

Supreme Court Board of Legal Document Preparers

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room 230
10:00 a.m. - 2:00 p.m.

January 26, 2004 Approved Regular Minutes

Members Present:

Judge Roland J. Steinle, III, Chair
Carol L. Wells
Dr. Roger E. Hartley
Donald F. Steward
J. Ward Sturm
Susan C. Vasquez
Margaret J. Kleinman
Vellia M. Pina
Nancy Swetnam

AOC Staff Present:

Linda Grau
Nina Preston
Lauren Hargrave
Arturo Rodriguez

Guests:

Rick Gordon
Celeste Kniefel
Fran Johansen
Teri Hale

Members Present by Phone:

Mary Carlton
Virlynn Tinnell

Call to Order

The meeting was called to order by Judge Roland Steinle, III at 10:11 a.m.

Administrative Issues

Informational review of flyers being distributed through the various Self-Service Centers regarding the Legal Document Preparer Program.

Ms. Grau reported a significant percentage of pro per litigants have their initial contact with the legal process through the Self-Service Centers. Ms. Grau presented the Board with a flyer which was developed through the coordinated efforts of the Program, the Maricopa County Self-Service Center staff, and the State Bar. Once the Board has reviewed and made changes to the flyer, the Program will begin distributing them throughout the various Self-Service Centers in Arizona. The Board reviewed the flyer and discussed changes they would like made prior to its distribution.

A **motion** was made by Nancy Swetnam and seconded by Margaret J. Kleinman to incorporate the suggested changes and direct staff to distribute the information sheet. Motion Passed. **LDP-03-255**

Review and discussion regarding 2004 Renewal time line.

Ms. Grau reported the proposed time line accounts for the previously determined renewal deadline of May 7, 2004, and Board's meeting schedule, as well as the administrative considerations caused by the processing of the anticipated renewal requests. The time line includes electronic notices for certificate holders. The electronic notices are not anticipated to continue in future years. However, due to the newness of the program, it is appropriate. Applications received after May 7, 2004, will be charged a \$50 late fee. The Board discussed requiring only 5 hours of continuing education for renewals by applicants who were certified after January 1st. The application fee is relative to the cost of processing the application and will remain \$300.00.

Discussion regarding Business Entity Exemption Renewal process.

Ms. Grau reported there are currently 28 businesses that have been granted Business Entity Exemptions and reimbursed application fees. As the businesses apply for renewal, it is likely many will also be applying for extended exemption status. If an entity has been previously exempted and avows through affirmation and acknowledgment the structure of the entity has remained unchanged, it is likely the application fee will have to be refunded within only days or weeks. This process hampers cash flow for the certificate holders and creates expenses for the Program. Ms. Grau suggested previously exempted business entities be given an opportunity to re-affirm their exemption status prior to submitting application fees.

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J. Kleinman to have previously exempted businesses file for renewal of their business entity application, and renewal of the exemption, along with an affirmation that the structure remains unchanged. Only those businesses previously exempted will be given this opportunity. Motion Passed. **LDP-03-256**

Review and discussion of proposed amendments to the Initial Individual and Initial Business Entity certification applications.

Ms. Grau reported suggestions have been made that all personal identifier information should be contained within the first page. Therefore, in the event of a public information request, confidential information can be removed and documents can be redacted more readily. The bulk of the proposed changes have arisen through an assessment of the application process, adding the certification and/or the denial hearing process. The Board discussed including "court sanctioned", whether civil actions were dismissed, settled, etc., changing "other state" to "any state, including Mexico and Canada", and including any pending actions. The Board also discussed adding a section to the application requesting information regarding separate business entities. Ms. Grau will make the recommended revisions and she will bring another draft to the February meeting.

Certification and Eligibility

Review of Hearing Officer recommendations regarding Jean Berry and Why Pay A Lawyer?, a Nevada Corporation.

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Sturm to adopt the Findings of Fact, Conclusions of Law and to affirm the initial denial of Jean Berry and Why Pay A Lawyer?, a Nevada Corporation. Motion passed. **LDP-03-257**

Review of Hearing Officer recommendations regarding Xavier Bustamante Delgado.

A **motion** was made by Judge Roland J. Steinle and seconded by Dr. Roger E. Hartley to adopt the Findings of Fact, Conclusions of Law and move to affirm the initial denial of Xavier Bustamante Delgado. Motion passed. **LDP-03-258**

Report and recommendations regarding Continuing Education course credit approval.

