



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

Date: February 22, 2010
Time: 10:00 a.m. – 2:00 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Les Krambeal
Paul Friedman
Andrew Saper
Judge Robert Oberbillig
Bonnie Matheson
Deborah Colon-Mateo

Telephonically Present:

Stephanie Gates Wolf
Debra A. Young
Devon Kunde

Absent:

Cynthia Felton
Debra Griffin

OTHER ATTENDEES:

AOC Staff:

Kandace French
Linda Grau
Tony Posante
Alex Navarro
Kimberly Siddall
Nancy Swetnam
Nina Preston
Doris Leonard

Guests:

Janet Summers
Edward Rubacha
Michelle Messmer
Tina Adams
Roger Binyon
Stephen T. Lee
Cherry Blue
Sue Wall

Michelle Blake
James D. Jenkins
Ronda R. Fisk
Luz Jimenez
Jesus Leon

CALL TO ORDER

Called to Order By: Les Krambeal, Chair

Time: 10:03 a.m.

1) INTRODUCTION OF NEW BOARD MEMBER

Individuals Addressing the Board: Kandace French

Discussion: Kandace French introduced Bonnie Matheson as the Board's new public member. Ms. Matheson was appointed on January 10, 2010 by Chief Justice Rebecca White Berch.

Ms. French announced another new Board member, Deborah Colon-Mateo, who will be welcomed at the next meeting in April.

No action required.

2) REVIEW AND APPROVAL OF MEETING MINUTES

Individuals Addressing the Board Les Krambeal, Chair

2-A: *Review, discussion and possible action regarding approval of the regular session minutes of the May 19, 2008 meeting.*

Discussion: No discussion.

Motion: Approve regular session minutes of the May 19, 2008 meeting.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-01**

2-B: Review, discussion and possible action regarding approval of the regular session minutes of the meeting of December 21, 2009.

Discussion: No discussion.

Motion: Approve regular session minutes of the December 21, 2009 meeting.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-02**

2-C: Review, discussion and possible action regarding approval of the executive session minutes of the December 21, 2009 meeting.

Discussion: No discussion.

Motion: Approve regular session minutes of the May 19, 2009 meeting.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-03**

3) REVIEW OF PENDING COMPLAINTS

3-A: Review, discussion and possible action regarding certificate holder complaint number 09-L027 involving Alenda Martin.

Individuals Addressing the Board: Nancy Swetnam

Discussion: Ms. Swetnam addressed the Chair and asked the Board address agenda item 3-B as issues in 3-B affect items under 3-A. Counsel for certificate holder under 3A will be appearing at 10:30 a.m. to address the Board.

3-B: Review, discussion and possible action regarding complaint number 08-L018 involving certificate holders Richard Slatin and Divorce, Custody and Child Support Services, Inc..

(Taken out of order.)

Individuals Addressing the Board: Nancy Swetnam

Discussion: On October 26, 2009, the Board considered Hearing Officer Neal Taylor's Report and Recommendation in complaint number 08-L018 and on November 2, 2009 the Board filed a Partial Remand Order. On December 15, 2009, Hearing Office Taylor filed the Hearing Officer's Supplemental Report provided to the Board.

In that report, Hearing Officer Taylor's conclusion is that the Program failed to prove the Respondents violated AJCA § 7-201(F)(1), AJCA § 7-208(F)(2); ACJA § 7-208(J)(1)(A) and (J)(1)(B) by preparing a dual captioned document and, based on the foregoing, the Hearing Officer recommends the sanctions previously recommended to the Board be implemented; i.e., those in his earlier report.

Staff suggested the Board seek advice of counsel regarding this matter and requests the Board move to go into Executive Session to receive that advice.

Motion Proposals: Move to enter Executive Session.

Motion: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP-10-04**

Members of the public removed from meeting.

Entered Executive Session at 10:10 a.m.

Regular Session reconvened at 10:25 a.m.

Discussion: After review of the Hearing Officer's report in complaint 08-L018, the Board recommended not accepting the language "...moreover it would seem quite reasonable to assume that persons seeking a divorce who had resolved all of their differences would jointly seek the services of a document preparer", as indicated in paragraph 3(B) of the Hearing Officer's Report.

Motion: Reject the language "...moreover it would seem quite reasonable to assume that persons seeking a divorce who had resolved all of their differences would jointly seek the services of a document preparer", as indicated in paragraph 3(B) of the Hearing Officer's Report.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-05**

Discussion: After further review of the Hearing Officer's report in complaint 08-L018, the Board recommends accepting the Supplemental Report.

