

BOARD OF LEGAL DOCUMENT PREPARERS

Meeting Agenda – Monday September 24, 2018

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 July 16, 2018.

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

2-A: Review, discussion and possible action regarding complaint numbers 17-L017 and 17-L018, involving certificate holders Georgiana Aguilar and AZ Legal Documents by JoJo.

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:

- | | |
|-------------------------|-----------------------|
| 1. Kimberly Gandy-Quinn | 6. Catherine Turchan |
| 2. Idoteyen Sodimu | 7. Shawn Riley |
| 3. Kristyn Carmichael | 8. Anthony Mends Jr. |
| 4. Tara Tracy | 9. Pro Per Forms, LLC |
| 5. Sandra Messer | |

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

4-A: Review, discussion and possible action regarding the following applications for renewal of individual and/or business entity legal document preparer certification:

- | | |
|----------------------|---|
| 1. 1Eighty Labs, Inc | 4. Capital Consultants Management Corporation |
| 2. Anderson, Anna | 5. Carlton, Elaine |
| 3. Bluemke, Mark | |

6. CB Document Preparation, LLC
7. Ciardullo, Patsy
8. Community Asset Management LLC
9. Construction Notice Services, Inc.
10. Family Tree Planning, LLC
11. Fishgold, Valerie
12. Flores, Patricia
13. Gerdes, Charlotte
14. Griffin, Debra
15. Koch, Cherie
16. Kort, Lori
17. Law & Reed CPSs, PC
18. National Document, LLC
19. Nielsen, James
20. Ogden Services Incorporated
21. Patricia Flores, LLC
22. Pope, Debra
23. Premier Documents, LLC
24. Roff, Victoria
25. Smith, Brenda
26. Smith, Edward

27. Smith, Jill
28. Steward, Donald
29. Tenny, Melissa
30. Thomas, Jerry
31. Torres, Juan
32. Tucson Managerial Solutions and Services, LLC
33. Ulibarri, Betty
34. Whitley, Jane
35. Why Pay Attorneys, LLC
36. Zambrano, Concepcion
37. Julia Navarro
38. AZ Paralegal Services, LLC
39. Doven Associates, Inc
40. Essential Estate Plans, LLC
41. Griffin Paralegal Services, LLC
42. Karla's Paralegal Service
43. Laguna Business Service, LLC
44. Legal Documents Made Simple LLC
45. Northstar Management Group, Inc.
46. Paralegal Consultants, Inc.

5) CERTIFICATION AND ELIGIBILITY*Division Staff*

5-A: Review, discussion and possible action regarding requests for Voluntary Surrender from Jacqueline Reynolds.

6) ADMINISTRATIVE ISSUES

6-A: Review, discussion and possible action regarding the establishment of the 2019 Board meeting schedule.

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

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

BOARD OF LEGAL DOCUMENT PREPARERS
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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 July 16, 2018.

A draft of the regular session minutes for the meeting of July 16, 2018, has been provided for the Board's review and consideration.

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Agenda Summary - Monday, September 24, 2018

2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding complaint numbers 17-L017 and 17-L018, involving certificate holders Georgiana Aguilar and AZ Legal Documents by JoJo.*

The Division received this complaint on July 12, 2017. The complainant in this matter is a Superior Court Judge. The consumer requested Ms. Aguilar prepare modifications to child custody documents and filed an injunction against his ex-spouse which forbade her from removing the child out of Arizona. The Superior Court Judge says the action was not only inappropriate but lacked the proper documentation.

Ms. Aguilar admits she knew of many of the problems the consumer had when he requested assistance including not having original copies of some documents. Ms. Aguilar said she attempted to dissuade the consumer based upon the omissions but claimed he “wanted to try it anyway.” In her written response and interview, Aguilar said she did nothing wrong and only prepared the documents to her consumer’s request. One of Judge’s complaints was the consumer did not have certified copies of some documents which Ms. Aguilar said she discussed with him. Ms. Aguilar claims the consumer insisted he wanted to proceed anyway and “take his chances.” The other issue was the “Preliminary Injunction” which the Judge said was inappropriate, however, Ms. Aguilar claims the consumer again insisted the motion be filed due to his concerns of his ex-wife potentially fleeing Arizona rather than complying.

In a conversation with the Clerk’s office, a “Preliminary Injunction” is normally used in the initial stages of a Divorce decree and forbids certain actions from both parties until the divorce is finalized. The Clerk’s office noted it has never seen one in subsequent modification petitions noting there are other forms which can be used or modified in cases of exigency.

