

Board of Legal Document Preparers

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

September 24, 2012
10:00 A.M.
Hearing Room 109

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Mary Carlton
Paul Friedman
Pamela Milburn
Rebecca Nielsen

Telephonically Present:

Bonnie Matheson
Deborah Young
Judge Samuel Myers

Absent:

Deborah Colon-Mateo
Debra Griffin

OTHER ATTENDEES

AOC Staff:

Mark Wilson
Linda Grau
Debbie MacDougall
Nina Preston
Wendy Reiter
Rick Sczerbicki
Anne Hunter
Bill MacIntyre
Arnita Oliver
Michelle Jackson

Guests:

Jessica Real
Blanca Real
Michael Molon
Paulina Hackshaw
Victor Calvario

CALL TO ORDER

Called to Order By:

Mary Carlton

Time:

10:02 A.M.

1) REVIEW AND APPROVAL OF MEETING MINUTES

1-A: *Review, discussion, and possible action regarding the approval of regular session minutes of the meeting held on July 16, 2012.*

Individual Addressing the Board: Mary Carlton

Discussion: None

Motion: Move to approve the regular session minutes of the meeting on July 16, 2012.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

2) REVIEW OF PENDING COMPLAINTS

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

- *Complaint Number NC11-L012*
- *Complaint Number 12-L032*
- *Complaint Number 03-L035*
- *Complaint Number 12-L035*
- *Complaint Number 09-L029*
- *Complaint Number NC12-L040*
- *Complaint Number NC12-L041*

Individual Addressing the Board: Linda Grau

Discussion: Pursuant to ACJA § 7- 201(H)(1)(g)(3), complaints dismissed by the Division Director are CONFIDENTIAL and not a matter of public record. If the Board wishes to address specific details regarding these matters, it is recommended the Board enter executive session to discuss matters confidential.

Complaint Number NC11-L012: On June 28, 2012, Division Director Nancy Swetnam dismissed this complaint with prejudice for lack of jurisdiction and referred the matter to an entity which may have jurisdiction. Notice of the dismissal was forwarded to the

complainant on July 10, 2012, along with notice of the complainant's right to request Board review of the Division Director's dismissal. To date, no request for review has been received from the complainant. Therefore, it is recommended the Board affirm the dismissal.

Motion: Move to affirm the dismissal.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 12-L032:** On July 2, 2012, Division Director Swetnam dismissed this complaint with prejudice as the complaint did not meet the criteria contained in ACJA § 7-201(H)(2)(a)(2)(b) through (f). Notice of the dismissal was forwarded to the complainant on July 10, 2012, along with notice of the complainant's right to request Board review of the Division Director's dismissal. To date, no request for review has been received from the complainant. Therefore, it is recommended the Board affirm the dismissal.

Motion: Move to affirm the dismissal.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 03-L035:** On June 28, 2012, Division Director Nancy Swetnam dismissed this complaint without prejudice as the complaint did not meet the criteria contained in AJCA § 7-201(H)(2)(a)(2)(b) through (f). It is recommended the Board affirm the dismissal.

Motion: Move to affirm the dismissal.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 12-L035:** On July 12, 2012, Division Director Nancy Swetnam dismissed this complaint with prejudice as the complaint did not meet the criteria contained in ACJA § 7-201(H)(2)(a)(2)(b) through (f). Notice of the dismissal was forwarded to the complainant, along with notice of the complainant's right to request Board review of the Division

Director's dismissal. To date, no request for review has been received from the complainant. Therefore, it is recommended the Board affirm the dismissal.

Motion: Move to affirm the dismissal.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 09-L029:** On July 16, 2012, Division Director Nancy Swetnam dismissed this complaint with prejudice. It is recommended the Board affirm the dismissal.

Motion: Move to affirm the dismissal

Motion Proposals: First Paul Friedman
Second Rebecca Nilsen

Motion Results: Pass

Discussion: **Complaint Number NC12-L040:** On August 30, 2012, Division Director Mark Wilson dismissed this complaint without prejudice as the complainant did not meet the criteria contained in ACJA§ 7-201(H)(2)(a)(2)(c). Notice of the dismissal was forwarded to the complainant along with notice of the complainant's right to request Board review of the Division Director's dismissal. To date, no request for review has been received from the complainant. Therefore, it is recommended the Board affirm the dismissal.

Motion: Move to affirm the dismissal.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number NC12-L041:** On August 31 2012, Division Mark Wilson dismissed this complaint for lack of jurisdiction and referred the matter to an entity which has jurisdiction. Notice of the dismissal was forwarded to the complainant along with notice of the complainant's right to request Board review of the Division Director's dismissal. At time of publication of these materials, we did receive a response from the complainant. In her response, it did not provide any additional or new information and as a result it is requested that the Board affirms the earlier dismissal.

