

Board of Legal Document Preparers

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



Date: November 26, 2012
Time: 10:00 a.m.
Hearing Room 109

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Mary Carlton
Paul D. Friedman
Pamela Milburn

Telephonically Present:

Becky Nilsen
Bonnie Matheson
Deborah A. Young
Deborah Colon-Mateo
Judge Samuel J. Meyers

Absent:

Debra Griffin

OTHER ATTENDEES

AOC Staff:

Linda Grau
Debbie MacDougall
Nina Preston
Kimberly Siddall
Rick Sczerbicki
Wendy Reiter
Michelle Jackson
Pasquale Fontana

Guests:

Rhonda Fisk
Ian Gardner
Cindy Williamson
Charles Grube

CALL TO ORDER

Called to Order By:

Mary Carlton, Chair

Time:

9:59 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

Individuals Addressing the Board:

Mary Carlton, Chair

1-A: Review, discussion and possible action regarding approval of the regular session minutes of the meeting of September 24, 2012.

Discussion: None

Motion: Move to approve the September 24, 2012 minutes.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

2) PENDING COMPLAINTS

Individuals Addressing the Board:

Linda Grau & Debbie MacDougall

2-A: Review, discussion and possible action regarding the proposed Consent Agreement resolution of complaint number 12-L012 involving certificate holder Calah Thomas.

Discussion: On September 24, 2012, the Board entered a finding of grounds for formal disciplinary action in complaint number 12-L012 involving Calah Thomas. The Board moved to offer Ms. Thomas a consent agreement resolution of the formal disciplinary action. Ms. Thomas accepted the Board's invitation to enter the proposed Consent Agreement.

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

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

2-B: *Review, discussion and possible action regarding the proposed Consent Agreement resolution of complaint number 11-L044 involving certificate holder Shari Nestor.*

Discussion: On September 24, 2012, the Board entered a finding of grounds for formal disciplinary action in complaint number 11-L044 involving Shari Nestor. The Board moved to offer Ms. Nestor a consent agreement resolution of the formal disciplinary action. Ms. Nestor accepted the Board's invitation to enter the proposed Consent Agreement and remitted payment of the proposed assessed costs.

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

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

2-C: *Review, discussion and possible action regarding the proposed Consent Agreement resolution of complaint number 10-L057 involving certificate holder Mark Bluemke.*

Discussion: On September 24, 2012, the Board entered a finding of grounds for formal disciplinary action in complaint number 10-L057 involving Mark Bluemke. The Board moved to offer Mr. Bluemke a consent agreement resolution of the formal disciplinary action. Mr. Bluemke accepted the Board's invitation to enter the proposed Consent Agreement. In submitting the signed agreement, Mr. Bluemke forwarded the attached letter requesting the Board consider a lesser sanction. In the alternative, if the Board enters the Consent Agreement as offered, Mr. Bluemke requests a payment plan for remitting the civil penalty.

Motion: Move to enter the agreement and authorize the Chair to sign the Consent Agreement on behalf of the full Board. It is further recommended the Board order a payment arrangement of \$50.00 per month, to be made payable to the Arizona Supreme Court and remitted to the attention of the Certification and Licensing Division Compliance Unit on the 15th day of each month commencing January 15, 2013 and each month thereafter until such time as the full amount of the civil penalty has been paid.

Motion: Move to enter into executive session.

Motion Proposals: First Paul D. Friedman

Second Pamela Milburn

Motion Results: Pass

Recusal Linda Grau

2-D: *Review, discussion and possible action regarding the proposed Consent Agreement resolution of complaint number 11-L020 involving certificate holder Donna Vangury.*

Discussion: On September 24, 2012, the Board entered a finding of grounds for formal disciplinary action in complaint number 11-L020 involving Donna Vangury. The Board moved to offer Ms. Vangury a consent agreement resolution of the formal disciplinary action. Ms. Vangury accepted the Board's invitation to enter the proposed Consent Agreement.

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

Motion Proposals: First Paul D. Friedman

Second Pamela Milburn

Motion Results: Pass

2-E: *Review, discussion and possible action regarding the proposed Consent Agreement resolution of complaint number 05-L047 involving certificate holder Janneth Cardenas.*

Discussion: On September 24, 2012, the Board entered a finding of grounds for formal disciplinary action in complaint number 05-L047 involving Janneth Cardenas. The Board moved to offer Ms. Cardenas a consent agreement resolution of the formal disciplinary action. Ms. Cardenas accepted the Board's invitation to enter the proposed Consent Agreement.

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

Motion Proposals: First Paul D. Friedman

Second Pamela Milburn

Motion Results: Pass

2-F: *Review, discussion and possible action regarding the following certificate holder complaints:*
Complaint Number 04-L025 - Leonora Morrell
Complaint Number 04-L029 - Leonora Morrell
Complaint Number 05-L015 - Leonora Morrell
Complaint Number 04-L026 - Leonora Morrell

Motion: Move to close the complaints and maintain the records of these matters to be considered by the Board if at some time in the future Morrell applies for legal document preparer certification.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Discussion: *Complaint Number 05-L087- Kenneth Singer*

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss the complaint in accordance with the written recommendation.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Discussion: *Complaint Number 08-L019 - George Preston Parker & Ashley Renee Enterprises dba Dar-Liens*

Motion: On November 2, 2012, Probable Cause Evaluator Baumstark entered a finding probable cause exists in complaint number 08-L019.

