

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.

December 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
Susan C. Vasquez
Mary Carlton
Vellia M. Pina
Nancy Swetnam

AOC Staff Present:

Linda Grau
Nina Preston
Douglas Brooks
Arturo Rodriguez
David Withey

Guests:

Leah Keller
Myron Dunn
Fran Johansen
Ronald Dunn
Christine Baily
Nancy Johnson
Margaret Kramer

Members Present by Phone:

Virlynn Tinnell
Margaret J. Kleinman

Call to Order

The meeting was called to order by Judge Roland J. Steinle, III at 10:00 a.m.

Review and Approval of Meeting Minutes

Discussion was held regarding the regular session minutes of November 17, 2003. Nancy Swetnam requested grammatical clerical changes be made to the minutes. These changes will be given to Lauren Hargrave for correction.

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to adopt the minutes as amended from November 17, 2003. Motion passed. **LDP-03-214**

Administrative Issues

Review and discussion of Arizona Code of Judicial Administration '7-208 (H)(8)(a)

Linda Grau reported this code section, entitled “Request for Hearing”, relates to denial of certification or renewal and formal charges. To date, every applicant who has been denied certification has been advised in writing of the applicant’s right to a hearing on the denial pursuant to '7-208 (E)(5)(b)(4) which states,

“An applicant may exercise the right to a hearing on the decision to deny certification or renewal by filing a written request within fifteen days after receipt of notice of the denial. The applicant is the moving party at the hearing and has the burden of proof. The provisions of subsection H(8) through H(14) and H(17) of this code section apply regarding the procedures for hearing and review.”

Ms. Grau recommended Arizona Code of Judicial Administration '7-208 (H)(8)(a) subsection also be referenced in each denial letter;

“A certificate holder subject to formal charges or an applicant denied initial or renewal of certification may request a hearing within fifteen days of receipt of the notice of formal charges or notice of denial of certification. Hearing requests must specify the provision of this code section that entitles a person to a hearing, the factual basis supporting the request for hearing, and the relief demanded.”

Ms. Grau stated many hearing requests received do not meet the Code standard regarding presentation of a factual basis or relief demand. Hearing requests that are insufficient have been processed as a matter of prudence. The Board discussed giving more direction to the individual requesting a hearing, perhaps by providing a pre-developed form for completion by the applicant. The Board appointed a subcommittee made up of Mary Carlton, Susan C. Vasquez and Carol L. Wells to develop a Hearing Request Form.

A motion was made by Judge Roland J. Steinle and seconded by Nancy Swetnam directing the Subcommittee to develop a Hearing Request Form to be presented to the Board at the next meeting. Motion passed. **LDP-03-215**

Review and discussion of Arizona Code of Judicial Administration '7-208 (H)(1)(c) and request for the Board to Petition the Superior Court for Cease and Desist Orders regarding Lisa Elwess (aka Lisa Crocker), Kimberly Denmark, Joseph Estrada, and Richard Wilens; non-certified individuals who are engaging in legal document preparation without certification

Linda Grau reported that pursuant to the Code, the Board has the authority to petition the Superior Court for Cease and Desist Orders against individuals who are preparing legal documents without certification. The State Bar has agreed to handle the legal representation in matters dealing with the unauthorized practice of law and has been

working closely with the Legal Document Preparer Program.

Linda Grau reported Lisa Crocker aka Lisa Elwess has applied for certification and her application is scheduled for review on today's agenda. Both the State Bar and the LDP Program have received numerous phone calls, letters, and formal complaints regarding Ms. Elwess' conduct as a legal document preparer. Ms. Elwess' application has been deferred twice by the Board as a result of her failure to provide the Board with requested information. Ms. Elwess acknowledged to Ms. Grau she has received copies of all the complaints previously reviewed by the Board. An additional complaint has been received which alleges she contacted an opposing party in a case and made threats. To date, Ms. Elwess has still not responded to any of the complaints filed. Of the nine complaints received regarding Ms. Elwess, six occurred after July 1, 2003. The Board discussed the process regarding filing the Cease and Desist Orders.

Executive Session #1

A **motion** was made by Nancy Swetnam and seconded by Dr. Roger E. Hartley to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **LDP-03-216**

Executive Session #1 ended.

