

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.

September 19, 2005

Approved Regular Session Meeting Minutes

Members Present:

Judge Roland J. Steinle
Carol L. Wells
Nancy Swetnam
Mary Carlton
Vellia M. Piña
Dr. Roger Hartley
J. Ward Sturm
Donald F. Steward
Virlynn Tinnell
Jacqui Velde
Frank Costanzo

AOC Staff Present:

Linda Grau
Nina Preston
Brenda Lee Dominguez
Barbara Savage
Kimberly Siddall

Guests:

Julie D. Star
Margo A. Holguin

CALL TO ORDER

The regular session was called to order by Judge Roland Steinle at 10:07 a.m.

EXECUTIVE SESSION 10:09 a.m.

Mary Carlton made a **motion** to enter into Executive Session for advice of counsel.
Carol Wells seconded the motion. Motion passed. **LDP-05-245**

EXECUTIVE SESSION ENDED 10:15 a.m.

REVIEW AND APPROVAL OF MEETING MINUTES

Regular Session Minutes from July 18, 2005.

Judge Roland Steinle made a **motion** to adopt the Regular Session minutes for July 18, 2005. Mary Carlton seconded the motion. Motion passed. **LDP-05-246**

ADMINISTRATIVE ISSUES

Introduction of Public Member Frank Costanzo and Legal Document Preparer Member Jacqui Velde.

The Board welcomed new members Frank Costanzo and Jacqui Velde.

Introduction of Certification and Licensing Division Certification Specialist Kimberly Siddall and Administrative Assistant Barbara Savage.

The Board welcomed Kimberly Siddall and Barbara Savage.

Review and discussion regarding 2005 and 2006 Board of Legal Document Preparers meeting schedules.

The Board reviewed the proposed board meeting schedule for 2006 and discussed the meeting dates for the remainder of 2005. The proposed dates for 2006 are as follows: January 23, February 27, March 20, April 17, May 15, June 12, June 26, July 17, September 18, October 16, November 13 and December 18.

A **motion** was made by Nancy Swetnam to change the meeting presently scheduled for November 21, 2005 meeting to November 14, 2005. J. Ward Strum seconded the motion. Motion passed. **LDP-05-247**

A **motion** was made by Judge Roland Steinle to adopt the proposed 2006 meeting schedule, modifying the proposed schedule to have the April 2006 meeting held on April 24, 2006. J. Ward Strum seconded the motion. Motion passed. **LDP-05-248**

STATUS REPORT REGARDING 2005 EXAMINATION

Update and discussion regarding administration of the legal document preparer examination.

Linda Grau reported through September 1, 2005, 332 legal document preparers participated in the examination. Seventeen individuals have failed to take the examination before the required deadline. Of those who participated, 88% successfully completed the examination. A total of 39 participants did not achieve the passing score. To date, all examination result notices have been mailed out. The average overall score of the exams taken is 79%.

A **motion** was made by Judge Roland Steinle directing Program Staff include an agenda item on the October meeting agenda to address whether disciplinary action should be taken regarding those active certificate holder who did not comply with the requirement and take the exam by the September 1, 2005 deadline. Virlynn Tinnell seconded the motion. Motion passed. **LDP-05-249**

CERTIFICATION AND ELIGIBILITY

Report and recommendations regarding Continuing Education course credit requests.

The following requests for continuing education credit have been received by the Legal Document Preparer Program for Board review and consideration:

1. “What I Need to Know About UPL” presented by NALS of Yavapai County on 8/9/05 – 1 hour requested.

Program Staff recommended this course be approved for the requested credit.

2. “Financial Statement Analysis” presented by Lorman on 8/26/05 – 6.5 hours requested.

Program Staff recommended credit be approved for 5 hours pursuant to the CE Policy.

3. “Parents Worksheet for Child Support” presented by AAIP on 9/6/05 – 1 hour requested.
4. “Juvenile Guardianship” presented by AAIP on 10/4/05 – 1 hour requested.

