

BOARD OF LEGAL DOCUMENT PREPARERS

Meeting Agenda – Monday, May 22, 2017

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 March 27, 2017.

2) PENDING COMPLAINTS.....Division Staff

2-A: Review, discussion and possible action regarding request for reconsideration from Christopher Fortier concerning Complaint Number 14-L006.

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

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

1. Affordable Documents AZ, LLC
2. A-Z Legal Documents and Services
3. Michael Prior
4. Don Andy Thacker
5. Personalized Legal Document Preparer, LLC
6. Makia White
7. Laurentina Fonseca
8. Diana Morrison
9. Tri-State Paralegal Services, LLC
10. Cheri Smith
11. Aaron Gordon
12. Watermark Estate Planners, LLC
13. Money Never Sleeps, LLC

- 14. Union Estate Planning (Jennifer Skidmore)
- 15. Jaron Perkins

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

4-A: Review, discussion and possible action regarding the application for renewal of individual legal document preparer certification for David Lerma.

5) CERTIFICATION AND ELIGIBILITY*Division Staff*

5-A: Review, discussion and possible action regarding request for Inactive Status from the following certificate holders:

- 1. Viviana Arriola
- 2. Bruce Evers
- 3. Anita Meyer
- 4. Pamela Poetker
- 5. John Price
- 6. Heather Tripp
- 7. HLT Enterprises, LLC (Heather Tripp)
- 8. Tracey Kokumo Craig
- 9. Cheaper Than A Lawyer, LLC (Tracey Kokumo Craig)

5-B: Review, discussion and possible action regarding request for waiver of continuing education requirements from the following certificate holders:

- 1. Sheila Webster
- 2. Ermila Garza-O'Neil
- 3. Jeannie Benavente

6) ADMINISTRATIVE ISSUES.....*Division Staff*

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

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

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1) REVIEW AND APPROVAL OF MEETING MINUTES

1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of March 27, 2017.

A draft of the regular session minutes for the meeting of March 27, 2017, is attached for the Board's review and consideration.

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2) PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding request for reconsideration from Christopher Fortier concerning Complaint Number 14-L006.

On July 21, 2014, considering determinations made by Staff as a result of the investigation in complaint 14-L006, the Board voted to deny the renewal application for Christopher Fortier and his business Alliance Legal Services, LLC. Staff's determinations were based on Mr. Fortier's failure to complete certain work for a customer and criminal conduct involving assault with a knife and the theft of an automobile that led to his arrest. Mr. Fortier did not request a hearing.

On May 5, 2017, the Division received correspondence from Mr. Fortier in which he asserts certain mental health issues and indicates the Board should reconsider its July 21, 2014 finding. Staff would note that Mr. Fortier currently remains in the Arizona State Hospital.

Staff notes that Mr. Fortier will need to submit a new application if he seeks to pursue this request, and, therefore, Staff recommends that the Board defer consideration of this matter until such time. It is also recommended the Board direct Staff to respond to Mr. Fortier informing him of the Board's decision concerning his request.

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3) INITIAL CERTIFICATION AND ELIGIBILITY

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

1. Affordable Documents AZ, LLC's Principal, Mark Bluemke, applied for initial legal document preparer business certification and business entity exemption. At this time, the company is in good standing with the Arizona Corporation Commission. This company was previously certified and withdrew on February 22, 2010.

The Division recommends granting initial certification and business entity exemption to Affordable Documents AZ, LLC, starting July 1, 2017, for the 2017-2019 renewal period.

2. A-Z Legal Documents and Services - Janielle Avila-Sedoris was initially certified on October 17, 2016. Ms. Avila-Sedoris applied as a principal for A-Z Legal Documents and Services and also applied for business entity exemption. The company is in good standing with the Arizona Corporation Commission and has no other legal document preparers and no trainees or members.

The Division recommends granting initial certification to A-Z Legal Documents and Services and also recommends approval of business entity exemption.

3. Michael Prior applied for initial legal document preparer certification and meets the minimum experience and educational standards.

The Division recommends granting initial certification to Michael Prior, starting July 1, 2017, for the 2017-2019 renewal period.

