

BOARD OF LEGAL DOCUMENT PREPARERS

Meeting Agenda – Monday, January 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

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 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 Debenon
6. Manuel Portugal Beltran
7. Freshstart Family Law Services, LLC
8. Suzanne Howard
9. Jonathan Sutter
10. Steven Wyner

4) CERTIFICATION AND ELIGIBILITYDivision Staff

4-A: Review, discussion and possible action regarding request from Lilian Stephens-Murray and AZ Lien Services, Inc.

5) 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

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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 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.

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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.

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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 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.

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:

Staff has determined that Mr. Galindo currently is only doing business under his individual certification, however, he still seeks renewal of his business entity. 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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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 Debenon 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. 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 was sentenced to probation, received a small fine and had to attend a first-time offender alcohol class. Ms. Debenon complied with all the terms in his sentencing. Ms. Debenon is currently an active in good standing attorney in California.

Staff recommends that Michael Debenon be granted his Legal Document Preparer certification 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.

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.

6. Manuel Portugal Beltran applied for initial legal document preparer (LDP) 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 LDP certification be granted to Manuel Portugal Beltran.

7. 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 the granting of initial legal document preparer business 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.

8. Suzanne Howard 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. 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 LDP certification be granted to Suzanne Howard with the standard non-disclosure language.

9. Jonathan Sutter 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. 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 LDP certification be granted to Jonathan Sutter with the standard non-disclosure language.

10. 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. Division would like to confirm 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 initial individual legal document preparer certification.

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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:

1. Patricia L. Morrison applied for legal document preparer (LDP) renewal certification. The applicant has submitted a complete renewal application and the Applicant's background has been investigated for the renewal period.

The Board considered Ms. Morrison's application at the last interim Board meeting on December 11, 2017. Staff recommended that Patricia L. Morrison be renewed with non-disclosure language for not disclosing a dissolution. However, it was discovered that the dissolution involved a family member with exactly the same name (Patricia L. Morrison) and was not the certificate holder. Once the potential error was discovered, the matter was deferred. Staff apologizes for the error.

Division recommends renewal of Patricia L. Morrison's LDP certification be granted.

2. Lori Rutledge applied for legal document preparer renewal certification. Ms. Rutledge is also the Designated Principal for Planned Development Services, Inc. ("PDS") and applied for renewal certification for PDS.

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

Division sent a request for a third, undisclosed civil suit, CV2016-054885. The case concerns a fire at a unit under an HOA's care that 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."

Division recommends renewal of Lori Rutledge's LDP certification be granted with the standard non-disclosure language.

3. Krista Cline

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5) CERTIFICATION AND ELIGIBILITY

5-A: Review, discussion and possible action regarding request from Lilian Stephens-Murray and AZ Lien Services, Inc.