Program Staff recommended the Board defer credit consideration of numbers 3 and 4 until October meeting.

5. “Ethics and Confidentiality in Behavioral Health; Delivering Services with Respect” presented by Community Partnership of Southern Arizona on 6/21/05 – 2 hours requested.

Program Staff recommended the Board deny this credit request as not applicable to legal document preparation.

6. “Getting to Know the Family Court: Decree on Demand” presented by Superior Court in Maricopa County on 6/3/05 – 1 hour requested.

Program Staff recommended this course be approved for the requested credit.

7. “Gideon’s Legacy” presented by Arizona Public Defenders Association on 6/22/05 – 1.5 hours requested.
8. “Helping Organize the Disorganized” presented by Arizona Public Defenders Association on 6/22/05 – 1.5 hours requested.

Program Staff recommended the Board deny the credit request for numbers 7 and 8 as not applicable to legal document preparation.

9. “Ethics: Criminal Law Legal Research with Westlaw” presented by Arizona Public Defenders Association on 6/23/05 – 1.5 hours requested.

Program Staff recommended this course be approved for the requested credit.

10. “Ethical Issues for Support Staff” presented by Arizona Public Defenders Association on 6/23/05 – 1.25 hours requested.

Program Staff recommended the Board deny this credit request as not applicable to legal document preparation.

11. "Preparing Living Wills and Health Directives" presented by Arizona Public Defenders Association on 6/23/05 – 1.5 hours requested.
12. "So You Want to Be a Paralegal" presented by Arizona Public Defenders Association on 6/23/05 – 1.5 hours requested.

Program Staff recommended courses 11 and 12 be approved for the requested credit.

13. "Negotiating the Best Possible Settlement for Divorce Clients in Arizona" presented by the National Business Institute on 8/11/05 – 6 hours requested.

Program Staff recommended the Board deny this credit request as not applicable to legal document preparation.

14. "Children and Divorce" presented by Association of Conflict Resolution on 6/24/05– 1.5 hours requested.

Program Staff recommended this course be approved for the requested credit.

15. "Arizona Fire District Association Conference" presented by Arizona Fire District in January 2006 – credit request reads, "you decide".

Program Staff recommended the Board deny this credit request as not applicable to legal document preparation.

16. "HIPPA: The Refresher" presented by Community Partnership of Southern Arizona on 9/7/05– 2 hours requested.
17. "Basic Documentation & Record Keeping" presented by Community Partnership of Southern Arizona – 1.5 hours requested.
18. "Notary Workshop" presented by Arizona Secretary of State on an on-going basis in various locations throughout Arizona – 4 hours requested.
19. "Preparing for the CLDP Exam" presented by Ekmark & Ekmark on 8/17/05 – 4 hours requested.
20. "Civil & Small Claims – Justice Court" presented by the AAIP: Show Low on 9/24/05 – 2 hours requested.
21. "Probate of Wills/Estates" presented by AAIP: Show Low on 10/8/05 – 2 hours requested

- 22. “Garnishment of Earnings & Non-Earnings” presented by AAIP: Show Low on 10/22/05 – 2 hours requested.
- 23. “Modification of Custody, Support and Visitation” presented by AAIP: Show Low on 11/5/05 – 2 hours requested.
- 24. “Guardianship of Minors/Adults” presented by AAIP: Show Low on 11/19/05 – 2 hours requested.
- 25. “Corporations & LLCs” presented by AAIP: Show Low on 12/5/05 – 2 hours requested.

Program Staff recommended the Board approve the credit requested for numbers 16 through 25.

- 26. “Aligning Your Practice with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005” presented by the National Business Institute on 10/27/05 – 6 hours requested.

Program Staff recommended credit be approved for 5 hours pursuant to the CE Policy.

- 27. “Avoiding Errors Made by Attorneys & Fiduciaries” presented by American Bankers Association and National Trust Bank on 9/1/05– 2 hours requested.
- 28. “Arizona Notary Symposium: Identity Theft” presented by National Notary Association on 8/10/05 – 3 hours requested.