Review and discussion of Arizona Code of Judicial Administration ' 7-208 (H)(1)(c) and request for the Board to petition the Superior Court for Cease and Desist Orders regarding Lisa Elwess (aka Lisa Crocker), Kimberly Denmark, Joseph Estrada, and Richard Wilens; non-certified individuals who are engaging in legal document preparation without certification (continued)

A **motion** was made by Dr. Roger E. Hartley and seconded by J. Ward Sturm for the Board to Petition the Superior Court for a Cease and Desist Order against Lisa Elwess (aka Lisa Crocker). Motion passed. Judge Roland J. Steinle and Donald F. Steward Recused. **LDP-03-217**

A **motion** was made by Judge Roland J. Steinle and duly seconded to have Nancy Swetnam sign the Petition for Cease and Desist Order pertaining to Lisa Elwess. Motion passed. **LDP-03-218**

Linda Grau reported she received a complaint from Judge Oberbillig of the Superior Court in Maricopa County regarding Joseph Estrada. The Court indicated it returned the handwritten divorce packet to the Petitioner for being incomplete and containing errors. The Petitioner advised the Court she had employed Mr. Estrada to assist her with the paperwork. Ms. Grau contacted Mr. Estrada and he advised her he was unaware of the certification requirement. Mr. Estrada stated he had only assisted in filling out the paperwork as a favor for a co-worker but that he did not fill out legal documents professionally. The Petitioner informed Ms. Grau that Mr. Estrada was not a coworker and charged her \$300 to prepare the documents. The paperwork was filed with the court

on September 15, 2003. Ms. Grau has obtained further information that Mr. Estrada is meeting with pro per litigants at the Self Service Center. Mr. Estrada's business card states he specializes in family and criminal law. Mr. Estrada advised the Petitioner he would no longer be able to assist her since she had been truthful with the Court. He did not refund her \$300. Ms. Grau recommended the Board petition the Superior Court for a Cease and Desist Order with regard to Mr. Estrada. The Board discussed referring this issue to the State Bar. The Board further discussed sending Mr. Estrada a letter stating they have received information which states he engaged in work in violation of the code, that he voluntarily cease and desist in this type of action, and requesting an explanation of his business card which indicates he specializes in Family Law and his conduct regarding this complaint. Ms. Grau informed the Board she is taking steps with the Self Service Center to supply customers with information regarding legal document preparer certification. The Board agreed to defer this matter until the January meeting.

Linda Grau reported the Program received a Judicial referral from Presiding Family Court Judge Nanette Warner of the Superior Court containing copies of documents, a minute entry, and a transcript of an Evidentiary Hearing regarding Ms. Kimberly Denmark's participation in the preparation and filing of legal documents. The documents contained in the referral were prepared and filed during the week of September 15, 2003. During her testimony, Ms. Denmark acknowledged she was aware of the certification requirement, but has not applied. In the minute entry of October 22, 2003, the Court found a number of filed documents were not signed by the Petitioner but appear to have been signed by Ms. Denmark. The matter was referred to the Secretary of State, the Legal Document Preparer Program, and the State Bar. Ms. Denmark is an employee of the Pima County Public Fiduciary.

A **motion** was made by Nancy Swetnam and seconded by J. Ward Sturm for the Board to petition the Superior Court for a Cease and Desist Order against Kimberly Denmark, and further to inform the Supreme Court Fiduciary Program. Motion passed. **LDP-03-219**

The Board discussed the recent Arizona Supreme Court Judicial Ethics Advisory Committee Opinion regarding "Ethical Limitations on Court Employee's Service as a Certified Legal Document Preparer". The opinion will be posted on the website for review and including a fax to all certified legal document preparers for their information.

Review and discussion regarding Application Withdrawal Policy

Linda Grau presented a draft proposal of a formal withdrawal policy. David Withey, Chief Counsel addressed the Board relative to a request for withdrawal.

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-03-220**

Executive Session #2 ended.

Review and discussion regarding Application Withdrawal Policy (continued)

Judge Roland J. Steinle proposed the Board handle each request for withdrawal on a request by request basis. Board determination will be made without pursuing a Code change at this time. The Board will articulate the reasons why a withdrawal request is or is not accepted. The Board agreed.

Review and discussion of Arizona Code of Judicial Administration '7-208 (H)(1)(c) and request for the Board to petition the Superior Court for Cease and Desist Orders regarding Lisa Elwess (aka Lisa Crocker), Kimberly Denmark, Joseph Estrada, and Richard Wilens; non-certified individuals who are engaging in legal document preparation without certification (continued)

