



Board of Legal Document Preparers

Arizona State Courts Building
1501 West Washington Street
Phoenix, Arizona 85007

Date: November 28, 2011
Time: 10:00 a.m.
Hearing Room 109

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Andrew Saper
Paul Friedman
Mary Carlton
Becky Nilsen
Pamela Milburn

Telephonically Present:

Bonnie S. Matheson
Deborah A. Young
Deborah Colon-Mateo

Absent:

Les Krambeal
Hon. Samuel J. Myers
Debra A. Griffin

OTHER ATTENDEES

AOC Staff:

Linda Grau
Debbie MacDougall
Nina Preston
Alex Navarro
Kimberly Siddall
Eric Thomas
Beth Rensvold
Anne Hunter
Susan Hunt

Guests:

Barton Stevens

CALL TO ORDER

Called to Order By: Andrew Saper

Time: 10:07 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

Individuals Addressing the Board: Andrew Saper

I-A: *Review, discussion and possible action regarding approval of the regular minutes of the meeting of July 25, 2011.*

Discussion: None

Motion: Move to approve the regular session meeting minutes of July 25, 2011.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Andrew Saper

I-B: *Review, discussion and possible action regarding approval of the executive session minutes of the meeting of July 25, 2011.*

Discussion: None

Motion: Move to approve the executive session meeting minutes of July 25, 2011.

Motion Proposals: First Paul Friedman
Second Pamela Milburn

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Andrew Saper

1-C: *Review, discussion and possible action regarding approval of the regular session minutes of the meeting of September 26, 2011.*

Discussion: None

Motion: Move to approve the regular session minutes of the meeting of September 26, 2011.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

2) REVIEW OF PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding amendment on the Final Order entered in complaint number 11-L001 involving Julie Star.*

Individuals Addressing the Board: Linda Grau

Discussion: On July 28, 2011, the Board entered its Final Order in complaint number 11-L001 which, in part, ordered Ms. Star to pay an imposed civil penalty of \$250.00 per found violation in the total amount of \$1,500.00. However, as Ms. Star pointed out upon timely remitting the ordered payment, the total civil penalty of \$1,500.00 presented in the Board's Final Order failed to reflect one of the six allegations of misconduct was dismissed. Therefore, it was recommended the Board issue an order correcting the total civil penalty amount to \$1,250.00.

Motion: Move to approve the Board issue an order correcting the total civil penalty amount to \$1,250.00 for Julie Star.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Abstain: Deborah Colon-Mateo (now joining the meeting)

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

Complaint Number 10-L032 – Larry Heywood and Heywood Realty & Investments, Inc.

Complaint Number 10-L034 – Karen Lepin and Lepin &

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 10-L032 – Larry Heywood and Heywood Realty & Investments, Inc.:

On September 27, 2011, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does exist in complaint 10-L032. It was recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Heywood and Heywood Realty & Investments, Inc. (“HR&I”) committed the alleged acts of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 10-L032.

It was further recommended the Board enter a finding of grounds for formal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) and (H)(6)(k)(3) for acts of misconduct involving Arizona Supreme Court Rule 31(a)(2)(B), ACJA § 7-201(F)(1) and ACJA § 7-208(F)(1)(a), (F)(2), (F)(3), (J)(5)(a) and (J)(5)(b).

It was recommended the Board offer Heywood and HR&I, a Consent Agreement to resolve this complaint, pursuant to ACJA § 7-201(H)(24)(a)(6)(c). It was recommended the proposed Consent Agreement include an acknowledgement of the misconduct, a statement giving notice to Heywood and HR&I that if they enter the Consent Agreement they waive their right to a hearing and imposes the following sanctions pursuant to ACJA § 7-201(H)(24)(a)(6):

- a) Issue a Censure to Heywood and HR&I, pursuant to ACJA § 7-201(H)(24)(a)(6)(b);
- b) Order Heywood participate in no less than five (5) hours of continuing education in the curriculum areas of professional responsibility, ethics, and the unauthorized practice of law, in addition to any hours otherwise required for renewal, pursuant to ACJA § 7-201(H)(24)(a)(6)(f);
- c) Impose civil penalties in the amount of \$250.00 per found violation 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)(k), and include the assessment of costs related to the investigation and any disciplinary proceedings.

In the event Heywood and HR&I decline the opportunity to enter the Consent Agreement within 20 days of receipt of the Board’s offer, it was recommended the matter proceed with the filing and service of Notice of Formal Statement of Charges pursuant to

ACJA § 7-201(H)(10) without further Board order.

Motion: Move to approve the above recommendations as noted.

Motion Proposals: First Paul Friedman
Second Pamela Milburn

Motion Results: Pass

Recusal:

Discussion: Complaint Number 10-L034 – Karen Lepin and Lepin & Renehan Management, Inc.:

On September 27, 2011, Probable Cause Evaluator Baumstark entered a finding probable cause exists as to Allegations 1, 2 and 6 of complaint number 10-L034 and does exist as to Allegations 3, 4 and 5. It was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegations 3, 4 and 5 of complaint number 10-L034. Regarding Allegations 1, 2 and 6, it was recommended the Board enter a finding Lepin and Lepin and Renehan Management, Inc. (“LRM”) committed the alleged acts of misconduct involving Allegations 1, 2 and 6 as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 10-L034.

