



Board of Legal Document Preparers
Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 109

Date: November 22, 2010
Time: 10:00 a.m. – 2:00 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Les Krambeal
Andrew Saper
Paul Friedman
Hon. Robert H. Oberbillig

Telephonically Present:

Cynthia Felton
Stephanie Gates Wolf
Debra A. Young
Bonnie Matheson
Debra Griffin

Absent:

Deborah Colon-Mateo

OTHER ATTENDEES

AOC Staff:

Nancy Swetnam
Linda Grau
Kandace French
Karla Clanton
Nina Preston
Alex Navarro
Kimberly Siddall
Afton Foutz

Guests:

Bernadette DeAngelis
Calah L Thomas
Barry R. Goldman
Sandra Melia
Mitchell Varbel
Kevin Torrey
Karen Marias
Pedro Adum
Patricia Premeau
Ward Parker
James Jenkins
Lynette Torres

CALL TO ORDER

Called to Order By: Les Krambeal, Chair

Time: 10:00 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

Individuals Addressing the Board: Les Krambeal, Chair

1-A: *Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of September 27, 2010.*

Discussion: None.

Motion: Move to approve the regular session minutes of the meeting of September 27, 2010.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-211**

1-B: *Review, discussion, and possible action regarding approval of the executive session minutes of the meeting of September 27, 2010.*

Discussion: None.

Motion: Move to approve the executive session minutes of the meeting of September 27, 2010.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-212**

2) REVIEW OF PENDING COMPLAINTS

Individuals Addressing the Board: Nancy Swetnam

2-A: *Review, discussion and possible regarding the proposed Consent Agreement*

resolution of pending formal disciplinary action involving complaint number 08-L057 and certified legal document preparer Deborah Albert.

Discussion: On June 28, 2010, the Board requested Division staff contact Ms. Albert in advance of filing the Notice of Formal Statement of Charges in complaint number 08-L057 to determine if she was amenable to resolving the pending formal disciplinary action by way of the proposed Consent Agreement. Ms. Albert signed and returned the proposed Consent Agreement.

It was recommended the Board enter the Consent Agreement and authorize the Chair to sign the Consent Agreement on behalf of the full Board.

Motion: Move to enter the Consent Agreement and authorize the Chair to sign the Consent Agreement on behalf of the full Board.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-213**

2-B: *Review, discussion, and possible action regarding the following certificate holder complaints:*

*Complaint Number 10-L012 – Elizabeth Moore
Complaint Number 10-L022 – Estelle Gaudreau*

Discussion: Complaint Number 10-L012 – Elizabeth Moore:
On July 30, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 10-L012. It was recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists in complaint number 10-L012 pursuant to ACJA § 7-201(H)(6)(a), (H)(6)(d) and (H)(6)(k)(3) for acts of misconduct involving ACJA § 7-201(E)(5), (F)(1) and (H)(3)(c) and ACJA § 7-208(E)(1), (E)(3)(d)(1), (F)(2), (J)(1)(a), (J)(1)(d), (J)(4)(a) and (J)(4)(b).

Should the Board ultimately enter a finding these violations have occurred, the Board impose the following sanctions pursuant to ACJA § 7-201(H)(24)(a)(6):

- a) Issue a Letter of Concern to Elizabeth Moore, pursuant to ACJA § 7-201(H)(24)(a)(6)(a);
- b) Require Mohave County Paralegal, LLC to comply with ACJA § 7-208(E)(3)(d)(1) and apply for business entity certification within 60 days of Moore receiving notice of

entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(d);

- c) Order Moore to reimburse consumer Philip Shelton the amount of \$175.00 within 30 days of Moore receiving notice of entry of the Board's Final Order, and order Moore to submit documentation of the fulfilled reimbursement with 15 days after of payment, pursuant to ACJA § 7-201(H)(24)(a)(6)(d);
- d) Assess costs associated with the investigation and any related administrative proceedings, to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j); and,
- e) Impose a civil penalty in the amount of \$1,250.00, an amount Mohave County Paralegal, LLC would have paid for certification application and renewal fees during the 2007-09 and 2009-11 certificate periods, to be remitted no later than sixty (60) days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(k).

Motion: Move to approve as listed above.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-214**

Individuals Addressing the Board: Linda Grau. Nancy Swetnam recused herself from this matter.

Discussion: Complaint Number 10-L022 – Estelle Gaudreau:
On August 24, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegation 1 and does exist as to Allegations 2 and 3 in complaint number 10-L022. It was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegation 1. Regarding Allegations 2 and 3, it was recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) for acts of misconduct involving ACJA § 7-201(F)(1) and ACJA § 7-208(F)(2), (J)(1)(a) and (J)(2)(b).

Should the Board ultimately enter a finding these violations have occurred, it was recommended the Board impose the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to Gaudreau, pursuant to ACJA § 7-201(H)(24)(a)(6)(b);
- b) Mandate Gaudreau to participate in no less than five (5) additional hours of continuing education in the curriculum

areas of ethics and professional responsibility in addition to the annual ten (10) hour continuing education requirement, pursuant to ACJA § 7-201 (H)(24)(a)(6)(f); and;

- c) Assess costs associated with the investigation and any related administrative proceedings involving complaint number 07-L012, pursuant to ACJA § 7-201 (H)(24)(a)(6)(j).

Motion: Move to approve as listed above.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-215**

2-C: *Review, discussion and possible regarding the proposed Consent Agreement resolution of pending formal disciplinary action involving complaint numbers 09-L073 and 09-L079 and certified legal document preparers Darren Ortiz and Legal Awareness Arizona, LLC.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: On September 27, 2010, the Board requested Division staff contact Mr. Ortiz in advance of filing the Notice of Formal Statement of Charges in complaint numbers 09-L073 and 09-L079 to determine if he and his certified business entity, Legal Awareness Arizona, LLC, were amenable to resolving the pending formal disciplinary action by way of the attached proposed Consent Agreement. Mr. Ortiz, individually and as the designated principal for Legal Awareness Arizona, LLC, signed and returned the proposed Consent Agreement along with the attached cover letter. Mr. Ortiz' letter requests the agreed upon suspension period commence "after the first of the year." Discussion regarding the request to defer the date of the beginning of the suspension.