Motion: Move to affirm the dismissal.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

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

- Complaint Number 03-L011 – Dana Curtis and Bankruptcy & Divorce
- Complaint Number 03-L012 – Dana Curtis and Bankruptcy & Divorce
- Complaint Number 04-L028 – Jace Gaston
- Complaint Number 05-L047 – Janneth Cardenas
- Complaint Number 06-L058 – Jerrie Ortiz
- Complaint Number 07-L016 – Jerrie Ortiz
- Complaint Number 08-L069 – Magdeline Laws and All American Legal, Inc.
- Complaint Number 09-L002 – Magdeline Laws and All American Legal, Inc.
- Complaint Number 10-L037 – Gregory Economidis and Economidis Mediation Services, LLC
- Complaint Number 04-L079 – Victoria King.
- Complaint Number 10-L039 – Elaine Kaufman
- Complaint Number 10-L057 – Mark Bluemke
- Complaint Number 12-L012 – Calah Thomas
- Complaint Number 04-L054 – Melissa Tenny
- Complaint Number 04-L055 – Safe Split, LLC
- Complaint Number 04-L056 – Safe Split, LLC

Individual Addressing the Board: Linda Grau

Discussion: **Complaint Number 03-L011:** – Dana Curtis and Bankruptcy and Divorce

On July 20, 2012, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does exist in this complaint. It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a), (H)(6)(d) and (H)(6)(k)(2) for an acts of misconduct involving ACJA § 7-208(F)(2) and Appendix A Code of Conduct Standards (1)(a), (1)(d), (2)(c) and (5)(a).

The Allegations in this complaint is that Dana Curtis knowingly offered and engaged in providing legal service with support and

assistant from her disbarred attorney father Duane Varbel, who was disbarred in Arizona Supreme Court case number SB-99-0023 on June 11, 1999.

It is recommended the Board consider the mitigating factors, enter a finding of grounds for formal disciplinary action, close the complaint with no further action and maintain the records of this matter to be considered by the Board if at one time in the future Curtis applies for legal document preparer certification.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 03-L012:** – Dana Curtis Bankruptcy & Divorce

On July 17, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in the complaint. The allegations was that Mr. Varbel, who was a non-certified legal document preparer and disbarred employee of Bankruptcy & Divorce provided legal advice and identified himself as a retired attorney. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Complaint Number 03-L012.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 04-L028:** – Jace Gaston

On July 9, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 04-L028. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 04-L028.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman

Motion Results: Second Rebecca Nielsen
Pass

Discussion: **Complaint Number 05-L047:** – Janneth Cardenas

On July 20, 2012, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does exist in this complaint. It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) for an act of misconduct involving ACJA § 7-208(F)(1), (F)(2) and Appendix A Code of Conduct Standard (5)(b). It is further recommended the Board offer Cardenas 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 Cardenas that if she enters the Consent Agreement she waives her right to a hearing, and imposes the following sanctions pursuant to ACJA § 7-201(H)(24)(a)(6):

1. Issue a Letter of Concern to Cardenas.
2. Order Cardenas to participate in no less than (3) hours of continuing education.
3. Assess costs associated with the investigation and related disciplinary proceedings to be remitted no later than 60 days following entry of the Board's Final Order.

In the event Cardenas declines the opportunity to enter the Consent Agreement within 20 days of receipt of the Board's offer, it is recommended that the Board authorize staff to proceed with the filing and service of Notice of Formal Statement of Charges without further action of the Board.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 06-L058:** – Jerrie Ortiz

On July 20, 2012, Probable Cause Evaluator Baumstark entered a finding that probable cause does not exist in this complaint. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 06-L058.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 07-L016:** - Jerrie Ortiz

On July 20, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does exist as to Allegation (1) and does not exist as to Allegation 2. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegation (2). Regarding Allegation (1), it is recommended the Board enter a finding grounds for informal disciplinary action exists for an act of misconduct involving ACJA § 7-201(F)(1), ACJA § 7-208(F)(2) and ACJA § 7-208(J)(5)(a) and Superior Court in Maricopa County Local Rule 2.15 and issue a Letter of Concern.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 03-L014:** – Alfred McEwen

On July 20, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 03-L014.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 08-L069:** – Madeline Laws and All American Legal, Inc.

On August 30, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in this complaint. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss this complaint.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 09-L002:** – Madeline Laws and All American Legal, Inc.

On August 30, 2012 Probable Cause Mike Baumstark entered a finding that probable cause does exist in (2) two Allegations:

Laws and the Business entity were offering \$25.00 cash or \$25.00 credit for legal document preparation customer referrals.

Laws failed to submit a timely response as required by ACJA § 7-201(H)(3)(c).

