

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.

February 27, 2006

Approved Regular Session Meeting Minutes

Members Present:

Judge Roland J. Steinle
Mary Carlton
Frank Costanzo
Vellia M. Piña
Donald F. Steward
J. Ward Sturm
Nancy Swetnam

Telephonically Present:

Virlynn Tinnell
Jacqui Velde

Members Absent:

Dr. Roger Hartley
Carol L. Wells

AOC Staff Present:

Nina Preston
Rhonda Simmons
Kimberly Siddall
J.R. Rittenhouse
Brenda Dominguez
Dara Fonseth
Christina Soto
Kirk Smith
Kandace French

Guests:

Steve Wyner
Jeanne Galvin
John Kincaid
Laura Tebaqui

CALL TO ORDER

The regular session was called to order by Judge Roland Steinle at 10:06 a.m.

Donald Steward holds the proxy vote for Dr. Roger Hartley.

Judge Roland Steinle holds the proxy vote for Carol Wells.

REVIEW OF PENDING COMPLAINTS (request to take agenda items out of order)

- *Review and discussion regarding pending formal charges in LDP Program complaint numbers 04-L063, 05-L007, 05-L027, 05-L049, and 05-L052 against revoked, former certificate holders Allan Sobol and Quick and Legal Paralegal Services.*

Nancy Swetnam and Donald Steward recused from this matter and will not be participating in the discussion.

Jeanne Galvin, Assistant Attorney General, appeared on behalf of the Program. Ms. Galvin addressed the Board regarding alternative methods to proceed with the pending disciplinary

action in the noted complaint numbers as Allan Sobol and Quick and Legal Paralegal Services have previously been revoked as a result of other unrelated disciplinary actions.

EXECUTIVE SESSION #1 STARTED - 10:13 A.M.

A **motion** was made by Donald Steward to enter into Executive Session to discuss confidential information and for advice of legal counsel. J. Ward Sturm seconded the motion. Motion passed. **LDP-06-025**

Jacqui Velde joined the meeting telephonically at 10:14 a.m. during the Executive Session.

EXECUTIVE SESSION #1 ENDED - 10:27 A.M.

REVIEW OF PENDING COMPLAINTS (revisited)

A **motion** was made by Judge Roland Steinle to defer consideration of the draft of the Notice of Formal Charges involving Allan Sobol and Quick and Legal Paralegal Services and to direct staff to meet with the Attorney General to review the pending Notice of Formal Charges and present a revised draft of the charges at the March Board meeting. Jacqui Velde seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-026**

- *Review and discussion regarding restitution order in LDP Program complaint number 04-L062 involving Allan Sobol and Quick and Legal Paralegal Services.*

Judge Roland Steinle made a limited call to the public for comment regarding the restitution order for complaint number 04-L062 involving Allan Sobol and Quick and Legal Paralegal Services. There was no public comment made regarding this agenda item.

A **motion** was made by Judge Roland Steinle to adopt the Final Order for Restitution in LDP complaint number 04-L062 regarding Allan Sobol and Quick and Legal Paralegal Services in the amount of \$5,187.50. Jacqui Velde seconded the motion. Nancy Swetnam, Donald Steward and Vellia Piña recused. Motion passed. **LDP-06-027**

CERTIFICATION AND ELIGIBILITY

- *Review and discussion regarding Hearing Officer Andrew Marshall's Recommendation Report involving the denial of business entity certification renewal to MSB Riyad Legal Consultants, LLC.*

Jeanne Galvin, Assistant Attorney General representing the Program in this matter, recommended the Board to adopt the Findings of Fact, Conclusions of Law and Recommendations of Hearing Officer Andrew Marshall. The Hearing Officer's recommendation is for the Board to affirm its earlier decision to deny certification.

A **motion** was made by Frank Costanzo to adopt the Findings of Fact, Conclusions of Law and Recommendations of Hearing Officer Andrew Marshall in the matter of MSB Riyad Legal Consultants, LLC d/b/a MSB Legal Services. Nancy Swetnam seconded the motion. Motion passed. **LDP-06-028**

REVIEW AND APPROVAL OF MEETING MINUTES

- *Regular Session Minutes for the meeting of January 23, 2006.*

Vellia Piña requested the record show she was present at the January 23rd meeting. Nancy Swetnam requested the section regarding the Board's review of the certification application of Yared B. Mekonnen be rewritten to clarify why the Board contacted the California Bar Examiners.

