



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

Date: June 28, 2010
Time: 10:00 a.m. – 2:00 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Les Krambeal
Andrew Saper
Paul Friedman
Bonnie Matheson

Telephonically Present:

Cynthia Felton
Stephanie Gates Wolf
Debra Griffin
Devon Kunde
Debra A. Young

Absent:

Deborah Colon-Mateo
Hon. Robert H. Oberbillig

OTHER ATTENDEES

AOC Staff:

Linda Grau
Kandace French
Nina Preston
Alex Navarro
Debbie MacDougall
Kimberly Siddall
Afton Foutz

Guests:

Julie Haigh
Brittany Meyers
Ronda Fisk
Tina Adams
Edward Rubacha

CALL TO ORDER

Called to Order By: Les Krambeal

Time: 10:03 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

1-A: *Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of April 26, 2010.*

Individuals Addressing the Board: Les Krambeal

Discussion: None

Motion: Move to approve the regular session minutes of the meeting of April 26, 2010.

Motion Proposals: First Paul Friedman
Second Andrew Saper
Abstain Cindy Felton

Motion Results: Pass **LDP 10-080**

2) REVIEW OF PENDING COMPLAINTS

2-A: *Review, discussion, and possible action regarding complaint number 05-L119 involving Janice Buzelle.*

Individuals Addressing the Board: Linda Grau

Discussion: In June 2007 the Board moved for formal disciplinary action against Ms. Buzelle's individual certificate after also offering an opportunity for Ms. Buzelle to resolve the matter by consent agreement. The underlying allegations in the complaint involved her failure to comply with the requirement for participating in the examination and relating to her failure to obtain and maintain business certification. Ms. Buzelle is no longer actively certified and has not been since June 30, 2006. It was recommended the Board vacate the portions of the June 27, 2006 regarding the possible Consent Agreement resolution of the action and the filing of the Notice of Formal Statements, leave the finding of probable cause and grounds for discipline intact (to be considered if Ms. Buzelle applies for certification in the future), and issue a Letter of Concern.

Motion: Move to approve staff recommendation.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-081**

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

NC04-L095 – Eddie Taylor

NC04-L096 – Statewide Document Preparation

NC04-L204 – Joe Velarde

NC08-L077 – My Corporation Business Services, Inc.
NC09-L038 – Samantha Philpot
NC09-L048 – Lien Secure, LLC
NC03-L088 – Self-Help Probate Services
NC04-L106 – Self-Help Probate Services
NC04-L124 – Cooper Frais Legal Services
NC08-L033 – Arizona Contractor Center
NC08-L041 – Kristin Rhoad
NC09-L006 – Allan Sobol and Consiglieri Group, LLC
NC09-L069 – Allan Sobol and Consiglieri Group, LLC
NC08-L050 – Rebecca Alson
NC08-L066 – Corey Grasser
NC08-L065 – Chaddie Williams
NC09-L003 – Legal Aid Assisted Document Preparation Services
NC09-L019–Bluewater Accounting & Tax Service/Sergi Heideman
NC09-L047 – LienGuard, Inc.
NC09-L012 – Kimberly Kees
NC09-L052 – Lien Partners/Tom Ostlund
NC09-L053 – DBS Prelims, LLC/Tom Ostlund
NC09-L063 – Amber Davis
NC07-L029 – People’s Courthouse
NC07-L057 – Rob Andrew
NC07-L058 – Rob Andrew
NC08-L047 – Rob Andrew
*NC09-L083– Arizona Lien and Bond Services, Inc. dba Western
States Lien Company*
NC08-L048 – Troy Ford
NC08-L049 – Jan Ford
NC09-L084 – BHK Lien Services, LLC
NC09-L070 – Lien Solutions, Inc.
NC09-L046 – Prolien Services, LLC
NC09-L051 – Western Preliens, LLC

Individuals Addressing the Board: Linda Grau

Discussion: It was recommended to close the following complaints and take no further action:

NC04-L095 – Eddie Taylor
NC04-L096 – Statewide Document Preparation
NC04-L204 – Joe Velarde
NC08-L077 – My Corporation Business Services, Inc.
NC09-L038 – Samantha Philpot
NC09-L048 – Lien Secure, LLC
NC03-L088 – Self-Help Probate Services
NC04-L106 – Self-Help Probate Services
NC04-L124 – Cooper Frais Legal Services
NC08-L033 – Arizona Contractor Center

