



**Board of Legal Document Preparers**  
Arizona State Courts Building  
1501 West Washington Street, Phoenix, Arizona 85007  
Conference Room 109

Date: February 28, 2011  
Time: 10:00 a.m. – 2:00 p.m.

**Approved Regular Meeting Minutes**

**MEMBER ATTENDANCE:**

**Present:**

Les Krambeal  
Andrew Saper  
Paul Friedman

**Telephonically Present:**

Bonnie Matheson  
Debra A. Young  
Stephanie Gates Wolf

**Absent:**

Hon. Robert H. Oberbillig  
Cynthia Felton  
Deborah Colon-Mateo  
Debra Griffin

**OTHER ATTENDEES**

**AOC Staff:**

Nancy Swetnam  
Kandace French  
Nina Preston  
Jennifer Greene  
Kimberly Siddall  
Karla Clanton  
Kitty Boots  
Susan Hunt

**Guests:**

Brandon Hare  
Mitchell Varbel

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**CALL TO ORDER**

**Called to Order By:** Les Krambeal, Chair

**Time:** 10:25 a.m.

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

**Individuals Addressing the Board:** Les Krambeal, Chair

**1-A:** *Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of January 24, 2011.*

**Discussion:** None.

**Motion:** Moved to approve the regular session minutes of the Board meeting of January 24, 2011

**Motion Proposals:** First Paul Friedman  
Second Andrew Saper  
Recusal Stephanie Gates Wolf

**Motion Results:** Pass **LDP 11-040**

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**2) REVIEW OF PENDING COMPLAINTS**

**2-A:** *Update and possible action regarding the Board's Superior Court Cease and Desist Petition involving complaint number NC10-L047, Family Metro Paralegal Services and revoked former certificate holder Steven Wyner.*

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Previously, the Board ordered a Petition for Cease and Desist Order be filed in the Superior Court against revoked former certificate holder Steven Wyner and his non-certified business entity, Family Metro Paralegal Services, pertaining to complaint number NC10-L047.

With the assistance of the Attorney General's Office, the Petition was filed. A hearing on the matter was held by the Honorable

Donald Daughton (“Judge Daughton”) on January 26, 2011. Attached is the Minute Entry issued by Judge Daughton following the hearing. Judge Daughton entered the requested Cease and Desist Order, ordered Mr. Wyner to reimburse the consumer complainant and held Mr. Wyner responsible for the costs of the Superior Court action.

Therefore, it was recommended the Board close complaint number NC10-L047. If future information be presented that demonstrates the Cease and Desist Order has been violated, Division staff will return the matter to the Board for further review.

**Motion:** Moved to close Complaint Number NC10-L047.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saper

**Motion Results:** Pass **LDP 11-041**

**2-B:** *Review, discussion, and possible action regarding the following certificate holder complaint number 10-L031 involving certificate holders Christina Collura and Kachina Management, Inc.*

**Individuals Addressing the Board:** Kandace French Nancy Swetnam recused herself from this matter.

**Discussion:** On January 21, 2011, Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists as to Allegations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of complaint number 10-L031. It was recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists pursuant to 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), ACJA § 7-208(F)(1), (F)(2), (J)(5)(a) and (J)(5)(b).

It was further recommended the Board offer Collura and Kachina a Consent Agreement to resolve this complaint, pursuant to ACJA § 7-201(H)(24)(a)(6)(c). It was recommended the proposed Consent Agreement include an acknowledgement of the misconduct, a statement giving notice to Collura and Kachina that if they enter a Consent Agreement, they waive their right to a hearing, and impose the following sanctions pursuant to ACJA § 7-201(H)(24)(a)(6):

- a) Issue a Censure to Collura, pursuant to ACJA § 7-201(H)(24)(a)(6)(b);
- b) Order Collura participate in no less than five (5) 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 within (60) days following the entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(f);