4. Don Andy Thacker and
5. Personalized Legal Document Preparer, LLC

Don Andy Thacker applied for initial legal document preparer certification. Mr. Thacker meets the minimum experience and educational standards as set forth in code. Mr. Thacker disclosed a 1988 dissolution of marriage and a 1988 bankruptcy that contained no adversarial proceedings.

Personalized Legal Document Preparer, LLC, applied for business entity certification. Don Andy Thacker is the company's principal. Personalized Legal Document Preparer, LLC, is in good standing with the Arizona Corporation Commission and meets the minimum requirements under the code.

The Division recommends approval of initial certification for Andy Don as well as business certification for Personalized Legal Document Preparer, LLC, with the business entity exemption with an effective date of July 1, 2017, pending that the remaining balance of \$325.00 is submitted to Division by the June 30, 2017 deadline.

6. Makia White applied for initial legal document preparer certification. Ms. White passed the examination and has met the minimum experience standards required under Code. Ms. White disclosed four cases in which she was listed as a defendant that were debt or forcible detainer related. Ms. White also disclosed four other cases in which she was listed as a plaintiff. The Division does not believe any of these cases involve matters which would affect a certification decision. Ms. White also disclosed a 2000 Bank of America work termination and stated "I was terminated from Bank of America because I was late to work."

The Division recommends granting initial certification to Makia White.

7. Laurentina Fonseca applied for initial legal document preparer certification. Ms. Fonseca passed the Court examination, met the minimum education and experience requirement and provided the documents required for certification.

Ms. Fonseca has submitted two applications on two separate occasions, November 2, 2016 and January 19, 2017. On Ms. Fonseca's first application, she failed to provide a 2" X 2" head and shoulders picture of herself. Ms. Fonseca disclosed on the application that she was terminated from American Express in January 1989, because of time sheet errors that she asserts were her bosses' responsibility. Ms. Fonseca also disclosed that she was suspended for one day in 2013, for not meeting "Average Handling Call Time" while working for Maricopa County Animal Care and Control.

Ms. Fonseca also disclosed she had been a party to or claimed an interest in any civil proceedings (including but not limited to orders of protection, dissolution of marriage/family matters, bankruptcy, law suits, debt collection, etc.) but provided no explanation or documents to the Division.

The Division contacted Ms. Fonseca and requested the picture and additional information regarding the termination, suspension and civil actions. On December 21, 2016, Ms. Fonseca said she had recently moved and much of the information the Division wanted was in storage. In that conversation, Ms. Fonseca admitted that the bankruptcy and dissolution of marriage that the Division's investigation had uncovered were hers. In addition, she disclosed three dissolution of marriages. During this phone call, Ms. Fonseca became aware that she gave the Division an incomplete application.

On January 19, 2017, Ms. Fonseca hand delivered a new application complete with a 2" x 2" picture and 12 disclosures. Ms. Fonseca disclosed the 1989 termination from American Express, a 1990 bankruptcy, a 1990 termination from Hi Health, 1991, 2000 and 2011 Dissolutions and a 1993 Petition to Establish Child Support. She also disclosed that in 1995, she was laid off from the Governor's Office, a 2004 Order of Protection (with Ms. Fonseca as the Defendant which was dismissed), a 2009 Guardianship for Adult Daughter, and a 2014 probation from APAC.

With regards to Ms. Fonseca's November 2, 2016 application, Division staff requested additional information on the dissolutions of marriage, bankruptcy and a picture. Ms. Fonseca, in her January 19, 2017 application and otherwise, provided her information. In addition, she provided other information unknown to the Division and without being asked to disclose the information. While the November 2, 2016 application had multiple failures to disclose and were concerning, the Division believes that those failures are mitigated by the disclosures in the January 19, 2017 application.

The Division recommends granting initial certification to Laurentina Fonseca with non-disclosure language.

