

BOARD of LEGAL DOCUMENT PREPARERS

Arizona Supreme Court
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 230
10:00 a.m. -12:00 p.m.

January 29, 2007
Approved Regular Session Minutes

MEMBER ATTENDANCE

Present:

Judge Roland Steinle
Dr. Roger Hartley
Mary Ellen Carlton
Vellia M. Pina
Cynthia S. Felton
Les Krambeal
Jeffrey Ward Sturm
Krstina Fredericksen

Telephonically Present:

Frank Costanzo
Virlynn Tinnell
Carol L. Wells

OTHER ATTENDEES

AOC Staff:

Rhonda Simmons
Linda Grau
Kimberly Siddall
Nina Preston
Kandace French
Dara Fonseth
Nancy Swetnam
Maryanne Baiza

CALL TO ORDER

Called to Order By:

Judge Roland Steinle, Chair

Time:

10:10 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

1-A: Executive Session Minutes for the meeting of October 16, 2006.

Individuals Addressing the Board: Judge Roland Steinle

Discussion: Technical amendments to the October 16, 2006 Executive Session were reviewed.

Motion: Moved to adopt the October 16, 2006 Executive Session Minutes with the technical amendments.

Motion Proposals: First Mary Carlton
Second Ward Sturm

Motion Results: Pass LDP-07-001

Frank Costanzo appeared telephonically at 10:15 a.m.

1-B: Regular Session Minutes for the meeting of November 13, 2006.

Individuals Addressing the Board: Linda Grau

Discussion: Technical amendments to the November 13, 2006 Regular Session were made.

Motion: Moved to adopt the November 13, 2006 Regular Session Minutes with the technical amendments made.

Motion Proposals: First Mary Carlton
Second Ward Sturm

Motion Results: Pass LDP-07-002

1-C: Regular Session Minutes for the meeting of December 4, 2006.

Individuals Addressing the Board: Mary Carlton

Discussion: The December 4, 2006 Regular Session Minutes were reviewed.

Motion: Moved to adopt the Regular Session Minutes of December 4, 2006 as amended.

Motion Proposals: First Les Krambeal
Second Ward Sturm

Motion Results: Pass LDP-07-003

1-D: Regular Session Minutes for the meeting of December 18, 2006.

Individuals Addressing the Board: Linda Grau

Discussion: The December 18, 2006 Regular Session Minutes were reviewed.

Motion: Moved to defer consideration of the Regular Session Minutes of the December 18, 2006 meeting to the February meeting.

Motion Proposals: First Les Krambeal
Second Mary Carlton

Motion Results: Pass LDP-07-004

2) CERTIFICATION AND ELIGIBILITY

2-A: Review of pending requests for continuing education credit approval.

Individuals Addressing the Board: Kandace French

Discussion: Recommendation and review of pending requests for continuing education credit approval. The Board discussed the continuing education credit requests.

Motion: Moved to accept the continuing education credits as recommended.

Motion Proposals: First Frank Costanzo
Second Mary Carlton
Recusals Les Krambeal

Motion Results: Pass LDP-07-005

2-B: Review, discussion, and possible action regarding denial of business entity certification for applicant American Living Trust Services, LLC.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Review and discussion of possible action regarding denial of the business entity American Living Trust Services, LLC. Also, review of the Board's denial on October 16, 2006, regarding the business entity certification application for American Living Trust Services, LLC based on Dennis Lawrence's failure to disclose the U.S. District Court case number CV-05-1114-PHX-JAT, an action alleging fraud.

Motion: Moved to accept the recommendation that the earlier denial be vacated and grant the business entity certification for the remainder of the 2006-2007 certification period.

Motion Proposals: First Ward Sturm
Second Vellia Pina
Opposed Mary Carlton, Dr. Roger Hartley, Judge Roland Steinle, Frank Costanzo, Virlynn Tinnell.

Motion Results: Failed LDP-07-006

2-C: *Review, discussion, and possible action regarding Hearing Officer David Pennartz' Recommendation Report regarding the denial of business entity certification involving Steele Larson Anderson Legal, LLC.*

Individuals Addressing the Board: Kimberly Siddall

Discussion: Review and discussion on the renewal of business entity certification and the designated principal Thomas Steele of Steele Larson Anderson Legal, LLC's failure to renew the individual certification for the 2006-07 certificate period.

Motion: Moved to adopt the Findings of Fact and the Conclusions of Law in the Hearing Officer's Report and affirm the earlier denial as recommended.

