

BOARD OF LEGAL DOCUMENT PREPARERS

Meeting Agenda – Monday, October 17, 2016

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 18, 2016.

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

2-A: Review, discussion and possible action regarding complaint number 15-L001.

2-B: Review, discussion and possible actions regarding:

i. Complaint number 15-L015; and

ii. Renewal of certification involving certificate holder, Grace Beltran.

2-C: Review, discussion and possible actions regarding:

i. Complaint number 15-L016; and

ii. Renewal of certification involving certificate holder, Carlos Galindo.

2-D: Review, discussion and possible action regarding complaint number 16-L007/16-L008, involving certificate holder, Shannon Trezza and Arizona Statewide Paralegal.

2-E: Review, discussion and possible action regarding complaint number 16-L010/16-L011, involving certificate holder, Shannon Trezza and Arizona Statewide Paralegal.

2-F: Review, discussion and possible actions regarding:

i. Complaint number 15-L006; and

ii. Renewal of certification involving certificate holder, Sergio Diaz.

- 2-G: *Review, discussion and possible actions regarding:*
 - i. *Complaint numbers 15-L012/15-L013; and*
 - ii. *Renewal of certification involving certificate holder, Donald Steward and Document Resource Center.*

- 2-H: *Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation regarding complaint numbers 15-L008 and 15-L009, involving Penny Burley and That Paralegal Place.*

- 2-I: *Review, discussion and possible action regarding complaint numbers 16-L013/16-L014 and 16-L015/16-L016, involving certificate holder, Penny Burley and That Paralegal Place.*

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. Maribel Espinoza
- 2. Ariana Gonzalez
- 3. Sherri Maentanis
- 4. Arizona Document Filing Services, LLC
- 5. Kira Reitz
- 6. Brandon Clark
- 7. Melissa Hill
- 8. Marisela Miranda
- 9. Deisy Perez
- 10. Susann Thompson
- 11. Thompson Paralegal Services, LLC
- 12. Larry Schwartz
- 13. Westside Legal Documents, LLC
- 14. Karen Ann Young
- 15. Janielle Avila-Sedoris
- 16. Sallie Hartdegen
- 17. Angela Morgan
- 18. Kelly Tate-Gardner
- 19. Leslie Ramirez
- 20. Theresa Keves
- 21. Timothy Reedy

3-B: *Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation regarding the denial of application of certification for Robert Smith.*

4) CERTIFICATION AND ELIGIBILITYDivision Staff

4-A: Review, discussion and possible action regarding request for Inactive Status from certificate holder, Jeanne Malys.

5) ADMINISTRATIVE ISSUES.....Division Staff

5-A: Review, discussion and possible action regarding possible Code changes concerning continuing education and certification issues.

5-B: Review, discussion and possible action regarding the establishment of the 2017 Board meeting schedule.

5-C: Update on Consent Agreement for Daniel Carrasco.

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 18, 2016.

A draft of the regular session minutes for the meeting of July 18, 2016, is attached for the Board's review and consideration.

BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, October 17, 2016

2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-A: Review, discussion and possible action regarding complaint number 15-L001.

Probable cause has not been determined and therefore, the specific facts of this matter are confidential. Generally speaking, complaint number 15-L001 contained four allegations (i) refusing to provide services and refusing to repay overages; (ii) threatening to ruin customer's business; (iii) providing legal advice, and (iv) failing to place name and certificate numbers on documents. Much of the dispute centered around payment for and delivery of services. During the investigation of the allegations the certificate holder did not file to renew his/her certification. Therefore, the certification has expired.

Staff recommends that this matter be held in abeyance and considered if applicant reapplies for certification.

BOARD OF LEGAL DOCUMENT PREPARERS

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2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-B: Review, discussion and possible actions regarding:

- i. Complaint number 15-L015; and*
- ii. Renewal of certification involving certificate holder, Grace Beltran.*

Sometime in early 2015, Complainant approached Agencia Hispana for assistance in preparing divorce paper work. Complainant said most of the preparation work was done by Beltran that first day, however, Complainant did have additional meetings for some follow-up work. The main divorce package was completed in March 2015 and court records confirm it was filed on March 17, 2015. Complainant alleged that the documentation was improperly prepared and it led to the divorce being dismissed.

An examination of the documents prepared by Beltran and “Agencia Hispana” reveal no errors and appear to have been filed in a timely fashion. The only delay was caused by the failure to serve proper notice upon the Respondent which appears to have been the responsibility of Complainant. An examination of receipts provided by Complainant from “Quick and Easy Legal Services” do not indicate the services of a process server which tends to confirm Complainant’s obligation.

After receipt of the complaint, Beltran was sent by certified mail a copy of the complaint including her obligations to respond to Division within thirty days. The letter was mailed on September 16, 2015 to Beltran’s business address which is the same address as “Agencia Hispana.” Carlos Galindo signed for the letter and later confirmed in a phone interview that Beltran had in fact received it. When Staff had not received her response by late October, a second letter was sent on November 17, 2015 to her home address. That letter was returned to Division by USPS a few days later as “Return to Sender-Not Known.” Staff left several messages on Beltran’s listed phone number which were never returned.

On December 14, 2015, Beltran, who is currently waiting for her renewal certification, called Division and spoke to Manager Hal White and Specialist Wil Castro inquiring about the status of her renewal. Beltran was informed her renewal was “Pending” due to the current complaint and her failure to respond. Beltran claimed she had recently moved and never received the complaint. Beltran provided her “new” address which, upon examination, was actually the same home address she had already listed (The address which was returned by the USPS). Beltran also gave a new cell phone number which, when called, indicated the number was “not in service.”

Because Beltran’s whereabouts at this time are unknown the Division has been unable to solicit a response or contact her for an interview.

Division staff recommends that the Board accept the findings of the Probable Cause Evaluator that probable cause exists and revoke Grace Beltran's certification and deny her request to renew the same certification.

BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, October 17, 2016

2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-C: Review, discussion and possible actions regarding:

- i. Complaint number 15-L016; and*
- ii. Renewal of certification involving certificate holder, Carlos Galindo.*

Sometime in early 2015, Complainant was perusing a magazine and came across an advertisement for “Agencia Hispana” touting, among other services, divorce decrees. Complainant went to “Agencia Hispana” and was greeted by “receptionist” Carmen Galindo. Complainant says Carmen took all their preliminary case information then presented the information to her boss, Carlos Galindo. After a few additional questions, Carlos introduced Complainant to Grace Beltran, explaining she would be doing the final preparation.

Complainant said most of the preparation work was done by Beltran that first day, however, Complainant did have additional meetings for some follow-up work. The main divorce package was completed in March 2015 and court records confirm it was filed on March 17, 2015. Complainant alleged that the documentation was improperly prepared and it led to the divorce being dismissed.

An examination of the documents prepared by Beltran and “Agencia Hispana” reveal no errors and appear to have been filed in a timely fashion. The only delay was caused by the failure to serve proper notice upon the Respondent which appears to have been the responsibility of Complainant. An examination of receipts provided by Complainant from “Quick and Easy Legal Services” do not indicate the services of a process server which tends to confirm Complainant’s obligation.

Mr. Galindo freely admits he operates Agencia Hispana as well as the dbas The Legal Man and Quick and Easy Legal Services. Galindo insists they are in no way associated with the preparation of legal documents and all document preparation is done either under his or Beltran’s individual certification. Galindo acknowledged Beltran was his employee and “assists” with document preparation when needed. Galindo claims that only after clients come to him for “assistance” do they occasionally conclude document preparation is desired and request him to do it.

Galindo’s advertising clearly uses phrases such as “Divorces,” Prenuptial Agreements,” “Property Matters” and “Paternity and Child Support” as “services” that he provides. It is, therefore, not implausible that Agencia Hispana’s advertising could lead a reasonable person to believe that document preparation would be included as part of the service.

Galindo, as a licensed legal document preparer may prepare legal documents. In 2013, however, Galindo entered into a Consent Agreement with the Board in which Galindo agreed not to renew certification for Agencia Hispana nor initiate any new business entities that provide legal document preparation.

Galindo has continued to operate uncertified document preparer businesses, Division staff recommends that the Board accept the findings of the Probable Cause Evaluation that probable cause exists and suspend Galindo certification for 30 days.

In addition, Staff recommends that any action on Galindo's application to renew his certification be deferred until the expiration of his suspension.

BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, October 17, 2016

2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-D: Review, discussion and possible actions regarding complaint number 16-L007 and 16-L008, involving Shannon Trezza and Arizona Statewide Paralegal.

Complainant hired Trezza and AZ Statewide to prepare garnishment documents. After the documents were prepared and filed, Complainant was contacted by the garnishee indicating that the legal documents served upon it could not be accepted because the writ of garnishment and summons were improperly prepared due to the fact that pertinent parts of the document were left blank.

Trezza and AZ Statewide acknowledged making the mistake and offered Complainant a refund of her money or the option of having Trezza and AZ Statewide properly complete and resubmit the document. Complainant elected to have Trezza and her business complete the documents correctly.

In her interview with the Division, Trezza said she is the designated principal of AZ Statewide and, as such, is responsible for overseeing her staff and the work produced. She has two certified legal document preparers and an administrative support person on staff. Trezza said she is the legal document preparer who prepares garnishment documents and proffered that she has prepared legal documents for 35 garnishment cases including the work she did for Complainant. Trezza acknowledged that her office erroneously filed the writ and summons in this matter and conceded that a relevant portion of the document was inadvertently left blank and filed that way.

Trezza claimed that she is the only one that prepares garnishment documents, has prepared various garnishment documents in 35 garnishment matters and, therefore, has sufficient experience and expertise in preparing such documents. However, the Division believes that the actions described in the investigative report do not support that this was a matter of a simple mistake such as a typographical error or an inaccuracy or oversight regarding a party's address, as examples. In this case, the body of the writ and summons was entirely left blank and done so with the assumption that the court will complete the document. The facts presented appear to illustrate a lack of proficiency in preparing the garnishment documents.

In addition, Trezza indicated that she did not complete the work and that her office manager, Thompson, took it upon herself to fill out the caption portion of the document and filed it accordingly. If that is the case, then Thompson independently assumed responsibility for preparing these documents and submitted them without Trezza's authorization, oversight and administration. Trezza acknowledged that as designated principal of AZ Statewide she oversees her staff and work produced, as required by ACJA §7-208(F)(6)(c):

When undertaking the work for Complainant, Trezza asked if Complainant wanted Trezza to include the cost of Trezza's services in the garnishment Trezza stated in interviews that she was "trained" by an attorney to include legal document preparation fees in garnishment matters and

that she has included these fees in all 35 garnishment cases for which she has prepared garnishment documents for customers and did so without any problems ever reported to her.

Trezza said she relied on A.R.S. § 12-342.02 as the legal basis for recovery of the legal document preparation fees:

A.R.S. § 12-341.02 Recovery of legal document preparation fees [italics added]:

The court may award to the prevailing party the cost of document preparation if prepared by a legal document preparer who is certified by the supreme court. The party seeking recovery will file a sworn affidavit of costs with the court.

In her interview with the Division, Complainant claimed that she had no prior knowledge of or any experience in garnishment matters and she relied on Trezza's expertise. When Trezza asked if she wanted the document preparation fees included Complainant said she questioned Trezza as to whether the fees were recoverable and that based on Trezza's confidence that those costs were allowed, Complainant agreed to include them.

The attempt to include the preparation fees in the garnishment without a proper court order is unsupported by Arizona law as set forth in *Blum v. Cowan*, 235 Ariz. 204 (App. 2014), which states:

Section 2-1580(E) [sic] provides that, in a garnishment proceeding, "[t]he prevailing party may be awarded costs and attorney fees in a reasonable amount determined by the court." However, "[t]he award shall not be assessed against nor is it chargeable to the judgment debtor, unless the judgment debtor is found to have objected to the writ solely for the purpose of delay or to harass the judgment creditor."