8. Diana Morrison and
9. Tri-State Paralegal Services, LLC

Diana Morrison submitted complete applications for certification for herself and her business, Tri-State Paralegal Services, LLC as well as an application for business entity exemption for her business. Ms. Morrison has demonstrated she meets the minimum eligibility requirements for standard certification. Ms. Morrison disclosed a 2009 termination from the Laughlin Ranch, two civil suits in 2008 and 2009, where she was the Plaintiff trying to collect unpaid wages, and a 2009 civil suit, in which she was the Defendant, regarding a lease agreement.

The Division recommends granting initial certification to Diana L. Morrison and her business, Tri-State Paralegal Services, LLC with a business entity exemption.

10. Cheri R. Smith applied for initial legal document preparer certification. Ms. Smith has passed the examination, met the training requirement, answered certification questions and provided required documents. Ms. Smith disclosed a 2001 termination from Walgreens for failing a drug test; and two DUI convictions, one in 2002 and one in 2008; a 2002 dissolution of marriage and a 2011 driving on a suspended license.

Ms. Smith disclosed all matters. The illegal conduct related to substance abuse all occurred more than 9 years ago.

The Division recommends granting initial certification to Cheri R. Smith, starting July 1, 2017, for the 2017-2019 renewal period.

11. Aaron Gordon and
12. Watermark Estate Planners, LLC

Aaron Gordon applied for individual legal document preparer certification which demonstrates that he meets the minimum education and experiences requirements for certification. The applicant failed to disclose a 2013 civil justice court case in which he was listed as a plaintiff, a 1999 civil superior court case in which he was listed as a defendant and a 2002 bankruptcy that contained no adversarial proceedings.

Mr. Gordon stated that the 2013 justice court case, involved a rental property in which the landlord he was renting from, failed to repay his deposit. Mr. Gordon stated that he took it to small claims court and “it only lasted like 7-10 minutes.” He stated the reasoning for not disclosing the case “was a complete oversight of my fault.” “When filling out my application this justice court case was not on my mind because it was so brief.”

For the 1999 civil superior court case, Mr. Gordon stated that L & A Services, Inc., took him to court because there was a contract in which he was not allowed to reach out and communicate to his clients after his departure of the company. Mr. Gordon stated the following, “When those clients stayed with me I was found at fault by the court for breach of my contract.” Mr. Gordon stated that he had to pay a settlement but could not recall the amount. He stated that the settlement agreement had been satisfied and that’s what led to him filing a business bankruptcy.

Mr. Gordon stated that the case was extensive and that even his father was involved. He stated that previously to being involved in the case he had served in the Navy and had just gotten out of college and was relatively new to the regular workforce. He stated that just “being out in the regular workforce and being ligated was very scary and it was very expensive.” He stated that when the bankruptcy discharged in 2003, and “my understanding was that I did not have to list the bankruptcy.” “It wasn’t by design and not being truthful.” “After the litigation my understanding was after a discharge the clock starts ticking and that is a period of ten years and that is the reason I didn’t add it.” When Division Staff questioned Mr. Gordon if there was any confusion in regards to the question on the application that asks if he was ever involved in an civil cases he stated, “looking back at it no, it’s pretty clear now.”

Mr. Gordon also submitted a business application for Watermark Estate Planners, LLC. The business was shown in good standing with the Arizona Corporate Commission. Mr. Gordon also submitted a request for a business entity exemption.

The Division finds it troubling that Mr. Gordon failed to disclose several cases on his applications. Mr. Gordon created misrepresentation when he failed to disclose three out of four cases on his applications with the solely exception of disclosing an ongoing child support case. Furthermore, one of the cases included allegations of fraud and financial misconduct against Mr. Gordon. Mr. Gordon was not able to articulate and provide Division Staff a reasonable explanation on why it was not disclosed on both of his applications.

Based on the foregoing, the Division recommends denying legal document preparer certification to applicant, Aaron Gordon and his business, Watermark Estate Planners, LLC, pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(xv), for failing to disclose information on the certification application subsequently revealed through the background check.

13. Money Never Sleeps, LLC. applied for initial certification. The company has two “members” Jennifer Skidmore, the Designated Principal/LDP and her husband Mr. Jeffrey A. Skidmore a non-certified member/manager.

