

BOARD OF LEGAL DOCUMENT PREPARERS

Meeting Agenda – Monday, September 25, 2017

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

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).

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 July 17, 2017.

2) PENDING COMPLAINTS.....Division Staff

2-A: Review, discussion and possible action regarding the Division Director dismissal of complaint number 17-L004.

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

2-C: Review, discussion and possible action regarding complaint numbers 16-L028/16-L029 involving certificate holders Marwan Sadeddin and Advanced Legal Services.

2-D: Review, discussion and possible action regarding complaint numbers 17-L005/17-L006 involving certificate holders Jill Smith and Titan Lien Services.

2-E: Review, discussion and possible action regarding complaint numbers 17-L011/17-L012 involving certificate holders Sophie Frisbie and AAM, LLC.

3) COMPLAINTS HELD IN ABEYANCE.....Division Staff

3-A: Review, discussion and possible action regarding the following complaint numbers for which the certificate holders have not submitted renewal applications:

1. Rhonda Carder – Complaint No. 16-L031
2. Penny Burley – Complaint Nos. 16-L013/16-L014, 16-L015/16-L016, 16-L021/16-L022 and 16-L024/16-L025

4) INITIAL CERTIFICATION AND ELIGIBILITY.....Division Staff

4-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. Jacqueline Reynolds
2. Myshia Carter
3. Annick Rodarte
4. BCG Legal, LLC
5. Delta Document Services, LLC
6. Access Legal Document Preparation, LLC
7. Kramer Legacy Documents, LLC
8. Gary Lindsay
9. Steven Johnson
10. Robert Merrill
11. Amelia Schaefer
12. Carla Lief

5) CERTIFICATION AND ELIGIBILITYDivision Staff

5-A: Review, discussion and possible action regarding request for waiver of continuing education requirements from certificate holder Christi Weedon.

6) ADMINISTRATIVE ISSUES.....Division Staff

6-A: Update regarding proposed Code changes concerning continuing education and certification issues.

6-B: Review, discussion and possible action regarding the establishment of the 2018 Board meeting schedule.

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 July 17, 2017.

A draft of the regular session minutes for the meeting of July 17, 2017, is attached for the Board's review and consideration.

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2) PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding the Division Director dismissal of complaint number 17-L004.

Pursuant to ACJA § 7-201(H)(1)(g)(3), complaints dismissed by the Division Director are CONFIDENTIAL and not a matter of public record. If the Board wishes to address specific details regarding this matter, it is recommended the Board enter Executive Session to discuss matters confidential.

Complaint Number 17-L004:

On August 4, 2017, Division Director Wilson dismissed complaint number 17-L004 without prejudice upon determining that the complainant failed to supply information needed to remedy an insufficient complaint or failed to demonstrate the alleged acts of misconduct are within the certificate holder's responsibilities as required by statutes, court rules or the applicable ACJA sections. The dismissal was forwarded to the complainant. The complainant submitted a response and has requested Board review of the dismissal. The response is included in the Board packet.

It is recommended the Board affirm the dismissal.

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2) PENDING COMPLAINTS

2-B: 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 met with Mr. Galindo and drafted a proposed consent agreement. Since that time there have been a few telephone conversations but no progress on resolving this matter by consent agreement.

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.

Staff has not undertaken investigation to determine if Mr. Galindo has continued to operate a business after the December 2016 Board meeting. Given Mr. Galindo's and staff's failure to reach terms of a proposed consent agreement to present to the Board, staff recommends that the Board accept the findings of the Probable Cause Evaluator that probable cause exists and suspend Mr. Galindo certification for 30 days.

In addition, Staff recommends that any action on Mr. Galindo's application to renew his certification be deferred until the expiration of his suspension.

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2) PENDING COMPLAINTS

2-C: Review, discussion and possible action regarding complaint numbers 16-L028/16-L029 involving certificate holders Marwan Sadeddin and Advanced Legal Services.

