chair

1-A: *Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of March 28, 2016.*

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

Motion: Consideration of and motion to approve the regular session minutes from March 28, 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: *Review, discussion and possible action regarding complaint number 15-L021, involving Georgiana Aguilar.*

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Georgiana Aguilar has not committed the alleged act(s) of misconduct as detailed in Allegation 2 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L021.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Georgiana Aguilar has committed the alleged act(s) of misconduct as detailed in Allegation 1 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L021.

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

2-B: *Review, discussion and possible action regarding complaint number 15-L022, involving Georgiana Aguilar.*

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Georgiana Aguilar has not committed the alleged act(s) of misconduct as detailed in Allegation 2 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L022.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Georgiana Aguilar has committed the alleged act(s) of misconduct as detailed in Allegation 1 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L022.

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

2-C: *Review, discussion and possible actions regarding:*
i. Complaint numbers 15-L008/15-L009; and
ii. Renewal of certification involving certificate holders, Penny Burley and That Paralegal Place.

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Penny Burley and That Paralegal Place have committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 15-L008/15-L009.

It is further recommended that the Board issue a Censure to Penny Burley and That Paralegal Place.

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

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

Discussion: It is recommended to grant renewal of LDP certification to Penny Burley and That Paralegal Place.

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

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

Recusal: Judge Michael Herrod

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. Catherine Nortier
2. Maria Flores
3. Guardianship Assistance, LLC
4. MP Legal Services, LLC
5. Janie Stover
6. Maricela Regalado
7. Robert Smith

Discussion: Staff recommends that initial certification be granted to the following: Catherine Nortier, Maria Flores, Guardianship Assistance, LLC, MP Legal Services, LLC, and Janie Stover. Staff recommends that Business Entity Exemptions be granted to Guardianship Assistance and MP Legal Services, LLC.

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

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

Discussion: The Division recommends approval of initial legal document preparer certification for Ms. Regalado with the following non-disclosure language:

The Board of Legal Document Preparers ("Board") has concluded its review of your application and determined you have satisfied the

eligibility requirements for certification. Although the Board is granting you certification, the Board members have concerns regarding the failure to disclose *<insert failure of disclosure>*. Lack of diligence is not a quality embraced by the Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of certification or disciplinary action.

Maricela Regalado is present and addresses the Board.

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

Motion Proposals: First Paul Friedman
Second Mary Calrton

Motion Results: Pass

Discussion: Division staff has determined that Mr. Smith has not met his burden of demonstrating he is qualified for certification, and therefore, Division staff recommends the Board deny certification.

Robert Smith is present with his attorney, Sara Agne, and address the Board.

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

Motion Proposals: First Mary Calrton
Second Paul Friedman

Motion Results: Pass

Individuals Addressing the Board: Anne Hunter

3-B: *Update and possible action regarding the denial of Bernadette Barba's initial certification application and Cease and Desist.*

Discussion: This agenda item will be moved to the end of the agenda.

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. Fedelyne Bernabe
2. Edna Gomez-Green
3. Amelia Mora
4. Vanessa Bermudez
5. Michael Law
6. Mark Lepire
7. Patricia Morrison
8. Ronald Reed

Discussion: It is recommended renewal of standard certification be granted to Ms. Bernabe.

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

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

Discussion: The Division recommends renewal of certification for Ms. Gomez-Green and that her renewal letter contain language which alerts her to the importance of verifying all information when she assists another in completing an application for certification.

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

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

Discussion: The Division recommends renewal of certification for Ms. Mora and that her renewal letter contain language which alerts her to the importance of verifying all information when she assists another in completing an application for certification.

Division Staff has processed the following applications for renewal certification which are being submitted to the Board for additional review and consideration. In the event the recommendation is to grant with non-disclosure language, the following language would be used:

The Board of Legal Document Preparers (“Board”) has concluded its review of your application and determined you have satisfied the eligibility requirements for certification. Although the Board is granting you certification, the Board members have concerns regarding the failure to disclose <insert failure of disclosure>. Lack of diligence is

not a quality embraced by the Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of certification or disciplinary action.

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

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

Discussion: Vanessa Bermudez

Motion: Defer to the next meeting.

Motion Proposals: First Rebecca Nilsen
Second Mary Carlton

Motion Results: Pass

Recusal Paul Friedman

Discussion: The Division recommends approval of LDP renewal certification for Michael Law with non-disclosure language. Mr. Law is present.

