

# 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.

## April 26, 2004 Approved Meeting Minutes

### Members Present:

Judge Roland J. Steinle, III, Chair  
Susan C. Vasquez  
Donald F. Steward  
J. Ward Sturm  
Margaret J. Kleinman  
Nancy Swetnam  
Mary Carlton  
Dr. Roger E. Hartley  
Carol L. Wells  
Mary Carlton

### AOC Staff Present:

Linda Grau  
Nina Preston  
Lauren Hargrave

### Guests:

Frances Johansen  
Ray De La Rosa  
Stephanie Villalobos

### Members Present by Phone:

Virlynn Tinnell  
Vellia M. Pina

### Call to Order

The meeting was called to order by Judge Roland Steinle, III at 10:06 a.m.

### Review and Approval of Meeting Minutes

*Regular and Executive Session Minutes from March 22, 2004.*

Discussion was held regarding the regular session minutes of March 22, 2004. Nancy Swetnam and Margaret J. Kleinman requested grammatical and clerical changes be made to the minutes. These changes will be given to Lauren Hargrave for correction. Motions regarding Hearing Officer Recommendations shall state the Board either accepts or rejects the Hearing Officer's report including the Findings of Facts, Conclusions of Law and the Board shall either affirm the earlier denial or grant certification.

A **motion** was made by J. Ward Sturm and seconded by Virlynn Tinnell to adopt minutes of March 22, 2004, as amended. Motion passed. **LDP-04-100**

The Board discussed page 13 of the draft minutes and the language should be adjusted.

A **motion** was made by Margaret J. Kleinman and seconded by Nancy Swetnam to adopt the changes to page 13 in the minutes of March 22, 2004. Motion passed.  
**LDP-04-101**

*Approval of Regular Session Minutes from Emergency Meeting of April 8, 2004.*

Margaret J. Kleinman requested grammatical and clerical changes be made to the minutes.

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J. Kleinman to adopt the Emergency Meeting minutes of April 8, 2004, as amended. Motion passed. **LDP-04-102**

### **Administrative Issues**

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

Linda Grau provided the Board with a copy of the draft of a proposal regarding the issue which included changes from last months' discussion. Ms. Grau reported the findings of research into other programs and their policies regarding reapplication after denial. The Board reviewed Rules of the Attorney Admissions Unit, the Secretary of State Notary Division, the Dental Board, and the Chiropractic Board policies regarding subsequent applications after denial. The Board discussed using language to differentiate denials for cause from denials for failure to meet eligibility requirements as well as other language changes to the draft. The Board discussed putting the same policy in place regarding renewal. The Board discussed imposing an additional fee for filing a petition, which would require a Code change. The Board agreed an additional fee of \$50 would be appropriate. The Board directed Ms. Grau to do further revisions and bring another draft to the Board at the next scheduled meeting.

*Discussion regarding the State Bar of Arizona Access to Justice Task Force report.*

Linda Grau reported on the State Bar of Arizona Access to Justice Task Force recommendation suggesting a proposed surcharge on document preparer certification fees to cover costs for low income legal services. Before the meeting, Ms. Grau contacted Task Force Co-Chair Joseph Kanefield and was advised the State Bar Board of Governors is scheduled to review the Task Force recommendations at their May meeting. Nancy Swetnam reported AOC Director Dave Byers is a member of the Board of Governors and will be present at the meeting. The Board agreed legal services programs within Arizona could use additional funding. However, the Board should act on behalf of the legal document preparers and comment to the Board of Governors, as well as the Supreme Court in the event consideration of this proposal reaches the Court, as to the potential impact of such a surcharge on document preparer application fees. Specifically,