In September of 2016, Mr. Sadeddin prepared a bankruptcy petition for one of his clients. Mr. Sadeddin claims he charged the standard fee of \$200, however, when he completed the compensation portion of the package he erroneously entered the amount as \$400. Mr. Sadeddin claims this was because of a “glitch” in a new software program that tallied both his entry of \$200 in the “balance due” column with an erroneous entry of \$200 in the “received” column. The document then automatically reflected the total paid for document preparation as \$400.

Judge Collins caught the discrepancy shortly after the filing and ordered an “Order to Show Cause” to Mr. Sadeddin to justify his fees. Sadeddin appeared before Judge Collins in December 2016 and, after explaining the error, Judge Collins accepted Sadeddin’s explanation and instructed him to submit a corrected document. Records indicate Sadeddin filed the amended documents on December 15, 2016.

On August 4, 2017, the Probable Cause Evaluator determined that probable cause did not exist as to complaint numbers 16- L028 and 16-L029. Staff recommends that the Board accept the determination of the Probable Cause Evaluator and dismiss complaint numbers 16-L028 and 16-L029.

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2) PENDING COMPLAINTS

2-D: Review, discussion and possible action regarding complaint numbers 17-L005/17-L006 involving certificate holders Jill Smith and Titan Lien Services.

Complainants bought vacant land in New River Arizona intending to eventually build a custom home on it. The home was completed about a year later and Complainants complained the house was “unlivable” due to what they described as substandard workmanship. Because of this dispute, Complainant refused partial payment to the contractor.

Soon after being hired by Complainants, the contractor initiated a “20 Day Lien Notice” which the contractor stated is standard practice in the construction industry. The contractor utilized Titan Lien Services for the 20 Day Lien Notice and when Complainants refused final payment to him a year later, he initiated the Lien process with them as well.

In their complaint, Complainants claim Titan Lien Services never notified them of the 20 Day Lien Notice and implied Titan was implicit with the contractor in deceiving them about the entire lien procedure. Complainants point to what they describe as inconsistent documents created by Titan noting the mailing address was a dirt lot at the time of the notice. Complainants acknowledged the dirt lot was, in fact, their property, however, there was no structure(s) yet created making it impossible to receive any mail. Complainants speculate Titan and the contractor never actually filed the preliminary 20 Day Lien Notice and simply created the entire package (falsely backdating the notice) upon receiving complaint.

On August 1, 2017, Probable Cause Evaluator determined that probable cause did not exist as to complaint numbers 17-L005 and 17-L006. Staff recommends the Board accept the determination of the Probable Cause Evaluator and dismiss complaint numbers 17-L005 and 17-L006.

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2) PENDING COMPLAINTS

2-E: Review, discussion and possible action regarding complaint numbers 17-L011/17-L012 involving certificate holders Sophie Frisbie and AAM, LLC.

Complainant owns a condominium in Pinal County Arizona. Records indicate Complainant acquired the property in 2015 and, apparently as part of the purchase contract, promptly had his wife file a “Disclaimer Deed” which relinquished her ownership in the property to him. Both “Deeds” were recorded on May 5, 2015 however, the following day, May 6, 2015, Complainant filed a “Quitclaim Deed” giving half ownership of the property back to his wife.

Approximately one year later, in early February 2016, the HOA had assessed unpaid violations against Complainant’s property for approximately \$500 and initiated a “Lien” process. The HOA utilized the services of AAM, LLC for the process and licensed LDP Sophie Frisbie initiated the document preparation. Frisbie recorded the “Notice of Association Assessment Lien” in Pinal County Recorder’s office on February 16, 2016, while simultaneously mailing a notice to Complainant at the listed address provided by the HOA.

In his complaint, Complainant states first that neither Frisbie nor AAM have any authority to prepare HOA liens and second, because Complainant’s wife was listed on the Lien it should be null and void since she has no interest.

In their written response and subsequent interview Frisbie and AAM acknowledge the lien preparation and insist everything was prepared properly. AAM states that all information was verified through their client and all legal requirements. ??????

