

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.

July 26, 2004

Approved Meeting Minutes

Members Present:

Nancy Swetnam
Dr. Roger E. Hartley
Carol L. Wells
J. Ward Sturm
Margaret J. Kleinman
Vellia M. Pina
Virlynn Tinnell
Susan C. Vasquez
Donald F. Steward
Mary Carlton

AOC Staff Present:

Linda Grau
Nina Preston
Lauren Hargrave
Michael Whitney

Members Absent:

Judge Roland J. Steinle, III

Guests:

Maria Davies
Fran Johanson
Karen Cooley
Cassandra Bruce
Robert Van Wyck
Dana David

Call to Order

The meeting was called to order by Nancy Swetnam at 10:04 a.m.

Judge Roland J. Steinle will not be attending the meeting and Nancy Swetnam has agreed to serve as Acting Chair. Judge Roland J. Steinle's voting proxy was given to Dr. Roger E. Hartley.

Review and Approval of Meeting Minutes

Regular and Executive Session Minutes from June 28, 2004.

Discussion was held regarding the regular session minutes of June 28, 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.

A **motion** was made by Carol L. Wells and seconded by Susan C. Vasquez to

adopt the minutes of June 28, 2004, as amended. Motion passed. **LDP-04-244**

Administrative Issues

Review and Discussion of 2003 Legal Document Preparer Program activity.

Linda Grau presented the Board with a year end statistical report which was prepared for administrative purposes. No action is needed related to the report. Nancy Swetnam reported Dave Byers, Administrative Director of the Courts is attending an annual conference held for state court level Administrative Directors and Chief Justices from around the country. Mr. Byers has taken the statistical information to present to his colleagues. Ms. Swetnam noted the LDP program is entirely self funded and the realized workload supports the need for additional program staff. AOC management is scheduled to meet with the Director of the State Bar to discuss workload and funding matters.

Donald F. Steward joined the meeting.

Discussion regarding Petition for Cease and Desist Order against Jean Berry, Richard Berry, Why Pay A Lawyer?, At Your Fingertips Legal Services, and DIY Legal Forms.

Linda Grau reported the Board requested this item be placed on the agenda to discuss seeking a Cease and Desist Order against Mr. Berry and the Why Pay A Lawyer? organization. The Board reviewed a copy of the complaint forwarded to the program from the Attorney General's Office regarding a representation letter on Why Pay A Lawyer? letterhead, a letter submitted by an Arizona attorney on March 22, 2004, and numerous other documents involving Why Pay A Lawyer? and Jean Berry. The Board discussed when the alleged activity took place. Ms. Grau reported Jean Berry and Why Pay A Lawyer? were denied certification on July 28, 2003. Mr. and Mrs. Berry have both given sworn testimony since July 1, 2003 identifying themselves as the owners of Why Pay A Lawyer? and numerous other associated and unrelated business entities. Ms. Berry is being included in Ms. Grau's recommendation due to her being the named designated principal for the Why Pay A Lawyer? application. At Your Fingertips Legal Services was denied certification in November, 2003. At Your Fingertips designated principal Jace Gaston was denied renewal of individual certification in June 2004. DIY Legal Forms has twice applied for and been denied business entity certification. DIY designated principal Rose Quintero was denied renewal of individual certification during June 2004. Richard Berry was disbarred by the Arizona Supreme Court on October 13, 1977 and has not, to date, applied for reinstatement to the Bar or for certification as a legal document preparer. Ms. Grau recommended the Board file a Petition for Cease and Desist naming Richard Berry, Jean Berry, Why Pay A Lawyer?, At Your Fingertips Legal Services, and DIY Legal Forms. The Board reviewed numerous documents and discussed office locations of Why Pay A Lawyer?

A **motion** was made by Dr. Roger E. Hartley and seconded by Mary Carlton that the Board file a Petition for Cease and Desist naming Richard Berry, Jean Berry, Why Pay A Lawyer?, At Your Fingertips Legal Services, and DIY Legal Forms. Motion passed. Nancy Swetnam recused. **LDP-04-245**

Discussion regarding solicitations to AZCLDPs occurring through the posting of AZCLDP contact information in the Directory of Certified Legal Document Preparers posted on the Program web site.

Linda Grau reported there have been inquires from AZCLDPs regarding solicitation emails and phone calls which appear to be generated through the contact information being posted on the program website. The HALT organization recently initiated an industry study and contacted document preparers electronically by using the information posted on the program website. There is a well delineated box on the certification application which enables an applicant to identify what information they would like made available to the public through the program directory. Ms. Grau has received a number of calls and correspondences relative to solicitations and requests the Board discuss whether or not there should be revisions made to the LDP directory. The Board discussed the option a certificate holder has regarding their information being posted on the website. The Board noted the posting is a form of free advertising and discussed reminding certificate holders during the next renewal cycle they choose the contact information posted on the website. Additionally, the Board discussed posting information on the website regarding solicitations. The Board noted if any AZCLDP receives an email not directly from the LDP Program, they can assume the information is a solicitation. The Board discussed HALT's solicitation and evaluations done by other independent companies. Nancy Swetnam reported the Legal Document Preparer Program is subject to an audit by the Auditor General. Linda Grau reported HALT is requesting the AZCLDPs provide customer lists and certificate holders have expressed concerned releasing this information may be a violation of the Code of Conduct. If LDPs have a question as to if something is in violation of the Arizona Judicial Code of Administration , they could be referred to the State Bar of Arizona Unauthorized Practice of Law Advisory Committee. The Board discussed the language in the HALT email. Linda Grau reported many certificate holders have contacted the program regarding solicitation calls being received from non-certified individuals, offering to pay the AZCLDP's for reviewing and placing their certificate number on documents. The Board discussed having a list of former AZCLDPs available on the website. Linda Grau reported in accordance with the Arizona Judicial Code of Administration an email was forwarded to the Clerks of the Court, Court Administrators, and Presiding Judges throughout the state identifying individuals who had been denied certification. Ms. Grau has received one public record request from the Clerk in Yuma County for a list of certificates that have expired. At this time, there is no expiration list or denial list posted on the website. The Board discussed whether a list should be produced and posted on the website of non-certified individuals. The Board discussed updating the

list and the amount of time the list should be posted on the website. The Board questioned why HALT is doing a study and what the purpose of the study is. Ms. Grau reported HALT indicated they made arrangements to come to Arizona to review files and they would be interested in attending a Board meeting.