the Board would comment on its concerns that a surcharge would increase the cost of document preparation services, limiting smaller businesses and sole proprietors from entering or remaining in the field, having a significant impact on alternative, lower cost services already being offered to Arizona consumers through certified legal document preparers. Additionally, only 583 individuals and businesses hold certification and the surcharge on these entities would not amount to a great deal of money. The expenses the program would incur processing a proposed surcharge would likely exceed the value. The Board discussed the LDP community taking a leadership role in addressing this matter. The Board agreed to offer comment on the surcharge proposal. The Board discussed the possibility of a Legal Document Preparer being included on the State Bar Board of Governors. The Board of Governors is established by Court Rule and the membership is established by Court Rule. If the Board wanted to suggest a change of the membership makeup of the Board of Governors, the Board would need to file a Rule 28 petition. Fran Johansen reported the proposal is not the only proposal being offered.

### **Certification and Eligibility**

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

Linda Grau reported it was previously anticipated the issues related to the Motion for Rehearing pending at last month's meeting would be resolved and to date the ruling has not been entered. Ms. Grau recommended the Board defer the review of the Hearing Officer Report and Recommendation regarding Cicero Cast'On until the May meeting.

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to defer the review of the Hearing Officer Report and Recommendation regarding Cicero Cast'On until the May meeting. Motion passed. **LDP-04-103**

#### *Review of Hearing Officer Report and Recommendation regarding Roger Brown and Fast Bankruptcy, LLC.*

A **motion** was made by Nancy Swetnam and seconded by Dr. Roger E. Hartley to accept the Hearing Officer's Recommendation, Findings of Fact, and Conclusions of Law and affirm the earlier denial of certification for Roger Brown and Fast Bankruptcy, LLC. Motion passed. Susan C. Vasquez Recused. **LDP-04-104**

#### *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 the noted hours of credit.

1. "Arizona Infant Adoption Awareness Training Program" presented by the Arizona Children's Association on November 15, 2003 in Sierra Vista – 5 hours.
2. "Legal Document Preparer Certification" presented by the Yavapai County

- Legal Support Association on November 11, 2003 in Prescott – 1 hour.
3. “E-Filings” presented by the Yavapai County Legal Support Association on September 9, 2003 in Prescott – 1 hour
  4. “Trust Administration and Probate” presented by the American Academy of Estate Planning Attorneys on February 26, 2004 in Phoenix – 2 hours.
  5. “The Certified Senior Advisor Designation Program” presented by the Society of Certified Senior Advisors on January 31, 2004 in Phoenix – 3 hours.
  6. “Trust Administration” presented by the American Academy of Estate Planning Attorneys on February 24, 2004 in Phoenix – 2 hours
  7. “CFP Board Financial Planning Practice Standards” presented by the Financial Planning Association – ONLINE taken by credit requesting certificate holder on January 17, 2004 – 2 hours.
  8. “Round Table – Updates on 2003 State Income Tax” presented by the Arizona Society of Practicing Accountants – Tucson Chapter on January 22, 2004 in Tucson – 1 hour.
  9. “Introduction to Paperless Office presented by the Arizona Society of Practicing Accountants – Tucson Chapter on September 25, 2003 in Tucson – 1 hour.
  10. “Anti-Money Laundering” presented by AIG – Sun America ONLINE. Completed by credit requesting AZCLDP on September 12, 2003 – 1 hour.
  11. “Guiding Clients Through Difficult Markets” presented by AIG – Sun America ONLINE. Completed by credit requesting AZCLDP on September 12, 2003 – 1 hour
  12. “Current Sales Practice Issues” presented by AIG – Sun America ONLINE. Completed by credit requesting AZCLDP on September 12, 2003 – 1 hour.
  13. “Estate Planning for Blended Families” presented by Sun Health Foundation Planned Gifts Committee on May 5, 2004 in Sun City – 2 hours.
  14. “Mergers and Acquisitions in Arizona” presented by the National Business Institute on April 21, 2004 in Phoenix – 5 hours.
  15. “Ethics – You Can’t Tell The Judge That, Can You?” presented by the Tucson Legal Support Association on February 19, 2004 in Tucson – 1 hour.
  16. “E-file Seminar” presented by the Internal Revenue Service on October 29,

2003 in Phoenix – 3 hours.

