

## 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.

**March 22, 2004**

### Approved Regular Minutes

#### **Members Present:**

Judge Roland J. Steinle, III, Chair  
Dr. Roger E. Hartley  
Donald F. Steward  
J. Ward Sturm  
Margaret J. Kleinman  
Vellia M. Pina  
Nancy Swetnam  
Mary Carlton

#### **AOC Staff Present:**

Linda Grau  
Lauren Hargrave  
Michael Whitney  
Nina Preston  
Susan Luebke

#### **Members Absent:**

Carol L. Wells  
Susan C. Vasquez

#### **Guests:**

Robert Van Wyck  
Fran Johanson  
Stephanie Villalobos

#### **Members Present by Phone:**

Virlynn Tinnell

#### **Call to Order**

The meeting was called to order by Judge Roland Steinle, III at 10:03 a.m. Judge Ronald J. Steinle was given Carol L. Wells' proxy and Donald F. Steward was given Susan C. Vasquez's proxy. Proxies will be exercised during voting session.

#### **Review and Approval of Meeting Minutes**

*Regular and Executive Session Minutes from February 23, 2004.*

Discussion was held regarding the regular session minutes of February 23, 2003. Nancy Swetnam, Dr. Roger E. Hartley and Margaret J. Kleinman requested grammatical and clerical changes be made to the minutes. These changes will be given to Lauren Hargrave for correction.

A **motion** was made by Margaret J. Kleinman and seconded by Ward J. Sturm to adopt minutes of February 23, 2004, as amended. Motion passed. **LDP-04-063**

## **Administrative Issues**

### *Update on Status of renewal time line activities.*

Linda Grau reported the first electronic notice went out to certificate holders on February 25, 2004. There are a number of individuals without email or with inaccurate email addresses on record. A hard copy of the notice was mailed to these individuals. Packets containing the renewal applications and information regarding continuing education were mailed to certificate holders on March 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup>. The program has begun to receive renewal applications. Early applications for renewal will be presented to the Board on April 26, 2004. Any applications returned for insufficient addresses have been corrected and re-sent.

### *Review and discussion regarding proposed standardization of hearing request forms.*

Linda Grau reported the suggestions of the Attorney General's Administrative Law Division have been incorporated into two separate forms. One form relates to a request for hearing involving denial of certification. The second form relates to request for hearing regarding a Notice of Formal Charges. Historically, a number of individuals have not including a factual basis or relief demand within their hearing requests. The denial hearing request form will be disseminated with the denial letter and the notice of formal charges hearing request form will be disseminated with the notice of formal charges. The Board discussed the forms and requested formatting, grammatical and clerical changes be made.

A **motion** was made by Donald F. Steward and seconded by Nancy Swetnam to approve the standardization of hearing request forms as amended. Motion passed.  
**LDP-04-064**

### *Review and discussion of adoption of policy addressing denied applicants filing subsequent applications for certification determination.*

The proposed policy draft recommends the Board consider implementing a process for applicants previously denied certification to make a later application. Several denied applicants have submitted subsequent applicants for the Board to consider.

There are currently no limits or methods for addressing multiple applications under the Code. The proposal suggests the Board pursue either a policy or a Code revision which establishes a one calendar year waiting period for reapplication by individuals or businesses denied for cause.

Linda Grau reported she met with Nina Preston and discussed if this issue should be addressed by possible Code revision rather than a Board policy. Nina Preston discussed any policy should distinguish between those who have been denied for cause and those who have been denied for failing to meet minimum eligibility requirements. The Board discussed a policy issue verses a code revision, and the possible implication any code

change could have in the future. Nina Preston informed the Board a Code change would require a proposal being presented to the Arizona Judicial Council, which meets quarterly. Before presentation to the Arizona Judicial Council a Code change is reviewed by the Administrative Office of the Courts and must be distributed to the public/stakeholders for comment. The Board discussed fees regarding subsequent filings for certification made by previously denied applicants as well as elements which could be revised. Nancy Swetnam suggested staff work on a draft policy and bring it back to the Board for review at the April meeting. The Board recommended using the final affirmation date of the Board as a base time line for processing future petitions for reconsideration. The Board additionally discussed changing the term “calendar year” to “12 months”.