Program Staff recommended courses 27 and 28 be approved for the requested credit.

- 29. “Zoning and Land Use in Arizona” presented by Lorman on 9/30/05 – 6 hours requested.

Program Staff recommended credit be approved for 5 hours pursuant to the CE Policy.

- 30. “Small Business Workshop” presented by Arizona Department of Revenue on 8/31/05 – 3 hours requested.
- 31. “Elder Abuse Law” presented by Prescott Estate Planning on 8/24/05 – 1 hour requested.
- 32. “Dead Hand Rule or Responsible Estate Planning?” presented by the Southern California Tax & Estate Planning Forum on 10/27/05 – 1 hour requested.
- 33. “The FLIP Side of FLPs: Partnership Income Tax Issues” presented by the Southern California Tax & Estate Planning Forum on 10/27/05 – 1.25 hours requested.

34. "Drafting Trusts for Employees" presented by the Southern California Tax & Estate Planning Forum on 10/27/05 – 1.25 hours requested.
35. "Odds & Ends & Pitfalls of Trusts and Estate Litigation" presented by the Southern California Tax & Estate Planning Forum on 10/27/05– 1 hour requested.
36. "Customizing the Buy-Sell and Related Documents for Family Governance" presented by the Southern California Tax & Estate Planning Forum on 10/27/05 – 1 hour requested.
37. "Strategies & Tactics to Assess Your Clients" presented by the Southern California Tax & Estate Planning Forum on 10/27/05 – 0.5 hour credit.
38. "Domestic Based Asset Protection" presented by the Southern California Tax & Estate Planning Forum on 10/27/05 – 1 hour requested.
39. "Current Ethics and Professional Issues Confronting the Estate Planning Practitioner" presented by the Southern California Tax & Estate Planning Forum on 10/28/05 – 1.5 hours requested.
40. "The Twi-Light Zone of Federal Estate Tax" presented by the Southern California Tax & Estate Planning Forum on 10/28/05 – 1 hour requested. (Recommended designation for hours applicable as tax credit.)
41. "Tax and Non-Tax Considerations in Drafting and Administering Discretionary Trusts" presented by the Southern California Tax & Estate Planning Forum on 10/28/05 – 1.25 hours requested.
42. "Planning for Married Couples with Large Retirement Plans" presented by the Southern California Tax & Estate Planning Forum on 10/28/05 – 1 hour requested.
43. "Bongard and Other Recent Partnership Tax Court Decisions" presented by Southern California Tax & Estate Planning Forum on 10/29/05 – 1 hour requested. (Recommended designation for hours applicable as tax credit.)
44. "The Care and Feeding of GRATs" presented by the Southern California Tax & Estate Planning Forum on 10/29/05 – 1 hour requested. (Recommended designation for hours applicable as tax credit.)
45. "Current 2005 Estate Planning Developments: Regulatory, Legislative and Judicial Changes" presented by the Southern California Tax & Estate Planning Forum on 10/29/05 – 2.5 hours requested.

Program Staff recommended courses 30 through 45 be approved for the requested credit as noted.

A **motion** was made by Donald Steward approving 5 credit hours for number 13, pursuant to the Board's Continuing Education Policy. Roger Hartley seconded the motion. Motion passed. **LDP-05-250**

A **motion** was made by Frank Costanzo to approve the noted recommendations with the exception of number 13. Judge Roland Steinle seconded the motion. Motion passed. **LDP-05-251**

Review and discussion regarding inquiry received from attorney Walter Henderson.

A **motion** was made by Judge Roland Steinle directing Program Staff to respond to Walter Henderson stating the Board does not issue advisory opinions. J. Ward Sturm seconded the motion. Motion passed. **LDP-05-252**

Review and discussion regarding business entity certification and exemption requirements as defined by Arizona Code of Judicial Administration § 7-208(E)(3)(c).