A **motion** was made by Mary Carlton to adopt the Regular Session minutes for January 23, 2006 as amended. Nancy Swetnam seconded the motion. Frank Costanzo abstained. Motion passed. **LDP-06-029**

ADMINISTRATIVE ISSUES

- *Review and discussion regarding proposed revisions of Arizona Code of Judicial Administration §§ 7-201 and 7-208.*

Rhonda Simmons reported the pending proposal to amend ACJA § 7-208 will incorporate the Board's existing Continuing Education Policy into ACJA § 7-208 as an Appendix. Nancy Swetnam presented the proposed revisions to the ACJA § 7-208 Fee Schedule to include an increase of the biannual individual and business entity standard certification fee to \$650.00 – with a prorated fee of \$325.00 for those applicants who apply with less than one year remaining in the certification period, a noted provision for the fingerprint card fee at a rate allowable under statute, individual and business entity standard certification renewal fee increase to \$600.00, an inactive certificate fee of \$200.00, a late renewal fee of \$50.00, and a delinquent continuing education fee of \$50.00. Ms. Swetnam reported a “miscellaneous fees section has been added to the proposed amendments which include a \$100.00 reinstatement fee (following suspension or revocation) and various administrative fees.

Nancy Swetnam informed the Board there a bill is currently pending in the Legislature, if passed, will give the Program the authority to obtain fingerprint background cards and information from new applicants. The Board requested Program staff prepare and provide the Board with additional information at the next meeting regarding the proposed changes to ACJA § 7-208 (F)(3) entitled “Identification”. Specifically, the Board requested information regarding the need for the proposed revisions.

CERTIFICATION AND ELIGIBILITY

- *Report regarding LDP Examination results.*

Program staff provided the Board with a report regarding LDP examination results which provided the pass/fail percentages for each month the exam was administered from July 1, 2005 through February 13, 2006. J. Ward Sturm requested staff provide further information at the next meeting regarding whether the information on the report includes LDPs who have failed and retaken the examination more than once.

- *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. “Circular 237 – Standards for Providing Written Tax Advice” presented by the Arizona Community Foundation in Phoenix, Arizona on 9/14/05 – 1 hour requested.

Program staff recommended course “Circular 237 – Standards for Providing Written Tax Advice” be approved for the requested credit.

2. “Construction Lien Law” presented by Lorman in Phoenix, Arizona on 11/18/05 – 6.5 hours requested.

Program staff recommended the course “Construction Lien Law” be approved for 5 credit hours.

3. “Avoiding Litigation” presented by the Securities American, Inc. in Phoenix, Arizona on 11/28/05 – 0.5 hour requested.

4. “Practical Advice for Fiduciaries” presented by the Northern Trust Bank in Phoenix, Arizona on 11/29/05 – 2 hours requested.

Program staff recommended courses 3 and 4 be approved for the requested credit.

5. “AZ 2005 Tax Software Update” presented by Drake Training in Tucson, Arizona on 1/13/06 – 2 hour requested.

Program staff recommended “AZ 2005 Tax Software Update” be approved for 2 hours for tax credit.

6. “Income Tax Practitioner’s Workshop” presented by ASU Downtown in Phoenix, Arizona on 1/10/06 – 7 (5 hours tax) hours requested.

Program staff recommended “Income Tax Practitioner’s Workshop” be approved for 5 credits with 3 of the 5 hours designated as tax credit.

7. “Beyond the Basics: Strategies for Solving Probate Issues and Challenges in Arizona” presented by the National Business Institute in Phoenix, Arizona on 1/12/06 – 5 hours

requested.

Program staff recommended course “Beyond the Basics: Strategies for Solving Probate Issues and Challenges in Arizona” be approved for the requested credit.

8. “The Law of Community Assoc. in AZ Overview for Arizona Assoc. of Community Managers” presented by Ekmark & Ekmark, LLC and Carpenter Hazlewood, PLC in Scottsdale, Arizona on 1/13/06 – 8 hours requested.

