

**Supreme Court Board of Legal Document Preparers**

Arizona State Courts Building  
1501 West Washington, Phoenix, AZ 85007  
Conference Room 230  
10:00 a.m. – 2:00 p.m.

**January 23, 2006**

**Approved Regular Session Meeting Minutes**

**Members Present:**

Judge Roland J. Steinle  
Mary Carlton  
Carol L. Wells  
Dr. Roger Hartley  
Donald F. Steward  
Nancy Swetnam  
Vellia M. Piña

**Telephonically Present:**

J. Ward Sturm  
Virlynn Tinnell  
Jacqui Velde

**Members Absent:**

Frank Costanzo

**AOC Staff Present:**

Nina Preston  
Linda Grau  
Kimberly Siddall  
J.R. Rittenhouse  
Brenda Dominguez  
Christina Soto  
Rick Sczerbicki

**Guest(s):**

Jerrie Ortiz

**CALL TO ORDER**

The regular session was called to order by Judge Roland Steinle at 10:10 a.m.

Mary Carlton holds the proxy vote for Vellia M. Piña.

**REVIEW AND APPROVAL OF MEETING MINUTES**

*Regular Session Minutes for the meeting of December 19, 2005.*

Mary Carlton requested the word “ordered” on page 4 regarding Carla Lief and on page 5 regarding Joy Patridge be changed to “invited.” Nancy Swetnam requested the paragraph on page 6 under section BICA be rewritten for clarification.

A **motion** was made by Nancy Swetnam to adopt the Regular Session minutes for December 19, 2005 as amended. Mary Carlton seconded the motion. Motion passed.  
**LDP-06-001**

A **motion** was made by Mary Carlton to defer review of Executive Session minutes for December 19, 2005 until the February Board meeting. Virlynn Tinnell seconded the motion. Motion passed. **LDP-06-002**

## REVIEW OF CERTIFICATION APPLICATIONS

Judge Roland Steinle requested the Board go out of order on the agenda in order to speak with Jerrie Ortiz who was invited to attend the meeting by the Board.

- *Board interview with initial individual certification applicant Jerrie Ortiz.*

At the Board meeting on November 14, 2005, the Board directed staff to contact Ms. Ortiz and have her provide a sworn affidavit attesting that she had not engaged in the preparation of legal documents since she became aware of the certification requirements in October 2004. Ms. Ortiz filed an affidavit stating after October 2004 she has not engaged in the preparation of legal documents.

Ms Ortiz attended the Board meeting and explained the failure to disclose two civil actions on her application. Ms. Ortiz confirmed one civil action involved a mortgage company which was included in her bankruptcy, but did not disclose because it was never arbitrated and it was not criminal. Regarding the second case, Ms. Ortiz reported the case "...is unknown to me. I have never been served nor known about this complaint." However, the court docket notes a "certificate of service received" was posted on October 4, 2001.

A **motion** was made by Judge Roland Steinle to grant initial certification to Jerrie Ortiz. Donald Steward seconded the motion. Motion passed. **LDP-06-003**

Nina Preston joined the meeting at 10:31 a.m.

- *Board interview with initial business entity applicant Simply Legal, Inc. designated principal Jody Patterson.*

Ms. Patterson attended the meeting telephonically and explained the failure to disclose four civil actions. Upon inquiry from the Program staff, Ms Patterson reported she believed information regarding the civil actions was provided with her individual application, which it was not. During the November Board meeting the Board deferred certification determination to allow staff to review the undisclosed civil actions. Staff reviewed the court files. Three of the actions had no relationship to document preparation or business practices. One directly relates to the applying business entity and Ms. Patterson's involvement in offering document preparation services. The action was dismissed without any finding of civil liability.

A **motion** was made by Dr. Roger Hartley to grant business entity certification to Simply Legal, Inc. Mary Carlton seconded the motion. Motion passed. **LDP-06-004**

A **motion** was made by Judge Roland Steinle to grant business entity exemption to Simply Legal, LLC. Virlynn Tinnell seconded the motion. Motion passed. **LDP-06-005**

Carol L. Wells joined meeting at 10:42 a.m.