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to defer consideration of the draft proposal regarding denied applicants submitting additional applications until the next Board meeting when staff, working with legal counsel, will come forward with specific language to propose a modification of the Code. Motion passed. **LDP-04-065**

### **Certification and Eligibility**

*Review of Hearing Officer Report and Recommendation regarding Cicero Cast’On.*

Linda Grau reported Mr. Cast’On has filed a Motion to Review Hearing which has been forwarded to the Hearing Officer for review and ruling. As a result of the pending action Ms. Grau recommended consideration of this matter be deferred until the April Board meeting.

A **motion** was made by Dr. Roger E. Hartley and seconded by Ward J. Sturm to defer review of the Hearing Officer Report regarding Cicero Cast’On until the April Board meeting. Motion passed. **LDP-04-066**

*Review of Hearing Officer Report and Recommendation regarding Andrew Torres.*

Linda Grau reported the Hearing Officer’s recommendation is to affirm the Board denial with regard to Andrew Torres.

A **motion** was made by J. Ward Sturm and seconded by Virlynn Tinnell to adopt the Hearing Officer’s report with the Findings of Fact, Conclusions of Law and to affirm the initial denial of Andrew Torres. Motion passed. **LDP-04-067**

### **Certification and Eligibility**

*Report and recommendations regarding Continuing Education course credit approval.*

The following list of events was submitted for Board approval of continuing education credit. Linda Grau recommended these courses be approved for hour-for-hour credit for in-class presentation:

1. “Real Estate Purchase and Sale Transactions” presented by Sterling Education Services, LLC on December 16, 2003
2. “Accounting Fundamentals” presented by East Valley SCORE on February 4, 2004.
3. “Secretary of State Notary Workshop” presented by State of Arizona Secretary of State, on January 14, 2003
4. “What’s New on Westlaw – StatutesPlus, Dockets, Briefs, etc.” presented by Thomson West on February 26, 2004.
5. “Basic Bankruptcy Litigation in Arizona” presented by the National Business Institute, on-line course.
6. “Handling Arizona Divorce Cases” presented by national Business Institute on October 7, 2003.
7. “Advanced Writing and Editing for Lawyers: Beyond “Tips” to Fundamental Principles” presented by the American Law Institute on February 27, 2004.

The following list of events was submitted for Board approval of continuing education credit. Linda Grau recommended these courses be approved for hour-for-hour credit for in-class presentation – up to three hours according to the Board policy regarding tax continuing education classes:

8. “Arizona Tax Talk 2003” presented by the Arizona Department of Revenue on December 16-17, 2003.
9. “Property Tax Law in Arizona” presented by National Business Institute, on-line course.

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward to approve the above listed Continuing Education courses for hour-for-hour credit as pre-approved continuing education opportunities. Motion Passed.  
**LDP-04-068**

Linda Grau reported the following events were submitted for Board approval of continuing education credit. The certificate holder who submitted the request is a full-time student at ASU Law School and requests the Board assess and determine if her academic activities can be approved as continuing education. The certificate holder has submitted documentation that reflect she has completed these courses. Ms. Grau recommended the Board approve 5 hours of continuing education for each of these courses:

10. “Contracts” presented by Arizona State University College of Law, August 2003-December 2003.
11. “Torts” presented by Arizona State University College of Law, August 2003-December 2003.
12. “Legal Method and Writing” presented by Arizona State University College of Law, August 2003-December 2003.
13. “Law and the Regulatory State” presented by Arizona State University College of Law, August 2003-December 2003.