Program staff recommended “The Law of Community Assoc. in AZ Overview for Arizona Assoc. of Community Managers” be approved for 5 credits.

9. “Identify Theft” presented by the NALS Yavapai County in Prescott, Arizona on 1/29/06 – 1 hour requested.

10. “Humble Confidence = Inspired Leadership: 1 Character Trait of a Remarkable Leader” presented by ASU Downtown in Phoenix, Arizona on 2/9/06 – 1 hour requested.

Program staff recommended courses 9 and 10 be approved for the requested credit.

11. “AZ Elder Law & Estate Planning Update 2006” presented by PESI in Phoenix, Arizona on 2/9/06 – 7.25 hours requested.

Program staff recommended “AZ Elder Law & Estate Planning Update 2006” be approved for 5 credits.

12. Business Writing & Grammar Skills” presented by ASU Downtown in Phoenix, Arizona on 2/23/06 – 1 hour requested.

13. “Training for Volunteer Mediators” presented by the Office of the Attorney General in various locations and dates during 2006 in Arizona – 40 hours requested.

Program staff recommended courses 12 and 13 be approved for the requested credit.

14. “Judicial Staff Conference” presented by the Judicial Education Center in Tucson, Arizona from 4/18 through 4/20/06.

April 18, 2006

#5164 Sexual Harassment in the Workplace

#5165 Code of Conduct & Ethics in the Court

April 19, 2006

#5190 Shades of Grey: Race, Culture and Perception of the Courts – An Ethical

Exploration

- #5155 Can I say that? – Unauthorized Practice of Law and Providing Information
- #5150 FARE in the Arizona Court – Fines, Fees & Restitution

Nancy Swetnam advised she is familiar with the subject matter of #5105 FARE in the Arizona Courts – Fines, Fees & Restitution and she does not believe that would be relevant to LDPs.

April 20, 2006

- #5172 Enforcement of Court Ordered Sanctions
- #5182 Kick it Up a Notch – Customer Service in the Courts
- #5160 Are We Making Culturally Responsible Decisions?

Program staff recommended the “Judicial Staff Conference” course outlined above be approved for 3 hours for each morning session and 3 hours for each afternoon, and deny credit for course #5150.

15. Certificate holder Donald Steward requested faculty credit for presenting the “Family Court Rules Session” in Tempe, Arizona on 1/14/06 – 4 hours requested for faculty credit and 2 hours for the presentation.

Program Staff informed the Board it previously approved 2 hours of credit for certificate holders attending the course sponsored by AAIP. However, AAIP stated in their approved request an attorney or court staff would be presenting the class. Subsequently, legal document preparer Don Steward requested credit for presenting the class. Staff recommended the Board consider whether AAIP complied with the continuing education policy by allow a non-attorney or court staff to present the course after it was approved by the Board as offered under the CE Policy requirements and the approved conditions for the presentation of the course were not met . Staff also recommended the Board determine whether credit should be granted to Don Steward for presenting the course.

16. “Lose Your Excuses & Gain A Life” presented by ASU Downtown in Phoenix, Arizona on 2/2/06 – 1 hour requested.

Program staff withdrew the request for the Board consideration of this event.

A **motion** was made by Nancy Swetnam to deny course number 10 for continuing education credit. J. Ward Sturm seconded the motion. Motion passed. **LDP-06-030**

A **motion** was made by J. Ward Sturm to defer course number 13 until the March meeting and a subcommittee be formed to determine whether to grant credit and if so, how much credit to grant. Judge Roland Steinle seconded the motion. Motion passed. **LDP-06-031**

J. Ward Sturm agreed to lead the subcommittee and report back to the Board in March.

A **motion** was made by Judge Roland Steinle to approve continuing education as recommended for numbers 1 through 9, 11 and 12. Nancy Swetnam seconded the motion. Motion passed. **LDP-06-032**

A **motion** was made by Judge Roland Steinle to approve number 14 for 3 credit hours for each morning session and 3 credit hours for each afternoon session, and deny credit for session number 5150 for continuing education credit. Virlynn Tinnell seconded the motion. Motion passed. **LDP-06-033**

A **motion** was made by Judge Roland Steinle to approve course number 15 for 5 credit hours for continuing education credit. J. Ward Sturm seconded the motion. Donald Steward recused. Motion passed. **LDP-06-034**

The Board agreed AAIP may change the presenters without notice to the Program as long as the presenter is qualified to teach the course.