A **motion** was made by Margaret J. Kleinman and seconded by Susan C. Vasquez directing the program to place a list identifying former AZCLDPs whose certificates have expired, otherwise become inactive, or have been denied certification on the program website for 6 months, and that such list be forwarded to the Clerks of the Court. Motion passed. **LDP-04-246**

Executive Session #1

A **motion** was made 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-04-247**

Executive Session #1 ended.

Review and Approval of Meeting Minutes

Executive Session Minutes from June 28, 2004.

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to adopt the Executive Session minutes of June 28, 2004 with the amendments discussed in Executive Session. Motion passed. **LDP-04-248**

Certification and Eligibility

Report and recommendations regarding Continuing Education course credit approval.

Linda Grau requested the Board approve continuing education programs offered by the Arizona Association of Independent Paralegals, the State Bar of Arizona, and the various local Bar Associations throughout Arizona for the 2004-2005 certification period which would be consistent with the Board's decision during the 2003-2004 certification period.

A **motion** was made by Nancy Swetnam and seconded by Donald F. Steward to approve continuing education programs offered by the Arizona Association of Independent Paralegals, the State Bar of Arizona, and the various local Bar Associations throughout Arizona for the 2004-2005 certification period. Motion passed. **LDP-04-249**

Review and discussion of Hearing Officer report and recommendation regarding the denial of certification to Paul Demos.

Linda Grau reported the DC Bar Committee made a public request for the Hearing Officer's report. The Board discussed the recommendation of the Hearing Officer. The Board agreed to defer this issue until later in the meeting after having an opportunity to receive advice of counsel.

Follow-up report regarding status of Board's requests for business entity applications.

Linda Grau reported during the last meeting the Board instructed program staff, upon granting renewal of individual certification to 8 certificate holders who are employed by non-certified business entities, to request a business entity application, or to request the business entity submit documentation explaining why the entity was not subject to the certification requirement. These letters were sent and the program has received 3 business applications. Five AZCLDP's have not responded to the Board's request. Ms. Grau recommended the Board direct those ACLDP's who have failed to respond to attend the September Board meeting to provide documentation and/or testimony as to why their business entities are not certified. The following AZCLDPs have not responded to the Boards request:

Robert Brown
Velia Hert
William Kelly
Minzell Kelly
Dennis Lawrence

A **motion** was made by Dr. Roger E. Hartley and seconded by Virlynn Tinnell directing the above listed ACLDPs, who have failed to respond to the Board's request, to attend the September Board meeting to provide documentation and/or testimony as to why their business entities are not certified. Motion passed. **LDP-04-250**

Review and discussion regarding examination testing sites.

Linda Grau reported the Board had previously discussed the county breakdown of certificate holders for considering possible testing site locations. Ms. Grau requested the Board review the breakdown to determine where the testing sites should be. The Board discussed test sites in Flagstaff or Yavapai. The Board agreed test sites should be in Yavapai, Pima, and Maricopa Counties.

A **motion** was made by Mary Carlton and seconded by Susan C. Vasquez that the three testing sites shall be in Yavapai, Pima and Maricopa Counties. Motion passed. **LDP-04-251**

Nancy Swetnam reported procurement issues involved in the examination vrending process have been worked through. A test validator will be selected shortly. The Board discussed the disproportionate number of document preparers in Pima County and what could be done to promote the certification requirement.

Follow-up review and discussion regarding SafeSplit, LLC.

Executive Session #2

A **motion** was made by Nancy Swetnam 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-04-252**

Executive Session #2 ended.

Executive Session #3

A **motion** was made by Nancy Swetnam and seconded by Carol Wells to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-04-253**

Executive Session #3 ended.

Discussion regarding AZCLDP Cassandra Bruce's request for consideration of a Consent Agreement relative to complaint number 04-L015.

A **motion** was made by Ward J. Sturm and seconded by Virlynn Tinnell to defer consideration of Cassandra Bruce's request for consideration of a possible Consent Agreement, pending the outcome of the Bankruptcy Court action. Motion passed. Nancy Swetnam recused. **LDP-04-254**

A **motion** was made by Ward J. Sturm and seconded by Virlynn Tinnell to initiate a complaint regarding item #9 on the Executive Summary as discussed during Executive Session. Motion passed. **LDP-04-255**

Report Regarding Pending Complaints

Discussion regarding Consent Agreement involving AZCLDP Robert Hall and complaint number L04-017.

Linda Grau reported the Board authorized her to discuss a Consent Agreement with Mr. Hall's attorney, Scott Rhodes. Mr. Hall and his attorney submitted a letter for the Board to review which contains suggested language for a proposed Consent Agreement. No draft Consent Agreement is offered to the Board at this time. The Board reviewed the proposed language and discussed using language which does not imply

the Board is endorsing Mr. Hall's intentions or actions.

A **motion** was made by Nancy Swetnam and seconded by Donald F. Steward directing staff and Board counsel to have further communication with Mr. Rhodes regarding the drafting of the Consent Agreement which would be brought back to the Board for final review and approval. Motion passed. **LDP-04-256**

Review and discussion regarding recommended modification of finding of probable cause entered on January 26, 2004 regarding AZCLDP Margaret Moreno and complaint number 03-L030.