It was further recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) and (H)(6)(k)(3) for acts of misconduct involving Arizona Supreme Court Rule 31(a)(2)(B), ACJA § 7-201(F)(1) and ACJA § 7-208(F)(2), (F)(3), (J)(5)(a) and (J)(5)(b).

It was recommended the Board offer Lepin and LRM a Consent Agreement to resolve this complaint, pursuant to ACJA § 7-201(H)(24)(a)(6)(c). It was recommended the proposed Consent Agreement include an acknowledgement of the misconduct, a statement giving notice to Lepin and LRM that if they enter the Consent Agreement they waive their right to a hearing, and imposes the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to Lepin and LRM, pursuant to ACJA § 7-201(H)(24)(a)(6)(b);
- b) Order Lepin participate in no less than five (5) hours of continuing education in the curriculum areas of professional responsibility, ethics, and the unauthorized practice of law, in addition to any hours otherwise required for renewal, pursuant to ACJA § 7-201(H)(24)(a)(6)(f);
- c) Impose civil penalties in the amount of \$250.00 per found violation 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)(k), and the Board include in the order the assessment of costs for the investigation and any related disciplinary proceedings.

In the event Lepin and LRM decline the opportunity to enter the Consent Agreement within 20 days of receipt of the Board's offer, it was recommended the matter proceed with the filing and service of Notice of Formal Statement of Charges pursuant to ACJA § 7-201(H)(10) without further Board order.

Motion: Move to approve the above recommendations as noted.

Motion Proposals: First Mary Carlton
Second Pamela Milburn

Motion Results: Pass

Abstain: Paul Friedman

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

NC11-L024 – Kelli Waxman

NC09-L017 – Anna Garcia

NC11-L007 – INCORP Services, Inc.

NC10-L015 – Cecilia Mejia and CC Title Services

NC08-L075 – My Legal Secretary, LLC

NC10-L021 – John Sellner

NC10-L043 – Cheri Streich

NC11-L041 – Stacy Van Pay

NC11-L050 – Lupita Diaz

NC10-L046 – Glenda Ocasio

NC11-L040 – Gary Norris

Individuals Addressing the Board: Linda Grau

Discussion: NC11-L024 – Kelli Waxman
The complaint alleged Waxman Associates, LLC, prepared and provided legal services without the authority to do so. Documentation submitted reflects Waxman prepared and signed what appears to be a demand letter on behalf of a client. Waxman has never taken the LDP Exam or applied for certification. It was recommended the Board refer this matter to the State Bar UPL Office and close this complaint.

Motion: Move to refer this matter to the State Bar UPL Office and close this complaint.

Motion Proposals: First Paul Friedman

Motion Results: Second Mary Carlton
Pass

Recusal:

Individuals Addressing the Board: Linda Grau

Discussion: NC09-L017 – Anna Garcia
On or about March 3, 2009, the Division received a consumer complaint alleging he paid Garcia \$3,080.00 for legal document preparation services he never received. The complainant provided copies of receipts purporting to reflect he paid Garcia to prepare a probate petition. Notice of the certification requirement was sent to Garcia on March 11, 2009 and the letter requested a written response from Garcia. Division staff contacted Garcia by phone on March 17, 2009 and Garcia admitted to having received payment for the document preparations services. On April 22, 2009, Garcia submitted a written request for an extension to submit a written response and stated she has not prepared any documents for a long time. Garcia failed to submit a response to the complaint. It was recommended the Board send a Cease and Desist Letter to Garcia and close this complaint.

Motion: Move to approve the Board issue a Cease and Desist Letter to Garcia and close this complaint.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Linda Grau

Discussion: NC11-007 – INCORP Services, Inc.
The Division received this complaint from the State Bar regarding INCORP providing corporation formation document preparation services without certification. INCORP's website reflects the company provides these services in all 50 states. Notice of the certification requirement was sent to the business entity. INCORP Chief Operating Officer Tennie Sedlacek submitted a written response to the complaint indicating her company was "exempt" under Arizona Supreme Court Rule 31. Division staff contacted Sedlacek via phone providing further information about the requirements for legal document preparer certification. Sedlacek asserted the business does not prepare legal documents for Arizona customers. Division staff requested she submit her statement in writing. On August 5, 2011, Sedlacek submitted a follow up response indicating INCORP only acts as a registered agent for its

Arizona customers. On October 12, 2011, Division staff again reviewed INCORP's website which continues to reflect INCORP provides document preparation services in Arizona to anyone interested in forming a new corporation, limited liability company or other type of business entity. It was recommended the Board send a Cease and Desist Letter to INCORP which specifically requests INCORP remove the language on the business entity website that offers legal document preparation services to prospective Arizona customers.