Finally in an email from Complainant to AZ Statewide, dated January 21, 2016, Complainant wrote, in part, that she would be disputing the business' fees with the credit card company and suggested that AZ Statewide not appeal the dispute.

Trezza responded, by email, dated February 4, 2016 subject line: Changed my mind, stating that after careful consideration and a review of case notes, contract, and file documentation including "the last inflammatory, harassing and extremely inaccurate information provided in your last email, I am deciding not to refund your fees as you were representing yourself and are responsible for providing the incorrect garnishee name which ultimately led to your garnishment action not being able to proceed." Trezza said she would have cause of action against her for chargeback fraud and if she succeeded in committing chargeback fraud then she would file a breach of contract complaint and collect her fees with a judgment plus interest and attorney's fees.

In that email to Complainant, Trezza further wrote said that she did not want Complainant to reply to the email or make any defamatory remarks regarding her business as it would further support a future claim of harassment and defamation against her. Trezza said after she successfully collects her judgment she would then attach all of the complaints and judgments to her complaint with the

State Board of Accountancy “which will speak to your character and fitness to continue providing accounting services to the public.”

Staff recommends the Board accept the findings of the Probable Cause Evaluator that probable cause exists as to Allegations 1 and 2 and issue a Censure. Staff further recommends that the Board accept the Probable Cause Evaluator’s determination that probable cause does not exist as to Allegation 3 and dismiss Allegation 3.

BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, October 17, 2016

2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-E: Review, discussion and possible actions regarding complaint number 16-L010 and 16-L011, involving Shannon Trezza and Arizona Statewide Paralegal.

Complainant contracted with AZ Statewide in November 2015 for the purpose of having garnishment documents prepared. As described in Complaint Numbers 16-L007 and 16-L008, Complainant was dissatisfied with the services provided by Trezza and AZ Statewide. Complainant believed that she was entitled to a refund based on advertising that stated AZ Statewide offered a money back guarantee.

While it is unclear the guarantee language was relied upon when Complainant retained AZ Statewide, her partner had reviewed one or more websites that showed AZ Statewide's money back guarantee if customers were not satisfied with AZ Statewide's services. While her partner was aware of the sites, Complainant was unaware of the sites at the time AZ Statewide was retained.

The Division reviewed the screen prints provided by Complainant of the above-referenced Websites.

- The dexknows website stated, in pertinent part [italics added]:

At Statewide Paralegal, we hold ourselves to the highest standards, and we guarantee you'll be satisfied, or your money back! For unsurpassed paralegal services, come to AZ Statewide Paralegal.

- The Yellow Pages site stated, in pertinent part [italics added]:

Guaranteed Satisfaction or Your Money Back!

- The azdivorceparalegal.com site, title tag AZ Statewide Paralegal Blog, dated October 10, 2011, stated, in pertinent part: [italics added]:

Choosing the right paralegal in Tucson is as important as the case that you want them to handle. There are many divorce, custody and child support paralegals in Tucson however, [sic] only one offers hassle free money back guarantee if you are not completely satisfied. All paralegals in Tucson have experience in the field and most know the rules of family law procedure but only one offers a guarantee if you're not satisfied with the service that you pay for. Give us a Call. You will be glad you did.

In her response to the complaint and in her interview, Trezza stated she previously had a money back guarantee policy which AZ Statewide advertised. She said the policy was in effect when she started the business in 2006 but in November 2013 she instructed her web designer to remove all

language regarding a money back guarantee from her websites. Trezza provided a copy of the emails exchanged between her and her web designer.

Trezza said that, in addition to instructing the web designer to remove the money back guarantee language, around the same time, she called Yellow Pages with instructions to remove the money back guarantee language from Yellow Pages sites in which her business was advertised. She said she was told by Yellow Pages staff that the sites were corrected per her instructions.

Regarding dexknows, Trezza said a number of years ago and prior to using Yellow Pages, she paid a premium to dexknows for advertising but said she has not paid in many years and, as such, did not think that her business was advertising on that site because she had not paid for advertising in years.

The core issue presented in this allegation is whether Trezza and AZ Statewide falsely advertised a money back guarantee policy.

ACJA §7-208(J)(1)(c) requires a certified legal document preparer to “...refrain from knowingly making misleading, deceptive, untrue, or fraudulent representations while assisting a consumer in the preparation of legal documents. A legal document preparer shall not engage in unethical or unprofessional conduct in any professional dealings that are harmful or detrimental to the public.”

§7-208(J)(2)(b) compels the legal document preparer to “...be truthful and accurate when advertising or representing the legal document preparer’s qualifications, skills or abilities, or the services provided....”

As previously noted, Complainant affirmed that she (although her partner was aware) was not aware of AZ Statewide’s refund policy prior to or at the time when she contracted with the business and, therefore, it is unclear that it influenced her decision to proceed with hiring AZ Statewide. Trezza appears to have taken steps to remove the money back guarantee representations.

On September 22, 2016, the Probable Cause Evaluator determined that probable cause did not exist regarding Complaint Numbers 16-L010 and 16-L011. Staff recommends that the Board accept the determination of the Probable Cause Evaluator and dismiss Complaint Numbers 16-L010 and 16-L011.

BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary - Monday, October 17, 2016

2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-F: Review, discussion and possible actions regarding:

- i. Complaint number 15-L006; and*
- ii. Renewal of certification involving certificate holder, Sergio Diaz.*

On April 30, 2015, the Division received a written complaint against Sergio Diaz containing allegations detailed below as Allegations 4, 5, and 6.

1. Sergio Diaz knowingly prepared a document that contained deceptive or false representations.
2. Sergio Diaz prepared a document that contained an applicant's declarations and statements when that applicant did not make those declarations and statements to him.
3. Sergio Diaz signed or allowed a person other than the applicant to sign an immigration document that he prepared on behalf of the applicant.
4. Complainant alleges Sergio Diaz did not file proper immigration documents resulting in Complainant's wife being detained in Mexico and not allowed to return to the United States.
5. Complainant alleges Sergio Diaz represented himself as an attorney.
6. Complainant alleges Sergio Diaz overcharged him for filing an immigration document.