NC09-L006 – Allan Sobol and Consiglieri Group, LLC
NC09-L069 – Allan Sobol and Consiglieri Group, LLC
NC08-L050 – Rebecca Alson
NC08-L066 – Corey Grasser
NC08-L065 – Chaddie Williams
NC09-L003– Legal Aid Assisted Document Preparation Services
NC09-L047 – LienGuard, Inc.
NC07-L029 – People’s Courthouse
NC07-L057 – Rob Andrew
NC07-L058 – Rob Andrew
NC08-L047 – Rob Andrew

Motion: Move to close the above listed complaints as recommended by staff.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-082**

Individuals Addressing the Board: Linda Grau

Discussion: It was recommended to close the following cases, take no further action and refer them to the State Bar of Arizona:
NC09-L063 – Amber Davis
NC09-L083– Arizona Lien and Bond Services, Inc. dba Western States Lien Company
NC09-L084 – BHK Lien Services, LLC
NC09-L070 – Lien Solutions, Inc.

Motion: Move to approve as recommended by staff.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-083**

Individuals Addressing the Board: Linda Grau

Discussion: It was recommended to Issue a Cease and Desist letter and close the following cases:
NC08-L041 – Kristin Rhoad
NC09-L019– Bluewater Accounting & Tax Service/Sergi Heideman
NC09-L012 – Kimberly Kees
NC09-L052 – Lien Partners/Tom Ostlund

NC09-L053 – DBS Prelims, LLC/Tom Ostlund
NC08-L048 – Troy Ford
NC08-L049 – Jan Ford
NC09-L046 – Prolien Services, LLC
NC09-L051 – Western Preliens, LLC

Motion: Move to approve as recommended by staff.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-084**

2-C: Review, discussion, and possible action regarding complaint numbers 07-L013, 07-L017 and 07-L023 involving Dacoma Stevenson aka Eliah Luna.

Individuals Addressing the Board: Linda Grau

Discussion: On June 22, 2009, the Board entered a finding grounds for formal disciplinary action existed in the above listed complaints regarding numerous violation of rule 31 pursuant to ACJA § 7-201 and ACJA § 7-208. The proposed disciplinary sanctions involved Affirming the prior revocation of Stevenson’s certification which had been entered approximately two and a half years ago, A cease and desist order remains in effect. Regarding the three complaints on the agenda it was recommended the Board leave the findings of grounds for formal disciplinary action in place and close the complaints without further action.

If at some time in the future, Ms. Stevenson completes the mandated CE, pays the previously ordered costs and civil penalty, and applies for reinstatement of certification, a record of the Board’s action will be available for review and consideration.

Motion: Move to approve as recommended by staff.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-085**

2-D: Review, discussion and possible action regarding complaints dismissed by the Division Director pursuant to Arizona Code of Judicial Administration § 7-201(D)(4)(a) and (H)(2)(a):

Complaint Number NC10-L005
Complaint Number 05-L058

Complaint Number 10-L006
Complaint Number 10-L007
Complaint Number 10-L008
Complaint Number 10-L009
Complaint Number 10-L014
Complaint Number 10-L015
Complaint Number 10-L016
Complaint Number 10-L017
Complaint Number 10-L018
Complaint Number 10-L019
Complaint Number 10-L020

Individuals Addressing the Board: Linda Grau

Discussion:

Complaint Number NC10-L005:

On April 22, 2010, Division Director Nancy Swetnam dismissed complaint number NC10-L005 with prejudice for lack of jurisdiction, referring the matter to an entity which may hold jurisdiction. On April 23, 2010, notice of the dismissal was forwarded to the complainant with notice the complainant could request Board review of the dismissal. No request for review has been received. It was recommended the Board affirm the dismissal of complaint number NC10-L005.

Motion:

Move to affirm the dismissal of Complaint Number NC10-L005.

