

Supreme Court Board of Legal Document Preparers

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference room 119A
10:00 a.m. – 2:00 p.m.

March 26, 2007
Approved Regular Session Minutes

MEMBER ATTENDANCE

Members Present:

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

Member Absent:

Frank Costanzo

Telephonically Present:

Virlynn Tinnell
Carol L. Wells

AOC Staff Present:

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

Guests:

JoAnne Ingram
Rex C. Noland
Jeffery Dollins
Barbara Morejon
Gary Moser
H.K. Daluya

CALL TO ORDER

Called to Order By:

Dr. Roger Hartley, Vice Chair

Time:

10:02 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

1-A: Regular and Executive Session Minutes for the meeting of January 29, 2007.

1-B: Regular Session Minutes for the meeting of February 26, 2007.

Individuals Addressing the Board: Linda Grau

Discussion: Linda Grau advised the Board the proposed drafts of the January 29 and February 26 meeting minutes were not yet available for Board review and recommended deferring until the April 23, 2007 meeting.

Motion: Moved to defer action on the January Regular and Executive Session and February Regular Session Minutes to the April 23, 2007 Board meeting.

Motion Proposals: First Mary Carlton
Second Les Krambeal

Motion Results: Pass LDP-07-56

2) REVIEW OF PENDING COMPLAINTS

2-A: *Review, discussion, and possible action regarding settlement of formal disciplinary action in complaint number 05-L020 involving certificate holder Paul Brown.*

Individuals Addressing the Board: Nancy Swetnam, Jeff Dollins, and Rex Noland

Discussion: At the February 26, 2007 meeting, the Board deferred consideration of this Agenda Item to today's meeting. Representatives from the Attorney General's Office Rex Noland and Jeffery Dollins were present. Mr. Noland discussed the Attorney General's position regarding the outcome on this case and the proposed settlement. The Attorney General's office has requested a continuance and a hearing is set for March 31, 2007. There was question to the 120 day period and whether it should be extended.

Staff recommended the Board review and discuss Mr. Brown's proposed settlement, and determine what, if any, Consent Agreement the Board is willing to enter into to resolve this disciplinary action. Staff also noted that a letter was received for both Mr. Brown and his attorney, Lawrence Slater to be present at the next board meeting in April.

Motion: Moved to defer this matter until the next Board meeting and request the extension of 120 days for the hearing.

Motion Proposals: First Dr. Roger Hartley
Second Ward Sturm
Opposed Virlynn Tinnell

Motion Results: Pass LDP-07-57

Order Taken Over By:
Time:

Judge Roland Steinle
10:20 a.m.

Agenda Item 2-D was taken out of order:

2-D: *Report of complaints dismissed by Division Director, pursuant to Arizona Code of Judicial Administration § 7-201 (D)(4)(a) and (H)(2)(b):*

Complaint number 07-L010

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Division Director has dismissed Complaint Number 07-L010 pursuant to the ACJA § 7-201 (H)(2)(d). New ACJA code allows the Division Director to dismiss complaints that are without merit or when the Board is without jurisdiction. ACJA § 7-201 also requires that a notice be sent to the complainant; and the complainant has the opportunity to review within a timeframe. No further action is required by the Board at this time. The complaint will be forwarded to the Board for review and action at the next Board Meeting.

Motion: No action taken.

2-B: *Review, discussion, and possible action regarding Consent Agreement for Sandra Coffman involving complaint numbers 04-L011, 04-L069, and 05-L067.*

Individuals Addressing the Board: Rhonda Simmons

Discussion: Review of the Board's agreement and the terms of the Consent Agreement. Staff has drafted the Consent Agreement and sent it to Ms. Coffman on two occasions. The fine in the amount of \$429.76 was received. Recommended staff be directed to send the Consent Agreement to Ms. Coffman again and order her to sign and return the agreement no later than April 9, 2007; and recommended to include language that Ms. Coffman's failure to respond to the Consent Agreement will cause the Board to withdraw the Consent Agreement and go forward with formal disciplinary action.

Motion: Moved to set a deadline for Ms. Coffman to submit a signed Consent Agreement no later than April 9, 2007.

Motion Proposals:	First	Judge Roland Steinle
	Second	Mary Carlton
	Recused	Virlynn Tinnell

Motion Results:	Pass	LDP-07-58
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2-C: *Review, discussion, and possible action regarding non-certificate holder complaint involving former certified legal document preparer Petra Lopez.*

Individuals Addressing the Board: Rhonda Simmons

Discussion: Discussion on information received that Ms. Lopez was previously certified and did not renew her certification for 2006-2007 certificate period, but is still using the certification number on her business cards.