Motion: Accept the Supplemental Report of the Hearing Officer.

Motion Proposals: First Paul Friedman

Second Andrew Saper

Motion Results: Pass **LDP 10-06**

Discussion: After review of the Hearing Officer's report in complaint 08-L018, the Board recommends accepting the Conclusions of Law and Findings of Fact except for 3(B).

Motion: Accept the Conclusions of Law and Findings of Fact except for 3(B) of the original Hearing Officer's Report.

Motion Proposals: First Paul Friedman

Second Andrew Saper

Motion Results: Pass **LDP 10-07**

3-A: Review, discussion and possible action regarding certificate holder complaint number 09-L027 involving Alenda Martin

(Taken out of order.)

Individuals Addressing the Board: Nancy Swetnam and Ronda Fisk, counsel for Alenda Martin.

Discussion: The Board reviewed and considered this complaint on December 21, 2009 and entered an Order for formal disciplinary action. Included in the Board's Order was a request that Division contact Ms. Martin in advance of the filing of the Notice of Formal Statement of Charges to determine whether Ms. Martin was interested in resolving the pending formal disciplinary action via a Consent Agreement as allowed under ACJA 7-201.

Discussion regarding Notice of Formal Statement of Charges, proposed Consent Decree and proposed language by attorney Fisk.

Board requested additional advice of counsel.

Discussion regarding entering into Executive Session.

Motion: Move to go into Executive Session at 10:35 a.m.

Motion Proposals: First: Paul Friedman
Second: Andrew Saper

Motion Results: Pass: **LDP-10-08**

Members of the public dismissed.

Regular Session reconvened at 10:50 a.m.

Discussion: It was suggested deferring on Agenda Item 3-A to allow counsel, Nina Preston, an opportunity to confer with Ms. Martin's counsel. Nancy Swetnam reminded the Board they need to take an action to dismiss on Allegation 3 in complaint number 09-L018. A separate motion is also needed regarding the sanctions on the found violations.

Motion: Dismiss Allegation 3 in complaint number 09-L018.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-09**

Motion: Uphold sanctions as detailed in the Hearing Officer's Report in complaint number 09-L018.

Motion Proposals: First: Paul Friedman
Second: Andrew Saper

Motion Results: Pass **LDP 10-10**

3-C: Review, discussion and possible action regarding the following certificate holder complaints:

Complaint Number 08-L061 - Kelley Dowdle

Individuals Addressing the Board: Nancy Swetnam

Discussion: Discussion regarding allegations in complaint number C89-L061.

Motion: Accept the findings of the Probable Cause Evaluator as to Allegations 1, 2 and 3 and dismiss the findings of those aspects of this complaint. Accept the findings of the Probable Cause Evaluator as to Allegation 4 and find grounds that an informal disciplinary action exists and have a Letter of Concern issued to Ms. Dowdle.

Motion Proposals: First Paul Friedman
Second Andrew Saper
Motion Results: Pass **LDP 10-11**

Complaint Number 09-L071 - Karla Wyrostek & Karla's Paralegal Service, Inc.

Individuals Addressing the Board: Nancy Swetnam

Discussion: Discussion regarding complaint number 09-L071.

Motion: Move that Violations 1 and 2 occurred.

Motion Proposals: First Paul Friedman
Second Andrew Saper
Recused Deborah Young
Motion Results: Pass **LDP 10-12**

Motion: Move that grounds for formal disciplinary action exists.

Motion Proposals: First Paul Friedman
Second Andrew Saper
Recused Deborah Young
Motion Results: Pass **LDP 10-13**

Motion: Move that staff go forward with the possible Consent Agreement and, if no Consent Agreement is reached, that Notice of Formal Charges be filed.

Motion Proposals: First Paul Friedman
Second Andrew Saper
Recused Deborah Young
Motion Results: Pass **LDP 10-14**

Motion: Move that if a Consent Agreement is filed, Ms. Wyrostek & Karla's Paralegal Services, Inc., either accept or reject the Consent Agreement within 20 days from receipt of the proposed Consent Agreement.

Motion Proposals: First Paul Friedman
Second Andrew Saper
Recused Deborah Young
Motion Results: Pass **LDP 10-15**

Complaint Number 03-L015 - Lorina Torres

Individuals Addressing the Board: Nancy Swetnam

Discussion: On January 25, 2010, the Probable Cause Evaluator entered a finding probable cause does not exist as to Allegation 1 of complaint number 03-L015. Staff recommends the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 03-L015. Staff Linda Grau brought to the Board's attention a typo on the amended Agenda identifying this complaint as number 02-L015. The correct number is reflected in the remainder of the materials as 03-L015.