Ms. Grau reported there are 13 continuing education opportunities for the Board's review. Subsequent to the Board's arrival, an addendum containing 11 additional requests was presented for Board consideration. Ms. Grau recommended hour-for-hour credit for all 24 courses. Ms. Grau reported she has been working with the Attorney Training Coordinator for the Superior Court in Maricopa County, and has established an option for certificate holders to attend and participate in court training programs offered to court employees. Seats will be available at no charge and Ms. Grau recommends that all COJET courses being offered throughout the state be pre-approved for credit. Additionally, any certificate holder who wishes to attend State Bar continuing education can do so at the member rate. Certificate holders are also able to attend the Judicial Staff Conference, at a cost of \$75.00 per day.

A **motion** was made by Nancy Swetnam and seconded by Margaret J. Kleinman that any continuing education course approved for COJET is pre-approved as acceptable continuing education for Legal Document Preparers. Motion passed. **LDP-03-259**

The Board discussed Jeffrey D. Carr who is to present "Ethics and A Code of Conduct for Legal Document Preparers" in April, 2004. Ms. Grau advised the Board that Mr. Carr is a Certified Public Accountant and a Certified Financial Planner and would be the sole faculty member presenting. The Board discussed ethics credits. The Board discussed faculty submitting a resume, course material, and other documents to allow the Board to evaluate whether the faculty member has experience in the area being taught. The Board discussed forming a Subcommittee regarding ethics credits. The Subcommittee will consist of Nancy Swetnam and J. Ward Sturm. The Subcommittee will research other programs and how they evaluate ethics credits and whether specific qualifications are required to teach ethics. The Board discussed how document preparers will obtain information on when and where COJET credits are offered. Ms. Grau reported Maricopa County will supply the Program with a full roster of COJET courses, and will be designating a specific number of seats for Certification and Licensing Division certificate holders. This information will be posted to the website.

Ms. Grau explained the longer term objective of approaching facilitating similar arrangements with Court Training offices throughout the state.

The following continuing education events were submitted for Board approval of credit:

1. "Writing Mediation Agreements" presented by the Justice Court Administration on January 29, 2004, May 27, 2004, July 29, 2004, September 20, 2004, and November 18, 2004.
2. "Keys to Success in a Real Estate Transaction in Arizona" presented by NBI and IPE on February 10, 2004.
3. "Handling Legal Issues in Arizona Landlord/Tenant" presented by NBI and IPE on March 1, 2004.
4. "Preparing Documents for Homeowner Association Meetings" presented by Ekmark & Ekmark on February 27, 2004.
5. "Introduction to the Income Taxation of Trusts and Estates" presented by Surgent & Associates on November 23, 2003.
6. "Understanding the Role of Executors and Trustees" presented by Surgent & Associates on November 23, 2003.
7. "How to Settle an Estate" presented by Surgent & Associates on November 23, 2003.
8. "Equity Indexed Annuities" presented by WebCE.com, L.L.C., on September 21, 2003.
9. "Is Your Support Staff Practicing Law Too?" presented by the Pima County Bar Association on December 19, 2003.
10. "Doing Business with the Clerk's Office" presented by the Legal Support Professionals of Arizona on November 7, 2003.
11. "What's IV-D and Does It Apply to Me?" presented by the Pima County Bar Association on November 20, 2003.
12. "Grandparents as Primary Caretakers of Children" presented by the Arizona State University, College Extended Education on October 31, 2003.
13. "Worker's Compensation" presented by the Tucson Legal Support Association on November 20, 2003.
14. "Contract Law – Disclosure" presented by the Arizona School of Real Estate & Business on November 29, 2003.

15. "Update Recent Changes" presented by the Arizona School of Real Estate & Business on November 1, 2003.
16. "Contract Law" presented by the Arizona School of Real Estate & Business on November 21, 2003.
17. "Dealing with a 'Difficult' Client – Protective Proceedings" presented by the Financial Planning Association of Greater Phoenix on September 12, 2003.
18. "Ethics" presented by the Central Arizona Chapter of Enrolled Agents on December 18, 2003.
19. "Unauthorized Practice of Law and Communicating Effectively with Court Litigants" presented by the Education Services Division and Judicial Staff Education Committee on October 9, 2003.
20. "Effective Litigation – Investigation and Mitigation" presented by the Office of the Federal Public Defender on November 21, 2003.
21. "'Downwinder' Applications" presented by the Yavapai County Legal Support Association on February 14, 2004.
22. "Domestic Relations" presented by the Yavapai County Legal Support Association on March 9, 2004.
23. "Probate" presented by the Yavapai County Legal Support Association on April 13, 2004.

