

BOARD OF LEGAL DOCUMENT PREPARERS

Meeting Agenda – Monday, January 26, 2015

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

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, Code Section 1-202(C).

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 November 24, 2014.*

2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION *Division Staff*

2-A: *Review, discussion and possible action regarding the Division Director dismissal of the following complaint numbers – review has not been requested:*

*14-L038
14-L043/14-L044
14-L045*

2-B: *Review, discussion and possible action regarding the Division Director dismissal of the following complaint numbers – review has been requested:*

14-L051/L052

2-C: *Review, discussion and possible action regarding the following complaints and/or application for renewal of certification:*

*14-L011 - Carlos Galindo
14-L029/14-L030 - Jemasi Services/Maria Gil
14-L031/14-L032 - Discount Divorce Pro, LLC/James Jennings*

2-D: *Review, discussion and possible action regarding the following complaints and/or application for renewal of certification:*

- 13-L035 - Donald Steward*
- 14-L003 - Lisa Perez*
- 14-L025/14-L026 - AAA Legal Services/Joseph Glennon*
- 14-L027/14-L028 - Americana Services/Rebecca Cruz*
- 14-L037 - Juan Alejandro Torres*

2-E: *Review, discussion and possible action regarding complaint numbers 12-L001, 14-L017 and 14-L018 and renewal of certification concerning ALTA Estate Services and Alyssa Marino.*

3) INITIAL CERTIFICATION AND ELIGIBILITY..... Division Staff

3-A: *Review, discussion and possible action regarding the following applications for initial individual and/or business entity legal document preparer certification:*

- 1. Elizabeth Alvarado*
- 2. Wendy Powley*
- 3. Dina Horsman*
- 4. Joyce Rose*
- 5. Maribel Nava*
- 6. Lupita Navarro*
- 7. Affordable Arizona Divorce, LLC (Jessica Worley)*
- 8. Karen Fanty*
- 9. SRF Enterprises (Susan Fowler)*
- 10. Marisela Munoz*
- 11. Zusel E. Beyra*
- 12. Regan Guthrie*
- 13. Michael Gauthier*

3-B: *Review, discussion and possible action regarding the following Business Entity Exemption Requests for the 2013-2015 certification period:*

- 1. Affordable Arizona Divorce, LLC (Jessica Worley)*
- 2. SRF Enterprises, LLC (Susan Fowler)*

4) RENEWAL CERTIFICATION APPLICATIONS..... Division Staff

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

- 1. Patricia Steward*
- 2. Patricia Taylor*
Daniel Taylor
Guardian Estate Planning Service (Daniel Taylor)
- 3. LegalZoom.com, Inc*

5) CERTIFICATION AND ELIGIBILITYDivision Staff

5-A: *Review, discussion, and possible action regarding Findings of Fact, Conclusions of Law, and Recommendation in pending renewal certification application for Anna Anderson.*

5-B: *Review, discussion, and possible action regarding the Voluntary Surrender request received from the following certificate holders:*

1. *Janet Summers*
2. *Van Rylin Associates Inc.*
3. *Emil Estopare*
4. *Affordable Document Preparation, LLC*

6) ADMINISTRATIVE ISSUES.....Division Staff

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

CALL TO THE PUBLICMary Carlton, Chair

ADJOURNMary Carlton, Chair

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1) REVIEW AND APPROVAL OF MINUTES

1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of November 24, 2014.

A draft of the regular session minutes for the meeting of November 24, 2014, is attached for the Board's review and consideration.

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2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-A: *Review, discussion and possible action regarding the Division Director dismissal of the following complaint numbers – no review has been requested:*

14-L038
14-L043/14-L044
14-L045

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 this matter, it is recommended the Board enter Executive Session to discuss matters confidential.

Complaint Number 14-L038:

On September 15, 2014, Division Director Wilson dismissed complaint number 14-L038 without prejudice upon determining the complaint does not provide specific allegations of acts of misconduct or violations of the statutes or court rules. Notice of the dismissal was forwarded to the complainant. The complainant did not request Board review of the dismissal. It is recommended the Board affirm the dismissal.