The Division's investigation yielded additional allegations detailed above as Allegations 1, 2, and 3.

As detailed in the Investigation Summary and Allegation Analysis report, the Division's investigation found evidence that Sergio Diaz prepared a document, for immigration purposes, that contained a deceptive narrative and made false representations. Further, the investigation found evidence that Sergio Diaz prepared a federal immigration document containing declarations and statements when the individual identified as making those declarations and statements did not make them. The referenced document also contained the applicant's signature and signature date at a time when that applicant was out of the United States.

The Division's investigation determined that Sergio Diaz had an obligation to keep abreast of current developments in the law as they relate to legal document preparation but that he did not keep abreast of current developments in law as pertaining to legal document preparation resulting in him failing to select the applicable and appropriate form to fit the circumstances and factors presented to him. By not knowing the proper forms to use in his clients particular circumstance, Sergio Diaz, did not provide accurate and current general legal information and, consequently, his client was deemed by the United States government to be ineligible to return to the United States.

Upon conclusion of the investigation, the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. On June 9, 2016, Probable Cause Evaluator Baumstark entered

a finding probable cause does not exist as to Allegations 5 and 6, as detailed in the Investigation Summary and Allegation Analysis Report.

Probable Cause Evaluator Baumstark entered a finding probable cause does exist as to Allegations 1, 2, 3, and 4, as detailed in the Investigation Summary and Allegation Analysis Report.

Recommendation:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Sergio Diaz has not committed the alleged act(s) of misconduct as detailed in Allegations 5 and 6 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L006.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Sergio Diaz has committed the alleged act(s) of misconduct as detailed in Allegations 1, 2, 3, and 4 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L006.

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)(a) and (k), § 7-208(F)(1)(b), § 7-208(J)(1)(a) and (d), and §7-208(J)(2)(c) and (5)(c) for act(s) of misconduct involving providing advice concerning the completion of certain immigration documents and for completing immigration documents that he knew or should have known contained false statements; § 7-201(H)(6)(a) and (k), § 7-208(J)(1)(a) and (d), and §7-208(J)(2)(c) for acts of misconduct involving preparing a declaration for a client when he knew or should have known the client would not be the individual signing the declaration and had no knowledge of the contents; § 7-201(H)(6)(a) and (k), § 7-208(F)(1)(e), § 7-208(J)(1)(a) and (d), and § 7-208(J)(2)(c) for acts of misconduct involving preparing a declaration for a client and then signing or allowing another to sign the declaration on behalf of the client; and; § 7-201(H)(6)(a) and (k) and §7-208(J)(2)(d) for acts of misconduct involving failing to use the proper forms when preparing immigration documents.

It is further recommended the Board suspend Serio Diaz for a period of 30 days.

Renewal of Certification:

Based on the recommendation regarding the aforementioned complaint number, it is recommended Diaz’ renewal application determination be deferred pending the successful completion of his suspension.

BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, October 17, 2016

2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-G: *Review, discussion and possible actions regarding:*

- i. *Complaint numbers 15-L012/15-L013; and*
- ii. *Renewal of certification involving certificate holders, Donald Steward and Document Resource Center.*

Commissioner Clarke alleged Steward exceeded his authority as a Certified Legal Document Preparer and engaged in the unauthorized practice of law when he prepared a Response/Objection to Petition to Disclose Trust and Provide Accounting (“Response/Objection”). She asserted that several statements and legal arguments presented in the document appeared to be “far more” than “fill-in” standard documents typically submitted by legal document preparers. Steward denied the allegation and said that the ACJA has no restriction or requirement that a legal document preparer use any type of “fill-in” standard document. He denied giving any legal advice and maintained that his client, Nunnally, conducted her own research and provided all of the information that was reflected in the legal document that he prepared for her.

Nunnally stated that she gave written research materials to Steward. Asked about the legal arguments presented in the Response/Objection, including dismissal of the case due to jurisdictional issues, Nunnally said she did not specifically know about the court’s jurisdiction but assumed that because her matter started in California the Arizona courts would not have jurisdiction.

Nunnally also initially indicated that she knew about the Arizona Rules of Civil Procedure as well as having knowledge of the California Civil Procedure but later stated that she did not know about those rules. Overall, Nunnally seemed to possess a cursory knowledge of the legal arguments as they appear in the filing. Although she was unable to articulate the basis of her arguments as they appeared in the pleading, it may be that she was able to construct and convey, to Steward, the underpinning grounds she used to support her case.

The issue of whether Steward independently conducted any research on Nunnally’s behalf remains somewhat ambiguous. He maintained that Nunnally had done her own research on the matter and provided him that research.

Nunnally was asked to provide the documentation she provided Steward. The documentation included the paragraph titled *Statutes of Limitation*, which was also found in the Legal Zoom article, titled, *The Statute of Limitations for Contesting Trusts*. The documentation did not contain any information concerning California Civil Procedure §§ 337 and 338(d). Those were found in the article titled, *Estate Planning in California*, which Steward provided the Division in his Response to the Complaint. When asked whether she provided the information, Nunnally stated she may have sent the article despite not having any record of doing so.

In as much as Nunnally asserts she provided the research and arguments to Stewart, the Division recommends that the Board dismiss complaint numbers 15-L012 and 15-L013.

Renewal of Certification:

Based on the recommendation regarding the aforementioned complaint numbers, it is recommended to grant renewal of LDP certification to Donald Stewart and Document Resource Center.

BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, September 26, 2016

2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-H: Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation regarding complaint numbers 15-L008 and 15-L009, involving Penny Burley and That Paralegal Place.

This complaint was initially presented to the Board on May 23, 2016, at which time the Board accepted Staff's recommendation and the Probable Cause Evaluator's determination that Penny Burley and That Paralegal Place violated ACJA § 7-201(H)(6)(a) for act(s) of misconduct involving § 7-201(J)(4)(a) for failing to respond to the Complainants and failure to deliver documents in a timely manner and §7-201(H)(3)(c), by failing to timely respond to the complaint or Division staff.

