

# BOARD OF LEGAL DOCUMENT PREPARERS

Meeting Agenda – Monday, November 25, 2013

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 – 10:00 a.m. – Conference Room 109

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

## AGENDA

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For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration § 1-202(C).

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**CALL TO ORDER** .....*Mary Carlton, Chair*

**1) REVIEW AND APPROVAL OF MEETING MINUTES**.....*Mary Carlton, Chair*

*1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of September 25, 2013.*

**2) REVIEW OF PENDING COMPLAINTS**.....*Division Staff*

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

*Complaint Number 09-L055 – Titan Lien Services*

*Complaint Number 13-L017 – AAA Legal Services, Inc.*

*2-B: 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 13-L023*

*Complaint Number 13-L032*

**3) ADMINISTRATIVE ISSUES** .....*Division Staff*

*3-A: Update regarding complaints processed by diversion pursuant to Administrative Order 2012-83.*

3-B: *Review, discussion, and possible action regarding the establishment of the 2014 Board meeting schedule.*

**4) INITIAL CERTIFICATION APPLICATIONS .....Kimberly Siddall**

4-A: *Review, discussion and possible action regarding the following pending applications for the 2013-2015 standard certification period:*

1. *Elizabeth Williams*
2. *Cecilia Alcala*
3. *Armando Sotelo*
4. *Krista Cline*
5. *Melinda Hawthorne*
6. *Kenda Trimpe*
7. *Jennifer Sanderson*
8. *Dawn Garcia*
9. *Michelle Worhacz*
10. *Sherri Barrios*
11. *Rebecca Bottjen*
12. *Phyllis Wilbanks*
13. *Carri Brown*
14. *Majestic's Legal Services (Derek Haigh)*
15. *AZ Legal Document Preparation, LLC (Judith Block)*
16. *Vanessa Bermudez*
17. *Centro De Progreso, LLC (Vanessa Bermudez)*

4-B: *Review, discussion and possible action regarding the request to withdrawal the following applications:*

*Becky Strand  
Almar Services*

4-C: *Review of Business Entity Exemption Requests for the 2013-2015 certification period:*

*Key Legal Document Solutions, PLC (Bernadette DeAngelis)  
AZ Legal Document Preparation, LLC (Judith Block)*

4-D: *Interview with applicant Amelia Mora.*

4-E: *Review, discussion and possible action regarding the September 23, 2013 denial of the certification application of Michael Logan.*

**CALL TO THE PUBLIC..... Mary Carlton, Chair**

**ADJOURN..... Mary Carlton, Chair**

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Agenda 11-25-13.doc*

# **BOARD OF LEGAL DOCUMENT PREPARERS**

**Agenda Summary – Monday, November 25, 2013**

## **1) REVIEW AND APPROVAL OF MINUTES**

*1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of September 23, 2013.*

A draft of the regular session minutes for the meeting of September 23, 2013, is attached for the Board's review and consideration.

# Board of Legal Document Preparers

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



September 23, 2013  
Time: 10:00 a.m.  
Hearing Room 109

## Draft Regular Meeting Minutes

### MEMBER ATTENDANCE:

#### Present

Mary Carlton  
Paul Friedman

#### Telephonically Present:

Jerry Thomas  
Cheri Clark  
Deborah Colon-Mateo  
Judge Samuel Myers  
Pamela Milburn  
Becky Nilsen  
Debbie Young  
Mary Jo Randall

#### Absent:

Bonnie Matheson

### OTHER ATTENDEES

#### AOC Staff:

Mark Wilson  
Debbie MacDougall  
Kimberly Siddall  
Pasquale Fontana  
Michelle Martinez  
Linda Grau  
Michelle Jackson

#### Guests:

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### CALL TO ORDER

*Called to Order By:*

Mary Carlton, Chair

*Time: 10:00 a.m.*

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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 July 22, 2013.

*Discussion:* None

*Motion:* Move to approve with corrections as stated.

*Motion Proposals:* First Paul Friedman  
Second Becky Nilsen

*Motion Results:* Pass

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2) REVIEW OF PENDING COMPLAINTS

*Individuals Addressing the Board:*

Linda Grau

*2-A:* Review, discussion and possible action regarding certificate holder complaints:

*Complaint Number 09-L058 – Dar-Liens, LLC dba Ashley Renee Enterprises*

*Complaint Number 12-L021 – Titan Lien Services, Inc.*

*Complaint Number 09-L054 – Lillian Stephens-Murray*

*Complaint Number 09-L057 – Mark Applegate*

*Complaint Number 12-L047 – Out of Court Solutions*

*Complaint Number 12-L015 – Aldo Castenada*

*Complaint Number 13-L014 – Calah Thomas and Farnsworth & Thomas, LLC*

*Complaint Number 09-L090 – Preliminary Notice Company, LLC*

*Complaint Number 09-L091 – Continental Recovery Services*

*Complaint Number 11-L033 – Scottsdale Condominium Management, Inc.*

*Complaint Number 09-L065 – Asset Research Services, Inc.*

*Complaint Number 12-L011 – George Preston Parker*

*Discussion:* *Complaint Number 09-L058 – Dar-Liens, LLC dba Ashley Renee Enterprises*

*Motion:* Move to dismiss complaint.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** *Complaint Number 12-L021 – Titan Lien Services, Inc.*

**Motion:** Move to dismiss the complaint.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** *Complaint Number 09-L054 – Lillian Stephens-Murray*

**Motion:** Move to dismiss Allegation 1 and issue a Letter of Concern as to Allegation 2.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** *Complaint Number 09-L057 – Mark Applegate*

**Motion:** Move to dismiss Allegation 1 and issue a Letter of Concern as to Allegations 2 and 3.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** *Complaint Number 12-L047 – Out of Court Solutions*

**Motion:** Move to dismiss Allegations 1 and 2 and issue a Letter of Concern as to Allegation 3.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** *Complaint Number 12-L015 – Aldo Castenada*

**Motion:** Move to dismiss complaint.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** *Complaint Number 13-L014 – Calah Thomas and Farnsworth & Thomas, LLC*

**Motion:** Move to accept staff's recommendation and enter into a consent agreement and refer this matter as it pertains to Thomas' notary commission, to the Arizona Secretary of State for review.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** *Complaint Number 09-L090 – Preliminary Notice Company, LLC*

**Motion:** Move to dismiss complaint.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** *Complaint Number 09-L091 – Continental Recovery Services*

**Motion:** Move to dismiss Allegation 1 and issue a Letter of Concern as to Allegation 2.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** *Complaint Number 11-L033 – Scottsdale Condominium Management, Inc.*