Complaint Numbers 14-L043/14-L044:

On October 27, 2014, Division Director Wilson dismissed complaint numbers 14-L043 and 14-L044 without prejudice upon determining the complaint does not contain the name of the complainant. It is recommended the Board affirm the dismissals.

Complaint Number 14-L045:

On November 6, 2014, Division Director Wilson dismissed complaint number 14-L045 without prejudice upon determining the complaint contains acts of misconduct or violations, that if true, would not constitute a violation of the statutes or court rules. Notice of the dismissal was forwarded to the complainant. The complainant did not request Board review of the dismissal. It is recommended the Board affirm the dismissal.

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2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-B: *Review, discussion and possible action regarding the Division Director dismissal of the following complaint numbers – review has been requested:*

14-L051/14-L052

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 this matter, it is recommended the Board enter Executive Session to discuss matters confidential.

Complaint Numbers 14-L051/14-L052:

On October 27, 2014, Division Director Wilson dismissed complaint numbers 14-L051 and 14-L052 without prejudice upon determining the complainant failed to supply information needed to remedy an insufficient complaint or failed to demonstrate the alleged acts of misconduct are within the certificate holder's responsibilities as required by statutes, court rules, or the applicable ACJA sections. Notice of the dismissal was forwarded to the complainant. The complainant did request Board review of the dismissal. The new information submitted was reviewed. It is recommended the Board affirm the dismissal.

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2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-C: Review, discussion and possible action regarding the following complaints and/or renewal :

14-L011 - Carlos Galindo

14-L029/14-L030 - Jemasi Services/Maria Gil

14-L031/14-L032 - Discount Divorce Pro, LLC/James Jennings

14-L011 – Carlos Galindo:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enterd Carlos Galindo's alleged acts unsubstantiated regarding misconduct described in Allegation 1 as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-L011.

It is further recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding that, although Carlos Galindo may have committed the alleged act(s) of misconduct described in Allegation 2, the matter has already been addressed by censure in complaint number 11-L005 which came before the Board in May 2013.

It is therefore recommended the Board dismiss complaint 14-L011.

Finally, Carlos Galindo has a pending renewal application. Galindo failed to disclose being defendant in two civil actions out of Maricopa County Superior Court and two civil actions out of Maricopa Justice Court. In the first action, filed on 12/20/11, plaintiff alleged that Galindo prepared a document for her, but failed to file it with the court. On 3/28/13, Arbitrator found in favor of the plaintiff and against Legalman, LLC in the amount of \$6,534.77. Carlos and Carmen Galindo were dismissed from the case. In the second action, filed on 9/12/12, plaintiff alleged that Galindo, along with several other defendants, placed fliers in downtown neighborhoods that caused libel and slander to the plaintiff. The plaintiff moved to dismiss the complaint and on 12/13/12 it was ordered dismissing the case without prejudice. In the third action, filed on 8/17/12, plaintiff alleged paperwork was supposedly incorrectly completed and/or not filed. This case was dismissed due to the complaint was not served to all defendants within 120 days of the complaint being filed. Fourth action, filed on 1/18/12, plaintiff alleged breach of contract, false representation, and fraudulent schemes. This case went to trial in the Downtown Justice Court and oral motion for summary judgment granted for defendant. Galindo thought he had supplied us with the civil actions as he answered yes to the background information questions, however, the only affidavit he provided was regarding the complaints filed with the Division.

It is recommended to grant renewal of certification and include language regarding non-disclosure.

14-L029/14-L030 – Jemasi Services/Maria Gil:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Maria C. Gil and Jemasi, Inc. of unsubstantiated regarding alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 14-L029 and 14-L030.

It is further recommended the Board dismiss complaint numbers 14-L029 and 14-L030.

14-L031/14-L032 – Discount Divorce Pro, LLC/James Jennings:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding James Jennings and Discount Divorce Pro., LLC of unsubstantiated regarding the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 14-L031 and 14-L032.

It is further recommended the Board dismiss complaint numbers 14-L031 and 14-L032.