It was recommended the Board enter the Consent Agreement and authorize the Chair to sign the Consent Agreement on behalf of the full Board and determine the effective date of the suspension.

Motion: Move to enter the Consent Agreement, agreement to be mailed to Mr. Ortiz and take effect upon signature by the Chair, and authorize the Chair to sign the Consent Agreement on behalf of the full Board.

Motion Proposals: First Andrew Saper
Second Hon. Robert H. Oberbillig

Motion Results: Pass **LDP 10-216**

2-D: *Review, discussion and possible regarding the proposed Consent Agreement resolution of pending formal disciplinary action involving complaint number 10-L025 and certified legal document preparer Mark Schmit.*

Individuals Addressing the Board: Linda Grau. Nancy Swetnam recused herself from this matter.

Discussion: On September 27, 2010, the Board requested Division staff contact Mr. Schmit in advance of filing the Notice of Formal Statement of Charges in complaint number 10-L025 to determine if he was amenable to resolving the pending formal disciplinary action by way of the attached proposed Consent Agreement. Mr. Schmit signed and returned the proposed Consent Agreement.

It was recommended the Board enter the Consent Agreement and authorize the Chair to sign the Consent Agreement on behalf of the full Board.

Motion: Move to enter the Consent Agreement and authorize the Chair to sign the Consent Agreement on behalf of the full Board.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-217**

2-E: *Review, discussion and possible action regarding the formal disciplinary action involving complaint number 07-L079 and certificate holder Marty Grant.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: On June 22, 2009, the Board entered a finding for formal disciplinary action in complaint number 07-L079 and offered Ms. Grant an opportunity to resolve the matter by Consent Agreement. The sole allegation in the complaint involved Ms. Grant's failure to obtain business entity certification for her business entity, Executive Lien Contractor Services, Inc.

On July 10, 2009, the disciplinary action was resolved by Consent Agreement and a Letter of Concern was issued to Ms. Grant. The Consent Agreement afforded Ms. Grant 30 days to submit a business entity application for Executive Lien Contractor Services, Inc. and 90 days to remit the agreed upon civil penalty of \$250.00.

On August 5, 2009, the Division received non-certificate holder complaint number NC09-L060 alleging Executive Lien Contractor Services, Inc. was providing legal document preparation services without certification. Notice of the complaint was forward to Executive Lien Contractor Services, Inc. On September 14, 2009, the Division received a letter from Executive Lien Contractor Services, Inc. Vice President Steven Todd reporting the company President, Ms. Grant, was in the process of having the business entity certified.

Division records reflect Executive Lien Contractor Services, Inc. has not applied for business entity certification and the Division's Compliance Unit has reported Ms. Grant failed to remit the agreed upon \$250.00 civil penalty. The Consent Agreement contains a provision that reads, "If Grant enters this Consent Agreement and fails to comply with any term of the Consent Agreement, the Board reserves the right to move forward with disciplinary action pursuant to ACJA § 7-201(H) in complaint number 07-L079."

On June 28, 2010, the Board ordered the filing and service of Notice of Formal Statement of Charges to Ms. Grant in complaint number 07-L079. Ms. Grant was served with the attached Notice of Formal Statement of Charges and Right to Hearing document on October 9, 2010. Ms. Grant called and spoke with Division staff twice after being served, speaking to Investigator Karla Clanton on October 12, 2010 and Programs and Investigations Unit Manager Linda Grau on October 20, 2010. Division records reflect during both calls to the Division, Ms. Grant asserted she did not have the money to apply for business entity certification. When speaking with Linda Grau, Ms. Grant indicated she never really agreed with the Consent Agreement provisions but she signed and returned the Consent Agreement to accommodate the situation to get the matter to "go away". At no point during either call did Ms. Grant suggest, infer or otherwise assert she had acted in compliance with the Consent Agreement.

On October 26, 2010, Ms. Grant filed the Answer and did not request a hearing. The filed Answer argues Ms. Grant did apply for business entity certification and did remit the agreed upon \$250.00 civil penalty by certified mail. No information or documentation was presented with the Answer demonstrating certified mail delivery. Ms. Grant's "affirmative defenses" allege the Division received but failed to properly process the business entity application and fees. Further, Ms. Grant asserts she was informed it was not necessary for her to resubmit "the documents".

It was recommended the Board enter a Final Order in complaint number 07-L079 adopting the “Factual Allegations of Misconduct” contained in the Notice of Formal Statement of Charges as the Findings of Fact and “Formal Charges” as the Conclusions of Law. It was recommended the Board find Ms. Grant in violation for ACJA § 7-201(F)(1) and AJCA § 7-208(E)(3)(d)(1), (F)(2) and (J)(5)(a) by failing to obtain business entity certification for Executive Lien Contractor Services, Inc. It was recommended the Board impose the following disciplinary sanctions:

- a) Issue a Letter of Concern to Grant, pursuant to ACJA § 7-201(H)(24)(a)(6)(a);
- b) Issue a cease and desist order enjoining Grant from offering or providing legal document preparation services on behalf of Executive Lien Contractor Services, Inc. until such time as the business entity hold active legal document preparer certification, pursuant to ACJA § 7-201(H)(24)(a)(6)(g);
- c) Assess costs associated with the investigation and disciplinary proceedings related to complaint number 07-L079 in the amount of \$407.32, to be remitted no later than 60 days following entry of the Board’s Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j). The assessed costs shall be made payable to “Arizona Supreme Court” and submitted to the Certification and Licensing Division, 1501 West Washington, Suite 104, Phoenix, Arizona 85007; and,
- d) Impose civil penalties in the amount of \$250.00 per found violation to be remitted no later than sixty (60) days following entry of the Board’s Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(k). The imposed civil penalty shall be made payable to “Arizona Supreme Court” and submitted to the Certification and Licensing Division, 1501 West Washington, Suite 104, Phoenix, Arizona 85007.