Motion Proposals:

First Paul Friedman
Second Andrew Saper

Motion Results:

Pass **LDP 10-086**

Individuals Addressing the Board: Linda Grau

Discussion:

Complaint Number NC05-L058:

On May 10, 2010, Division Director Swetnam dismissed complaint number 05-L058 with prejudice for lack of jurisdiction. On May 17, 2010, notice of the dismissal was forwarded to the complainant with notice the complainant could request Board review of the dismissal. No request for review has been received. It was recommended the Board affirm the dismissal of complaint number 05-L058.

Motion:

Move to affirm the dismissal of Complaint Number NC05-L058.

Motion Proposals:

First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-087**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Numbers 10-L006, 10-L007, 10-L008, 10-L009, 10-L014, 10-L015, 10-L016, 10-L017, 10-L018, 10-L019, and 10-L020: These matters were all dismissed by Linda Grau in her capacity as acting director on May 21, 2010. The identity of the complainant was unknown to the Division. Therefore there was no complainant to notify of the dismissal. It was recommended that the Board affirm the dismissal of the above listed complaints.

Motion: Move to affirm the dismissal of Complaint Numbers as listed above.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-088**

2-E: *Review, discussion and possible action regarding complaint number 09-L033 involving certified legal document preparers Richard Hoyt and Richard C. Hoyt & Associates, Inc.*

Individuals Addressing the Board: Linda Grau

Discussion: On December 21, 2009, the Board accepted the finding of the Probable Cause Evaluator in complaint number 09-L033. The Board entered a finding of grounds for formal disciplinary action. On December 31, 2009, Notice of Formal Statement of Charges was filed and subsequently served to Mr. Hoyt and Hoyt & Associates, Inc. Mr. Hoyt and Hoyt & Associates, Inc. filed a timely Answer and Request for Hearing. A Hearing Officer was appointed and a hearing date was scheduled. Prior to the commencement of the hearing, Henry Jacobs, counsel for Mr. Hoyt and Hoyt & Associates, Inc., requested Board consideration of a Consent Agreement resolution of the formal disciplinary action.

Should the Board accept the Consent Agreement, it was recommended the Board authorize the Chair to sign the Consent Agreement on behalf of the full Board.

NOTE: On May 24, 2010, Hoyt remitted payment of the proposed assessed costs in the amount of \$753.15.

Motion: Move to accept the Consent Agreement and allow the Chairman to

sign on behalf of the Board.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-089**

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

*05-L054 – Michelle Blair
05-L065 – Alicia Gonzalez
08-L023 – Cynthia Felton
09-L032 – David Wilcox
10-L011 – Ken Volk*

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 05-L054 – Michelle Blair:
On April 26, 2010, Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists in complaint number 05-L054. Division Director Nancy Swetnam recommends the Board consider the mitigating factors contained in the Recommendation to the Board and the absence of aggravating factors and dismiss complaint number 05-L054.

Motion: Move to dismiss Complaint Number 05-L054.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-090**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 05-L065 – Alicia Gonzalez:
On April 26, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 05-L065. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 05-L065.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss Complaint Number 05-L065.

Motion Proposals: First Andrew Saper
Second Bonnie Matheson

Nay Paul Friedman

Motion Results: Pass **LDP 10-091**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 08-L023 – Cynthia Felton:
On April 26, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 08-L023. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 08-L023.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss Complaint Number 08-L023.

Motion Proposals: First Andrew Saper
Second Bonnie Matheson
Abstain Cynthia Felton
Paul Friedman

Motion Results: Pass **LDP 10-092**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 09-L032 – David Wilcox:
On May 24, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 09-L032. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 09-L032.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss Complaint Number 09-L032.

Motion Proposals: First Cynthia Felton
Second Bonnie Matheson
Nay Paul Friedman

Motion Results: Pass **LDP 10-093**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 10-L011 – Ken Volk:
On May 24, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 10-L011. Therefore, it was recommended the Board accept the finding

of the Probable Cause Evaluator and dismiss complaint number 10-L011.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss Complaint Number 10-L011.

Motion Proposals: First Cynthia Felton
Second Bonnie Matheson
Nay Paul Friedman

Motion Results: Pass **LDP 10-094**

2-G: *Review, discussion and possible action regarding complaint number 07-L079 involving Marty Grant and non-certificate holder complaint number NC09-L060 involving non-certified business entity Executive Lien and Contractor Service, Inc.*

Individuals Addressing the Board: Linda Grau

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.