On August 30, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause exists in this Complaint. It is recommended the Board accept the finding of the Probable Cause Evaluator, enter a finding grounds for informal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) for acts of misconduct involving ACJA § 7-201(F)(1) and (H)(3)(c), ACJA § 7-208(F)(2) and (J)(3)(c)(3), and take no further action.

Motion: Move to accept staff’s recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 10-L037** – Gregory Economidis and Economidis Mediation Service LLC.

Mr. Economidis advised a party to accept a child support amount that deviated from the state guidelines.

Mr. Economidis exhibited a bias towards one party in the family court mediation process.

Mr. Economidis breached confidentiality by speaking about one of the parties in the case with another consumer in doing so by revealing confidential information regarding mediation.

Mr. Economidis used the designation “J.D.” on his business card.

On August 30, 2012, Probable Cause Evaluator Baumstark determined probable cause does not exist in Allegations 1, 2, and 3 and does exist in Allegation 4 of this complaint. It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegations 1, 2 and 3. Regarding Allegation 4, it is recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) for act of misconduct involving ACJA § 7-201(F)(1), ACJA § 7-208(F)(2) and (J)(5)(c) and issue a Letter of Concern.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: Complaint Number 04-L079: – Victoria King

On August 30, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in this complaint. Therefore it is recommended the Board accept the finding of the probable Cause Evaluator and dismiss complaint number 04-L079.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: Complaint Number 10-L039: – Elaine Kaufman

Kaufman failed to include her name, title and certificate number on a Family Court Petition that was filed in Superior Court in Navajo County.

Kaufman engaged in the unauthorized practice of law by preparing legal documents in the case before she was granted legal document preparer certification.

On August 30, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegation 1 and does exist as to Allegation 2. It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegation 1. Regarding Allegation 2, it is recommended the Board enter a finding grounds for informal disciplinary action exist pursuant to ACJA § 7-201(H)(6)(a) for an act of misconduct involving Arizona

Supreme Court Rule 31(b) prior to being granted legal document preparer certification and issue a Letter of Concern.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen
Recused Deborah Young

Motion Results: Pass

Discussion: **Complaint Number 10-L057:** – Mark Bluemke

Bluemke failed to provide timely follow-up with a consumer for the preparation of Chapter 7 Bankruptcy documents.

Bluemke failed to obtain legal document preparer business entity certification for business entity Affordable Document AZ, LLC as required by Arizona Code of Judicial Administration § 7-208(E)(3)(d)(1).

On August 30, 2012, Probable Cause entered a finding probable cause does not exist as to Allegation 1 and does exist to Allegation 2. Regarding Allegation 2, it is recommended the board enter a finding grounds for formal disciplinary action exist pursuant to ACJA § 7-201(H)(6)(1)(a) for an act of misconduct involving § 7-208(E)(3)(d)(1).

Considering the mitigating factors, it is recommended the Board offer Bluemke a Consent Agreement which issues a Letter of Concern to Bluemke and requires Bluemke to pay a civil penalty in the amount of \$650.00, the amount equivalent to the business entity certification fees Bluemke would have paid if he had complied during the 2009-2011 certification period. Should Bluemke reject the offered Consent Agreement, it is recommended the matter be returned to the Board for further consideration.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 12-L012:** – Calah Thomas

Thomas placed her address in the caption of Legal Documents she prepared for parties in two Superior Court in Maricopa County

family court cases.

Thomas failed to obtain and maintain legal document preparer certification for her legal document preparer business entity, Farnsworth & Thomas, LLC dba Discount Doc Prep.

On August 30, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 12-L012. It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) for acts of misconduct involving related to Superior Court in Maricopa County Local Rule 2.15, ACJA § 7-201(F)(1), ACJA § 7-208(E)(3)(d)(1), (F)(2), (J)(2)(d) and (J)(5)(a).

Considering the mitigating and aggravating factors, it is recommended should the Board ultimately enter a finding these violations have occurred, the Board impose the following sanctions pursuant to ACJA § 7-201(H)(24)(a)(6):

- a) Issue a Censure to Thomas, pursuant to ACJA § 7-208(H)(24)(a)(6)(b).
- b) Order Thomas to cease and desist from offering and providing services on behalf of non-certified business entity Farnsworth and Thomas, LLC until such time as the business entity holds active certification, pursuant to ACJA § 7-201(H)(24)(a)(6)(g).
- c) Mandate Thomas participate in no less than ten (10) hours of continuing education in the curriculum areas of family law and court rules, 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).
- e) Impose civil penalties in the amount of \$650.00; be remitted no later than sixty (60) days following entry of the Board's Final Order, in the amount that is equivalent to the certification business entities certification fee Thomas would have paid if she complied with ACJA.