Staff’s investigation uncovered that Mr. Skidmore had been arrested for theft. Staff looked at Mr. Skidmore’s court case at the Phoenix Municipal Court, case #CR2011000387 State of Arizona vs.

Jeffrey Allen Skidmore. The case ended with a “Deferred Prosecution Agreement.” The case was dismissed with prejudice.

The Board considered this application at the January 23, 2017 meeting and deferred its decision wishing to speak to Mr. Skidmore.

Since the Board’s request for an interview, Ms. Skidmore has requested to withdraw the Money Never Sleeps, LLC application. Ms. Skidmore also sent in an application for Union Estate Planning, LLC, where she is the only member.

Staff recommends the Board grant the request to withdraw the application for Money Never Sleeps, LLC.

14. Union Estate Planning applied for initial business legal document preparer certification and business entity exemption. Jennifer Skidmore is the Designated Principal/LDP. The application is complete and the applicant meets the minimum eligibility requirements for standard business entity certification.

The Division recommends granting initial business entity certification to Union Estate Planning and also recommends approval of business entity exemption.

15. Jaron Perkins application was presented at the March board meeting where the Board voted to defer the matter and requested Mr. Perkins be present for an interview.

Mr. Perkins applied for initial legal document preparer certification and demonstrated he meets the minimum qualifications for certification. The applicant failed to disclose two dissolutions of marriage, a bankruptcy case and an injunction of harassment. The bankruptcy was filed in 2003, had no adversarial proceedings, and has since been terminated. Mr. Perkins stated that he did not disclose the bankruptcy because “it was so long ago I didn’t think I had to disclose it.” The first dissolution of marriage was filed in 2002 but was dismissed due to being on the “inactive calendar” for an extended period. The second dissolution of marriage was filed in 2007. Mr. Perkins stated that he did not disclose the dissolution of marriage because “they occurred a long time ago and it was an honest mistake.” The injunction of harassment was filed on 2013 and Mr. Perkins was listed as the plaintiff. Mr. Perkins stated that he didn’t disclose the injunction of harassment case because he was told by a judge that it was “null and void.” When Mr. Perkins was interviewed by the Division, he informed Staff that he did not fully read the question that asks if the applicant has ever been listed as a party in any civil proceedings. Mr. Perkins stated that “instead of reading it fully I kinda of stopped right there” pointing in the vicinity of the first sentence for that particular question. He also stated the following, “So that’s definitely on me. It was an honest mistake. I’m very thorough and have done thousands and thousands of affidavits” and “only once messed up on a case number.” (This refers to his work as a process server.) “It was an honest mistake for missing that question.”

During the investigation process it was discovered that Mr. Perkins is currently a certified process server, his application and supporting documents were requested by the Division. The Initial Process Server Application was submitted to the Process Server Certification Unit on July 10,

2014, just a little over two years before Mr. Perkins submitted his LDP application. In the process server application, the Division discovered several inconsistencies. Mr. Perkins listed two “driver” jobs, one for Duncan and Son Lines with work dates March 2012 to July 2012, and Mr. Bults Inc. with work dates July 2012 to January 2013. Both of these jobs were omitted from his LDP application. Mr. Perkins also listed his employment dates on his process server application for Chase Bank with a starting date of May 2000 to November 2009 and for Progressive Insurance with a start date of January 2013 to Current. However, on his LDP application the dates listed for Chase Bank are May 2000 to February 2012 and for Progressive Insurance February 2012 to February 2014. Mr. Perkins stated the following, “I did not intentionally move the dates . . . I knew I worked there but did not grab my resume and went off by my best guess” and “Those were my roundabout dates” and that “there were some jobs I forgot about.”

Mr. Perkins was also asked about some missing information by the Process Server Certification Unit with regard to a failure to appear charge that he omitted from that application. Mr. Perkins responded to them stating “Once again, I do apologize and I don’t want this matter to appear that I intentionally lied about my past. I’m a man of my word and liar is something that I am not and I take great pride in that.”

Based on the foregoing, the Division recommends denying legal document preparer certification to applicant, Jaron Perkins, pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(xv), for his failure to disclose information on the certification application subsequently revealed through the background check.