Ms. Grant entered the Consent Agreement which gave 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 M. Todd reporting 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.

It was recommended the Board order the filing and service of

Notice of Formal Statement of Charges to Marty Grant in complaint number 07-L079 pursuant to paragraph 4 of the Consent Agreement.

Motion: Move to order the filing and service of Notice of Formal Statement of Charges to Marty Grant in complaint number 07-L079 pursuant to paragraph 4 of the Consent Agreement.

Motion Proposals: First Paul Freidman
Second Andrew Saper

Motion Results: Pass **LDP 10-095**

2-H: *Review, discussion and possible action regarding complaint number 05-L110 involving Sharon Miller.*

Individuals Addressing the Board: Linda Grau

Discussion: Division records reflect this complaint was received by the Division on November 17, 2005. On November 13, 2006, the Board entered a finding of probable cause and determined grounds for formal disciplinary action exists. Ms. Miller's certification expired on June 30, 2006 when she did not apply for 2006-07 renewal.

On April 16, 2010, upon belief Ms. Miller had been located and could be served, the Notice of Formal Statement of Charges in complaint number 05-L110 was filed and sent out for service. Service did not occur and the process server reported Ms. Miller was not available at the location believed to be accurate. Subsequent attempts to relocate Ms. Miller have been unsuccessful.

Therefore, it was recommended the Board leave the findings of probable cause and determination of grounds for formal disciplinary action in place and close the complaints without further action. If at some time in the future, Ms. Miller applies for reinstatement of certification, a record of the Board's action will be available for review and consideration.

Motion: Move to leave the findings of probable cause and determination of grounds for formal disciplinary action in place and close the complaints without further action. If at some time in the future, Ms. Miller applies for reinstatement of certification, a record of the Board's action will be available for review and consideration.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-096**

2-I: *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: Linda Grau

Discussion: Division records reflect Ms. DiGregorio held individual certification and The Document Source, LLC held business entity certification from July 28, 2003 through June 30, 2004. Complaint numbers 04-L027 and 04-L032 involving Ms. Digregorio and The Document Source were received during the period active certification. Ms. DiGregorio and The Document Source did not apply for 2004-05 renewal and their certifications expired on June 30, 2004.

On December 18, 2006, the Board entered a finding of probable cause the alleged acts of misconduct occurred in complaint number 04-L027. The particular subsections of ACJA § 7-208 involved in the alleged misconduct include ACJA § 7-208(F)(2) and Appendix A Code of Conduct Standard (4)(a).

On December 18, 2006, the Board entered a finding of probable cause the alleged acts of misconduct occurred in complaint number 04-L032. The particular subsections of ACJA § 7-208 involved in the alleged misconduct include ACJA § 7-208(F)(2) and Appendix A Code of Conduct Standards (1)(a), (1)(d), (2)(c), (4)(a) and (5)(a).

Earlier this year, the Division was able to locate Ms. DiGregorio. The 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 the attached letter from Ms. DiGregorio denying knowledge of or participation in the alleged misconduct. Ms. DiGregorio’s letter also includes a public records request which is being process separate from the pending disciplinary action. It was recommended the Board adopt the Factual Allegations of Misconduct contained in the Notice as Findings of Fact and the Formal Charges as Conclusions of Law. It was further recommended the Board impose the following sanctions:

- a) Revoke 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);
- b) Issue 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);
- c) As a condition of reinstatement, order 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);
- d) As a condition of reinstatement, order 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);
- e) Issue a Letter of Concern to Tiffany DiGregorio and The Document Source, LLC in complaint number 04-L027; pursuant to ACJA § 7-201(H)(24)(a)(6)(a);
- f) Impose 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); and,
- g) Assess costs related to the investigation and disciplinary proceedings in the amount of \$701.34, pursuant to ACJA § 7-201(H)(24)(a)(6)(j).

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

Motion: Move to enter into Executive Session for Legal Counsel.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-097**

Executive Session 10:40 a.m. to 10:50 a.m.

Discussion: Board determined that Ms. DiGregorio was not present at the meeting. Ms. Grau presented an overview of the complaints to the Board.