It is further recommended the Board request Division staff to contact Thomas in advance of the filing of Notice of Formal Statement of Charges to determine if Thomas is willing to enter into a Consent Agreement to the proposed sanctions. If Thomas agrees, it is recommended the Board request Division staff prepare and deliver a draft Consent Agreement to Thomas with

a date certain deadline to provide the Division with the signed Consent Agreement or report if she declines the opportunity to resolve the matter by Consent Agreement.

If Thomas 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 Thomas 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 without further action of the Board.

Motion: Move to accept staff’s recommendation with the addition that the Consent Agreement include a provision that the website be removed until the business is active.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: Complaint Number 04-L054, 04-L055, and 04-L056: – Melissa Tenny and Safe Split, LLC

Tenny failed to modify the website for Safe Split, LLC, (“Safe Split”) and provide verification of the changes as required by the Board.

On August 30, 2012, Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists in these complaints. In light of the compliance concerns having been remedied and the age of these complaints, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint numbers 04-L054, 04-L055, and 04-L056.

Motion: Move to accept staff’s recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

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

- *Complaint Number NC09-L065 – RCS Preliminary Lien Service*

- *Complaint Number NC09-L076 – Kevin Bishop*
- *Complaint Number NC12-L031 – Kevin Bishop*
- *Complaint Number NC12-L019 – James Nord*
- *Complaint Number NC12-L036 – William Fast*
- *Complaint Number NC12-L034 – Karina Hale*
- *Complaint Number NC12-L039 – Karina Hale*
- *Complaint Number NC12-L030 – Glen Hadley and Hadlegal Services, LLC*
- *Complaint Number NC11-L022 – Cicero Cast’On*
- *Complaint Number NC12-L024 – Cicero Cast’On*
- *Complaint Number NC12-L044 – Jan Rust*

Individual Addressing the Board: Linda Grau

Discussion: **Complaint Number NC09-L065:** – RCS Preliminary Lien Service

On December 21, 2009, the Board moved to petition the Superior Court for a Cease and Desist Order against RCS Preliminary Lien Service. The Board previously issued a Cease and Desist Letter to RCS Preliminary Lien Service. No subsequent complaints have been received by the Division. To date, no Petition has been filed in the Superior Court. The business entity continues to offer preliminary lien notice and lien preparation services on the company’s website.

It is recommended the Board issue a second Cease and Desist letter specifically requesting RCS Preliminary Lien Service stop offering and/or providing legal document preparation services in Arizona until such time as the business entity and the individuals acting on behalf of the business hold active certification.

Our standard letter will request and require a formal written response from the recipient; therefore, it is recommended this item be included on the November Board meeting agenda for a follow-up report and possible recommendation for Board.

Motion: Move to accept staff’s recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number NC09-L076** – Kevin Bishop
Complaint Number NC12-L031 – Kevin Bishop

On June 6, 2012, the Division received complaint number NC12-

L031, which alleged Bishop and his business entity Renaissance Community Partners were offering advice, preparing legal documents and acting in a representative capacity on behalf of others. A letter regarding the certification requirement was forwarded to Bishop. The Division received a written response from an attorney on Bishop's behalf indicating that Bishop was under the impression that his application from 2009 remained pending. Additionally, it was asserted that Bishop does not prepare legal documents and he is not authorized to prepare pursuant to Arizona Supreme Court Rules. Bishop provides documents that are incidental to the course of business.

Division records indicate that Renaissance Community Partners is a Property Management entity that is operated by Bishop. The services that are being offered and provided are not incidental to the Business of Renaissance Community Partners they are providing the documents preparation service on behalf of third party who are seeking collection of various property related costs and fees.

It is recommended the Board issued a cease and desist letter requesting Bishop and Renaissance Community Partners, LLC, immediately stop offering and/or providing legal document preparation services in Arizona until such time as the business entity and the individuals acting on behalf of the business hold active legal document preparer certifications. It is recommended the letter note the August 13, 2009 application was denied.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number NC12-L019:** – James Nord

On April 12, 2012, the Division received a complaint from a Superior Court Judge, who had submitted one of the earlier 2008 complaints, reporting a pro per litigant had appeared in court and testified he paid Nord \$600.00 and Nord prepared his family court legal documents. The Division's attempts to reach the pro per litigant have gone unanswered. On May 2, 2012, Nord contacted the Division by phone indicating he intended to respond in writing to the Division but he had been ill. He denied preparing the family court documents but admitted he was the individual who filed the documents. He indicated he would respond as such in writing and requested a certification application. To date, no written response has been received and Nord has not submitted an application for

certification. It is recommended the Board issue a Cease and Desist letter to Nord.