Motion: Move to accept the recommendation as listed above.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-218**

Motion: Move to authorize the chair to sign on behalf of the full Board.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-219**

2-F: Review, discussion and possible action regarding non-certificate holder complaint numbers:

Complaint Number NC08-L074 – Van Rylin & Associates, Inc.
Complaint Number NC05-L145 – Rob Andrew
Complaint Number NC05-L133 – Rob Andrew and Peoples Courthouse
Complaint Number NC07-L024 – Rob Andrew
Complaint Number NC07-L061 – Rob Andrew
Complaint Number NC08-L004 – Rob Andrew
Complaint Number NC08-L040 – Rob Andrew
Complaint Number NC09-L022 – Rob Andrew
Complaint Number NC10-L024 – TheBankruptcyPlace.com
Complaint Number NC10-L004 – 3 Amigos Tax & Paralegal Services and Thomas Minich
Complaint Number NC10-L001 – Alpha Omega Family Services
Complaint Number NC09-L082 – Legacy One, LLC and Alisha Larson
Complaint Number NC10-L002 – Christine Springer and Desert Edge Legal Services, LLC
Complaint Number NC09-L072 – LAN & Associates, LLC and Leona Payne

Individuals Addressing the Board: Linda Grau. Nancy Swetnam recused herself from this matter.

Discussion: Complaint Number NC08-L074 – Van Rylin & Associates, Inc.
Previously, the Board pursued a Superior Court cease and desist action involving Van Rylin & Associates. The Superior Court action resolved, in part, because Van Rylin and its designated principal applied for certification. On June 28, 2010, the Board granted business entity certification to Van Rylin & Associates, Inc. Therefore, it was recommended this complaint be closed without further action.

Motion: Move to close this complaint without further action.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-220**

Discussion: Complaint Number NC05-L133 – Rob Andrew and Peoples Courthouse
Complaint Number NC05-L145 – Rob Andrew
Complaint Number NC07-L024 – Rob Andrew

Complaint Number NC07-L061 – Rob Andrew
Complaint Number NC08-L004 – Rob Andrew
Complaint Number NC08-L040 – Rob Andrew
Complaint Number NC09-L022 – Rob Andrew

On June 25, 2007, the Board moved to petition the Superior Court for a cease and desist order against Mr. Andrew. Before the matter could be filed, additional complaints were received by the Division and the State Bar of Arizona Unauthorized Practice of Law Office. Ultimately, the State Bar determined to file the attached cease and desist Complaint in Superior Court in Maricopa County case number CV2010-013516. Therefore, it was recommended the Board vacate the June 25, 2007 order and close the above listed complaints involving Mr. Andrew and Peoples Courthouse with no further action.

Motion: Move to vacate the prior order and close the above listed complaints involving Mr. Andrew and Peoples Courthouse with no further action.

Motion Proposals: First Andrew Saper
Second Cynthia Felton

Motion Results: Pass **LDP 10-221**

Discussion: Complaint Number NC10-L024 – TheBankruptcyPlace.com

On May 13, 2010, the Division received a complaint about legal document preparation services being offered through this website. At the time, the website appeared to offer Chapter 7 and Chapter 13 services. The website is no longer active. The toll free 800 number published on the website rings to a health insurance provider and correspondences sent to the LLC purportedly responsible for the website were return to the Division by the United States Postal Service marked “undeliverable”. Therefore, it was recommended the Board close this complaint with no further action.

Motion: Move to close this complaint with no further action.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-222**

Discussion: Complaint Number NC10-L004 – 3 Amigos Tax & Paralegal Services and Thomas Minich

On March 4, 2010, the Division received a complaint alleging Mr. Minich was forming or had formed the business entity and was attempting to hire non-certified paralegal studies students to provide legal document preparation services on behalf of the non-certified business. Arizona Secretary of State records reflect Mr. Minich registered the “3 Amigos Paralegal Services” trade name on January 11, 2010. No evidence was presented or obtained demonstrating any documents have been prepared. However, there is a SuperPages.com listing for the business entity. Notice of the certification requirement was sent to Mr. Minich and he submitted a written response dated March 9, 2010. Mr. Minich provided information about his educational accomplishment and stated, “Over the past 50-plus years I’ve been doing Paralegal & Tax work, helping the underprivileged and Elderly (People that cannot afford legal assistance), I feel I’d have been ‘Grandfathered’ in as a Paralegal in the area-----” Division records reflect neither 3 Amigos nor Mr. Minich have applied for certification since receiving notice of the certification requirement. Therefore, it was recommended the Board send a cease and desist letter to Mr. Minich and 3 Amigos Tax & Paralegal Services and close this complaint with no further action.

Motion: Move to send a cease and desist letter to Mr. Minich and 3 Amigos Tax & Paralegal Services and close this complaint with no further action.

Motion Proposals: First Andrew Saper
Second Cynthia Felton

Motion Results: Pass **LDP 10-223**

Discussion: Complaint Number NC10-L001 – Alpha Omega Family Services

On February 2, 2010, the Division received a complaint concerning a flyer being circulated regarding free probate seminars being offered throughout Arizona by Alpha Omega Family Services. Small print included on the flyer reads, “All new clients are provided with consultations by an independent attorney who will help you determine the best plan for your family.” After being notified of the complaint, the Division received a written response from AmeriEstate Legal Plan, Inc. confirming the services offered through the flyer are made available to seminar participants through “independent licensed attorneys”. Therefore, it was recommended the Board refer this complaint to the State Bar of Arizona and close the complaint with no further action.

Motion: Move to refer this complaint to the State Bar of Arizona and close

the complaint with no further action.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-224**

Discussion: Complaint Number NC09-L082 – Legacy One, LLC and Alisha Larson

On November 23, 2009, the Division received a complaint alleging Ms. Larson, through and on behalf of Legacy One, LLC, prepared a Will document. Division staff requested but was unable to secure a copy of the Will Ms. Larson purportedly prepared. Arizona Corporation Commission records reflect Legacy One, LLC of Gilbert, Arizona was formed on July 31, 2009 with the Keith Larson identified as the Statutory Agent and as the only named Member of the LLC. Available online Better Business Bureau records reflect Legacy One as being “accredited by” the BBB since August 19, 1999. Division records reflect neither Alisha nor Keith Larson have been admitted to practice law in Arizona. Notice of the certification requirement was forwarded to Ms. Larson at Legacy One. The notification letter requested Ms. Larson respond within 15 days. To date, the Division has not received a response from Ms. Larson or Legacy One, LLC and neither of the Larsons or the business entity have applied for legal document preparer certification. Therefore, it was recommended the Board send a cease and desist letter to the Larsons and Legacy One, LLC and close this complaint with no further action.