Motion: Move to revoke Tiffany DeGregorio individual certification and The Document Source, LLC business certification.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-098**

Motion: Move to issue 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).

Motion Proposals: First Paul Friedman
Second Cynthia Felton

Motion Results: Pass **LDP 10-099**

Motion: Move to As a condition of reinstatement, order Tiffany DiGregorio and The Document Source, LLC to pay restitution to consumer John Nichols in the amount of \$465.00

Motion Proposals: First Paul Friedman
Second Cynthia Felton

Motion Results: Pass **LDP 10-100**

Motion: Move to Impose a civil penalty in the amount of \$5,000.00.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-101**

Motion: Move to Assess costs related to the investigation and disciplinary proceedings in the amount of \$701.34

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-102**

Motion: Move to and order Tiffany DiGregorio and The Document Source, LLC to pay restitution to consumer Irma Peralta in the amount of

\$285.00.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-103**

Motion: Move to authorize the Chair to sign the Final Order on behalf of the full Board.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-104**

2-J: *Review, discussion and possible action regarding complaint number 09-L077, Jennifer Bone and Paradox Document Preparation Services, LLC.*

Individuals Addressing the Board: Linda Grau

Discussion: At the April meeting, the Board accepted the finding of the Probable Cause Evaluator in complaint number 09-L077 and entered a finding grounds for formal disciplinary action exists. The Board's Order included a request that Division staff contact Bone and Paradox in advance of filing a Notice of Formal Statement of Charges to determine if Bone and Paradox were amenable to resolving this matter by Consent Agreement.

On May 16, 2010, Bone, individually and on behalf of Paradox, signed and returned the attached proposed Consent Agreement along with payment of the proposed civil penalty. It was recommended the Board enter the Consent Agreement and authorize the Chair to sign the document on behalf of the full Board.

Motion: Move to accept staff recommendation and allow the chairperson to sign on behalf of the entire Board.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-105**

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

08-L057 – Deborah Albert

07-L078 – Diana Portanova
07-L001 – Karen Cooley
08-L063 – Betty Ulibarri
06-L093 – Oliver Ross and Out-Of-Court Solutions
07-L068 – William Kelly
06-L089 – Cynthia Felton
08-L033 – Julie Haigh and Majestic’s Paralegal Center
06-L002 – Alicia Gonzalez
06-L014 – Caitlin Larkin and We The People USA, Inc.

Individuals Addressing the Board: Linda Grau

Discussion:

Complaint Number 08-L057 – Deborah Albert:

On June 11, 2010, Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists in complaint number 08-L057. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists.

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 Letter of Concern to Albert, pursuant to ACJA § 7-201(H)(24)(a)(6)(a);
- b) Mandate Albert participate in no less than five (5) additional hours of continuing education in the curriculum areas of the customer service, 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, 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)(j).

It was further recommended the Board request Division staff contact Albert in advance of filing the Notice of Formal Statement of Charges to determine if Albert is willing to enter a Consent Agreement to the proposed sanctions to resolve the matter. If Albert agrees, it is recommended the Board request Division staff prepare and deliver a draft Consent Agreement to Albert with a date certain deadline to provide the Division with the signed Consent Agreement or report she declines the opportunity to resolve the matter by Consent Agreement. If Albert agrees and submits the signed Consent Agreement, the document will be returned to the Board for review and consideration at the next regularly scheduled Board meeting. If Albert declines the alternative resolution of the

matter or fails to submit the signed Consent Agreement by the established deadline, Division staff shall proceed with the preparation, filing, and service of the Notice of Formal Statement of Charges.

Motion: Move to approve Staff recommendation as listed above.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-106**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 07-L078 – Diana Portanova:
On June 11, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 07-L078. In considering the appropriate disposition of this complaint, it was recommended the Board consider, the following mitigating factors:

1. Absence of harm to the public.
2. Absence of prior discipline. This is the first matter involving Portanova the Board has considered. [ACJA § 7-201(H)(22)(b)(1)(a)]
3. Absence of dishonest or selfish motive. [ACJA § 7-201(H)(22)(b)(1)(b) and (c)]
4. Delays in the disciplinary proceeding. This complaint was initiated on November 27, 2007. [ACJA § 7-201(H)(22)(b)(1)(l)]
5. Non response by Division staff to Portanova’s request for direction.