Linda Grau reported the Board entered a finding of probable cause in January related to a complaint involving Ms. Moreno. There were three complaints pending and the Board moved forward by directing staff to prepare a notice of formal charges with regards to the second complaint. The third complaint, 03-L030, was deferred by the Board pending referral to the Phoenix Police Department, the Arizona Department of Insurance, and the Arizona Attorney General Consumer Protection Division. Subsequently, Ms. Moreno's application for renewal was denied based on a finding of civil liability involving fraud in Superior Court in Maricopa County CV2004-00265. Ms. Grau recommended the Board modify its earlier determination to defer entering probable cause in LDP complaint number 03-L030 and enter a finding of probable cause against former certificate holder Margaret Moreno. Pursuant to Arizona Judicial Code of Administration § 7-208 (H)(1)(b) the Board does maintain the ability to take disciplinary action against certificate holders who have subsequently become inactive.

A **motion** was made by Dr. Roger E. Hartley and seconded by Donald F. Steward to modify the earlier deferral and enter a finding of probable cause against former certificate holder Margaret Moreno in LDP complaint number 03-L030. Motion passed. Nancy Swetnam recused. **LDP-04-257**

Review of AZCLDP complaint number 04-L016.

Linda Grau reported at this time she recommends the Board defer review of AZCLDP complaint number 04-L016 matter for review until the September, 2004 meeting, with the understanding that it may be necessary to proceed with an emergency telephonic meeting depending on the outcome of investigative matters being conducted within the next several hours.

A **motion** was made by Donald F. Steward and seconded by Dr. Roger E. Hartley to defer review of AZCLDP complaint number 04-L016 matter for review until the September, 2004 meeting Motion passed. Nancy Swetnam recused. **LDP-04-258**

Review and discussion regarding formal charges pending involving Allan Sobol and Quick and Legal Paralegal Service related to complaint numbers 03-L003, 4-L009, 04-L024

Linda Grau reported the Board entered a finding of probable cause on June 28, 2004. Nancy Swetnam reported the Case Summary includes a recommendation for formal charges. The motion which the Board made and adopted was a finding of probable cause, however, the motion did not specifically direct staff to go forward with the filing of formal charges. Ms. Swetnam reported every complaint received by the program proceeds from receipt of the complaint to investigation, then for review to the probable cause panelist, and finally to the Board. Linda Grau reported the staff recommendations in the written case summary were that Mr. Sobol violated Arizona Code of Judicial Administration § 7-208 (G)(1)(a)(2), violated or failed to discharge any obligation required by this code section. It was further recommended the Board consolidate the complaints and proceed with filing formal charges against Mr. Sobol. Once Mr. Sobol is served, a hearing officer will be appointed if a hearing is requested. If no hearing is requested, the Board will then address specifics related to the default process outlined in the Code and potential sanctions, should the Board determine violation(s) have occurred. Linda Grau reported Mr. Sobol refused to respond to the Board's request relative to additional information he previously agreed to provide to the Board. The Board forwarded a written request to Mr. Sobol for those documents. A subpoena was sent simultaneously, but process of service issues require a second subpoena be signed, filed, and served to Mr. Sobol. The Board reviewed a draft subpoena.

A **motion** was made by Virlynn Tinnell and seconded by Carol L. Wells for staff to prepare a formal statement of charges based upon the finding of probable cause in the three listed complaints. Motion passed. Nancy Swetnam and Ward J. Sturm recused. **LDP-04-259**

A **motion** was made by Virlynn Tinnell and seconded by Mary Carlton for staff to serve Mr. Sobol with a subpoena to produce documents previously requested by the Board. Motion passed. Nancy Swetnam and Ward J. Sturm recused. **LDP-04-260**

Review of Applications

Linda Grau reported there were five applications for renewal of certification that were previously deferred by the Board as a result of shortfalls with their continuing education requirements.

Linda Grau reported Silvano Tanori has submitted information which confirms he has completed his continuing education requirement. It was recommended that renewal be granted, effective July 26, 2004, and that he be required to complete no less than 15 hours of CE during the 2004 certification period. Further, it is recommended Mr. Tanori be assessed the \$25.00 delinquent continuing education provided for in section

(G)(1)(a) of the Board's Continuing Education Policy. The Board discussed why Mr. Tanori would be required to complete 15 hours of continuing education during the 2004 certification period and where in the CE Policy or Code it provides for this type of sanction. The Board did not agree to requiring Mr. Tanori to complete an additional 5 hours of continuing education during the 2004 certification period.

Silviano Tanori

A **motion** was made by Dr. Roger E. Hartley and seconded by Susan C. Vasquez to grant renewal of Initial Individual Certification to the applicant listed above effective July 26, 2004, and assess a \$25.00 delinquent fee provided for in section (G)(1)(a) of the Board's Continuing Education Policy. Motion Passed. **LDP-04-261**

Linda Grau reported Javier Flores received notice of the Board's deferral regarding his renewal application and expiration of certification being effective July 1, 2004. Mr. Flores provided the program with a certificate for 4 hours of continuing education which he previously submitted with his application. Mr. Flores remains short 4 hours of continuing education. Ms. Grau has made additional attempts to contact Mr. Flores by mail and phone. Mr. Flores indicated he would get back to Ms. Grau but to date she has not received any additional information from him. Ms. Grau recommended the Board deny renewal of certification pursuant to Arizona Code of Judicial Administration § 7-208 (G)(6)(b) and (E)(5)(b)(1)(a) for failure to meet the requirement for certification, and under (E)(3)(a)(4) for failure to complete the continuing education requirement and therefore for failing to comply with court rules.