Motion: Move to approve the Board issue a Cease and Desist Letter to INCORP which specifically requests INCORP remove the language on the business entity website that offers legal document preparation services to prospective Arizona customers and close the complaint.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Linda Grau

Discussion: NC10-L015 – Cecelia Mejia and CC Title Services
The complainant asserted she paid Mejia \$1,316.00 to prepare a child support petition, a guardianship petition, and for related investigative services. Mejia provided a written statement in response to the complaint acknowledging she prepared the legal documents but did so for a friend and did not know she had to be certified in order to assist her friend. The complainant reports she is not a friend of Mejia's and was referred to Mejia by a hair stylist. Further, the complainant never received copies of the documents Mejia purportedly prepared and no records were filed with the court. It was recommended the Board send a Cease and Desist Letter to Mejia, request Mejia reimburse the complainant, and close the complaint.

Motion: Move to approve the Board issue a Cease and Desist letter to Mejia and request Mejia reimburse the complainant and close the complaint. Staff will follow-up with the Board to report if the complainant has been reimbursed before moving forward.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Linda Grau

Discussion: NC10-L021 – John Sellner
Sellner was allegedly offering estate document preparation services to elderly residents of a care facility. No evidence was presented or obtained that demonstrates Sellner actually provided services. It was recommended the Board issue a Cease and Desist Letter to Sellner and close the complaint.

Motion: Move to approve the Board to issue a Cease and Desist Letter to Sellner and close the complaint.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Linda Grau

Discussion: NC10-L043 – Cheri Streich
This complaint was received by the Division on July 13, 2010, alleging Streich was advertising “Paralegal Services” on CraigsList.com without certification. Division records reflect Streich has never taken the LDP Exam or applied for certification. Division staff attempted to confirm whether Streich continues to offer or provide services and was unable to do so. Division staff also attempted to contact Streich by phone but the number contained in the CraigsList.com posting was disconnected. It was recommended the Board close this complaint.

Motion: Move to close the above complaint.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Individuals Addressing the Board: Linda Grau

Discussion: NC11-L041 – Stacy Van Pay
This complaint was received by the Division on September 13, 2011, alleging Van Pay was advertising document preparation services without certification. Division records reflect Van Pay has never taken the LDP Exam or applied for certification. On October 3, 2011, Van Pay submitted a written response to the complaint indicating her advertisement was intended to secure contract paralegal work with attorneys and law firms. However, the ad does not refer to attorneys or firms and expressly offers “Legal

Document Preparation, Court Filing, Notary Service & More”. It was recommended the Board issue a Cease and Desist Letter to Van Pay and her business entity, Your Paralegal Services, and close this complaint.

Motion: Move to approve Board issue a Cease and Desist Letter to Van Pay and her business entity, Your Paralegal Services, and close this complaint.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Linda Grau

Discussion: NC11-L050 – Lupita Diaz
The complaint received by the Division provides a business card identifying Diaz as the subject of the complaint and alleges Diaz is providing legal document preparation services without a certificate. No evidence was presented or obtained other than a business card that demonstrates Diaz has actually provided services. Division staff attempted to contact Diaz but the contact information listed on the business card is no longer valid. It was recommended the Board issue a Cease and Desist letter to Diaz and close this complaint.

Motion: Move to approve the Board issue a Cease and Desist Letter and close this complaint.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Linda Grau

Discussion: NC10-L046 – Glenda Ocasio
This complaint was received by the Division on August 13, 2010, alleging Ocasio prepared and filed a bankruptcy petition in the United States Bankruptcy Court for the District of Arizona. Bankruptcy Court records reflect Ocasio was ordered to reimburse the petitioner. Division staff contacted Ocasio on September 6, 2011. Ocasio indicated she did not know she was required to be certified as a legal document preparer in the state of Arizona and asserted she has not prepared any additional documents. It was recommended the Board issue a Cease and Desist Letter and close this complaint.

Motion: Move to approve the Board issue a Cease and Desist Letter and close this complaint.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Linda Grau

Discussion: NC11-L040 – Gary Norris
This complaint was received by the Division on September 14, 2011, alleging a consumer paid \$250.00 dollars for the preparation of a “Child Support Modification Letter”. A second consumer paid \$550.00 for the preparation of a Demand Letter, a Living Trust, and a Will. The U.S. Bankruptcy Trustee provided copies of receipts demonstrating both consumers paid Norris for the preparation of legal documents. Division records demonstrate Norris has never taken the LDP exam or applied for certification. On September 16, September 28, and November 2, 2011, Norris submitted multiple written statements indicating he was not aware of the legal document preparer certification requirements. Norris reported he has stopped preparing legal documents. It was recommended the Board issue a Cease and Desist Letter to Norris and request he provide information about the status of his bankruptcy for Board review at the January meeting.

