

Supreme Court Board of Legal Document Preparers

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room 230
10:00 .m. - 2:00 p.m.

September 15, 2003
Approved Minutes

Members Present:

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

AOC Staff Present:

Linda Grau
Lauren Hargrave
Nina Preston
Doug Brooks

Members Absent:

Mary Carlton
Vellia M. Pina

Members Present by Phone:

Virlynn Tinnell

Guests:

Jim Hill
Joe Glennon
Caherine Bradley-Hill
Rick Gordon
Allen D. Merrill
Glen Hadley
Stephanie Villalobos
John M. Carpenter
John W. Blischak
Consuelo Sanora
Sandra Perez

Call to Order

The meeting was called to order by Judge Roland J. Steinle at 10:02 a.m.

Vellia M. Pina's proxy was given to Susan C. Vasquez for voting purposes.

Review and Approval of Meeting Minutes

Regular Session Minutes of August 18, 2003

Discussion was held regarding the regular session minutes of August 18, 2003. Margaret J. Kleinman requested the following grammatical changes be made:

Page 4, Motion LDP-03-109, your practice to the certified legal document practice
Page 7, Paragraph 1, Line 3, a man named to a man who said his name was
Page 7, Paragraph 2, Line 2, also is the owner to also is the owner of Divorce Store
Page 11, Paragraph 4, Line 1, ? To .

Donald F. Steward requested the following changes be made:

Page 1, have the record reflect Mr. Varlas presented the statements contained.

A **motion** was made by Nancy Swetnam and seconded by Donald F. Steward to adopt the minutes as amended from August 18, 2003. Motion passed. **LDP-03-130**

Administrative issues

Review and discussion of complaint processing regarding certified and non-certified individuals and entities.

Linda Grau presented a representation of the complaint tracking database, draft formats of the complaint notification inquiry letters, and a flow chart of the complaint process for the Board's review. Ms. Grau reported she is sending the complaint notification/program inquiry letters to certified and non-certified legal document preparers and business entities. Nancy Swetnam reported when a probable cause panelist has made a recommendation the complaint will become public. Until such time as probable cause is determined the complaint is confidential. No final action can be taken on a complaint without the Board taking formal action. The Board can dismiss, refer to another entity, or take informal action. Dismissals are kept confidential. Informal action is not subject to appeal. Formal action allows the certificate holder access to request a hearing. The Board can refer formal action for possible prosecution due to alleged criminal activity.

Discussion regarding Board initiated complaints relative to Arizona Code of Judicial Administration §7-208 (H)(2)(a).

Linda Grau reported certificate holders or judicial officers are required, pursuant to the Code, to file a complaint. The Board may initiate a complaint if there is evidence that a certificate holder violating the Code or a non-certificate holder preparing legal documents. The term "Board" as used within the Code refers to the Board as a whole. Board members who hold active certification are required to act as individual certificate holders and not wait to initiate a complaint as a member of the Board.

Review of United States Bankruptcy Court, District of Arizona General Order No. 89 and Order to Show Cause hearings.

During the July 28 and August 18, 2003 Board Meetings, the Board agreed to include this issue on the agenda and seek input from a Bankruptcy Court Judge. Input is requested regarding complaint and disciplinary actions of certified preparers who come under District of Arizona Bankruptcy Court involving matters relative to the Code. Ms. Grau reported several OSC's regarding legal document preparer non-certificate and certificate holders have been held and/or are scheduled with the Bankruptcy Court to address matters related to Arizona Supreme Court certification. Several individuals awaiting OSC's with the Bankruptcy Court have subsequently applied for certification. Two individuals awaiting OSC's with the Bankruptcy Court are pending hearings with the Board, two have applications currently pending before the Board, and three individuals awaiting OSC's with the Bankruptcy Court have previously been denied by the Board.

Review and discussion of Board procedures regarding certification determination

Linda Grau reported she received a letter from Cheryl Wall. Ms. Wall resides in a rural area of Arizona where there is no noted AZCLDP presence and she does not meet the minimum eligibility requirements. Ms. Wall decided she would approach the Board with her request for certification consideration in the form of a letter, concerned she would lose the non-refundable application fee. Ms. Wall's letter detailed the uncommon nature of the circumstances in her rural community. The Board cannot act in opposition to the minimum eligibility of the Code. The Board discussed Ms. Wall's lack of experience and directed Ms. Grau to send a letter to Ms. Wall encouraging her to seek direction from other professional groups, certified document preparers, and to consider Court employment and volunteer opportunities to gain the required experience. If Ms. Wall could obtain a paralegal certificate through internet training she would satisfy the requirements of a legal document preparer.