Linda Grau reported Mr. Wilens applied for certification on June 5, 2003. The application was reviewed by the Board and denied on June 24, 2003. The noted grounds for denial were dishonesty about attending without paying for a State Bar CLE class and his prior convictions. Mr. Wilens had a hearing on the denial at the July 28th Board meeting. Determination following the hearing was deferred to August 18, 2003, at which time the Board reaffirmed the denial. On December 5, 2003, Ms. Grau received a complaint call from a consumer who had employed Mr. Wilens to prepare legal documents related to grandparent visitation. According to the Complainant, Mr. Wilens advised he had previously practiced law in Chicago and California. A copy of a cancelled check made payable to "Richard Wilens, Shining Star Legal Services" was submitted. Mr. Wilens received and cashed a check for \$400 and \$50 cash from the Complainant on August 18, 2003. The Complainant made demands for the return of the funds as the contracted work was never completed. Complainant reports refund demands have gleaned nothing but threats from Mr. Wilens. Subsequently, she has learned he is not an attorney. The address contained on a copy of Mr. Wilens business card is not where the Complainant met with Mr. Wilens. The Complainant is pursuing other avenues to obtain a refund of monies paid to Mr. Wilens. It appears Mr. Wilens is contracting for work and continues to prepare legal documents. The Board discussed the issue and if the matter should be considered a State Bar issue because Mr. Wilens is representing himself as an attorney.

A **motion** was made by Judge Roland J. Steinle and seconded by Mary Carlton to refer the matter to the State Bar review. Motion passed. **LDP-03-221**

Review and discussion regarding Application Withdrawal Policy (continued)

Linda Grau reported the matters pending formal withdrawal include Amish Ventures, Inc. and Marilyn Reed-Creasy. Ms. Creasy's individual application was previously denied on July 28, 2003. A hearing on the denial was requested and conducted. After the close of the hearing, the Attorney General's Office moved to reopen the hearing. Following the request to reopen the hearing on denial, Ms. Creasy requested to withdraw her application

and to vacate all pending matters related to the denial hearing. Ms. Creasy is the designated principal for Amish Ventures, Inc. which has not had certification determined and has been deferred by the Board pending the resolution of the individual application denial proceedings.

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to deny Ms. Marilyn Creasy-Reedy request for withdrawal of her application because there were substantial grounds for denial, and further, that the public is best served by the Board issuing a formal determination so a decision of record would be available in this matter for not only this jurisdiction but for any other jurisdictions in which she might seek certification. Motion passed. **LDP-03-222**

A **motion** was made by Judge Roland J. Steinle and seconded by Susan C. Vasquez to offer Ms. Marilyn Creasy-Reedy's the ability to withdraw her request for hearing and allow the original determination to stand in this matter. Motion passed. **LDP-03-223**

The Board directed Linda Grau to write Ms. Creasy a letter indicating the Board denied her request for withdrawal of both applications. If she wishes to request withdrawal of hearing, the original denial will stand. Linda Grau reported without Ms. Creasy being certified there is no assigned designated principal for Amish Ventures, Inc. so the application can be deemed incomplete.

A **motion** was made by Nancy Swetnam and seconded by J. Ward Sturm to defer decision regarding Amish Ventures, Inc. until the Board receives a response from Marilyn Reedy-Creasy's regarding the denial of her initial individual certification. Motion passed. **LDP-03-224**

Certification and Eligibility

Review of Hearing Officer Recommendations regarding Robert Ware

A **motion** was made by Nancy Swetnam and seconded by Dr. Roger E. Hartley to Adopt the Findings of Facts, Conclusions of Law and amend the Hearing Officer's Recommendation to read: that the Board reaffirms its prior denial of Initial Individual Certification for Robert Ware. Motion Passed. **LDP-03-225**

Executive Session #3

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-03-226**

Executive Session #3 ended.

Review of Applications

Douglas Brooks reported he reviewed the Roger Brown individual and Fast Bankruptcy, LLC business entity applications and Linda Grau's earlier recommendation. Mr. Brown's first application for individual certification was denied because Mr. Brown demonstrated only eight months of law related experience. In his second application for initial individual certification, Mr. Brown submitted a certificate and transcript from Suffield College and University in Paralegal Studies. On the second application, Mr. Brown answered "yes" to the question,

"Do you have a certificate of completion from a paralegal or legal assistant program that is institutionally accredited but not approved by the American Bar Association that requires a minimum of 24 semester units, or the equivalent, in legal specialization classes?"

An email received by Suffield College & University regarding the course work Mr. Brown completed through the institution which resulted in the paralegal certificate being granted to Mr. Brown stated, "material that was considered was Mr. Brown's past course work and life experience, this is all the information I can supply to you". Mr. Brooks confirmed Suffield College & University's website and discovered by giving them a resume and paying the applicable fees a person can receive a degree. Mr. Brooks confirmed Mr. Brown did not obtain a certificate from an institutionally accredited paralegal or legal assistance program. Rather, the Suffield website clearly states that certificate and degrees offered through Suffield are not viable for consideration in obtaining licensure. Additionally, Mr. Brown did not participate in the minimum of 24 semester hours (or the equivalent) of course work.