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Sturm to approve the above listed Continuing Education courses for hour-for-hour credit as pre-approved continuing education opportunities. Motion Passed. **LDP-03-260**

Report Regarding Pending Complaints

Review and recommendations regarding pending certificate holder complaint numbers 03-L022, 03-L027, 03-L031, 03-L039, 03-L026, 03-L030, and 03-L040.

Executive Session #1

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-03-261**

Executive Session #1 ended.

Ms. Grau recommended complaint number 03-L040 be deferred.

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J. Kleinman to defer processing of complaint number 03-L040. Nancy Swetnam Recused. Motion passed. **LDP-03-262**

Regarding complaint number 03-L022, Ms. Grau recommended the Board find probable cause for violation under Arizona Code of Judicial Administration §7-208, section (H)(1)(a)(2), regarding Code of Conduct Standard (2)(b), [REDACTED] and take no further action.

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Sturm to make an initial decision regarding probable cause in complaint number 03-L022. Nancy Swetnam Recused. Motion passed. **LDP-03-263**

A **motion** was made by J. Ward Sturm and seconded by Margaret J. Kleinman to find probable cause regarding complaint number 03-L022. Nancy Swetnam Recused. Motion failed. 2-6. Probable cause was not found and therefore complaint #03-L022 is dismissed.

A **motion** was made by Dr. Roger E. Hartley and seconded by Judge Roland J. Steinle to issue an informal advisory letter having found no probable cause with regards to complaint number 03-L022. Nancy Swetnam Recused. Motion passed. **LDP-03-264**

Ms. Grau recommended complaint number 03-L027 be dismissed due to lack of Board jurisdiction.

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward to dismiss complaint number 03-L027 for lack of jurisdiction. Nancy Swetnam Recused. Motion passed. **LDP-03-265**

Regarding complaint numbers 03-L031 and 03-L039, Ms. Grau recommended the Board find probable cause of violation by certificate holder Leah Keller (AZCLDP #80128) under Arizona Code of Judicial Administration §7-208, section (H)(1)(a)(2), and instruct staff to work with the Attorney General's Office to pursue a possible consent agreement with the certificate holder, pursuant to Arizona Code of Judicial Administration §7-208, section (H)(15)(a)(2).

A **motion** was made by J. Ward Sturm and seconded by Judge Roland J. Steinle to find probable cause for violation under Arizona Code of Judicial Administration §7-208, section (H)(1)(a)(2), regarding complaint numbers 03-L031 and 03-L039, involving Leah Keller (AZCLDP #8012). Further, the Board instructs staff to work with the Attorney General's Office to pursue a possible consent agreement with the certificate holder, pursuant to Arizona Code of Judicial Administration §7-208, section (H)(15)(a)(2). Nancy Swetnam Recused. Motion passed. **LDP-03-266**

Ms. Grau recommended complaint number 03-L026 be dismissed due to lack of Board jurisdiction.

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Sturm to dismiss complaint number 03-L026 for lack of jurisdiction. Nancy Swetnam Recused. Motion passed. **LDP-03-267**

Regarding complaint number 03-L030, Ms. Grau recommended the Board find probable cause of violations by certificate holder Margaret Moreno (AZCLDP #80257) under Arizona Code of Judicial Administration §7-208, sections (H)(1)(a)(1), (H)(1)(a)(2), and (H)(1)(a)(8), and issue a letter of concern to the certificate holder. Ms. Grau further recommends the Board issue a Cease and Desist Order regarding the business practices which are the subject of the complaint, and instruct staff to work with the Attorney General's Office to pursue formal charges. The Board may place restrictions on the certificate holder's certification, pursuant to Arizona Code of Judicial Administration §7-208, sections (H)(15)(a)(3), regarding notification of contact information for the individual certificate holder including business and residential addresses. The Code requires the certificate holder to acknowledge the Notice of Formal Charges within 20 days of receipt. Also, pursuant to Arizona Code of Judicial Administration §7-208, sections (H)(15)(a)(4), the certificate holder may be required to participate in a minimum of 5 additional hours of ethics and unauthorized practice of law continuing education.