- c) Issue a Censure to Kachina, pursuant to ACJA § 7-201(H)(24)(a)(6)(b);
- d) Place Kachina on probation for a period of not less than one year pursuant to ACJA § 7-201(H)(24)(a)(6)(e) with the following conditions:
  - i. Kachina shall immediately and hence forth cease and desist from offering or providing any legal services that exceed the authorities of a certified legal document preparer or otherwise constitute the unauthorized practice of law; including any and all contractual service agreements, pursuant to ACJA § 7-201(H)(24)(a)(6)(g).
  - ii. No later than sixty (60) days following the entry of the Board's Final Order, Kachina shall develop and implement policies and procedures necessary to ensure no member of the Kachina staff, its officers, or any others acting on behalf of the business entity are engaging in the unauthorized practice of law. A copy of the written policies and procedures shall be submitted to the Certification and Licensing Division ("Division").
  - iii. Kachina and Collura shall submit to the Division an updated and comprehensive list of any and all individuals providing legal document preparation services on behalf of the certified business entity within fifteen (15) days following entry of the Board's Final Order. The list shall identify the certification status of each individual and identify, if applicable, whether each individual is an ACJA § 7-208(F)(5) trainee along with the date the trainee meets the minimum eligibility requirement to apply for individual certification.
- e) Kachina shall be assessed costs associated with the investigation and any related disciplinary proceedings and shall remit the payment of the assessed costs no later than sixty (60) days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j).
- f) Kachina shall be assessed a civil penalty in the amount of \$250.00 per found violation and shall remit the payment of the civil penalty no later than sixty (60) days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(k).

In the event Collura and Kachina decline the opportunity to enter a Consent Agreement within twenty (20) days of receipt of the Board's offer, it was recommended the matter proceed with the filing and service of Notice of Formal Statement of Charges pursuant to ACJA § 7-201(H)(10) without further Board order.

**Motion:** Moved to approve the findings of the Probable Cause Evaluator and enter a finding that grounds for formal disciplinary action exists.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saper  
Recusal Nancy Swetnam

**Motion Results:** Pass **LDP 11-042**

**Motion:** Moved to approve chair to sign any Consent Agreement on behalf of the full Board.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saper  
Recusal Nancy Swetnam

**Motion Results:** Pass **LDP 11-043**

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

*Complaint Number 09-L007  
Complaint Number 10-L051*

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Pursuant to ACJA § 7-201(H)(1)(g)(3), complaints dismissed by the Division Director are confidential and not a matter of public record.

Complaint Number 09-L007:

On January 18, 2011, Certification and Licensing Division Director Nancy Swetnam determined the complaint did not meet the criteria provided for in ACJA § 7-201(H)(2)(a)(2)(b) through (f) and dismissed complaint number 09-L007 with prejudice. Notice of the dismissal and the complainant's right to request Board review of the dismissal were forwarded to the complaint. The timeline for the complainant to request Board review has passed and no request for Board review has been received. Therefore, it was recommended the Board affirm the dismissal of complaint number 09-L007.

**Motion:** Moved to approve dismissal of complaint number 09-L007.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saper

**Motion Results:** Pass **LDP 11-044**

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Pursuant to ACJA § 7-201(H)(1)(g)(3), complaints dismissed by the Division Director are confidential and not a matter of public record.

Complaint Number 10-L051:

On January 18, 2011, Division Director Swetnam determined the complaint did not meet the criteria provided for in ACJA § 7-201(H)(2)(a)(2)(b) through (f) and dismissed complaint number 10-L051 with prejudice. Notice of the dismissal and the complainant's right to request Board review of the dismissal were forwarded to the complainant. The timeline for the complainant to request Board review has passed and no request for Board review has been received. Therefore, it was recommended the Board affirm the dismissal of complaint number 10-L051.