Recommended the Board request the filing of a Superior Court Petition for Cease and Desist Order against Petra Lopez and LP Servicios Comunitarios.

Motion: Moved to direct staff to file a Superior Court Petition for a Cease and Desist Order against Petra Lopez and LP Servicios Comunitarios.

Motion Proposals:

First	Judge Roland Steinle
Second	Mary Carlton
Recused	Vellia Pina

Motion Results: Pass LDP-07-59

3) CERTIFICATION AND ELIGIBILITY

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

Individuals Addressing the Board: Kandace French

Discussion: The Board reviewed the continuing education requests submitted for preapproval.

Motion: Moved to approve the Continuing Education requests as recommended by staff.

Motion Proposals:

First	Mary Carlton
Second	Ward Sturm

Motion Results: Pass LDP-07-60

Agenda Item 3-B was moved to later in the meeting.

3-C: *Review, discussion, and possible action regarding the Hearing Officer Richard Goldsmith Recommendation Report regarding the denial of the business entity certification application of American Living Trust Services, LLC (Dennis Lawrence).*

Individuals Addressing the Board: Rhonda Simmons

Discussion: The Board reviewed Hearing Officer Goldsmith's recommendation regarding American Living Trust Services. Staff recommended accepting Hearing Officer Goldsmith's Recommendation Report, and reverse the Board's previous denial and grant standard business entity certification to American Living Trust Services, LLC.

Motion: Moved to vacate the Board's prior decision to deny business entity certification to American Living Trust Services, LLC.

Motion Proposals: First Mary Carlton
Second Dr. Roger Hartley

Motion Results: Pass LDP-07-61

2nd Motion: Moved to grant certification to American Living Trust Services, LLC.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Pass LDP-07-62

3-D: Review, discussion, and possible action regarding the request of Kimberly Wagster to waive her continuing education requirements.

Individuals Addressing the Board: Rhonda Simmons

Discussion: Ms. Wagster requested the Board waive her continuing education requirements due to financial hardship. The hardship does not fall within the Continuing Education policy as an approved extenuating circumstance. Recommended to deny the request for waiver of continuing education.

Motion: Moved to deny the continuing education waiver request submitted by Ms. Wagster as recommended by staff..

Motion Proposals: First Mary Carlton
Second Virlynn Tinnell

Motion Results: Pass LDP-07-63

4) REVIEW OF CERTIFICATION APPLICATIONS

4-A: Review, discussion, and possible action regarding pending applications for Standard certification.

**John Dawson
Joan E. Noble
Strategic Points Document Preparation, PLLC (Lisa K. Tonge)**

Individuals Addressing the Board: Kimberly Siddall

Discussion: It is recommended Standard certification be granted to the following individuals for the remainder of the 2006-07 certificate period: John Dawson and Joan E. Noble.

Motion: Moved to granted certification to the individuals listed above as recommended by staff.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Pass LDP-07-64

Discussion: It is recommended deferring consideration of certification on Strategic Points Document Preparation, PLLC (Lisa K. Tonge) to the April 7, 2007 meeting.

Motion: Moved to defer consideration of the application for Strategic Points Document Preparation, PLLC to the April 7, 2007 meeting.

Motion Proposals: First Mary Carlton
Second Judge Roland Steinle

Motion Results: Pass LDP-07-65

4-B: Interview with and possible action regarding applicant Joanne Ingram.

Individuals Addressing the Board: Kimberly Siddall, Joanne Ingram

Discussion: Joanne Ingram appeared before the Board to answer questions on her application. Board members asked questions to Ms. Ingram pertaining to the lawsuits that were not disclosed and the types of documents she prepares. Ms. Ingram currently is not preparing documents. Ms. Ingram gave account of the types of documents she does want to prepare: family issues, wills, etc. but will not provide bankruptcy petition preparation services.

Motion: Moved to grant 2006-2007 certification to Ms. Ingram.