Motion: Move to send a cease and desist letter to the Larsons and Legacy One, LLC and close this complaint with no further action.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-225**

Discussion: Complaint Number NC10-L002 – Christine Springer and Desert Edge Legal Services, LLC

On February 23, 2010, the Division received a complaint involving Ms. Springer and her non-certified business entity Desert Edge Legal Services, LLC. Division records reflect Ms. Springer held active individual certification from September 17, 2007 through June 30, 2009. Ms. Springer did not apply for 2009-2011 renewal. The complaint, forwarded from the State Bar of Arizona, contained

printouts of business entity website that identified Ms. Springer and the business as Arizona Supreme Court certified legal document preparers. Division staff confirmed the website certification references during February of 2010. Upon receipt of notice of the complaint, Ms. Springer submitted a written response indicating she did not renew her certification due to the economic downturn and a shift in the focus of her business. Ms. Springer indicated she did not intend to mislead the public, she merely forgot to change her website. The certification references were removed from the website. Ms. Springer's letter stated, in part, "Additionally, although I currently do not offer legal document preparation services, to remove any future doubt about the possibility of non-compliance, I am registering to take the CLDP examination on March 24, 2010. I will make a formal application to be recertified upon passing the examination." Ms. Springer took and passed the examination and, to date, has not submitted an application for certification. Therefore, it was recommended the Board send a cease and desist letter to Ms. Springer and Desert Edge Legal Services, LLC and close this complaint with no further action.

Motion: Move to send a cease and desist letter to Ms. Springer and Desert Edge Legal Services, LLC and close this complaint with no further action.

Motion Proposals:

First	Paul Friedman
Second	Andrew Saper
Recuse	Debra Griffin

Motion Results: Pass **LDP 10-226**

Discussion: Complaint Number NC09-L072 – LAN & Associates, LLC and Leona Payne

On September 22, 2009, the Division received a complaint forwarded from the State Bar of Arizona about legal document preparation services being offered through the LAN & Associates website [LANAssociateLLC.com]. At the time, the website appeared to offer a wide range of legal document preparation services. Upon receiving notice of the complaint, Ms. Payne contacted the Division and registered for and unsuccessfully attempted the LDP examination. The website is no longer active. The business phone number published when the website was active is no longer a working phone number. Arizona Corporation Commission records reflect the LLC was administratively dissolved on July 25, 2008. Therefore, it was recommended the Board close this complaint with no further action.

Motion: Move to close this complaint with no further action.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-227**

2-G: *Review, discussion and possible action regarding complaint numbers 04-L027 and 04-L032 involving Tiffany DiGregorio aka Tiffany Flick and The Document Source, LLC.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: Board reviewed some prior history.

Earlier this year, the Division was able to locate Ms. DiGregorio. The attached Notice of Formal Statement of Charges (“Notice”) was filed on April 16, 2010 and served to Ms. DiGregorio on April 22, 2010. Pursuant to ACJA § 7-201(H), Ms. DiGregorio and The Document Source, LLC had until May 7, 2010 to file an Answer and request a hearing.

Ms. DiGregorio and The Document Source, LLC did not timely file an Answer or request a hearing. On May 18, 2010, the Division received a letter from Ms. DiGregorio denying knowledge of or participation in the alleged misconduct. On June 28, 2010, the Board reviewed and considered this matter, including Ms. DiGregorio’s May 18th letter, and after detailed discussion, entered the following actions:

1. Revoked Tiffany DiGregorio’s individual certification and The Document Source, LLC business entity certification in complaint number 04-L032, pursuant to ACJA § 7-201(H)(24)(a)(6)(i).
2. Issued a cease and desist order against Tiffany DiGregorio and The Document Source, LLC, enjoining Tiffany DiGregorio and The Document Source, LLC from offering and preparing legal documents, representing to the public they are certified legal document preparers, or conducting any activities that constitutes the unauthorized practice of law, pursuant to ACJA § 7-201(H)(24)(a)(6)(g).
3. Ordered, and established as condition of reinstatement, Tiffany DiGregorio and The Document Source, LLC to pay restitution to consumer John Nichols in the amount of \$465.00 in complaint number 04-L032, pursuant to ACJA

§ 7-201(H)(24)(a)(6)(i).

4. Imposed of a civil penalty in the amount of \$5,000.00 in complaint number 04-L032, pursuant to ACJA § 7-201(H)(24)(a)(6)(k).
5. Assessed costs related to the investigation and disciplinary proceedings in the amount of \$701.34, pursuant to ACJA § 7-201(H)(24)(a)(6)(j).
6. Ordered, and established as a condition of reinstatement, Tiffany DiGregorio and The Document Source, LLC to pay restitution to consumer Irma Peralta in the amount of \$285.00 in complaint number 04-L027, pursuant to ACJA § 7-201(H)(24)(a)(6)(i).
7. Authorized the Chair to sign the Final Order on behalf of the full Board.

In reviewing the matter for issuance of the Final Order, it was determined the Board's June 28, 2010 actions did not include formal entry of findings of violations and did not provide stated Findings of Facts and Conclusions of Law. Therefore, it was recommended the Board take the following actions:

- a) Adopt the Factual Allegations of Misconduct contained in the Notice of Formal Statement of Charges as the Findings of Fact and the Formal Charges in the Notice of Formal Statement of Charges as the Conclusions of Law.
- b) Enter a finding Tiffany DiGregorio and The Document Source, LLC violated ACJA § 7-208(F)(2) and Appendix A Code of Conduct Standard (4)(a) in complaint number 04-L027.
- c) Enter a finding Tiffany DiGregorio and The Document Source, LLC violated ACJA § 7-208(F)(2) and Appendix A Code of Conduct Standards (1)(a), (1)(d), (2)(c), (4)(a), and (5)(a) in complaint number 04-L032.
- d) Affirm the orders entered (listed above) on June 28, 2010.