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2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-D: Review, discussion and possible action regarding the following complaints and renewal of certification:

13-L035 - Donald Steward

14-L003 - Lisa Perez

14-L025/14-L026 - AAA Legal Services/Joseph Glennon

14-L027/14-L028 - Americana Services/Rebecca Cruz

14-L037 - Juan Alejandro Torres

13-L035 – Donald Steward:

On September 17, 2014, the Division received a written complaint containing one allegation against licensed document preparer, Donald Steward. The complainant alleged that Mr. Steward engaged in the unauthorized practice of law and exceeded the authority of a legal document preparer.

The matter was investigated and upon conclusion of that investigation the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. On December 3, 2014, Probable Cause Evaluator Baumstark entered a finding that probable cause exists as to the allegation.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding the allegation is substantiated as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 13-L035.

It is recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(k)(3) for acts of misconduct involving ACJA §§ 7-208(F)(1)(b) and 7-208 (J)(5)(a) by providing legal advice by assisting a client with legal research.

It is further recommended the Board issue a Letter of Concern.

Finally, Donald Steward and Document Resource Center, LLC have pending renewal applications. Steward failed to disclose a transcript judgment in the amount of \$3,000 involving consumer debt. This judgment stemmed from a justice court action regarding a consumer debt that was disclosed on his 2011 renewal application. The justice court action went to mediation and Steward was required to make payments, however, he was unable to complete the payment schedule and therefore, a transcript judgment was entered. Steward stated that he answered the question in good faith and at no time was he attempting to conceal any information.

It is recommended to grant renewal of certification to Donald Steward with additional non-disclosure language and Document Resource Center, LLC.

14-L003 – Lisa Perez:

On January 28, 2014, the Division received a written complaint containing one allegation against licensed document preparer, Lisa Perez and Perez Paralegal Group, LLC dba PPG Legal Documents. The complainant alleged that he paid Ms. Perez to prepare legal documents but she did not complete the documents.

The matter was investigated and upon conclusion of that investigation the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. On December 23, 2014, Probable Cause Evaluator Baumstark entered a finding that probable cause exists as to the allegation.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding substantiating the allegation as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-L003.

It is recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(a) for acts of misconduct involving ACJA § 7-208(J)(4)(a) by failing to deliver certain documents.

It is further recommended the Board issue a Letter of Concern and grant renewal of certification to Lisa Perez and Perez Paralegal Group, LLC.

14-L025/14-L026 – AAA Legal Services/Joseph Glennon:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Joseph T. Glennon and AAA Legal Document Services, Inc. substantiating the allegations as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-L025 and 14-L026.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(k)(7) for acts of misconduct involving ACJA § 7-208(J)(4)(b) by failing to properly document the minimum wage number.

It is recommended that the Board issue a Letter of Concern.

14-L027/14-L028 – Americana Services/Rebecca Cruz:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding the Rebecca Cruz and Americana Services alleged acts are unsubstantiated as detailed in Allegations 1, 2, 3, 4, 6 and 8 of the Investigation Summary and Allegation Analysis Report in complaint number 14-L027 and 14-L028.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding the Rebecca Cruz and Americana Services alleged acts are substantiated as detailed in Allegations 5 and 7 of the Investigation Summary and Allegation Analysis Report in complaint number 14-L027 and 14-L028.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(h) and (k)(7) for acts of misconduct involving ACJA § 7-208(J)(4)(b) by supplying a client with an old parenting form and completing the form with an incorrect child’s birthdate.

It is recommended the Board impose an informal disciplinary action of a Letter of Concern.

14-L037 – Juan Alejandro Torres:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding for Juan Alejandro Torres the allegation is substantiated as detailed in Allegation 1 of the Investigation Summary and Allegation Analysis Report in complaint number 14-L037.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Juan Alejandro Torres the allegation is unsubstantiated as detailed in Allegation 2 of the Investigation Summary and Allegation Analysis Report in complaint number 14-L037.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(k)(7) for act(s) of misconduct involving ACJA § 7-208(J)(4)(b) by improperly completing a Parenting Plan.