Linda Grau recounted the procedure related to the assignment of numbers relative to applications being deferred or denied. The assignment of numbers has created several areas of concern.

Executive Session #1

A **motion** was made by Nancy Swetnam and seconded by Susan C. Vasquez to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-03-131**

Executive Session #1 ended.

Review and Approval of Meeting Minutes

Executive Session Minutes of August 18, 2003

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J. Kleinman to adopt the Executive Session minutes of August 18, 2003 as amended in Executive Session. Motion Passed. **LDP-03-131**

A **motion** was made by Nancy Swetnam and seconded by J. Ward Sturm the Board will retain the numbering system it has been utilizing to refer to applicants, but the list of applicants with numbers assigned will be published on the agenda and available for members of the public to view when they attend the meeting. Motion passed. **LDP-03-132**

A **motion** was made by Nancy Swetnam and seconded by Carol L. Wells the Board adopt a policy that information regarding an application for certification is confidential until such time the Board makes a decision on the certification, this policy being based on the provisions of Rule 123, Public Access to Court Records, specifically employment applications. Motion passed. **LDP-03-133**

A **motion** was made by Nancy Swetnam and seconded by Margaret J. Kleinman when the Board makes decisions by vote to deny certification to an applicant the motion shall include the specific code provision that applies and the reason for why the applicant is being denied, and the letter of denial subsequently sent to the applicant will specifically cite the Code and the specific reason for denial. Motion passed. **LDP-03-134**

A **motion** was made by Margaret J. Kleinman and seconded by Susan C. Vasquez the initial application for certification be amended to require the disclosure of any pending disciplinary action in any professional capacity. Motion passed. **LDP-03-135**

Certification and Eligibility

Review of Hearing Officer recommendations regarding John Carpenter, Jose Robledo, and Robledo Tax and Immigration Service.

John Carpenter

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Sturm to adopt Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer which recommends the Board deny certification to John Carpenter. Motion passed. **LDP-03-136**

Jose Robledo, and Robledo Tax and Immigration Service

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward to adopt Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer which recommends the Board grant certification to Jose M. Robledo and Robledo Immigration & Tax Service. Motion passed. **LDP-03-137**

Review of Applications

Ms. Grau reported at the last Board Meeting the Board appointed a Subcommittee to address documentation requested regarding Cathy's Docs (#34) and Cathey Bradley-Hill (#33). The bulk of the information and documentation was submitted to the Subcommittee approximately one hour prior to the Board Meeting, Ms. Grau requested the Board provide the Subcommittee an opportunity to review the documentation prior to addressing the issue related to certification determination. The Subcommittee indicated the late arrival of extensive documentation has not afforded them an opportunity to review the documentation and make a recommendation regarding certification.

A **motion** was made by Dr. Roger E. Hartley and seconded by Nancy Swetnam to defer recommendation by the Subcommittee until such time as suitable review of the documentation can be made for proper assessment and recommendation at the next scheduled Board Meeting. Motion passed. **LDP-03-138**

Judge Roland J. Steinle nominated Nancy Swetnam to Chair the remainder of the meeting and granted her his proxy for voting purposes this afternoon.

Executive Session #2

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-03-139**

Executive Session #2 ended.

Nancy Swetnam reported Judge Roland J. Steinle designated her to Chair the remainder of the meeting and Ms. Swetnam also holds Judge Roland J. Steinle's proxy for voting purposes.

Legal Document Preparer Certification Denial Hearings

Legal Document Certification Denial Hearings were held. A Certified Court Reporter was present for each hearing and will hold the official record. Individuals were notified they may purchase a copy of the transcript by contacting the court reporter.

Linda Grau reported Chutzpah, Inc. dba The People's Courthouse (#42) was denied on July 28, 2003 citing Arizona Code of Judicial Administration § 7-208, Subsection (E)(5)(b)(1)(c). Mr. Hadley, the designated principal, forwarded a written statement reporting that Mr. Andren/Andrew has had no affiliation with the Business since he sold it to Mr. Hadley in February 2003. Chutzpah Inc. is also using the same business address as Marilyn Creasy Reedy, the Legal Shoppe, Amish Ventures Inc. and Robert Andren/Andrew. Shortly after a letter requesting clarification from Mr. Hadley was sent Ms. Grau received a phone call from Rob Andren/Andrew advising her that he was no longer in the document preparation profession, but spends time at the Chutzpah Inc. office because he occasionally receives mail at the North 28th Drive address. Mr. Andren/Andrew also called to see if there was anything he could do to make things easier for Mr. Hadley and Chutzpah Inc.