Motion: Move to approve the Board issue a Cease and Desist Letter to Norris and request him to provide information about the status of his bankruptcy for Board review at the January meeting.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Linda Grau

Discussion: NC08-L075 – My Legal Secretary, LLC
The complainant asserted she paid Mejia \$1,316.00 to prepare a child support petition, a guardianship petition, and for related investigative services. Mejia provided a written statement in response to the complaint acknowledging she prepared the legal documents but did so for a friend and did not know she had to be certified in order to assist her friend. The complainant reports she is not a friend of Mejia’s and was referred to Mejia by a hair stylist.

Further, the complainant never received copies of the documents Mejia purportedly prepared and no records were filed with the court. It was recommended the Board issue a Cease and Desist Letter to Mejia, request Mejia reimburse the complainant, and close the complaint.

Motion: Move to approve the Board issue a Cease and Desist Letter to Mejia, request Mejia reimburse the complainant, and close the complaint.

Motion Proposals: First Paul Friedman

Second Mary Carlton

Motion Results: Pass

Recusal:

2-D: *Review, discussion and possible action regarding non-certificate holder complaint number NC11-L004 involving former certified business entity White Mountain Paralegal Service, LLC and previously denied applicant Debra Prue aka Debra Shaffer.*

Individuals Addressing the Board:

Discussion: On October 26, 2009, the Board and White Mountain Paralegal Service, LLC (“White Mountain”),-- entered a Consent Agreement and Cease and Desist Order in complaint numbers 07-L030, 07-L039, and 08-L017. The Consent Agreement included the Board ordering and WMPS agreeing to a suspension of business entity certification for a period of no less than six months and until such time as WMPS’ certification was reinstated pursuant to ACJA § 7-201(E)(9). The Board further ordered and WMPS agreed to comply with a Cease and Desist Order enjoining WMPS from preparing legal documents, representing to the public the business was a certified legal document preparer, or conducting any activities that constitute the unauthorized practice of law during the period of the suspension. WMPS has not applied for reinstatement of certification.

On January 28, 2011, the Division received a consumer complaint alleging WMPS and Debra Prue offered, agreed to and accepted payment in the amount of \$576.00 for legal document preparation services on April 28, 2010. The consumer reported she complained after numerous failed attempts to secure the services she paid for. White Mountain has not applied for or been granted reinstatement from the disciplinary suspension. Additionally, WMPS owner Debra Prue (aka Debra Shaffer) previously applied for and was denied individual certification on September 17, 2007. Prue requested and received a hearing and the denial was upheld. ACJA

§ 7-208(E)(3)(d)(8) provides:

A person whose individual application has been denied or whose individual certificate has been revoked by the board may not:

- (a) retain any ownership interest in a certified legal document preparer business; or
- (b) provide any legal document preparation or legal services to or on behalf of a certified legal document preparer business, including training and legal research, whether for or without compensation.

It was recommended the Board move to file a Superior Court Petition for Cease and Desist Order against Debra Prue and WMPS pursuant to ACJA § 7-201(E)(6) and ACJA § 7-208(E)(1) specifically noting the Board previously issued a disciplinary Cease and Desist Order.

It was further recommended that if the Board determines to pursue a Superior Court action, that the Board specifically order the Petition include a request the Superior Court order any applicable consumer reimbursements and assess costs.

Motion: Move to approve the Board filing a Superior Court Petition for Cease and Desist Order against Debra Prue and WMPS, pursuant to ACJA § 7-201(E)(6) and ACJA § 7-208(E)(1) specifically noting the Board previously issued a disciplinary Cease and Desist Order and order the Petition include a request the Superior Court order any applicable consumer reimbursements and assessment of costs.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

2-E: *Review, discussion and possible action regarding non-certificate holder complaint number NC11-L004 involving previously denied applicant Cicero Cast'On.*

Individuals Addressing the Board: Linda Grau

Discussion: Division records reflect Cicero Cast'On was previously denied individual legal document preparer certification on July 28, 2003, December 15, 2003 and October 25, 2004. Mr. Cast'On requested and received hearings on the denials. Upon a motion of the Board, a Superior Court Petition for Cease and Desist Order was filed [Maricopa – CV2005-013252]. On October 4, 2005, the Honorable Pendleton Gaines ordered Mr. Cast'On and his business entity,

Cast'On Corporation, "...to refrain from the preparation of legal documents for the public without the supervision of a licensed Arizona attorney." The attached Cease and Desist order remains in effect. Mr. Cast'On has not subsequently applied for certification.

On May 9, 2011, the Division received notice from the Honorable Julie Roth reporting a family court participant disclosed under oath that Mr. Cast'On had prepared her legal documents. Division Investigator Alex Navarro contacted the Petitioner, who confirmed Mr. Cast'On prepared her family court documents. The Petitioner agreed to sign an Affidavit stating such. An Affidavit was prepared and forwarded to the Petitioner for review, approval and signature with a postage paid return envelope. The Petitioner did not return the Affidavit and a subsequent attempt to reach her has gone unanswered. On-going efforts to reach the Petitioner are underway.