On August 30, 2017, Probable Cause Evaluator determined that probable cause did not exist as to complaint numbers 17-L011 and 17-L012. Staff recommends that the Board accept the determination of the Probable Cause Evaluator and dismiss complaint numbers 17-L011 and 17-L012.

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3) COMPLAINTS HELD IN ABEYANCE

3-A: Review, discussion and possible action regarding the following complaint numbers for which the certificate holders have not applied for renewal:

1. Rhonda Carder – Complaint No. 16-L031

Staff has received complaint number 16-L031 against Rhonda Carter. Staff made numerous attempts to contact Carter and have Carter respond to the complaint. While there was some communication, generally the efforts to communicate with Carter have been unsuccessful and Carter has not responded to the complaint.

Carter did not file an application to renew her certification and her certification has expired. Staff recommends the complaint be held in abeyance.

2. Penny Burley – Complaint Nos. 16-L013/16-L014, 16-L015/16-L016, 16-L021/16-L022 and 16-L024/16-L025

The following complaints have been filed against Penny Burley and That Paralegal Place: 16-L013/16-L014; 16-L015/16-L016; 16-L021/16/L022 and 16-L024/16-L025.

16-L013/16-L014 and 16-L015/16-L016 – involved various allegations that Burley and That Paralegal Place agreed to perform document preparation services and then failed to perform the services and failed to respond to requests for communication. On October 19, 2016, the Board summarily suspended Burley and That Paralegal Place.

On October 31, 2016, staff received a letter from Lisa Ferneau-Hayes stating she was Burley's sister and the Burley had a chronic health condition. In addition, staff received a letter from Dr. Hawkes that generally describes a "chronic health condition" affecting Burley's ability to work.

Given the summary suspension prohibited Burley and That Paralegal Place from performing document preparation services and assertions that Burley was too ill to defend herself, staff placed a hold on the investigation until Burley's health issues resolved themselves.

Staff also received complaints 16-L021/16/L022 and 16-L024/16-L025 that contained allegations similar to the above described complaints. Given Burley's asserted medical condition and summary suspension, staff placed a hold on these complaints.

Since that time Burley and That Paralegal Place have not applied to renew their certifications and therefore their certifications have expired. Staff recommends that these complaints be held in abeyance.

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4) INITIAL CERTIFICATION AND ELIGIBILITY

4-A: Review, discussion and possible action regarding the following applications for initial, individual, 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. Jacqueline Reynolds
2. Myshia Carter
3. Annick Rodarte

The following applicants have applied for initial Business legal document preparer certification. The companies are in good standing with the Arizona Corporation Commission.

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

4. BCG Legal, LLC (Brandon Clark)
5. Delta Document Services, LLC (Kariush Khorasani)

6. Access Legal Document Preparation, LLC (Katherine Trojahn) applied for business legal document preparer certification. Katherine Trojahn is listed as the designated principal. Access Legal Document Preparation, 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.

Staff recommends granting certification for Access Legal Document Preparation, LLC and recommends approval of a Business Entity Exemption.

7. Kramer Legacy Documents, LLC (Jody Perry) applied for business legal document preparer certification. Jody Perry is listed as the designated principal. Kramer Legacy 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.

Staff recommends granting certification for Kramer Legacy Documents, LLC and recommends approval of a Business Entity Exemption for the business.

8. Gary Lindsay has applied for initial certification as a legal document preparer. Mr. Lindsay successfully passed the program examination and has submitted a complete application demonstrating that he meets the minimum education and experience requirements. Mr. Lindsay is a licensed lawyer in Colorado and California and for both states his license is inactive.

Staff recommends Mr. Lindsay for certification as a certified legal document preparer with cautionary language concerning the prohibition on providing legal advice.

9. Steven R. Johnson has applied for initial certification as a legal document preparer. 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.

Given that Mr. Johnson's activities that led to discipline as a lawyer do not appear to be of the nature that would result in discipline as a certified legal document preparer, staff recommends approval of Mr. Johnson's application for certification with cautionary language concerning the prohibition on providing legal advice.