On August 21, 2018, the Probable Cause Evaluator determined that probable cause existed as to Allegation 2 in that Ms. Aguilar ACJA § 7-208(J)(5)(a) by preparing an improper form of document, the Probable Cause Evaluator further determined that probable cause did not exist as to Allegation 1.

Recommendation:

Staff recommends the Board dismiss Allegation 1 and issue a Censure as to Allegation 2 as further described in the Directors recommendation.

BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Thursday, September 24, 2018

3) INITIAL CERTIFICATION AND ELIGIBILITY

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

1. Kimberly Gandy-Quinn applied for initial individual legal document preparer certification. The applicant successfully passed the program examination and submitted a complete application demonstrating that she meets the minimum education and experience requirements.

The Division recommends approval of initial legal document preparer certification for Kimberly Gandy-Quinn.

2. Idoteyen Sodimu applied for initial individual legal document preparer certification. The applicant successfully passed the program examination and submitted a complete application demonstrating that she meets the minimum education and experience requirements. Ms. Sodimu disclosed a 2009 dissolution of marriage. Ms. Sodimu holds a Juris Doctorate degree from Summit Law School.

The Division recommends approval of initial legal document preparer certification for Ms. Sodimu with the following cautionary language:

On September 24, 2018, the Board of Legal Document Preparers granted your application for certification. In doing so, the Board instructed Staff to caution you concerning the terms of ACJA §7-208(J)(5)(c) which prohibits the use of the terms JD, Esq., law office or other similar terms.

3. Kristyn Carmichael applied for initial individual legal document preparer certification. The applicant successfully passed the program examination and submitted a complete application demonstrating that she meets the minimum education and experience requirements. Ms. Carmichael has attained her J.D. degree from the Michigan State University School of Law and is currently an active attorney in good standing within the state of Arizona with no prior history of discipline.

The Division recommends approval of initial legal document preparer certification for Kristyn Carmichael, with the following cautionary language:

On September 24, 2018, the Board of Legal Document Preparers granted your application for certification. In doing so, the Board instructed Staff to caution you concerning the terms of ACJA §7-208(J)(5)(c) which prohibits the use of the terms JD, Esq. law office or other similar terms. As a member of the Arizona

State Bar, the Board's certification actions are not intended to address any responsibilities or ethical obligations you may have as a licensed member.

4. Tara Tracy applied for initial individual legal document preparer certification. The applicant successfully passed the program examination and submitted a complete application demonstrating that she meets the minimum education and experience requirements. Ms. Tracy disclosed several civil cases, to include four criminal matters as well as three injunctions of harassment in which she was listed as a defendant.

Ms. Tracy was charged and convicted in a 1994 public aid fraud case when it was discovered that she had been taking money that she was not entitled to. Ms. Tracy stated that, in 1992 she was a single, low-income mother when she started collecting public assistance from the state of Illinois. Ms. Tracy stated that that she had started reconciling with her recently separated husband and didn't think she was wrongfully collecting the assistance as she was unsure of how long he would reside with her and was unclear if he was considered "domiciled." It was later determined that Ms. Tracy wrongfully collected assistance for a month and a half, was subsequently convicted of a misdemeanor charge and had to remit \$1,500.00 back to the state.

Ms. Tracy was charged with a misdemeanor in 1999 for domestic violence for slapping her husband after a dispute and was given a 12-month conditional discharge with a \$459.00 fine, with which she complied. In 1999 Ms. Tracy was charged with a misdemeanor damage to property charge for throwing a brick into an unaccompanied residence after a dispute with her former significant other. The charges were dismissed, and Ms. Tracy stated that she attended counseling shortly thereafter. Ms. Tracy was also charged and convicted in a 1999 misdemeanor for "deceptive practice" when she used two NSF checks in the amounts of \$84.67 and \$22.62 in a grocery store. Ms. Tracy paid the fines and stated that, during this time frame she was going through a divorce and still using a shared account with her husband. Through poor record keeping, she inadvertently used checks that were not backed by cash.

In 2010 Ms. Tracy was listed as a defendant in three injunctions of harassment. Two of the injunctions of harassment were made by former neighbors and the other involved a matter in which Ms. Tracy feared that a minor was being mistreated. None of the injunctions were violated or renewed.

Ms. Tracy's criminal matters occurred over 19 years ago and, at the conclusion of Division's investigation, she has not incurred any criminal charges or convictions. Ms. Tracy fully disclosed her past conduct. Ms. Tracy has since gained meaningful employment working for various law firms and has stated she is about halfway done with her paralegal certificate from Rio Salado College.

The Division recommends approval of initial legal document preparer certification for Tara Tracy.