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J. Kleinman to find probable cause of violations by certificate holder Margaret Moreno (AZCLDP #80257) under Arizona Code of Judicial Administration §7-208, sections (H)(1)(a)(1), (H)(1)(a)(2), and (H)(1)(a)(8); to issue a Letter of Concern to the certificate holder; to issue a Cease and Desist Order regarding the business practices which are the subject of the complaint; to instruct staff to work with the Attorney General's Office to pursue formal charges; to place restrictions on the certificate holder's certification pursuant to Arizona Code of Judicial Administration §7-208, sections (H)(15)(a)(3), regarding notification of contact information for the individual certificate holder including business and residential addresses; to require the certificate holder to acknowledge the notice of formal charges within 20 days of receipt; pursuant to Arizona Code of Judicial Administration §7-208, sections (H)(15)(a)(4), to require the certificate holder to participate in a minimum of 5 additional hours of ethics and unauthorized practice of law continuing education. Nancy Swetnam Recused. Motion passed. **LDP-03-268**

Review of Applications

The following legal document preparers and business entities request they be granted Initial Individual/Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reports the applications are complete, demonstrate the minimum eligibility requirements have been met by the applicant, and no additional information has been presented during the

background review. She recommends these applicants be granted certification.

Michael Fisher	Western Estate Services
Jeanette Salmo	Armida Mitchell
Lepin and Renehan Management, Inc.	Celeste Kniefel
Edna Gomez	Lauri-Beth Anderson
Nancy L. Anderson, LLC	Bruce Davidson
Davidson Financial Services, LLC	Patricia Lewis
Bishop and Associates	Albers Financial Group, Inc.
Mark Durnal	Health Providers Lien Services, Inc.
Tross Accounting and Tax Services, Inc.	Constance Tatham
Ronald West	Mary Jo Williams
Valley Trust and Estate Planning	

A **motion** was made by Nancy Swetnam and seconded by Judge Roland J. Steinle to grant Initial Individual/Business Certification to the applicants listed above, based on documentation provided showing they meet all qualifications for Initial Certification. Motion Passed. **LDP-03-269**

Linda Grau reported the following legal document preparers request they be granted Initial Individual/Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Mr. Taus is a 1998 law school graduate who has not been admitted to the State Bar of Arizona. The application is complete, eligibility has been established and no information that would prevent certification or that would disqualify certification was presented during the background review. Ms. Grau recommended the business entity be granted certification and a letter be forwarded to the designated principal requiring submission of Arizona Corporation Commission documents upon receipt of corporation status. Ms. Grau recommended Mr. Taus be granted certification and be requested to submit written acknowledgment of the Code of Conduct prohibition regarding the use of J.D., Esquire, etc. The Board discussed Mr. Taus educational background. The Board discussed the business entity application being incomplete.

Jimmy Taus

A-Z Legal Document Preparers

A **motion** was made by Nancy Swetnam and seconded by Judge Roland J. Steinle to grant Initial Individual Certification to Jimmy Taus, based on documentation provided showing he meets all qualifications for Initial Certification, and to defer consideration of the A-Z Legal Document Preparers until such time as required documents are on file with the Board. Motion Passed. **LDP-03-270**

Linda Grau reported the following business entity requests it be granted Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reported Mr. Hockensmith, the designated principal, submitted a letter from his attorney, as well as a follow-up statement of his own, regarding his failure to disclose civil case CV1996-015829, in the Superior Court in Maricopa County, which contains an allegation of fraud and includes a judgment of liability.

Ms. Grau recommended the application for the business entity certification be denied, pursuant to Arizona Code of Judicial Administration §7-208, sections (E)(5)(b)(1)(c), failure to disclose, and Arizona Code of Judicial Administration §7-208, sections (E)(5)(b)(1)(c), and sections (E)(5)(b)(1)(h), involving the finding of civil liability. The Board discussed the letters received and the minute entry regarding the civil case, and further discussed the judgment entered regarding attorney fees. The Board discussed the action by the Board of Accountancy and why it was not disclosed, and further discussed a desire to view the Board of Accountancy Consent Order.

Robert Hockensmith, PC

A **motion** was made by Nancy Swetnam and seconded by J. Ward Sturm to defer consideration on the above listed application to obtain additional information regarding a prior action by the Board of Accountancy. Motion Passed. **LDP-03-271**

Linda Grau reported the following legal document preparer requests she be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reported Ms. Hockensmith, a designated principal for Robert Hockensmith, PC, is not the “Jane Doe” Hockensmith named in a complaint in civil case CV-1996-015829, in the Superior Court in Maricopa County. Ms. Grau recommended granting Initial Individual Certification to Ms. Hockensmith, and that Ms. Hockensmith be informed she is not to prepare documents on behalf of a non-certified business entity.