**Motion:** Move to dismiss Allegation 1 and issue a Letter of Concern as to Allegation 2.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** *Complaint Number 09-L065 – Asset Research Services, Inc.*

**Motion:** Move to dismiss Allegation 1 and issue a Letter of Concern as to Allegation 2.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** *Complaint Number 12-L011 – George Preston Parker*

**Motion:** Move to dismiss complaint.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass  
Recusal Linda Grau

**2- B:** *Review, discussion and possible action regarding Hearing Officer William O'Neil's Recommendation Report regarding Susan Fuquay and complaint number 12-L045.*

**Discussion:** *Complaint number 12-L045*

**Motion:** Move to accept staff's recommendation and authorize the Chair to sign the Final Order on behalf of the full Board.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

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**3) ADMINISTRATIVE ISSUES**

**Individuals Addressing the Board:** Mark Wilson

**3-A:** *Update regarding complaints processed by diversion pursuant to Administrative order 2012-83.*

**Discussion:** One complaint processed by diversion was reported to the Board.

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**4) INITIAL CERTIFICATION APPLICATIONS**

**Individuals Addressing the Board:** Kimberly Siddall

**4-A:** *Review, discussion and possible action regarding the following pending applications for the 2013-2015 standard certification period:*

Douglas Nebel  
Susana Salas  
Simental Documents LLC (Sandra Simental Garcia)

Thanhtam Phan  
Amelia Mora  
Jessica Ray  
AALL Immigration Services (Jessica Ray)  
Prescott Tax & Paralegal LLC (Arlene Rheinfelder)  
Kortsen Legal Document Preparation LLC (Mary Kortsen)  
Deborah Yoder  
Tanya Giordan  
Tamara Hirsch  
Michael Logan

**Discussion:** Douglas Nebel

**Motion:** Move to grant initial certification.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** Susana Salas

**Motion:** Move to grant initial certification.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** Simental Documents, LLC (Sandra Simental Garcia)

**Motion:** Move to grant initial certification.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** Thanhtam Phan

**Motion:** Move to grant initial certification.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** Amelia Mora

**Motion:** Move to grant initial certification and have the applicant attend the November board meeting for purposes of discussing her application.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** Jessica Ray

**Motion:** Move to grant initial certification.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** AALL Immigration Services (Jessica Ray)

**Motion:** Move to grant initial certification.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** Prescott Tax & Paralegal, LLC (Arlene Rheinfelder)

**Motion:** Move to grant initial certification.

**Motion Proposals:** First Becky Nilsen  
Second Paul Friedman

**Motion Results:** Pass

**Discussion:** Kortsen Legal Document Preparation, LLC (Mary Kortsen)

**Motion:** Move to grant initial certification.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** Deborah Yoder

**Motion:** Move to grant initial certification.

**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen

**Motion Results:** Pass

**Discussion:** Tanya Giordan  
**Motion:** Move to grant initial certification.  
**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen  
**Motion Results:** Pass

**Discussion:** Tamara Hirsch  
**Motion:** Move to grant initial certification.  
**Motion Proposals:** First Paul Friedman  
Second Mary Carlton  
**Motion Results:** Pass

**Discussion:** Michael Logan  
**Motion:** Move to deny certification.  
**Motion Proposals:** First Paul Friedman  
Second Becky Nilsen  
**Motion Results:** Pass  
Recusal Pamela Milburn

**4-B:** *Review of Business Entity Exemption Requests for the 2013-2015 certification period:*

**Discussion:** Assisted Document Solutions, PLLC (Kari Kirk)  
**Motion:** Move to grant Business Entity Exemption Request to Assisted Document Solutions, PLLC (Kari Kirk).  
**Motion Proposals:** First Paul Friedman  
Second Mary Carlton  
**Motion Results:** Pass

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**CALL TO THE PUBLIC**

Mary Carlton, Chair

Michael Logan

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**ADJOURNMENT**

Mary Carlton, Chair

***Motion:*** Move to adjourn.

***Motion Proposals:*** First Paul Friedman  
Second Becky Nilsen

***Motion Results:*** Pass

***Time:*** 10:58 a.m.

# BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, November 25, 2013

## 2) REVIEW OF PENDING COMPLAINTS

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

*Complaint Number 13-L017 – AAA Legal Services, Inc.*

*Complaint Number 09-L055 – Titan Lien Services*

### Complaint Number 13-L017 – AAA Legal Services, Inc.:

On November 1, 2013, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in complaint number 13-L017. It is recommended the board accept the finding of the Probable Cause Evaluator and dismiss the complaint.

### Complaint Number 09-L055 – Titan Lien Services:

On March 18, 2011, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegation 1 and does exist as to Allegations 2 and 3 in complaint number 09-L055. On April 25, 2011, the Board reviewed the matter and accepted the finding of the Probable Cause Evaluator. The Board dismissed Allegation 1 and moved for formal disciplinary action pertaining to Allegations 2 and 3 for acts of misconduct involving Arizona Supreme Court Rule 31(a)(2)(B), Arizona Code of Judicial Administration (“ACJA”) § 7-201(F)(1), and ACJA § 7-208(F)(1)(c)(1), (F)(2), (F)(3) and (J)(5)(b).

At the time of the alleged misconduct, it was the Board’s position that no provision of ACJA authorized a certified legal document preparer to sign a preliminary lien notice or a lien document on behalf of a consumer. After review and consideration of the issue, the Supreme Court entered Administrative Order 2013-39 which amended ACJA § 7-208(F)(1)(e) and authorized a certified legal document preparer to:

File, record, and arrange for service of legal forms and documents for a person or entity in a legal matter when that person or entity is not represented by an attorney. A certified legal document preparer may not sign any document he or she prepares for or provides to a person or entity, but this provision does not prohibit the signing of (i) 20-Day Notices prepared pursuant to A.R.S. § 33-992.01, (ii) notices related to condominium or planned community association liens that are created pursuant to A.R.S. § 33-1256 (condominiums) and § 33-1807 (planned communities); (iii) health care provider liens that are created pursuant to A.R.S. § 33-932, or (iv) mechanic’s liens created pursuant to A.R.S. § 33-993.