**Motion:** Moved to approve dismissal of complaint number 10-L051.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saper

**Motion Results:** Pass **LDP 11-045**

**2-D:** *Discussion regarding complaints dismissed the Division Director pursuant to Arizona Code of Judicial Administration § 7-201(D)(4)(a) and (H)(2)(a):*

*Complaint Number NC10-L056  
Complaint Number NC10-L040  
Complaint Number NC11-L003  
Complaint Number 10-L023*

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Pursuant to ACJA § 7-201(H)(1)(g)(3), complaints dismissed by the Division Director are confidential and not a matter of public record.

On February 3, 2011, Certification and Licensing Division Director Nancy Swetnam dismissed the above referenced complaints. ACJA § 7-201(H)(2)(a)(3) states provides Division staff shall, “Report all complaints dismissed by the division director to the board at the next regularly scheduled board meeting following the determination by the division director.”

Processing constraints did not permit notice of the dismissals to be forwarded to the respective complainants far enough in advance of the Board’s regularly scheduled meeting to satisfy the timelines regarding the complainant’s right to request Board review of the dismissals. Therefore, it was recommended the Board defer review of these dismissals to the April meeting.

**Motion:** Moved to defer review of these dismissals to the April meeting.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saper

**Motion Results:** Pass **LDP 11-046**

**2-E:** *Discussion regarding Complaint Number 06-L093 involving certified Legal Document Preparer Oliver Ross.*

**Individuals Addressing the Board:** Nancy Swetnam Note: Jennifer Greene provided legal advice to the Board. Nina Preston recused herself from this matter.

**Discussion:** At the June 28, 2010 Legal Document Preparer Board Meeting, action was taken regarding this complaint as reflected in the minutes (shown in italics) of the June 28, 2010 meeting:

On May 24, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegation 1 and 2 and does exist as to Allegations 3, 4 and 5 in complaint number 06-L093. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegations 1 and 2 of complaint 06-L093.

Regarding Allegations 3, 4 and 5, it was recommended the Board entered a finding for grounds for formal disciplinary action exists. Noted mitigating factors in this case are:

1. *Absence of prior discipline*
2. *Delays in the disciplinary proceeding, this complaint was initiated on August 22, 2009 [sic] should read 2006*

The aggravating factors cited in Director Swetnam's report are:

1. *Substantial experience in the profession,*
2. *Mr. Ross is an attorney admitted to the practice of law in California who possesses a level of sophistication necessary to understand the court Rules and ACJA governing the Legal Document Preparer Program.*

It was recommended the Board offer Ross 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 Ross that if he enters the Consent Agreement he waives his right to a hearing, and imposes the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) *Issue a Censure to Ross, pursuant to ACJA §7-201(H)(24)(a)(6)(b);*
- b) *Order Ross 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);*
- c) *Order Ross to issue a refund in the amount of \$240.00 to the Haney's no later than 60 days following entry of the Board's Final Order, pursuant to ACJA §7-201(H)(24)(a)(6)(d);*
- d) *Assess costs associated with the investigation and any related administrative proceedings involving complaint number 06-L093 no later than 60 days following entry of the Board's Final Order, pursuant to ACJA §7-201(H)(24)(a)(6)(j), and:*
- e) *Impose civil penalties in the amount of \$100.00 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 Ross declines the opportunity to enter the Consent Agreement within 20 days of receipt of the Board's offer, it was recommended the matter proceed with the filing and service of Notice of Formal Statement of Charges pursuant to ACJA §7-201(H)(10) without further Board order.

A motion was made and passed to dismiss allegations 1 and 2 in complaint number 06-L093. A motion was made and passed to accept Staff's recommendations for Allegations 3, 4, 5 in complaint 06-L093.

The proposed Consent Order was sent to the Certificate Holder on September 10, 2010. On October 1, 2010 and October 21, 2010, Nancy Swetnam received letters from Scott Rhodes, attorney for Dr. Ross, outlining Dr. Ross' position. Discussions have been ongoing.