10. Robert Merrill 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 he meets the minimum education and experience requirements. Mr. Merrill disclosed a civil superior court case in which he was listed as the defendant. The case revolved around injuries sustained by the plaintiffs in a motor vehicle accident and was ultimately dismissed with prejudice.

Division recommends that initial LDP certification be granted to Robert Merrill.

11. Amelia Schaefer 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. Schaefer disclosed three civil superior court cases of which two were dismissed with prejudice and the third being a judgement case that was ruled in her favor.

Division recommends that initial LDP certification be granted to Amelia Schaefer.

12. Carla Lief has applied for initial individual legal document preparer certification. Ms. Lief meets the minimum education and experience requirements. On March 28, 2016, the Board previously denied Ms. Lief's application to renew her certification. Since her denial, Ms. Lief disclosed that she is involved in an ongoing bankruptcy that contains no adversarial proceedings and a justice court case regarding a small judgment that was ultimately dismissed. In her current initial application, Ms. Lief disclosed a 1993 misdemeanor for trespassing. However, the trespassing misdemeanor charge was not disclosed on her 2003 initial legal document preparer application. Ms. Lief stated the reasoning behind the omission as "I didn't pay as much as attention as I should have."

On July 22, 2010, Ms. Lief was issued a Censure, Fine and Consent Agreement by the Board in reference to two complaints that were filed in the years 2004 and 2007 for allegations of practicing law that was substantiated by the Probable Cause Evaluator. Both of these complaints were appealed and went to hearing. On July 7, 2011, the Hearing Officer determined that Ms. Lief violated Supreme Court Rule 31(a)(2)(B), ACJA and the Code of Conduct for certified legal document preparers and entered a recommendation for a Letter of Concern. On October 12, 2011, The Board undertook the Hearing Officer's recommendation and Issued a Letter of Concern and included an additional fine of \$413.59. Ms. Lief Special Actioned the Board to the Maricopa County Superior Court because she felt her due process rights were infringed. The court entered an order denying Ms. Lief's request for relief.

On November 2, 2015, an order was entered by the U.S. Bankruptcy Court barring Ms. Lief from performing any document preparation work in Chapter 7 or Chapter 13 cases for the period of one year. Additional court records reflect that the certificate holder filed an objection to the November 2nd order which was overruled in a December 8, 2015 injunction.

The December 8th injunction details examples of Lief's non-compliance with a 2009 bankruptcy court consent order barring her from "preparing motions, responses to motions, objections to claims, responding to Trustee's Recommendation (including but not limited to Amended or Modified Plans), or preparing any type of pleading." The evidence of non-compliance with the 2009 consent order resulted in a November 2, 2015 court order barring Ms. Lief from any document preparation work in Chapter 7 or Chapter 13 cases for the period of one year. At the end of the year Ms. Lief may reapply with the Bankruptcy Court. The injunction further itemizes multiple violations of the November 2nd order, listing several documents filed by Lief in multiple cases between the issuance of the order and the December 8th injunction and Ms. Lief's non-compliance with the order regarding language referencing bankruptcy preparation remaining on her website. Moreover, it was found that Ms. Lief intentionally deceived the court during the November 2nd hearing, when she failed to clarify for the court that a telephonic witness, believed by the court to be the debtor in the case, was in fact the debtor's son. Ultimately, the injunction enjoins the certificate holder from performing any document preparation work in Chapter 7 or

Chapter 13 cases for the period of one year and requires that the December 8th order be referenced on the “Bankruptcy” tab of her website.

Division staff interviewed Ms. Lief regarding the above listed matters. When questioned about her complaints with the Board, Ms. Lief stated that she “can do motions in civil court.” When Ms. Lief was reminded that her allegations for unauthorized practice of law were founded by the hearing officer regarding the motions, she stated, “I have to read the order to see exactly what they say I did.” When questioned about how she has changed to avoid the continuing the unauthorized practice of law, Ms. Lief responded, that before that she “was doing these things to help people versus risking it,” “It is not worth risking my license to help somebody save their house” and “I had no one else to refer these people when I was doing the chapter 13s.” Division informed Ms. Lief that, due to her discipline history and history of unauthorized practice of law, there is an appearance of her not following the rules. Ms. Lief responded that she didn’t know she “was doing something wrong when I did a 13 period,” “I know I risk the trustees getting involved in these things” and “I didn’t realize how they interpret the 09 language, the way they are reading it you do any type of pleading it’s unauthorized practice of law.” She also stated, “it’s very confusing but I know what I can and can’t do now.”