Javier Flores

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to deny renewal of Initial Individual Certification of Javier Flores pursuant to Arizona Code of Judicial Administration § 7-208 (G)(6)(b) and (E)(5)(b)(1)(a) for failure to meet the requirement for certification, and under (E)(3)(a)(4) for failure to complete the continuing education requirement and therefore for failing to comply with court rules. Motion passed. **LDP-04-262**

Linda Grau reported Mr. Goulet and his business entity application for Doc-U-Prep were both deferred by the Board as a result of Mr. Goulet being delinquent in continuing education. Mr. Goulet submitted documentation which indicates he has completed the hours. Subsequent to the submission to the application and the Board's deferral, Mr. Goulet was indicted by a Superior Court in Maricopa County Grand Jury for charges related to falsifying documents. Based on the pending indictment, Ms. Grau recommended the applications for renewal be deferred until the September Board meeting to provide Mr. Goulet an opportunity to give Board information regarding the status of the criminal action. The Board discussed if the pending issues were a basis for

deferring or denying certification. Mr. Goulet and Doc-U-Prep's certifications expired on June 30th. Ms. Grau recommended if the Board decides to renew Mr. Goulet's certification, Mr. Goulet be assessed the \$25.00 delinquent continuing education provided for in section (G)(1)(a) of the Board's Continuing Education Policy. If renewal is granted, Ms. Grau recommended the certificates be effective July 26, 2004. The Board discussed renewal of certifications for others who have pending complaints and the relationship those situations have to Mr. Goulet's situation. The Board discussed Mr. Goulet's July 5th letter, which does not indicate he has completed the course, but rather he intends to complete the needed hours. On July 5th, Mr. Goulet submitted a transaction printout from the State Bar of Arizona showing the purchase of a CLE course entitled "Introduction to Basic Domestic Relations Case". The Board discussed Mr. Goulet's intent to listen to the tapes. Additionally, the Board discussed having Mr. Goulet provide them with an avowal he completed the course.

David Goulet
Doc-U-Prep

A **motion** was made by Nancy Swetnam and seconded by Virlynn Tinnell to grant renewal of Initial Individual and Business Entity Certification to the applicants listed above pending Mr. Goulet submitting within ten days an avowal that he completed the reported continuing education hours. The effective date of renewal will be Wednesday, August 4, 2004, upon a receipt of an avowal. Further, Mr. Goulet is assessed a \$25.00 delinquent fee provided for in section (G)(1)(a) of the Board's Continuing Education Policy. Mr. Goulet is required to submit an update regarding the procedural status of the pending action in Superior Court in Maricopa County for the September Board meeting. The Board reserves the right to take future action upon adjudication of the Superior Court action. Motion Passed. **LDP-04-263**

Pursuant to ACJA § 7-208, the Board conducted a hearing on the denial of certification renewal to Richard Lewis. Linda Grau reported Mr. Lewis was denied certification for failure to fulfill the continuing education requirements.

Richard Lewis

A **motion** was made by Mary Carlton and seconded by Ward J. Sturm to deny renewal of Initial Individual Certification of Richard Lewis pursuant to Arizona Code of Judicial Administration § 7-208 (G)(6)(b) and (E)(5)(b)(1)(a) for failure to meet the requirement for certification, and under (E)(3)(a)(4) for failure to complete the continuing education requirement and thereby failing to comply with court rules. Motion passed. **LDP-04-264**

Pursuant to ACJA § 7-208, the Board conducted a hearing on the denial of certification renewal to The Householder Group, Inc. Linda Grau reported the application will be complete if the Board grants individual renewal to the designated principal, Brian

Moltz. Linda Grau reported the original application for The Householder Group, Inc. was denied because the program had not received Mr. Moltz's renewal application. Mr. Moltz's individual renewal application was received on July 14th. Mr. Moltz demonstrated he fulfilled the requirements for renewal and Ms. Grau recommended Mr. Moltz be approved for CE credits requested in the application. It was further recommended Mr. Moltz and the Householder Group, Inc. applications be granted.

Brian Moltz
The Householder Group, Inc.

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to grant renewal of Initial Individual Certification to Brian Moltz. Additionally, for the record Mr. Moltz did pay the required \$50.00 late filing fee. Motion Passed. **LDP-04-265**

A **motion** was made by Nancy Swetnam and seconded by Margaret J. Kleinman to grant renewal of Initial Business Entity Certification to The Householder Group, Inc. Motion Passed. **LDP-04-266**

Linda Grau reported S. Nancy Wilson received notice of the Board's deferral regarding her renewal application and expiration of certification being effective July 1, 2004. Ms. Grau has made several inquiries of Ms. Wilson and to date has received no response. Ms. Grau recommended the Board deny renewal of certification pursuant to Arizona Code of Judicial Administration § 7-208 (G)(6)(b) and (E)(5)(b)(1)(a) for failure to meet the requirement for certification, and under (E)(3)(a)(4) for failure to complete the continuing education requirement and therefore for failing to comply with court rules.

S. Nancy Wilson

A **motion** was made by Dr. Roger E. Hartley and seconded by Nancy Swetnam to deny renewal of Initial Individual Certification of S. Nancy Wilson pursuant to Arizona Code of Judicial Administration § 7-208 (G)(6)(b) and (E)(5)(b)(1)(a) for failure to meet the requirement for certification, and under (E)(3)(a)(4) for failure to complete the continuing education requirement and therefore for failing to comply with court rules. Motion passed. **LDP-04-267**

Linda Grau reported Ana Brice-Nash and Manuel Cisneros both submitted complete applications for renewal. Ms. Brice-Nash's application shows that 7 out of the 10 hours she completed for continuing education were completed on June 29th and June 30th. Mr. Cisneros did not submit his application until June 30th. Both applications are in order. Ms. Grau recommended the applications be granted renewal of certification but that the Board consider taking action regarding the application being filed late. Both applicants did pay the \$50.00 late application fee required by Arizona Code of Judicial Administration § 7-208. The Board discussed the late filing of the applications and the completion of the continuing education within the renewal year.