## **ADMINISTRATIVE ISSUES**

- *Review and discussion regarding proposed revisions of Arizona Code of Judicial Administration § 7-208.*

J.R. Rittenhouse, CLD Administrative Services Manager presented the proposed revisions to Arizona Code of Judicial Administration (ACJA) of § 7-201. The proposed amendments are intended to reflect best practices, support the standardization of the Certification and Licensing Division Programs, and provide for the programs to operate under the authority of ACJA § 7-201. Currently, ACJA § 7-201 serves as the general requirements for three of the programs of the Certification and Licensing Division: Confidential Intermediaries, Defensive Driving and Fiduciaries. Proposed amendments to ACJA § 7-208 (Legal Document Preparer Program) include removing the duplicative language contained in ACJA § 7-201 from ACJA § 7-208 and for LDP Program specific provisions, the Code of Conduct, and other Appendixes to remain in ACJA § 7-208. The ACJA sections will be going out for public comment from February 1 through March 15, 2006. At the February 20, 2006 Board meeting an update will be provided to the Board. The proposed revision will be presented at the Arizona Judicial Council meeting June 19, 2006 in Tucson. Ms. Rittenhouse requested the Board forward their comments to the LDP Program email address.

**BREAK – 12:09 p.m.**

**RETURN FROM BREAK – 12:20 p.m.**

## **CERTIFICATION AND ELIGIBILITY**

- *Report and recommendations regarding Continuing Education course credit requests.*

The following requests for continuing education credit have been received by the Legal Document Preparer Program for Board review and consideration:

1. “Corporations and L.L.C.” presented by the AAIP in Show Low, Arizona on 12/10/05 – 2 hours requested.
2. “Domestic Relations Update” presented by the AAIP in Tempe, Arizona on 1/14/06 – 2 hours requested.
3. “Tax Regulations in 2006” presented by the AAIP in Tempe, Arizona on 1/14/06 – 2 hours requested.
4. “Ethics” presented by the AAIP in Tempe, Arizona on 1/14/06 – 1 hour requested.
5. “Immigration Issues” presented by the AAIP in Tempe, Arizona on 4/22/06 – 2 hours requested.

6. "Estate Planning" presented by the AAIP in Tempe, Arizona on 4/22/06 – 2 hours requested.

Program Staff recommended the above listed courses be approved for the requested credit.

A **motion** was made by Judge Roland Steinle to approve the above listed courses for Continuing Education as requested. Donald Steward recused from "Domestic Relations Update". Dr. Roger Hartley seconded the motion. Motion passed. **LDP-06-006**

- *Review and discussion regarding voluntary surrender request of AZCLDP number 80710, Deborah Gilman.*

Linda Grau informed the Board Ms. Gilman has requested to voluntarily surrender her certificate. Administrative matters related to this request are anticipated to be resolved before the February meeting. Ms. Grau recommends the Board defer consideration of this agenda item to the February meeting. Deferring this agenda item will not present any challenge to the time line requirement contained in ACJA § 7-208.

A **motion** was made by Judge Roland Steinle to defer consideration of AZCLDP number 80710, Deborah Gilman's request for voluntarily surrender of certificate until the February Board meeting. Mary Carlton seconded the motion. Motion passed. **LDP-06-007**

- *Review and discussion regarding certification requirement submitted by AZCLDP Lisa DeLong.*

Linda Grau informed the Board that staff has received an inquiry from active certificate holder Lisa DeLong questioning if she is required to maintain a LDP certificate in order to provide the services she offers; which is mostly advocating for people with disabilities. The Board directed staff to inform Ms. DeLong she must either work under the supervision of a licensed attorney or if she is preparing legal documents for non-represented individuals or entities then she must be certified.

- *Review and discussion regarding eligibility qualifications request.*

Linda Grau informed the Board an inquiry has been received by staff from Frank Middleton requesting clarification concerning certification eligibility requirements. The Board directed staff to inform Mr. Middleton upon completion of the paralegal program at KAPLAN University he would qualify to apply for certification.

## **PENDING APPLICATIONS FOR INITIAL CERTIFICATION**

Kimberly Siddall informed the Board the following applicants have submitted applications for initial certification. The applications are complete, no information has been presented

during the background which is contrary to certification being granted. The applicants have demonstrated they meet or exceed the minimum eligibility requirements for certification. Ms. Siddall recommended initial certification be granted to the following individuals or entities:

Rachel C. Dodge  
Deborah A. Posey  
Herbert M. Tinow  
Lisa A. Sandifer  
Myron C. Thorson  
West Valley Paralegal & Tax Services, LLC (Alicia Heflin)  
Brian S. Gauthier