As the documents identified in the complaint appear to comply with ACJA § 7-208(F)(1)(e), it is recommended that the Board reconsider its decision of April 25, 2011 and enter an order that

notwithstanding the earlier finding of probable cause in Allegation 3, in light of the subsequent revision of ACJA § 7-208(F)(1)(e), there has been no action which would necessitate discipline pertaining to Allegation 3. It is recommended the Board dismiss Allegation 3 and amend the April 25, 2011 order regarding Allegation 2 to enter a finding Jill Smith, on behalf of Titan Lien Services, failed to place her individual name, title and certification number on documents she was responsible for as Titan's designated principal, in violation of Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for an act of misconduct involving ACJA § 7-208(F)(3) and issue a Letter of Concern.

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
INVESTIGATION SUMMARY and PROBABLE CAUSE ANALYSIS  
and DETERMINATION REPORT**

<b>CERTIFICATE HOLDER/LICENSEE INFORMATION</b>	<b>Certificate Holder:</b>	Joseph Glennon
	<b>Certification Number:</b>	80693
	<b>Business Name:</b>	AAA Legal Services
	<b>Certification Number:</b>	80001
	<b>Type of Certificate/License:</b>	Legal Document Preparer
<b>COMPLAINANT</b>	<b>Name:</b>	Comm. Eartha Washington
<b>INVESTIGATION INFORMATION</b>	<b>Complaint Number:</b>	13-L017
	<b>Investigators:</b>	William MacIntyre

<b>Complaint Received:</b>	5/16/13
<b>Complaint Forwarded to the Certificate Holder:</b>	5/17/13
<b>Certificate Holder/Licensee Received Complaint:</b>	5/18/13
<b>Response From Certificate Holder:</b>	6/24/13
<b>Period of Active Certification/Licensure:</b>	10/25/04- 6/30/15
<b>Status of Certification/License:</b>	Active
<b>Availability of Certificate Holder/Licensee:</b>	Available
<b>Availability of Complainant:</b>	Available
<b>Report Date:</b>	9/27/13

**ALLEGATIONS:**

- 1) Complainant alleges AAA Legal Services (AAA) gave legal advice to one of its clients by strategizing their parenting plan and alimony award.

**ADDITIONAL ALLEGATIONS:**

**List of sources for obtaining information: (Investigative, records, outside resources, etc.):**

- Written complaint and documentation submitted by complainant Commissioner Eartha Washington
- Written response and documentation submitted by certificate holder Joseph Glennon

- Review of applicable Certification and Licensing Division (“Division”) records
- Review of Maricopa Superior Case FC2013-002793
- Review of applicable sections of Arizona Revised Statutes (“ARS”), Arizona Codes of Judicial Administration (“ACJA”) § 7-201 and § 7-208, and Arizona Supreme Court Rules

**PERSONS INTERVIEWED:**

Joseph Glennon (AAA Principal) Tammy Landis (AAA Staff)

**SUMMARY OF INVESTIGATION:**

Consumer Felicia Beltran (Petitioner) went to AAA Legal Services (AAA) in March 2013 for assistance in preparing uncontested divorce documents. (Maricopa County Superior court case number FC2013-002793) Included in the package was a “Parenting Plan” with an accompanying “Child Support Worksheet.” Beltran’s spouse, Victor Beltran (Respondent), represented himself and later came to AAA to sign his “Acceptance of Service.”

In May 2013 Felicia went before Superior Court Commissioner Eartha Washington over the matter and was asked specific questions about her parenting time. Commissioner Washington was confused over a disparity between the scheduled visitations in the Parenting Plan verses “zero” visitations in the Child Support worksheet. Felicia allegedly told Commissioner Washington her plan was created on the advice offered by AAA which, coincidentally, increased her alimony amount.

Commissioner Washington re-created a new “Parenting Plan” and “Child Support Worksheet” based upon Felicia’s estimation of recent child visitations with Victor. The new plan gave more structure to the visitation time and also lessened Victor’s alimony amount proportionally. When Commissioner Washington questioned Felicia further on the matter, Felicia indicated she had no objections to allowing Victor more visitations but commented Victor spends very little time with the child as it is.

Felicia went on to say she told AAA when creating her documents Victor is disinterested in child visitation rights but she did not want to create a situation where he was restricted from it. Felicia told Commissioner Washington it was AAA that suggested using a basic parenting plan with the least amount of visitation so she could receive more alimony. Based upon this conversation Commissioner Washington was concerned AAA may be giving legal advice and requested the matter be investigated.

<b>SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:</b>
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Joseph Glennon of AAA denies his office would ever dictate or suggest on a particular parenting time for their clients. Glennon explains they have generic "template" guides for parenting time calculations which are usually modified to suit the specific needs of a clients' situation. They never advise how to use them and only give them as additional resources. Glennon could not remember the specific details of the Beltran case but did refer to one of his employees, Tammy Landis, who actually did the work.

Landis remembered working with Felicia back in March 2013 but could not remember if Victor was with her. Landis said Felicia was "walked" through all the forms and it was Felicia making all the decisions about the divorce papers. With respect to the Parenting Plan and Child Support, Felicia initially chose a standard plan which included over 100 days of visitation. A subsequent Child Support worksheet was then created based on those numbers of visits.

When Felicia reviewed the documents, she demanded AAA change the worksheet to reflect "zero" days of visitation in order to increase the child support. Felicia decided not to alter the Parenting Plan in order to give Victor an opportunity for visitation if he chose. Landis said Felicia requested numerous other changes to the documents but eventually reviewed and signed off that they were accurate. Landis suggests Felicia may have been confused when questioned in court about the document preparation and maintains AAA would never give advice to a customer.

The Beltran's case was settled in May 2013 and since then Felicia has changed her last name to "Velez" and moved from her last listed address. Victor has also moved and no forwarding information could be located. Division Investigator MacIntyre did numerous internet database searches, document searches and follow-up with AAA but no current contact information could be located for either Felicia or Victor.

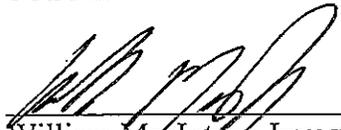
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**ANALYSIS OF ALLEGATIONS:**

*Allegation 1: Complainant alleges AAA Legal Services (AAA) gave legal advice to one of its clients by strategizing their parenting plan and alimony award.*

AAA Legal Services insists they would never give advice to a client and claim their only role is document preparation. AAA said it was Felicia who created the language in the documents then ultimately reviewed and signed off on them. There is no evidence AAA influenced Felicia with the document preparation and therefore allegation 1 is unsubstantiated.