5. Sandra Messer applied for initial individual legal document preparer certification. The applicant successfully passed the program examination and submitted a complete application demonstrating that she meets the minimum education and experience requirements. Ms. Messer

failed to disclose a 2007 dissolution of marriage. Ms. Messer stated that it was an oversight and that she had misread the background question.

The Division recommends approval of initial legal document preparer certification for Sandra Messer with the standard non-disclosure language.

6. Catherine Turchan applied for initial individual legal document preparer certification. The applicant successfully passed the program examination and submitted a complete application demonstrating that she meets the minimum education and experience requirements. Ms. Turchan is currently an active attorney in good standing in the state of Maryland and holds a Juris Doctorate degree from the Columbus School of Law.

Ms. Turhcan failed to disclose three civil matters in which she was listed as a party. These matters included a 2005 petition for a dissolution of marriage a 2007 dissolution of marriage and a 2010 Lower Court Appeal matter that was filed in the Maricopa County Superior Court in which Ms. Turchan was listed as the defendant/appellant. Ms. Turchan stated this was concerning a speeding ticket stemming from the Scottsdale Municipal Court. Ms. Turchan apologized for the oversight stating that she had misread the background question.

The Division recommends approval of initial legal document preparer certification for Catherine Turchan with the standard non-disclosure language as well as the following cautionary language:

On September 24, 2018, the Board of Legal Document Preparers granted your application for certification. In doing so, the Board instructed Staff to caution you concerning the terms of ACJA §7-208(J)(5)(c) which prohibits the use of the terms JD, Esq. law office or other similar terms. As a member of the Maryland State Bar, the Board's certification actions are not intended to address any responsibilities or ethical obligations you may have as a licensed member.

7. Shawn Riley applied for initial individual legal document preparer certification. The applicant successfully passed the program examination and submitted a complete application demonstrating that she meets the minimum education and experience requirements. Mr. Riley disclosed a 2005 bankruptcy that contained no adversarial proceedings. Mr. Riley failed to disclose four debt related matters. Two of these cases were filed in 2004 with the Maricopa County Superior Court and were included in Mr. Riley's 2005 bankruptcy case. The other two were justice court matters that were filed in 2015 and have since been adjudicated.

Mr. Riley stated he failed to answer his application in the proper manner with no intentions of deceit and that he might have misread the application questions. Mr. Riley also felt he had partially disclosed both 2004 Superior Court matters as they were included in the bankruptcy that he had initially disclosed.

The Division recommends approval of initial legal document preparer certification for Shawn Riley with the standard non-disclosure language.

8. Anthony Mendes Jr. applied for initial individual legal document preparer certification on July 6, 2018 and submitted an application that demonstrated he did not meet the minimum eligibility requirements for certification. Based on Mr. Mendes Jr.'s educational background, he would need to demonstrate that he had at least one year of law-related experience in one or a combination of the following situations:

- (i) Under the supervision of a licensed attorney;
- (ii) Providing services in preparation of legal documents prior to July 1, 2003;
- (iii) Under the supervision of a certified legal document preparer after July 1, 2003;
- or
- (iv) As a court employee.

Mr. Mendes Jr. was made aware of the deficiency and stated that he thought that his time as a law enforcement officer/agent would have satisfied the requirement of working under the supervision of a licensed attorney. Mr. Mendes Jr. stated, "during my time at ICE my duties was to enforce the immigration laws and make sure it was in guidelines. If there was any doubt I would contact the on-duty attorney whom would make sure I was obeying the laws."

Based on the foregoing, Staff's recommendation is to deny legal document preparer certification to applicant, Anthony Mendes Jr., pursuant to ACJA § 7-201(E)(2)(c)(1), for failing to meet the qualifications and eligibility requirements as outlined in ACJA § 7-208(E).

9. Pro Per Forms, LLC applied for business legal document preparer certification. Brandee Berry is listed as the designated principal. Pro Per Forms, LLC has also applied for a business entity exemption. The company is in good standing with the Arizona Corporation Commission and has no other legal document preparers or trainees listed on the application. Pro Per Forms, LLC's designated principal failed to disclose two petitions for dissolution of marriage that occurred in 2005 and 2008 as well as a 2007 Maricopa County Superior Court case regarding an unpaid debt in which she is listed as a defendant. Ms. Berry stated that she failed to disclose the dissolutions as they were dismissed and were never finalized and didn't think they had to be disclosed. Ms. Berry further stated that she simply forgot about the 2007 civil case as it occurred years ago and was dismissed.

The Division recommends approval of initial legal document preparer certification for Pro Per Forms, LLC with the standard non-disclosure language and recommends approval of the Business Entity Exemption.