Motion: Move to accept staff's recommendation and also request the investigative team continue to try and locate the pro per litigant for a possible affidavit.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number NC12-L036** – William Fast

This matter was presented to the Division involving a series of demand letters Fast sent to a public official in northern Arizona. In the letters and in the letter head and in the content narrative, Fast defined his roles representing some parties in a dispute. This matter is being addressed by the State Bar of Arizona Unauthorized Practice of Law Office; therefore, it is recommended the Board close this complaint.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number NC12-L034 and NC12-L039** – Katrina Hale

The Division received documentation that demonstrated Hale was presenting herself as part of what she referred to as The Hale Firm and that she had prepared and filed a legal document in a Superior Court in Mohave County case. The complainant provided a copy of the civil complaint that Hale prepared along with an apology letter that Hale had submitted in the case apologizing for engaging in the unauthorized practice of law. The caption of the header identifies The Hale Firm/Legal Forms Preparer along with Hales' business address, phone number and fax number in the header of the caption. The complaint was signed by Hale; the complainant also provided photos of the Store Front which Hale was reportedly operating out of.

A second complaint was received about five weeks later that related to the same case from the Court along with an apology letter from Hale.

The Division attempted to reach Hale by both mail and fax and

were unable to receive a response from her. The business phone number is no longer in service. Although the fax machine still is, we did send a second attempt by fax, she did not answer. Hale has not registered or participated in the LDP exam.

Division staff continues to attempt to locate Hale. It is recommended the Board order the filing of a Superior Court Cease and Desist Petition with language in the Petition to include reimbursement to the consumers in the amount \$1,200.00 and for reimbursement of costs incurred by the Program in pursuing the Cease and Desist Order.

Motion: Move to try and locate her before next Board meeting and order the filing of a Superior Court Cease and Desist Petition with language to include reimbursement to the consumers in the amount of \$1,200.00 and for reimbursement costs incurred by the Program.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number NC12-L030:** – Glen Hadley and Hadlegal Services, LLC

The Division received this complaint alleging that the business was offering legal documents preparation services without certification. Hadley did hold certification until June 30, 2004, his application for renewal of certification was subsequently denied by the Board. On the date the complaint was received, the website was reviewed and identified language clearly indicated that Hadlegal Services, LLC, was offering assistance with numerous types of services over a range from Bankruptcy to Family Court matters and other wise. Information was provided regarding what was on the website. The home page stated Hadlegal Services, LLC, would provide “Aggressive and Effective Representation”.

The Division sent a notice of the complaint to Hadley. The Division received a written response from Hadley “that he had not engaged in the unauthorized practice of law and the LLC was neither currently, nor has the LLC ever performed any document preparation service of any kind on behalf of any other person or entity.”

Arizona Corporation Commission records reflect the initial purpose of the LLC as a “holding company” The website content remains unchanged as of the production of these meeting materials as of September 11, 2012.

It is recommended the Board order the filing of a Superior Court Cease and Desist Petition with language in the Petition to include reimbursement of costs incurred by the Program.

Motion: Move to accept the staff’s recommendation with language added that Hadley and Hadlegal Services, LLC, not offer or provide services until such time as they hold active certification.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: NC11-LC022 and NC12-L024: – Cicero Cast’On

Cast’On applied for certification on numerous occasions and has been denied on each of those occasions. Previously, the Division received a series of complaints that Cast’On and his business entity Cast’On Corporation was continuing to provide document preparation and the Board petitioned the Superior Court for a Cease and Desist Order.

Included in the materials, a quote stating “IT IS FURTHER ORDERED that Respondents refrain from the preparation of legal documents for the public without the supervision of a licensed Arizona attorney.” When Division staff contacted Cast’On regarding these complaints, Cast’On explained that the Cease and Desist Order prohibits him from preparing legal documents but does not prevent him from assisting in the preparation of legal documents.

The materials submitted with complaint NC12-L024 to the Division included an audio recording of a May 14, 2012 probate court hearing held in the Superior Court in Mohave County. Cast’On testified at length regarding his involvement in the preparation of some legal documents. Under oath, Cast’On testified that he is an “Emissary Paralegal” and “Attorney in Facto”. When pressed for clarification on what he meant, he indicated that he was acting as an agent on behalf of the pro per litigants. He also indicated he retired as of January 2012; however, the documents received in the other complaint show that in February 2012, he was still participating in assisting in the preparation of legal documents.

Therefore, it is recommended the Board pursue contempt proceedings in the Superior Court in Maricopa County pertaining to the violation of the previously issued Superior Court Cease and Desist order. It is further recommended the Board request the

Court order reimbursement to impacted consumers and the reimbursement of cost incurred by the Program.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number NC12-L044:** – Jan Rust

Division records reflect Rust held active certification thru June 30, 2006, when she was denied renewal. In June 2007, Rust was enjoined from acting as a petition preparer in the District of Arizona Bankruptcy Court after it was determined she was providing bankruptcy preparation services without certification.