In view of these mitigating factors and the absence of any aggravating factors, it was recommended the Board dismiss complaint number 07-L078.

Motion: Move to dismiss complaint number 07-L078.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-107**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 07-L001 – Karen Cooley:
On June 11, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 07-L001. It was

recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for informal disciplinary action exists and consider the following mitigating factors issue a Letter of Concern:

1. Absence of prior discipline
2. Imposition of other penalties, just for references as a result of this complaint Ms. Cooley's Notary license was revoked for a matter of time.
3. Delays in the disciplinary proceeding, this complaint was initiated on January 4, 2007.

Motion: Move to issue a Letter of Concern.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-108**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 08-L063 – Betty Ulibarri:
On June 11, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 08-L063. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 08-L063.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss complaint number 08-L063.

Motion Proposals: First Cynthia Felton
Second Andrew Saper
Recusal Bonnie Matheson

Motion Results: Pass **LDP 10-109**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 06-L093 – Oliver Ross and Out-Of-Court Solutions:
On May 24, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegations 1 and 2 and does exist as to Allegations 3, 4 and 5 in complaint number 06-L093. Therefore, it was recommended the Board accept the finding of the Probable cause Evaluator and dismiss Allegations 1 and 2 of complaint number 06-L093.

Regarding Allegations 3, 4 and 5, it was recommended the Board enter a finding grounds for formal disciplinary action exists. Noted mitigating factors in this case are

1. Absence of prior discipline
2. Delays in the disciplinary proceeding, this complaint was initiated on August 22, 2009.

The aggravating factor cited in Director Swetnam's report are:

1. Substantial experience in the profession,
2. Mr. Ross is an attorney admitted to the practice of law in California who possesses a level of sophistication necessary to understand the court rules and ACJA governing the Legal Document Preparer Program.

It was recommended the Board offer Ross a Consent Agreement to resolve this complaint, pursuant to ACJA § 7-201(H)(24)(a)(6)(c). It is recommended the proposed Consent Agreement include an acknowledgement of the misconduct, a statement giving notice to Ross that if he enters the Consent Agreement he waives his right to a hearing, and imposes the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to Ross, pursuant to ACJA § 7-201(H)(24)(a)(6)(b);
- b) Order Ross participate in no less than three (3) 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) Order Ross to issue a refund in the amount of \$240.00 to the Haneys no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(d);
- d) Assess costs associated with the investigation and any related administrative proceedings involving complaint number 06-L093 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 civil penalties in the amount of \$100.00 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).

In the event Ross declines 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 dismiss allegations 1 and 2 in complaint number 06-L093.

Motion Proposals: First Cynthia Felton
Second Andrew Saper

Motion Results: Pass **LDP 10-110**

Motion: Move to accept Staff's recommendations for Allegations 3, 4, 5 in complaint number 06-L093.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-111**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 07-L068 – William Kelly:

On June 11, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegations 1, 2 and 3 and does exist as to Allegation 4 in complaint number 07-L068. It was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegations 1, 2 and 3 of complaint number 07-L068.

Regarding Allegation 4, it was recommended the Board enter a finding William Kelly committed the alleged act of misconduct as detailed in the Investigation Summary and Allegation Analysis Report. In considering the appropriate disposition of this complaint it was recommended the Board consider that Kelly's failure to include his certificate number on documents filed in the Superior Court:

1. Constitutes a technical error.
2. Did not result in any potential or actual harm to the consumer.
3. Occurred in 2007.

Therefore, it was recommended the Board dismiss Allegation 4 of complaint number 07-L068 as recommended by the Division Director.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss Allegations 1, 2 and 3 and dismiss Allegation 4 of complaint number 07-L068 as recommended by the Division Director.

Motion Proposals: First Paul Friedman

Second Cynthia Felton

Motion Results: Pass **LDP 10-112**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 06-L089 – Cynthia Felton:
On June 11, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 06-L089. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 06-L089.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss complaint number 06-L089.