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

Motion Proposals: First Paul Friedman
Second Deborah Colon-Mateo

Motion Results: Pass

Discussion: The Division recommends approval of LDP certification for Mark Lepire with non-disclosure language. Mr. Lepire is present.

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

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

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

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

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen
Motion Results: Pass
Recusal Mary Jo Randall

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

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

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen
Motion Results: Pass

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

1. AALL Immigration Services, LLC
2. AAM, LLC
3. Fresh Start Women's Foundation
4. Law and Reed, CPAs, P.C.
5. Morrison Group, Inc.

Discussion: The Division recommends renewal for AALL Immigration Services, LLC, with non-disclosure language.

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

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen
Motion Results: Pass

Discussion: The Division recommends approval of LDP renewal certification for AAM, LLC, with non-disclosure language.

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

Motion Proposals: First Mary Carlton
Second Rebecca Nilsen
Motion Results: Pass
Recusal Bonnie Matheson and Paul Friedman

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

Motion: The Division recommends renewal of certification for Fresh Start Women’s Foundation, Law and Reed, CPAs, P.C. and Morrison Group, Inc. with non-disclosure language.

Motion Proposals: First Mary Carlton
Second Rebecca Nilsen

Motion Results: Pass

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

1. Nannette Jones
2. Jacqueline Bosnic
3. Stephen Trezza
4. Concepcion Zambrano
5. Melissa Pullins
6. Joyce Rose

Discussion: It is recommended renewal of standard certification be granted to Nannette Jones.

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

Motion Proposals: First Rebecca Nilsen
Second Paul Friedman

Motion Results: Pass

Discussion: Jacqueline Bosnic and Stephen Trezza

Motion: Defer to the next meeting.

Motion Proposals: First Rebecca Nilsen
Second Mary Carlton

Motion Results: Pass

Discussion: The Division recommends renewal of certification for Concepcion Zambrano with the Continuing Education Remedial Actions.

Motion: Consideration of and motion to accept staff’s recommendation. Ms. Zambrano has 60 days to complete three hours of continuing education, as well as a \$50.00 fine and audit.

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

Discussion: The Division recommends renewal of certification for Melissa Pullins with the Continuing Education Remedial Actions.

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

Motion Proposals: First Rebecca Nilsen
Second Paul Friedman

Motion Results: Pass

Discussion: The Division recommends renewal of certification for Joyce Rose with the Continuing Education Remedial Actions.

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

Motion Proposals: First Rebecca Nilsen
Second Paul Friedman

Motion Results: Pass

4-D: *Update regarding renewal applications.*

Discussion: There are currently eight (8) individual and two (2) business entity renewal applications pending.

5) CERTIFICATION AND ELIGIBILITY

Individuals Addressing the Board: Wil Castro

5-A: *Review, discussion and possible action regarding request for voluntary surrender from the following certificate holders:*

1. *Annick Rodarte, certificate number 81456*
2. *Brianne Roberts, certificate number 81620*

Discussion: On July 22, 2013, the Board of Legal Document Preparers granted initial certification to Ms. Rodarte.

On May 5, 2016, Ms. Rodarte submitted a request for consideration by the Board to accept the voluntary surrender of her individual certification, certificate number 81456.

On July 20, 2015, the Board of Legal Document Preparers granted initial certification to Ms. Roberts.

On May 9, 2016, Ms. Roberts submitted a request for consideration

by the Board to accept the voluntary surrender of her individual certification.

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

Motion Proposals: First Mary Carlton
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 2016-2017 renewal cycle, May 1, 2015 thru April 30, 2016, due to health issues.

Motion: Defer to the next meeting.

Motion Proposals: First Rebecca Nilsen
Second Mary Carlton

Motion Results: Pass
Recusal Paul Friedman

6) CERTIFICATION AND ELIGIBILITY

Individuals Addressing the Board: Anne Hunter

6-A: ***PRESENTATION, DISCUSSION AND POSSIBLE ACTION REGARDING BERNADETTE BARBA'S REQUEST FOR CERTIFICATION AND SUBSEQUENT DENIAL.***

Discussion: Bernadette Barba is present with her attorney, Freddy Saavedra, and address the Board.

Due to Ms. Barba's request for hearing, the Board informs Ms. Barba that they have no authority over the denial at this time since it is currently before the Honorable William O'Neil.

7) ADMINISTRATIVE ISSUES

Individuals Addressing the Board: Michelle Martinez

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

A brief update is provided to the Board.

CALL TO THE PUBLIC

Richard Burton

ADJOURNMENT

Motion: Adjourn.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Time: 11:38 a.m.