Staff requested the Board review the actions taken at the June 28, 2010 meeting of the Board of Legal Document Preparers.

Staff recommended the Board vacate the actions taken on June 28, 2010, and dismiss the remaining allegations.

Staff further recommended the Board vote to go into Executive Session to discuss matters confidential by rule or law and for advice of counsel.

***Motion:*** Moved to go into Executive session.

***Motion Proposals:*** First Paul Friedman  
Second Andrew Saper  
Recusal Nina Preston

***Motion Results:*** Pass **LDP 11-047**

**Executive Session: Start Time: 10:40 a.m. End Time: 11:30 a.m.**

***Motion:*** Moved to vacate prior orders, dismiss and adopt the recommendation of staff.

***Motion Proposals:*** First Paul Friedman  
Second Andrew Saper  
Recusal Nina Preston

***Motion Results:*** Pass **LDP 11-048**

**3) ADMINISTRATIVE ISSUES**

**3-A:** *Review, discussion, and possible action regarding Supreme Court Rule Petition R-11-0001 seeking to add an exception to the unauthorized practice of law definition contained in Rule 31 intended to allow an authorized agent of a planned community association or a condominium unit owners' association to prepare, execute, and record liens on behalf of associations; communicate with homeowners about unpaid assessments and fees; and represent associations in procedures before the small claims division in justice courts.*

**Individuals Addressing the Board:** Kandace French Nancy Swetnam recused herself from this matter.

**Discussion:** On January 3, 2011, attorneys Edward Novak, Scott Rodgers and Ronda Fisk filed Rule Petition R-11-0001 requesting the Arizona Supreme Court add a new exemption to the unauthorized practice of law definition contained in Rule 3. Board members provided input regarding their concerns with the proposed language. Discussion by the Board members regarding comments to be submitted by the board.

**Motion:** Moved to direct staff to draft comments in accordance with the Board's discussion and provide the draft to the board at the next regularly scheduled meeting for review and approval

**Motion Proposals:** First Paul Friedman  
Second Andrew Saper  
Recusal Nancy Swetnam

**Motion Results:** Pass **LDP 11-049**

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**4) INITIAL CERTIFICATION APPLICATIONS**

**4-A:** *Review, discussion and possible action regarding the following pending applicants for 2009-2011 certifications.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** It was recommended standard certification be granted to the following individuals/business entities:

1. Daryl D. Smith
2. Amy L. Saylor

6. Theresa E. Keves
8. Dawn E. Polk
16. Misty L. Coppedge
17. Michael N. Figueroa
18. Precision Legal Preparation, LLC (Michael N. Figueroa)
20. Southeast Arizona Paralegal Services (Misty L. Coppedge)
21. JurDoc, LLC (Stephen T. Lee)

**Motion:** Moved to grant standard certification to the above listed applicants/  
business entities.

**Motion Proposals:** First Andrew Saper  
Second Paul Friedman

**Motion Results:** Pass **LDP 11-050**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** It was recommended to defer the following applicants to the April meeting:

9. Cynthia M. Cooks
10. Leonard Deehan
11. Michael W. Olsen
12. Jennifer M. Stupski
13. Marlene Morton
14. Alejandra McEwen

**Motion:** Moved to defer the above listed applicants to the April meeting.

**Motion Proposals:** First Andrew Saper  
Second Paul Friedman

**Motion Results:** Pass **LDP 11-051**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** It was recommended the Board deny the application of the following applicant pursuant to ACJA § 7-201 (E)(2)(c)(1); applicant does not meet the qualifications or eligibility requirements at the time of the application as described in ACJA § 7-201 (E)(3)(b)(6)(a).