17. “AZ Tax Strategies Using Like-Kind Exchanges” presented by the Professional Education Systems Institute on January 16, 2004 in Phoenix. Course appears to be an 8 hour event and certificate holder requested 5 hours of credit. However, this is a tax course, therefore, pursuant to Board policy; it was recommended the seminar be approved for 3 hours of credit.
18. “Gear Up Business Entities Seminar” presented by the Arizona Society of Practicing Accountants on October 7-8, 2004 in Phoenix. The certificate holder submitted a certificate of attendance which identifies 16 hours of participation, but the seminar schedule totals only 14 hours of programming. The AZCLDP requesting credit has asked for 10 hours of CE for attending this event. Pursuant to Board policy which limits 50% of the CE requirement being obtained at one event, it was recommended the event be approved for 5 hours of CE credit.

The Board discussed “Arizona Infant Adoption Awareness Training Program” and if it was applicable regarding legal document preparation. The Board discussed what a Certified Senior Advisor was and determined the program was eligible. The Board discussed “Current Sales Practice Issues” and determined AIG is an investment company and presented this program which was related to revocable trust documents. The Board discussed “CFP Board Financial Planning Practice Standards”; the program was a class in ethics and the practice of financial planning and professionalism.

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to approve the above listed continuing education courses for the noted hours of credit on the summary sheet. Motion Passed. **LDP-04-105**

The following list of events was submitted for Board approval of continuing education credit. For every hour taught two hours of continuing education is earned. The Board discussed preparation time and the policy’s language.

20. “Divorce” presented by AZCLDP Richard Dandis on behalf of the AAIP on November 15, 2003 in Show Low. The course was two hours long and the certificate holder is requesting 5 hours of CE credit. It was recommended the certificate holder be approved for 5 hours of CE credit for facilitating this event.
21. “Trusts and Wills” presented by AZCLDP Ronald Lawson on behalf of the AAIP on January 16, 2004 in Show Low. The course was two hours long and the certificate holder is requesting 5 hours of CE credit. It was recommended the certificate holder be approved for 5 hours of CE credit for facilitating this event.

22. “Corporations and LLC’s” presented by AZCLDP Ronald Lawson on behalf of the AAIP on February 20, 2004 in Show Low. The course was two hours long and the certificate holder is requesting 5 hours of CE credit. It was recommended the certificate holder be approved for 5 hours of CE credit for facilitating this event.
23. “Bankruptcy” presented by AZCLDP Ronald Lawson on behalf of the AAIP on March 5, 2004 in Show Low. The course was two hours long and the certification holder is requesting 5 hours of CE credit. It was recommended the certificate holder be approved for 5 hours of CE credit for facilitating this event.
24. AZCLDP Elizabeth Lloyd submitted an inquiry on behalf of the AAIP asking if the Association can provide CE opportunities through the use of video tapes. The inquiry related to whether or not the Board has any required criteria for the AAIP offering this CE option. Both the State Bar of Arizona and the Maricopa and Pima County Bar Associations offer CE courses in audio and video formats. It was recommended the Board support the AAIP in offering this videotape options to AZCLDPs in order to meet the CE requirement. However, it was recommended the Board clearly note to the AAIP that documentation of course completion rests on the Association and not on the Program Staff.
25. Elmark & Elmark, a law firm that has previously submitted a CE curriculum entitle “Preparing Documents for Homeowner Association Meetings” has inquired as to whether or not they can distribute for credit an audio tape of the previously approved seminar. It was recommended the Board support Elmark & Elmark in offering this audio tape option to AZCLDPs in order to meet the CE requirement. However, it was recommended the Board clearly note to Elmark & Elmark that documentation of course completion rests on the firm and not on the Program Staff.
28. AZCLDP Simon Wheaton-Smith presented information and a credit request form seeking CE hours for his enrollment and participation in an institutionally accredited paralegal studies program offered by the Professional Career Development Institute. Mr. Wheaton-Smith submitted documentation of 11 hours of participation and is requesting 5 hours of CE credit. It was recommended the certificate holder be approved for 5 hours of CE credit for these hours.
29. “UPL and LDPs” presented by the LDP Program May 7, 2004 in Tucson. It was recommended the event be pre-approved for 2.5 hours of credit.