Suzette Hockensmith

A **motion** was made by Judge Roland J. Steinle and seconded by Dr. Roger E. Hartley to grant Initial Individual Certification to the applicant listed above, based on documentation provided showing she meets all qualifications for Initial Certification. However, the applicant is not allowed to work under the auspices of Robert Hockensmith, PC, until such time as Robert Hockensmith, PC, becomes certified. Motion Passed. **LDP-03-272**

Linda Grau reported the following business entity requests it be granted Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Ms. Grau recommended that, if the Board considers granting certification to the business entity, a formal limitation be placed on the certificate holder regarding advertising to ensure compliance with Arizona Code of Judicial Administration §7-208 Code of Conduct, Standard 2 (b) which reads, “A legal document preparer shall be truthful and accurate when advertising or representing the legal document preparers qualifications, skills or abilities, or the services provided...”. Further, Ms. Grau recommends the Board direct Ms. Keller, the designated principal, to immediately submit a list of names and residential addresses of employees and trainees who prepare legal documents on behalf of Wilson, Keller, and Associates, LLC.

Wilson, Keller and Associates, LLC

A **motion** was made by Judge Roland J. Steinle and seconded by Susan C. Vasquez to direct, the designated principal to immediately submit a list of names and residential addresses of employees and trainees who prepare legal documents on behalf of Wilson, Keller, and Associates, LLC, and the Board defer the application until the information is received. Motion Passed. **LDP-03-273**

Linda Grau reported the following legal document preparer and business entity request they be granted Initial Individual/Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Ms. Grau reported the Board requested additional information regarding a Federal Court judgment and Mr. Zukerman's failure to disclose it. However, as the action did not warrant disclosure because it was a contract issue, Ms. Grau recommended Mr. Zukerman and Zukerman and Zukerman, PC be granted certification.

Gerald Zukerman

Zukerman and Zukerman, PC

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward to grant Initial Individual/Business Certification to the applicants listed above, based on documentation provided showing they meet all qualifications for Initial Certification. Motion Passed. **LDP-03-274**

The following legal document preparer and business entity request they be granted Initial Individual/Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reports the applications are complete, demonstrate the minimum eligibility requirements have been met by the applicant, and no additional information has been presented during the background review, and recommends these applicants be granted certification.

Construction Notice Services, Inc.

Frank Fink

A **motion** was made by Nancy Swetnam and seconded by Judge Roland J. Steinle to grant Initial Individual/Business Certification to the applicants listed above, based on documentation provided showing they meet all qualifications for Initial Certification. Motion Passed. **LDP-03-275**

Linda Grau recommended the following legal document preparer and business entity be deferred for further information.

Christian Faith Fellowship Ministry, Inc. Judy Rossi

A **motion** was made by Judge Roland J. Steinle and seconded by Virlynn Tinnell to defer Initial Individual/Business Certification to the applicants listed above for additional information. Motion Passed. **LDP-03-276**

The following business entity requests it be granted Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have

been met. Ms Grau recommends, based on the designated principal's failure to disclose on the formal actions taken against the business entity by the Commonwealth of Pennsylvania, and given the consumer impact of the sanctioned business practices defined in the Assurance of Voluntary Compliance, the business entity application be denied pursuant to ACJA §7-208 (E)(5)(b)(1)(c).

The Patriot Group, Inc.

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward to deny Initial Business Entity Certification of The Patriot Group, Inc., pursuant to Arizona Code of Judicial Administration §7-208 (E)(5)(b)(1)(c), for failure to disclose information regarding the company's status in Pennsylvania. Motion Passed. Nancy Swetnam Recused. **LDP-03-277**

The following legal document preparer requested he be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Ms Grau recommends to the Board, based on the failure to disclose the Pennsylvania proceedings against Patriot Group, that the individual application be denied pursuant to ACJA §7-208 (E)(5)(b)(1)(c).