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4) RENEWAL CERTIFICATION APPLICATIONS

4-A: Review, discussion and possible action regarding the following applications for renewal of business entity and/or individual legal document preparer certification:

The following individual certificate holders and business entities have submitted applications for renewal of standard certification. The applications are complete, no information has been presented during a background review which is contrary to standard certification being granted and the certificate holders have demonstrated they meet the minimum eligibility requirements for standard certification. It is recommended renewal of standard certification be granted to the following individuals:

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|---|---|
| 1. 1Eighty Labs, Inc | 19. Nielsen, James |
| 2. Anderson, Anna | 20. Ogden Services Incorporated |
| 3. Bluemke, Mark | 21. Patricia Flores, LLC |
| 4. Capital Consultants Management Corporation | 22. Pope, Debra |
| 5. Carlton, Elaine | 23. Premier Documents, LLC |
| 6. CB Document Preparation, LLC | 24. Roff, Victoria |
| 7. Ciardullo, Patsy | 25. Smith, Brenda |
| 8. Community Asset Management LLC | 26. Smith, Edward |
| 9. Construction Notice Services, Inc. | 27. Smith, Jill |
| 10. Family Tree Planning, LLC | 28. Steward, Donald |
| 11. Fishgold, Valerie | 29. Tenny, Melissa |
| 12. Flores, Patricia | 30. Thomas, Jerry |
| 13. Gerdes, Charlotte | 31. Torres, Juan |
| 14. Griffin, Debra | 32. Tucson Managerial Solutions and Services, LLC |
| 15. Koch, Cherie | 33. Ulibarri, Betty |
| 16. Kort, Lori | 34. Whitley, Jane |
| 17. Law & Reed CPSs, PC | 35. Why Pay Attorneys, LLC |
| 18. National Document, LLC | 36. Zambrano, Concepcion |

37. Julia Navarro applied for legal document preparer (LDP) renewal certification. The applicant has submitted a complete renewal application and the applicant's background has been investigated for the renewal period.

Ms. Navarro answered "Yes" on her renewal application indicating the applicant had completed the required continuing education (CE) in the Applicant Continuing Education Affidavit. Ms. Navarro was audited for CE. When the applicant produced their CE, Navarro was deficient 5 hours.

Division recommends that renewal LDP certification be granted to Julia Navarro with CE Remedial Actions.

Continuing Education Remedial Actions:

- The applicant will pay a \$50 CE late fee (Check or MO payable to the Arizona Supreme Court).
- The applicant will make up their deficient CE within 90 days after CE Remedial Actions are approved by the Board. The applicant will submit deficient CE to Division for approval/compliance with remedial actions. In this case the Board has approved your late CE submission and your deficient CE is complete and approved by the Board.
- The applicant will submit their CE annually for the next renewal period. Their CE is due on or before:

May 30, 2018 for the May 1, 2017 thru April 30, 2018 reporting period.

May 30, 2019 for the May 1, 2018 thru April 30, 2019 reporting period.

The following business entities have submitted applications for renewal of standard certification and business entity exemption extension. The applications are complete; no information has been presented during the background which is contrary to renewal certification being granted. The business entities have demonstrated they meet the minimum eligibility requirements for renewal certification. It is recommended the Board grant renewal of standard certification and business entity exemption extension to the following business entities:

38. AZ Paralegal Services, LLC
39. Doven Associates, Inc
40. Essential Estate Plans, LLC
41. Griffin Paralegal Services, LLC
42. Karla's Paralegal Service
43. Laguna Business Service, LLC
44. Legal Documents Made Simple LLC
45. Northstar Management Group, Inc.
46. Paralegal Consultants, Inc.

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5) CERTIFICATION AND ELIGIBILITY

5-A: *Review, discussion and possible action regarding requests for Voluntary Surrender from Jacqueline Reynolds.*

Jacqueline Reynolds was granted certification on September 25, 2017. On August 6, 2018, the Division received Ms. Reynold's request to voluntarily surrender her certification.

ACJA § 7-201(E)(7) reads:

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 indicate that there are no pending complaints against her certification.

It is recommended the Board accept the request of Jacqueline Reynolds to voluntarily surrender her legal document preparer certification.

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6) ADMINISTRATIVE ISSUES

6-A: Review, discussion, and possible action regarding the establishment of the 2019 Board meeting schedule.

The Legal Document Preparer Board is asked to consider and approve the 2019 meeting calendar.

Therefore, it is recommended the 2019 meeting calendar be set as follows:

January 28, 2019

March 25, 2019

May 20, 2019

July 22, 2019

September 23, 2019

November 18, 2019

All meetings to begin at 10:00 a.m.