A **motion** was made by Donald F. Steward and seconded by Virlynn Tinnell to approve the above listed continuing education courses, each for up to 5 hours of continuing education credit as pre-approved continuing education opportunities. Motion Passed. **LDP-04-069**

Linda Grau reported the following events were submitted for Board approval of continuing education credit. The courses were taken as part of an educational curriculum. The certificate holder has submitted transcript verification that she completed these courses. Ms. Grau recommended the Board approve up to 5 hours of continuing education for each of these courses:

14. “Legal Ethics” presented by College for Paralegal Studies through January 30, 2004.
15. “Business Organization” presented by College for Paralegal Studies through January 30, 2004.

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to approve the above listed Continuing Education courses, each for up to 5 hours of continuing education credit as pre-approved continuing education opportunities. Motion Passed. **LDP-04-070**

Linda Grau reported the following event was submitted for Board approval of continuing education credit. Ms. Grau recommended the Board approve up to 5 hours of continuing education for the course:

16. “Legal Ethics” presented by the College for Paralegal Studies through January 30, 2004.

A **motion** was made by Virlynn Tinnell and seconded by Judge Roland J. Steinle to approve the above listed continuing education course for up to 5 hours of continuing education credit as a pre-approved continuing education opportunity.

Motion Passed. **LDP-04-071**

Linda Grau reported the following events were submitted for Board approval of continuing education credit. The AZCLDP who submitted the request for credit for the following events is also a certified fiduciary. The classes appear to be relevant to fiduciary certification. However, neither the documentation nor the narratives provided by the AZCLDP supports applicability to legal document preparation.:

17. “Compliance Audit Review” presented by Arizona Supreme Court Fiduciary Certification Program on September 11, 2003.
18. “12<sup>th</sup> Annual Elder Issues Conference” presented by Region III Area Agency on the Aging on September 25, 2003.

The Fiduciary Program Manager and the Certification and Licensing staff member who presented the audit class both indicated the courses were not related to legal document preparation. Ms. Grau recommended denial of the request. The Board discussed the Business Management Policy which approves up to 3 hours of continuing education.

A **motion** was made by Judge Roland J. Steinle and seconded by Dr. Roger E. Hartley to deny continuing education credits for “Compliance Audit Review”. Motion Passed. **LDP-04-072**

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to defer decision on “12<sup>th</sup> Annual Elder Issues Conference” and request the certificate holder to provide additional information that specifies how these events relate to her certification as a legal document preparer. Motion Passed. **LDP-04-073**

The following list of events was submitted for Board approval of continuing education credit. Linda Grau reported the Board previously approved the same program as “Preparing Documents for Homeowner Association Meetings”. Elmark & Elmark has resubmitted the same curriculum with a new date. Linda Grau recommended all courses be approved for hour-for-hour credit for in-class presentation:

19. “Guardianship and Conservatorships In Arizona” presented by Lorman Education Service on April 29, 2004 in Phoenix.
20. “Bankruptcy In Arizona” presented by Lorman Education Service on May 5, 2004 in Phoenix.
21. “Orders of Protection” presented by Lorman Education Service on April 28, 2004 in Phoenix.
22. “What You Need To Know About Public Records and Open Meetings” presented by Lorman Education Service on April 27, 2004 in Phoenix.

23. "Preparing Documents for Homeowner Association Meetings" presented by Elmark & Elmark on April 16, 2004 in Scottsdale.
24. "Giving Back = Good Business" presented by Arizona State University College of Extended Education on March 16, 2004 in Phoenix.