Linda Grau informed the Board the following business entities did not respond to the business certification requirement correspondence, forwarded at the Board's direction, before the September 1, 2005 deadline.

Sedona Accounting and Tax Service, Inc.
Enterprising Legal Solutions, LLC
Eastlack Paralegal Services, LLC
ATM Legal Document Preparer, LLC
Flanery Financial Services, Inc.
Legal-Ease, LLC
American Family Professional Services
Simply Legal, Inc.
Saddlebrook HOA1, LLC
Val Vista Paralegal, LLC
Income Opportunities, LLC
Pro-Pel, LLC
Metro Tax, Inc
Paju, Inc.
Doc U Plus, LLC

A **motion** was made by Nancy Swetnam to direct Program staff to contact the active certificate holders associated with the businesses listed above with a specific deadline to submit an application in order to come into compliance with ACJA § 7-208 (E)(3)(c) or in the alternative appear before the Board to explain their failure to submit an application at the October meeting. Motion passed. **LDP-05-253**

A **motion** was made by Judge Roland Steinle to amend motion LDP-05-253 to state the response deadline to submit an application is October 14, 2005. Donald Steward seconded the motion. Motion passed. **LDP-05-254**

Review and discussion regarding voluntary surrender request of AZCLDP number 80063, Edgar Meza.

A **motion** was made by Virlynn Tinnell to defer the request of Edgar Meza to voluntarily surrender AZCLDP certification number 80063. Donald Steward seconded the motion. Motion passed. **LDP-05-255**

REVIEW OF PENDING COMPLAINTS

Review and discussion regarding Hearing Officer Andrew Marshall's report and recommendation regarding Lory Toon and LDP Program complaint number 04-L016.

A **motion** was made by Judge Roland Steinle to adopt Hearing Officer Andrew Marshall's Finding of Facts, Conclusions of Law and Recommendation regarding complaint number 04-L016. J. Ward Sturm seconded the motion. Nancy Swetnam and Donald Steward recused. Motion passed. **LDP-05-256**

A **motion** was made by Judge Roland Steinle to revoke certificate AZCLDP 80436 pursuant to ACJA. § 7-208 (H)(15)(a)(6). Virlynn Tinnell seconded the motion. Nancy Swetnam and Donald Steward recused. Motion passed. **LDP-05-257**

A **motion** was made by Judge Roland Steinle for the Board to issue a Cease and Desist Order against Lory Toon pursuant to ACJA § 7-208 (H)(15)(a)(5). Roger Hartley seconded the motion. Nancy Swetnam and Donald Steward recused. Motion passed. **LDP-05-258**

A **motion** was made by Judge Roland Steinle for the Board to order an assessment of investigative costs pursuant to ACJA § 7-208 (H)(15)(a)(8) against Lory Toon in LDP Program complaint number 04-L016. Jacqui Velde seconded the motion. Nancy Swetnam and Donald Steward recused. Motion passed. **LDP-05-259**

A **motion** was made by Judge Roland Steinle for the Board to impose a fine of \$1,000.00 against Lory Toon pursuant to ACJA § 7-208 (H)(15)(a)(8). Mary Carlton seconded the motion. Nancy Swetnam and Donald Steward recused. Motion passed. **LDP-05-260**

A **motion** was made by Virlynn Tinnell directing Program Staff to prepare the Final Order in LDP Program complaint number 04-L016 and for the Board to authorize Judge Roland Steinle to sign the Final Order on behalf of the Board without further Board review. Roger Hartley seconded the motion. Nancy Swetnam and Donald Steward recused. Motion passed. **LDP-05-261**

Review and discussion regarding the restitution request of complainant Jerry Marsh in Legal Document Preparer complaint number 04-L062.

Linda Grau reported to the Board she had received an email from Jerry Marsh requesting restitution from Allan Sobol in the amount of \$6,193.50. The Board's Final Order in LDP Program complaint number 04-L062 allowed for a restitution order pursuant to ACJA § 7-208 (H)(15)(a)(8) in an amount to be submitted and approved.