Motion Proposals: First Andrew Saper
Second Bonnie Matheson
Recusal Cynthia Felton
Abstain Paul Friedman

Motion Results: Pass **LDP 10-113**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 08-L003 – Julie Haigh and Majestic’s Paralegal Center:
On June 11, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 08-L003. It was recommended the Board accept the finding of the Probable Cause Evaluator, committed the alleged acts of misconduct and enter a finding grounds for informal disciplinary action exists.

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) Suspension of Haigh and MPC’s legal document preparer certifications, certificate numbers 80049 and 80051, for a period of no less than twelve (12) months following entry of the Board’s Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(h);
- b) Issue a cease and desist order enjoining Haigh and MPC from preparing legal documents, representing themselves to the public as a certified legal document preparers, or conducting any activity that constitutes the unauthorized practice of law during the period of any suspension and until such time as any and all conditions for reinstatement are met

in full, as determined by the Board, pursuant to ACJA § 7-201 (H)(24)(a)(6)(g);

- c) Order and mandate as a condition for reinstatement, Haigh participate in no less than ten (10) hours of continuing education in the curriculum areas of professional responsibility, ethics, in addition to the mandated additional hours ordered in complaint number 05-L048, 06-L112 and 07-L028, pursuant to ACJA § 7-201 (H)(24)(a)(6)(f);
- d) Assess costs associated with the investigation and related disciplinary proceedings 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)(j); and,
- e) 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).

Motion: Move to revoke Haigh and MPC's legal document preparer certifications.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-114**

Motion: Move to issue a cease and desist order enjoining Haigh and MPC from preparing legal documents, representing themselves to the public as a certified legal document preparers, or conducting any activity that constitutes the unauthorized practice of law during the period of any suspension and until such time as any and all conditions for reinstatement are met in full, as determined by the Board, pursuant to ACJA § 7-201 (H)(24)(a)(6)(g).

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-115**

Motion: Move to Assess costs associated with the investigation and related disciplinary proceedings to be remitted no later than sixty (60) days following entry of the Board's Final Order.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-116**

Motion: Move to 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.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-117**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 06-L002 – Alicia Gonzalez:
On June 11, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 06-L002. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 06-L002.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss complaint number 06-L002.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-118**

Individuals Addressing the Board: Linda Grau

Discussion: Complaint Number 06-L014 – Caitlin Larkin and We The People USA, Inc.:
On June 11, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegation 1 and does exist as to Allegation 2 and 3 in complaint number 06-L014. It was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegation 1 of complaint number 06-L014.

Regarding Allegations 2 and 3, it was recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) for acts of misconduct involving ACJA § 7-208(E)(3)(c)(1), (F)(4)(a) and (F)(4)(b) and issue a Letter of Concern.

Motion: Move to accept Staff recommendation as listed above.

Motion Proposals: First Cynthia Felton
Second Andrew Saper

Motion Results: Pass **LDP 10-119**

3) CERTIFICATION AND ELIGIBILITY

3-A: *Review and discussion, and possible action regarding proposed new legislation.*

Individuals Addressing the Board: Kandace French

Discussion: HB2334 previously titled “costs; superior court; document preparation” and re-titled “document preparation costs; award” was forwarded to the governor for signature on April 20, 2010. It was signed on April 23, 2010. It was reviewed by the Board.

Motion: No action taken.

4) REVIEW OF CERTIFICATION APPLICATIONS

4-A: *Review, discussion, and possible action regarding pending applications for 2009-2011 initial certifications.*

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 investigations which are contrary to standard certification being granted. **Therefore, it was recommended standard certification be granted to the following individuals/business entities:***

1. Tracy L. Reay
2. Jezzette C. Taillefer

Motion: Move to grant standard certification to Tracy Reay and Jezzette C. Taillefer.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-120**

Discussion: The following applicants have provided additional information as requested by staff. It was recommended to grant standard certification to:

3. Rebecca M. Cruz

- 6. Michael Todd Haley
- 7. Whitney A. Norris
- 8. Arlene Rheinfelder
- 12. Sonya L. Torres
- 13. Stefanie L. Montgomery
- 17. Staci L. Heinz
- 22. Tax & Money Strategies (Jack Sides)
- 23. Corporate Lien Services, LLC (Michael Todd Haley)