The Board discussed "Giving Back = Good Business" and "What You Need To Know About Public Records and Open Meetings". "What You Need To Know About Public Records and "Open Meetings" is relevant with regards to the law. Linda Grau recommended these courses be approved for hour-for-hour credit for in-class presentation:

A **motion** was made by Nancy Swetnam and seconded by Judge Roland J. Steinle to approve the above listed continuing education courses for hour-for-hour credit as pre-approved continuing education opportunities. Motion Passed. Virlynn Tinnell Abstained. **LDP-04-074**

Linda Grau reported Carpenter Hazelwood has submitted a proposal for a CE curriculum designed for the AZCLDPs who prepare documents on behalf of homeowner and condominium associations. The proposed 4 hour course provides an outstanding overview of the HOA process and related documents preparation. The faculty are all attorneys in good standing with the State Bar of Arizona. Ms. Grau noted a portion of the curriculum, entitled "Ethics and Code of Conduct", delves into ACJA §7-208 Code of Conduct and the AZCLDP disciplinary process. Ms. Grau advised the Board that there have been avoidable burdens placed on the Program as a direct result of inaccurate information being given about the Code and the LDP Program during CE opportunities. Ms. Grau suggested the Board consider herself or another CLD staff member offer to co-present this portion of the course or, that the Board approve only sections one through four of the proposed curriculum. The Board discussed involving members of the Board or staff members in presentations and who can and can not teach ethics. Additionally, the Board discussed how well an outside presenter knows the disciplinary procedure the Board follows. The Board discussed having a caveat which would state "The Board has not approved the curriculum, all views expressed are personal views expressed by the presenters". The Board discussed striking Section "5" on the curriculum or perhaps not approving that portion of the proposed course. The Board discussed forming a subcommittee to investigate what other Boards are doing, specifically, whether Boards are participating in continuing education programs in relevance to discipline and to what extent they are participating. The subcommittee should come back to the Board with recommendations on how these matters should be handled.

A **motion** was made by Judge Roland J. Steinle and seconded by Dr. Roger E. Hartley. Steinle to approve the proposal CE curriculum designed for the AZCLDPs by Carpenter Hazelwood with the caveat "The Board has not approved the curriculum, all views expressed are personal views expressed by the presenters". Motion Passed. 9-1 **LDP-04-075**

Ms. Swetnam is specifically opposed to the section regarding a presentation on the code itself. Nancy Swetnam, Mary Carlton and Donald Steward agreed to be part of the subcommittee to report back to the Board.

### **Report Regarding Pending Complaints**

*Review and status update regarding the pending Petition for Cease and Desist Order re: Lisa Elwess (aka Lisa Crocker).*

Robert Van Wyck, Chief Counsel for the State Bar, addressed the Board with regards to the pending Petition for Cease and Desist Order for Lisa Elwess (Crocker). Mr. Van Wyck is representing the Board in the Superior Court action.

### **Executive Session #1**

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-04-076**

**Executive Session #1 ended.**

### **Review of Applications**

Linda Grau reported there has been ongoing information exchanged between the LDP Program and the State Bar UPL Office with regards to Ronald Strawn. Ms. Fran Johanson addressed the Board regarding inconsistencies with Mr. Strawn's application. Ms. Johanson received a recent correspondence from Mr. Strawn stating he no longer owns a business, and stating he will be moving to Washington. Ms. Johanson advised she received a copy of a letter that was signed by Mr. Strawn in which he clearly engages in UPL. Further, some of Mr. Strawn's letters are signed using the J.D. designation. The State Bar, just last week, received another complaint regarding Mr. Strawn. Ms. Johanson has previously sent Mr. Strawn a cease and desist letter. Ms. Grau is waiting on additional information on a criminal case involving an officer of True North America, Inc., which was not disclosed on the application. Ms. Grau would like time to review the criminal case and the new complaint received by the State Bar, to determine if there are other issues which need to be addressed prior to certification determination. Ms. Grau recommends the following applications be deferred:

Ronald Strawn

True North America, Inc.

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to defer consideration on the above listed applications pending further investigation and information at the April Board meeting. Motion Passed. **LDP-04-077**

The following legal document preparers and business entities request they be granted Initial Individual/Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reports the applications are complete, demonstrate the minimum eligibility requirements have been met by the applicants, and no additional information has been presented during the background reviews. She recommends these applicants be granted certification.