Motion: Move to approve as listed above.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-228**

2-H: *Review, discussion and possible action regarding Hearing Officer Craig Tindall's Recommendation Report involving Ken Volk and complaint numbers 06-L079, 06-L098, 06-L118 and 07-L011.*

Individuals Addressing the Board: Linda Grau. Nancy Swetnam has recused herself from this matter.

Discussion: On October 29, 2010, Hearing Officer Craig Tindall filed Findings of Fact, Conclusions of Law and Recommendations report involving Ken Volk and complaint numbers 06-L079, 06-L098, 06-L118 and 07-L011. It was recommended the Board adopt the Findings of Fact and Conclusions of Law as presented in Hearing Officer Tindall's report with the following corrections: Page 1, Line 21, Page 2 Line 12, Page 2 Line 20, Page 3 Line 2, Page 4 Line 13, Page 5 Line 21, Page 6 Line 16, Page 8 Line 4 all site ACJA 708 and should be ACJA 7-208. Page 2 line 3 sites Arizona Supreme Court Rule 31(3)(21) and should read Arizona Supreme Court Rule 31(D)(24), Page 7 Line 23 sites ACJA 7-201 (H)(24)(I) and should site ACJA 7-201 (H)(24)(A)(6)(I)

Based on the findings and conclusions of the Hearing Officer, it was recommended the Board dismiss complaint number 06-L118.

Regarding complaint number 06-L079, it was recommended the Board enter a finding Ken Volk violated Arizona Supreme Court Rule 31 ("Rule 31"), ACJA § 7-208(F)(1)(b), (F)(2), and ACJA § 7-208 Appendix A Code of Conduct Standards (5)(a) and (5)(c).

Regarding complaint number 06-L098, it was recommended the Board enter a finding Ken Volk violated Rule 31, ACJA § 7-208(F)(1)(b), (F)(2), ACJA § 7-208 Appendix A Code of Conduct Standards (5)(a) and (5)(c).

Regarding complaint number 07-L011, it was recommended the Board enter a finding Ken Volk violated Rule 31(a)(2)(B), ACJA § 7-208(F)(1)(b) and (F)(1)(c), (F)(2), (F)(3) and Appendix A Code of Conduct Standard (5)(a), (5)(b) and (5)(c), ACJA § 7-208(F)(3)

It was recommended the Board consider Hearing Officer Tindall's recommendation and order the following disciplinary sanctions in complaint numbers 06-L079, 06-L098 and 07-L011 pursuant to ACJA § 7-201(H)(24)(a)(6):

- a) Revoke Ken Volk's certification, pursuant to ACJA § 7-201(H)(24)(a)(6)(i);

- b) Issue a cease and desist order against Kenneth Volk enjoining Volk from preparing legal documents, representing to the public he is a certified legal document preparer or otherwise authorized to prepare legal documents, or engaging in any activities that constitutes the unauthorized practice of law until such time as any and all conditions for reinstatement are met, to the satisfaction of the Board, pursuant to ACJA § 7-201(H)(24)(a)(6)(g);
- c) Assess costs associated with the investigation and disciplinary proceedings related to complaint numbers 06-L079, 06-L098 and 07-L011 in the amount of \$3,614.55, to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j). The assessed costs shall be made payable to "Arizona Supreme Court" and submitted to the Certification and Licensing Division, 1501 West Washington, Suite 104, Phoenix, Arizona 85007, and;
- d) Impose a civil penalty of \$100.00 per found violation, in the amount of \$400.00, be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(k). The imposed civil penalty shall be made payable to "Arizona Supreme Court" and submitted to the Certification and Licensing Division, 1501 West Washington, Suite 104, Phoenix, Arizona 85007.

It was recommended the Board authorize the Chair to sign the Final Order on behalf of the full Board.

Motion: Move to approve as listed above with typographical corrections.

Motion Proposals: First Paul Friedman
 Second Andrew Saper
 Recuse Debra Griffin

Motion Results: Pass **LDP 10-229**

2-I: *Review, discussion and possible action regarding possible Consent Agreement resolution of complaint number 08-L008 involving Karina Morales and Servicios Hispanos.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: On September 27, 2010, the Board reviewed and considered the Investigation Summary, Allegation Analysis and Probable Cause Decision, and Recommendation in complaint number 08-L008.

The Board accepted the probable cause determination and entered a finding grounds for formal disciplinary action exists pursuant to (H)(6)(a) and (H)(6)(k)(3) for an act of misconduct involving Arizona Revised Statutes § 12-2701 and § 12-2702, ACJA § 7-201(F)(1) and ACJA § 7-208(F)(2) and (J)(5)(a). The Board requested Division staff contact Ms. Morales and the certified business entity in advance of filing the Notice of Formal Statement of Charges to determine whether they were amenable to resolving the formal disciplinary action by Consent Agreement. The Board's proposed Consent Agreement was forwarded to Ms. Morales and Servicios Hispanos. In response, the Division was contacted by attorney Kevin Torrey who is representing the certificate holders in the disciplinary action. Mr. Torrey's written response and proposed alternative Consent Agreement were reviewed by the Board.

Staff recommended the Board not enter into the proposed amended consent agreement, authorize staff to move forward with the filing of notice of formal statement of charges

Motion: Move to not enter into the consent agreement and go forward with disciplinary actions.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-230**

Motion: Move to allow the Chair to sign on behalf of the full Board.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-231**

2-J: *Review, discussion and possible action regarding Hearing Officer Frederick Berry's Recommendation Report regarding complaint numbers 06-L048, 09-L025, Rae Heimer and Divorce and Family Documents, doing business as dba Bankruptcy & Divorce.*

Individuals Addressing the Board: Nancy Swetnam

Discussion: On November 3, 2010, Hearing Officer Berry filed the Report. It was recommended the Board adopt the Findings of Fact and Conclusions of Law as presented in Hearing Officer Berry's report.

