



FIDUCIARY BOARD

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Hearing Room 109

September 8, 2016
10:30 a.m.

Draft Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Deborah Primock
Gary Krcmarik
Elaine Sweet
Catherine Robbins

Telephonically Present:

Honorable Jay Polk
Leonard Montanaro
Emily Kile
Teresa Lancaster

Absent:

Diana Corry

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Debbie MacDougall
Pasquale Fontana
Sheryll Prokop
Hal White
Arnita Oliver

Guests:

Taryn Hoover
Christina Lauro
Raena Honan
Kim Duprest
Natalig Lal
Natalie Hyde
Vinay Singh
Rachel Murguia
Matt Dana

CALL TO ORDER

Called to Order By: Deborah Primock, Chair

Time: 10:32 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review and approval of regular minutes for the meeting of July 14, 2016.*

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Consideration of and motion to approve the regular session minutes of the meeting of July 14, 2016.

Motion Proposals: First Gary Krcmarik
Second Elaine Sweet

Motion Results: Pass

1-B: *Review and approval of regular minutes for the meeting of August 1, 2016.*

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Consideration of and motion to approve the regular session minutes of the meeting of August 1, 2016.

Motion Proposals: First Elaine Sweet
Second Gary Krcmarik

Motion Results: Pass

2) PENDING COMPLAINTS/RENEWAL OF LICENSURE:

2-A: *Review, discussion and possible action regarding complaint number 16-0001, involving license holder, James Otis.*

Individual Addressing the Board: Mark Wilson

Discussion: Staff recommends the Board accept the determination of the Probable Cause Evaluator and dismiss complaint number 16-0001.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Leonard Montanaro

Motion Results: Pass

2-B: Review, discussion and possible action regarding complaint numbers 15-0017 and 15-0018, involving license holders Care Coordinators, Inc. and Peggy Van Norman.

Individual Addressing the Board: Mark Wilson

Discussion: Staff recommends the Board accept the determination of the Probable Cause Evaluator and dismiss complaint numbers 15-0017 and 15-0018.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Elaine Sweet

Motion Results: Pass

2-C: Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation in complaint number 15-0024, involving Mario Gonzales.

Individual Addressing the Board: Mark Wilson

Discussion: The Request for Hearing having been withdrawn, Staff recommends that the Board find Mario Gonzales in default and enter a Final Order revoking the licensure of Mario Gonzales; and issue a Cease and Desist Order enjoining Gonzales from representing himself to the public as a licensed fiduciary.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Catherine Robbins

Motion Results: Pass

2-D: Review, discussion and possible actions regarding complaint number 15-0025:

- i. Involving Sierra Huachuca ARC, Inc.;**
and
- ii. Request to withdraw renewal application involving Sierra Huachuca ARC, Inc.**

Individual Addressing the Board: Mark Wilson

Discussion: The Division recommends that SHARC be allowed to withdraw its renewal application and complaint number 15-0025 be held in abeyance.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Emily Kile

Motion Results: Pass

3) INITIAL LICENSURE AND ELIGIBILITY:

3-A: Review, discussion and possible action regarding the following applications for initial individual licensure:

- 1. Jeanne Vatterott-Gale
- 2. Mathew Dana
- 3. Christina Lauro

Individual Addressing the Board: Mark Wilson

Discussion: Staff recommends initial fiduciary licensure for Jeanne Vatterott-Gale.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Elaine Sweet

Motion Results: Pass

Individual Addressing the Board: Mark Wilson

Discussion: Division staff recommends that the Board deny licensure to Mr. Dana based on the following:

- 1. For his failure to disclose information on the certification application subsequently revealed through the background

check, for the Order of Informal Reprimand and Costs issued by the State Bar of Arizona on July 9, 2007, and for the civil lawsuits, pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(xv).

2. For making false or misleading oral or written statements to division staff regarding the reasons for nondisclosure of the State Bar Discipline action and the reasons for nondisclosure of the civil lawsuits, in particular the 2014 employment dispute action pursuant to ACJA § 7-201 (E)(2)(c)(2)(b)(xiv).

Mathew Dana is present and addresses the Board.

Motion: Consideration of and motion to accept staff's recommendation denying licensure to Mr. Dana.

Motion Proposals: First Catherine Robbins
Second Gary Krcmarik

Motion Results: Pass

Individual Addressing the Board: Mark Wilson

Discussion: Staff recommends that the Board grant Ms. Lauro initial licensure as a fiduciary.

Christina Lauro is present and addresses the Board.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Elaine Sweet
Recused Catherine Robbins

Motion Results: Pass

3-B: Review, discussion and possible action regarding the following application for Initial business licensure:

Garcia Fiduciary Group, LLC

Individual Addressing the Board: Mark Wilson

Discussion: The Garcia Fiduciary Group, LLC, has meet the minimum qualifications for licensure and staff recommends licensure of Garcia Fiduciary Group, LLC.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Catherine Robbins
Motion Results: Pass

4) RENEWAL OF LICENSURE APPLICATIONS:

4-A: *Review, discussion and possible action regarding the following applications for renewal of individual licensure:*