Ana Brice-Nash
Manuel Cisneros

A **motion** was made by Donald F. Steward and seconded by Nancy Swetnam to grant renewal of Initial Individual Certification to the applicants listed above in recognition that they both paid the \$50.00 late filing fee. Motion Passed. **LDP-04-268**

Linda Grau reported Cadden Community Management, Inc. business entity application lists two employees who are certified legal document preparers. Cadden Community Management, Inc. has filed a Request for Business Entity Exemption Extension. The original designated principal was certified but has not sought renewal. The new designated principal is AZCLDP Debra Wild. Another Cadden employee, Deborah Colon-Meteo, has applied for initial individual certification and in doing so identified on her application she was a trainee working on behalf of Cadden Community Management, Inc. during the 2003-04 certificate period. Cadden Community Management, Inc. was exempted as a business entity after avowing they did not employ trainees during the 2003-04 certificate period. The Board discussed the extension request of the business entity exemption and documentation regarding Ms. Colon-Meteo being a trainee for the company. The Board discussed material misrepresentation on behalf of Cadden Community Management, Inc. Ms. Grau recommended the Board grant renewal certification to Cadden Community Management, Inc., but the exemption request be denied. The Board discussed the discrepancy between Ms. Colon-Meteo's cover letter and her resume.

Cadden Community Management, Inc.

A **motion** was made by Donald F. Steward and seconded by Dr. Roger E. Hartley to defer renewal of Initial Business Entity Certification and request for exemption to the applicant listed above until the September Board meeting and directed staff to request clarification from Ms. Colon-Meteo as to whether or not she was a trainee during any time period with Cadden Community Management, Inc. Motion Passed. **LDP-04-269**

Debororah Colon-Meteo

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to defer Initial Individual Certification to the applicant listed above and require Ms. Colon-Meteo submit additional information regarding the specifics of her experience as stated in the second paragraph of her cover letter and how that relates or does not relate to her resume. Motion Passed. **LDP-04-270**

Linda Grau reported Renaissance Community Partners, LLC application for renewal of Initial Business Entity Certification was received on July 7th. Ms. Grau recommended

the application for renewal of business entity certification be granted.

Renaissance Community Partners, LLC

A **motion** was made by Dr. Roger E. Hartley and seconded by Carol Wells to grant renewal of Initial Business Entity Certification to the applicant listed above. Motion Passed. **LDP-04-271**

Linda Grau reported Jeanne Fletcher submitted her renewal application on June 25th. The application is in order and Ms. Fletcher did pay the \$50.00 late filing fee as required by Arizona Code of Judicial Administration § 7-208. Ms. Grau recommended granting renewal of certification to Ms. Fletcher.

Jeanne Fletcher

A **motion** was made by Margaret J. Kleinman and seconded by Nancy Swetnam to grant renewal of Initial Individual Certification to the applicant listed above. Motion Passed. **LDP-04-272**

Linda Grau reported Diana Arballo submitted her application for renewal on June 30th. Ms. Arballo submitted for continuing education credit documentation of her attendance at traffic school for a citation she received for speeding. Ms. Grau recommended the application for renewal be denied under Arizona Code of Judicial Administration § 7-208 (G)(6)(b) and (E)(5)(b)(1)(a) for failure to meet the requirement for certification, and under (E)(3)(a)(4) for failure to complete the continuing education requirement and therefore for failing to comply with court rules. The Board discussed the number of approved CE hours Ms. Arballo did complete. Ms. Arballo requested 6 hours of continuing education for attending the traffic school. This request was denied.

Diana Arballo

A **motion** was made by Virlynn Tinnell and seconded by Nancy Swetnam to deny renewal of Initial Individual Certification of Diana Arballo pursuant to Arizona Code of Judicial Administration § 7-208 (G)(6)(b) and (E)(5)(b)(1)(a) for failure to meet the requirement for certification, and under (E)(3)(a)(4) for failure to complete the continuing education requirement and therefore for failing to comply with court rules. Motion passed. **LDP-04-273**

Linda Grau reported Evelyn Baumgardner and Arizona Wills & Trusts, LLC renewal applications were received on June 30th. Arizona Wills & Trusts, LLC was recently acquired by Ms. Baumgardner. Ms. Baumgardner is also requesting Initial Business Entity certification for her sole proprietorship, Your Living Trust. Ms. Grau reported court records reflect past civil litigation involving Ms. Baumgardner and Your Living Trust. Additionally, during March 2004, Ms. Baumgardner entered into a Consent Agreement with the Arizona Corporation Commission regarding the sale of

unregistered securities. Ms. Baumgardner was assessed an administrative penalty of \$5,000 and a Cease and Desist Order was issued as part of the agreement. Ms. Baumgardner was ordered to pay restitution in the amount of \$70,500. All three applications contain somewhat vague and non-specific disclosure statements. It appears Ms. Baumgardner may be referring to the Corporation Commission action as the “BK Case”. There are three civil cases in Maricopa County which alleged breach of fiduciary duties, unjust enrichment, or fraud. Two of these cases were dismissed; the third was dismissed under stipulation. The Board discussed the disclosures and if it was accurate. Ms. Grau recommended the Board deny certification renewal to Ms. Baumgardner, Arizona Wills & Trusts, LLC and initial certification of Your Living Trust pursuant to Arizona Code of Judicial Administration § 7-208 (E)(5)(b)(1)(c) for dishonesty and material misrepresentation in applying for a certificate when she answered “No” to having been the subject of a fine by an administrative agency. The Board discussed the relevance of the Corporation Commission case being relative to her acting as a legal document preparer and the multiple other cases involved.