Mr. Brown was enjoined by the District of Arizona Bankruptcy Court on November 4, 2003. Mr. Brown had been denied certification prior to July 1, 2003 and was aware of his certification status at the time he prepared bankruptcy pleadings, violating Bankruptcy Court Rules.

Douglas Brooks reported Mr. Brown disclosed on his application that he was convicted in 1984 of Federal Income Tax Fraud. He reported release from supervision in January 1992, fulfillment of all fines and assessments, and a "clemency request" pending with the Virginia Governor. The Virginia Governor's Office advised Mr. Brown did, on January 20, 1997, file an application for "Restoration of Civil Rights" relative to charges of "Filing a False Claim for Income Tax Refund, Escape, Grand Larceny, and Possession, Transporting, or Distributing an Explosive Device". The Virginia Governor's Office advised Mr. Brown failed to respond to written inquiries from the Governor's Office when additional documentation and information were needed. Based on Mr. Brown's failure to respond, the request was closed and the file was destroyed on August 17, 2001. Mr. Brooks reported Mr. Brown failed to disclose all of his convictions on his applications, noting only the Filing a False Claim for Income Tax Refund.

Mr. Brooks recommended denial of individual certification to Mr. Brown based on Brown's failure to meet the minimum experiential requirement for certification, his material misrepresentation that he attended an institutionally accredited paralegal program, his misrepresentation he completed the minimum of 24 semester units of legal specialization courses, his misrepresentative statement that a clemency request is pending before the Virginia Governor, his failure to disclose the full extent and nature of his criminal convictions, as well as his continued disregard for court rules as evidenced by the Bankruptcy Court enjoinder and his failure to apply for initial business entity certification without program intervention. Mr. Brooks recommended denial of business entity certification based on Mr. Brown's designation as the principal for Fast Bankruptcy, LLC.

The Board discussed Mr. Brown's filings with the District of Arizona Bankruptcy Court. The Board discussed a letter received from Mr. Brown referencing complaints he has filed with the State Bar regarding two attorney members of the Board. Judge Roland J. Steinle stated he is a licensed attorney in Arizona and has received no official or unofficial notice of a complaint being filed with the State Bar or the Judicial Ethics Commission. J. Ward Sturm stated he is a licensed attorney in Arizona and, to date, has received no official or unofficial notice of a complaint being filed with the State Bar. Nancy Swetnam stated that in Mr. Brown's letter of December 11, 2003, he made comments that allege Ms. Swetnam has allowed staff members to abridge the law and a complaint may be filed against her, in her official capacity. To date, Ms. Swetnam has not received an official complaint against her, personally. The Board requested counsel provide them with an official memorandum outlining under what circumstances a Board member must recuse from a vote if official notification of a complaint against that Board member has been received, and the complaint pertains to the matter under consideration. Judge Roland J. Steinle, J. Ward Sturm, and Nancy Swetnam each stated they intended to vote based on the evidence presented because there is no cause in Mr. Brown's statements or activities which limit them from voting in an impartial manner.

A **motion** was made by Judge Roland J. Steinle and seconded by Donald F. Steward to deny Mr. Brown's Individual Application based upon the fact that the Suffield College paralegal certificate is not from an accredited institution. The denial is entered pursuant to Arizona Code of Judicial Administration '7-208, Subsection (E) (5) (b) (1) (a). Further, the denial is based upon his failure to disclose a number of criminal convictions and misrepresentation of the status of a Virginia clemency petition. The denial is entered pursuant to Arizona Code of Judicial Administration '7-208, Subsection (E) (5) (b) (1) (c) and (E) (5) (b) (1) (d). Motion Passed. **LDP-03-227**

A **motion** was made by Judge Roland J. Steinle and seconded by Dr. Roger E. Hartley to deny Initial Business Entity Certification of Fast Bankruptcy based on Mr. Brown being the designated principal for the entity and his individual certification request being denied. Motion Passed. **LDP-03-228**

Linda Grau reported Wilson, Keller and Associates, LLC has submitted a complete application. However, there are pending administrative issues involving the designated principal, Leah Keller. The matters are confidential at this time. Linda Grau recommended deferral of Wilson, Keller and Associates, LLC. Leah Keller reported she currently files legal documents under her own individual certification and previously has hired a contractor who is individually certified, but in accordance with the Code she can no longer employ others until the initial business entity certification process is complete.