Motion Proposals: First Dr. Roger Hartley
Second Ward Sturm

Motion Results: Passed LDP-07-007

2-D: *Review, discussion, and possible action regarding Hearing Officer Richard Goldsmith's Recommendation Report and Amended Recommendation Report regarding the denial of renewal of certifications involving Barbara Morejon and Immigration Assistance Center, LLC.*

Individuals Addressing the Board: Linda Grau

Discussion: Review and discussion held on the Hearing Officer's report and recommendation that the board reverse the earlier denials and grant 2006-07 renewal of certification to Ms. Morejon and her business entity Immigration Assistance Center, LLC. Staff recommended the Board affirm the denials, and discuss drafting and entering alternative findings of facts and conclusions of law regarding the denials. Staff revisited that Ms. Morejon was before the board in June 26, 2006 to address issues of failure to disclose a civil action in a Superior Court case against an individual

who previously filed a complaint against her. The Board at that time denied both her individual and business entity applications.

Motion: Moved to go into executive session to receive advice from counsel.

Motion Proposals: First Dr. Roger Hartley
Second Mary Carlton
Motion Results: Passed LDP-07-008

EXECUTIVE SESSION #1: 10:21 a.m. to 10:26 a.m.

Motion: Moved to defer consideration of the Hearing Officer's Recommendation Report and Amended Recommendation Report for Boards' review until the February 26, 2007.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Passed LDP-07-009

2nd Motion: Moved that staff and legal counsel draft alternative proposed Findings of Fact and Conclusions of Law and have them available for Board's review.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Passed LDP-07-010

3) REVIEW OF PENDING COMPLAINTS

3-A: *Review, discussion, and possible action regarding complaint number 05-L099 involving Richard Rochford.*

Individuals Addressing the Board: Linda Grau

Discussion: The Board discussed Complaint Number 05-L099 involving Mr. Richard Rochford's failure to timely participate in the examination. Specific timeline provision were provided for anyone actively certified on April 7, 2005 to take the exam no later than September 1st, and anyone certified after April 7 be required to participate in the exam within 90 days of becoming certified. Recommendation by staff to vacate the prior Notice of Formal of Charges order and issue a Letter of Concern consistent with subsequent actions of the Board on issues occurred with this complaint.

Motion: Moved to issue a Letter of Concern as recommended.

Motion Proposals: First Virlynn Tinnell
Second Mary Carlton.

Motion Results: Passed LDP-07-011

3-B: *Review, discussion, and possible action regarding Board ordered re-hearing involving Steven Wyner and complaint numbers 05-L055, 05-L059, and 05-L071.*

Individuals Addressing the Board: Linda Grau

Discussion: Review and discussion of the rehearing of Steven Wyner. It was noted that a number of items have transpired with this matter and have been unsuccessful through consent agreement. After the hearing the Hearing Officer acknowledged error in ruling regarding discovery during the hearing.

Recommendation made to the Board to approve the record of earlier of hearing to be submitted to the Hearing Officer and closing oral arguments to be scheduled so that the Hearing Officer can prepare his hearing report.

Motion: Moved to authorize the scheduling of closing arguments to the Hearing Officer.

Motion Proposals: First Dr. Roger Hartley
Second Judge Roland Steinle

Motion Results: Passed LDP-07-012

2nd Motion: Moved to approve the stipulation of the parties to use the original hearing records as the record for the re-hearing and to submit only closing arguments to the Hearing Officer.

Motion Proposals: First Dr. Roger Hartley
Second Mary Carlton

Motion Results: Passed LDP-07-013

3-D: *Review, discussion, and possible action regarding complaint numbers 04-L011, 04-L069, and 05-L067 involving a possible Consent Agreement with certificate holder Sandra Coffman.*

Individuals Addressing the Board: Linda Grau

Discussion: Review and discussion of the December 18, 2006 meeting in which Ms. Coffman requested to address the Board on the possibility of a consent agreement to resolve complaint numbers 04-L011, 04-L069, and 05-L067.

Ms. Coffman was to execute the consent agreement no later than Wednesday, January 24, 2007 by close of business. A \$429 check was received from Ms. Coffman without the consent agreement signed. Attempts to reach Ms. Coffman were unsuccessful.

Motion: If the consent agreement is received prior to the next Board meeting; moved to authorize Judge Roland Steinle to sign the consent agreement on behalf of the full Board.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm
Recusals Virlynn Tinnell.