Evelyn Baumgardner
Arizona Wills & Trusts, LLC
Your Living Trust

A **motion** was made by Virlynn Tinnell and seconded by Margaret J. Kleinman to deny certification renewal to Ms. Baumgardner, Arizona Wills & Trusts, LLC and initial certification of Your Living Trust pursuant to Arizona Code of Judicial Administration § 7-208 (E)(5)(b)(1)(c) for dishonesty and material misrepresentation in applying for a certificate when she answered “No” to having been the subject of a fine by an administrative agency, and with regards to her answer to the conviction disclosure section of the applications. On a vote of 3-7, the **motion** failed.

A **motion** was made by Nancy Swetnam and seconded by Ward J. Sturm to defer consideration of certification renewal to Ms. Baumgardner, Arizona Wills & Trusts, LLC and initial certification of Your Living Trust and request Ms. Baumgardner supply the Board with further information with regards to her answer to the conviction box and for more information regarding the pending cases. Motion passed. **LDP-04-274**

Executive Session #4

A **motion** was made Nancy Swetnam and seconded by Virlynn Tinnell to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-04-275**

Executive Session #4 ended.

Review and discussion of Hearing Officer report and recommendation regarding the denial of certification to Paul Demos.

A **motion** was made by Dr. Roger E. Hartley and seconded by Susan C. Vasquez to adopt the Hearing Officer's recommendations #1 and #2 and affirm the earlier denial of individual certification to Paul Demos pursuant to ACJA § 7-208 (E)(5)(b)(1)(c) and (E)(5)(b)(1)(g) based on his suspension/revocation of licenses to practice law and misrepresentation of the applicant in failing to disclose 2003 criminal convictions in the City of Phoenix Municipal Court. Nancy Swetnam recused. Motion passed. **LDP-04-276**

Review of Applications

Linda Grau reported Strategic Tax Planning, LLC submitted an application for renewal of certification on July 9th. A former certificate holder, Richard Groff, was the designated principal for the business during the 2003-04 certification period. Mr. Groff indicated he was not renewing his individual certification because he did not complete the required continuing education. Lynn Forman is the newly named designated principal for Strategic Tax Planning, LLC and is requesting the Board grant her Initial Individual Certification. Ms. Forman's application indicated she had been preparing documents under a certified legal document preparer at Strategic Tax Planning, LLC for the past year and a half. Ms. Forman was not listed as a trainee for Strategic Tax Planning, LLC and a business entity exemption was granted to the business during the 2003-2004 period. Mr. Groff had previously avowed through a business Entity Exemption, which was granted, that the company did not have any employees or trainees during the 2003-04. Ms. Grau recommended the application for renewal for Strategic Tax Planning be denied pursuant to Arizona Code of Judicial Administration § 7-208 (G)(6)(b) and (E)(5)(b)(1)(a) for Mr. Groff's failure to meet the requirements for certification and (E)(3)(a)(4) for Mr. Groff's failure to fulfill the education requirement and responsibilities and duties of the designated principal, thereby failing to comply with court rules. Additionally, it is recommended the renewal be denied pursuant to Arizona Code of Judicial Administration § 7-208 (E)(5)(b)(1)(c) for dishonesty and material misrepresentation in applying for the certificate based on the failure to provide the names of trainees as required by the Code and fraudulent submission of the Business Entity Exemption Request, which resulted in the reimbursement of the original application fee. The Board discussed Mr. Groff's failure to meet the requirements for certification and failure to fulfill the continuing education requirement. The Board discussed Ms. Forman's role as a trainee, her employment background, and her education level. The Board discussed material misrepresentation and Mr. Groff's daughter now being listed on the business application as a trainee. The company has not requested a Business Entity Exemption Extension Request for the 2004-2005 certification period.

Strategic Tax Planning, LLC
Lynn Forman

A **motion** was made by Nancy Swetnam and seconded by Dr. Roger E. Hartley to defer consideration of certification renewal of Strategic Tax Planning, LLC. and initial certification of Lynn Forman, and require Ms. Forman, Mr. Groff and Strategic Tax Planning, LLC to provide additional information regarding the past employment of Ms. Forman and her status as a trainee. Additionally, the Board requests information pertaining to Mr. Groff's daughter being listed as a trainee and Mr. Groff's current activities. Further explanation is needed regarding the business exemption received by Strategic Tax Planning, LLC and what appears to be contradictory information. Motion passed. **LDP-04-277**

The following legal document preparers and business entities requested 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 review. She recommends these applicants be granted certification.

Cautela Corporation
Patricia Enstrom
Guardian Financial Planning Services
Rosa Guzman

A **motion** was made by Nancy Swetnam and seconded by Carol L. Wells to grant Initial Individual and Business Entity Certification to the applicants listed above. Motion Passed. **LDP-04-278**

Linda Grau reported Robert Heckinger meets all the requirements for individual certification. It was noted no application has been received for his LLC, Heckinger and Associates. Ms. Grau recommended the application be granted and program staff be directed to request a business entity application and notify Mr. Heckinger that his individual certification does not authorize him to prepare documents on behalf of a non-certified business entity.