**SUBMITTED BY:**

  
\_\_\_\_\_  
William MacIntyre, Investigator      9/27/13  
Certification and Licensing Division      Date

**REVIEWED BY:**

  
\_\_\_\_\_  
Certification and Licensing Division      10/9/13  
Date

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**DECISION OF THE PROBABLE CAUSE EVALUATOR:**

Having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint number 13-L017, the Probable Cause Evaluator:

requests division staff to investigate further.

determines probable cause does not exist the certificate holder has committed the alleged acts of misconduct as to Allegation(s):

#1.

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[ ] determines probable cause exists the certificate holder committed the alleged acts of misconduct as to Allegation(s):

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*Mike Baumstark*

*11/1/13*

Mike Baumstark  
Probable Cause Evaluator

Date

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
ORDER OF THE BOARD**

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<b>CERTIFICATE HOLDER INFORMATION</b>	<b>Certificate Holder:</b>	Joseph Glennon
	<b>Certification Number:</b>	80693
	<b>Business Name:</b>	AAA Legal Services
	<b>Certificate Number:</b>	80001

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**RECOMMENDATION TO THE BOARD OF LEGAL DOCUMENT PREPARERS  
("BOARD"):**

It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 13-L017.

**SUBMITTED BY:**

 11/15/13

Mark Wilson, Director                      Date  
Certification and Licensing Division

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**FINAL DECISION AND ORDER:**

The Board having reviewed the above Investigation Summary, Allegation Analysis Report, finding of the Probable Cause Evaluator, and Recommendation regarding complaint number 13-L017, Joseph Glennon, certificate number 80693, and AAA Legal Services, certificate number 80001, makes a finding of facts and this decision, based on the facts, evidence, and analysis as presented and enters the following order:

- requests division staff to investigate further.
- refers the complaint to another entity with jurisdiction.  
Referral to: \_\_\_\_\_
- dismisses the complaint, and:
  - requests division staff prepare a notice of dismissal pursuant to ACJA § 7-201(H)(5)(c)(1).
  - requests division staff prepare a notice of dismissal and an Advisory Letter pursuant to ACJA § 7-201(H)(5)(c)(2).
- determines grounds for discipline exist demonstrating the certificate holder committed the alleged act(s) of misconduct and:

enter a finding the alleged act(s) of misconduct or violation(s) be resolved through informal discipline, pursuant to ACJA § 7-201(H)(7) and issue a Letter of Concern.

enter a finding the alleged act(s) of misconduct or violation(s) be resolved through formal disciplinary proceeding, pursuant to ACJA § 7-201(H)(9).

requests the certificate holder appear before the Board to participate in a Formal Interview, pursuant to ACJA § 7-201(H)(8).

orders the filing of Notice of Formal Charges, pursuant to ACJA § 7-201(H)(10).

enters a finding the public health, safety or welfare is at risk, requires emergency action, and orders the immediate emergency suspension of the certificate and sets an expedited hearing for:

Date, Time, and Location: \_\_\_\_\_

adopts the recommendations of the Division Director.

does not adopt the recommendations of the Division Director and orders:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mary Carlton, Chair                      Date  
Board of Legal Document Preparers

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
INVESTIGATION SUMMARY**

<b>CERTIFICATE HOLDER INFORMATION</b>	<b>Certificate Holder:</b>	Jill Smith
	<b>Certification Number:</b>	80894
	<b>Business Name:</b>	Titan Lien Services
	<b>Certificate Number:</b>	80895
	<b>Type of Certificate/License:</b>	Legal Document Preparer
<b>COMPLAINANT</b>	<b>Name:</b>	Mel Gustafson
<b>INVESTIGATION INFORMATION</b>	<b>Complaint Number:</b>	09-L055
	<b>Investigator:</b>	Tony Posante
	<b>Complaint Received:</b>	August 5, 2009
	<b>Complaint Forwarded to the Certificate Holder:</b>	August 11, 2009
	<b>Response From Certificate Holder Received:</b>	August 19, 2009
	<b>Report Date:</b>	June 22, 2010

The investigation of this complaint included review of the following:

- Written complaint and documentation submitted by complainant Mel Gustafson (“Gustafson”)
- Written response and documentation submitted by certificate holder Jill Smith (“Smith”), designated principal for Titan Lien Services (“Titan”)
- Review of Certification and Licensing Division (“Division”) records
- Review of applicable sections of Arizona Revised Statutes (“ARS”), Arizona Codes of Judicial Administration (“ACJA”) § 7-201 and § 7-208, and Arizona Supreme Court Rules

**ALLEGATION ALLEGED BY COMPLAINANT:**

1. Titan and its employees are preparing legal documents without certification.

**ADDITIONAL ALLEGATIONS:**

2. Smith failed to place her individual name and certification number on documents she, as the designated principal of Titan, was responsible for which were filed with the Maricopa County Recorder’s Office under numbers 2009-0498608 and 2009-0503176, as required by ACJA § 7-203(F)(3).
3. Smith acted in a representative capacity by signing recorded legal documents as the “limited agent” of Titan customers without the authority to do so, in violation of Arizona Supreme Court Rule 31 and ACJA § 7-208.

**SUMMARY OF INVESTIGATION:**

Gustafson, President of Prelien Services, LLC, submitted a written complaint alleging Titan and employees, specifically Black, were preparing twenty day preliminary notices and mechanics liens without certification.

Smith provided a response indicating both she and the business are certified. Smith confirmed Titan's Assistant Manager, Black, was an ACJA § 7-208(F)(5) trainee who worked under Smith's supervision.

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**INVESTIGATION:**

Titan and Smith were granted certification effective September 18, 2006. Titan and Smith have successfully renewed their certification without interruption and their certification is active through the current certification period ending June 30, 2011. Smith is the designated principal of record for Titan. Black was an ACJA § 7-208(F)(5) trainee from May 2007 until April 2010 and is no longer employed at Titan.

On August 5, 2009, the Division received a written complaint from Gustafson regarding Titan and Black. Gustafson's complaint reads:

The company and/or employees are not certified as Legal Document Preparers. The company and/or employees are preparing and signing 20-day preliminary notices and/or mechanics liens. Website: [www.titanlien.com](http://www.titanlien.com) Maricopa County recorder Document #'s: 2009-0498608, #2009-0503176 (these are an example of the documents being prepared/signed by company an/or (sic) employees. The 20-day preliminary notice is normally at the end of the document.) There are numerous filings with the Maricopa County Recorder where Ms. Black signs the preliminary notice/and or (sic) Mechanics Lien.