With or without the consumer's signed Affidavit and based on her testimony and verbal acknowledgments to Investigator Navarro, it was recommended the Board petition the Superior Court for a contempt finding against Mr. Cast'On and request ordered sanctions to include that any and all applicable consumer reimbursements and the assessment of costs.

Motion: Move to approve the Board petition the Superior Court for a contempt finding against Mr. Cast'On and request ordered sanctions to include that any and all applicable consumer reimbursements and the assessment of costs.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

2-F: *Review, discussion and possible action regarding non-certificate holder complaint number NC09-L060 involving Executive Lien & Contractors Services and former certificate holder Marty Grant.*

Individuals Addressing the Board: Linda Grau

Discussion: On November 22, 2010, the Board entered its Final Order regarding then individually certified legal document preparer Marty Grant in complaint number 07-L079. The underlying misconduct in the formal disciplinary action involved Grant's failure to obtain and maintain business entity certification for Executive Lien & Contractors Services, Inc. A copy of the Final Order is attached. Division records reflect Grant did not renew her individual certification for the 2011-2013 certificate period and the business

entity has never applied for certification.

The Executive Lien & Contractors Services, Inc. website continues to offer legal document preparation services in Arizona, contrary to the Final Order cease and desist provision. It was recommended the Board send Grant and Executive Lien & Contracts Services, a Cease and Desist Letter that contains specific language requesting the business entity website be amended to reflect legal document preparation services are not available in Arizona and close non-certificate holder complaint number NC09-L060.

Motion: Move to approve the Board send Grant and Executive Lien & Contracts Services a Cease and Desist Letter that contains specific language requesting the business entity website be amended to reflect legal document preparation services are not available in Arizona and close non-certificate holder complaint number NC09-L060.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Recusal:

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

Complaint Number 06-L047 - Bankruptcy and Divorce

Complaint Number 03-L017 – Tiffany DiGregorio

Complaint Number 03-L018 – Tiffany DiGregorio

Complaint Number 03-L033 – Robert Pilkington

Complaint Number 04-L046 – Robert Pilkington

Complaint Number 04-L068 – Robert Pilkington

Complaint Number 04-L063 – Allan Sobol

Complaint Number 04-L078 – Allan Sobol

Complaint Number 05-L052 – Allan Sobol

Complaint Number 05-L001 – Amy Nagel

Complaint Number 05-L010 – Amy Nagel

Complaint Number 05-L050 – Amy Nagel

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 06-L047 – Bankruptcy and Divorce:
Division staff have confirmed this complaint is a duplicate of the matter previously adjudicated by the Board in complaint number 06-L048 involving Bankruptcy and Divorce designated principal Rae Heimer. On November 24, 2010, the Board revoked the certifications of Rae Heimer and the business entity in complaint

numbers 06-L048 and 09-L025. It was recommended the Board close the duplicate complaint number 06-L047.

Motion: Move to close the above complaint.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Recusal:

Discussion: Complaint Number 03-L017 – Tiffany DiGregorio
Complaint Number 03-L018 – Tiffany DiGregorio:
Tiffany DiGregorio has not held active legal document preparer certification since June 30, 2004. On November 24, 2010, the Board’s Final Order involving Tiffany DiGregorio was filed in complaint numbers 04-L027 and 04-L032, revoking DiGregorio’s individual and business entity certifications. Subsequently, Division staff has been unable to locate or otherwise derive from the limited information available; the complaint entered and assigned complaint numbers 03-L017 and 03-L018. In light of the recent revocation action, it was recommended the Board close complaints number 03-L017 and 03-L018 and take no action.

Motion: Move to close the above complaints and take no action.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Recusal:

Discussion: Complaint Number 03-L033 – Robert Pilkington
Complaint Number 04-L046 – Robert Pilkington
Complaint Number 04-L068 – Robert Pilkington:
Robert Pilkington has not held active legal document preparer certification since November 17, 2005. On January 29, 2007, the Board entered findings of misconduct and grounds for formal disciplinary action against Mr. Pilkington in these complaints. The Board ordered the filing of the Notice of Formal Statement of Charges on the same date. However, because litigation was pending at the time, no action was taken. The litigation has been dismissed, in part because Plaintiff Pilkington abandoned the case. Court records in the Superior Court matter reflect Mr. Pilkington has left the state of Arizona and is purportedly no longer offering legal document preparation services in Arizona.

It was recommended the Board affirm the earlier orders regarding misconduct and grounds for formal disciplinary action. It was

recommended the Board close the complaints without further action, reserving the right to pursue action should evidence be presented to the Division that Mr. Pilkington has returned to Arizona or has commenced offering legal document preparation services in Arizona.

Motion: Move to close the above complaints without further action.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Recusal:

Discussion: Complaint Number 04-L063 – Allan Sobol
Complaint Number 04-L078 – Allan Sobol
Complaint Number 05-L052 – Allan Sobol:
Allan Sobol has not held active legal document preparer certification since June 25, 2005, when the Board first suspended his certification and then later revoked his certification in unrelated disciplinary actions.