EXECUTIVE SESSION #2 STARTED - 11:21 A.M.

A **motion** was made by Judge Roland Steinle to enter into Executive Session to discuss confidential information and for advice of legal counsel. Donald Steward seconded the motion. Motion passed. **LDP-06-035**

EXECUTIVE SESSION #2 ENDED - 12:05 P.M.

CERTIFICATION AND ELIGIBILITY (revisited)

- *Review and discussion regarding voluntary surrender request of AZCLDP number 80710, Deborah Gilman.*
- *Review and discussion regarding voluntary surrender request of AZCLDP number 80251, Marilyn Monda.*

A **motion** was made by Judge Roland Steinle to defer consideration of Deborah Gilman, AZCLDP number 80710, and Marilyn Monda, AZCLDP number 80251, requests for voluntarily surrender of certificates until the March Board meeting. Mary Carlton seconded the motion. Motion passed. **LDP-06-036**

REVIEW OF PENDING COMPLAINTS

- *Review and discussion regarding non-certificate holder complaint NC-370 regarding Cicero Cast'On and Cast'On Corporation.*

A **motion** was made by Judge Roland Steinle for the Board to dismiss non-certificate holder complaint number NC-370 due to lack of jurisdiction. Donald Steward seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-037**

- *Review and discussion regarding non-certificate holder complaint NC-376, NC-377, and NC-381 regarding James Reid and Curtis Management and Consulting, LLC.*

A **motion** was made by Judge Roland Steinle to direct Program staff to send a copy of the complaint to the non-certificate holder and provide Mr. Reid and Curtis Management with the opportunity to respond to complaints NC-376, NC-377, and NC-381; and to defer further review of this matter until the March Board meeting. Frank Costanzo seconded the motion. Motion passed. **LDP-06-038**

- *Review and discussion regarding LDP Program complaint numbers 03-L037, 03-L038, 04-L011, 04-L034, 04-L048, 04-L069, 05-L012, 05-L064, 05-L067, 05-L081, 05-L086, 05-L091, 05-L092, 05-L093, 05-L094, 05-L095, 05-L096, 05-L097, 05-L098, 05-L099, 05-L103, 05-L104, 05-L114, 05-L120, and 05-L122.*

*05-L103
05-L091*

A **motion** was made by Judge Roland Steinle to enter a finding that probable cause exists and authorize Program staff to pursue a Consent Agreement to resolve complaint numbers 05-L103 and 05-L091 involving Deborah Gilman, certificate number 80710. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-039**

05-L096

A **motion** was made by Judge Roland Steinle to enter a finding that probable cause exists and authorize Program staff to pursue a Consent Agreement to resolve complaint number 05-L096 involving Marilyn Monda, certificate number 80251. J. Ward Sturm seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-040**

05-L122

A **motion** was made by Judge Roland Steinle to dismiss complaint number 05-L122 for lack of jurisdiction. J. Ward Sturm seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-041**

05-L120

A **motion** was made by Judge Roland Steinle to enter a finding that probable cause exists, direct Program staff to prepare a Notice of Formal Charges and authorize staff to pursue a Consent Agreement to resolve complaint number 05-L120 involving Edgar A. Meza, certificate number 80063. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-042**

05-L098

A **motion** was made by Judge Roland Steinle to enter a finding probable cause exists, direct Program staff to prepare a Notice of Formal Charges and authorize staff to pursue a Consent Agreement to resolve complaint number 05-L098 involving Deborah Munoz, certificate number 80614. Jacqui Velde seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-043**

04-L034

A **motion** was made by Judge Roland Steinle to enter a finding probable cause does not exist and to dismiss complaint number 05-L034. J. Ward Sturm seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-044**