Motion Results: Passed LDP-07-014

4) REVIEW OF CERTIFICATION APPLICATIONS

4-A: *Review, discussion, and possible action regarding pending applications for Standard certification. The following applications for Individual and Business Entity Certification have been submitted and will be considered by the Board at this meeting:*

1. *Lisa Tonge*
2. *Mabel Foster*
3. *David Hoyt*
4. *Evelyn M. Houston*
5. *Patricia Coronado*
6. *Thomas Steele*
7. *Document Preparation Services, LLC (Barbara Watson Ledger)*
8. *Document Preparation Specialist, LLC (Mary Lungo)*
9. *Joanne Ingram*
10. *Gary Moser*
11. *Toni Glennon*
12. *Robert Beck*
13. *Julia E. McClure*
14. *Alfred G. Madrid*

Individuals Addressing the Board: Kimberly Siddall

Discussion: Review of initial certifications #1-8. Staff recommended Standard certification be granted to the following individuals or business entities for the remainder of the 2006-07 certificate period:

1. Lisa Tonge
2. Mabel Foster

3. David Hoyt
4. Evelyn M. Houston
5. Patricia Coronado
6. Thomas Steele
7. Document Preparation Services, LLC (Barbara Watson Ledger)
8. Document Preparation Specialist, LLC (Mary Lungo)

Motion: Moved to grant standard certification for the remainder of the 2006-2007 certificate period to #'s 1-8 as indicated.

Motion Proposals: First Dr. Roger Hartley
Second Judge Roland Steinle

Motion Results: Passed LDP-07-015

Discussion: Review of pending certification item **#9 Joanne Ingram**. Staff received information from Ms. Ingram. Application indicated two (2) actions; however information provided listed seven (7) civil actions Ms. Ingram was involved in. Recommendation that the Board invite Ms. Ingram to the February meeting to address all the actions and direct staff to contact Ms. Ingram for documentation regarding the misdemeanor.

Motion: Moved to defer action on the application of Joann Ingram as recommended.

Motion Proposals: First Mary Carlton
Second Virlynn Tinnell

Motion Results: Passed LDP-07-016

Discussion: Review of pending standard certification item **#10 Gary Moser**. Staff received information on Mr. Moser's twenty-two (22) cases; without the documentation needed for review on these cases. Staff recommends that the Board invite Mr. Moser to the February meeting and direct staff to contact Mr. Moser for all documentation regarding these cases.

Motion: Moved to defer action on the application of Gary Moser as recommended and invite Mr. Moser to the February meeting.

Motion Proposals: First Mary Carlton
Second Virlynn Tinnell

Motion Results: Passed LDP-07-017

Discussion: Review of pending standard certification item **#11 Toni Glennon**. Applicant has been a trainee for AAA Legal Services Inc. under the supervision of Guadalupe Romero. Ms. Romero is not the designated

principal for this business and is not authorized to supervise trainees. It is recommended that the Board determine if Ms. Glennon meets the qualifications, since the supervising certified legal document preparer is not the certified business entity designated principal.

As a point of record, the ACJA §7-208 requires that trainees be supervised by the designated principal of record. Staff recommends that the Board move into executive session to discuss matters confidential pursuant to court rule for advice of legal counsel.

Motion: Moved to go into Executive Session.

Motion Proposals: First Mary Carlton
Second Dr. Roger Hartley

Motion Results: Passed LDP-07-018

EXECUTIVE SESSION #2: 10:45 a.m. – 10:50 a.m.

Discussion: Staff amends it's earlier recommendation to recommend the Board deny initial individual certification to Toni Glennon pursuant to ACJA §7-201 (E)(2)(c)(1) based on the failure to meet the minimum eligibility requirements.

Motion: Moved to deny initial individual certification as recommended.

Motion Proposals: First Ward Sturm
Second Dr. Roger Hartley

Motion Results: Passed LDP-07-019

Discussion: Review of pending standard certification item **#12 Robert Beck**. Staff recommends granting certification and to have Mr. Beck submit an Affidavit stating he understands and will comply with the provisions of Arizona Code of Judicial Administration § 7-208 and Supreme Court Rule 31 regarding the unauthorized practice of law and use of the "JD" designation.

Motion: Moved to grant certification as recommended.

Motion Proposals: First Dr. Roger Hartley
Second Mary Carlton.

Motion Results: Passed LDP-07-020

Carol Wells appered telephonically at 10:53 a.m.

Discussion: Review of pending standard certification item **#13 Julia E. McClure**. Staff held discussion on the Consent Agreement requiring Ms. McClure to pay \$550.00 for the renewal certification fee for the 2005-06 and 2006-07 certification periods. Also, requiring Ms. McClure to complete 15 hours of continuing education for the 2004-05 partial certification period, and 2005-06 certification period. Ms. McClure signed and returned the Consent Agreement. Staff recommends the Board to have Judge Roland Steinle sign the Consent Agreement on behalf of the full Board and grant certification.

Motion: Moved as recommended to grant certification and authorize Judge Roland Steinle to sign the Consent Agreement on behalf of the full Board.