Motion: Move to dismiss complaint number 03-L015.

Motion Results

First	Paul Friedman
Second	Andrew Saper
Pass	LDP-10-16

Complaint Number 06-L108 - Nancy Anderson

Discussion: On January 25, 2010, the Probable Cause Evaluator entered a finding probable cause does not exist as to Allegation 1 of complaint number 03-L015. Staff recommends the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 06-L108.

Motion: Accept the finding of the Probable Cause Evaluator and dismiss complaint number 03-L015.

Motion Proposals:

First	Paul Friedman
Second	Andrew Saper

Motion Results: Pass **LDP 10-17**

3-D: Review, discussion and possible action regarding complaint dismissed by the Division Director pursuant to ACJA § 7-201(D)(4)(a) and (H)(2)(a):

Complaint Number NC09-L087

Individuals Addressing the Board: Nancy Swetnam

Discussion: On January 21, 2010, the Division Director dismissed complaint number NC09-L087 with prejudice for lack of jurisdiction and referred the matter to agencies which may hold jurisdiction. On January 25, 2010, notice of the dismissal was forwarded to the complainant with notice the complainant could request Board review. To date no request has been received. Staff recommends the Board affirm the dismissal of complaint number NC09-0087.

Motion: Move dismissal of complaint number NC09-0087

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-18**

3-E: Review, discussion and possible action regarding non-certificate holder complaint number NC09-L089 involving Jill Zimmerman:

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Board has not had opportunity to review the materials in this matter. It was determined this item be deferred to the next Board meeting.

Motion: Defer complaint number NC09-L089 to the April 26, 2010 Board meeting.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-19**

4: ADMINISTRATIVE ISSUES

4-A: Review, discussion and possible action regarding the nomination and election of the 2010 Vice Chair

Individuals Addressing the Board: Kandace French

Discussion: Pursuant to ACJA § 7-201, the Board elects a vice chair from among the appointed members of the Board to serve in that capacity for a one-year term and is elected from among the existing Board members. It is recommended the Board nominate and elect a Vice Chair for the 2010 calendar year, January 1 through December 31.

Paul Friedman nominates Andrew Saper.

No further nominations presented.

Motion: Elect Andrew Saper by acclamation.

Motion Proposals: First Judge Robert Oberbillig
Second Paul Friedman

Motion Results: Pass **LDP 10-20**

4-B: Review, discussion and possible action regarding proposed new legislation.

Individuals Addressing the Board: Kandace French

Discussion: Review and discussion of HB2334 and HB2429. The board recommended support for HB2334 and chose to take no action on HB2429.

Motion: Motion to recommend support of HB2334.

Motion Proposals: First Paul Friedman
Second Andrew Saper
Recused Deborah Colon-Mateo
No Position Les Krambeal

Motion Results: Pass **LDP -10-21**

3-A: Review, discussion and possible action regarding certificate holder complaint number 09-L027 involving Alenda Martin - (out of order)

Individuals Addressing the Board: Ms. Ronda Fisk, counsel for complainant.

Discussion: Miss Martin has considered the proposal from Board legal counsel, Nina Preston.

Discussion regarding further need for Executive Session. Board counsel, Nina Preston, stated that if the Board is willing to accept this language, there is no need to go into Executive Session.

Motion: Accept language as presented by Ms. Fisk.

Motion Proposals: First Paul Friedman
Second Judge Oberbillig

Motion Results: Pass **LDP 10-22**

Discussion: Nancy Swetnam requested a separate motion from the Board authorizing the Chair to sign the revised Consent Agreement on behalf of the full Board.

Motion: Motion authorizing the Chair to sign the revised Consent Agreement on behalf of the full Board.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 09-23**

5) REVIEW OF CERTIFICATION APPLICATIONS

5-A: *Review, discussion and possible action regarding the following pending applications for 2009-2011 Standard Certification*

Individuals Addressing the Board: Alex Navarro, Programs Investigator

Discussion: Staff recommended standard certification be granted to the following applicants:

Integrity CPA Firm PC (Judith Burton)
Precision Paralegal Services LLC (Paris Chacon)
Advanced Legal Services LLC (Marwan Sadiddin)
Alma A. Bazan LLC (Linda Bazan)
State DPS, LLC (Alissa Rivett)
Business Document Services LLC (Cherry Blue)
Evan Nielsen
Nielsen & Associates (Evan Nielsen)
Sheri M. Bell
Michelle Blake
Nancy J. Raddatz
Vicki L. Fink
Amy A. Richardson
Angela Darling
Greta Shumay
Sergio Diaz
Michael D. Jaimes

Motion: Grant standard certification for the above-listed applicants.