Rust re-applied for certification and her application was denied. On September 11, 2012, the Division received a written correspondence from Rust detailing the bankruptcy document preparation services she has been providing. It is recommended that the Board consider what options are available.

Motion: Move to Petition the Superior Court for issuance of a Cease and Desist Order.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

2-D: *Review, discussion and possible action regarding a proposed consent agreement resolution of the pending formal disciplinary action involving Darren Ortiz, Legal Awareness Arizona, LLC and complaint number 10-L052.*

Individual Addressing the Board: Linda Grau

Discussion: **Complaint Number 10-L052:** – Darren Ortiz, Legal Awareness Arizona, LLC

On June 4, 2012, Darren Ortiz and Legal Awareness Arizona, LLC, were served with the Board ordered Notice of Formal Statement of Charges in complaint number 10-L052. Ortiz filed an answer and requested a hearing during the course of preparing for that hearing, the Assistant Attorney General was asked by Ortiz to be the subject of a Consent Agreement resolution of this matter. A draft consent agreement was presented to Ortiz which he signed and returned on

August 16, 2012. The proposed Consent Agreement stipulates to the revocation of Ortiz and the business entity's certification and the acknowledgement and acceptance of responsibility for the misconduct identified in details in this complaint.

It is recommended the Board accept and enter into the proposed Consent Agreement and authorize the Chair to sign the agreement on behalf of the full Board.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

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

- *Complaint Number 04-L065 – Pamela Milburn*
- *Complaint Number 04-L066 – Pamela Milburn*
- *Complaint Number 07-L075 – Maria Ortiz*
- *Complaint Number 11-L020 – Donna Vangury*
- *Complaint Number 11-L044 – Shari Nestor*
- *Complaint Number 06-L049 – Alfred McEwen.*

Individual Addressing the Board: Linda Grau

Discussion: **Complaint No. 04-L065** – Pamela Milburn

On September 11, 2012, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in this complaint. It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss this complaint.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen
Recused Pamela Milburn

Motion Results: Pass

Discussion: **Complaint Number 04-L066** – Pamela Milburn

On September 11, 2012, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in the complaint. It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss the complaint.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen
Recused Pamela Milburn

Motion Results: Pass

Discussion: Complaint Number 07-L075 - Maria Ortiz

- Ortiz failed to obtain a business entity certification for her business Ortiz and Associates, LLC.
- Ortiz violated ACJA § 7-201(H)(3)(c) by failing to submit a written response to the complaint within 30 days.

On September 11, 2012, The Probable Cause Evaluator Mike Baumstark entered a finding probable cause does exist in this complaint. It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exist pursuant to ACJA § 7-201(H)(6)(a) for acts of misconduct involving ACJA § 7-201(H)(3)(c) and ACJA § 7-208(E)(3)(d)(1).

Based on the mitigating factors and the lack of aggravating factors, it is recommended the Board offer Ortiz a Consent Agreement intended 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 Ortiz that if she enters the Consent Agreement she waives her right to a hearing, and imposes the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Letter of Concern to Ortiz, pursuant to ACJA § 7-201(H)(24)(a)(6)(a);
- b) Ortiz shall apply for any applicable business entity certification no later than 60 days following the Board's entry into the Consent Agreement, pursuant to ACJA § 7-201(H)(24)(a)(6)(c); and,
- c) Impose a civil penalty in the amount of \$2,100.00.00 to be remitted no later than 60 days following the Board's entry into the Consent Agreement, pursuant to ACJA § 7-

201(H)(24)(a)(6)(k).

In the event Ortiz declines the opportunity to enter the Consent Agreement within 20 days of receipt of the Board's offer, it is 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 accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 11-L020** – Donna Vangury

- Vangury had engaged in the unauthorized practice of law, by providing legal advice and/or opinions when assisting in the preparation of bankruptcy court documents.
- Vangury failed to obtain and maintain business entity certification for her legal documentation preparation company, Dovon Associates, Inc.

On September 11, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegation 1 and does exist as to Allegation 2 in complaint number 11-L020. It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegation 1 of complaint number 11-L020.

Regarding Allegation 2, it is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for an act of misconduct involving ACJA § 7-208(E)(3)(d)(1).

Based on the mitigating factors and the lack of aggravating factors, it is recommended the Board offer Vangury a Consent Agreement intended 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 Vangury that if she enters the Consent Agreement she waives her right to a hearing, and imposes the following sanctions pursuant to ACJA § 7-201(H)(24)(a)(6):

- a) Issue a Letter of Concern to Vangury, pursuant to ACJA § 7-201(H)(24)(a)(6)(a)

- b) Vangury shall apply for business entity certification for Dovon Associates, Inc. no later than 60 days following the Board's entry in the Consent Agreement, pursuant to ACJA § 7-201(H)(24)(a)(6)(c); and,
- c) Impose a civil penalty in the amount of \$1,250.00.00 to be remitted no later than 60 days following the Board's entry into the Consent Agreement, pursuant to ACJA § 7-201(H)(24)(a)(6)(k).