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4) RENEWAL CERTIFICATION APPLICATIONS

4-A: Review, discussion and possible action regarding the application for renewal of individual legal document preparer certification for David Lerma.

David Lerma has met the minimum standard for his renewal as an LDP. Mr. Lerma disclosed a civil superior court in which he is listed as a defendant with allegations of breaching a contract. Mr. Lerma stated that he entered into a business partnership with the plaintiffs to jumpstart a business and that their initial investment would be in the sum of \$50,000. Mr. Lerma had an agreement with the plaintiffs that if the business succeeded, they would recover their initial investment from the operation of the business. If the business did not succeed, his former business partners would get their initial investment back. Mr. Lerma stated that his former business partners decided to back out of the partnership agreement, but they also demanded that their investment money be paid back.” The court ruled in favor of the plaintiffs to the sum of \$56, 500. Mr. Lerma stated, “I will continue making these payments until I satisfy the amount of the judgment.”

The Division recommends granting renewal of certification for David Lerma.

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5) CERTIFICATION AND ELIGIBILITY

5-A: Review, discussion and possible action regarding request for Inactive Status from the following certificate holders:

1. Viviana Arriola
2. Bruce Evers
3. Anita Meyer
4. Pamela Poetker
5. John Price
6. Heather Tripp
7. HLT Enterprises, LLC (Heather Tripp)
8. Tracey Kokumo Craig
9. Cheaper Than A Lawyer, LLC (Tracey Kokumo Craig)

The Division has confirmed there are no pending complaints filed against the above-named certificate holders.

The Division recommends that the Board accept the requests and place the above-named certificate holders on Inactive Status.

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5) CERTIFICATION AND ELIGIBILITY

5-B: Review, discussion and possible action regarding request for waiver of continuing education requirements from the following certificate holders:

1. Sheila Webster, due to health issues, is requesting that the Board grant her an extension to complete her deficient CE from the previous renewal period. Ms. Webster is requesting a 90-day extension to complete her deficient CE.

The Division recommends the Board grant Ms. Webster's CE extension to 90 days, effective from today's Board date, to complete her deficient CE. The deficient CE Ms. Webster completes will not be credited for the 2017-2019 renewal period.

2. Ermila Garza-O'Neil was initially certified on January 23, 2017 and had to complete all 10 hours of her continuing education by continuing education period deadline of April 30, 2017.

Ms. Garza-O'Neil stated that undertaking and caring for her daughter and 7 month old grandson has been real hard on her and she was only able to complete 7.5 hours of CE, thus leaving her deficient by 2.5 hours. Ms. Garza- O'Neil is requesting that the Board grant her an extension to complete her deficient CE from the previous renewal period. Ms. Nicholson is requesting additional time and stated that she will have completed the 2.5 hours of deficient CE by June 30, 2017.

The Division recommends the Board grant Ms. Garza-O'Neil's CE extension to have her deficient CE completed by June 30, 2017. The deficient CE Ms. Garza-O'Neil completes, will not be credited for the 2017-2019 renewal period.

3. Jeannie Benavente contacted the Division and said she had not completed her CE because she mistakenly thought she could complete her CE by the end of May. The CE is due by the end of April. Ms. Benavente sent an email stating that she is a single mother who works a full time job, as well as prepares legal documents. That she had issues with her two sons regarding school, and was also caring for a sick relative.

Ms. Benavente asked the Division what she could do to mitigate her failure to complete her CE on time. The Division recommended that she should complete as much of her CE as possible before the LDP Board meeting.

Ms. Benavente has provided the Division with a receipt for 20 hours of OnDemand CE, which she needed certificates of completion on. In her last communication to the Division on May 17th, she stated that she "did exactly that! I already printed out the certificate for the first 6 hours and I'm about to do the second 6 hours. Then tonight and tomorrow, I will work on the last 8 hours. (They are all on-demand seminars)."

The Division recommends Ms. Benavente be granted until the end of the renewal period to complete her CE with no remedial actions because she disclosed before May 15, 2017, and has worked hard to correct her CE deficiency.