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Sturm to defer consideration of the Wilson, Keller and Associates, LLC application until the January meeting. Motion passed. **LDP-03-229**

Linda Grau reported The Patriot Group, Inc. initial business entity application was previously deferred to allow an opportunity for program staff to contact the Commonwealth of Pennsylvania Attorney General for information about the “Assurance of Voluntary Compliance” (AVC) entered into between the company, the designated principal Ronald Dunn, and the Commonwealth. Pennsylvania Assistant Attorney General John Abel advised the AVC was prompted by a series of consumer complaints and the resulting investigation of the Patriot Group business practices, and that the Commonwealth entered into the AVC in lieu of pursuing civil litigation or criminal prosecution. Additionally, the Arizona State Bar has UPL complaints which appear to reflect similar concerns. To date, the State Bar has taken no formal action. The Pennsylvania action was not disclosed on the application. The Board reviewed a copy of the Agreement and other corresponding exhibits. Ms. Grau recommended the application of The Patriot Group, Ronald Dunn and Myron Dunn be deferred until further investigation can be completed, including, but not limited to, contacting the Attorney General’s Office of the State of Arizona to determine if there are any pending actions or investigations involving consumer protection issues in the State of Arizona. Ronald Dunn addressed the Board and advised that prior to the beginning of the investigation by the Pennsylvania Attorney General’s Office there were no consumer complaints against The Patriot Group, Inc. Mr. Dunn stated complaints representing 1% of services provided surfaced only after news broadcasts. The Board questioned why the applications have just been filed now, instead of by the July 1, 2003 deadline. Mr. Dunn responded he only recently heard about the certification requirement. Mr. Dunn advised the company only needs certification to service previously established trusts.

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to defer consideration of The Patriot Group, Inc, Ronald Dunn and Myron Dunn until the January meeting. Motion passed. **LDP-03-230**

The following legal document preparers and business entities request they be granted Initial Individual/Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reports the applications are complete, demonstrate the minimum eligibility requirements have been met by the applicant, and no additional information has been presented during the background review, and recommends these applicants be granted certification:

Barton Stevens
Tamera Martin
Mary Clement
Christine Jerome
Mary Jo Randall
Edward Smith

Barton Stevens Special Needs Planning, LLC
Margaret Kramer
DK Advisors, PLC
Samantha Do
Anabel Wright
William MacKinnon

A **motion** was made by Judge Roland J. Steinle and seconded by J. Ward Sturm to grant Initial Individual/Business Certification to the applicants listed above, based on documentation provided showing they meet all qualifications for Initial Certification. Motion Passed. **LDP-03-231**

The following legal document preparer requested she be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau recommends certification be granted to this applicant.

Katherine O'Connor

A **motion** was made by Nancy Swetnam and seconded by Judge Roland J. Steinle to grant Initial Individual Certification to the applicant listed above, based on documentation provided showing she meets all qualifications for Initial Certification. Motion Passed. **LDP-03-232**

The following legal document preparer requested he be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau recommends certification be granted to this applicant and that he be advised not to prepared documents on behalf of a non-certified business entity.

Richard Lewis

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to grant Initial Individual Certification to the applicant listed above, based on documentation provided showing he meets all qualifications for Initial Certification and advise Mr. Lewis not to prepare documents on behalf of a non-certified business entity. Motion Passed. **LDP-03-233**

The following legal document preparer requested he be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau recommends certification be granted to this applicant.

Simon Wheaton-Smith

A **motion** was made by Margaret J. Kleinman and seconded by Dr. Roger E. Hartley 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-03-234**

The following legal document preparer requested she be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau recommends certification be granted to this applicant.

Judith Driver

A **motion** was made by Margaret J. Kleinman and seconded by Judge Roland J. Steinle to grant Initial Individual Certification to the applicant listed above, based on documentation provided showing she meets all qualifications for Initial Certification. Motion Passed. **LDP-03-235**

The following business entity requested it be granted Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau recommends the business entity application be granted and the designated principal be directed to publish and likewise distribute an acknowledgment which restates the LDP certification is not task specific to ALTCS/Medicaid planning services.

Montgomery & Associates, Inc.