Motion: Move to accept the finding of the Probable Cause Evaluator, enter a finding grounds for disciplinary action exist pursuant to ACJA § 7-201(H)(6)(a), and issue a Letter of Concern.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results:

Recusal: Linda Grau

2-G: *Review, discussion and possible action regarding the following complaints dismissed by the Division Director pursuant to Arizona Code of Judicial Administration § 7-201(D)(4)(a) and (H)(2)(a):
Complaint Number NC12-L048*

Discussion: On November 7, 2012, Division Director Mark Wilson dismissed complaint number NC12-L048 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 November 8, 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.

Motion: Move to affirm the dismissal.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

2-H: *Review, discussion and possible action regarding the Superior Court in Maricopa County Special Action Judicial Review of the disciplinary action involving AAM, LLC.*

Discussion: Motion to go into executive session.

Motion: Move to enter into executive session.

Motion Proposals: First Pamela Milburn
Second Rebecca Nilsen

Motion Results: Pass

Recusals: Paul D. Friedman and Bonnie Matheson

Return to public session at 10:47 a.m.

3) ADMINISTRATIVE ISSUES

Individuals Addressing the Board: Debbie MacDougall

3-A: *Review, discussion, and possible action regarding the establishment of the 2013 Board meeting schedule.*

Discussion: The Board of Legal Document Preparers is asked to consider and

approve the 2013 meeting calendar. It is recommended the board continue to meet on the fourth Monday of the applicable month at 10:00 A.M. The June meeting has been added due to certification renewal.

Motion: Move to approve the 2013 meeting calendar.

Motion Proposals: First Pamela Milburn
Second Deborah Colon-Mateo
Abstained Paul D. Friedman

Motion Results: Pass

4) INITIAL CERTIFICATION APPLICATIONS

Individuals Addressing the Board: Kimberly Siddall

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

*Michelle Wehrli
Arizona Divorce Center, LLC (Elizabeth Clements)
Shane Smith
CS Jefferson Companies, LLC (Edith Funk)*

Discussion: None

Motion: Move to grant standard initial certification.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Discussion: *Katherine MacDonald*

Motion: Move to accept staff's recommendation to defer to the January meeting.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Discussion: *Armida Coronado*

Motion: Move to accept staff's recommendation to grant certification and to include nondisclosure language.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Discussion: *James Carter*

Motion: Move to defer this applicant to the January 2013 meeting.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Discussion: *Teri Parcels and
A + Mail and Business Center, Inc (Teri Parcels)*

Motion: Move to grant standard initial certification.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Discussion: *Anthem Paralegal Services, LLC (Dubravka Sinno)*

Motion: Move to grant standard initial certification and to include nondisclosure language.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Discussion: *Farnsworth & Thomas, LLC (Calah Thomas)*

Motion: Move to grant standard initial certification with the stated specific language as recommended by staff.

Motion Proposals: First Paul D. Friedman
Second Mary Carlton

Motion Results: Pass

Discussion: *Envision GR, LLC (Fedelyne Bernabe)*

Motion: Move to grant standard initial certification.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Discussion: *Wendy Whitehair*

Motion: Move to defer to the January meeting.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Discussion: *Nova Brown*

Motion: Move to grant standard initial certification.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn
Pass

Motion Results:

Discussion: *Kellie Dryer*
Angelique Granillo
Stacie Duke
Stephanie Villalobos
PDFS, Inc. (Michael Jaimes)
My Arizona Paralegal LLC (Stephanie Villalobos)

Motion: Move to grant standard initial certification.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Discussion: Michael Dugger
Michael Pierce
Scott Smithson, Jr.
Christian Soto
Monica Valenzuela
Janice Tellez
Eugenia Benavente
Patricia Rockwell
Stefanie Montgomery Jochums
Alan DiSomma
Payson Legal Document Preparers (Alan DiSomma)
Arizona Family Law Center, LLC (Georgiana Aguilar)

Motion: Move to defer applicants to the next meeting.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Individuals Addressing the Board: Kimberly Siddall

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

Arizona Divorce Center, LLC (Elizabeth Clements)
Envision HR, LLC (Fedelyne Bernabe)
My Arizona Paralegal LLC (Stephanie Villalobos)

Motion: Move to grant business exemption.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Individuals Addressing the Board: Kimberly Siddall

5-A: *Review, discussion and possible actions regarding the request for continuing education (CE) from Kimberly Sisk.*

Discussion: Ms. Sisk is requesting the Board to allow her Basic Mediation Training to account for 18 hours of continuing education and requesting the Board allow her to complete the 2 hours of the ethics requirement. Also, Ms. Sisk is requesting the waiver of the late continuing education fee.

Motion: Move to accept staff's recommendation allowing the 18 hours of CE, allowing the two hours of ethics within 60 days of the Board's order and denying her request to waive the late CE fee.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

CALL TO THE PUBLIC

Mary Carlton, Chair

ADJOURNMENT

Mary Carlton, Chair

Motion: Move to adjourn the meeting.

Motion Proposals: First Paul D. Friedman
Second Pamela Milburn

Motion Results: Pass

Time: 11:05 a.m.