Motion Proposals: First Virlynn Tinnell
Second Les Krambeal

Motion Results: Passed LDP-07-021

Discussion: Review of pending standard certification item **#14 Alfred G. Madrid**. Staff discussed the Consent Agreement requiring Mr. Madrid to pay \$550.00 for the renewal certification fee for the 2005-06 and 2006-07 certification periods. Also, requiring Mr. Madrid to complete 15 hours of continuing education for the 2004-05 partial certification period and 2005-06 certification period. Mr. Madrid signed and returned the Consent Agreement. Staff recommended the Board to have Judge Steinle sign the Consent Agreement on behalf of the full Board and grant certification.

Motion: Moved as recommended to grant certification and authorize Judge Roland Steinle to sign the Consent Agreement on behalf of the full Board..

Motion Proposals: First Virlynn Tinnell
Second Les Krambeal

Motion Results: Passed LDP-07-022

BREAK STARTED – 10:55 a.m.

Ms. Virlynn Tinnell – left the meeting (telephonically) at 10:55 a.m.

BREAK ENDED – 11:10 a.m.

Agenda item 3-C was taken out of order.

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

- **03-L033 – Robert Pilkington**
- **04-L038 – Robert Pilkington**

- **04-L046 – Robert Pilkington**
- **04-L059 – Robert Pilkington**
- **04-L068 – Robert Pilkington**
- **06-L110 – Ryan Gibson**
- **06-L111 – Darla Winters**

Individuals Addressing the Board: Nancy Swetnam

Discussion: The following complaint issues were addressed to the Board. Ms. Swetnam recommends the Board dismiss complaints 04-L038 and 04-L059; and enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201 (H)(6)(a) in complaint numbers 03-L033, 04-L046, 04-L068.

04-L038 – Robert Pilkington
 04-L059 – Robert Pilkington
 03-L033 – Robert Pilkington
 04-L046 – Robert Pilkington
 04-L068 – Robert Pilkington

Motion: Moved to dismiss **Complaints # 04-L038 and #04-L059**; and accept the findings of the Probable Cause Evaluator and find grounds for discipline exists pursuant to ACJA § 7-201 (H)(6)(a) on **Complaints 03-L033, 04-L046, 04-L068**.

Motion Proposals: First Dr. Roger Hartley
 Second Judge Roland Steinle.

Motion Results: Passed LDP-07-023

Discussion: Staff further recommended that Complaint Numbers 03-L033, 04-L046, 04-L068 be consolidated, if the Board moves for the filing of Notice of Formal Charges.

2nd Motion: Moved to consolidate Complaints 03-L033, 04-L046, 04-L068 for hearing.

Motion Proposals: First Judge Roland Steinle
 Second Cynthia Felton

Motion Results: Passed LDP-07-024

3rd Motion: Moved to have the Board authorize Judge Steinle to sign any documents related to the complaints on behalf of the full Board.

Motion Proposals: First Judge Roland Steinle
 Second Mary Carlton

Motion Results: Passed LDP-07-025

Discussion: Ms. Swetnam indicated the second motion needed amending and clarification: Its' not consolidation for the purpose of hearing, its' consolidation for the purpose of the notice of formal charges.

Amended 2nd Motion: Moved to adopt the amended motion.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Passed LDP-07-026

Discussion: Review and discussion held with the Board on **Complaint 06-L110 – Ryan Gibson**. The Probable Cause Evaluator found that no evidence of any violation occurred; and therefore recommendation to the Board is that this complaint be dismissed.

Motion: Moved to dismiss Complaint #06-L110.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton.

Motion Results: Passed LDP-07-027

Discussion: Review and discussion held with the Board on **Complaint 06-L111 – Darla Winters**. The Probable Cause Evaluator found Probable Cause exists the alleged acts of misconduct did occur. Recommendation of the Probable Cause Evaluator finds grounds for discipline exists pursuant to ACJA § 7-201 (H)(6)(a); and that the Board issue a Letter of Concern to Ms. Winters, reserving the right to consider the issues of this complaint during the processing of any 2007-2009 renewal application, if applicable.

Motion: Moved to accept the findings of the Probable Cause Evaluator and find grounds for discipline exist pursuant to ACJA § 7-201 (H)(6)(a); and for the Board to issue a Letter of Concern to Ms. Winters, reserving the right to consider the adjudication of this complaint during the processing of any 2007-2009 renewal that Ms. Winters submits.

Motion Proposals: First Les Krameal
Second Dr. Roger Hartley

Motion Results: Passed LDP-07-028

CALL TO THE PUBLIC

Judge Roland Steinle

Individuals Addressing the Board: *None.*

ADJOURNMENT

Judge Roland Steinle

Motion: Moved to adjourn.

Motion Proposals: First Mary Carlton
Second Les Krambeal.

Motion Results: Passed LDP-07-029

Time: 11:15 a.m.

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