On June 13, 2016, the Board filed the Notice of Formal Statement of Charges in complaint numbers 15-L008 and 15-L009, involving Penny Burley and That Paralegal Place. Division records reflect Penny Burley was served on June 14, 2016.

Staff caused complaint 15-L008 and 15-L009 to be placed on the July 18, 2016 agenda so that the Board could issue the Final Order. There was some confusion regarding the status and the Board believed that there was still an opportunity to determine the appropriate sanction. The Board requested Ms. Burley's appearance at the September meeting. In as much as the Board imposed a Censure and Ms. Burley did not request a hearing, the Board may not reconsider the sanction for complaint number 15-L008 and 15-L009. Staff recommends that the Board find Penny Burley and That Paralegal Place in default and enter a Final Order issuing a Censure.

BOARD OF LEGAL DOCUMENT PREPARERS

Agenda Summary – Monday, October 17, 2016

2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

2-I: *Review, discussion and possible actions regarding complaint numbers 16-L013/16-L014 and 16-L015/16-L016, involving certificate holder, Penny Burley and That Paralegal Place.*

I. Previous Complaints

In May of 2015, the Division received complaint numbers 15-L008 and 15-L009. These are the complaints discussed in agenda item 2H of this agenda. In these complaints, the complainant alleged Burley and That Paralegal Place took an inordinate amount of time to prepare probate documents and was completely unresponsive to the complainant's inquiries and correspondences. In addition to this allegation, Burley also failed to respond to the complaint as required by the ACJA and was equally unresponsive to numerous Division inquiries and correspondences. The case was forwarded to the Probable Cause evaluator along with staff's recommendation of substantiating the allegations in favor of Revocation. Probable Cause was established by Mike Baumstark and the matter was set to be heard by the Board of Legal Document Preparers at their regular meeting on January 25, 2016.

On the Friday prior to the meeting, Burley called Division to enquire "if there was anything she could do" to which she was informed her best course of action would be to personally appear at the LDP meeting. On the morning of the meeting, Burley appeared unannounced to Division requesting to speak to "someone" about her situation. Burley briefly spoke to Division Director who, at the time, made the determination to hold off her case presentation to the Board pending further follow-up with her. Several days later, Burley met with Division staff in order to determine if there were any extenuating circumstances to the allegations and/or unresponsiveness, however, nothing was established.

Given the fact the Burley eventually reached out to Division, the Director modified the Division's recommendation of Revocation and requested the Board issue a Censure. On May 23, 2016, the matter was affirmed by the Board and Burley was issued a Censure.

II. New Complaints

On August 16, 2016 then again on September 14, 2016, Division received two new complaints against Burley and That Paralegal Place with similar allegations. Both complainants alleged unresponsiveness and failure to complete documents despite partial payments for the work. Complainants paid substantial amounts of money for their respective document preparation and neither complainant has heard from her or That Paralegal Place since their initial meetings. The complainant in 16-L013/L014 says it's been over two months since any contact and the complainant in 16-L015/L016 says it's been over a month from any contact.

In complaint numbers 16-L013/L014, complainant said she went to Burley and That Paralegal Place in early June 2016 for Trust documents. Complainant said the initial meeting seemed

appropriate and Burley quoted \$1,100 for the work. A follow-up meeting was scheduled for June 29, 2016 which Complainant attended with additional information and paid Burley \$550. Although Burley and Complainant never discussed a completion date, Burley did request some additional information. Complainant said she emailed the requested information to Burley about a week later then never heard from her again.

Complainant said she has emailed and called Burley numerous times over the past two months and has received no response. Complainant claims she got so frustrated she went back to Burley's office but only got as far as the receptionist in the front lobby area. The receptionist confirmed Burley was still in business, however, she was only in her office by appointment only. Complainant pointed out that Burley apparently works alone in a single office located in a larger office building shared by numerous other businesses.

In complaint numbers 16-L015/16-L016, complainant said that he hired Burley to review and amend two Trusts. He paid her \$400.00 for a deposit which represented half of the \$800.00 she quoted to prepare his documents. Complainant met with Burley, alone, on June 14, 2016, at her office and he brought with him his original Trust documents and other paperwork. He reviewed the changes he wanted to his Trust documents. Complainant said Burley did not provide a timeframe in which she would take to prepare the documents.

After approximately three weeks, Complainant said he called Burley to obtain a status on the documents at which time she told him that there were a lot of documents to review and indicated that she needed more time to complete the work but did not say how much time she needed. Complainant said after more time passed, he reached out and called Burley a number of times but she did not answer her phone and, to date, she has not contacted him.

None of the original documents he left with her have been returned.

On September 22, 2016, the Probable Cause Evaluator determined that probable cause exists to summarily suspend the individual certification for Burley and the business certification for That Paralegal Place for the actions described in the Investigation Summary and Allegation Analysis Report.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding probable cause exist to support a summary suspension of Penny Burley's and That Paralegal Place's certifications 80199 and 80300 for violations of ACJA §§ 7-208(J)(1)(a) and (d); 7-208(J)(2)(c); and 7-208(J)(4)(a). The summary suspension is supported by the facts and analysis detailed in Investigation Summary and Allegation Analysis Report.

Furthermore it is recommended that the Board make a finding that the public health, safety or welfare is at risk and requires an emergency suspension of the certifications. As set forth in the Investigation Summary and Allegation Analysis Report, the certificate holders have taken possession of certain client estate planning documents and intentionally or through neglect have failed to return these client files or communicate with the clients.

It is further recommended the Board issue an emergency summary suspension.

BOARD OF LEGAL DOCUMENT PREPARERS

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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:*

The following applicant(s) have demonstrated that they meet the minimum eligibility requirements for standard certification, the application(s) are complete and no information has been presented during the background investigation that is/are contrary to standard certification being granted. Therefore, staff recommends that initial certification be granted to the following:

1. Maribel Espinoza
2. Ariana Gonzalez
3. Sherri Maentanis
4. Arizona Document Filing Services, LLC
5. Kira Reitz

6. Brandon Clark

On July 11, 2016, Brandon Clark submitted an application for certification as a Legal Document Preparer. Mr. Clark possess the minimum education and experience qualifications for certification. Mr. Clark disclosed a civil matter (school loan collection) in which he was the defendant. The case has been dismissed.