It is further recommended the Board issue a Letter of Concern regarding the acts described in Allegation 1 of complaint number 14-L037.

It is further recommended the Board dismiss Allegation 2 of complaint number 14-L037.

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2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-E: Review, discussion and possible action regarding complaint numbers 12-L001, 14-L017 and 14-L018 and renewal of certification concerning ALTA Estate Services and Alyssa Marino.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Alyssa Marino and has not committed the alleged act(s) of misconduct as detailed in Allegation 1 of the Investigation Summary and Allegation Analysis Report in complaint number 14-L017, 14-L018.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Alyssa Marino and ALTA Estate Services LLC have committed the alleged act(s) of misconduct as detailed in Allegation 2 of the Investigation Summary and Allegation Analysis Report in complaint number 14-L017, 14-L018.

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)(k)(3) for act(s) of misconduct involving ACJA § 7-208(E)(d)(7)(b).

It is further recommended the Board consolidate this matter with complaint number 12-L001 and entry into a Consent Agreement censuring certificate holders for their conduct described in complaint numbers 12-L001, 14-L017 and 14-L018.

As to 12-L001, this complaint was initially presented to the Board on May 19, 2014, at which time the Board moved to accept staff's recommendations for filing and service of Notice of Formal Statement of Charges and impose a Censure.

On June 19, 2014, the Board filed the attached Notice of Formal Statement of Charges in complaint number 12-L001 involving ALTA Estate Services. Division records reflect ALTA Estate Services was served on June 29, 2014.

ALTA Estate Services filed an Answer and requested a hearing. ALTA requested that the Division meet and confer regarding a resolution of complaint number 12-L001. Those discussions have resulted in the proposed Consent Agreement being presented to the Board. Pursuant to the proposed Consent Agreement, complaints 12-L001, 14-L017 and 14-L018 are resolved by censuring ALTA and Alyssa Marino.

It is recommended the Board adopt the recommendation of the Probable Cause Evaluator in complaint numbers 14-L017 and 14-L018 and dismiss allegation 1 and resolve allegation 2 of complaint number 12-L001 by entering into the proposed Consent Agreement censuring ALTA and Alyssa Marino.

In addition, it is recommended the Board grant renewal of certification to Alyssa Marino and Alta Estates Services, LLC.

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3) INITIAL CERTIFICATION AND ELIGIBILITY..... *Division Staff*

3-A: *Review, discussion and possible action regarding the following applications for initial individual and/or business entity legal document preparer certification.*

1. Elizabeth Alvarado
2. Wendy Powley
3. Dina Horsman
4. Joyce Rose
5. Maribel Nava
6. Lupita Navarro
7. Affordable Arizona Divorce, LLC (Jessica Worley)
8. Karen Fanty
9. SRF Enterprises (Susan Fowler)
10. Marisela Munoz
11. Zusel E. Beyra
12. Regan Guthrie
13. Michael Gauthier

The following applicants have submitted applications for initial certification. In the opinion of staff, the applications are complete and no information has been presented during the background which is contrary to certification being granted. The applicants have demonstrated they meet the minimum eligibility requirements for certification. It is recommended initial certification be granted to the following individuals or entities:

1. Elizabeth Alvarado
2. Wendy Powley
3. Dina Horsman

Division Staff has processed the following applications for initial certification which are being submitted to the Board for additional review and consideration. In the event the recommendation is to grant with additional non-disclosure language, the following language would be used:

The Board has concluded its review of your application and determined you have satisfied the eligibility requirements for certification. Although the Board is granting you certification, the Board members have concerns regarding the failure to disclose <insert failure of disclosure>. Lack of diligence is not a quality embraced by the Board of Legal Document Preparers or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of certification or disciplinary action.

4. Joyce Rose – The applicant failed to disclose being a plaintiff in a civil action arising from a motor vehicle accident in 2004 and a bankruptcy petition filed in 2002. Ms. Rose explained that she had forgotten about these actions and apologized for her failure to disclose. A review of the court record for the civil actions revealed no indications of fraud, misrepresentation or dishonesty on the part of the applicant and staff does not believe the failure to disclose was intentional. Staff's recommendation is to grant certification and include the above non-disclosure language.