Ronald Dunn

A **motion** was made by Judge Roland J. Steinle and seconded by Susan C. Vasquez to deny Initial Individual Entity Certification of Ronald Dunn, pursuant to Arizona Code of Judicial Administration §7-208 (E)(5)(b)(1)(c), for failure to disclose information regarding a Pennsylvania proceeding against Mr. Dunn and The Patriot Group. Motion Passed. Nancy Swetnam Recused. **LDP-03-278**

The following legal document preparer requested he be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reported there is no indication Mr. Myron Dunn was involved in the actions related to applicants Ronald Dunn and The Patriot Group.

Myron Dunn

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Sturm to grant Initial Individual Certification to the applicant listed above, based on documentation provided showing he meets all qualifications for Initial Certification. Motion Passed. Nancy Swetnam Recused. **LDP-03-279**

A **motion** was made by Judge Roland J. Steinle and seconded by Dr. Roger E. Hartley to instruct staff to inform Mr. Myron Dunn, in writing, he is not to prepare documents on behalf of a non-certified business entity. Motion Passed. Nancy Swetnam Recused. **LDP-03-280**

The following business entity requests it be granted Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met.

Central Arizona Paralegal Services, Inc.

A **motion** was made by Judge Roland J. Steinle and seconded by Dr. Roger E. Hartley to defer consideration on the above listed application to obtain additional information. Motion Passed. **LDP-03-281**

Linda Grau reported the designated principals for the following entities have submitted Business Entity Exemption Requests and recommended approval of exemptions.

Davidson Financial Services, LLC
Bishop and Associates, Inc.
Albers Financial Group, Inc.
Tross Accounting and Tax Services, Inc.
Health Providers Lien Services, Inc.

A **motion** was made by Judge Roland J. Steinle and seconded by Virlynn Tinnell to grant Business Entity Exemption to the applicants listed above, based on documentation provided showing they meet all qualifications for Business Entity Exemption. Motion Passed. **LDP-03-282**

Linda Grau recommended deferral of the following issues pending additional information.

Central Arizona Paralegal Services, Inc. – Business Entity Exemption Request
Amish Ventures, Inc. – Withdrawal
Marilyn Reedy-Creasy – Withdrawal

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to defer consideration on the above listed issues to obtain additional information. Motion Passed. **LDP-03-283**

Review and Approval of Meeting Minutes

Discussion was held regarding the regular session minutes of December 15, 2003. Nancy Swetnam requested grammatical, and clerical changes be made to the minutes. These changes will be given to Lauren Hargrave for correction. Ms. Swetnam requested that Motion LDP-03-237 reflect 9-1-1, equivalent to 9 yes votes, 1 no vote and 1 recusal.

A **motion** was made by Roland J. Steinle and seconded by Margaret J. Kleinman to adopt minutes of December 15, 2003, as amended. Motion passed. **LDP-03-284**

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to adopt the Executive Session minutes of December 15, 2003, as amended in Executive Session. Motion Passed. **LDP-03-285**

Report Regarding Pending Complaints (continued)

Linda Grau presented a “Request for Hearing” form to the Board for review. Ms. Grau reported she has not made any inquiries of other administrative and court related entities, who have hearings, to determine whether they are using similar forms, and, if so, acquiring copies of those forms.

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to have the subcommittee make inquiries of other administrative and court related entities, who have hearings, to determine whether they are using similar forms, and, if so, acquiring copies of those forms. Motion Passed. **LDP-03-286**

Subcommittee report regarding request for the Board to petition the Superior Court for a Cease and Desist Order regarding Joseph Estrada, a non-certified individual who is engaging in legal document preparation without certification.

Linda Grau reported additional information may be necessary for the Board to proceed.

A **motion** was made by Nancy Swetnam and seconded by Judge Roland J. Steinle this matter be deferred until the February meeting. Motion Passed. **LDP-03-287**

Hearing Regarding Denial

Linda Grau reported Ms. Teri Hale is present for the hearing regarding denial of her Initial Individual Certification. The application was previously denied pursuant to Arizona Code of Judicial Administration §7-208 (E)(5)(b)(1)(c), based on the material misrepresentations contained in a business entity application Ms. Hale submitted on behalf of Paralegal Services of Northern Arizona, Inc. The Paralegal Services application was received identifying Ms. Hale as the designated principal. The application is signed and notarized. The application was incomplete because there was no pending application for certification for Ms. Hale, nor were the required Articles of Incorporation and Certificate of Good Standing attached. When inquires were made in order to obtain needed documentation to make the application complete, Ms. Hale advised she had signed the application but denied doing so in the presence of a notary, reporting she was actually hospitalized on the date the application was presented to her by her secretary. Midway through the application process, Ms. Hale disclosed the corporate status for Paralegal Services of Northern Arizona had been revoked based on her failure to pay annual fees. However, the check submitted with the business entity application was drawn on the account of Paralegal Services of Northern Arizona, Inc., bank account. Ms. Hale addressed the Board and agreed to the aforementioned summary. However, she stated she believed there was nothing on her individual application which showed material misrepresentation. Ms. Hale stated she was so medicated in the hospital, she can't even remember signing the business application. She stated Ms. Tina Wilson, her