On March 21, 2005, the Board moved to refer the matter to the Secretary of State and defer taking any action on the complaint until such time as the Secretary of State addressed the alleged misconduct. Secretary of State records reflect Mr. Sobol's notary commission was revoked on July 16, 2004 and subsequently reinstated by the Secretary of State on October 18, 2004.

On November 14, 2005, the Board entered findings of probable cause and grounds for discipline against Mr. Sobol in complaint number 04-L078 and 05-L052 and moved for the filing of formal charges. Notice of Formal Statement of Charges was filed on March 23, 2006 and served to Mr. Sobol. He requested and received a hearing. Upon review of the Hearing Officer's recommendation report, the Board entered findings of misconduct and ordered the assessment of costs, civil penalties and restitution. Before the Final Order was entered, litigation commenced and no additional action was taken. The various forms of litigation have been dismissed.

The revocation order and the disciplinary Cease and Desist Order remain in effect. Additionally, the Board petitioned and received a subsequent Superior Court Cease and Desist Order which remains in effect as well. It was recommended the Board affirm the earlier orders regarding misconduct and grounds for formal disciplinary action. It was recommended the Board close the complaints without further action, reserving the right to pursue additional action should

evidence be presented to the Division that Mr. Sobol is offering legal document preparation services in Arizona.

Motion: Move to close the above complaints without further action.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Recusal:

Discussion: Complaint Number 05-L001 – Amy Nagel
Complaint Number 05-L010 – Amy Nagel
Complaint Number 05-L050 – Amy Nagel:

Amy Nagel has not held active legal document preparer certification since June 30, 2005. Her certification expired when she did not seek 2005-06 renewal. On January 28, 2008, the Board entered findings of misconduct and grounds for formal disciplinary action in all three complaint numbers. Division records reflect numerous unsuccessful attempts to locate Ms. Nagel in 2005, 2007, 2008, 2010 and 2011. As a result, a Notice of Formal Statement of Charges has not been served. It was recommended the Board affirm the earlier orders regarding misconduct and grounds for formal disciplinary action. It was recommended the Board close the complaints without further action, reserving the right to pursue action should evidence be presented to the Division that Ms. Nagel has returned to Arizona or has commenced offering legal document preparation services in Arizona.

Motion: Move to close the above complaints without further action.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Recusal:

3) ADMINISTRATIVE ISSUES

3-A: *There are currently no administrative issues for the Board to consider at this time.*

4) INITIAL CERTIFICATION APPLICATIONS

4-A: *Review, discussion and possible action regarding the following pending applicants for 2011-2013 certifications.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: The following applicants have demonstrated they meet 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. It was recommended standard certification be granted to the following business entities:

1. Bradley J. Barkel – Disclosed civil suit filed by Capital One. After filing an answer and at a pretrial conference the civil case was dismissed with prejudice.
2. Spartan Solutions, LLC (Bradley J. Barkel)

Motion: Move to grant standard certification to the above business entities.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Kimberly Siddall

Discussion: The following applications are complete. It was recommended the following applicants be granted standard certification:

3. Robin L. Davis
7. Hyun C. Kim
10. Kimberly A. Gagliardi
19. Arizona Professional Documents, LLC (Rochelle Hoekstra)

Motion: Move to grant the above applicants standard certification.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Kimberly Siddall

Discussion: The following applicant was acting as a trainee under Arizona Statewide Paralegal principal, Shannon Trezza for seven months. It was recommended the following applicant be granted standard certification:

6. Kathryn M. Dicken

Motion: Move to grant the above applicant standard certification.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Individuals Addressing the Board: Kimberly Siddall

Discussion: The following applicant disclosed being involved in three civil actions where she was the defendant. All the cases were a judgment for the plaintiff. Applicant has been acting as a trainee under Arizona Statewide Paralegal since 2009. It was recommended to grant standard certification to the following applicant:

8. Gloria Villa

Motion: Move to grant the above applicant standard certification.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Discussion: The following applicant disclosed two misdemeanor DUI's which occurred 25 years ago. Staff did not receive any information during the background investigation. It was recommended to grant standard certification to the following applicant:

12. Kathy A. Underwood

Motion: Move to grant the above applicant standard certification.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Discussion: The following applicant failed to disclose 77 civil actions, two complaints filed with the State Bar of Arizona and a 1966 petty larceny. It was recommended the Board invite Mr. Zukerman to the January Board meeting for an informal interview.