A **motion** was made by Nancy Swetnam to grant initial certification to the above listed applicants. Virlynn Tinnell seconded the motion. Motion passed. **LDP-06-008**

1 Stop Document Resource Center, LLC (Patricia A. Steward)

A **motion** was made by Nancy Swetnam to grant initial certification to 1 Stop Document Resource Center, LLC. Judge Roland Steinle seconded the motion. Donald Steward recused. Motion passed. **LDP-06-009**

Kimberly Siddall informed the Board the following applications remain incomplete or pending the receipt of background review results. Ms. Siddall recommended these applications be deferred to the February meeting:

Stephen T. Coombs  
Anjum J. Malone  
GFA Wealth Design, LLC (Erica Kloner)  
Ivan Kobey  
Kobey, LLC

A **motion** was made by Nancy Swetnam to defer certification determination for the above listed applicants to the February meeting. Mary Carlton seconded the motion. Motion passed. **LDP-06-010**

John B. Kincaid

Kimberly Siddall informed the Board John B. Kincaid failed to disclose a civil action on his application. Staff inquired about this action and why he failed to disclose, which involved a foreclosure on his home in Jacksonville, FL. Mr. Kincaid stated "...I failed to disclose this information on my application is that it seemed like the form only wanted background and employment history for the previous years which I was involved in legal documents preparation...". Ms. Siddall recommended the Board deny the application pursuant to ACJA 7-208(E)(5)(b)(1)(c).

A **motion** was made by Judge Roland Steinle to invite John B. Kincaid to the February 27, 2006 Board meeting to clarify his failure to disclose a civil action and to provide the Board with a copy of the final disposition. Nancy Swetnam seconded the motion. Motion passed. **LDP-06-011**

Cheryl M. Thurman  
Asset Research Services, Inc. (Cheryl M. Thurman)

Per the direction of the Board, Ms. Thurman's application was deferred in order for Ms. Thurman to direct her legal document preparers to submit applications and to explain why these employees have not been certified. Ms. Thurman's legal document preparers have submitted their applications. Ms. Thurman explanation "When we submitted original paperwork for the company we asked if we needed to submit for Gauthier and Sanifer and were told not at this time." Ms. Siddall recommended the Board grant Ms. Thurman's individual and business applications.

A **motion** was made by Judge Roland Steinle to grant initial certification to Cheryl M. Thurman. Virlynn Tinnell seconded the motion. Motion passed. **LDP-06-012**

A **motion** was made by Judge Roland Steinle to grant initial business certification to Asset Research Services, Inc. J. Ward Sturm seconded the motion. Motion passed. **LDP-06-013**

Yared B. Mekonnen

Kimberly Siddall informed the Board Yared B. Mekonnen is a foreign law school graduate. Staff has received an original and verified transcript from Addis Ababa University in Ethiopia. He graduated with an LLB in August 1980. Staff requested applicant provide proof that this law school is institutional accredited. He provided a web page link of the International Association of Universities which is not institutional accredited. Therefore, applicant does not meet education requirements pursuant to ACJA 7-208(E)(3)(a)(5)(g). Kimberly Siddall recommended the Board deny the application pursuant to ACJA 7-208(E)(5)(b)(1)(a).

J. Ward Sturm at the request of the Board will contact the Ethiopia Embassy in Washington and inquire on the accreditation of Addis Ababa University. Staff will also request information from the California Bar Examiners regarding M. Mekonnen's application to the California Bar.

A **motion** was made by Judge Roland Steinle to defer certification determination for Yared B. Mekonnen to the February meeting in order for the Board and staff to research accreditation of Addis Ababa University and seek information from the California Bar Examiners. J. Ward Sturm seconded the motion. Motion passed. **LDP-06-014**

Thomas L. Steele

Kimberly Siddall informed the Board Mr. Steele provided clarification regarding his experience. He stated "...I am currently enrolled in the Blackstone Paralegal Education program...I am aware that I need to finish this training which is scheduled to complete within the next eight weeks..." Ms. Siddall recommended the Board deny the application pursuant to ACJA § 7-208(E)(5)(b)(1)(a).