A **motion** was made by Judge Roland Steinle to directed Program Staff to forward a copy of Jerry Marsh's request for restitution in the amount of \$6,193.50 to Allan Sobol for written response no later than October 14, 2005. J. Ward Strum seconded the motion. Nancy Swetnam and Donald Steward recused. Motion passed. **LDP-05-262**

Review and discussion regarding LDP Program complaint numbers 04-L012, 05-L022, 05-L031, 05-L033, 05-L034, 05-L035, 05-L036 and 05-L040.

Don Steward requested discussion regarding LDP Program complaint number 04-L012 in Executive Session. Linda Grau provided the matter is confidential and discussion would require Executive Session.

A **motion** was made by Judge Steinle to enter a finding no probable cause exists any violations have occurred in LDP Program complaint numbers 05-L022, 05-L031, 05-L033, 05-L034, 05-L035, 05-L036 and 05-L040 and to dismiss these complaints. J. Ward Strum seconded the motion. Nancy Swetnam recused on all complaints. Donald Steward recused on 05-L036 and 05-L040. Vellia Pina recused on 05-L035. Mary Carlton recused on 05-L031. Carol Wells recused on 05-L034. Motion passed. **LDP-05-263**

Update regarding Petition for Cease and Desist Order involving Cicero Cast'On and Cast'On Corporation, Superior Court in Maricopa County case number CV2005-013252.

Linda Grau reported to the Board's Superior Court Petition for Cease and Desist Order against Cicero Cast'On and Cast'On Corporation has been filed and served under Superior Court in Maricopa County case number CV2005-013252. The court has scheduled a hearing on this matter September 27, 2005 at 9:00 a.m.

Review and discussion regarding non-certificate holder cease and desist petition pursuant to Arizona Code of Judicial Administration § 7-208(H)(1)(c).

Linda Grau reported § 7-208 (H)(1)(c) provides authority to the Board to Petition the Superior Court for a Cease and Desist Order regarding non-certified individuals who are providing legal document preparation services without the proper certification. The Program has received information regarding two separate situations related to this agenda item.

The first situation involves former certificate holder Glen Hadley and denied application Granite Gavel, LLC (doing business as Peoples Courthouse). Information and documentation has been presented to the Program reporting Mr. Hadley and the Peoples Courthouse continue to provide document preparation services at a location within the Spectrum Mall in Phoenix. Information and documentation has also been presented to the Program regarding non-certificate holder Rob Andrew, who has never applied for certification, has opened a location of the Peoples Courthouse at the Desert Sky Mall. Further suggestion has been made Mr. Andrew is proceeding with plans to open additional Peoples Courthouse locations at the Arrowhead Mall (Glendale/Peoria) and the Paradise Valley Mall. It is recommended the Board direct Program Staff to work with the Attorney General's Office to proceed with a Superior Court Petition for Cease and Desist Order against Mr. Hadley, Peoples Courthouse and Mr. Andrew.

A **motion** was made by Jacqui Velde directing Program Staff work with the Attorney General's Office to proceed with a Superior Court Petition for Cease and Desist Order against Glen Hadley, Peoples Courthouse and Rob Andrews. J. Ward Strum seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-264**

Linda Grau reported expired certificate holder Michelle Roth has made statements in open court, subsequent to the expiration of her certificate, that she is a certified legal document preparer.

A **motion** was made by Jacqui Velde directing Program Staff work with the Attorney General's Office to proceed with a Superior Court Petition for Cease and Desist Order against Michelle Roth. Virlynn Tinnell seconded the motion. Motion Passed. **LDP-05-265**

REVIEW OF PENDING APPLICATIONS CERTIFICATION

The following applications for certification remain incomplete or pending the receipt of background review results. It is tentatively recommended these applications be deferred to the October meeting.