Motion Proposals: First Judge Oberbillig
Second Paul Friedman

Motion Results: Pass **LDP 10-24**

Discussion: Staff recommended standard certification be granted to the following applicants:

Richard Fink
Chrysta Carter

Motion: Grant standard certification for the above-listed applicants.

Motion Proposals: First Judge Oberbillig
Second Paul Friedman

Motion Results: Pass **LDP 10-25**

Discussion: Staff recommends deferring consideration of the application for the following applicants until the April 26, 2010 Board meeting:

Construction Notice Services Inc. (Richard Fink)
Jezette Tallefer
Teresa Martin
Western Preliens, LLC
Corporate Lien Services LLC
Tannya R. Gaxiola

Motion: Defer consideration of the applications for the above-listed applicants until the April 26, 2010 Board meeting.

Motion Proposals: First Judge Oberbillig
Second Paul Friedman

Motion Results: Pass **LDP 10-26**

Discussion: Affordable Documents AZ LLC submitted a request on February 10, 2010 requesting the Board grant their request to withdraw the application for the business entity. Staff recommended the Board grant the withdrawal of this business entity application.

Motion: Grant withdrawal of the business entity application for Affordable Documents AZ LLC

Motion Proposals: First Judge Oberbillig
Second Paul Friedman

Motion Results: Pass **LDP 10-27**

Discussion: Roger D. Binyon holds a JD designation holds a Juris Doctor Degree from Washburn University since 1981. It was recommended the Board grant certification and require Mr. Binyon 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: Accept staff’s recommendation and grant certification of Roger Binyon with the suggested affidavit requirement.

Motion Proposals: First Paul Friedman
Second Judge Oberbillig

Motion Results: Pass **LDP 10-28**

Discussion: Review and discussion of the certification application of James Jenkins. Staff recommends denying certification to James Jenkins pursuant to ACJA §§ 7-201(E)(2)(c)(2)(b)(vi); 7-201(E) (2) (c) (2) (b) (vii) and 7-201(E)(2)(c)(2)(b)(xvi).

Motion: Deny certification to James Jenkins pursuant to ACJA §§ 7-201(E)(2)(c)(2)(b)(vi); ACJA § 7-201(E)(2)(c)(2)(b)(vii) and ACJA § 7-201(E)(2)(c)(2)(b)(xvi).

Motion Proposals: First Judge Oberbillig
Second Paul Friedman

Motion Results: Pass **LDP 10-29**

Discussion: Review and discuss the certification application of Prolien Services, LLC. Staff recommends denying the business entity application for Prolien Services LLC, pursuant to ACJA § 7-201(E)(2)(c)(1). Applicant does not meet the qualifications or eligibility requirements as described in ACJA § 7-208(E)(3)(d)(1). The designated principal is not a certified individual legal document preparer and, pursuant to ACJA § 7-201(E)(2)(c)(2)(b)(xvi), for failure to respond or furnish information to Division staff or the Board when the information was required.

Motion: Deny certification to Prolien Services LLC pursuant to ACJA §§ 7-201(E)(2)(c)(1), 7-208(E)(3)(d)(1), 7-201(E)(2)(c)(2)(b)(xvi).

Motion Proposals: First Paul Friedman
Second Judge Oberbillig

Motion Results: Pass **LDP 10-30**

Discussion: Review and discussion regarding the certification application of

Shelby L. Beerling. Staff recommended standard certification be granted to Shelby L. Beerling and direct staff to include language regarding non-disclosure on future applications may result in denial of renewal or disciplinary action.

Motion: Approve standard certification to Shelby L. Beerling and direct staff to include language in the letter that non-disclosure on future applications may result in denial of renewal or disciplinary action.

Motion Proposals: First Paul Friedman
Second Judge Oberbillig

Motion Results: Pass **LDP 10-31**

Discussion: Review and discuss the application of Mitchell Varbel, Staff recommended this item be deferred to the last item of the agenda to allow the Board to obtain additional information necessary for the Board's review.

