

BOARD OF LEGAL DOCUMENT PREPARERS

Meeting Agenda – Monday July 16, 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

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 May 21, 2018.

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

2-A: Review, discussion and possible action regarding complaint number NC18-L001, involving Favil Tinsdale and DocuPrep Legal, Inc.

2-B: Review, discussion and possible action regarding complaint number NC18-L002, involving Randi Rosen and Rosen Paralegal Services.

2-C: Review, discussion and possible action regarding complaint numbers 17-L019 and 17-L020 involving certificate holders Georgiana Aguilar and AZ Legal Documents by JoJo.

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:

1. Lindsay Daniels
2. Kimberly Varley-DeMarco
3. Susan Nelson
4. John Prendergast
5. Accai Bailey
6. Jody Peary
7. Omar Estrada
8. Donna Trevino

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

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

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| 1. Accurate Lien and Contractor Assistance, Inc. | 14. George Mortensen |
| 2. Michael Anderson | 15. Karen Nogle |
| 3. Cynthia Bowman | 16. Jodi Phelps |
| 4. Sherrene Caley | 17. Michael Pierce |
| 5. City Property Management Company | 18. Pedro Roman |
| 6. Rebecca Cruz | 19. Tag Process Service, Inc. |
| 7. Robin Davis | 20. Lori Rutledge |
| 8. Michele Esslinger | 21. Planned Development Services |
| 9. Ermila Garza-O'Neil | 22. Affordable Arizona Divorce, LLC |
| 10. Julie Haigh | 23. Exceptional Document Preparation, LLC |
| 11. James Jennings | 24. Paradox Doc. Prep. Service, LLC |
| 12. Brian Lincks | 25. Rapidrps (AZ), LLC |
| 13. Pamela Milburn | 26. SRF Enterprises, LLC |

5) ADMINISTRATIVE ISSUES

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 May 21, 2018.

A draft of the regular session minutes for the meeting of May 21, 2018, 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 NC18-L001, involving Favi Tinsdale and DocuPrep Legal, Inc.

In April, 2018, the Division received a complaint involving Favi Tinsdale and DocuPrep Legal, Inc. The complaint alleges Mr. Tinsdale is preparing documents without proper certification and includes a printout of the webpage for DocuPrep at www.docupreplegal.com which lists “divorce and family law document preparation services” and further includes in a disclaimer, “We are a certified legal document preparation company”

On April 19, 2018, the Division sent notice of the complaint to Mr. Tinsdale requiring his written response within fifteen days. The certified mail receipt reflects the notice was retrieved on April 23, 2018. To date, the Division has not received a response, nor has Mr. Tinsdale submitted an application for individual or business certification.

As of June 28, 2018, the Arizona Corporation Commission records reflect the Articles of Incorporation for DocuPrep Legal, Inc., were received May 22, 2017 and the approval date was June 20, 2017. The business is listed as “Active” and “In Good Standing.”

It is recommended the Board authorize the filing of a Superior Court Cease and Desist Petition against Favi Tinsdale and DocuPrep Legal, Inc.

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2) PENDING COMPLAINTS

2-B: Review, discussion and possible action regarding complaint number NC18-L002, involving Randi Rosen and Rosen Paralegal Services.

Division received a written complaint from Shawn Taylor Esq., whose practice is in Snowflake, Arizona regarding Ms. Randi Rosen, owner of Rosen Paralegal Services, acting in the capacity of a Legal Document Preparer when she, in fact, is not a certificate holder, in violation of ACJA §§ 7-201 and 7-208.

The complaint letter stated Rosen testified under oath on May 24, 2018 at the Navajo County Superior Court, Show Low, Arizona in a family court matter that she was a certified legal document preparer. The Division's current data base of certified legal document preparers was checked and neither Randi Rosen or Rosen Paralegal Services appear as a certificate holder.

Division staff obtained a copy of the audio recording of Rosen's testimony in Navajo Superior Court. Upon review of the audio recording, a female identified herself as Randi Rosen. Rosen was asked if she knew her certification number and she said she could not recall it. She then was asked by Mr. Taylor if she was a certified legal document preparer and she stated "yes."

Division staff then contacted Ms. Sharrene Caley who is a certificate holder for Legal Document Preparer #81026. Sherrene advised in January 2018 she checked Facebook to search for a certified legal document preparer in the Show Low area that she could send conflict of interest clients to. She came upon a website of Rosen Paralegal Services that provided preparation of legal documents. Ms. Caley advised she called and asked Randi Rosen if she was certified as a Legal Document Preparer. Upon asking the question Ms. Rosen replied that she did not need a certification and she was a "nationally registered paralegal."

Division staff also interviewed a Mr. Faustino Rodriquez. Rodriquez advised that he and his ex-wife utilized the services of Randi Rosen for a delinquent state tax and divorce issues and Rosen had them sign a Power of Attorney which Rosen said she could use to negotiate a settlement for them. Rosen was paid \$650.00 for this service. Mr. Rodriquez stated Rosen was unsuccessful in backing up her claim and he subsequently retained an attorney licensed in Arizona. Division staff obtained copies of Mr. Faustino's divorce proceedings and upon review the documents show that Rosen Paralegal Services were paid \$650.00 for "attorney fees." These documents reveal that Rosen may be practicing law without a license as well as acting in the capacity of a Legal Document Preparer when she is not in fact a certificate holder.