Robert Heckinger

A **motion** was made by Nancy Swetnam and seconded by Donald F. Steward to grant Initial Individual Certification to the applicant listed above, and to direct program staff directed to include in the certification notice a request for a business entity application as well as a notice that Mr. Heckinger's individual certification does not authorize him to prepare documents on behalf of a non-certified business entity. Motion Passed. **LDP-04-279**

The following legal document preparers and business entities requested 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 and demonstrate the minimum eligibility requirements have been met by the applicants. She recommends the following applicants be granted certification:

Randi Huber
Penny King
Markel Enterprises, Inc.
Nancy Martinez
Metro Association Management, Inc.
Pamela Milburn
Darla Mondou
Pamela Moore
Out-Of-Court Solutions, Inc.
Rust & Associates, Inc.
Phillip Salmon

A **motion** was made by Dr. Roger E. Hartley and seconded by Ward J. Sturm to grant Initial Individual and Business Entity Certification to the applicants listed above. Motion Passed. **LDP-04-280**

Linda Grau reported Salmon & Associates Business Consulting, LLC application is complete. A Business Entity Exemption was also submitted but the application identified a trainee. Ms. Grau recommended the Initial Business Entity application be granted and the request for Business Entity Exemption be denied.

Salmon & Associates Business Consulting, LLC

A **motion** was made by Virlynn Tinnell and seconded by Mary Carlton to grant Initial Business Entity Certification and deny the request for Business Entity Exemption to the applicant listed above. Motion Passed. **LDP-04-281**

The following legal document preparers and business entities requested 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 and demonstrate the minimum eligibility requirements have been met by the applicant. She recommends the following applicants be granted certification:

Taylor, Inc.
Sixto Valdivia
Valleywide Legal Documents, LLC

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to grant Initial Individual and Business Entity Certification to the applicants listed above. Motion Passed. **LDP-04-282**

Linda Grau reported the Board previously requested Scott Anderson provide additional information regarding his legal document preparer experience. Mr. Anderson submitted a response which clearly delineates he has the qualifications to apply for initial certification. Ms. Grau recommended Mr. Anderson be granted certification.

Scott Anderson

A **motion** was made by Dr. Roger E. Hartley and seconded by Mary Carlton to grant Initial Individual Certification to the applicant listed above. Motion Passed. **LDP-04-283**

Linda Grau reported Benjamin Freeman disclosed a number of civil and criminal matters on his application. The Board reviewed records and documentation submitted by Mr. Freeman. Ms. Grau recommended Mr. Freeman be granted initial individual certification. The Board discussed Mr. Freeman's conviction record and the experience he received while working with Attorney Lorona who supervised him during the year 2003. Mr. Jess Lorona is an attorney in good standing. Mr. Freeman has prior criminal convictions which he disclosed. The Board discussed Mr. Freeman's employment history. The Board discussed the length of time Mr. Freeman has been rehabilitated and the length of time he was a Law Clerk while in custody.

Benjamin Freeman

A **motion** was made by Donald F. Steward and seconded by Virlynn Tinnell to deny Initial Individual Certification of Benjamin Freeman pursuant to Arizona Code of Judicial Administration § 7-208 (E)(5)(b)(1)(d) based on his convictions, and (E)(5)(b)(1)(a) for failure to meet the minimum eligibility requirement for certification. Motion passed. **LDP-04-284**

Linda Grau reported Richard French's application was reviewed on June 28th and was deferred by the Board. A letter was forwarded to Mr. French requesting information about his status as a legal document assistant with the State of California. Mr. French acknowledged he was at one time licensed as a Legal Document Assistant in California, but is no longer certified. Ms. Grau has been unable to confirm Mr. French's as a Legal Document Assistant in California and recommended the Board allow her to obtain more information from California.

Richard French

A **motion** was made by Dr. Roger E. Hartley and seconded by Margaret J. Kleinman to defer Initial Individual Certification to the applicant listed above to allow staff to obtain additional information from California. Motion Passed.
LDP-04-285

Linda Grau reported Mr. Hadley is the designated principal for Granite Gavel, LLC. Mr. Hadley's application for renewal was denied for misrepresentation and was notified by letter and phone on June 29th. Mr. Hadley has requested a hearing which is scheduled for early September. Ms. Grau recommended the Board defer consideration of Granite Gavel, LLC pending the outcome of the denial related proceedings.

Granite Gavel, LLC

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to defer consideration of Initial Business Entity Certification to the applicant listed above pending the outcome of the denial related proceedings. Motion Passed.
LDP-04-286

Linda Grau reported it is unknown if Cecilia Hidalgo meets the minimum eligibility requirements for certification. Ms. Grau requested additional information and to date she has not received a response. Ms. Grau recommended the Board allow her an additional opportunity to contact Ms. Hidalgo. Therefore, it was recommended the application be deferred until September.

Cecilia Hidalgo

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to defer consideration of Initial Individual Certification to the applicant listed above to allow program staff to obtain more information. Motion Passed. **LDP-04-287**

Linda Grau reported Juan Leyva's application was previously deferred. The applicant failed to disclose a 1989 felony conviction for Trafficking Stolen Property. On May 26, 2004 and July 12, 2004, Mr. Leyva was asked to provide additional information to the Board regarding his failure to disclose the conviction. To date no additional information has been received from Mr. Leyva. Ms. Grau recommended the application be deemed incomplete based on Mr. Leyva's failure to provide additional information as requested by the Board and be denied pursuant to Arizona Code of Judicial Administration § 7-208 (E)(5)(b)(1)(b). The Board discussed when the letter was sent and the amount of response time Mr. Leyva has had to respond.