After being granted a hearing regarding denial of legal document preparer certification, the following legal document preparer requested it be granted Initial Business Entity Certification based on testimony given.

Chutzpah, Inc. dba The People's Courthouse

A **motion** was made by Donald F. Steward and seconded by J. Ward Sturm to continue this matter until the October 20th Board Meeting with Mr. Hadley to prepare and provide additional information to the Board regarding business practices. Motion Passed. **LDP-03-140**

Linda Grau reported Consuelo Sanora (#43) failed to disclose her second conviction. Ms. Sanora's statement was very close to the previous statement she provided, and did not detail the events surrounding the conviction she disclosed or the conviction she failed to disclose. Ms. Sanora has been working for four years as a legal document preparer and has an additional seven years working as an assistant manager in a law firm. Ms. Sanora wrote on her application she was convicted of a case in April 1990 and provided no information with the application. Ms. Sanora submitted a subsequent written statement in which she stated she was working for an attorney who sent her to Nogales to pick up a vehicle for a friend. The statement was vague but appeared to indicate the trunk contained stolen property or drugs which were discovered when she was pulled over. Ms. Grau reported Ms. Sanora failed to disclose a July 1999 "False Reporting to Law Enforcement" conviction in Casa Grande Justice Court. Ms. Sanora states she did not want to involve another party when she was questioned by the police about an accident which occurred with her vehicle. She told the police she was the driver. Ms. Sanora indicated she paid a fine. Based on Arizona Code of Judicial Administration §7-208, Subsections (E)(5)(b)(1)(c), (E)(5)(b)(1)(e) and (E)(5)(b)(2) the Board denied certification on July 28, 2003.

After being granted a hearing regarding denial of legal document preparer certification, the following legal document preparer requested she be granted Initial Individual Certification based on testimony given.

Consuelo Sanora

A **motion** was made by J. Ward Sturm and seconded by Margaret J. Kleinman to grant Initial Individual Certification of this applicant. Motion Passed. 9-1 **LDP-03-141**

Linda Grau reported Sandra Perez (#44) was initially deferred pending receipt of additional information regarding a gap in employment history on her application. Ms. Perez submitted a statement regarding the ten year gap in her employment history which states she spent the time as a student and full-time mother. Ms. Perez's business was purchased in December 1999 and was the subject of an investigation at the Yavapai County Attorney's Office regarding forgery and notary fraud issues. Ms. Perez was actively involved in the business as the notary and statements supplied by the Yavapai County Attorney's Office indicate that the two individuals in the office were Teri Hale and Sandra Perez. Ms. Grau is concerned that Ms. Perez's statement and the information supplied by the Yavapai County Attorney's Office contradict and that Ms. Perez was actively involved in preparing and notarizing documents prior to December of 1999. The Board denied certification based on Arizona Code of Judicial Administration §7-208, Subsection (E)(5)(b)(1)(c) on July 29, 2003.

After being granted a hearing regarding her legal document preparer certification, the following legal document preparer requested she be granted Initial Individual Certification based on testimony given.

Sandra Perez

A **motion** was made by J. Ward Sturm and seconded by Carol L. Wells to affirm the July 28, 2003 denial of certification based on Arizona Code of Judicial Administration §7-208, Subsection (E)(5)(b)(1)(c) for reasons previously stated. Motion Passed. 8-1. Margaret J. Kleinman Abstained. **LDP-03-142**

Review of Applications

Presentation of applications pending Individual and Business Entity Initial Legal Document Preparer Certification.

The following legal document preparers requested they be granted Initial Individual Certification/Initial Business Certification based on documentation provided showing all qualifications for Initial Certification have been met.

Mark Applegate (#5)
Renaissance Community Partners, LLC (#10)
National eForms (#13)
Rosa Diaz (#15)

Kevin Bishop (#9)
Carmen David (#12)
Debra Dencek (#14)
Martin Fishgold (#18)

Fishgold Financial Services Limited (#17)
Debra Frazee (#20)
Debra Griffin (#22)
Jeffery Metcalf (#24)
Elizabeth O'Connor (#27)

Valerie Fishgold (#19)
Maria Gil (#21)
David Lerma (#23)
Lorraine Miller (#25)
Silviano Tanori (#29)

A **motion** was made by Donald F. Steward and seconded by Virlynn Tinnell to grant Initial Individual/Initial Business Certification to the applicants listed above, based on documentation provided showing they meet all qualifications for Initial Certification. Motion Passed. **LDP-03-143**

During Executive Session the Board reviewed the confidential record of the following legal document preparers and business entities:

AccuSearch Inc. (#4)
Accurate Lien and Contract Assistance, Inc. (#6)
Associated Asset Management, Inc. (#7)
At Your Fingertips Legal Services (#8)
Xavier Bustamante Delgado (#11)
DIY Legal Forms, LLC (#16)
Leonora Morrell (#26)
Paralegal Services (#28)
Monika Urlich (#30)
Amish Ventures, Inc. (#32)
Jane Rossi (#35)

A **motion** was made by Donald F. Steward and seconded by Susan C. Vasquez to defer the above listed applications discussed in Executive Session pending receipt of additional information. Motion Passed. **LDP-03-144**

The following legal document preparer requested he be granted Initial Individual Certification based on documentation provided showing he meets all qualifications for Initial Certification.

Ronald Vernon (#4A)

A **motion** was made by Nancy Swetnam and seconded by J. Ward Sturm to grant Initial Individual Certification to the applicant listed above, based on documentation provided showing he meets all qualifications for Initial Certification. Motion Passed. **LDP-03-145**

During Executive Session the Board reviewed the confidential record of the legal document preparer.

Tony Ahmuda (#31)

A **motion** was made by Nancy Swetnam and seconded by Susan C. Vasquez to deny Initial Individual Certification of the applicant listed above based on Mr. Ahmuda's failure to meet the minimum eligibility requirements for certification. Mr. Ahmuda does not have a high school diploma, GED or equivalent education to support the minimum eligibility requirements. The denial is entered pursuant to Arizona Code of Judicial Administration §7-208, Subsection (E)(5)(b)(1)(a). Mr. Ahmuda is free to reapply if he subsequently achieves these requirements. Motion Passed. **LDP-03-146**

Presentation of pending Business Entity Exemption Requests.

Linda Grau reported Lawyer's Will and Trust of Tucson, LLC (#36) and Lawyer's Will and Trust of Yuma, LLC (#37) both qualify for business entity exemptions. Both designated principals have provided signed affidavits indicating they are owner/operators and do not employ any other certified legal document preparers or trainees in the course of business. Allan Bonhoff, the designated principal for Lawyer's Will and Trust of Tucson, LLC, has indicated he will be changing the business name to "Arizona Will and Trust". Richard Smith, the designated principal for Lawyer's Will and Trust of Yuma, LLC, has indicated he has made application with the Corporation Commission to change the company name to "Affordable Will and Trust" and will forward formal documentation once he has received it.

Linda Grau recommended Renaissance Community Partners, LLC (#38) be granted Business Entity Exemption based on documentation provided showing all qualifications for Business Entity Exemption have been met.

Linda Grau recommended Premier Community Management, Inc. (#40) be granted Business Entity Exemption based on documentation provided showing all qualifications for Business Entity Exemption have been met.

Linda Grau reported Brander Paralegal, LLC (#41) request for Business Entity Exemption has previously been addressed by the Board and was included on the agenda in error. No action is needed at this time and Ms. Grau recommends the matter be disregarded.

Lawyer's Will and Trust of Tucson, LLC/Arizona Will and Trust (#36)
Lawyer's Will and Trust of Yuma, LLC/Affordable Will and Trust (#37)
Renaissance Community Partners, LLC (#38)
Premier Community Management, Inc. (#40)

A **motion** was made by Dr. Roger E. Hartley and seconded by Donald F. Steward to grant Business Entity Exemption to the applicants listed above, based on documentation provided showing they meet all qualifications for Business Entity Exemption. Motion Passed. **LDP-03-147**

Linda Grau recommended Business Entity Exemption consideration be deferred for Enterprising Legal Solutions (#39) pending the resolution of related issues.

A **motion** was made by Nancy Swetnam and seconded by J. Ward Sturm to defer Business Entity Exemption of the applicant listed above pending resolution of related issues. Motion Passed. **LDP-03-148**

Call to the Public

Allen Merrill, President of the Arizona Association of Independent Paralegals addressed the Board regarding formal complaints the Association has submitted to the Board. The Association is concerned the individuals the Association has filed complaints against are currently still working. Mr. Merrill indicated the Association will continue to submit complaints. Mr. Merrill was directed to file his complaints, in writing, using the Complaint Form posted on the program website.

Rick Gordon addressed the Board and stated he recently sold his legal document preparer business. Mr. Gordon thanked the Ad Hoc Committee and the Board for their work. Mr. Gordon urged the Board to maintain its diligence in effecting the Code.

Adjournment

A **motion** was made by Donald F. Steward and seconded by J. Ward Sturm to adjourn. Motion passed. **LDP-03-149**

The meeting of the Board of Legal Document Preparers adjourned at 2:30 p.m.