



**Board of Legal Document Preparers**  
Arizona State Courts Building  
1501 West Washington Street, Phoenix, Arizona 85007  
Conference Room 109

Date: April 21, 2008  
Time: 10:00 a.m. – 2:00 p.m.

**Approved Regular Session Minutes**

**MEMBER ATTENDANCE**

***Present:***

Judge Roland J. Steinle  
Andrew Saper

***Telephonically Present:***

Cynthia Felton  
Kristina Fredericksen  
Paul Friedman  
Debra Griffin  
Carol Wells

***Absent:***

Pat Taylor-Yarger  
Stephanie Gates Wolf  
Les Krambeal  
Virlynn Tinnell

**OTHER ATTENDEES**

***AOC Staff:***

Kandace French  
Nina Preston  
Tony Posante  
Kimberly Siddall  
Jenny Lubben  
Ruby Hernandez

***Guests:***

Wayne H. Taylor

---

**CALL TO ORDER**

***Called to Order By: Judge Steinle, Chair***

***Time: 12:18 p.m.***

---

**2) REVIEW OF PENDING COMPLAINTS**

**2-A: Review, discussion and possible action regarding the following complaints:**

**Complaint Number 03-L025 Stump & Associates, LLC –  
Roger Stump**

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** On March 25, 2008, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does exist as to Allegations 1, 2 and 3 of complaint number 03-L025. Based on the analysis of the allegations, mitigating and aggravating factors, and proportionality, it was recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201 (H)(6)(a) for acts of misconduct. It was further recommended the Board impose the following sanctions pursuant to ACJA § 7-201 (H)(24)(a)(6):

- a) Issue a Censure to Roger Stump and Stump and Associates, LLC, pursuant to ACJA § 7-201 (H)(24)(a)(6)(b);
- b) Assess costs associated with the investigation and related disciplinary proceedings to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(j); and,
- c) Impose civil penalties in the amount of \$250.00 per found violation to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201 (H)(24)(a)(6)(k).

**Motion:** Move to accept the findings of Probable Cause Evaluator Mike Baumstark, enter a finding grounds for formal disciplinary action exists and impose the recommended sanctions in regards to Complaint Number 03-L025.

**Motion Proposals:** First Judge Steinle  
Second Virlynn Tinnell

**Motion Results:** Pass **LDP 08-080**

**Complaint Number 05-L011 – Jackie Sandoval**

**Discussion:** On March 24, 2008, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist as to Allegation 1 of complaint number 05-L011. It was recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for disciplinary action does not exist as the failure by Sandoval was a technical error. It was recommended the Board dismiss the complaint with no further action.

**Motion:** Move to accept the findings of Probable Cause Evaluator Mike Baumstark and dismiss Complaint Number 05-L011.

**Motion Proposals:** First Judge Steinle  
Second Andrew M. Saper

**Motion Results:** Pass **LDP 08-081**

**2-B: Report and possible action regarding complaints dismissed by Division Director pursuant to Arizona Code of Judicial Administration § 7-201 (D)(4)(a) and (H)(2)(b).**

**Individuals Addressing the Board:** Nancy Swetnam

***Complaint Number NC08-L007***

**Discussion:** On March 18, 2008, Division Director Nancy Swetnam dismissed complaint number NC08-L007 with prejudice. It was recommended the Board affirm the dismissal of the complaint pursuant to ACJA § 7-201 (H)(2)(d).

**Motion:** Move to affirm Division Director's dismissal of Complaint Number NC08-L007.

**Motion Proposals:** First Judge Steinle  
Second Andrew Saper

**Motion Results:** Pass **LDP 08-082**

***Complaint Number 05-L057***

**Discussion:** On February 22, 2008, Division Director Swetnam dismissed complaint number 05-L057 with prejudice pursuant to ACJA § 7-201 (H)(2)(a). It was recommended the Board affirm the dismissal of the complaint pursuant to ACJA § 7-201 (H)(2)(d).

**Motion:** Move to affirm Division Director's dismissal of Complaint Number 05-L057.

**Motion Proposals:** First Cynthia Felton  
Second Andrew Saper

**Motion Results:** Pass **LDP 08-083**

***Complaint Number NC08-L009***

**Discussion:** On March 3, 2008, Division Director Swetnam dismissed complaint

number NC08-L009 with prejudice pursuant to ACJA § 7-201 (H)(2)(a)(2)(a) and referred the matter to the State Bar of Arizona. It was recommended the Board affirm the dismissal of the complaint pursuant to ACJA § 7-201 (H)(2)(d).