secretary at the time, was never a partner in her business, and that Ms. Wilson had Ms. Hale's friend, Rose Simcon, notarize the business application after she signed it, and that she signed Ms. Simcon's notary book after talking with Linda Grau. The Board questioned Ms. Hale with regards to her notary. Ms. Hale explained her previous secretary Sandra Perez had signing her name and used her notary seal without her knowledge. The Attorney General's Office investigated and did not take action. Ms. Hale was granted her notary since this situation occurred. The Board questioned Ms. Hale about a document signed by James D. Beck and notarized by her. The name in the caption, and the typed name under the signature line on the Amended Petition for Dissolution of Marriage, were not James D. Beck. The Board wondered why the signature Ms. Hale notarized did not belong to the party in the case, and why Mr. Beck was signing another individual's document. The Board asked Ms. Hale what steps she took regarding her secretary, Ms. Wilson. Ms. Hale stated she fired her as soon as she got out of the hospital at the end of August. The Board questioned whether Ms. Hale made a referral to the Secretary of State regarding the notary, Rose Simcon, notarizing a document, allegedly signed by Ms. Hale, without Ms. Hale being physically present. Ms. Hale stated she did not make a referral. The Board questioned Ms. Hale regarding her previous secretary, Sandra Perez. Ms. Hale stated that, for the past five years, she has been in business alone and sold her previous business to Ms. Perez. The Board asked Ms. Hale why Ms. Wilson did not notarize the business application in the hospital, since based on her commission expiration date, she was a notary at the time. The Board asked why Ms. Hale did not disclose the investigation by the Secretary of State. Ms. Hale stated it was not an issue, nothing became of it, and it was not a question on the application. Ms. Hale stated her illness was so severe, it made her incapable of knowing what she was signing. Ms. Grau reported there was information presented by Ms. Wilson stating she was a legal document preparer, and was a partner in Ms. Hale's business. Ms. Hale confirmed she fired Ms. Wilson when she was contacted by Linda Grau in reference to the business application. Ms. Hale stated Ms. Wilson is now collecting unemployment. Ms. Hale stated she was hospitalized on August 1st. The Board discussed filings done by Ms. Hale, bankruptcy filings done after July 1, 2003, and the Order to Show Cause hearing held at the Bankruptcy Court. The Board discussed the inconsistencies in Ms. Hale's testimony. Ms. Hale presented no witnesses, and did not have medical documentation with her at the time of the hearing.

Executive Session #2

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J. Kleinman to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-03-288**

Executive Session #2 ended.

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward to continue the hearing until February 23, 2004 at 10:00 a.m. Ms. Hale shall supply the Board with her medical records pertaining to her illness and hospitalization in August, 2003, and she may request a subpoena from the Board to ensure the attendance of Tina Wilson at the next hearing to give testimony in the case. Motion Passed. Margaret J. Kleinman Recused. **LDP-03-289**

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward directing Ms. Hale to attend the February hearing and bring a complete, certified copy of any hospital records involving her hospitalization, including, but not limited to, any medication she was given in the hospital. The records shall be sealed and reviewed only in Executive Session. Ms. Hale is also to bring copies of bankruptcy filings done in July of 2003, particularly the bankruptcy filing that resulted in the Order to Show Cause before the Bankruptcy Judge. Motion Passed. Margaret J. Kleinman Recused. **LDP-03-290**

Ms. Hale requested she be allowed to provide the Board with information from her current physician. The Board directed Ms. Hale the Board require the complete hospitalization records from August of 2003. The Board reminded Ms. Hale she has the burden of proof in the hearing.

Call to the Public

There was no response.

Adjournment

A **motion** was made by Nancy Swetnam and seconded by Margaret J. Kleinman to adjourn. Motion passed. **LDP-03-291**

The meeting of the Board of Legal Document Preparers adjourned at 2:29 p.m.