A **motion** was made by Nancy Swetnam and seconded by Dr. Roger E. Hartley to approve #20-25, 28 and 29, listed above continuing education credit as noted.

Motion Passed. **LDP-04-106**

19. “Managing Expert Documents During Litigation” presented by AZCLDP Julian Anderson at the 4<sup>th</sup> World Congress of the International Cost Engineering Council on April 20, 2004 in Cape Town , South Africa. The course is 1.5 hours long and pursuant to the Board’s Policy, the certificate holder may be eligible for 4.5 hours of AZCLDP CE Credit. It was recommended the certificate holder be granted hour for hour credit attendance at the conference, but that the Board determine if faculty credit is applicable.

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to approve #19, listed above, 3 hours of continuing education credit. Motion Passed. **LDP-04-107**

26. AZCLDP Debra Griffin submitted a request for consideration regarding two, three hour courses she completed on June 29, 2003. Ms. Griffin has provided documentation that she attended sessions entitled, “Contract Law” and “Real Estate Law – Residential Issues” presented by the Arizona School of Real Estate. Ms. Griffin became certified on September 15, 2003 and pursuant to the Board’s policy the CE must be obtained within the certification period. It was recommended this request for credit be denied.
27. AZCLDP Elizabeth Moore requested the Board consider approving her CE credit for “shadowing” an attorney for 11 hours. Pursuant to the Board’s policy of not authorizing credit for mentoring or trainee supervision activities, it was recommended the request for credit be denied.

A **motion** was made by Nancy Swetnam and seconded by Dr. Roger E. Hartley to deny the request of #26 and #27, listed above, and no continuing education credit be approved. Motion Passed. **LDP-04-108**

### **Report Regarding Pending Complaints**

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

### **Executive Session #1**

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-04-109**

**Executive Session #1 ended.**

## **Certification and Eligibility**

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

Linda Grau recommended the matter be deferred until the May meeting. The Wilson, Keller and Associates, Inc. business application is still pending and Ms. Grau recommended this application also be deferred. New information is being presented that may impact the Board in considering additional elements to the consent agreement.

A **motion** was made by Nancy Swetnam and seconded by J. Ward Sturm to defer the issue of a Consent Agreement with Leah Keller and the Wilson, Keller and Associates Business application pending additional information. Motion passed.  
**LDP-04-110**

*Review regarding status of AZCLDP examination development and discussion regarding testing locations.*

Linda Grau reported since the last meeting the program has tentatively scheduled dates over an eight month period of time to address potential dates in Maricopa County. Based on the breakdown throughout the state Ms. Grau recommended the program conduct a minimum of eight exams in Maricopa County, two in Pima County and two in Prescott. The Board discussed having an exam in Mohave County. The Board members are still encouraged to send names of individuals who would like to work on development of the exam to the Program Coordinator.

## **Review of Initial Applications**

Linda Grau reported she received a call from an individual at the Utah State Bar and Mr. Musselman (owner/officer) of EMIT, Inc. and Safe Split, LLC who was previously reported to be a disbarred attorney in Utah may not be the same person who is an officer in the companies. Ms. Grau has requested written confirmation from the Utah State Bar. Additionally, the Board was directed to advertising for the company. Ms. Grau requested more time to confirm the contents of the applications

Linda Grau reported there appears to be extensive contradictory information regarding Ronald Stawn's application. Additionally, information regarding True North America, Inc. indicates Penny Strawn (aka Penny Daniels, aka Anne Daniels) a corporate officer, was charged with Felony Forgery in September 2001. The matter appears to have been dismissed following Mrs. Strawn's entering an agreement to reimburse monies with the reported victim in the case. Additional documentation from the case is being sought for review.