Gustafson's complaint included copies of documents recorded with the Maricopa County Recorder's Office in 2009-0498608, including:

- *Notice and Claim of Mechanics Lien* dated June 1, 2009 and signed by Karen Bei, Owner of Pro-Energy Electric, LLC. The document header contains the information "Titan Lien Services AZ CLDP#80895". The document does not contain the name, title or certification number of an individual legal document preparer responsible for the document.
- *Affidavit and Proof of Service Twenty Day Notice* dated May 29, 2009 and signed by Black under the descriptor "Acting as Limited Agent for Pro-Energy LLC". The Affidavit is notarized by Smith. The Affidavit contains the statement, "Sandy Black being duly sworn upon her oath deposes and says THAT he/she is the Assistant Manager of Titan Lien Services who are acting in their capacity as Limited Agents for Pro-Energy Electric LLC located at 700 W Bentrup St, Chandler, AZ 85225". The Affidavit does not contain Titan's name, title or certificate number or the name, title or certification number of an individual legal document preparer responsible for the document.

- *Twenty Day Preliminary Notice* dated December 2, 2008 and signed by Smith and containing the statement, "Prepared by Titan Lien Services, Inc. Acting as limited agent for: Pro-energy Electric LLC". The document header contains the information "AZ LDP Cert#80895" but does not contain the name of the certified business entity or the name, title or certification number of an individual legal document preparer responsible for the document.

Division Investigator Tony Posante ("Investigator Posante") obtained copies of documents from the Maricopa County Recorder's website regarding 2009-0503176, including:

- *Notice and Claim of Mechanics Lien* dated May 29, 2009 signed by Gordon Gaisford, Office Manager for Apache Plumbing Services. The document header contains the information "Titan Lien Services AZ CLDP# 80895". The document does not contain the name, title or certification number of an individual legal document preparer responsible for the document.
- *Affidavit and Proof of Service Twenty Day Notice* dated May 26, 2009 and signed by Black under the descriptor "Acting as Limited Agent for Apache Plumbing Services". The Affidavit is notarized by Smith. The affidavit contains the statement, "Sandy Black being duly sworn upon her oath deposes and says THAT he/she is the Assistant Manager of Titan Lien Services who are acting in their capacity as Limited Agents for Apache Plumbing Services located at 6832 N 24<sup>th</sup> Dr. #2 Phoenix, AZ 85015". The Affidavit does not contain Titan's name, title or certificate number or the name, title or certification number of an individual legal document preparer responsible for the document.
- *Twenty Day Preliminary Notice* dated February 9, 2009 and signed by Smith containing the statement, "Prepared by Titan Lien Services, Inc. Acting as limited agent for: Apache Plumbing Services". The document header contains the information "AZ LDP Cert# 80895" but does not contain the name of the certified business entity or the name, title or certification number of an individual legal document preparer responsible for the document.

Investigator Posante queried Arizona Corporation Commission records for Pro-Energy Electric, LLC. Neither Smith nor Black are identified as part of the ownership structure of the LLC. Apache Plumbing Services is a dba of Lacy Rain, LLC, according to an invoice filed with the lien documents. Neither Smith nor Black are identified as part of the ownership structure of Lacy Rain, LLC.

On August 11, 2009, the Division sent Titan and Smith a copy of the complaint along with a letter notifying Titan and Smith of the ACJA § 7-201(H)(3)(c) requirement they provide a written response to the complaint within thirty (30) days. Division records reflect Smith signed for the mailing on August 17, 2009.

On August 18, 2009, the Division received a written response from Titan, authored by Smith. Smith indicated former employee Black did not sign preliminary 20-day notices or liens. Smith noted Titan's policy is to have the customers sign their own liens. Smith

acknowledged she signs the preliminary 20-day notices. Smith's response also noted she had recently spoken with Division Investigator Alex Navarro ("Investigator Navarro") and had been advised of the requirement she provide her individual certification number on recorded liens as well as Titan's business entity name and number.

Investigator Posante reviewed ARS § 33-992.01(B), which states:

Except for a person performing actual labor for wages, every person who furnishes labor, professional services, materials, machinery, fixtures or tools for which a lien otherwise may be claimed under this article shall, as a necessary prerequisite to the validity of any claim of lien, serve the owner or reputed owner, the original contractor or reputed contractor, the construction lender, if any, or reputed construction lender, if any, and the person with whom the claimant has contracted for the purchase of those items with a preliminary twenty day notice as prescribed by this section.

On March 19, 2010, Honorable J. Richard Gama ("Judge Gama"), ruling on a matter unrelated to Titan, in Superior Court in Maricopa County case number CV2009-010336, found preliminary 20-day notices are legal documents. The Court's Minute Entry for this date states:

The Court does hold that the assistance herein provided to complete the process of securing a mechanic's lien, that is, the preparation of the 20 day preliminary notices does constitute the unauthorized practice of law. The preparation of this notice is a condition precedent to securing a legal right, i.e. a preferential lien on real property.

Investigator Posante reviewed ACJA § 7-208(F)(3), which states, in pertinent part:

Identification. Beginning July 1, 2003, a certified legal document preparer shall include the legal document preparer's name, the title "Arizona Certified Legal Document Preparer" or the abbreviation "AZCLDP" and the legal document preparer's certificate number on all documents prepared by the legal document preparer, unless expressly prohibited by a non-judicial agency or entity. A legal document preparer providing services on behalf of a certified business entity shall also include the business entity name and certificate number on all documents prepared, unless expressly prohibited by a nonjudicial agency or entity.

Investigator Posante reviewed ACJA § 7-208(F)(5)(c)(4), which states a designated principal who undertakes to train an employee shall:

Provide the designated principal's name and certificate number, as required by subsection (F)(3), on any documents prepared by the trainee under the designated principal's supervision.

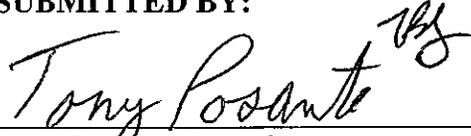
Investigator Posante reviewed Titan's website, [www.titanlien.com](http://www.titanlien.com). Titan's website contains a "Frequently Asked Questions" page. One question asks, "What is a Preliminary Notice?" The website explains, "The general purpose of a 20-day preliminary notice is to inform the property owner, lender and other interested parties that you are providing labor or materials for a project and that you are retaining your right to a lien in the event that you are not paid."