5-B: Interview, discussion and possible action regarding pending initial certification for Van Rylin Associations, Inc.

Discussion: The Board reviewed the summary of regarding Van Rylin Associates, Inc. Staff recommended this matter be deferred to the April 26, 2010 meeting. Comments by attorney for Van Rylin Associates, Inc.

Counsel, Nina Preston, addressed the Board. The Board may wish to defer the matter until the Superior Court action is concluded. Any questions would need to be posed with that in mind, as well as the fact the Board's litigation counsel in the Cease and Desist action is not present.

Edward Rubacha, attorney for Van Rylin Associates, states: "Thank you. Van Rylin has no issue with postponing the Board's action until after the Court hearing on March 19th. That's fine. The two things that are pending is Ms. Janet Summers has taken the test and we're awaiting the results so she will be the designated representative if she does pass the test and I believe she does meet the qualifications necessary. In the first paragraph of the Board's Agenda item, it speaks to a Miss Tina Adams as having failed to meet the minimum eligibility requirements. Tina Adams did not take the test; a Tia Adams took the test and Tia Adams is not preparing legal documents without certification so I'm not sure where the mistake was there but I just wanted to clarify that for purposes of the Board's discussion today. But, other than those two things, we agree with the postponement until after the Court hearing. Thank you Board."

Motion: Defer the matter to the April 26, 2010 meeting.

Motion Proposals: First Paul Friedman
Second Judge Oberbillig

Motion Results: Pass **LDP 10-32**

5-C: Review, discussion and possible action regarding previously-denied initial certification for Kevin Bishop and review, discussion and possible action regarding pending application for Business Entity Renaissance Community Partners (Kevin Bishop)

Discussion: Discussion regarding new information relative to Mr. Bishop's application. It was recommended the Board defer Mr. Bishop's application for individual and business entity until the April 26, 2010 meeting.

Motion: Defer this matter to the April 26, 2010 meeting.

Motion Proposals: First Paul Friedman
Second Judge Oberbillig

Motion Results: Pass **LDP 10-33**

5-D: Review, discussion and possible action regarding Consent Agreement offer of initial certification for Melissa Luna.

Discussion: Melissa Luna requested withdrawal of her application. It was recommended the Board accept Ms. Luna's request to withdraw her application.

Motion: Accept Melissa Luna's request to withdraw her application

Motion Proposals: First Paul Friedman
Second Judge Oberbillig

Motion Results: Pass **LDP 10-34**

5-E: Review, discussion and possible action regarding reinstatement for Derek Haigh

Discussion: Board Chair recommended the Board enter into Executive Session to discuss matters considered confidential by court rule.

Motion: Move to Executive Session at 11:32 a.m.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-35**

Members of the public dismissed.

Regular Session reconvened at 11:35 a.m.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Discussion regarding the reinstatement to Derek Haigh.

Motion: Grant reinstatement to Derek Haigh.

Motion Proposals: First Devon Kunde
Second Stephanie Gates Wolf

Motion Results: Failed **LDP 10-36**
Chair requested a recorded vote.

Ayes:

Judge Oberbillig
Devon Kunde
Stephanie Gates Wolfe
Deborah Colon-Mateo

Nayes:

Les Krambeal
Paul Friedman
Deborah Young

Abstains:

Bonnie Matheson
Andrew Saper

Discussion: Board Chair noted motion failed and recommended this item be deferred to the April 26, 2010 meeting.

Motion: Defer consideration of reinstatement for Derek Haigh at the April 26, 2010 meeting.

Motion Proposals: First Paul Friedman
Second Judge Oberbillig

Motion Results: Pass **LDP 10-37**

5-F: Review, discussion and possible action regarding business certification

Business Document Services, LLC (Cherry Blue)

Individuals Addressing the Board: Alex Navarro

Discussion: Staff recommended business entity exemption be granted to Business Document Services, LLC (Cherry Blue).

Motion: Grant business entity exemption to Business Document Services, LLC (Cherry Blue).

Motion Proposals: First Andrew Saper
Second Paul Friedman

Motion Results: Pass **LDP 10-38**

5-G: Review, discussion and possible action regarding pending standard certification application submitted by Kristin K. Whitaker

Individuals Addressing the Board: Alex Navarro

Discussion: Discussion regarding the application for certification. Further discussion regarding denying certification to Kristin K. Whitaker pursuant to ACJA § 7-208(E)(2)(c)(2)xvi).

Motion: Deny standard certification to Kristin K. Whitaker.