13. Gerald J. Zukerman

Motion: Move to invite the above applicant to the January Board meeting for an informal interview.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Discussion: It was recommended the following applicants be deferred to the January 2012 Board meeting:

4. Rachel B. Wright
5. Monica J. Valenzuela
9. Deborah Billingsley
11. Judith A. Block
14. Susan R. Fowler
15. Kathleen C. Yarger
16. Eric R. Smith
17. Jacquelyn K. Chambers
18. Alejandra Mena
20. North Star Management Group, Inc. (Mark Lepire)
21. Sylvia C. Moreno, PC (Sylvia C. Moreno)
22. Mohave County Paralegal, LLC (Elizabeth J. Moore)
23. Wellth Life, LLC (Carissa Olson)

Motion: Move to defer the above applicants to the January Board meeting.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Discussion: The following applications were submitted and processed for Board review:

24. Werner von Borries – Applicant failed to disclose a State Bar of Arizona UPL complaint and two civil actions. The State Bar of Arizona closed the UPL complaint as an isolated incident. It was recommended to grant standard certification and include language regarding non-disclosure on future applications may result in denial of renewal or disciplinary action.

Motion: Move to grant standard certification and include language regarding non-disclosure on future applications which may result in denial of

renewal or disciplinary action for the above applicant.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Discussion: 25. Robert A. Edward – Applicant failed to disclose four civil actions. See enclosed response. It was recommended to grant standard certification and include language regarding non-disclosure on future applications which may result in denial of renewal or disciplinary action.

Motion: Move to grant standard certification and include language regarding non-disclosure on future applications which may result in denial of renewal or disciplinary action.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Discussion: 26. Kimberly E. Sisk – Applicant was previously certified in November 2006 and expired on June 31, 2007. Applicant disclosed several civil actions, see enclosed. It was recommended the Board grant standard certification.

Motion: Move to grant standard certification for the above applicant Kimberly E. Sisk.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

4-B: *Review of Business Entity Exemption Request for the 2011-2013 initial certification period:*

Individuals Addressing the Board:

Discussion: It was recommended the following Business Entity Exemptions be granted:

1. Spartan Solutions, LLC (Bradley J. Barkel)
3. Arizona Professional Documents, LLC (Rochelle Hoekstra)

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

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Recusal:

Discussion: It was recommended the following Business Entity Exemptions be deferred until the January 2012 meeting:

2. Arizona Professional Documents, LLC (Rochelle Hoekstra)
4. North Star Management Group, Inc. (Mark Lepire)
5. Mohave County Paralegal, LLC (Elizabeth J. Moore)

Motion: Move to defer the above Business Entity Exemptions until the January 2012 Board meeting.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Recusal:

5) LICENSE AND ELIGIBILITY APPLICATION

5-A: *Interview with and possible action regarding applicant Veronica Rolley.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: During the September 26, 2011 Board meeting, the Board requested staff invite Veronica Rolley to attend the November 28, 2011 meeting to provide additional information regarding her initial application and non-disclosure of criminal action filed in 2010.

Applicant filed her initial application on March 25, 2011. During the background investigation, staff received information about a January 25, 2010 assault intent/reckless/injure and disorderly conduct – disturbance action filed against the applicant. Applicant responded to staff inquiry and disclosed she completed the diversion program and provided documentation. The case was dismissed on July 21, 2010. Applicant did not state why she failed to disclose this on her application.

Applicant has been a trainee for AAM, LLC since June 2010. Applicant has a paralegal certificate from Phoenix College and

therefore, does not qualify as a trainee. The Board was provided with the response from the designated principal of AAM, LLC, Christine Gant for review.

Staff recommended the Board address the failure to disclose the 2010 criminal action and the trainee status to determine if the information presented is contrary to certification being granted. Staff recommended the Board grant standard certification contingent upon Ms. Rolley's explanation of why she failed to disclose the criminal action.

Motion: Ms. Rolley was not present at this meeting. Move to defer until the January meeting and staff will confirm if she will attend at that time.

Motion Proposals: First Mary Carlton
Second Becky Nilsen

Motion Results: Pass

Abstain: Pamela Milburn

5-B: *Review, discussion and possible action regarding Hearing Officer Jonathan Schwartz's Recommendation Report involving the denial of the renewal certification application submitted by Ken Volk.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: The Hearing Officer's Recommendation report regarding the denial of Mr. Volk's renewal certification application was presented to the Board for review. On September 15, 2011, Mr. Volk served a Petition for Special Action (Superior Court in Maricopa County case number CV2010-082380) requesting judicial review of the Board's disciplinary action which resulted in Mr. Volk's certification being revoked – the basis for the Board's denial of renewal. Hearing Officer Schwartz recommends the Board stay the proceedings in this recertification matter pending the outcome of the Special Action review. NOTE: The Honorable John Ditsworth has scheduled oral argument in the Special Action for December 14, 2011.

Staff recommended the Board adopt the Findings of Fact and Conclusion of Law in Judge Schwartz' recommendation report – without adopting the “the effect of a stay of the recertification matter will be to keep Applicant's certification in force pending the outcome of the Special Action in the Underlying Action (and thereafter the ultimate outcome of this recertification matter.)”

Motion: Move to approve staff recommendation as noted above.