The following applications are scheduled to be reviewed on April 26, 2004. However, these applications are incomplete, new information has been presented, or further investigation is needed. It was recommended these applications be deferred:

Collings & Miller Dispute Resolution Services  
Construction Notice Services, LLC  
Melissa Tenny  
EMIT, Inc.  
Safe Split, LLC  
Wilson, Keller and Associates, LLC  
Christian Faith Fellowship Ministry, Inc.  
Jane Rossi  
Central Arizona Paralegal Services, Inc.  
Joseph Ferrell

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 May Board meeting. Motion passed. **LDP-04-111**

The following applications for Individual and Business Entity Initial Certification are complete, the applicants have demonstrated they meet the minimum eligibility requirements, and the background reviews present no information requiring Board review. It was recommended initial certification be granted to:

Vanessa Munchoff	Judith Celentano
Complete Office Support, LLC	Jessica Mendez
Grand Canyon Planning Associates, LLC	Marcie Davies
Cheryl Gillispie	My Office Solutions, LLC
A-Z Legal Document Preparers	Ava Hardiek
Legal Aid State Services, Inc.	ABC Legals, LLC
Complete Office Support, LLC	Nancy L. Anderson, LLC
Moon Valley Legal Services, LLC	Robert Hockensmith

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to grant Initial Individual/Business Certification to the applicants listed above, with Robert Hockensmith being effective July 1, 2004, based on documentation provided showing they meet all qualifications for Initial Certification. Motion Passed. **LDP-04-112**

Linda Grau reported Guadalupe Sapien's application was previously deferred to avail the applicant an opportunity to address the recent UPL complaint received by the State Bar of Arizona. In her original response Ms. Sapien acknowledged she is not a licensed adjuster and states she is no longer engaging in negotiating claims with insurance companies. However, since the March Board meeting, a new complaint was submitted to the State Bar which contains a demand letter dated March 23, 2004 signed by Ms. Sapien. The letter is written on letterhead of Robert H. Green, Jr. Mr. Green's office staff denies Ms. Sapien is an employee of his firm. The phone number listed on Mr. Green's letterhead is the very same business number listed on page 2 of 7 of Ms. Sapien's application for

certification which notes her employer is “Valle Del Sol Adjusters”. Ms. Grau spoke with Ms. Sapien on April 13, 2004 about her application and Ms. Sapien advised she stopped working for Valle Del Sol and Same Day Property Damage. Ms. Sapien stated she now works as a legal assistant for attorney Robert Green, confirming that Mr. Green represents clients and she processes claims under Green’s supervision. Ms. Sapien offered to secure and forward a letter from Mr. Green confirming her employment. Ms. Grau received a faxed letter from Mr. Green regarding Ms. Sapien’s employment under his supervision but at an alternative location. The letter was faxed from Ms. Sapien’s office. Based on the contradictory information contained in the application and the statement provided by Ms. Sapien prior to the last Board review, as well as the impropriety involving her current employment, it was initially recommended certification be denied pursuant to ACJA §7-208 (E)(5)(b)(1)(c) for dishonesty and material misrepresentation in applying for a certificate. After Board discussion, Ms. Grau recommended the Board defer the application until the fax from Green can be validated.

A **motion** was made by Judge Roland J. Steinle and seconded by Susan C. Vasquez to defer consideration of Guadalupe Sapien’s application until attorney Robert Green provides an original letter to the Board indicating Ms. Sapien is working for him and she will be working under his supervision. This letter shall be carbon copied to Ms. Sapien. The Board directed staff to type up the letter and Judge Steinle will sign for the Board. Motion passed. **LDP-04-113**

### **Review of Applications for 2004 Renewal**

Linda Grau reported the following applications for Renewal of Individual and Business Entity Initial Certification have been submitted and are requesting review for renewal of certification effective July 1, 2004. The applications are complete and the certificate holders have demonstrated their continuing education requirements have been met. It is recommended the following AZCLDPs be granted certification renewal.