3. Amber R. Jackson

**Motion:** Moved to deny application of Ms. Jackson.

**Motion Proposals:** First Andrew Saper  
Second Paul Friedman

**Motion Results:** Pass **LDP 11-052**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** It was recommended the Board grant certification to the following applicant and include language regarding non-disclosure on future applications may result in denial or disciplinary action

4. Susan C. Beyette

**Motion:** Moved to grant standard certification to Ms. Beyette as noted above.

**Motion Proposals:** First Andrew Saper  
Second Paul Friedman

**Motion Results:** Pass **LDP 11-053**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** It was recommended the Board grant standard certification and require Ms. Wagner to submit an affidavit that she will comply with provisions of ACJA § 7-201 and 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law and the use of JD.

5. Cassandra J. Wagner

**Motion:** Moved to grant certification to Ms. Wagner as noted above.

**Motion Proposals:** First Andrew Saper  
Second Paul Friedman

**Motion Results:** Pass **LDP 11-054**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** It was recommended the Board deny the application of the following applicant pursuant to ACJA § 7-201 (E)(2)(c)(1); applicant does not meet the qualifications or eligibility requirements at the time of the application as described in ACJA § 7-208 (E)(3)(b)(6)(b).

7. Jessica C. Star

**Motion:** Moved to deny the application of Ms. Star.

**Motion Proposals:** First Andrew Saper  
Second Paul Friedman

**Motion Results:** Pass **LDP 11-055**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** It was recommended the Board deny the application of the following applicant pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(5); applicant has a conviction of final judgment of a misdemeanor pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(12) and ACJA § 7-201 (E)(2)(c)(2)(b)(15); applicant failed to disclose information on the application subsequently revealed on the background check.

15. Paul R. Noseworthy

**Motion:** Moved to deny the application of Mr. Noseworthy.

**Motion Proposals:** First Andrew Saper  
Second Paul Friedman

**Motion Results:** Pass **LDP 11-056**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Discussion regarding Mr. Varbel's individual certification and the fact that he as the operator of the business should be mentoring other individuals that may become licensed or that are licensed. Legal staff will report back to the Board at the April meeting.

19. AZ Tec Documents (Mitchell R. Varbel)

**Motion:** Moved to defer this matter until the April meeting.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saber

**Motion Results:** Pass **LDP 11-057**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The following applicant has requested to withdrawal his

application. It was recommended the Board accept the withdrawal of his application.

22. Christopher Ambrosio

**Motion:** Moved to accept the withdrawal of Mr. Ambrosio's application.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saber

**Motion Results:** Pass **LDP 11-058**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** It was recommended the Board grant certification of the following applicant:

23. Bernadette M. Guzman

**Motion:** Moved to grant certification to Ms. Guzman.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saber

**Motion Results:** Pass **LDP 11-059**

**4-B:** *Review of Business Entity Exemption Request for the 2009-2011 initial certification period:*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** It was recommended the following Business Entity Exemptions be granted:

1. Southeast Arizona Paralegal Services (Misty L. Coppedge)
2. JurDoc, LLC (Stephen T. Lee)

**Motion:** Moved to grant the above Business Entity Exceptions.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saber

**Motion Results:** Pass **LDP 11-060**

5) **LICENSE AND ELIGIBILITY APPLICATION**

*5-A: Review, discussion, and possible action regarding the Voluntary Surrender request received from Carrie Cresante, certification number 81154:*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Ms. Cresante was granted certification on October 26, 2009. On November 10, 2010, Ms. Cresante submitted a Voluntary Surrender request for her certification.

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.

It was recommended the Board accept the Voluntary Surrender request of Ms. Cresante.

**Motion:** Moved to accept the Voluntary Surrender request of Ms. Cresante.

**Motion Proposals:** First Paul Friedman  
Second Andrew Saber

**Motion Results:** Pass **LDP 11-061**

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**CALL TO THE PUBLIC** - None

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**ADJOURNMENT**

**Motion:** Moved to adjourn the meeting.

***Motion Proposals:*** First Paul Friedman  
Second Andrew Saber

***Motion Results:*** Pass **LDP 11-062**

***Time:*** 11:50 a.m.

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