As of July 12, 2018, the Arizona Corporation Commission records reflect original incorporation date for Rosen Paralegal Services, LLC, as October 25, 2017 and the approval date was December 17, 2017. The business is listed as "Active" and "In Good Standing."

It is recommended the Board authorize the filing of a Superior Court Cease and Desist Petition against Randi Rosen and Rosen Paralegal Services.

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2) PENDING COMPLAINTS

2-C: Review, discussion and possible action regarding complaint numbers 17-L019 and 17-L020 involving certificate holders Georgiana Aguilar and AZ Legal Documents by JoJo.

The consumer sought out Georgiana Aguilar to assist in preparing a civil summons and complaint for a limited liability corporation for which the consumer was the statutory agent. The action involved approximately \$20,000 necessitating the involvement of Superior Court rather than a simpler small claims court action. Ms. Aguilar prepared the package and the case was later heard in Cochise County Superior Court by Judge Charles Irwin. Because Arizona court rules necessitate the appearance of an attorney when limited liability corporations are involved and no attorney was involved, Judge Irwin dismissed the case without prejudice. Judge Irwin filed this complaint noting Ms. Aguilar should have known an attorney needed to be involved and never prepared the documents. In her written response and subsequent interview, Ms. Aguilar said she was unaware of the requirement to have legal representation for this type of civil action in superior court.

Recommendation:

On June 26, 2018, the Probable Cause Evaluator determined that probable cause existed that Ms. Aguilar violated ACJA § 7-208(J)(2)(d). Staff recommends that the Board accept the finding of the Probable Cause Evaluator and issue a Letter of Concern.

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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. Lindsay Daniels
2. Kimberly Varley-DeMarco

3. Susan Nelson 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. Nelson disclosed a 2013 dissolution of marriage and a 2016 bankruptcy that contained no adversarial proceedings.

The Division recommends approval of initial legal document preparer certification for Susan Nelson.

4. John Prendergast applied for initial legal document preparer certification. The applicant successfully passed the program examination and has submitted a complete application demonstrating that he meets the minimum education and experience requirements. Mr. Prendergast disclosed a 2003 dissolution of marriage, an ongoing 2017 class action lawsuit in which he is listed as the plaintiff and 1999 misdemeanor conviction he had received in Washington for negligent driving in the first degree. Mr. Prendergast also disclosed a \$50 fine he had received from the Renton Municipal Court for failing to file a motion in writing in which he stated had been rescinded. Mr. Prendergast is currently an active attorney in good standing in Maine and Tennessee and holds “inactive status” as an attorney within the state of Washington.

The Division recommends approval of initial legal document preparer certification for John Prendergast, but 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 of the cautionary note below.

“On July 16, 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 Maine, Tennessee and Washington Bar, the Board's certification actions are not intended to address any responsibilities or ethical obligations you may have as a licensed member."

5. Accai Bailey 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. Bailey disclosed a 2018 work termination which she stated was related to her performance. Ms. Bailey failed to disclose a 2014 justice court case that was later filed in the superior court regarding an unpaid judgment. That case has since received a satisfaction of judgment and has been dismissed. Ms. Bailey also failed to disclose a 2004 bankruptcy that contained no adversarial proceedings. Ms. Bailey stated she failed to disclose the debt case because it had been settled and she apologizes for her failures to disclose, that it had "slipped her mind" and stated the reason she did not disclose the bankruptcy is it is possible she mis-read the question.

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

6. Jodi Peary 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. Peary disclosed a 2005 dissolution of marriage and a 2008 civil superior court case. Ms. Peary also disclosed a 2008 misdemeanor D.U.I. conviction. Ms. Peary is also listed as a retired attorney in the Pennsylvania State Bar and holds a Juris Doctorate degree from the Dickinson School of Law. Ms. Peary failed to disclose four cases in which she was listed as a party. One was involving a 2005 motor vehicle accident involving her former husband of which she stated she had no knowledge as being a listed party as it was during the timeframe of their divorce. Two of the cases occurred in 2007 and court records indicate that Ms. Peary was not properly served. The 2006 case regarded a breach of contract from a Yoga business in which she was listed as a defendant and she was served. Ms. Peary stated, that she was "informed that her former husband had filed bankruptcy and thought the matter had been satisfied" and that she thought her former husband had taken care of the "issue."

Ms. Peary was previously denied by the Board on an initial individual LDP application in 2009 for failing to provide a certificate of good standing as she was a former practicing attorney in the state of Pennsylvania and failing to attend a Board meeting to discuss her D.U.I. conviction. Prior to that Board meeting Ms. Peary informed the Division that she no longer wished to proceed with her application as she was going through a doctoral program in clinical studies. Notwithstanding her abandonment of her application, the Board proceeded with the denial of Ms. Peary's application.