Motion Proposals: First Paul Friedman
Second Pamela Milburn
Abstain: Mary Carlton
Motion Results: Pass

6) REVIEW OF RENEWAL APPLICATIONS

6-A: *Review, discussion, and possible action regarding the following pending applications for renewal of certification:*

Individuals Addressing the Board: Kimberly Siddall

Discussion: The following certificate holder has submitted an application for renewal of standard certification. The application is complete, no information has been presented during a background review which is contrary to renewal of standard certification being granted and the certificate holder has demonstrated she meets the minimum eligibility requirements for standard certification. It was recommended renewal of standard certification be granted to the following:

1. Bernadette Guzman

Motion: Move to grant standard renewal certification to the above applicant.

Motion Proposals: First Paul Friedman
Second Mary Carlton
Motion Results: Pass

Individuals Addressing the Board: Kimberly Siddall

Discussion: The following certificate holders have demonstrated they completed the continuing education (CE) requirement. However, some or all of the continuing education credits were completed outside the required timeframe. No information has been presented during the background review which is contrary to renewal of standard certification being granted and they have demonstrated they meet the minimum eligibility requirements for standard certification. It was recommended the following certificate holders be granted renewal of standard certification and, pursuant to ACJA § 7-208(L)(9)(e) be assessed a delinquent CE fee of \$50.00 to be remitted no later than December 12, 2011:

2. Ruby Pino
3. Lisa Widman – Disclosed civil suit filed for debt repayment and a civil suit regarding an automobile accident

Motion: Move to grant renewal of standard certification to the above applicants and, pursuant to ACJA § 7-208(L)(9)(e) be assessed a delinquent CE fee of \$50.00 to be remitted no later than December 12, 2011.

Motion Proposals: First Paul Friedman

Second Mary Carlton

Motion Results: Pass

Recusals:

Individuals Addressing the Board:

Discussion: The following certificate holder has submitted an application for renewal of standard certification. The certificate holder disclosed information required in the background information section of the application. The certificate holder has demonstrated he meets the minimum eligibility requirements for renewal of standard certification. It was recommended the Board grant renewal of standard certification to the following:

4. Stephen Trezza – Disclosed civil suits filed against non-paying customers, also disclosed a complaint that was dismissed.

Motion: Move to grant standard renewal certification to the above applicant.

Motion Proposals: First Paul Friedman

Second Mary Carlton

Motion Results: Pass

Individuals Addressing the Board: Kimberly Siddall

Discussion: *The following renewal application was submitted and processed for Board review:*

5. Dawn Polk – Certificate holder filed her renewal application on June 30, 2011. She requested an extension to complete her continuing education. On July 25, 2011, the Board granted a 30 day extension and required Ms. Polk to complete and submit her continuing education credits to staff by August 24, 2011. To date, staff has not received the required continuing education credits nor

has staff received a response from Ms. Polk regarding the continuing education credits. It was recommended the Board deny renewal of standard certification pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(E)(2)(c)(1). Ms. Polk does not meet the eligibility requirements as prescribed in ACJA § 7-208(G)(2).

Motion: Move to deny renewal of standard certification to Dawn Polk pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(E)(2)(c)(1). Ms. Polk does not meet the eligibility requirements as prescribed in ACJA § 7-208(G)(2).

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Recusals:

6-B: *Interview with and possible action regarding renewal applications for Barton Stevens and Barton Stevens Special Needs Planning, LLC.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: During the September 26, 2011 Board meeting, the Board requested staff invite Barton Stevens to attend the November 28, 2011 meeting to provide additional information regarding his renewal application and continuing education credits.

Applicant has completed over 56 hours of seminar/presentation/workshop activities as a facilitator.

Staff recommended the Board address the failure to complete continuing education credits as stipulated for renewal and determine if the information presented is contrary to renewal of certification being granted. Staff recommended that the Board grant renewal certification to Barton Stevens and Barton Stevens Special Planning LLC, contingent on completion of 10 CE hours through an activity other than faculty activities and payment of \$50 delinquent CE fee to be remitted no later than December 12, 2011.

Mr. Stevens presented materials/presentations he has taught in the past. Staff stated half of his teaching hours can be accredited to his CE. The Board recommended 10 hours additional CE to be complete before January 10th; at that time proof of CE will be required. The Board agreed to waive the \$50.00 fee.

Motion: Move to grant renewal certification to Barton Stevens and Barton

Stevens Special Planning LLC, contingent on completion of 10 CE hours before January 10, 2012. The \$50.00 late fee will be waived.

Motion Proposals: First Paul Friedman
Second Mary Carlton
Motion Results: Pass

6-C: *Review of Business Entity Exemption Extension Requests for the 2011-2013 certification period.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: It was recommended the following Business Entity Exemption Extension be deferred until the January meeting:

Bart Stevens Special Needs Planning, LLC (Barton Stevens)

Motion: Move to defer the above Business Entity Exemption Extension to the January meeting.

Motion Proposals: First Mary Carlton
Second Paul Friedman
Motion Results: Pass

CALL TO THE PUBLIC - None

ADJOURNMENT

Motion: Move to adjourn the meeting.

Motion Proposals: First Paul Friedman
Second Mary Carlton
Motion Results: Pass

Time: 11:32 a.m.