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to grant Initial Business Entity Certification to the applicant listed above, based on documentation provided showing it meets all qualifications for Initial Certification and direct the designated principal to publish and likewise distribute an acknowledgement which restates the LDP certification is not task specific to ALTCS/Medicaid planning services. Motion Passed. **LDP-03-236**

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

Donald Weisenberger

Linda Grau advised she would be inclined to recommend denial based on the prior public censure. However, the Code does not appear to provide grounds for denial for this reason. Mr. Weisenberger was an elected Justice of the Peace who was in the process of being disciplined when he lost a bid for reelection. As a result of Mr. Weisenberger's lost reelection he was no longer able to be formally disciplined by the Supreme Court in his capacity as a Justice of the Peace. The Judiciary Commission made no findings but

recommended public censure and ordered Mr. Weisnberger to attend psychological counseling and 40 hours of training at the National Judicial College. Mr. Weisnberger did disclose the public censure on his application. The Board discussed the disciplinary action which was in regards to conduct related to ex parte communications, failure to perform duties, and improper judicial demeanor.

A motion was made by Nancy Swetnam to defer consideration until the January meeting for further information regarding the Commissions finding. Motion failed.

A **motion** was made J. Ward Sturm and seconded by Susan C. Vasquez to grant Initial Individual Certification to the applicant listed above, based on documentation provided showing he meets all qualifications for Initial Certification. Motion Passed. 9-1-1. Judge Roland J. Steinle Recused. **LDP-03-237**

The following legal document preparer requested she be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reports this application has previously been deferred twice in order to allow the applicant to submit supplemental information which demonstrates she meets the minimum eligibility requirements. The application and the two written statements presented by the applicant failed to establish that the minimum requirement is met. Therefore, Linda Grau recommends the Board review the contents of Ms. Pompa=s application and written statements regarding her experience to determine if she meets the minimum eligibility requirements under the Code.

Aida Pompa

A **motion** was made by Judge Roland J. Steinle and seconded by Margaret J. Kleinman to deny Initial Individual Certification of the applicant listed above based on her failure to meet the minimum eligibility requirements. The denial is entered pursuant to Arizona Code of Judicial Administration '7-208, Subsection (E) (5) (b) (1) (a). Motion Passed. **LDP-03-238**

The following legal document preparer requested he be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reports the supplemental statement provided by the applicant does not reflect he meets the minimum eligibility requirements and recommends this application be deferred to allow program staff an opportunity to contact Mr. West for more information regarding his qualifications.

Ronald West

A **motion** was made by Nancy Swetnam and seconded by Mary Carlton to defer the application to allow program staff an opportunity to contact Mr. West for more information regarding his qualifications. Motion Passed. **LDP-03-239**

The following business entity requested it be granted Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau advises there remain pending background review issues which support the need for clarification from the designated principal and recommends this application be deferred.

Valley Trust and Estate Planning Services

A **motion** was made by Nancy Swetnam and duly seconded to defer the application for additional information and acquisition of an individual application from the designated principal. Motion Passed. **LDP-03-240**

The following legal document preparer requested she be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau recommends this application be deferred.

Jane Rossi

A **motion** was made by Nancy Swetnam and seconded by Margaret J. Kleinman to defer this application pending the resolution of Fiduciary Program matters. Motion Passed. **LDP-03-241**

The following business entity requested it be granted Initial Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau recommends certification determination be deferred to allow the designated principal to submit a detailed description of the nature and scope of the work completed by the business entity related to the judicial process.

Christian Faith Fellowship Ministry, Inc.

A **motion** was made by Nancy Swetnam and seconded by Susan C. Vasquez to defer this application to allow the designated principal to submit a detailed description of the nature and scope of the work completed by the business entity related to the judicial process. Motion Passed. **LDP-03-242**

The following legal document preparer and business entity requested they be granted Initial Individual/Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau recommends certification determination for both the individual and business entity applications be deferred to allow the applicant an opportunity to provide additional information regarding a prior civil matter involving the business entity as well as to address the Board why the matter was not disclosed on the application.

Robert F. Hockensmith, PC

Suzette Hockensmith

A **motion** was made by Donald F. Steward and seconded by Vellia M. Pina to defer the applications Robert F. Hockensmith, PC and Suzette Hockensmith to allow the applicant an opportunity to provide additional information regarding a civil matter, as well as, to address to the Board why the matter was not disclosed on the application. Motion Passed. **LDP-03-243**

The following legal document preparer and business entity requested they be granted Initial Individual/Business Entity Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau recommends these applications be deferred for additional information.

Gerald Zukerman
Zukerman and Zukerman, A Professional Corporation

A **motion** was made by Virlynn Tinnell and duly seconded to defer for additional information. Motion Passed. **LDP-03-244**

The following legal document preparer requested he be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reports the applicant failed to disclose a 1999 conviction when applying. Subsequently, court records and a written statement have been received from the applicant and circulated to the Board for review. Linda Grau recommends, based on the details of the case, the recent conviction, and the applicant's failure to disclose that this application be denied.