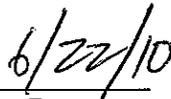
Investigator Posante reviewed Division records regarding ACJA § 7-208(F)(5) trainee Black. Division records reflect Black was first reported as an ACJA § 7-208(F)(5) trainee on Titan's May 3, 2007 certification renewal application. At the time of the complaint, Black had not exceeded the ACJA § 7-208(F)(5) maximum allowable trainee period of 2½ years. Black was not listed as a trainee on Titan's 2009-2011 renewal application submitted on May 7, 2009. On June 15, 2010, Investigator Posante sent Smith an email inquiring as to Black's current employment status. Smith responded the same day, stating, "Sandy Black is no longer employed with Titan Lien Services. She gave notice and finished her employ at the end of April 2010."

Maricopa County Recorder's Office records referenced above demonstrate Black signed two *Affidavit and Proof of Service Twenty Day Notice* documents with a provided descriptors identifying Black as an "Acting as Limited Agent for Apache Plumbing Services" and "Acting as Limited Agent for Pro Energy Electric LLC". The content of the Affidavit indicates Black placed copies of the respective preliminary 20-day lien notice in the mail to parties impacted by the preliminary 20-day lien notices. While acting under Smith's supervision as an ACJA § 7-208(F)(5) trainee, Black did not hold active legal document preparer certification and pursuant to ACJA § 7-208(F)(5)(c)(3), Smith was responsible to "Ensure the trainee is familiar with and adheres to the provisions of ACJA §§ 7-201 and -208".

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**SUBMITTED BY:**

  
Tony Posante, Investigator  
Certification and Licensing Division

  
Date

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
ALLEGATION ANALYSIS REPORT and PROBABLE CAUSE  
EVALUATION and DECISION**

<b>CERTIFICATE HOLDER INFORMATION</b>	<b>Certificate Holder:</b>	Jill Smith
	<b>Certification Number:</b>	80894
	<b>Business Name:</b>	Titan Lien Services
	<b>Certificate Number:</b>	80895
	<b>Type of Certificate/License:</b>	Legal Document Preparer
<b>INVESTIGATION INFORMATION</b>	<b>Complaint Number:</b>	09-L055
	<b>Investigator:</b>	Tony Posante

**ANALYSIS OF ALLEGATIONS:**

*Allegation 1. Titan Lien Services ("Titan") and its employees are preparing legal documents without certification.*

Division record reflect Titan and designated principal Jill Smith ("Smith") hold active legal document preparer certification and did so at the time the documents underlying this complaint were prepared. Additionally, at the time of the alleged misconduct, Titan employee Susan Black ("Black") was an identified Arizona Code of Judicial Administration ("ACJA") § 7-208(F)(5) trainee working under Smith's supervision. Therefore, Allegation 1 is not substantiated.

*Allegation 2. Smith failed to place her individual name and certification number on documents she, as the designated principal of Titan, was responsible for which were filed with the Maricopa County Recorder's Office under numbers 2009-0498608 and 2009-0503176, as required by ACJA § 7-203(F)(3).*

ACJA § 7-208(F)(3) states:

Identification. Beginning July 1, 2003, a certified legal document preparer shall include the legal document preparer's name, the title "Arizona Certified Legal Document Preparer" or the abbreviation "AZCLDP" and the legal document preparer's certificate number on all documents prepared by the legal document preparer, unless expressly prohibited by a non-judicial agency or entity. A legal document preparer providing services on behalf of a certified business entity shall also include the business entity name and certificate number on all documents prepared, unless expressly prohibited by a nonjudicial agency or entity.

No prohibition exists that expressly prohibits certified legal document preparers from placing the requisite identification information on documents recorded with the Maricopa County Recorder's Office. A review of the preliminary 20-day lien notices and liens filed with the Maricopa County Recorder's Office under numbers 2009-0498608 and

2009-0503176 reflect the documents contain part but not all of the required information regarding the certified legal document preparer business entity and fail to provide any of the required identification information for the individual preparer responsible for the document. Therefore, Allegation 2 is substantiated.

***Allegation 3. Smith acted in a representative capacity by signing recorded legal documents as the "limited agent" of Titan customers without the authority to do so, in violation of Arizona Supreme Court Rule 31 and ACJA § 7-208.***

The Arizona Supreme Court Rule 31 ("Rule 31") definition of the "practice of law" Rule 31 specifically includes, "Representing another in a judicial, quasi-judicial, or administrative proceeding, or other formal dispute resolution process such as arbitration and mediation." Rule 31(a)(2)(B) states the "unauthorized practice of law includes but is not limited to engaging in the practice of law by persons or entities not authorized to practice". ACJA § 7-208 exists as an exemption to the prohibition of the unauthorized practice of law and provides specified authorized services a certified legal document preparer may offer to consumers not represented by an attorney.

ACJA § 7-208(F)(1) provides a list of "authorized services" a certified legal document preparer can provide to non-represented parties but this list does not include acting in a representative capacity on behalf of a consumer. ACJA § 7-201(F)(1) and § 7-208(F)(2) require all certified legal document preparers to comply with the subsection J of the Code of Conduct. ACJA § 7-208(J)(5)(b) states:

A legal document preparer shall not represent they are authorized to practice law in this state, nor shall the legal document preparer provide legal advice or services to another by expressing opinions, either verbal or written, or by representing another in a judicial, quasi-judicial, or administrative proceeding, or other formal dispute resolution process...

ACJA § 7-208(F)(5)(c)(1) provides a designated principal who undertakes to train an employee shall:

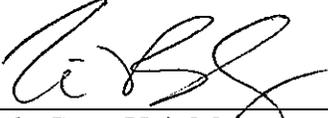
Assume personal professional responsibility for the trainee's guidance and any work undertaken and for supervising, generally or directly, as necessary, the quality of the trainee's work.

During the investigation, Smith acknowledged and Maricopa County Recorder's Office records reflect she signed preliminary 20-day lien notices on behalf of Titan customers Pro-Energy Electric, LLC and Lacy Rain, LLC dba Apache Plumbing. Smith does not have ownership interest in either LLC. No provision of law, court rule or ACJA authorizes Smith to serve as a "limited agent" for or sign documents for or on behalf of Titan customers.

Further, under Titan designated principal Smith's supervision, Black signed proof of service documents as the "limited agent" of Titan customers Pro-Energy Electric, LLC

and Lacy Rain, LLC dba Apache Plumbing without the authority to do so. Therefore, Allegation 3 is substantiated.

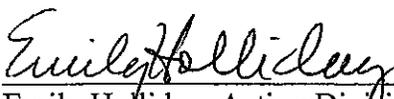
**SUBMITTED BY:**

 6/23/10  
\_\_\_\_\_  
Linda Grau, Unit Manager Date  
Certification and Licensing Division

**REFERRAL TO PROBABLE CAUSE EVALUATOR:**

The Investigation Summary and Allegation Analysis Report on complaint number 09-L055 have been reviewed and approved for forwarding to the Probable Cause Evaluator and it is recommended the Probable Cause Evaluator enter a finding probable cause does not exist as to Allegation 1 and does exist as to Allegations 2 and 3.