A **motion** was made by Nancy Swetnam to defer certification determination for Thomas L. Steele to the March meeting and for staff to request proof of Mr. Steele passing the paralegal program. Mary Carlton seconded the motion. Motion passed. **LDP-06-015**

Diana H. Nguyen

Kimberly Siddall informed the Board Diana Nguyen submitted an application on October 24, 2005. Staff received information that the applicant entered into a Consent to Cease and Desist Agreement with the State Bar of Arizona on November 14, 2005. Applicant admits to violating Supreme Court Rule 31(a)(2)(A)(1) and (a)(2)(B)(2) on three counts. A copy of the Consent Agreement was provided for Board review. One sanction provides Ms. Nguyen will work under the supervision of a licensed Arizona attorney if her work is related to the practice of law.

At the December meeting, the Board requested staff confirm with Yvette Gray of the State Bar of Arizona if the Board granted certification, would doing so be contrary to the consent agreement. Ms. Gray responded stating the Consent Agreement was not drafted in consideration of Ms. Nguyen seeking LDP certification.

Ms. Siddall recommended the Board find that Diana H. Nguyen does not meet the minimum eligibility requirements pursuant to ACJA 7-208(E)(3)(a)(4) based on her failure to comply with court rules governing legal document preparers. Ms. Siddall recommended the Board deny the application pursuant to ACJA 7-208(E)(5)(b)(1)(a) and (h).

A **motion** was made by Judge Roland Steinle to deny initial certification to Diana H. Nguyen based on the disciplinary action taken by the State Bar of Arizona and for failure to comply with court rules governing legal document preparers pursuant to ACJA 7-208(E)(5)(b)(1)(a) and (h). J. Ward Sturm seconded the motion. Mary Carlton recused. Donald Steward opposed. Motion passed. **LDP-06-016**

Jezette C. Taillefer

Kimberly Siddall reported to the Board Jezette C. Taillefer stated on her application that she has been a trainee for certified business entity We the People from March 2004 to present. We the People listed Ms. Taillefer as a trainee on their renewal application submitted in May 2004. Ms. Taillefer's date of birth is 5/7/87, which would have made her 16 years and 10 months old when she states that she became a trainee. Pursuant to

ACJA 7-208(F)(5)(a) "...a certificate holder employs a person who would qualify for certification as a legal document preparer but for the lack of required experience, the certificate holder may train the employee...". As such, the applicant would not have qualified for certification as a legal document preparer when she became a trainee. Ms. Siddall recommended the Board deny the application pursuant to ACJA 7-208(E)(5)(b)(1)(a).

A **motion** was made by Nancy Swetnam to deny initial certification to Jezzette C. Taillefer pursuant to ACJA 7- 208(E)(5)(b)(1)(a) because she did not meet the requirement as a trainee and therefore does not currently have the required experience. Donald Steward seconded the motion. Motion passed. **LDP-06-017**

Charlene A. De Lucia

Kimberly Siddall reported to the Board Charlene A. De Lucia received her Legal Assistant/Paralegal Achievement Award from The Paralegal Institute in April 2004. The program is not institutionally accredited or approved by the America Bar Association.

Ms. De Lucia worked for Herald and Herald Associates for one month on a contractual basis. She was contacted by Herald and Herald Associates to come into their office and sign off on six (6) bankruptcy petitions. Ms. De Lucia stated that she was told an attorney would also sign the petitions. In fact, Attorney Mark Hyatt Tynan signed all but one (1) of the petitions. Ms. De Lucia provided an explanation as to why she signed the petitions. Herald and Herald Associates is currently involved in a civil UPL action in the Superior Court filed by the State Bar of Arizona.

Ms. De Lucia disclosed an arrest in February 1999 on a Failure to Appear Warrant and driving on a suspended license. She posted bond for \$640 and was scheduled to appear on March 4, 1999. It is unclear to staff if the applicant remedied the fine as stated on her application. Ms. De Lucia failed to disclose an arrest on 3/2/99 for driving on a suspended license, speeding, and violation of the lap and shoulder belts requirements. A Failure to Appear Warrant was issued on 8/9/00. She paid the fine and the warrant was quashed.

Ms. De Lucia disclosed three (3) civil actions that she was involved in regarding 1) Unlawful Detainer – judgment filed against the applicant in the amount of \$587.55 and restitution of the premises. 2) Assault and Battery – Ms. De Lucia was the plaintiff in this action. Case dismissed. 3) Unlawful Detainer – judgment filed against the Ms. De Lucia for possession only.