It was recommended the Board enter a finding in complaint number 06-L048 that Rae Heimer and Divorce and Family Documents

violated ACJA § 7-208(F)(2), (F)(6)(c), Appendix A Code of Conduct Standards (1)(d), (2)(c), (3)(b), (5)(a), and 11 USC § 109 and § 110.

It was recommended the Board enter a finding in complaint number 09-L025 that Rae Heimer and Divorce and Family Documents violated Arizona Supreme Court Rule 31(a)(2)(B), Rule 31(c), ACJA § 7-201(F)(1), ACJA § 7-208(F)(1)(b), (F)(2), (F)(6), (J)(1)(a), (J)(1)(d), (J)(2)(c), (J)(4)(b), (J)(5)(a), (J)(5)(b), (J)(5)(c) and the Arizona Supreme Court disbarment order issued on June 11, 1999 in case number SB-99-0023, In Re Varbel.

It was recommended the Board order the following disciplinary sanctions in complaint numbers 06-L048 and 09-L025 pursuant to ACJA § 7-201(H)(24)(a)(6):

- d) Revoke Rae Heimer and Divorce and Family Documents certificates in complaint number 09-L025, pursuant to ACJA § 7-201(H)(24)(a)(6)(i);
- e) Issue a cease and desist order against Rae Heimer and Divorce and Family Documents enjoining Rae Heimer and Divorce and Family Documents from preparing or offering to prepare legal documents, representing to the public they are certified legal document preparers or are authorized to provide legal document preparation services, or conducting any activities that constitute the unauthorized practice of law during the period of the revocation and until such time as any and all conditions for reinstatement are met to the satisfaction of the Board, pursuant to ACJA § 7-201(H)(24)(a)(6)(g);
- f) Order and mandate as a condition of reinstatement, in complaint number 09-L025, Heimer and Divorce and Family Documents to reimburse all document preparation and legal service fees charged consumers Pedro Barrey, Roberto and Veronica Sandoval, and Mark Mangosing, Sr., and provide documentation of the reimbursements within 60 days of entry of the Board's Final Order; pursuant to ACJA § 7-201(H)(24)(a)(6)(i);
- g) Mandate and order as a condition for reinstatement in complaint number 09-L025, Heimer to participate in no less than twenty (20) additional hours of continuing education in the curriculum areas of ethics, professional responsibility, and the unauthorized practice of law, in addition to the annual ten (10) hour continuing education requirement, pursuant to ACJA § 7-201(H)(24)(a)(6)(f);
- h) Issue a Censure to Heimer and Divorce and Family Documents in complaint number 06-L048, pursuant to

ACJA § 7-201(H)(24)(a)(6)(b);

- i) Place Heimer on probation for the 2009-2011 certification period with the following conditions of probation in complaint number 06-L048, pursuant to ACJA § 7-201(H)(24)(a)(6)(e):
 - a. Order Heimer and Divorce and Family Documents to reimburse Thomas Keefer for any and all service fees charged or additional legal fees incurred related to the bankruptcy proceedings, that have not previously been ordered, disgorged or otherwise mandated by the United States Bankruptcy Court, District of Arizona, and require Heimer to submit documentation demonstrating compliance with the Board's Order to reimburse consumer Thomas Keefer within sixty days of entry of the Board's Final Order;
 - b. Mandate Heimer participate in no less than ten (10) additional hours of continuing education in the curriculum areas of ethics, professional responsibility, and the unauthorized practice of law, in addition to the annual ten (10) hour continuing education requirement, and require Heimer to submit documentation of completion of the mandated additional continuing education within 120 days of entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(f).
- j) Assess costs associated with the investigation and disciplinary proceedings related to complaint numbers 06-L048 and 09-L025 in the amount of \$1,352.05, to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j). The assessed costs shall be made payable to "Arizona Supreme Court" and submitted to the Certification and Licensing Division, 1501 West Washington, Suite 104, Phoenix, Arizona 85007, and;
- e) Impose a civil penalty of \$250.00 per found violation in complaint number 06-L048, in the amount of \$1,000.00, be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(k). The imposed civil penalty shall be made payable to "Arizona Supreme Court" and submitted to the Certification and Licensing Division, 1501 West Washington, Suite 104, Phoenix, Arizona 85007;
- k) Impose a civil penalty of \$500.00 per found violation in complaint number 09-L025, in the amount of \$2,000.00, be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-

201(H)(24)(a)(6)(k). The imposed civil penalty shall be made payable to “Arizona Supreme Court” and submitted to the Certification and Licensing Division, 1501 West Washington, Suite 104, Phoenix, Arizona 85007.

It was recommended the Board authorize the Chair to sign the Final Order on behalf of the full Board.

Motion: Move to approve as listed above.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-232**

2-K: *Review, discussion and possible action regarding the proposed Consent Agreement resolution of pending formal disciplinary action involving complaint numbers 09-L088 and 10-L030 and certified legal document preparers Elaine Anghel and Tri-City Property Management Services, Inc.*

Individuals Addressing the Board: Linda Grau. Nancy Swetnam recused herself on this matter.

Discussion: On September 27, 2010, the Board requested Division staff contact Ms. Anghel and Tri-City in advance of filing the Notice of Formal Statement of Charges in complaint numbers 09-L088 to determine if they were amenable to resolving the pending formal disciplinary action by way of Consent Agreement. In response, the Division communicated with Ms. Anghel and Tri-City’s attorney Patricia Premeau about Ms. Anghel and Tri-City’s willingness to resolve the matter by Consent Agreement. Paragraph 8 of the Consent Agreement was drafted and added for Board review and consideration.

It was recommended the Board enter the Consent Agreement and authorize the Chair to sign the Consent Agreement on behalf of the full Board.

Motion: Move to enter the Consent Agreement and authorize the Chair to sign the Consent Agreement on behalf of the full Board.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-233**

3) ADMINISTRATIVE ISSUES

3-A: *Review, discussion, and possible action regarding the nomination and election of the 2011 vice chair.*

Individuals Addressing the Board: Kandace French

Discussion: On February 22, 2010, the Board reappointed Andrew Saper to serve as vice chair for the remainder of the 2010 calendar year. Mr. Saper's term expires on December 31, 2010.

It was recommended the Board nominate and appoint a vice Chair for the 2011 calendar year.