Staff recommends that Mr. Clark be granted initial certification.

7. Melissa Hill

On June 20, 2016, Melissa Hill submitted an application for certification as a Legal Document Preparer. Ms. Hill possess the minimum education and experience qualifications for certification. Ms. Hill disclosed a 2011 bankruptcy in which there were no adversary proceedings. Ms. Hill failed to disclose a 2008 Justice Court case. Ms. Hill explained that the Justice Court matter was included in her bankruptcy and therefore she didn't think she needed to disclose it. Given the nature of the case, the length of time since the case was filed and Ms. Hill's explanation, Staff did not request Ms. Hill attend this meeting.

Staff recommends that Ms. Hill be granted initial certification.

8. Marisela Miranda

On June 24, 2016, Marisela Miranda submitted an application for certification as a Legal Document Preparer. Ms. Miranda possess the minimum education and experience qualifications

for certification. Ms. Miranda disclosed that approximately six years ago she was terminated from her employment as a paralegal. She was terminated for preparing divorce paperwork for the friend of her son and the preparation was not done within the course and scope of her employment. Ms. Miranda was interviewed regarding the termination she admitted preparing the documents, charging for the documents and represented that she has not done it since.

Staff recommends that Ms. Miranda be granted certification.

9. Deisy Perez

On July 14, 2016, Deisy Perez submitted an application for certification as a Legal Document Preparer. Ms. Perez possess the minimum education and experience qualifications for certification. On January 28, 2014, Ms. Perez was denied certification by this Board. The bases of that denial was that Ms. Perez failed to disclose a 2005 arrest for extreme DUI.

It has been more than a year since the Board's previous denial. Ms. Perez disclosed her 2005 arrest and this Board's previous denial on the current application. Ms. Perez' explanation for the previous failure to disclose is that she believed the DUI to be a civil matter.

Staff recommends that Ms. Perez be granted initial certification.

10. Susann Thompson and;
11. Thompson Paralegal Services, LLC

On May 25, 2016, Susann Thompson submitted an application for certification as a Legal Document Preparer. Ms. Thompson possess the minimum education and experience qualifications for certification. Ms. Thompson disclosed two bankruptcies, a civil debt case and an order of protection and injunction. The bankruptcies have each been resolved and there were no adversary proceedings. Ms. Thompson was the plaintiff in the order of protection matter.

On May 25, 2016, Thompson Paralegal Services, LLC, submitted an application for certification. Ms. Thompson is the designated principal and sole member.

Staff recommends that Ms. Thompson and Thompson Paralegal Services, LLC, be granted initial certification.

12. Larry Schwartz

On June 21, 2016, Larry Schwartz submitted an application for certification as a Legal Document Preparer. Mr. Schwartz possess the minimum education and experience qualifications for certification. Mr. Schwartz disclosed two civil matters: one in which he was the plaintiff regarding an automobile accident and the second in which he was the defendant. Mr. Schwartz prevailed in each case.

Staff recommends that Mr. Schwartz be granted initial certification.

13. Westside Legal Documents, LLC

On June 20, 2016, Westside Legal Documents, LLC, submitted an application for certification. Sandy Bunfill is the designated principal and Ms. Bunfill and Tammy Lynn Heath are the sole members of the LLC. Applicant disclosed that one member had two civil cases (civil debt in 2012 and 2014) which were dismissed and each of the members had separate family court matters. Staff's investigation revealed no additional information to be brought to the Board's attention.

Staff recommends that Westside Legal Documents, LLC, be granted certification.

14. Karen Ann Young

Karen Ann Young applied for Legal Document Preparer initial certification. Ms. Young has met the minimum education for certification. Ms. Young has been preparing legal documents for her HOA since 1992. ACJA § 7-208(E)(2)(b) provides that an individual who prepares documents prior to 2003 has met the experience requirements of the code. There is no indication that Ms. Young has represented herself to be a certified legal document preparer since the implementation of the code. Staff's investigation did not observe other facts that should be disclosed to the Board.

Staff recommends that Ms. Young be granted her Legal Document Preparer certification.

15. Janielle Avila-Sedoris

Janielle Avila-Sedoris applied for Legal Document Preparer initial certification. Ms. Avila-Sedoris has met the minimum education and experience qualifications for certification Ms. Avila-Sedoris graduated from Stetson University with her Juris Doctorate. Ms. Avila-Sedoris has not been admitted to the Arizona Bar. Ms. Avila-Sedoris disclosed a criminal case in which she was cited and convicted for allowing her dogs off her property. She also disclosed a civil case which was dismissed involving the same issues.

Staff recommends that Ms. Avila-Sedoris be granted her Legal Document Preparer certification but that she also be cautioned concerning the ACJA requirements related to the use of the term "JD" and other similar terms. Staff has provided proposed language of the cautionary note below.

16. Sallie Hartdegen

Sallie Hartdegen applied for Legal Document Preparer initial certification. Ms. Hartdegen has met the minimum education and experience qualifications for certification Ms. Hartdegen graduated from Summit Law School with her Juris Doctorate. Ms. Hartdegen has not been admitted to the Arizona Bar.

Staff recommends that Ms. Hartdegen be granted her Legal Document Preparer certification but that she also be cautioned concerning the ACJA requirements related to the use of the term “JD” and other similar terms. Staff has provided proposed language of the cautionary note below.

Cautionary language:

“On September 26, 2016, 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. In the event you become a member of the Arizona Bar, the Board’s certification actions are not intended to address any responsibilities or ethical obligations you may have as a licensed member of the Arizona Bar.”