5. Maribel Nava – Ms. Nava failed to disclose a 2007 civil suit out of Yuma County Superior Court resulting from motor vehicle debt. Staff's review of the court documents determined that there were no allegations of concern, with regards to certification, contained in the complaint. Staff's recommendation is to grant certification and include the above non-disclosure language.

6. Lupita Navarro – Ms. Navarro failed to disclose a 2000 civil suit resulting from a motor vehicle accident. The applicant stated that the insurance companies involved resolved the issue and that she did not understand that she had to disclose it as the vehicle involved was not hers. No issues of concern were evident in the court documentation. Staff's recommendation is to grant initial certification and include the above non-disclosure language.

7. Affordable Arizona Divorce, LLC – Ms. Worley submitted an initial application for legal document preparer business entity certification on August 28, 2014 as designated principal of Affordable Arizona Divorce, LLC. Ms. Worley was certified as an individual legal document preparer on September 22, 2014 and has had no complaints against her certification. On the application, Ms. Worley disclosed that the business entity's CEO, Michael George had been convicted of four misdemeanors between 2005 and 2011 –leaving the scene of an accident, reckless driving, possession of marijuana and extreme DUI. The background investigation revealed that Mr. George had an additional undisclosed misdemeanor conviction for disorderly conduct in 2007 and that he had failed to disclose 2 civil suits and a bankruptcy to which he was a party. Mr. George apologized for the lack of diligence and in explanation for his failure to disclose the civil suits, bankruptcy and the one conviction that was not reported, Mr. George explained that he had forgotten about the 2002 civil suit and the 2006 disorderly conduct conviction and had believed the 2011 suit had been filed against him in error so he did not disclose it. In addition, he failed to disclose the bankruptcy because he did not believe that bankruptcy fell within the requested disclosure.

Division staff reviewed extensive court and police records with regards to both the civil and criminal matters both disclosed and undisclosed and interviewed Mr. George at length concerning the aforementioned issues, his level of candor and the circumstances that resulted in his criminal convictions. Although staff struggled with the number and recency of the misdemeanor convictions and the lack of disclosure of the two civil actions and additional misdemeanor conviction, staff also considered the following in determining the recommendation: 1) Having interviewed the applicant, staff believes Mr. George was forthcoming in disclosing the four misdemeanor convictions; 2) Staff found the applicant's testimony to be credible with regards the personal circumstances that he stated gave rise to his misdemeanor convictions and the correlation of those circumstances to the onset, nature and apparent conclusion of his criminal record; 3) The applicant's purported efforts to rehabilitate himself; and 4) The lack of any criminal history before or after the time period identified by the applicant as emotionally traumatic. Staff's

recommendation is to grant initial certification to Affordable Arizona Divorce, LLC and include the above non-disclosure language.

8. Karen Fanty – Failed to disclose a 2002 bankruptcy. Ms. Fanty stated she was that she simply did not remember the bankruptcy. Review of the bankruptcy documents did not disclose any adversarial actions. Staff’s recommendation is to grant certification and include the above non-disclosure language.

9. SRF Enterprises (Susan R. Fowler) – Failed to disclose a 1996 bankruptcy action. Ms. Fowler indicated that the failure to disclose was an unconscious omission as she didn’t think of civil litigation involved bankruptcy. Review of the bankruptcy document did not disclose any adversarial actions. Applicant disclosed a March 2013 civil action wherein applicant was the plaintiff. The action involved a breach of contract and failure to maintain premises in a clean sanitary condition relative to a rental property. A judgment was entered in favor of the applicant. Staff’s recommendation is to grant certification and include the above non-disclosure language.

10. Marisela Munoz – Applicant disclosed being given a citation for DUI and Fail to Obey Flashing Red Stop Signal on 12/19/09. On July 13, 2010, applicant pled guilty to Reckless Driving and the Court dismissed the Fail to Obey Flashing Red Stop Signal. Application provide court documents which indicated that she paid fines, attended alcohol classes and traffic survival school. Therefore, it is recommended the Board grant initial certification.

