

**Arizona Supreme Court
Board of Legal Document Preparers**

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 230

March 17, 2008
10:00 a.m. – 2:00 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE

Present:

Judge Roland Steinle
Kristina Fredricksen
Paul Friedman
Andrew Saper
Stephanie Gates Wolf

Telephonically Present:

Carol Wells
Les Krambeal
Virlynn Tinnell

Absent:

Cynthia Felton
Debra Griffin
Pat Taylor-Yarger

OTHER ATTENDEES

AOC Staff:

Kandace French
Linda Grau
Alex Navarro
Tony Posante
Nina Preston
Kimberly Siddall
Nancy Swetnam
Ruby Hernandez
Jenny Lubben

Guests:

Susan Fuquay
Nestor Tokstad
David Anderson
Michelle Coello

CALL TO ORDER

Called to Order By:

Judge Steinle

Time:

10:03 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

1-A: Review and approval of the Regular Session Minutes for the meeting of January 28, 2008.

Individual Addressing the Board: Judge Steinle

Discussion: Defer minutes to next meeting.

1-B: Review and approval of the Regular and Executive Session Minutes for the meeting of February 25, 2008.

Discussion: Defer minutes to next meeting.

Motion: Board moved to defer Meeting minutes for January and February to the May 19, 2008 meeting.

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-053**

2) REVIEW OF PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding proposed Consent Agreement involving certificate holder Richard Slatin and complaint numbers 04-L035 and 06-L078.

Individuals Addressing the Board: Linda Grau

Discussion: Defer to April meeting to allow Mr. Slatin and his attorney to Review and Consider the Consent Agreement.

Motion: Board moved to defer agenda items to April meeting.

Motion Proposals: First Judge Steinle
Second Andrew Saper

Motion Results: Pass **LDP 08-054**

2-B: Review, discussion and possible action regarding the following

complaints:

05-L111- Barbara French

05-L060- Emil Estopare

Individuals Addressing the Board: Nancy Swetnam

Discussion: None

Motion: Board moved to dismiss complaint Number 05-L111, Barbara French.

Motion Proposals: First Judge Steinle
Second Andrew Saper

Note: Virlynn Tinnell joins the meeting telephonically.
Time 10:05 a.m.

Motion Results: Pass **LDP 08-055**

Review, discussion and possible action regarding the following complaints:

05-L060- Emil Estopare

Individuals Addressing the Board: Nancy Swetnam

Discussion: Accept findings of the Probable Cause Evaluator, that probable cause exists and there are grounds for informal disciplinary action.

Note: Les Krambeal joins the meeting telephonically.
Time 10:10 a.m.

Motion: Board moved to affirm the finding of probable cause does exist, and issue a Letter of Concern in complaint Number 05-L060.

Motion Proposals: First Paul Friedman
Second Judge Steinle

Discussion: Board amend informal discipline for act of misconduct.

Motion: Board enter findings for probable cause exists pursuant to ACJA § 7-201 (H)(6)(a) and (H)(7) for an act of misconduct involving Arizona Revised Statutes (“ARS”) § 41-330 (A), § 41-313 (B)(1), 41-319 and ACJA § 7-208 (F)(2) and Appendix A Code of Conduct Standards (1)(a) and (5)(a) and issue a Letter of Concern.

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-056**

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: Judge Steinle

Discussion: Role of the Formal Interview, to interview, and not argue case, and discuss evidence, prepared to make settlement. The Board would propose that parties engage in an offer, assuming the complaint and facts are true, correct, and grounds for discipline. The Board asked the staff to draft a Formal Interview letter for consistency to view at next meeting.

2-D: Review, discussion and possible action regarding non-certificate holder complaint number NC08-L010 involving James Nord.

Individuals Addressing the Board: Nancy Swetnam

Discussion: To issue a Cease and Desist letter until further investigation of this complaint.

Motion: Board agreed to issue a Cease and Desist letter signed by the Chair of the Board. .

Motion Proposals: First Paul Friedman
Second Stephanie Gates Wolf

Motion Results: Pass **LDP 08-057**

3) REVIEW OF CERTIFICATION APPLICATIONS

3-A: Review, discussion, and possible action regarding pending applications for 2007-2009 initial Standard certification.

Individuals Addressing the Board: Kimberly Siddall

Discussion: To grant certification to applicant Donna Vangury.

Motion: Board granted certification to applicant.

Motion Proposals: First Judge Steinle
Second Virlynn Tinnell

Motion Results: Pass **LDP 08-058**

Discussion: Applicants taken out of order to be considered for certification to defer to next meeting.

Motion: Board agreed to defer applicants to April meeting.

JoAnn Kerr-Gillotte
Teresa Sutter
Joel Dylong

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-059**

Discussion: Applicants be considered for certification.