Staff’s review of the certificate holder’s file reflected that Ms. Lief has previously received Letters of Concern for complaints received in 2004 and 2007, both containing substantiated allegations of the unauthorized practice of law. These complaints, compounded by the 2009 Bankruptcy Court Consent Order cautioning against the unauthorized practice of law, the evidence of multiple violations of that Consent Order as set forth in the December 8th Bankruptcy Court Injunction as well as the violations of the November 2nd order barring Ms. Lief from preparing bankruptcy documents suggest a concerning history of non-compliance with court rules, codes and orders. Staff considered the seriousness and repetitious nature of the violations, the certificate holder’s extensive experience as a legal document preparer, the significance of Ms. Lief’s omission/dishonesty with the court during the November 2nd proceedings and the certificate holder’s failure to accept the wrongfulness of her actions both in current and previous matters.

Staff’s recommendation is to deny Ms. Lief initial individual certification, pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(xi) “*The board may deny certification of any applicant if one or more of the following is found: The applicant or an officer, director, partner, member, trustee, or manager of the applicant: Has violated any decision, order, or rule issued by a professional regulatory entity*” for multiple violations of the unauthorized practice of law as described in the 2004 and 2007 complaints and the November 2, 2015 order barring Ms. Lief from preparing bankruptcy documents and set forth in the December 8, 2015 injunction; and ACJA § 7-201 (E)(2)(c)(2)(b)(xii) “*The board may deny certification of any applicant if one or more of the following is found: The applicant or an officer, director, partner, member, trustee, or manager of the applicant: Has violated any order of a court, judicial officer, administrative tribunal or the board*” for multiple violations of the 2009 U.S. Bankruptcy Court *Order Requiring Bankruptcy Petitioner Preparer Carl Lief To Comply with 11 U.S.C. §110, 526, 527, 528 and Not to Engage in the Unauthorized Practice of Law* as specified in the minute entry of November 2, 2015, as well as the multiple violations of the November 2, 2015 order barring Ms. Lief from performing any Chapter 7 or 13 document preparation as set forth in the December 8, 2015 *Injunction Against Carla Lief*.

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5) CERTIFICATION AND ELIGIBILITY

5-A: Review, discussion and possible action regarding request for waiver of continuing education requirements from certificate holder Christi Weedon.

On or about June 21, 2017, the Division received a letter from Christi Weedon stating that she was unable to comply with her CE requirements due to becoming the primary care giver to both parents and subsequently the loss of her mother and two other family members. The letter requests the waiver of Ms. Weedon's CE requirement for the 2015-2017 cycle or, in the alternative, the compliance deadline be extended.

Staff recommends that Ms. Weedon be allowed to extend her completion of 20 hours of CE to the 2017-2019 renewal period. As Ms. Weedon can work as an LDP, she should be able to make up her past CE as well as get her 20 hours that is required for the 2017-2019 renewal period. In two years, at the next renewal, Ms. Weedon will submit 40 hours of CE with 4 hours of ethics included in those 40 hours.

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6) ADMINISTRATIVE ISSUES

6-A: Update regarding proposed Code changes concerning continuing education and certification issues.

Staff will present information at the meeting.

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6) ADMINISTRATIVE ISSUES

6-B: Review, discussion, and possible action regarding the establishment of the 2018 Board meeting schedule.

The Legal Document Preparer Board is asked to consider and approve the 2018 meeting calendar.

Therefore, it is recommended the 2018 meeting calendar be set as follows:

January 22, 2018

March 26, 2018

May 21, 2018

July 16, 2018

September 24, 2018

November 19, 2018