Juan Leyva

A **motion** was made by Dr. Roger E. Hartley and seconded by Mary Carlton to deem the application incomplete and deny Initial Individual Certification of Juan Leyva pursuant to Arizona Code of Judicial Administration § 7-208

(E)(5)(b)(1)(b). Also, the motion included Mr. Leyva be denied certification pursuant to ACJA § 7-208 (E)(5)(b)(1)(c) for material misrepresentation in failing to disclose his felony conviction. Motion passed. **LDP-04-288**

Linda Grau reported Chris Newton's application was reviewed at the last Board meeting and additional information was requested regarding her qualifications for certification. Information has been received from Ms. Newton and Ms. Grau requested the Board consider the content of the application relative to the minimum eligibility requirements. The Board reviewed Ms. Newton's experience. Ms. Newton did note on her application that she has almost completed the Pima Community College Paralegal Program. The Board discussed requesting documentation with regards to how far along she is in the paralegal program. Ms. Grau reported Ms. Newton indicated she had been in the paralegal program since July 1, 2003 and during the past six years she worked independently doing document preparation in the area of Bankruptcy, Divorces, Legal Separations, Wills, Living Trusts, Powers of Attorney, Deeds, Quick Claims, etc. The Board questioned if Ms. Newton filed a Schedule C tax documents for her business.

Chris Newton

A **motion** was made by Vellia M. Pina and seconded by Susan C. Vasquez to defer consideration of Initial Individual Certification to the applicant listed above and request Ms. Newton supply the Board with a Schedule C showing she was self employed, information on her employment background from 1999-2004, and a transcript of courses attended at Pima Community College. Motion Passed. **LDP-04-289**

Linda Grau reported JoAnn Regan-Dominguez is the designated principal for Financial Security Group of Arizona, Inc. Ms. Regan-Dominguez's application was deferred for a second time last month to allow for receipt of copy of the Motion for Disgorgement currently under consideration in the Federal District Court of Oregon. The Board reviewed a letter submitted by Ms. Regan-Dominguez. Ms. Grau recommended the Board review the documentation and determine certification or denial. The Board discussed the security issues related to Alpha Telecom. Ms. Grau reported Ms. Regan-Dominguez did enter a settlement agreement related to a Superior Court level civil case and presented documentation of satisfying the settlement agreement.

JoAnn Regan-Dominguez
Financial Security Group of Arizona, Inc.

A **motion** was made by Nancy Swetnam and seconded by Carol L. Wells to defer consideration of Initial Individual and Business Entity Certification to the applicants listed above pending the outcome of the Federal District Court of Oregon action. Motion Passed. **LDP-04-290**

Linda Grau reported Mr. Hall is the designated principal for RLH Group. RLH Group's

application was filed in response to the pending complaint action in complaint 04-L017 previously discussed. Ms. Grau recommended the application be deferred pending the realization of an agreement.

RLH Group

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to defer consideration of Initial Business Entity Certification to the applicant listed above pending the realization of a Consent Agreement. Motion Passed. **LDP-04-291**

Linda Grau reported James Saunders disclosed he entered into a Consent Order with the Arizona Board of Accountancy related to his violation of auditing standards. Ms. Grau confirmed the case in the Superior Court in Cochise County is not the same case. Based on the period of time since the Consent Order was entered Ms. Grau recommended the Board grant certification to Mr. Saunders.

James Saunders

A **motion** was made by Margaret J. Kleinman and seconded by Dr. Roger E. Hartley to grant Initial Individual Certification to the applicant listed above. Motion Passed. **LDP-04-292**

Linda Grau reported Kenneth Volk submitted an application for certification in response to the program and State Bar contacting him with regards to his advertising to prepare legal documents and his failure to be certified. On Mr. Volk's application he indicated he had been providing legal document preparation services prior to July 1, 2003 for 10 years. However, Mr. Volk's application does not show any experience relative to document preparation. Mr. Volk has prior misdemeanor convictions related to domestic violence and numerous civil lawsuits. Mr. Volk was asked to correct his application by supplying the Board with an appropriate photograph and additional information. He has failed to respond. Ms. Grau recommended the application be deemed as incomplete and deny the application pursuant to ACJA § 7-208 (E)(5)(b)(1)(b) based on Mr. Volk's failure to provide an appropriate photo for application and additional information regarding his experience.

Kenneth Volk

A **motion** was made by Mary Carlton and seconded by Carol L. Wells to deny Initial Individual Certification of Kenneth Volk pursuant to Arizona Code of Judicial Administration § 7-208 (E)(5)(b)(1)(b) for failure to provide additional information as requested by the Board . Motion passed. **LDP-04-293**

Linda Grau reported Marilyn Zimmerman disclosed a 1994 civil action in Superior

Court in Maricopa County. Ms. Zimmerman indicated she was included as part of the marital community and the case was dismissed.

Marilyn Zimmerman

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to grant Initial Individual Certification to Marilyn Zimmerman. Motion Passed. **LDP-04-294**

Linda Grau recommended the Board grant the following requests for 2004 certification period business entity exemption. The designated principals for these entities have made affidavits as to their qualifications for exemption:

Cautela Corporation
Metro Association Management, Inc
Out-Of-Court Solutions, Inc.
Renaissance Community Partners, LLC
Rust & Associates, LLC
Taylor, Inc.

A **motion** was made by Margaret J. Kleinman and seconded by Mary Carlton to grant Business Entity Exemptions to the applicants listed above for the 2004 certification period based on documentation provided showing they meet all qualifications for Business Entity Exemption. Motion Passed. **LDP-04-295**

Call to the Public

Karen Cooley addressed the Board and questioned where she could find out if someone had been disbarred or disciplined. The Board stated Ms. Cooley is welcome to call the program if she has questions related to a certain individual and she can contact the Certification and Licensing Division to check on disbarred attorneys, as well. Ms. Cooley discussed her knowledge of the Corporation Commission Consent Agreements.

Adjourn

A **motion** was made by Virlynn Tinnell and seconded by Margaret J. Kleinman to adjourn. Motion passed. **LDP-04-243**

The meeting of the Board of Legal Document Preparers adjourned at 3:18 p.m.