Motion: Board granted certification to applicants:

Frederick Warren
Bernard Kruer
Richard Tucker

Motion Proposals: First Judge Steinle
Second Andrew Saper

Motion Results: Pass **LDP 08-060**
Recusals Les Krambeal on Richard Tucker

Discussion: Applicant Bernard Kruer provided additional information requested by staff, recommend certification. The applicant shall submit an affidavit stating he understands and will comply with provision ACJA 7-201 and 7-208, and Supreme Court rule 31 regarding the unauthorized practice of law.

Motion: Board granted certification to Bernard Kruer.

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-061**

Discussion: Applicant Susan Roff-Fuquay does not qualify as a trainee. Therefore does meet requirements to deny certification.

Motion: Board denied the certification to applicant Susan Roff-Fuquay pursuant to ACJA 7-208(E)(3)(b)(6)(a) and ACJA 7-201 (E)(2)(c)(1).

Motion Proposals: First Judge Steinle
Second Virlynn Tinnell

Motion Results: Pass **LDP 08-062**

Discussion: Applicant Susan Roff-Fuquay is present and staff recommend to the Board if interview could take place at this time.

Motion: Board agreed to the interview.

Motion Proposals: First Paul Friedman
Second Judge Steinle

Motion Results: Pass **LDP 08-063**

Discussion: Board asked questions concerning the sanctions.

Motion: Board agreed to grant certification to applicant Susan Roff-Fuquay.

Motion Proposals: First Judge Steinle
Second Andrew Saper

Motion Results: Pass **LDP 08-064**

Discussion: Applicant David Anderson is present and staff recommend to the Board if interview could take place at this time.

Motion: Board agreed to the interview.

Motion Proposals: First Paul Friedman
Second Stephanie Gates Wolf

Motion Results: Pass **LDP 08-065**

Discussion: Board asked questions concerning the suspension with the State Bar, Probation and DUI arrest.

Motion: Board moved to enter Executive Session to seek advice from Legal Council.

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-066**

Note: Public departs meeting.

Time:10:34 a.m.

Note: Board returns to Regular Session.

Time:10:40 a.m.

Discussion: Board asked that applicant David Anderson provide more information concerning assault charge.

Motion: Board moved that applicant take each of the factors, and state how he has dealt with each charge. In addition that staff provide pre-sentence report. To defer agenda item to next meeting, April 14, 2008.

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-067**

Individuals Addressing the Board: Kimberly Siddall

Discussion: Applicant Wayne Taylor be invited to the April meeting for an informal interview.

Motion: Board moved defer to April meeting interview Mr. Taylor regarding how his business operation will reflect levels of authority and plans to ensure that ACJA§ 7-208 are maintained in regard to the unauthorized practice of law.

Motion Proposals: First Paul Friedman
Second Andrew Saper

Motion Results: Pass **LDP 08-068**

Discussion: To defer Wayne Taylor's company Legal Cowboy, LLC to the next meeting.

Motion: Board moved to defer agenda item to April meeting.

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-069**

Discussion: Applicant Frederick Warren is granted certification.

Motion: Board moved Mr. Warren submit an affidavit stating he understands and will comply with the provisions of ACJA §§7-201, 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law.

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-070**

Discussion: Applicant Joel M. Delong be denied certification.

Motion: Board denied certification pursuant ACJA §7-201(E)(2)(c)(2) (b)(xvi). Failing to provide legal information to the Board or Staff which pertains to certification inquiries.

Motion Proposals: First Paul Friedman
Second Stephanie Gates Wolf

Motion Results: Pass **LDP 08-071**

Discussion: Applicant Nina Rische be granted certification.

Motion: Board vacate their order from last month to grant certification, and grant certification this month.

Motion Proposals: First Judge Steinle
Second Kristina Fredericksen

Motion Results: Pass **LDP 08-072**

Discussion: Applicant Daniel Gray be granted certification.

Motion: Board granted certification.

Motion Proposals: First Judge Steinle
Second Virlyn Tinnell

Motion Results: Pass **LDP 08-073**

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

Individuals Addressing the Board: Kimberly Siddall

Discussion: To defer agenda item to next meeting.

Motion: Board agreed to defer agenda item to April meeting.

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-074**

3-C *Review, discussion and possible action regarding Hearing Officer David Pennartz's Recommendation Report involving the denial of the certification application submitted by Debra J. Shaffer.*

Individuals Addressing the Board: Linda Grau

Discussion: None.

Motion: Board moved to accept the Facts of Findings and Conclusions of Law recommended by Hearing Officer Pennartz's

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-075**

Motion: Board moved to uphold denial of certification to applicant Debra J. Shafer.

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-076**

Discussion: Board discussed the possibility of moving the June meeting. Linda Grau explained the meeting would be telephonic and would not be problem to reschedule.

Motion: Board moved to reschedule the June 16, 2008 meeting to June 23, 2008.

Motion Proposals: First Judge Steinle
Second Andrew Saper

Motion Results: Pass **LDP 08-077**

CALL TO THE PUBLIC

Individuals Addressing the Board: None.

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First Judge Steinle
Second Paul Friedman

Motion Results: Pass **LDP 08-078**

Time: 10:50 a.m.