Jerrie Ortiz
Dawn G. Wagoner
Mitra Mashayekhi
Erica M. Kloner
Resolutions Solutions LLC (Scott A. Anderson)
Equal Access to the Law LLC (Richard W. French II)
Today's Legal Choice LLC (Guadalupe F. Salinas)
S.P. Wyner, LLC (Steven Wyner)
J.C.O. Companies, Inc. (John Osselear)
Margo Holguin
1 Stop Check Cashing – Payday & Title Loans, LLC (Margo Holguin)
Professional Legal Documents, LLC (Angelina Cervantes)

Renaissance Community Partners, LLC (Kevin Bishop)
Sinclair Noe
Estate Preservation, Inc. (Sinclair Noe)

Business Entity Exemption Requests:

Resolutions Solutions LLC (Scott A. Anderson)
Equal Access to the Law LLC (Richard W. French II)
Today's Legal Choice LLC (Guadalupe F. Salinas)

A **motion** was made by Judge Roland Steinle to defer the applications of the above listed individuals and business entities until October meeting. J. Ward Strum seconded the motion. Don Steward recused regarding the application of Margo Holguin and 1 Stop Check Cashing – Payday & Title Loans, LLC. Motion passed. **LDP-05-266**

The following applications for Individual and Business Entity Certification have been submitted for certification along with requests for Business Entity Exemption. The applications are complete; no information has been presented during the background which is contrary to certification being granted. The applicant's have demonstrated they meet or exceed the minimum eligibility requirements for certification. It is recommended initial certification be granted and Business Entity Exemption be granted to those listed under Business Entity Exemption Request section:

Nicole R. Stearns
Alicia M. Heflin
Regan F. Morgan
Stephen Marlowe
Samuel E. Ingram & Co. Inc. (Elin Ingram)
Pinnacle Documents Ltd (Gail Groh)
New Beginnings Document Services LLC (Tammy L. Mainhall)
Dawson Documents LLC (Roberta Dawson)
Laguna Business Services LLC (Edward W. Smith)
Center for Divorce Mediation & Alternative Dispute Resolution Inc (Mary Marcus)
Sharlene Konenko
Diana J. Klabis
Steven Throneberry
Paradox Document Preparation Service LLC (Jenifer L. Bone)
Reliable Solutions Inc. (Billye E. Wilda)
Robert F. Hockensmith, P.C. (Robert Hockensmith)
Guardian Estate Planning Service (Daniel Taylor)
Desert Hills Paralegal Services, Inc. (Jennifer DiGerolami)
Susan Vasquez

Rochford & Associates, Inc. (Richard Rochford)
Andrew M. Saper, LLC (Andrew Saper)

Business Entity Exemption Requests:

Reliable Solutions Inc. (Billye E. Wilda)
Laguna Business Services LLC (Edward W. Smith)
Andrew M. Saper LLC (Andrew M. Saper)

A **motion** was made by Judge Roland Steinle to grant initial certification and Business Entity Exemption requests to applicants listed above. Virlynn Tinnell seconded the motion. Motion passed. **LDP-05-267**

MSB Riyadh Legal Consultants, LLC (Mohammed Riyadh)

Linda Grau informed the Board Mr. Riyadh and MSB Riyadh Legal Consultants, LLC are currently the subject of a pending Adversial Complaint action in the District of Arizona Bankruptcy Court. Based on Mr. Riyadh having failed to disclose the Adversarial Complaint on the business entity application, Linda Grau recommends the Board deny the application pursuant to ACJA § 7-208 (E)(5)(b)(1)(c). Nina Preston recommends the Board consider providing Mr. Riyadh an opportunity to respond regarding the failure to disclose and defer this issue until the October meeting.