Patricia Anderson  
Griffin Paralegal Services, LLC  
Carolyn Mardis  
Ann Messerer  
Hua Quin

Jodi Brown  
Joan-Marie Johnson  
Laura McDanel  
Stephanie Parker  
Carolyn Avon

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Strum to grant Initial Individual/Business Certification to the applicants listed above, based on documentation provided showing they meet all qualifications for Initial Certification. Motion Passed. **LDP-04-078**

Linda Grau reported Melissa Tenny's background check has been completed. Ms. Tenny is the designated principal for EMIT, Inc. and Safe Split, LLC. Both business entity applications remain incomplete. Missing documentation has prevented the completion of the business entity background reviews. Ms. Grau recommended the following applications be deferred for additional information:

Melissa Tenny  
Safe Split, LLC

EMIT, Inc.

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to defer consideration on the above listed applications pending further investigation and information from the applicant. Motion Passed. **LDP-04-079**

The following legal document preparer requested she be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reported the application is complete, has demonstrated the minimum eligibility requirements have been met by the applicant, and no additional information has been presented during the background review. She recommends the applicant be granted certification and be required to submit written acknowledgment of the Code of Conduct prohibition regarding the use of J.D., Esquire, etc. As well Ms. Grau recommends the applicant be advised she cannot prepare documents on behalf of an uncertified business entity, and request a business entity application be forwarded for her corporation.

Maria Nolan-Malsack

A **motion** was made by Judge Roland J. Steinle and seconded by Virlynn Tinnell to grant Initial Individual Certification to the applicant listed above, based on documentation provided showing she meets all qualifications for Initial Certification, and requests Ms. Nolan-Malsack submit written acknowledgment of the Code of Conduct prohibition regarding the use of J.D., Esquire, etc. Additionally the Board advises Ms. Nolan-Malsack cannot prepare documents on behalf of an uncertified business entity. The Board request Ms. Nolan-Malsack submit a business entity application if she intends to prepare documents under the auspices of the corporation. Motion Passed. **LDP-04-080**

Regarding the following applicants, Linda Grau reported the program has not received the Articles of Incorporation or the Certificate of Good Standing. The Board discussed the name of the company and the implications of the name. "Legal Aid" in Arizona is misleading and the Arizona Code of Judicial Administration §7-208, Standard 5(c) states "A legal document preparer shall not use the designations "lawyer," "Attorney at law," "counselor at law," "law office," "JD," "Esq.," or other equivalent words, the use of which is reasonably likely to induce other to believe the legal document preparer is authorized to engage in the practice of law in the state of Arizona." The Board requested Ms. Grau inform the principal, Ava Hardiek, of its concerns with the business name. Ms. Grau recommended the following application be deferred for additional information:

Legal Aid State Services, Inc.

Ava Hardiek

A **motion** was made by Judge Roland J. Steinle and seconded by Virlynn Tinnell to defer consideration on the above listed applications pending further investigation and information from the applicant. Motion Passed. **LDP-04-081**

The following legal document preparer and business entity request they be granted Initial Individual/Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Previously, the Board deferred these applications to receive additional information from the applicant/designated principal. The applicant submitted the requested information. Ms. Grau recommends these applications be granted certification.

Rose Puma

ABC Legals, LLC

A **motion** was made by Mary Carlton and seconded by Judge Roland J. Steinle to grant Initial Individual/Business Certification to the applicants listed above, based on documentation provided showing they meet all qualifications for Initial Certification. Motion Passed. **LDP-04-082**

Linda Grau reported Douglas Brown's and Caprenos, Inc.'s applications were deferred from last month because both applications were received incomplete. The applicant and designated principal have each failed to respond to requests for additional information. Ms. Grau recommended the applications be denied as incomplete pursuant to Arizona Code of Judicial Administration §7-208 (E)(5)(b)(1)(b).