Saydee Ramos	Socorro Castenada
Naturalization & Immigration Fotos, Inc.	Raymond Beltran
Allan Bonhoff	Essential Estate Plans, LLC
Arizona Wills and Trusts of Tucson, LLC	Julie Star
Andrew Saper	Tammy Dusharm
James Weatherby	Carol C. Smith
Emerald Capital Preservation of Arizona, LLC	

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to grant Renewal Individual/Business Certification to the applicants listed above effective July 1, 2004, based on documentation provided showing they meet all qualifications for renewal of certification. Motion Passed. **LDP-04-114**

Linda Grau reported the following business entities were previously exempted from 2003 business entity certification fees and have made application to extend their exemption status into the 2004 certification period. Ms. Gray recommended exemption status be

extended into the 2004 certification period for the following certificate holders.

Arizona Wills & Trusts of Tucson, LLC  
Essential Estate Plans, LLC

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J. Kleinman to extend exemption status for the 2004 certification period to the applicants listed above, based on documentation provided showing it meets all qualifications for Business Entity Exemption. Motion Passed. **LDP-04-115**

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

*Executive Session Minutes from March 22, 2004.*

Discussion was held regarding the executive session minutes of March 22, 2004. The Board 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 Judge Roland J. Steinle and seconded by Nancy Swetnam to adopt minutes of March 22, 2004, as amended. Motion passed. **LDP-04-116**

Linda Grau reported currently there are 583 certificate holders. The Code is written based on the Board's previous decision in determining the deadline be May 7, 2004, any application received/postmarked after May 7<sup>th</sup> shall incur a \$50.00 late fee.

### **Call to the Public**

Ray De La Rosa, DES Aging and Adult Administration, addressed the Board regarding the Senior Citizens Law Project. Mr. De La Rosa informed the Board any surcharge placed on LDPs will be passed onto the elderly. Mr. De La Rosa urged the Board to address pro bono issues for aging clients. Mr. De La Rosa can be reached at 602-542-6440.

### **Hearing Regarding Denial**

Linda Grau reported Ms. Pompa applied for certification and was denied pursuant to ACJA §7-208 (E)(5)(b)(1)(a) for not meeting the eligibility requirements. During the initial application review, Ms. Pompa was asked to provide clarification of her experience. A copy of her application and the written statements Ms. Pompa submitted during the initial review process were presented to the Board along with numerous letters of recommendation and certificates of attendance at continuing education programs. The hearing was originally scheduled following last month's Board meeting but was vacated when Ms. Pompa failed to appear for the hearing. Following the meeting it was learned that Ms. Pompa had appeared in the CLD Division in another area of the building and not the Conference Room where the hearing was to be conducted. Ms. Pompa appeared telephonically for this rescheduled hearing. Judge Roland J. Steinle placed Ms. Pompa

under oath. The Board questioned Ms. Pompa as to how long she had been preparing immigration paperwork and other legal documents such as translating birth certificates and notary services. Ms. Pompa informed the Board she had been preparing documents since 1971. Ms. Pompa also sells divorce self-kits and helps individuals if they need assistance filling them out. Ms. Pompa primarily prepares immigration documents.

### **Executive Session #2**

A **motion** was made by Judge Roland J. Steinle and seconded by Ward J. Sturm to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-04-117**

### **Executive Session #2 ended.**

A **motion** was made by Donald F. Steward and seconded by Vellia M. Pina to grant Initial Individual Certification to Aida Pompa, based on documentation provided showing she meet all qualifications for Initial Certification. Motion passed. **LDP-04-118**

### **Adjourn**

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to adjourn. Motion passed. **LDP-04-119**

The meeting of the Board of Legal Document Preparers adjourned at 1:30 p.m.