05-L092

A **motion** was made by Judge Roland Steinle to enter a finding probable cause exists, direct Program staff to prepare a Notice of Formal Charges and authorize staff to pursue a Consent Agreement to resolve complaint number 05-L092 involving Caitlin Larkin, certificate number 80771. J. Ward Sturm seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-045**

05-L095

A **motion** was made by Judge Roland Steinle to enter a finding probable cause exists, direct Program staff to prepare a Notice of Formal Charges and authorize staff to pursue a Consent Agreement to resolve complaint number 05-L095 involving Hallie Marr, certificate number 80726. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-046**

05-L064

A **motion** was made by Judge Roland Steinle to dismiss complaint number 05-L064 due to lack of jurisdiction and directs Program staff to refer this matter to the appropriate agencies and authorities for review. J. Ward Sturm seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-047**

05-L099

A **motion** was made by Judge Roland Steinle to enter a finding probable cause exists, direct Program staff to prepare a Notice of Formal Charges and authorize staff to pursue a Consent Agreement to resolve complaint number 05-L099 involving Richard Rochford, certificate number 80768. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-048**

03-L037

A **motion** was made by Judge Roland Steinle to dismiss complaint number 03-L037 because the received written complaint does not meet the criteria provided for in ACJA § 7-208 (H)(2)(a). Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-049**

05-L093

A **motion** was made by Judge Roland Steinle to enter a finding probable cause exists, direct Program staff to prepare a Notice of Formal Charges and authorize staff to pursue a Consent Agreement to resolve complaint number 05-L093 regarding Cynthia Lenzie, certificate number 80686. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-050**

05-L097

A **motion** was made by Judge Roland Steinle to enter a finding probable cause exists, direct Program staff to prepare a Notice of Formal Charges and authorize staff to pursue a Consent Agreement to resolve complaint number 05-L097 regarding Patricia Morrison, certificate number 80672. Virlynn Tinnell seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-051**

03-L038, 05-L086 and 05-L114

A **motion** was made by Judge Roland Steinle to enter a finding probable cause does not exist in complaint numbers 03-L038 and 05-L114 and to dismiss these complaint numbers, Further, to dismiss complaint number 05-L086 because the received written complaint does not meet the criteria provided for in ACJA § 7-208 (H)(2)(a). Donald Steward seconded the motion. Nancy Swetnam and Virlynn Tinnell recused. Motion passed. **LDP-06-052**

04-L011, 04-L069 and 04-L067

A **motion** was made by Judge Roland Steinle to enter a finding probable cause exists, to consolidate the complaints, direct Program staff to prepare a Notice of Formal Charges and authorize staff to pursue a Consent Agreement to resolve complaint numbers 04-L011, 04-L069 and 04-L067 involving Sandra Coffman, certificate number 80492. Donald Steward seconded the motion. Nancy Swetnam and Virlynn Tinnell recused. Motion passed. **LDP-06-053**

04-L048

A **motion** was made by Judge Roland Steinle to defer Board consideration of complaint number 04-L048 to the March meeting and direct Program staff to investigate whether a violation of Rule 31 has occurred and make a recommendation at the next matter as to whether the complaint should be addressed by the Board or referred to the State Bar of Arizona. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-054**

05-L012, 05-L081, 05-L104 and 05-L094

A **motion** was made by Judge Roland Steinle to enter a finding probable cause exists, to consolidate the complaints, direct Program staff to prepare a Notice of Formal Charges in complaint numbers 05-L012, 05-L081, 05-L104 and 05-L094 involving Vincent Lopano. Mary Carlton seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-06-055**

- *Review and discussion regarding Superior Court Order to Show Cause action involving non-certificate holders Robert Pilkington and Central Arizona Paralegal Services.*

Rhonda Simmons reported the Honorable Janet Barton of the Superior Court in Maricopa County issued a Cease and Desist Order against Mr. Pilkington on February 25, 2005, enjoining Mr. Pilkington from engaging in any business activities related to legal document preparation. Ms. Simmons reported the Program continues to receive referrals regarding Mr. Pilkington and his denied business entity, Central Arizona Paralegal Services, providing document preparation related services. Ms. Simmons recommended the Board petition the Superior Court in Maricopa County for an Order to Show Cause Re: Contempt regarding Mr. Pilkington and Central Arizona Paralegal Services, relative to the February 25, 2005 Cease and Desist Order.