Andrew Torres

A **motion** was made by Judge Roland J. Steinle and seconded by Virlynn Tinnell to deny Initial Individual Certification of the applicant listed above based on failure to provide full disclosure on the application and his prior conviction. The denial is entered pursuant to Arizona Code of Judicial Administration '7-208, Subsection (E) (5) (b) (1) (c) and (E) (5) (b) (1) (d). Motion Passed. **LDP-03-245**

Linda Grau reported the application received for Cicero Cast'On is his second request for initial individual certification. The first application was denied by the Board on July 28, 2003 pursuant to Arizona Code of Judicial Administration '7-208, Subsection (E) (5) (b) (1) (d) – prior convictions for Filing a False Document and Insurance Fraud. Mr. Cast'On did not request a hearing on the denial of his first application. The Cast'On Corporation application was also denied on July 28th, as Mr. Cast'On was the designated principal. At the hearing on the denial of the business entity application, Mrs. Cast'On was entered as the designated principal and the business entity certification was granted. Since the last application was processed, Mr. Cast'On has been found civically liable in a Kingman Justice Court case involving misrepresentation. The Court determined Mr. Cast'On made intentional misrepresentation of his qualifications in the settlement of an insurance claim. The Court detailed Mr. Cast'On's activities in the settlement endeavor in a minute entry,

noting the Court found Mr. Cast'On to be in violation of Arizona Supreme Court Rule 31 for engaging in the unauthorized practice of law. Ms. Grau's recommended that certification be denied is based on the prior document and fraud related convictions as well as the recent Court finding the applicant violated Rule 31 by misrepresenting himself as an attorney. The Board discussed Mr. Cast'On's convictions and his violation of Arizona Supreme Court Rule 31.

A **motion** was made by Dr. Roger E. Hartley and seconded by Mary Carlton to deny Initial Individual Certification to Cicero Cast'On based on prior documents and fraud related convictions, as well as the recent Court finding he violated Rule 31 by misrepresenting himself as an attorney. The denial is entered pursuant to Arizona Code of Judicial Administration '7-208, Subsection (E) (5) (b) (1) (d) and (E) (5) (b) (1) (h). Motion Passed. Virlynn Tinnell and J. Ward Sturm Recused. **LDP-03-246**

The following legal document preparer requested she be granted Initial Individual Certification based on documentation provided showing all qualifications for Initial Certification have been met. Linda Grau reports the applicant has not responded to the Board's request for additional information regarding consumer complaints received from the State Bar and the Superior Court in Maricopa County Presiding Court Judge. Linda Grau recommends, based on the Ms. Elwess= failure to respond to the Board=s request for information, that the application be deemed incomplete and denied.

Lisa Elwess

The Board discussed Ms. Lisa Elwess' (aka Lisa Crocker) failure to respond to the Board's request for information pertaining to State Bar UPL complaints, and noted the Petition for Cease and Desist Order, involving Ms. Elwess, approved by the Board earlier in this meeting.

A **motion** was made by Virlynn Tinnell and seconded by Dr. Roger E. Hartley to deny Initial Individual Certification to Lisa Elwess deeming the application incomplete. The denial is entered pursuant to Arizona Code of Judicial Administration '7-208, Subsection (E) (5) (b) (1) (b). Motion Passed. Donald F. Steward and Judge Roland J. Steinle Recused. **LDP-03-247**

The Board requested a discussion regarding setting internal policies and language on time allotted for individuals to respond to the Board's request for additional information be placed on the next agenda.

HEARING REGARDING DENIAL

Linda Grau reported counsel and the designated principal are present for the hearing regarding Associated Asset Management, Inc. The application was previously denied for being incomplete after two consecutive months of attempting, without avail, to receive additional information from a previously assigned designated principal. Following the

denial of the application, the company submitted a request for hearing and advised that the former designated principal no longer works for the entity. Associated Asset Management has submitted the individual application of the new designated principal, Margaret Kramer. All requested information has been received from the entity. Margaret Kramer was granted certification earlier during the meeting. Christine Baily, attorney for Associated Asset Management, Inc. addressed the Board regarding the previous designated principal, the new designated principal, and the nature of the business.