**Motion:** Move to affirm Division Director's dismissal of Complaint Number NC08-L009.

**Motion Proposals:** First Cynthia Felton  
Second Judge Steinle

**Motion Results:** Pass **LDP 08-084**

***Complaint Number NC07-L064***

**Discussion:** Division Director Swetnam dismissed complaint number NC07-L064 with prejudice pursuant to ACJA § 7-201 (H)(2)(a)(2)(a) and referred the matter to the State Bar of Arizona. It was recommended the Board affirm the dismissal of the complaint pursuant to ACJA § 7-201 (H)(2)(d).

**Motion:** Move to affirm Division Director's dismissal of Complaint Number NC07-L064.

**Motion Proposals:** First Cynthia Felton  
Second Judge Steinle

**Motion Results:** Pass **LDP 08-085**

***Complaint Number NC07-L026***

**Discussion:** Division Director Swetnam dismissed complaint number NC07-L026 without prejudice pursuant to ACJA § 7-201 (H)(2)(a)(2)(a) It was recommended the Board affirm the dismissal of the complaint pursuant to ACJA § 7-201 (H)(2)(d).

**Motion:** Move to affirm Division Director's dismissal of Complaint Number NC07-L026.

**Motion Proposals:** First Cynthia Felton  
Second Kristina Fredericksen

**Motion Results:** Pass **LDP 08-086**

**2-C: Review and discussion regarding general procedures for Formal Interviews conducted pursuant to Arizona Code of Judicial Administration § 7-201 (H)(8).**

**Individuals Addressing the Board:** Kandace French

**Discussion:** At the March meeting the Board discussed the general procedures for the Formal Interview process and requested staff prepare for the Board's review a template invitation letter for future use in inviting certificate holder's to participate in a Formal Interview. The draft template letter was presented for Board review and after discussion, it was recommended for acceptance.

**Motion:** Move to accept the proposed letter template for the invitation to a Formal Interview.

**Motion Proposals:** First Andrew Saper  
Second Judge Steinle

**Motion Results:** Pass **LDP 08-087**

---

### 3) REVIEW OF CERTIFICATION APPLICATIONS

**3-A:** *Review, discussion and possible action regarding Hearing Officer Thomas Quigley's Recommendation Report involving the denial of certification to applicant Jan C. Rust.*

**Individuals Addressing the Board:** Kandace French

**Discussion:** Staff presented the Board with the Hearing Officer's Findings of Fact, Conclusions of Law and Recommendations relative to Jan Rust and reported there was no request for rehearing.

**Motion:** Board moved to adopt the Findings of Facts, Conclusions of Law and reference to report of the Hearing Officer Quigley.

**Motion Proposals:** First: Judge Steinle  
Second: Andrew Saper  
Abstain: Paul Friedman

**Motion Results:** Pass **LDP 08-088**

**Motion:** Board moved to deny certification to Jan C. Rust for reasons set forth in the proposed Findings of Facts and Conclusions of Law.

**Note:** *Debra Griffin joined the meeting telephonically at 12:36 p.m.*

First: Judge Steinle  
Second: Virlynn Tinnell

Abstain: Paul Friedman

**Amended Motion:** Board moved to modify the preceding motion to uphold the earlier denial of certification to Jan C. Rust.

**Motion Proposals:** First: Judge Steinle  
Second: Virlynn Tinnell  
Abstain: Paul Friedman

**Motion Results:** Pass **LDP 08-089**

**3-B: Interview with and possible action regarding applicant Estate Preservation Services, LLC (Joelle L. Sammetinger)**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Staff received an email request from Bruce Becwar requesting that the business application be placed on hold until further notice. It was recommended the Board accept the withdrawal of the business application.

**Motion:** Move to accept the withdrawal of the business application and direct staff to inform Mr. Becwar to file a new application at the time the business resumes operation

**Motion Proposals:** First Judge Steinle  
Second Andrew Saper

**Motion Results:** Pass **LDP 08-090**

**3-C: Review, discussion, and possible action regarding pending application of David Anderson.**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Applicant failed to disclose information later revealed by background investigation during the application process. The Board requested Mr. Anderson to provide them with information regarding ACJA § 7-201 (E)(2)(c)(3)(a) through (m) by April 14<sup>th</sup>. Staff has received Mr. Anderson's response. Staff recommended certification be denied.

**Motion:** Move to deny the certification application of Davis Anderson.

**Motion Proposals:** First Virlynn Tinnell  
Second Kristina Fredericksen

**Motion Results:** Pass LDP 08-091

**3-D: Interview with and possible action regarding applicants Wayne Taylor and Legal Cowboy, LLC.**

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Wayne Taylor appeared for an interview with the Board. There was no discussion. Staff recommended certification be granted to applicant.