In the event Vangury declines the opportunity to enter the Consent Agreement within 20 days of receipt of the Board's offer, it is 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 accept staff's recommendation.

Motion Proposals: First Paul Friedman
 Second Rebecca Nielsen

Motion Results: Pass

Discussion: Complaint Number 11-L044 – Shari Nestor

- Nestor was supervising a ACJA § 7-208(F)(5) trainee working on behalf of a non-certified business entity Professional Escrow Resources, LLC.
- Nestor presented her individual certification and business materials in the manner that suggested the business entity held certification.
- Nestor failed to obtain and maintain business entity certification for Professional Escrow Resources, LLC.

On September 11, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegation 1 and 2 and does exist as to Allegation 3 in complaint number 11-L044. It is recommended the Board accepts the finding of the Probable Cause Evaluator and dismisses Allegations 1 and 2 of complaint number 11-L044. Regarding Allegation 3, it is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(a) for an act of misconduct involving ACJA § 7-208(E)(3)(d)(1).

Based on the mitigating factors and the lack of aggravating factors, it is recommended the Board offer Nestor a Consent Agreement intended 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 Nestor that if she enters the Consent Agreement she waives her right to a hearing, and imposes the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Letter of Concern to Nestor, pursuant to ACJA § 7-201(H)(24)(a)(6)(a); and,
- b) Impose a civil penalty in the amount of \$325.00 to be remitted no later than 60 days following the Board's entry into the Consent Agreement, pursuant to ACJA § 7-201 (H)(24)(a)(6)(k).

In the event Nestor declines the opportunity to enter the Consent Agreement within 20 days of receipt of the Board's offer, it is 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 accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: **Complaint Number 06-L049** – Alfred McEwen

McEwen failed to disclose the full amount of the monies that a consumer paid his employer which at the time was Bankruptcy and Divorce and now a revoked business entity, for services rendered on behalf of the consumer in contemplation of one in connection with Keefer's bankruptcy which had to do with fees assessed for Consumer Credit Counseling.

McEwen completed, without Keefer's participation, the required consumer credit counseling session and then provided Keefer with a certificate to file with the Court identifying that Keefer had participated in that counseling session.

McEwen failed to disclose the proper identity of the bankruptcy petition preparers, who assisted in the preparation of Keefer's bankruptcy documents.

McEwen failed to submit a written response to this complaint as required by ACJA § 7-208(H)(4).

On September 11, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause does exist in complaint number 06-L049. It is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(a) for acts of misconduct involving 11 United States Code § 109 and § 110, ACJA § 7-208(F)(2) and ACJA § 7-208 Appendix A Code of Conduct Standards (1)(a), (1)(d), (2)(c), (3)(b) and (5)(a).

Given the age of this complaint and McEwen’s expired certification status, it is recommended the Board take no further action and order a copy of Investigation Summary and Allegation Analysis Report and this Order be placed in McEwen’s certification file, to be considered as possible grounds for denial of certification if McEwen seeks certification at any time in the future. It is recommended the Board specifically order this matter not be eligible for consideration in future proportionality considerations in other disciplinary actions

Motion: Move to accept staff’s recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

3) ADMINISTRATIVE ISSUES

There are not administrative issues for the Board’s consideration at this time.

4) INITIAL CERTIFICATION APPLICATIONS

4-A: *Review, discussion and possible action regarding the following pending applications for the 2011-2013 standard certification period.*

1. *Kimberly Lamberty*
2. *Damita Radtke*
3. *Chatfield Legal Doc Service, LLC (Dawn K. Martin)*
4. *A to Z Legal Doc Preparation, LLC (Lawrence Castrovinci)*
5. *Legal Matters, LLC (Robyn McCraw)*
6. *Michael P. Moloney*
7. *Fedelyne Bernabe*
8. *Nathan Wilson*
9. *Professional Escrow Resources, LLC (Shari Nestor)*

10. *Christian Soto*
11. *Katherine MacDonald*
12. *Graciela Herrera*
13. *Armida Coronado*
14. *Michelle Wehrli*
15. *James Carter*
16. *Shane Smith*
17. *Monica Valenzuela*
18. *Arizona Divorce Center, LLC (Elizabeth Clements)*
19. *Farnsworth & Thomas, LLC (Calah Thomas)*

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended to grant initial standard certification to the following applicants:

1. *Kimberly Lamberty*
2. *Damita Radtke*
3. *Chatfield Legal Doc Service, LLC (Dawn K. Martin)*
4. *A to Z Legal Doc Preparation, LLC (Lawrence Castrovinci)*
5. *Legal Matters, LLC (Robyn)*

Motion: Move to grant standard initial certification.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: On Wednesday, September 19, 2012, Mr. Moloney had Steven R. Johnson, Attorney at Law, provide a letter stating, “this letter is to confirm that Michael Moloney, Sr. has worked under my supervision for most of 16 years. I have been associated with him when I had an Estate Planning case. Because of his extensive 40 plus years of knowledge, experience regarding revocable and irrevocable Trusts , Wills, Power of Attorney together with the form documentation necessary for Corporation LLC Partnerships, and Agreements. As well as insurance, I authorized him to collect and process data necessary for final production of such documents, while under my supervision”. Mr. Moloney disclosed having a DUI in 2000. He completed all requirements and paid the fines. Therefore, it is recommended the Board grant initial standard certification.

6. *Michael P. Moloney*

Motion: Move to accept the staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen
Recused Judge Samuel Myers

Motion Results: Pass

Discussion: It is recommended to grant initial standard certification to the following applicant:

7. *Fedelyne Bernabe*

Motion: It is recommended to grant initial certification.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: It is recommended to grant standard initial certification and require the applicant to submit an affidavit stating he understands and will comply with the provisions of Arizona Code of Judicial Administration § 7-201 and § 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law and use of "JD" designation to the following applicant:

8. *Nathan Wilson*

Motion: It is recommended to grant initial certification.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: It is recommended to grant initial certification to the business entity. Also, it is recommended to include language regarding non-disclosure on future applications may result in denial or disciplinary action.

9. *Professional Escrow Resources, LLC (Shari Nestor)*

Motion: It is recommended to grant standard initial certification.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen
Opposed Pamela Milburn
Opposed Mary Carlton

Motion Results: Pass

Discussion: It is recommended to grant initial standard certification to the following applicant:

12. *Garciela Herrera*

Motion: Move to grant standard initial certification.

Motion Proposals: First Paul Friedman
Second Judge Samuel Meyers
Recused Rebecca Nielsen

Motion Results: Pass

Discussion: It is recommended to defer these applicants to the next meeting:

10. *Christian Soto*
11. *Katherine MacDonald*
13. *Armida Coronado*
14. *Michelle Wehrli*
15. *James Carter*
16. *Shane Smith*
17. *Monica Valenzuela*
18. *Arizona Divorce Center, LLC (Elizabeth Clements)*
19. *Farnsworth & Thomas, LLC (Calah Thomas)*

Motion: Move to defer until the next meeting.

Motion Proposals: First Paul Friedman
Second Pamela Milburn

Motion Results: Pass

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

1. *Chatfield Legal Doc Service, LLC (Dawn K. Martin)*
2. *Legal Matters, LLC (Robyn McCraw)*
3. *Arizona Divorce Center, LLC (Elizabeth Clements)*

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended to grant business Entity Exemptions to:

1. *Chatfield Legal Doc Service, LLC (Dawn K. Martin)*
2. *Legal Matters, LLC (Robyn McCraw)*

Motion: Move to grant Business Entity Exemptions.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Discussion: It is recommended to defer until the next meeting:

3. *Arizona Divorce Center, LLC (Elizabeth Clements)*

Motion: Move to defer until the next meeting.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

5) CERTIFICATION AND ELIGIBILITY

5-A: *Discussion and possible action regarding applicant Julie Haigh.*

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended the Board amend their motion of July 16, 2012, and if the Board opts to deny initial certification it would be recommended to deny pursuant to ACJA § 7-201(E)(2)(c)(b)(v) has a conviction by final judgment of a misdemeanor if the crime has reasonable relationship to the practice of the certified profession or occupation, regardless of whether civil rights have been -restored, based on the 1999 welfare fraud; pursuant to ACJA § 7-201(E)(2)(c)(b)(vi) has a denial, revocation, suspension or any disciplinary action of any professional or occupational license or certificate, based on the 2008 suspension of her Legal Document Preparer Certification and pursuant to ACJA § 7-201(E)(2)(c)(b)(xii) has violated any order of a court, judicial officer, administrative tribunal, or the board, based on failure to pay the assessed costs and civil penalty fees within the required sixty (60) day from the Final Order of the 2008 suspension.

Motion: Move to accept the staff's recommendation.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Recused Pamela Milburn
Pass

CALL TO THE PUBLIC

Individual Addressing the Board: Mary Carlton

Discussion: Victor Calvario

ADJOURNMENT

Mary Carlton

Motion: Move to adjourn the meeting.

Motion Proposals: First Paul Friedman
Second Rebecca Nielsen

Motion Results: Pass

Time: 11:26 A.M.

AO