A **motion** was made by Nancy Swetnam and seconded by J. Ward Sturm to grant Initial Business Entity Certification to the applicant listed above, based on documentation provided showing it meets all qualifications for Initial Certification. Motion Passed. **LDP-03-248**

Review and Approval of Meeting Minutes

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to adopt the Executive Session minutes of November 17, 2003, as amended in Executive Session. Motion Passed. J. Ward Sturm and Vellia M. Pina Recused. **LDP-03-249**

Review and discussion of Arizona Code of Judicial Administration ' 7-208 (H)(1)(c) and request for the Board to petition the Superior Court for Cease and Desist Orders regarding Lisa Elwess (aka Lisa Crocker), Kimberly Denmark, Joseph Estrada, and Richard Wilens; non-certified individuals who are engaging in legal document preparation without certification (continued)

A **motion** was made Judge Roland J. Steinle and seconded Donald F. Steward to defer consideration of the Cease and Desist Order for Joseph Estrada, and further have a subcommittee obtain further information. Judge Roland J. Steinle, Nancy Swetnam and Dr. Roger E. Hartley will make up the subcommittee. Motion Passed. **LDP-03-250**

Report and recommendations regarding Continuing Education course credit approval

Linda Grau reported the following continuing education events have been submitted for Board approval of credit:

1. The Probate Process from Start to Finish in Arizona, presented by the National Business Institute on November 18, 2003. Recommended approval for up to 6.5 hours of continuing education credit, including 1 hour of ethics.
2. Advanced Legal Drafting for Arizona Paralegals, presented by the Institute for Paralegal Education on February 2, 2004. Recommended approval for hour-for-hour credit for verified attendance of Continuing Education credit.

3. Choice of Business Entity in Arizona: How to Do it Right, presented by the National Business Institute on December 9, 2003. Recommended approval for hour-for-hour credit for verified attendance of Continuing Education credit.
4. International Trademark Filing, presented by the Arizona Paralegal Association on November 11, 2003. Recommended approval for hour-for-hour credit for verified attendance of Continuing Education credit.
5. Mechanics Lien law and Strategies in Arizona, presented by the National Business Institute on January 22, 2004. Recommended approval for hour-for-hour credit for verified attendance of Continuing Education credit.
6. Legal Considerations in Starting a Franchise in Arizona, presented by the National Business Institute on January 27, 2004. Recommended approval for hour-for-hour credit for verified attendance of Continuing Education credit.
7. Spousal Support in Arizona Divorce Proceedings, presented by the National Business Institute on February 4, 2004. Recommended approval for hour-for-hour credit for verified attendance of Continuing Education credit.
8. Advanced State Planning Techniques in Arizona, presented by the National Business Institute on February 23, 2004. Recommended approval for hour-for-hour credit for verified attendance of Continuing Education credit.
9. Arizona Probate: Beyond the Basics, presented by the National Business Institute on April 13, 2004. Recommended approval for hour-for-hour credit for verified attendance of Continuing Education credit.
10. Limited Liability Company Update in Arizona, presented by the National Business Institute on March 11, 2004. Recommended approval for hour-for-hour credit for verified attendance of Continuing Education credit.
11. Arizona Elder Law, presented by the National Business Institute on December 15, 2003. Recommended approval for hour-for-hour credit for verified attendance of Continuing Education credit.
12. Estate Planning Fundamentals, presented by Sterling Education Services on February 4, 2004. Recommended approval for hour-for-hour credit for verified attendance of Continuing Education credit.

A **motion** was made by Nancy Swetnam and seconded by Virlynn Tinnell to approve the recommendations of the above listed Continuing Education course credit. Motion Passed. **LDP-03-251**

REPORT REGARDING PENDING COMPLAINTS

Review and recommendations regarding pending certificate holder complaint numbers 03-L022, 03-L027, and 03-L032.

A **motion** was made by Judge Roland J. Steinle and seconded by Nancy Swetnam to defer consideration until January to allow the Board an opportunity to review materials presented. Motion Passed. **LDP-03-252**

Request for issuance of subpoenas in certificate holder complaint numbers 03-L007, 03-L008, 03L0009, 03-L010,03-L033, and 03-L035.

Linda Grau reported the six complaints involve four certificate holders and have been reviewed and deemed necessary by Douglas Brooks, Nina Preston and the Attorney General's Office. In order to complete the investigation, additional documentation is needed from certificate holders which the Program has been unable to secure from the certificate holders. Ms. Grau requested the Board authorize Judge Roland J. Steinle to sign four subpoena numbers LDP-SUB-2003-002, LDP-SUB-2003-003, LDP-SUB-2003-004 and LDP-SUB-2003-005.

A **motion** was made by Nancy Swetnam and seconded by J. Ward Sturm to authorize Judge Roland J. Steinle to sign the above referenced subpoenas. Motion Passed. **LDP-03-253**

Call to the Public

There was no response.

Adjournment

A **motion** was made by Nancy Swetnam and seconded by Vellia M. Pina to adjourn. Motion passed. **LDP-03-254**

The meeting of the Board of Legal Document Preparers adjourned at 1:53 p.m.