**SUBMITTED BY:**

 3/2/11  
\_\_\_\_\_  
Emily Holliday, Acting Division Director Date  
Certification and Licensing Division

**DECISION OF THE PROBABLE CAUSE EVALUATOR:**

Having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint number 09-L055, the Probable Cause Evaluator:

- requests division staff to investigate further.
- determines probable cause does not exist the certificate holder has committed the alleged acts of misconduct as to Allegation(s):  
# 1.
- determines probable cause exists the certificate holder committed the alleged acts of misconduct as to Allegation(s):  
#s 2 & 3.

 3/18/11  
\_\_\_\_\_  
Mike Baumstark Date  
Probable Cause Evaluator

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
ORDER OF THE BOARD**

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<b><i>CERTIFICATE HOLDER INFORMATION</i></b>	<b>Certificate Holder:</b>	Jill Smith
	<b>Certificate Number:</b>	80894
	<b>Business Name:</b>	Titan Lien Services
	<b>Certificate Number:</b>	80895

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**RECOMMENDATION TO THE BOARD OF LEGAL DOCUMENT PREPARERS  
("BOARD"):**

It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegation 1 of complaint Number 09-L055. Regarding Allegations 2 and 3, it is recommended the Board enter a finding Titan Lien Services and Jill Smith ("Smith") committed the alleged acts of misconduct detailed in the Investigation Summary and Allegation Analysis Report in complaint number 09-L055.

It is further 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) and (H)(6)(k)(3) for acts of misconduct involving Arizona Supreme Court Rule 31(a)(2)(B), ACJA § 7-201(F)(1), and ACJA § 7-208(F)(1)(c)(1), (F)(2), (F)(3) and (J)(5)(b).

**Mitigating Factors:**

1. Absence of prior discipline. This is the first complaint involving Titan Lien Services and Smith. [ACJA § 7-201(H)(22)(b)(1)(a)]

**Aggravating Factors:**

None noted.

**Proportionality Analysis:**

The stated purpose of the Legal Document Preparer Program, as defined by ACJA § 7-208 (C), is to:

Protect the public through the certification of legal document preparers to ensure conformance to the highest ethical standards and performance of responsibilities in a professional and competent manner, in accordance with all applicable statutes, code sections, and Arizona court rules.

Historically, the Board has recognized engaging in the unauthorized practice of law by acting in a representative capacity on behalf of a consumer as a serious matter and a threat to the protection of the public with recognition of the potential harm to the public,

judicial system, and document preparer profession. Prior actions by the Board in other matters which found violations similar to the alleged act of misconduct have included revocation or suspension of certification, restitution and cease and desist orders, imposition of civil penalties and assessment of investigative costs and the related proceedings, mandated participation in continuing education, and stated conditions for reinstatement. Most recently, the Board entered a Consent Agreement with certificate holder Alenda Martin to resolve formal disciplinary action against Martin for her having signed a Notice of Claim of Lien on behalf of a consumer.

In previous matters considered by the Board wherein found violations included a certified legal document preparer's failure to place their name, title and certificate numbers on document they prepared, the Board has issued Letters of Concern.

In determining the appropriate disposition in this case, it is recommended the Board consider the cited mitigating factors and also that in this case, although there was the potential for harm to the public, no actual harm occurred. Therefore, it is recommended the Board offer Titan Lien Services and Smith 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 Titan and Smith that if they enter the Consent Agreement they waives their right to a hearing, and imposes the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to Titan Lien Services, pursuant to ACJA § 7-201 (H)(24)(a)(6)(b);
- b) Issue a Letter of Concern to Smith, pursuant to ACJA § 7-201(H)(a)(24)(6)(a);
- c) Order Smith to 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);
- d) Impose civil penalties in the amount of \$250.00 per found violation to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(k).

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

**SUBMITTED BY:**

*Emily Holliday* 3/18/11  
Emily Holliday, Acting Division Director Date  
Certification and Licensing Division

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**FINAL DECISION AND ORDER:**

The Board having reviewed the above Investigation Summary, Allegation Analysis Report, finding of the Probable Cause Evaluator, and Recommendation regarding complaint number 09-L055 and Titan Lien Services, certificate number 80895, and Jill Smith, certificate number 80894, makes a finding of facts and this decision, based on the facts, evidence, and analysis as presented and enters the following order:

- requests division staff to investigate further.
- refers the complaint to another entity with jurisdiction.

Referral to: \_\_\_\_\_

- dismisses the complaint, and:
  - requests division staff prepare a notice of dismissal pursuant to ACJA § 7-201(H)(5)(c)(1).
  - requests division staff prepare a notice of dismissal and an Advisory Letter pursuant to ACJA § 7-201(H)(5)(c)(2).
- determines grounds for discipline exist demonstrating the certificate holder committed the alleged act(s) of misconduct and:
  - enter a finding the alleged act(s) of misconduct or violation(s) be resolved through informal discipline, pursuant to ACJA § 7-201(H)(7) and issue a Letter of Concern.
  - enter a finding the alleged act(s) of misconduct or violation(s) be resolved through formal disciplinary proceeding, pursuant to ACJA § 7-201(H)(9).
- requests the certificate holder appear before the Board to participate in a Formal Interview, pursuant to ACJA § 7-201(H)(8).
- orders the filing of Notice of Formal Charges, pursuant to ACJA § 7-201(H)(10).
- enters a finding the public health, safety or welfare is at risk, requires emergency action, and orders the immediate emergency suspension of the certificate and sets an expedited hearing for:

Date, Time, and Location: \_\_\_\_\_

- adopts the recommendations of the Division Director.

does ~~not~~ adopt the recommendations of the Division Director and orders:

Assessment of costs of the investigation  
and related disciplinary proceedings  
in addition to recommended sanctions

Les Krambeal 04.25.11  
Les Krambeal, Chair                      Date  
Board of Legal Document Preparers

Y:\COMPLAINT INVESTIGATIONS\OPEN COMPLAINTS\LDP TITAN LIEN SERVICES 09-L055\CASE SUMMARY  
09-L055.DOCX

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
ORDER OF THE BOARD**

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<b><i>CERTIFICATE HOLDER INFORMATION</i></b>	<b>Certificate Holder:</b>	Jill Smith
	<b>Certificate Number:</b>	80894
	<b>Business Name:</b>	Titan Lien Services
	<b>Certificate Number:</b>	80895

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**AMENDED RECOMMENDATION TO THE BOARD OF LEGAL DOCUMENT PREPARERS (“BOARD”):**

On March 18, 2011, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist as to Allegation 1 and does exist as to Allegations 2 and 3 in complaint number 09-L055. On April 25, 2011, the Board reviewed the matter and accepted the finding of the Probable Cause Evaluator. The Board dismissed Allegation 1 and moved for formal disciplinary action pertaining to Allegations 2 and 3 for acts of misconduct involving Arizona Supreme Court Rule 31(a)(2)(B), Arizona Code of Judicial Administration (“ACJA”) § 7-201(F)(1), and ACJA § 7-208(F)(1)(c)(1), (F)(2), (F)(3) and (J)(5)(b).