A **motion** was made by Judge Roland Steinle to defer consideration of the MSB Riyadh Legal Consultants, LLC application until October meeting to provide Mr. Riyadh with an opportunity to respond. Nancy Swetnam seconded the motion. Motion passed. **LDP-05-268**

Program Staff has received and processed the following applications for 2005-06 renewal. The applications remain incomplete and numerous attempts to receive the information and documentation necessary to complete these applications have gone unanswered:

Associated Property Management of C.T.D., Inc. (Thomas Emele)
Universal Tax Services (Blanca Quinonez Montalbo)
A Different Association Management, LLC (William Maguire)

Program staff recommends the Board deem these applications incomplete and deny these applications pursuant to ACJA § 7-208 (E)(5)(b)(1)(b).

A **motion** was made by Judge Roland Steinle to deem the applications incomplete and deny initial certification to applicants listed above. J. Ward Strum seconded the motion. Vellia Pina recused from Universal Tax Services (Blanca Quinonez Montalbo). Motion passed. **LDP-05-269**

Program Staff reports the following Requests for Business Entity Exemptions have been reviewed and LDP Program records reflect these business entities do not meet the requirements for exemption. Therefore, it is recommended the following Requests for Business Entity Exemption be denied:

Fishgold Financial Services Limited (Valarie Fishgold)

Center for Divorce Mediation & Alternative Dispute Resolution Inc. (Mary Marcus)

A **motion** was made by Judge Roland Steinle to deny business entity exemption to applicants listed above. Virlynn Tinnell seconded the motion. Motion passed. **LDP-05-270**

BREAK 11:45 a.m.

EXECUTIVE SESSION 12:02 p.m.

A **motion** was made by Judge Roland Steinle to enter into Executive Session. Virlynn Tinnell seconded the motion. Motion passed. **LDP-05-271**

EXECUTIVE SESSION ENDED 12:05 p.m.

REVIEW AND APPROVAL OF MEETING MINUTES

Executive Session Minutes from July 18, 2005.

A **motion** was made by Judge Roland Steinle to adopt the Executive Session minutes of the July 18, 2005 meeting. Mary Carlton seconded the motion. Frank Costanzo abstained. Motion passed. **LDP-05-272**

REVIEW OF PENDING COMPLAINTS

Review and discussion regarding LDP Program complaint number 04-L012.

A **motion** was made by Judge Steinle to enter a finding no probable cause exists violations have occurred in LDP Program complaint number 04-L012 and moves the complaint be dismissed. Don Steward seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-273**

Review and discussion regarding pending non-certificate holder complaint numbers NC-206, NC-111, NC-119, NC-151, NC-152, MC-168, NC-185, NC-215, NC-234, NC-239, NC-242, NC-243, NC-245, NC-246, NC-275 and NC-291.

Program staff advises the Board the above noted non-certificate holder complaints have been resolved and recommends these complaints be closed.

A **motion** was made by Judge Steinle to close the above listed non-certificate holder complaints. Donald Steward seconded the motion. Motion passed. **LDP-05-274**

Review and discussion regarding requests for investigative subpoenas pursuant to Arizona Code of Judicial Administration § 7-208(H)(1)(f).

Linda Grau reported to the Board that preliminary investigations in several pending complaints have demonstrated the need for the Board to issue investigative Subpoenas to the involved certificate holders. The need for the subpoenas has been staffed internally and is supported. At this time, drafts of the requested subpoenas are being administratively reviewed. It is recommended the Board move for the issuance of these Subpoenas and authorize Judge Roland Steinle to sign the subpoenas on behalf of the full Board without further Board review.

A **motion** was made by Judge Steinle to direct Program Staff to prepare the necessary subpoenas involved in the active complaints pending through September 19, 2005 and authorize Chair to review and sign the subpoenas on behalf of the full Board without further Board review. J. Ward Strum seconded the motion. Nancy Swetnam recused. Motion passed. **LDP-05-275**

CALL TO PUBLIC

No response.

ADJOURN

Mary Carlton made a **motion** to adjourn. Judge Roland Steinle seconded the motion. Motion passed. **LDP-05-276**

Meeting adjourned at 12:20 p.m.

/bld