The Division recommends approval of initial legal document preparer certification for Jodi Peary with the standard non-disclosure language as well as the language listed below.

"On July 16, 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.”

7. Omar Estrada applied for initial individual legal document preparer certification and submitted an application which demonstrates he does not meet the minimum eligibility requirements for certification. Based on Mr. Estrada’s educational background, he would need to demonstrate that he had 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

Mr. Estrada was made aware of the deficiency and stated, “I was employed at the the [sic] Cochise County Sheriff’s Office for five years. I worked in booking. I was under the impression that would cover the two-year minimum as a court/government agency employment.”

Based on the foregoing, the Division recommends denial of initial legal document preparer certification for Omar Estrada, 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).

8. Donna Trevino 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. Trevino was previously certified by the Board and she allowed her certification to lapse. In her current application, Ms. Trevino disclosed a 1996 fraud charge from an unpaid check. The case was dismissed, and Ms. Trevino was never convicted. This case had been previously disclosed to the Board in a 2014 application on November 24, 2014. In granting her prior application in certification, Ms. Trevino was cautioned by the Board because she failed to disclose three civil cases and a bankruptcy in her prior application. The Board voted to certify Ms. Trevino with the standard Non-Disclosure Language. No other cases were disclosed in her current application.

On Ms. Trevino’s current application, she failed to disclose include nine family related matters, to include three dissolutions of marriage, three petitions for a dissolution of marriage, a 1992 petition for an adoption, a 1992 petition for paternity and a 2006 probate matter. Ms. Trevino also failed to disclose two bankruptcies that occurred in 1991 and 2011. Ms. Trevino was interviewed by Division Staff and stated that she had failed to disclose information on her current application due to getting out of a toxic relationship, being a victim of domestic violence and that she had rushed filling out the application, thus misunderstanding the question that asks if the applicant has been involved in any civil cases. To support this statement Ms. Trevino provided documentation that shows her as a plaintiff in a 2006 Order of Protection and as a victim in a 2015 criminal domestic violence case in which the defendant pled guilty.

The Division and Board had previously cautioned Ms. Trevino about the importance to disclose information on a previous application for certification and the Division has concerns over her

patterns of non-disclosure. Ms. Trevino was invited to and attended the 2014 Board meeting and was cautioned by the Board, in person, regarding her failures to disclose information for certification.

The Division recommends denial of initial legal document preparer certification for Donna Trevino pursuant ACJA 7-201(E)(c)(2)(xv) for failure to disclose information on the certification application subsequently revealed through the background check.

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4) RENEWAL CERTIFICATION APPLICATIONS

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

The following individual certificate holders and business entities have submitted applications for renewal of standard certification. The applications are complete, no information has been presented during a background review which is contrary to standard certification being granted 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:

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| 1. Accurate Lien and Contractor Assistance, Inc. | 10. Julie Haigh |
| 2. Michael Anderson | 11. James Jennings |
| 3. Cynthia Bowman | 12. Brian Lincks |
| 4. Sherrene Caley | 13. Pamela Milburn |
| 5. City Property Management Company | 14. George Mortensen |
| 6. Rebecca Cruz | 15. Karen Nogle |
| 7. Robin Davis | 16. Jodi Phelps |
| 8. Michele Esslinger | 17. Michael Pierce |
| 9. Ermila Garza-O'Neil | 18. Pedro Roman |
| | 19. Tag Process Service, Inc. |
20. Lori Rutledge and
21. Planned Development Services, Inc. ("PDS") applied for legal document preparer renewal certification as an individual and business entity.

Ms. Rutledge answered "No" on PDS's renewal application to the background information questions. Ms. Rutledge provided an Affidavit explaining two civil suits, one in 2014 and the other in 2016, in which her company, as a management company for an HOA, was included as a defendant. One case was set aside, the other resulted in a judgement against the plaintiff.

Division sent a request for information on a third, undisclosed civil suit, CV2016-054885. The case concerns a fire at a unit under an HOA's care in which PDS was included as a defendant along with the HOA. The case is ongoing. When asked why she did not disclose this case, Ms. Rutledge said, "This was missed as we were under the impression PDS was being removed as a defendant. PDS should not have been named, however this is taking longer than originally thought. I now have it on my list again of open cases."

It is recommended renewal of standard certification be granted to Lori Rutledge with the standard non-disclosure language and that renewal of business entity certification be granted to Planned Development Services, Inc.

The following business entities have submitted applications for renewal of standard certification and business entity exemption extension. The applications are complete; no information has been presented during the background which is contrary to renewal certification being granted. The business entities have demonstrated they meet the minimum eligibility requirements for renewal certification. It is recommended the Board grant renewal of standard certification and business entity exemption extension to the following business entities:

23. Affordable Arizona Divorce, LLC
24. Exceptional Document Preparation, LLC
25. Paradox Doc. Prep. Service, LLC
26. Rapidrps (AZ), LLC
27. SRF Enterprises, LLC