Douglas Brown

Caprenos, Inc.

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to deny Initial Business Entity Certification of Caprenos, Inc. and Initial Individual Certification to Douglas Brown, pursuant to the Arizona Code of Judicial Administration §7-208 (E)(5)(b)(1)(b), incomplete applications. Motion Passed. **LDP-04-083**

Ms. Grau recommended the following applications be deferred for resolution of pending matters:

Central Arizona Paralegal Services, Inc.	Jane Rossi
Christian Faith Fellowship Ministry, Inc.	A-Z Legal Document Preparers, Inc
Wilson, Keller, and Associates, Inc.	

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to defer consideration on the above listed applications pending further investigation and information. Motion Passed. **LDP-04-084**

Linda Grau reported the following application for Initial Individual Certification was previously deferred to this meeting to allow for review, and to allow the applicant an opportunity to respond to UPL complaints involving demand letters to insurance companies facilitating personal injury claims for third parties. In Ms. Sapien's response she acknowledges she is not a licensed adjuster and she stated she was no longer engaging in such business practices. Ms. Sapien stated she would be conducting no "property damage services" and notary services to Villa Del Sol Adjusters. Villa Del Sol Adjusters is not presently certified. Ms. Grau was unable to determine if the company is a licensed corporate adjusting organization. Ms. Grau recommended if the Board grants certification to Ms. Sapien, she be specifically directed to not participate in services for which she is not licensed. The Board discussed the UPL complaint presented by the State Bar. The State Bar may not be taking any action at this time. The Board discussed the requirements for Public Adjusters. The Board directed Ms. Grau to confirm with the State Bar whether there are any additional complaints and/or any pending actions. The Board directed Ms. Grau to confirm the applicant is a notary.

Guadalupe Sapien

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J.

Kleinman to defer the application to the next meeting for more information. Motion Passed. **LDP-04-085**

Linda Grau reported the designated principals for the following entities have submitted Business Entity Exemption Request Forms and recommended approval of these exemption requests.

Griffin Paralegal Services, LLC  
Valley Docs & Paralegal Services, LLC

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to grant Business Entity Exemption to Griffin Paralegal Services, LLC, based on documentation provided showing it meets all qualifications for Business Entity Exemption. Motion Passed. **LDP-04-086**

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to grant Business Entity Exemption to Valley Docs & Paralegal Services, LLC based on documentation provided showing it meets all qualifications for Business Entity Exemption. Motion Passed. Mary Carlton Recused. **LDP-04-087**

**Certification and Eligibility (Continued)**

*Report regarding cooperative efforts with Superior Court in Maricopa County Training and Staff and Development Office for AZCLDP access and register electronically for Judicial Staff training classes.*

Linda Grau reported the program has established an exchange of instructors for seats for Certification and Licensing Division certificate holders in COJET courses offered through the Training and Development Office at the Superior Court in Maricopa County. Currently individuals are calling in with requests for classes they would like to attend. Maricopa County is preparing a full schedule of courses for the coming year. In the interim, the program has set up an electronic registration method to be posted on the Division web site. Certificate holders do not have to be Maricopa County residents. The classes are free. However, there are a limited amount of seats available.

*Review and recommendation regarding certificate holder William MacKinnon's (AZCLDP #80520) request for pro-rated continuing education obligation.*

Linda Grau reported Mr. MacKinnon contacted her and is requesting the Board prorate his continuing education requirement. Mr. MacKinnon indicated when he applied for and was granted certification in December he was unaware of the required continuing education. Mr. McKinnon asserts he did not receive notice of continuing education requirements until he received his certificate. Mr. MacKinnon is requesting the Board prorate his continuing education requirement as it was done for those who were certified after January 1, 2004. The Board noted the continuing education requirements are fully disclosed in Arizona Code of Judicial Administration §7-208.