11. Zusel E. Beyra - In the opinion of staff, the applicant has submitted a completed application with no deficiencies found and no information contrary to certification was discovered during the background investigation. However, Ms. Beyra’s eligibility for certification is based on her education and experience through employment in Cuba. She also submitted transcripts of her law degree conferred in Cuba, which was translated by a certified third party evaluator which indicated the degree is equivalent to a US bachelor’s degree as well as a detail description of her duties at each place of employment. Ms. Beyra has several years of practicing law. Ms. Beyra was invited to attend an informal interview with staff to assist in discerning the level of experience Ms. Beyra had and the types of legal document preparation she has done in her previous employment. A summary of the confirmed job duties have been included in the Board materials for your review. Although, staff understands that Ms. Beyra’s application and experience varies from the standard, it is believed that the applicant has had experience in the preparation of legal documents equal to or exceeding that which is provided for in the eligibility requirements of ACJA 7-208 (E). Therefore staff recommends that the Board grant initial certification to applicant, Zusel Beyra.

12. Regan Guthrie – Applicant disclosed on her application that she was involved in a divorce. However, during the background investigation it was discovered she has been arrested for the following:

- 1) Driving on suspended license and violation of promise to appear
- 2) Theft, forgery, fraudulent schemes and computer tampering
- 3) Issuing worthless checks
- 4) Assault

In addition, background investigation discovered the following civil actions:

- 5) Civil action regarding a dispute with a vendor
- 6) Six actions involving forcible entry/detainer

Staff requested information regarding these arrests and civil actions and Ms. Guthrie requested to withdraw her application. Applicant stated that she answered the question but didn't realize that she needed to list them individually. Applicant is currently involved in a criminal action regarding the theft, forgery, fraudulent schemes and computer tampering and due to the pending status of that case she has requested to withdraw her application. It is recommended the Board withdraw her application.

13. Michael Gauthier – Mr. Gauthier submitted an application for legal document preparer certification on November 10, 2014. An initial review of the application revealed that Mr. Gauthier appeared to lack the required training in order to be eligible for certification. After further discussions with Mr. Gauthier and the supervising legal document preparer documented on the application, it was determined that Mr. Gauthier did not have sufficient documentation of his training efforts to make a determination of eligibility. Mr. Gauthier has requested withdrawal of his application until such time as he is eligible for certification. Staff recommends that the Board grant Mr. Gauthier's request to withdraw his application.

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3) INITIAL CERTIFICATION AND ELIGIBILITY

3-B: Review, discussion and possible action regarding the following Business Entity Exemption Requests for the 2013-2015 certification period.

It is recommended the following Business Entity Exemptions be granted:

1. Affordable Arizona Divorce, LLC (Jessica Worley)
2. SRF Enterprises, LLC (Susan Fowler)

BOARD OF LEGAL DOCUMENT PREPARERS

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4) RENEWAL CERTIFICATION APPLICATIONS

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

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

1. Patricia Steward

The following renewal applications were received and processed for Board review:

2. **Patricia Taylor, Daniel Taylor and Guardian Estate Planning Service** - Disclosed filing an April 2010 Chapter 13 bankruptcy. The repayment plan started on May 1, 2010 and has a monthly payment of \$1,500 to the plan trustee. Also, disclosed having an action filed against him, as an independent insurance agent, his company and Forethought Life Insurance Company. The case involved Mr. Taylor's activities selling an annuity to the plaintiff. The plaintiff alleged she had Aviva annuity that she surrendered in August 2009 resulting in a large surrender penalty. She surrendered this annuity to purchase a subsequent annuity, Forethought annuity. Mr. Taylor and other defendants marketed the Forethought annuity as a better product because it had a 25% premium bonus. Plaintiff alleged 1) Breach of Fiduciary Duty, 2) Misrepresentation in Sale of Insurance, 3) Fraud, 4) Constructive Fraud, 5) Negligence, 6) Negligent Misrepresentation, 7) Unjust Enrichment, 8) Civil Conspiracy, 9) Respondeat Superior, 10) Aiding and Abetting.