At the time of the alleged misconduct, it was the Board’s position that no provision of ACJA authorized a certified legal document preparer to sign a preliminary lien notice or a lien document on behalf of a consumer. After review and consideration of the issue, the Supreme Court entered Administrative Order 2013-39 which amended ACJA § 7-208(F)(1)(e) and authorized a certified legal document preparer to:

File, record, and arrange for service of legal forms and documents for a person or entity in a legal matter when that person or entity is not represented by an attorney. A certified legal document preparer may not sign any document he or she prepares for or provides to a person or entity, but this provision does not prohibit the signing of (i) 20-Day Notices prepared pursuant to A.R.S. § 33-992.01, (ii) notices related to condominium or planned community association liens that are created pursuant to A.R.S. § 33-1256 (condominiums) and § 33-1807 (planned communities); (iii) health care provider liens that are created pursuant to A.R.S. § 33-932, or (iv) mechanic’s liens created pursuant to A.R.S. § 33-993.

As the documents identified in the complaint appear to comply with ACJA § 7-208(F)(1)(e), it is recommended that the Board reconsider its decision of April 25, 2011 and enter an order that notwithstanding the earlier finding of probable cause in Allegation 3, in light of the subsequent revision of ACJA § 7-208(F)(1)(e), there has been no action which would necessitate discipline pertaining to Allegation 3. It is recommended the Board dismiss Allegation 3 and amend the April 25, 2011 order regarding Allegation 2 to enter a finding Jill Smith, on behalf of Titan Lien Services, failed to place her individual name, title and certification number on documents she was responsible for as Titan’s designated principal, in violation of Arizona Code of Judicial Administration (“ACJA”) §

7-201(H)(6)(a) for an act of misconduct involving ACJA § 7-208(F)(3) and issue a Letter of Concern.

**SUBMITTED BY:**

 12/27/13  
Mark Wilson, Director                      Date  
Certification and Licensing Division

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**FINAL DECISION AND ORDER:**

The Board having reviewed the above Investigation Summary, Allegation Analysis Report, finding of the Probable Cause Evaluator, and Recommendation regarding complaint number 09-L055 and Titan Lien Services, certificate number 80895, and makes a finding of facts and this decision, based on the facts, evidence, and analysis as presented and enters the following order:

- requests division staff to investigate further.
- refers the complaint to another entity with jurisdiction.  
Referral to: \_\_\_\_\_
- dismisses the complaint, and:
  - requests division staff prepare a notice of dismissal pursuant to ACJA § 7-201(H)(5)(c)(1).
  - requests division staff prepare a notice of dismissal and an Advisory Letter pursuant to ACJA § 7-201(H)(5)(c)(2).
- determines grounds for discipline exist demonstrating the certificate holder committed the alleged act(s) of misconduct and:
  - enter a finding the alleged act(s) of misconduct or violation(s) be resolved through informal discipline, pursuant to ACJA § 7-201(H)(7) and issue a Letter of Concern.
  - enter a finding the alleged act(s) of misconduct or violation(s) be resolved through formal disciplinary proceeding, pursuant to ACJA § 7-201(H)(9).
- requests the certificate holder appear before the Board to participate in a Formal Interview, pursuant to ACJA § 7-201(H)(8).

orders the filing of Notice of Formal Charges, pursuant to ACJA § 7-201(H)(10).

enters a finding the public health, safety or welfare is at risk, requires emergency action, and orders the immediate emergency suspension of the certificate and sets an expedited hearing for:

Date, Time, and Location: \_\_\_\_\_

adopts the recommendations of the Division Director.

does not adopt the recommendations of the Division Director and orders:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mary Carlton, Chair                      Date  
Board of Legal Document Preparers

*Y:\COMPLAINT INVESTIGATIONS\OPEN COMPLAINTS\LDP TITAN LIEN SERVICES 09-L055\AMENDED RECOMMENDATION AND BOARD ORDER TITAN 09-L055.DOCX*

# BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, November 25, 2013

## 2) REVIEW OF PENDING COMPLAINTS

2-B: *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 13-L023*

*Complaint Number 13-L032*

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 13-L023:

On October 23, 2013, Division Director Mark Wilson dismissed complaint number 13-L023 without prejudice upon entering a finding the complainant failed to supply information needed to remedy an insufficient complaint or failed to demonstrate the alleged act of misconduct are within the certificate holders responsibilities. Notice of the dismissal was forwarded to the complainant on October 28, 2013, 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.

### Complaint Number 13-L032:

On October 23, 2013, Division Director Wilson dismissed complaint number 13-L032 without prejudice upon entering a finding the complainant failed to supply information needed to remedy an insufficient complaint or failed to demonstrate the alleged act of misconduct are within the certificate holders responsibilities. Notice of the dismissal was forwarded to the complainant on October 28, 2013, 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.

# **BOARD OF LEGAL DOCUMENT PREPARERS**

**Agenda Summary – Monday, November 25, 2013**

## **3) REVIEW OF PENDING COMPLAINTS**

*3-A: Update regarding complaints processed by diversion pursuant to Administrative Order 2012-83.*

Staff will provide an update to the Board.

# BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, November 25, 2013

## 3) ADMINISTRATIVE ISSUES

3-B: *Review, discussion, and possible action regarding the establishment of the 2014 Board meeting schedule.*

The Board of Legal Document Preparers is asked to consider and approve the 2014 meeting calendar.

Therefore, it is recommended the 2014 meeting calendar be set as follows:

January 27, 2014

March 24, 2014

May 19, 2014

July 21, 2014 (July 28, 2014 is the week of the bar exam)

September 22, 2014

November 24, 2014