Motion Proposals: First Judge Roland Steinle
Second Vellia Pina
Opposed Mary Carlton

Motion Results: Pass LDP-07-66

4-C Review, discussion, and possible action following the February 26, 2007 interview with applicant Gary Moser.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Revisited this matter with the Board that staff was asked to contact and find out about Mr. Moser's certificate of completion from the paralegal program. Staff contacted the Professional Career Development Institute (PCDI) and inquired about its program. PCDI staff indicated this was a diploma program only and did not go by semester units. Mr. Moser has 3 years of experience providing services in preparation of legal self help forms in Oregon. Mr. Moser operated as self-employed business called The Helpful Paralegal from September of 2003 through September of 2006. Staff recommended the Board grant Standard certification to Mr. Moser based on his three years of experience and high school diploma pursuant to ACJA § 7-208 (E)(3)(b)(6)(a).

Motion: Moved to defer this matter until the next meeting to allow staff to check with the Oregon State Bar for complaints that involve Mr. Moser.

Motion Proposals: First Judge Roland Steinle
Second Les Krambeal

Motion Results: Pass LDP-07-67

BREAK: 10:43 am until 10:45am

4-D: Review, discussion, and possible action regarding Business Entity Exemption Request submitted for applicant Document Preparation Services, LLC (Barbara Watson Ledger) and Strategic Points Document Preparation, PLLC (Lisa K. Tonge).

Individuals Addressing the Board: Kimberly Siddall

Discussion: It is recommended Business Entity Exemption be granted to Document Preparation Services, LLC (Barbara Watson Ledger) for the remainder of the 2006-2007 certification period.

Motion: Moved to granted Business Entity Exemption to Document Preparation Services, LLC for the 2006-2007 certification period.

Motion Proposals: First Judge Roland Steinle
Second Mary Carlton

Motion Results: Pass LDP-07-68

Discussion: It is recommended Business Entity Exemption be deferred for Strategic Points Document Preparation, PLLC (Lisa K. Tonge).

Motion: Moved to defer the Business Entity Exemption request for Strategic Points Document Preparation, PLLC until the next meeting.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-69

Agenda Item 3-B was taken out of order.

3-B: *Review, discussion, and possible action regarding proposed Findings of Facts and Conclusions of Law involving Barbara Morejon and Immigration Assistance Center, LLC regarding denial of renewal of certification.*

Individuals Addressing the Board: Linda Grau

Discussion: Ms. Grau reviewed with the Board that it was requested that staff draft alternative Findings of Facts and Conclusions of Law for the Board's review and consideration. The draft for the Board's review is not complete and has not been subject to legal review. Staff's recommendation is that this matter be deferred to the April meeting.

Motion: Moved to defer consideration of this Agenda Item until the April meeting.

Motion Proposals: First Les Krambeal
Second Mary Carlton

Motion Results: Pass LDP-07-70

Discussion: Judge Roland Steinle informed the Board he has received correspondence directly from Ms. Morejon. Judge Roland Steinle requested Ms. Morejon direct any correspondence be sent through the Certification and Licensing Division and not to the individual members of the Board directly.

Motion: No action taken.

5) REVIEW OF ADMINISTRATIVE ISSUES

5-A: Review, discussion, and possible action regarding referrals and compensation.

Individuals Addressing the Board: Linda Grau

Discussion: The Board discussed a mass email that was forwarded to what appears to be a number of active certificate holder's listed in the directory on the Legal Document Preparer website. At least one active certificate holder received the email sent from a mailbox presenting to be that of a revoked legal document preparer. The Board has previously in a similar incident sent a mass email to all certificate holders not referencing any individual but notifying the certificate holders of the certification requirements in the Code of Conduct. In this case, the correspondence is offering to set up payment for referrals.

Staff recommended the Board take action to direct staff to send a mass email to all actively certified LDPs providing information of the ACJA § 7-208 (J)(3)(c)(3) requirement without making specific reference to the content of the mass email of March 11, 2007.

Motion Moved that staff prepare the proposed mailing and have the Board review it and obtain advice from counsel prior to sending out the email.

Motion Proposals: First Judge Roland Steinle
Second Ward Sturm

Motion Results: Pass LDP-07-71

CALL TO THE PUBLIC

Judge Roland Steinle

Individuals Addressing the Board: Gary Moser

Discussion: Mr. Moser requested the Board make a determination on his certification today rather than deferring it for another month due to financial hardship he is experiencing because he cannot work. The Board further discussed whether any complaints were filed with the Oregon State Bar. Judge Roland Steinle advised Mr. Moser that this certification will be reviewed at the next meeting.

Motion: No action taken.

ADJOURNMENT

Judge Roland Steinle

Motion: Moved to adjourn.

Motion Proposals: First Cynthia Felton
Second Mary Carlton

Motion Results: Pass LDP-07-72

Time: 10:59 a.m.