A **motion** was made by Judge Roland Steinle to petition the Superior Court in Maricopa County for an Order to Show Cause Re: Contempt for Mr. Pilkington and Central Arizona Paralegal Services, relative to the February 25, 2005 Cease and Desist Order. Virlynn Tinnell seconded the motion. Motion passed. **LDP-06-056**

REVIEW OF CERTIFICATION APPLICATIONS

- *Board interview with initial individual certification applicant John Kincaid.*

John Kincaid addressed the Board and stated his failure to disclose the information on the application was an oversight, he thought the application was only asking about events which occurred during the last 5 years. Mr. Kincaid reported he has been working in the insurance and estate planning industry since 2003, under the supervision of an attorney.

A **motion** was made by Judge Roland Steinle to grant initial individual certification to John Kincaid. J. Ward Sturm seconded the motion. Motion passed. **LDP-06-057**

- *Review of pending application and business entity exemption requests.*

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. Kimberly Siddall recommended initial certification be granted to the following individuals or business entities:

Ann M. Stevens

Affordable Legal Document Services, Inc. (Carol A. Keller)
Southwest Document Services, LLC (Steven E. Basehore)
Shawnterry Cato

A **motion** was made by Judge Roland Steinle to grant initial certification to the above listed applicants. Donald Steward seconded the motion. Motion passed. **LDP-06-058**

George K. Staropoli

Kimberly Siddall informed the Board Mr. Staropoli's website identifies he serves as an advocate for homeowners' association. Ms. Siddall recommends if the Board grants initial individual certification to Mr. Staropoli that it order cautionary language be included in the certification notice identifying the limited authorities of legal document preparer and the prohibitions in ACJA § 7-208 and Rule 31 that prevent a non-attorney from acting for or on behalf of others.

A **motion** was made by Nancy Swetnam to grant initial certification to George K. Staropoli and direct staff to include language in the certification notice letter regarding the limited authorities of legal document preparer and the prohibitions in ACJA § 7-208 and Rule 31 that prevent a non-attorney from acting for or on behalf of others. Donald Steward seconded the motion. Motion passed. **LDP-06-059**

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

We the People of Mesa, AZ, Inc (Karen Strauss)
Brittney N. Mendez

A **motion** was made by Nancy Swetnam to defer certification determination for the above listed applicants to the March Board meeting. J. Ward Sturm seconded the motion. Motion passed. **LDP-06-060**

Russ A. Rallo

Kimberly Siddall reported Mr. Rallo disclosed an aggravated harassment conviction in January of 2004. Court records reflect Mr. Rallo was sentenced to probation and on July 15, 2004, probation violation proceedings commenced and, ultimately, Mr. Rallo was reinstated to unsupervised probation on October 18, 2004 and later released from probation effective January 22, 2005. Staff confirmed the outstanding criminal restitution order issued by the Court when Mr. Rallo's probation grant ended remains unpaid and is in collections.

Ms. Siddall reported court records reflect Mr. Rallo failed to disclose being a party in two civil actions, a landlord/tenant dispute and a dispute with an auto repair shop which is still pending. When staff inquired why Mr. Rallo failed to disclose these civil actions on his application he stated he assumed the Program was only interested in criminal matters.

Ms. Siddall recommended the Board deny Mr. Rallo's application for initial certification pursuant to §7-208 (E)(5)(b)(1)(a) based on §7-208 (E)(3)(a)(3) failure to show good moral character, and pursuant to §7-208 (E)(5)(b)(1)(c) for material misrepresentation based on failure to disclose civil actions.

A **motion** was made by Judge Roland Steinle to deny initial certification to Russ A. Rallo, pursuant to ACJA § 7-208 (E)(3)(a)(3) for failure to show good moral character and ACJA § 7-208 (E)(5)(b)(1)(c) for material misrepresentation based on failure to disclose civil actions and for failure to comply with court orders. J. Ward Sturm seconded the motion. Motion passed. **LDP-06-061**

Stephen T. Coombs

Kimberly Siddall informed the Board that on December 13, December 20, 2005, and January 24, 2006 staff requested additional information from Mr. Coombs pertaining to his experience, employment history, and any civil action he may have been involved in. To date, Mr. Coombs has not responded. Kimberly Siddall recommended the Board deem the application incomplete and deny the application, pursuant to §7-208 (E)(5)(b)(1)(b).