17. Angela Morgan

Angela Morgan submitted an application for individual legal document preparer certification which she demonstrates that she meets the minimum eligibility requirements for certification. Ms. Morgan disclosed several cases including a divorce and a bankruptcy with no adversarial proceedings. Ms. Morgan also disclosed a probate case in which she was listed as the personal representative of the estate and an order of protection in which she is listed as the plaintiff. Ms. Morgan failed to disclose a civil justice court case regarding a small debt. Ms. Morgan stated “It was not maliciously done” and “I apologize for the accidental omission.”

Staff recommends granting initial legal document preparer certification to Angela Morgan with standard non-disclosure language.

18. Kelly Tate-Gardner

On February 16, 2016, Kelly Tate-Gardner submitted an application for certification as a Legal Document Preparer. Ms. Tate-Gardner possess the minimum education and experience qualifications for certification. Ms. Tate-Gardner disclosed a number of civil lawsuits. Ms. Tate-Gardner failed to disclose a 2009 civil case in which both parties sought orders of protection. This case arose out of a neighborhood dispute concerning alleged noise and disruptive behavior. Ms. Tate-Gardner disputes the allegations and the case was dismissed.

Staff recommends that Ms. Tate-Gardner be granted certification. Staff further recommends that Ms. Tate-Gardner’s notification letter contain the standard non-disclosure language.

19. Leslie Ramirez

Ms. Ramirez submitted an application for legal document preparer certification which demonstrates that she meets the minimum eligibility requirements for certification. In support of her application, Ms. Ramirez included an affidavit disclosing a 2012 conviction for a class 1 misdemeanor, Attempted Theft of Credit Card, which was reduced from a 2010 class 6

undesigned felony after successful completion of the terms of an 18 month unsupervised probation sentence.

Staff interviewed Ms. Ramirez on two occasions with regards to the conviction, due to the nature of the charges and the recency of the conviction. During the investigative process, staff obtained statements, police records and court documentation that presented evidence which appeared inconsistent with the details and circumstances of the offense, as provided by Ms. Ramirez.

In short with regards to the offense, Ms. Ramirez reported that as the hostess of Skye Fine Dining and Entertainment, she had logged credit card information received from customers in payment for various purchases, that she had taken the records of those purchases home with her after a shift, and that her husband (who was in fact only her boyfriend at the time of the offense), had stolen the victim's credit card information, unbeknownst to the applicant, while the records were in the home. Ms. Ramirez indicated that the victim's credit card information was used, by her boyfriend, to make an online purchase of women's clothing and shoes, for an individual other than herself; stating that her responsibility in the offense was that she had made a bad decision in having the confidential information around him. The applicant provided that she realized her boyfriend had committed the offense after the police officer questioned her with regards to the victim's allegations, but took responsibility (and ultimately was convicted) because her boyfriend had had prior offenses which would have resulted in a more severe sentence.

Although Ms. Ramirez asserted that she accepts responsibility for the offense throughout the interview process, staff struggled with the applicant's explanation of the circumstances. The evidence and Ms. Ramirez's explanation do not seem consistent. Staff's investigation determined that in purchasing the women's clothing and shoes with the stolen credit card information, the purchaser used Ms. Ramirez's telephone number, email address, first name and had the merchandise sent to the applicant's then current residence. In addition, the restaurant's former general manager provided that the scope of responsibility for the position of hostess, which Ms. Ramirez held, had neither the responsibility nor the authority to perform any bookkeeping or accounting tasks nor would she have, at any time, been authorized or responsible to take any information or documentation whatsoever, home from the restaurant. These facts conflict with her assertion that the items were stolen by her boyfriend. Moreover, Ms. Ramirez plead guilty to the offense.

While Ms. Ramirez disclosed the conviction, staff found the applicant lacked candor regarding the facts of the offense, that she failed to accept responsibility for her actions, and that the nature of the conviction was relevant to the legal document preparer profession. Staff considered that the applicant was young at the time of the offense and does appear to have made strides towards turning her life around subsequent to the conviction, with regards to her academic and professional goals at Fresh Start Women's Foundation. However, the current failure on Ms. Ramirez's part to accept responsibility for the commission of the offense and her lack of candor with staff during this certification process appears to outweigh any progress. Therefore, staff's recommendation is that the Board deny legal document preparer certification to applicant, Leslie Ramirez, pursuant to ACJA §7-201 (E)(2)(c)(2)(b)(v) *The applicant or an officer, director, partner, member, trustee, or manager of the applicant has a conviction by final judgment of a misdemeanor if the crime has a reasonable relationship to the practice of the certified profession*

or occupation, regardless of whether civil rights have been restored for the relevant nature of the applicant's 2010 misdemeanor conviction for attempted theft of credit card and ACJA §7-201 (E)(2)(c)(2)(b) (xiv) *The applicant or an officer, director, partner, member, trustee, or manager of the applicant has made a false or misleading oral or written statement to division staff or the board* for the applicant's lack of candor with division staff regarding the circumstances of the 2010 misdemeanor offense.

20. Theresa Keves

Theresa Keves applied for Legal Document Preparer initial certification. Ms. Keves has met the minimum education and experience requirements for certification. In 2011, Ms. Keves had also applied for certification. In that application, Ms. Keves failed to disclose a 2006 Superior Court civil collection lawsuit. In a February 10, 2011 email to the Division, Ms. Keves' explanation for the failure to disclose was:

“Please note – I have no credit cards in my name: and, all debt that was in my name has been paid – off years ago. Furthermore, my name, regarding credit of any sort, is not and should not be associated with my husband, we have no record of this Plaintiff.”

The Board granted Ms. Keves' certification which she then failed to renew.

As to her 2016 application for certification, Ms. Keves' again failed to disclose the 2006 civil lawsuit. When contacted about the failure, Ms. Keves stated she had no knowledge of the suit. When reminded of the 2011 email exchange she stated she didn't remember the exchange, had no record of it and requested the documentation of that exchange. The emails were forwarded to her with the following statement from CLD:

“I understand that from your perspective this lawsuit and the subsequent judgement may have been wrongfully entered. As I mentioned on the telephone, the Board most likely will be interested in understanding why the lawsuit (wrongful or not) was not disclosed on your 2016 application.”