Motion: Move to nominate Andrew Saper as Vice Chair.

Motion Proposals: First Paul Friedman
Second Hon. Robert H. Oberbillig

Motion Results: Pass **LDP 10-234**

4) INITIAL CERTIFICATION APPLICATIONS

4-A: *Review, discussion and possible action regarding the following pending applicants for 2009-2011 certification.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: The following applicants have demonstrated they met the minimum eligibility requirements for standard certification, their applications are complete and no information has been presented during the background investigation which is contrary to standard certification being granted. Therefore, it was recommended standard certification be granted to the following individuals/business entities:

1. John W. Dawson
2. Joyce A. Brendel
3. Nikki J. Parker
4. Tamera K. Martin
5. Diane M. Hobson
6. Debra L. Cassidy
7. Christi L. Weedon

Motion: Move to grant standard certification to the above listed applicants.

Motion Proposals: First Paul Friedman
Second Hon. Robert H. Oberbillig

Motion Results: Pass **LDP 10-235**

Discussion: Move to defer the following applicants to the January meeting:

8. Janee D. Pousson
9. Amber R. Jackson
11. Vicky A. Halleck
12. Dawn E. Polk
14. Christopher W. Ambrasio
15. Amy C. Dicochea
16. Barry R. Goldman
17. William R. Zenk
18. Paul R. Noseworthy
21. Rhonda L. Carder
22. Brenda J. Stuart
23. Lynette M. Torres

Motion: Move to defer these items to the January Meeting.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-236**

Discussion: It was recommended to grant standard certification to the following applicants:

10. Susan C. Langford
11. Vicky A. Halleck
24. EZ Legal Documents, L.L.C. (Mandi Hemming)
25. Golden Valley Collections, LLC (Joyce A. Brendel)
26. Tracy's Legal Doc Prep Service, LLC (Tracy L. Reay)

Motion: Move to grant standard certification to the following applicants:

10. Susan C. Langford
11. Vicky A. Halleck
24. EZ Legal Documents, L.L.C. (Mandi Hemming)
25. Golden Valley Collections, LLC (Joyce A. Brendel)
26. Tracy's Legal Doc Prep Service, LLC (Tracy L. Reay)

Motion Proposals: First Paul Friedman

Second Andrew Saper

Motion Results: Pass **LDP 10-237**

Discussion: It was recommended to grant standard certification to:

19. Calah L. Thomas.

Motion: Move to grant standard certification to the following applicant:

19. Calah L. Thomas

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-238**

Discussion: 20. Joel S. Heller
21.

Applicant holds a Juris Doctorate Degree from Washburn University and was admitted to the practice of Law in Kansas, he is suspended effective November 5, 1997, for failure to pay the annual Attorney registration fees for Kansas. It was recommended to grant standard certification and have the applicant sign an affidavit with language that he understands and will comply with provisions of AJC 7-201 and 7-208 and Supreme Court Rule 31 regarding the Unauthorized practice of Law and the use of J.D.

Motion: Move to grant standard certification, have the applicant sign a affidavit as stated above.

20. Joel S. Heller

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-239**

Discussion: The following application was received and processed for Board review:

27. Daphne J. A. Metzger – Applicant disclosed being terminated from employment after giving her two week notice and disclosed being a plaintiff in an Injunction against Harassment. Also, applicant states having a high school diploma and two and one-half years experience as a trainee under White Mountain Paralegal Services. Program records reflect White Mountain Paralegal Services listing

her as a trainee under the name of Daphne Metzger from April 2008 to November 2008 and May 2009 to October 2009. Staff received a letter from Richard D. Dandis, the designated principal for the company stating “Daphne Metzger, aka Britney Shaffer, aka Daphne Prue was an employee of White Mountain Paralegal Services, L.L.C. starting in November 2006. I instructed my office manager to record her time with the LDP Board, but I am afraid that her time was not correctly recorded with the board because of the many name changes Ms. Metzger had.

Ms. Metzger has asked me to write this letter to verify her periods of employment

November and December of 2006
January 2008 through December 2008
January 2009 through October 2009

I believe these time include the periods when Ms. Dowdle was the Principal Entity.”

White Mountain Paralegal Services did not list a trainee under the name of Britney Shaffer or Daphne Prue. Therefore, it was recommended the Board deny initial certification to Ms. Metzger pursuant to ACJA § 7-201 (E)(2)(c)(1) applicant does not meet the qualification or eligibility requirements at the time of the application as described in ACJA § 7-208 (E)(3)(b)(6)(a).

Motion: Move to deny standard certification to Ms. Metzger, applicant does not meet the qualifications.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 01-240**

Discussion: 28. Camerin-Charles E. Hawthorne – Applicant states having a BA from Arizona State University. Staff has contacted the applicant three times for a list of legal documents the applicant has prepared. Applicant states “Open Meeting Minutes for City of Phoenix, & City of Phoenix Planning Department. Business to Business Contracts. I notarized anything from divorce degree, to Quit Claim deeds. I sent a copy of the Open Meeting Law Minutes...”

It was recommended the Board deny initial certification to

Mr. Hawthorne pursuant to ACJA § 7-201 (E)(2)(c)(1) applicant does not meet the qualification or eligibility requirements at the time of the application as described in ACJA § 7-208 (E)(3)(b)(6)(b).

Motion: Move to deny certification to Camerin-Charles E. Hawthorne.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-241**

Discussion: 29. Metropolis Loans (Camerin-Charles E. Hawthorne) – It was recommended the Board deny initial certification to Metropolis Loans (Camerin-Charles E. Hawthorne) pursuant to ACJA § 7-201 (E)(2)(c)(1) applicant does not meet the qualification or eligibility requirements at the time of the application as described in ACJA § 7-208 (E)(3)(b)(d)(1).

Motion: Move to deny certification to Metropolis Loans (Camerin-Charles E. Hawthorne).