A **motion** was made by Judge Roland Steinle to deem the application for initial certification submitted by Stephen Combs as incomplete and deny the application pursuant to § 7-208(E)(5)(b)(1)(b). Mary Carlton seconded the motion. Motion passed. **LDP-06-062**

Anjum J. Malone

Kimberly Siddall reported Ms. Malone submitted an application for initial individual certification on November 7, 2005. Staff has requested additional information from Ms. Malone on December 13, 2005, December 20, 2005, and January 24, 2006 pertaining to her experience, status as an ACJA § 7-208 (F)(5) trainee, and employment history. Ms. Malone responded on February 13, 2006 and amended the application to clarify her experience history. Based on the information provided and subsequently confirmed by staff, Ms. Malone does not have the required experience to be eligible for initial certification. Ms. Siddall recommended the Board deny the application, pursuant to §7-208 (E)(5)(b)(1)(a) as the applicant does not meet the requirements for certification pursuant to §7-208 (E)(3)(a)(5)(b).

A **motion** was made by Judge Roland Steinle to defer certification determination for Anjum J. Malone until the March Board meeting. Donald Steward seconded the motion. Motion passed. **LDP-06-063**

Yared B. Mekonnen

J. Ward Sturm stated the information requested at the January Board meeting regarding accreditation for the foreign law school Addis Ababa University, where Mr. Mekonnen graduated from, is not complete and requested this matter be deferred until the March Board meeting.

A **motion** was made by Nancy Swetnam to defer certification determination for Yared B. Mekonnen for initial certification until the March Board meeting. Donald Steward seconded the motion. Motion passed. **LDP-06-064**

GFA Wealth Design, LLC (Erica Kloner)

Kimberly Siddall informed the Board on the initial application reflects one of the LLC Members, William Mentis, was the subject of a disciplinary action taken by the National Association of Securities Dealers (“NASD”) wherein the Member and his firm were fined \$10,000 and the matter resolved through a Consent Order with the Arizona Corporation Commission dated December 28, 1994. Mr. Mentis states he voluntarily terminated his securities license.

During the background investigation staff received information that another LLC Member, Aaron Brodt, failed to disclose a criminal conviction on the application. Ms. Kloner, the named designated principal for the business entity, was asked to have Mr. Brodt confirm or deny such action. Ms. Kloner responded Mr. Brodt confirmed he failed to disclose the criminal citation; however, he could not provide any information as the incident occurred eight years ago. Ms. Kloner provided Mr. Brodt did not disclose the action because he believed the judgment has been set aside by the court and disclosure was not required. Staff attempted to obtain court records pertaining to the case and were advised the case was expunged and no additional information or documentation is available. Kimberly Siddall recommended the Board consider the NASD disclosure and enter a certification determination.

A **motion** was made by Frank Costanzo to grant initial business certification to GFA Wealth Design, LLC. Judge Roland Steinle seconded the motion. Motion passed. **LDP-06-065**

Ivan M. Kobey
Kobey, LLC (Ivan M. Kobey)

Kimberly Siddall reported Mr. Kobey disclosed the following on his individual and business applications:

- He was barred by the New York Stock Exchange for a period of 10 years for failure to disclose risks on option trading.
- He was denied licensure as an investment advisor for Kobey Corporation and denied licensure as an investment advisor representative by the Arizona Corporation Commission on December 21, 1994.
- A complaint was filed with the Better Business Bureau against Kobey Corporation. The complaint was answered by Mr. Kobey; no further action was taken by the Better Business Bureau.
- A Small Claims action was filed against Kobey Corporation. A Judgment was awarded for the Plaintiffs against Kobey Corporation in the amount of \$516.00.

On the application, Mr. Kobey failed to disclose entering into a Consent Order in a disciplinary action involving a professional license in which he was censured and fined in Illinois.