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to deny William MacKinnon's request for pro-rated continuing education. Motion Passed. **LDP-04-088**

*Report regarding status of pending Consent Agreement with Leah Keller (AZCLDP #80128).*

Linda Grau reported there are administrative issues pending that support deferring this matter to the next meeting.

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to defer consideration of Leah Keller's Consent Agreement until the April Board meeting. Motion Passed. **LDP-04-089**

### **Report Regarding Pending Complaints**

*Review and recommendations regarding pending certificate holder complaint numbers 03-L023 and 03-L033.*

Linda Grau reported there are administrative issues pending that support deferring complaint numbers 03-L023 and 03-L033 to the next meeting.

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to defer consideration of complaint numbers 03-L023 and 03-L033 until the April Board meeting. Motion Passed. **LDP-04-090**

Nancy Swetnam reported the Arizona Code of Judicial Administration §1-202, which governs the Board with regards to how meetings are conducted, states the Board must adhere to a published agenda and can only deviate from that for very specified purposes. Defined purposes include deviation as necessary to address any matter the Board or staff could not have reasonably anticipated, any matter if delayed until the next meeting would be detrimental to the work of Board and the welfare of the public, and any matter without public notice would not significantly impair public awareness of the matter. Just one business day prior to the regularly scheduled Board meeting, information was presented to the Program Coordinator which could not have been anticipated, a delay to next scheduled meeting could be detrimental to the welfare of the public, and which the Board discussion of the matter – absent notice – will not significantly impair public awareness.

A **motion** was made by Nancy Swetnam and seconded by Judge Roland J. Steinle that, pursuant to the Arizona Code of Judicial Administration §1-202C(2)(c) the Board deviate from the published agenda to consider the matter of the procedure for issuing an emergency suspension order regarding a pending complaint. Deviation from the agenda is necessary to address a matter the Board and staff could not have reasonably anticipated, that is, that a complaint would be received where an emergency suspension may be necessary. Given the seriousness of the alleged violations, delaying the matter until the next meeting is detrimental to the welfare of the public. Discussing the Emergency Suspension procedure without public notice

will not significantly impair public awareness. Motion Passed. **LDP-04-091**

Ms. Swetnam addressed Arizona Code of Judicial Administration §7-08(H)(5)(C), and the process regarding Emergency Suspension. The Board discussed the Code requirements of the notice of intent to seek emergency suspension. The matter presented to Program Staff last Friday has prompted the discussion regarding the Emergency Suspension process. As the underlying matter involved matters confidential by law or rule and for the advice of counsel, an executive session is necessary.

### **Executive Session #2**

A **motion** was made by Nancy Swetnam and seconded by Judge Roland J. Steinle to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-04-092**

**Executive Session #2 ended.**

### **Hearing Regarding Denial**

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Strum, the applicant having failed to appear, to vacate the hearing on denial of Aida Pompa and find Ms. Pompa's failure to appear waives the right to have a hearing. Motion passed. **LDP-04-093**

### **Review and Approval of Meeting Minutes (Continued)**

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to adopt the Executive Session minutes of February 23, 2004, as amended in Executive Session. Motion Passed. **LDP-04-094**

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to authorize Program Staff to convene an emergency meeting of the Board no earlier than Thursday, April 1<sup>st</sup>, if notice is received from the agency filing an adversarial action against a certificate holder. Both proxies were exercised. Motion Passed. **LDP-04-095**

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton, if an emergency meeting of the Board is convened, Program staff is to send out notice to the certificate holder in compliance with Arizona Code of Judicial Administration §7-08(H)(5)(C). Motion Passed. **LDP-04-096**

### **Call to the Public**

There was no response.

### **Adjournment**

A **motion** was made by Mary Carlton and seconded by Dr. Roger E. Hartley to adjourn. Motion passed. **LDP-04-097**

The meeting of the Board of Legal Document Preparers adjourned at 1:53 p.m.