Mr. Taylor denied these allegations stating plaintiff was not happy with the Aviva annuity for various reasons and that he discussed the Forethought annuity with plaintiff. Mr. Taylor indicated that these discussions included a description of the surrender penalties and the anticipated net amount flowing from Aviva to the Forethought annuity. Mr. Taylor also described to staff that prior to completing the purchase, Aviva sent a letter to plaintiff providing a detailed disclosure of the surrender penalties associated with the surrender and when plaintiff received the distribution check it reflected the actual surrender penalties incurred.

Staff also interviewed the plaintiff and her attorney regarding her allegations. Plaintiff stated that Taylor did not provide her with any documentation regarding the annuities or provided her with a side by side comparison. The only document provided was the benefits she would receive if she went with the Forethought Annuity. Plaintiff stated that she stands behind all her allegation in the complaint.

This case was settled on April 15, 2013, where the defendants returned the contract value of the Forethought annuity and paid a settlement payment of \$15,000. Taylor indicated that Forethought Life Insurance Company paid the settlement payment. The allegation revolves around disclosure made during the surrender and subsequent sale of annuities. There is conflicting evidence regarding the facts and staff does not believe it can either substantiate or rebut the facts alleged in plaintiff's complaint. Therefore, it is recommended to grant renewal of certification to Daniel Taylor, Patricia Taylor and Guardian Estate Planning Service.

3. **LegalZoom.com, Inc.** – On December 1, 2014, staff received an email from the business stating that it believes their business practices do not require to maintain certification and therefore, has requested to withdraw their renewal application. It is recommended the Board accept the withdrawal of the business renewal application.

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5) CERTIFICATION AND ELIGIBILITY

5-A: Review, discussion, and possible action regarding Findings of Fact, Conclusions of Law, and Recommendation in pending renewal certification application for Anna Anderson.

On October 16, 2014, the Honorable William O'Neil filed the attached Findings of Fact, Conclusions of Law and Recommendation. On November 24, 2014, the Board deferred this matter to the next meeting. Staff will provide a verbal recommendation at the meeting.

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5) CERTIFICATION AND ELIGIBILITY

5-B: *Review, discussion, and possible action regarding the Voluntary Surrender request received from the following certificate holders:*

1. *Janet Summers*
2. *Van Rylin Associates Inc.*
3. *Emil Estopare*
4. *Affordable Document Preparation, LLC*

On June 28, 2010, the Legal Document Preparer Board granted initial certification to Ms. Summers and her company, Van Rylin Associates Inc. On January 2, 2015, Ms. Summers submitted a request for consideration by the Board to accept the voluntary surrender of her individual and business certifications.

On June 24, 2003, the Legal Document Preparer Board granted initial certification to Mr. Estopare and on June 28, 2004 granted initial certification to his company Affordable Document Preparation, LLC. On January 12, 2015, Mr. Estopare submitted a request for consideration by the Board to accept the voluntary surrender of his individual and business certifications.

ACJA § 7-201 (E)(7) reads:

Voluntary Surrender. A certificate holder in good standing may surrender their certificate to the board. However, the surrender of the certificate is not valid until accepted by the board. The board or division staff may require additional information reasonably necessary to determine if the certificate holder has violated any provision of the statutes, court rules and this section or the applicable section of the ACJA. The surrender does not prevent the commencement of subsequent discipline proceedings for any conduct of the surrendered certificate holder occurring prior to the surrender.

Division records confirm there are no pending complaints against any of the above-named certificate holders. **Therefore, staff recommends the Board accept the voluntary surrenders for Janet Summers and Van Rylin Associates Inc and Emil Estopare and Affordable Document Preparation, LLC.**

BOARD OF LEGAL DOCUMENT PREPARERS
Agenda Summary - Monday, January 26, 2015

6) ADMINISTRATIVE ISSUES

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

Staff will provide an update to the Board.