Motion: Move to grant standard certification to the above listed applicants, as recommended by staff.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-121**

Discussion: It was recommended to defer the following to the September meeting:

- 4. Shawn Cullison
- 5. Kathryn A. Kaiser
- 10. Michael T. Maloney
- 11. Cynthia Y. Reason-Tellez
- 14. Grace M. Davirro
- 15. Pamela J. Wilson
- 19. Daphne J. A. Metzger

Motion: Move to defer the above listed to the September meeting pending receipt of additional information.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-122**

Discussion: It was recommended to invite the following to the September meeting for an interview regarding her non disclosure and her work experience:

- 9. Danette L. Cheney

Motion: Move to invite Danette L. Cheney to the September Meeting for an interview.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-123**

Discussion: It was recommended to deny certification pursuant to ACJA 7-201 (e)(2)(c)(2)(b)(6) and ACJA 7-201 (e)(2)(c)(2)(b)(15) to the following:

16. Edmund Y. Nomura

Motion: Move to deny standard certification to Edmund Y. Nomura.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-124**

Discussion: The following applicant does not meet the required one year experience as stated in ACJA 7-208 (e)(3)(b)(6)(d), it was recommended to deny certification pursuant to ACJA 7-201 (e)(2)(c)(1):

18. Alban Demeti

Motion: Move to deny certification to Alban Demeti.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-125**

Discussion: Staff recommended the Board enter into Executive Session for advice of legal counsel regarding:

20. Janet E. Summers

21. Van Rylin Associates Inc. (Janet E. Summers)

Motion: Move to enter into Executive Session for advice of Legal Counsel.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-126**

Executive Session 12:00 p.m. – 12:13 p.m.

Discussion: Board heard from Attorney Rubacha, who represents Van Rylin Associates. Staff recommends to grant certification to Janet E. Summers and Van Rylin Associates Inc.

Motion: Move to grant standard certification as recommended above.

Motion Proposals: First Paul Friedman

Second Andrew Saper

Motion Results: Pass **LDP 10-127**

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

Mansell Document Services (John S. Mansell)

Individuals Addressing the Board: Kimberly Siddall

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

Mansell Document Services (John S. Mansell)

Motion: Move to grant Mansell Document Services Business Entity Exemption.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-128**

4-C *Review, discussion and possible action regarding application for reinstatement after suspension submitted by Julie A. Haigh.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: It was recommended the Board deny reinstatement pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(i) committed material misrepresentation, omission, fraud, dishonesty, or corruption in the application form; ACJA § 7-201 (E)(2)(c)(2)(b)(v) has a conviction by final judgment of a misdemeanor if the crime has a reasonable relationship to the practice of the certified profession or occupation, regardless of whether civil rights have been restored; ACJA § 7-201 (E)(2)(c)(2)(b)(x) has violated any decision, order, or rule issued by a professional regulatory entity; ACJA § 7-201 (E)(2)(c)(2)(b)(xii) has violated any order of a court, judicial officer, administrative tribunal, or the board; and ACJA § 7-201 (E)(2)(c)(2)(b)(xv) failed to disclose information on the certification application subsequently revealed through the background check.

Motion: Move to enter into Executive Session to receive advice of legal Counsel.

Motion Proposals: First Paul Friedman

Second Andrew Saper

Motion Results: Pass **LDP 10-129**

Executive Session 12:21p.m.-12:25p.m.

Discussion: Board questioned Ms. Haigh regarding Civil penalties and Welfare Fraud.

Motion: Move to accept staff recommendation.

Motion Proposals: First Cynthia Felton
Second Deborah Young

Motion Results: Pass **LDP 10-130**

5) CERTIFICATION AND ELIGIBILITY

5-A: *Review, discussion and possible action regarding Hearing Officer Neal Taylor's Recommendation Report involving the denial of the reinstatement of certification application submitted by Jace Cunningham-Hanks.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: Hearing Officer Taylor recommended the Board reaffirm its prior denial of reinstatement of the application.

Motion: Move to reaffirm its prior denial of reinstatement of the application.

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-131**

CALL TO THE PUBLIC

No members of the public came forward.

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-132**

Time: 12:40p.m.

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