Motion Proposals: First Paul Friedman
Second Judge Oberbillig

Motion Results: Pass **LDP 10-39**

5-H: Review, discussion and possible action regarding pending standard certification application submitted by Patricia Milino.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended granting standard certification and requiring Ms. Milino submit an affidavit stating she understands and will comply with provisions of the ACJA §§ 7-201, 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law.

Motion: Grant standard certification to Ms. Milino and require Ms. Milino to submit an affidavit stating she understands and will comply with provisions of ACJA §§ 7-201, 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law.

Motion Proposals: First Andrew Saper
Second Judge Oberbillig
Abstain Paul Friedman
Motion Results: Pass **LDP 10-40**

5-I: Review, discussion and possible action regarding pending application for 2009-2011 certification renewal for business entity.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff received a letter on December 31, 2009 from Joseph O'Hagin, General Manager, stating Northcott Bellow and Associates, Inc., will not renew its certification. It was recommended the Board accept the withdrawal of the business renewal application for Northcott Bellow and Associates, Inc. (Victoria Pizzata).

Motion: Accept withdrawal of the business renewal application for Northcott Bellow and Associates, Inc. (Victoria Pizzata).

Motion Proposals: First Judge Oberbillig
Second Andrew Saper
Motion Results: Pass **LDP 10-41**

5-J: Review, discussion and possible action regarding previously-denied renewal applicant Edith Funk and business entity Joyce's Services Corporation

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended the Board consider entering into the Consent Agreement signed by Ms. Funk, vacate the earlier order denying renewal and grant renewal of certification for the individual.

Motion: Enter into the Consent Agreement signed by Ms. Funk, vacate the earlier order denying renewal and grant renewal of certification for the individual.

Motion Proposals: First Paul Friedman
Second Andrew Saper
Motion Results: Pass **LDP 10-42**

5-K: Review, discussion and possible action regarding Hearing Officer Neal Taylor's Recommendation Report involving the denial of certification application submitted by Stephen T. Lee

Individuals Addressing the Board: Kimberly Siddall

Discussion: Discussion regarding accepting or rejecting Hearing Officer Neal Taylor's Report regarding the certification application of Stephen T. Lee.

Motion: Accept Hearing Officer Neal Taylor's Report and recommendation regarding denial of certification of Stephen T. Lee.

Motion Proposals: First Paul Friedman
Second Judge Oberbillig

Motion Results: Pass **LDP 10-43**

More Discussion: Board reviewed the Finding of Facts, Conclusions of Law, and Hearing Officer's Recommendation report regarding the denial of Mr. Lee's certification application. Hearing Officer Taylor recommended the Board review the transcript of the testimony and review the additional exhibits that were also admitted and requested the Board reconsider the application in light of the substantial evidence of rehabilitation, good character and competence that was presented. In addition, the Hearing Officer recommends the Board consider the applicant's violation of Rule 31(a)(2)(B)(2).

The Board also reviewed Stephen Lee's Applicant's Request for Reconsideration of Certification Following Hearing Officer's Report and Recommendation and Affidavit of Stephen T. Lee Regarding Understanding and Compliance with the Provisions of ACJA §§ 7-201 and 7-208 and Supreme Court Rule 31 Regarding the Unauthorized Practice of Law and the Used of the "JD" Designation.

Motion: Accept the Hearing Officer's Report and Recommendation and recommend to the Supreme Court certification be granted to Stephen T. Lee.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP-10-44**

6-A: Interview and possible action regarding pending renewal application of Michelle Messmer

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended the Board interview Ms. Messmer and determine if there are any issues contrary to renewal of certification being granted. Staff provided the Board with the Summary and court document.

Chair asked Board if they had any questions. None offered.

Ms. Messmer addressed the Board. Board members presented questions to the applicant. Ms. Messmer answered their questions.

Motion: Move to grant renewal of certification to Ms. Messmer

Motion Proposals: First Paul Friedman
Second Stephanie Gates Wolf

Motion Results: Pass **LDP 10-45**

5-A: Mitchell Varbel

(Taken out of order.)

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended the matter Of Mitchell Varbel be deferred to the April 26, 2010 meeting.

Motion: Defer the matter of Mitchell Varbel to the April 26, 2010 meeting.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-46**

CALL TO THE PUBLIC

Individuals Addressing the Board: Stephen T. Lee

ADJOURNMENT

Motion: Motion meeting is adjourned.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 10-47**

Time: Meeting adjourned at 12:05 p.m.

del