**Motion:** Move to accept staff recommendation to grant certification to applicant Wayne Taylor.

**Motion Proposals:** First Judge Steinle  
Second Andrew Saper

**Motion Results:** Pass LDP 08-092

**3-E: Review, discussion, and possible action regarding pending applications for 2007-2009 initial standard certification:**

*Joann Kerr-Gillotte*  
*Joe Covarrubias*  
*Edith Funk*  
*Deborah Posey*  
*Josephine Mack*  
*Georgi Willis*  
*Lisa Canedy*  
*Kristel Nielsen*  
*Elaine Roberts*  
*Sonoran Mediation Services, LLC (Elaine Roberts)*  
*Steele Larson Anderson Legal, LLC (Thomas L. Steele)*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The applications listed above remain incomplete pending background review or receipt of additional information from the applicants. It was recommended the applications be deferred to the May meeting

**Motion:** Move to defer consideration of above listed applications to the next board meeting to be held May 19, 2008.

**Motion Proposals:** First Judge Steinle

Second Kristina Fredericksen

**Motion Results:** Pass **LDP 08-093**

***Richard B. Tucker, Jr.***

**Discussion:** Applicant provided requested information. It was recommended the Board grant certification and require Mr. Tucker to submit an Affidavit stating he understands and will comply with the provisions of Administrative Code of Judicial Administration §§ 7-201 and 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law and use of the “JD” designation.

**Motion:** Move to accept staff recommendation to grant standard certification and require applicant to submit an Affidavit as described above.

**Motion Proposals:** First Judge Steinle  
Second Andrew Saper

**Motion Results:** Pass **LDP 08-094**

***Christine Jerome***

**Discussion:** Applicant provided requested information. It was recommended the Board grant standard certification.

**Motion:** Move to accept staff recommendation and grant standard certification to Christine Jerome.

**Motion Proposals:** First Judge Steinle  
Second Andrew Saper

**Motion Results:** Pass **LDP 08-095**

**3-F: Review, discussion, and possible action regarding pending applications for Business Entity Exemption requests.**

**Individuals Addressing the Board:** Kimberly Siddall

***Legal Cowboy, LLC (Wayne Taylor)***

**Discussion:** Staff recommended the request for Business Entity Exemption be granted to Legal Cowboy, LLC.

**Motion:** Move to accept staff recommendation to grant certification.

**Motion Proposals:** First Judge Steinle  
Second Andrew Saper

**Motion Results:** Pass **LDP 08-096**

*Sonoran Mediation Services, LLC (Elaine Roberts)*

**Discussion:** Staff recommended consideration of the above application be deferred to the May meeting.

**Motion:** Move to accept staff recommendation to defer consideration to the May 19, 2009 board meeting..

**Motion Proposals:** First Judge Steinle  
Second Andrew Saper

**Motion Results:** Pass **LDP 08-097**

**Return to Agenda Item 1-A**

---

**1) REVIEW AND APPROVAL OF MEETING MINUTES**

*1-A: Review of the regular session minutes for the meeting of January 28, 2008*

*1-B: Review of the regular and executive session minutes for the meeting of February 25, 2008.*

*1-C: Review of the regular and executive session minutes for the meeting of March 17, 2008.*

**Individuals Addressing the Board:** Kandace French

**Discussion:** Minutes were unavailable for Board review at this time. Recommendation to defer review to the May 19, 2008 meeting.

**Motion:** Move to defer consideration of the above referenced minutes to the next board meeting

**Motion Proposals:** First Judge Steinle  
Second Andrew M. Saper

**Motion Results:** Pass **LDP 08-079**

**Return to Agenda Item 3-C**

---

**3-C: Review, discussion, and possible action regarding pending application of David Anderson.**

**Individuals Addressing the Board:** Nina Preston, Kimberly Siddall

**Discussion:** Nina Preston requested staff to repeat the cited authority for its earlier decision to deny certification to applicant David Anderson. Staff had cited ACJA § 7-201(E)(2)(c)(b)(5)(vi)(xv) for having conviction by final judgment of a misdemeanor, for suspension of professional license, disciplinary action against a professional license, and failure to disclose information that was revealed through the background investigation. As a point of clarification, the final conviction was for a Class III felony for aggravated assault and a misdemeanor for a DUI. Staff amended cited authority to ACJA §7-201 (E)(2)(c)(b)(iv) and (v) for having conviction by a final judgment of a felony as well as conviction by a final judgment of a misdemeanor.

**Motion:** Move to amend the motion as described above.

**Motion Proposals:** First Judge Steinle  
Second Virlynn Tinnell

**Motion Results:** Pass **LDP 08-098**

---

**CALL TO THE PUBLIC**

No response.

---

**ADJOURNMENT**

**Motion:** Adjourn the meeting.

**Motion Proposals:** First: Cynthia Felton  
Second: Andrew Saper

**Motion Results:** Pass **LDP 08-99**

**Time: 12:50 p.m.**

Rh/bt

Y:\BOARDS\COMMITTEES\COMMISSION\LEGAL\DOCUMENT  
PREPARERS\MINUTES\REGULAR\2008\042108DraftRegMinLDP.doc