Kimberly Siddall recommended the Board deny the individual and business applications pursuant to §7-208 (E)(5)(b)(1)(c) for failure to disclose the Illinois Consent Order and pursuant to § 7-208 (E)(5)(b)(1)(g) for Mr. Kobey having had his investment advisor and representative license application denied, and for being barred from the New York Stock Exchange.

A **motion** was made by Judge Roland Steinle to defer consideration of initial individual and business applications for Ivan M. Kobey and Kobey, LLC and to invite Mr. Kobey to the March Board meeting to clarify his failure to disclose a Consent Order from the State of Illinois. Mary Carlton seconded the motion. Motion passed. **LDP-06-066**

BUSINESS ENTITY EXEMPTION REQUESTS:

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

Southwest Document Services, LLC (Steven E. Basehore)
Affordable Legal Document Services, Inc. (Carol A. Keller)
Equal Access to the Law, LLC (Richard French)

A **motion** was made by Nancy Swetnam to grant Business Entity Exemption to the above listed applicants. Jacqui Velde seconded the motion. Motion passed. **LDP-06-067**

REVIEW AND APPROVAL OF MEETING MINUTES (revisited)

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

A **motion** was made by Judge Roland Steinle to adopt the Executive Session minutes for December 19, 2005 as amended. Jacqui Velde seconded the motion. Motion passed. **LDP-06-068**

CALL TO THE PUBLIC

Laura Tebaqui addressed the Board regarding her recent purchase of Central Arizona Paralegal Services of Casa Grande. Ms. Tebaqui stated she will be operating the business entity as a sole proprietorship and the previous owner, who was denied renewal of individual certification and initial business entity certification, is no longer involved with the company. The Board informed Ms. Tebaqui a business application must be submitted on behalf of this entity and the business cannot conduct work under the company's name until or unless it holds valid certification. Ms. Tebaqui informed the Board she is currently working towards attaining certification for the business entity.

REVIEW OF PENDING COMPLAINTS (revisited)

- *Review and discussion regarding certificate holder non-compliance issues.*

Pursuant to Board motion LDP-06-074 ordered on March 20, 2006, the following information has been redacted:

[REDACTED]

[REDACTED]

[REDACTED]

A **motion** was made by Judge Roland Steinle to initiate a complaint against the three individuals listed on the Non-Compliance Report dated February 27, 2006, pursuant to ACJA § 7-208 (H)(2)(b) for failure to participate in the LDP Examination as required by ACJA § 7-208 (E)(4)(a). Jacqui Velde seconded the motion. Motion passed. **LDP-06-069**

Pursuant to Board motion LDP-06-074 ordered on March 20, 2006, the following information has been redacted:

[REDACTED]

A **motion** was made by Judge Roland Steinle to initiate a complaint against an individual listed on the Non-Compliance Report dated February 27, 2006, pursuant to ACJA § 7-208 (H)(2)(b) for failure to disclose required and requested information on the business entity certification application. Mary Carlton seconded the motion. Motion passed. **LDP-06-070**

Pursuant to Board motion LDP-06-074 ordered on March 20, 2006, the following information has been redacted:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A **motion** was made by Judge Roland Steinle to initiate a complaint against an individual listed on the Non-Compliance Report dated February 27, 2006, pursuant to ACJA § 7-208 (H)(2)(b) for failure to obtain and maintain required business entity certification for Legal-Ease, LLC. Mary Carlton seconded the motion. Motion passed. **LDP-06-071**

Pursuant to Board motion LDP-06-074 ordered on March 20, 2006, the following information has been redacted:

[REDACTED]

[REDACTED]

A **motion** was made by Judge Roland Steinle to defer and direct staff to further investigate and make recommendations on whether to initiate a complaint against an individual listed on the Non-Compliance Report dated February 27, 2006. Donald Steward seconded the motion. Motion passed. **LDP-06-072**

ADJOURN

A **motion** was made by Judge Roland Steinle to adjourn. J. Ward Sturm seconded the motion. Motion passed. **LDP-06-073**

Meeting adjourned at 1:08 p.m.

/bld