Ms. Keves responded as follows:

- “First of all, the explanation that was previously given to “ The Board”, as they examined and accepted my explanation regarding the bullet pointed items you listed below, at that time, in 2011, did not stop them from giving me an approval for my LDP Certification. In addition, there is no deviation from our explanation, presently. Thus, the information that was forwarded to Ms. Siddall, February 2011, remains standing today. We were not privy to any lawsuit and/or judgment regarding case number CV2006-019090, that was filed in the Supreme Court. Therefore, we were not given the opportunity in court to offer an explanation about this old debt. This is a credit card debt, Mr. White, it is not an instance or circumstance where murder was committed or any other heinous crime was committed or any other kind of unlawful, distasteful act, by myself or

my husband. It is a credit card debt, that has run its statutory limits; and, should not be listed in the Supreme Courts records. It was unknown to me and my husband that this debt was not satisfied, over 10 years ago. It is not anything unusual, Mr. White, that people can enter individuals with judgments, unbeknown to them; and, they were not given an opportunity to state what happen, or even if there has been substantiated proof that the debt is theirs. They are known as organizations that intentionally by old debt to acquire an attempt to collect, from people, who don't know their rights. However, my husband and I do not fall into that category.

- Secondly, You also stated that “The Board” will be interested in understanding why the lawsuit (wrongful or not) was not disclosed on your 2016 application. Please note: that the aforementioned explanation serves as such.”

Ms. Keves has twice failed to disclose to Division staff and the Board a civil lawsuit. Ms. Keves' explanation initially was that she didn't know about the suit and now seems to be threefold: the suit was wrongfully filed, it is inconsequential, and it is ten years old.

While Staff recognizes that it had information in its possession describing the suit and that Ms. Keves had been previously certified notwithstanding the suit, Staff recommends that Ms. Keves' application for certification be denied because she “has committed material misrepresentation, omission, . . .” in the application form pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(i).

21. Timothy Reedy

Timothy Reedy applied for Legal Document Preparer initial certification. Mr. Reedy has met the minimum education and experience requirements for certification. Mr. Reedy's application and subsequent investigation uncovered criminal convictions. When Mr. Reedy was asked to supply the documents related to those convictions he stated he was unable to do so and asked to withdraw his application.

Staff recommends that Mr. Reedy be allowed to withdraw his application for certification.

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3) INITIAL CERTIFICATION AND ELIGIBILITY

3-B: Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation regarding the denial of application of certification for Robert Smith.

On April 27, 2015 Robert Smith filed an application for Legal Document Preparer certification. On May 23, 2016, the Board denied Smith's application for certification for violation of ACJA § 7-201(E)(2)(c)(2)(b)(xiv) (made a false or misleading statement to division staff or the board) and ACJA § 7-201(E)(2)(c)(2)(b) (xv)(failed to disclose information on the certification application subsequently revealed through the background investigation). Smith timely requested a hearing.

On August 23, 2016 a hearing was held and on September 22, 2016, the Honorable William O'Neil issued his recommended decision. In part, Judge O'Neil's recommended decision found:

“[t]he explanations of Mr. Smith more than unreasonable. They were untruthful . . . The fact that they were untruthful, gives rise for a concern that the certification of Mr. Smith will put the public at risk. But this is a presumption rather than one that this office believes would come true. The community service of Mr. Smith and his mitigation argues strongly that the concern is only that and little more.

For a legal document preparer, attention to detail, accuracy, truth, honesty and full disclosure are required to protect the public. The past of Mr. Smith is far less troubling than his decision to be evasive and make misleading statements regarding that past. This hearing officer finds such failure unfortunate. While Mr. Smith has not met his burden of proof under ACJA § 7-201(E)(2)(c)(5), the Board should consider an additional informal interview to better evaluate Mr. Smith ”

IT IS RECOMMENDED the denial of the application of Mr. Smith be affirmed by the Board.

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Judge O'Neil also found that Mr. Smith's:

[t]hree grounds for reversal of the Boards decision: A) Documents Not Considered by Board; B) Mitigation Factors Not Considered; and C) The Board Disparately and Arbitrarily Applied Its Discretion. None of these grounds are viable.

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Pursuant to ACJA § 7-201(H)(22)(d) the Board may adopt or modify the hearing officer's report in whole or in part. Smith has requested that he be granted an informal interview as described in Judge O'Neil's recommended decision.

Division staff, believes such interview is not necessary given the findings as to Smith's truthfulness. However, in the event that such informal interview is granted, Division staff requests: (i) that Smith be ordered to provide documentation in support of his testimony no less than two weeks before the Board meeting; (ii) Division staff, in addition to the Board members, be allowed to directly question Smith; and (iii) that the matter be conducted as an informal interview of Smith as opposed to any third party.

Smith's lawyer has been informed that if the Board held an informal interview it would not be conducted until the next regularly scheduled meeting.

Staff recommends that Board accept the findings of Judge O'Neil, in part, and deny Mr. Smith's application for certification.

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4) CERTIFICATION AND ELIGIBILITY

4-A: Review, discussion and possible action regarding request for Inactive Status from certificate holder, Jeanne Malys.

Ms. Malys was granted certification on December 15, 2008. On August 3, 2016, Ms. Malys submitted a request for her certification to be placed on Inactive Status.

Staff has confirmed there are no pending complaints filed against her.

Staff recommends that the Board accept the request and place Jeanne Malys on Inactive Status.

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5) ADMINISTRATIVE ISSUES

5-A: Review, discussion and possible action regarding possible Code changes concerning continuing education and certification issues.

Staff will present information at the meeting.

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5) ADMINISTRATIVE ISSUES

5-B: Review, discussion, and possible action regarding the establishment of the 2017 Board meeting schedule.

The Board of Legal Document Preparers is asked to consider and approve the 2017 meeting calendar.

Therefore, it is recommended the 2017 meeting calendar be set as follows:

January 23, 2017

March 27, 2017

May 22, 2017

July 17, 2017

September 25, 2017

November 20, 2017

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5) ADMINISTRATIVE ISSUES

5-C: Update on Consent Agreement for Daniel Carrasco.

Staff will present information at the meeting.