Ms. Siddall recommended the Board find Ms. De Lucia did not receive a certificate of completion from a paralegal or legal assistant program that is institutionally accredited pursuant to ACJA 7-208(E)(3)(a)(5)(c), and she did not comply with the laws, court rules, and orders adopted by the Supreme Court governing legal document preparers in this state pursuant to ACJA 7-208(E)(3)(a)(4) related to her involvement with Herald and Herald. Ms. Siddall recommended the Board deny the application pursuant to ACJA 7-208(E)(5)(b)(1)(a).

A **motion** was made by Nancy Swetnam to deny initial certification to Charlene A. De Lucia pursuant to ACJA 7-208(E)(5)(b)(1)(a), specifically she does not meet the minimum eligibility education/experience and she does not meet the requirement of complying with laws, court rules and orders adopted by the Supreme Court in regards to the signing of the Bankruptcy Court documents. Virlynn Tinnell seconded the motion. Motion passed. **LDP-06-018**

Legal-Ease, LLC (Dennis Lawrence)

Kimberly Siddall informed the Board Dennis Lawrence was asked on November 1, 2005 to provide staff with additional information regarding two civil actions which were not disclosed on the application, Articles of Incorporation/Organization, and Certificate of Good Standing. Mr. Lawrence responded regarding the two civil actions, confirming he was involved but did not disclose on the application because he misunderstood the timeframe the application was inquiring about and he felt the cases did not pertain to the operation of his business". Also, he indicated he had requested a copy of the Articles of Organization from the Arizona Corporation Commission. Ms. Siddall reported on December 2, 2005, and December 20, 2005 staff contacted Mr. Lawrence requesting he provide a copy of the Articles of Incorporation and Certificate of Good Standing. To date, staff has received a copy of the Certificate of Good Standing, but has not received the required Articles of Organization. Ms Siddall recommended the Board deem the application incomplete and deny the application pursuant to ACJA 7-208(E)(5)(b)(1)(b) and for material misrepresentation in applying for a certificate pursuant to ACJA 7-208(E)(5)(b)(1)(c) based on Mr. Lawrence's failure to disclose being a party in two civil actions.

A **motion** was made by Dr. Roger Hartley to deny business certification Legal-Ease, LLC (Dennis Lawrence) for failure to submit original Certificate of Good Standing and Articles of Incorporation pursuant to ACJA 7-208(E)(5)(b)(1)(b), and for not disclosing the civil actions pursuant to ACJA 7-208(E)(5)(b)(1)(c). Nancy Swetnam seconded the motion. Motion passed. **LDP-06-019**

#### **BUSINESS ENTITY EXEMPTION REQUESTS:**

It is recommended the following Business Entity Exemptions be granted for the 2005 – 2006 certificate period:

West Valley Paralegal & Tax Services, LLC (Alicia Heflin)  
Celentano's Mobile Notary Service, Inc.

A **motion** was made by Judge Roland Steinle to grant the business exemption request for the above listed applicants. Mary Carlton seconded the motion. Motion passed. **LDP-06-020**

Legal-Ease, LLC (Dennis Lawrence)

A **motion** was made by Judge Roland Steinle to deny the business exemption request for Legal-Ease, LLC (Dennis Lawrence) based on action taken by the Board in motion LDP-6-019. Virlynn Tinnell seconded the motion. Motion passed. **LDP-06-021**

### **HEARING ON DENIAL OF BUSINESS ENTITY CERTIFICATION**

- *1 p.m. hearing regarding the denial of business entity certification of Equal Access to the Law, LLC.*

Linda Grau informed the Board the business entity application for Equal Access to the Law, LLC was deemed incomplete by the Board and denied on December 19, 2005 based on the LDP Program not receiving the requisite Certificate of Good Standing from the Arizona Corporation Commission. Richard French has submitted the required documentation. Additionally, Mr. French previously submitted a Business Entity Exemption Request form. Ms. Grau recommended the Board grant initial business entity certification and the business entity exemption request to Equal Access to the Law, LLC.

A **motion** was made by Judge Roland Steinle to vacate the hearing for failure of Richard French to appear. Nancy Swetnam seconded the motion. Motion passed. **LDP-06-022**

A **motion** was made by Judge Roland Steinle to grant business certification to Equal Access to the Law, LLC. Mary Carlton seconded the motion. Motion passed. **LDP-06-023**

### **CALL TO THE PUBLIC**

No response.

### **ADJOURN**

A **motion** was made by Judge Roland Steinle to adjourn. Donald Steward seconded the motion. Motion passed. **LDP-06-024**

Meeting adjourned at 1:12 p.m.

/bld