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-242**

Discussion: 30. John D. Price – Applicant was initially granted certification on September 27, 2004. Applicant requested to voluntarily surrender his certification and on July 21, 2008, the Board accepted the voluntary surrender and therefore applicant was no longer to practice as a Legal Document Preparer. On his current application he stated he has been in the supportive/trainee role under a certified LDP Deborah Colon-Mateo for the past two years (2008-2010). Applicant does not qualify to be a (F)(5) trainee and therefore, it was recommended the Board discuss entering into a Consent Agreement requiring the applicant to pay \$300.00 for renewal of certification fee he would have paid for the remainder of the 2007-2009 certification period and pay \$300.00 for the first half of the 2009-2011 certification period. In addition, require completion of 20 hours of continuing education, in addition to the 10 hours of CE he will need for the remainder of the 2009-2011 certification period. It was further recommended the Board defer consideration of this application until the January meeting.

Motion: Move to defer to the January meeting to allow Staff to present a Consent Agreement to Mr. Price.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-243**

Discussion: 31. Morrison Group, Inc. (Patricia L. Morrison) – Applicant disclosed entering into a Consent Agreement with the Arizona Department of Real Estate for failure to renew her license while still continuing to serve as Designated Broker for Morrison Group. The unlicensed activities included one real estate sales activity that involved listing a property with no sales. An officer of the company, Julian Weltsch, failed to disclose several civil actions. See enclosed Mr. Weltsch’s response. It was recommended the Board grant standard certification and request staff to include language regarding non-disclosure on future applications may result in denial or disciplinary action.

Motion: Move to grant standard certification and have staff to include language regarding non-disclosure on future application may result in denial or disciplinary action.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-244**

4-A: *Review, discussion and possible action regarding the following pending applicants for 2009-2011 certification.*

Discussion: Recommended to defer standard certification to:

11. Vicky A. Halleck.

Motion: Move to deny Vicky A. Halleck

Motion Proposals: First Hon. Robert H. Oberbillig
Second Paul Friedman

Motion Results: Pass **LDP 10-245**

Discussion: Recommended to grant standard certification to:

13. Mandi Hemming

Motion: Move to grant standard certification to above listed applicant.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-246**

4-B: *Review of Business Entity Exemption Request for the 2009-2011 initial certification period:*

Individuals Addressing the Board: Kimberly Siddall

Discussion: It was recommended to grant the following Business Entity Exemption:

1. EZ Legal Documents, LLC (Mandi Hemming)
3. Tracy's Legal Doc Prep Service, LLC (Tracy L. Reay)

Motion: Move to grant Business Entity Exemption to the above listed businesses.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-247**

Discussion: It was recommended to deny Business Entity Exemption to:

2. Metropolis Loans (Camerin-Charles E. Hawthorne)

Motion: Move to deny Business Entity Exemption to the above listed business.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-248**

4-C: *Review, discussion and possible action regarding initial application for certification submitted by Martha M. Barraza.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: Ms. Barraza holds a Juris Doctorate degree from Mexico. She reports acting as an (F)(5) trainee since December 2005. Pursuant

to ACJA § 7-208 (F)(5)(a) once a trainee meets the minimum eligibility requirements for individual certification the trainee must become certified. It was recommended at the September 27th meeting the Board consider entering into a Consent Agreement requiring Ms. Barraza to pay \$325 for the initial certification fee she would have paid for the remainder of the 2007-2009 certification period and require completion of 10 hours of continuing education, in addition to the 10 hours of CE she would need for the 2009-2011 certification period.

Staff sent the attached proposed Consent Agreement to Ms. Barraza for her review and signature. Ms. Barraza signed the Consent Agreement and submitted the \$325 certification fee. It was recommended the Board accept the Consent Agreement and grant initial standard certification and have the Chair sign on behalf of the full Board.

Motion: Move to accept the Consent Agreement and grant initial standard certification and have the Chair sign on behalf of the full Board.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-249**

5) OTHER CERTIFICATION ACTIONS

5-A: *Review, discussion and possible action regarding Hearing Officer Daniel Jurkowitz's Recommendation Report involving the denial of the individual certification application submitted by James D. Jenkins.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: At the September 27th meeting the Board deferred consideration of the Hearing Officer's Report due to additional information received from Mr. Jenkins. Attached is Mr. Jenkins' response and additional information.

Board has reviewed the Finding of Facts, Conclusions of Law, and Hearing Officer's Recommendation report regarding the denial of Mr. Jenkins' certification application. Hearing Officer Jurkowitz recommends the Board uphold the denial or, permit reconsideration of the decision and allow Mr. Jenkins an opportunity to present his mitigating information either in writing or invite him to an informal interview.

Motion: Move to invite Mr. Jenkins to an interview or to submit his information in a written response, if none is forthcoming to adopt the findings.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-250**

5-B: *Review, discussion and possible action regarding Hearing Officer David Pennartz's Recommendation Report involving the denial of the individual certification application submitted by Mitchell Varbel.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: Board reviewed the Finding of Facts, Conclusions of Law, and Hearing Officer's Recommendation report regarding the denial of Mr. Varbel's certification application. Hearing Officer Pennartz recommends the Board grant initial certification.

Motion: Move to grant initial certification to Mitchell Varbel

Motion Proposals: First Andrew Saper
Second Cynthia Felton
Nay Paul Friedman

Motion Results: Pass **LDP 10-251**

5-C: *Review, discussion and possible action regarding Hearing Officer Daniel Jurkowitz's Recommendation Report involving the denial of reinstatement of certification application submitted by Julie Haigh.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: Board reviewed the Finding of Facts, Conclusions of Law, and Hearing Officer's Recommendation report regarding the denial of Ms. Haigh's reinstatement application. Hearing Officer Jurkowitz recommends the Board uphold the denial of reinstatement certification.

Motion: Move to approve as listed above.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-252**

CALL TO THE PUBLIC

Individuals Addressing the Board: Mitchell Varbel

Discussion: Inquired if his license had been approved.

Individuals Addressing the Board: Kevin Torey

Discussion: Here on behalf of Karina Morales, Wanted to discuss his concern of the complaint against Ms. Morales.

Individuals Addressing the Board: Lanette Torres

Discussion: Inquired if her license had been approved.

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First Cynthia Felton
Second Paul Friedman

Motion Results: Pass **LDP 10-253**

Time: 11:28 p.m.