1. Donna Allison-Howard
2. Samuel Anderson
3. Steven Anderson
4. Nicole Arrow
5. Walter Bache
6. John Barkley
7. Pamela Bensmiller
8. Tracy Boen
9. Royal Bouschor II
10. Lori Braddock
11. Chelsea Brandes
12. Raymond Briggs
13. Milly Briggs
14. Antonella Campos
15. Joe Cannon
16. Katrina Chavez
17. Linda Childress
18. James Clark
19. Krista Cline
20. Jason Cobb
21. Carole Collins
22. Crismon Cooper Love
23. Iris Crawford Bush
24. Stephen Cundiff
25. Donovan Curley
26. Peggy Dovico- JP
27. Jeanne Drabiak
28. Lisa Drutz
29. Charles Dyer
30. Ernest Echeverria
31. Belvet Elsouhag
32. Patricia Espinoza
33. Barbara Ficker
34. Robert Ficker
35. Virginia Flores

36. Dawn Garcia
37. Rhonda Garcia
38. Nora Garza
39. Cindy Gonzalez
40. Glenn Hall
41. Robert Harner
42. Vivian Hartless
43. Vicki Haviland
44. Harold Hawkins
45. Natalie Hyde
46. Rochelle Hoekstra
47. Sarah Holcomb
48. Jared Holland
49. Deborah Holliday
50. Raena Honan
51. Anton Janik
52. Claudia Johnson
53. Dianne Keethe
54. Linda Kohl
55. Sabrina Lamb
56. Kathleen Lawson
57. Christopher Leas
58. Clark Leuthold
59. Sherrel Lines
60. John Lloyd III
61. Eric Macdonald
62. Sean McCoy
63. Cecilia Mejia
64. Robin Michaelson
65. Karen Miller
66. Valerie Mills
67. Kathleen Moriarity
68. Rachel Murguia
69. Joseph Noviello
70. Constance Olsen
71. Jeff Ozuna
72. Lew-Ann Perry
73. Pamela Phillips
74. Dian Pimental
75. Hanna Pisiak-Kusiak
76. Tiffany Poarch
77. Deborah Primock
78. Claudia Ramirez
79. Darra Rayndon
80. Eliza Read
81. Sherry Reed

82. Ellen Riddick
83. J.R. Rittenhouse-JP
84. Autumn Rodgers
85. Geraldine Roll
86. Candy Ruby
87. Jeannean Sabatina
88. Nicole Sabatina
89. Mark Sanelli
90. Dawn Savattone
91. Nicole Schwartz
92. Marion Shontz
93. Laura Short
94. Vinay Singh
95. Carol Soderquist
96. Stephanie Soumis
97. Christopher Stubler
98. Jennifer Stupski
99. Rashida Suminski
100. Beverly Tencza
101. Brian Tetrault
102. Carol Ann Thompson
103. Kurt Tittelbach
104. Shari Tomlinson
105. Bradley Torch
106. Michael Tucker
107. Amanda Ubiebor
108. Dorothy Vallely
109. Dawn Walters
110. Theresa Whitfield
111. Scott Whitney
112. Heather Winters Bull
113. Melissa Woodburn
114. Sandra Wyrick
115. Tesheena Yazzie
116. Roger Landis
117. Diane Prescott
118. William Williams

Individual Addressing the Board: Mark Wilson

Discussion: It is recommended renewal of standard licensure be granted to the following applicants:

1. Donna Allison-Howard
2. Samuel Anderson
3. Steven Anderson

4. Nicole Arrow
5. Walter Bache
6. John Barkley
7. Pamela Bensmiller
8. Tracy Boen
9. Royal Bouschor II
10. Lori Braddock
12. Raymond Briggs
13. Milly Briggs
14. Antonella Campos
16. Katrina Chavez
18. James Clark
19. Krista Cline
21. Carole Collins
22. Crismon Cooper Love
24. Stephen Cundiff

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Teresa Lancaster
 Second Gary Kremarik

Motion Results: Pass

Individual Addressing the Board: Mark Wilson

Discussion: It is recommended renewal of standard licensure be granted to the following applicants:

27. Jeanne Drabiak
28. Lisa Drutz
30. Ernest Echeverria
31. Belvet Elsouhag
32. Patricia Espinoza
33. Barbara Ficker
34. Robert Ficker
35. Virginia Flores
36. Dawn Garcia
37. Rhonda Garcia
38. Nora Garza
40. Glenn Hall
42. Vivian Hartless
43. Vicki Haviland
44. Harold Hawkins
46. Rochelle Hoekstra

47. Sarah Holcomb
48. Jared Holland
49. Deborah Holliday
50. Raena Honan
51. Anton Janik
52. Claudia Johnson
53. Dianne Keethe
54. Linda Kohl
55. Sabrina Lamb
56. Kathleen Lawson
57. Christopher Leas
58. Clark Leuthold
59. Sherrel Lines
60. John Lloyd III
61. Eric Macdonald
62. Sean McCoy
63. Cecilia Mejia
64. Robin Michaelson
65. Karen Miller
66. Valerie Mills
67. Kathleen Moriarity
69. Joseph Noviello
70. Constance Olsen
71. Jeff Ozuna
72. Lew-Ann Perry
73. Pamela Phillips
74. Dian Pimental
75. Hanna Pisiak-Kusiak
76. Tiffany Poarch
78. Claudia Ramirez
79. Darra Rayndon
80. Eliza Read
81. Sherry Reed
85. Geraldine Roll
86. Candy Ruby
87. Jeannean Sabatina
88. Nicole Sabatina
89. Mark Sanelli
91. Nicole Schwartz
92. Marion Shontz
93. Laura Short
95. Carol Soderquist
97. Christopher Stubler

- 98. Jennifer Stupski
- 99. Rashida Suminski
- 100. Beverly Tencza
- 102. Carol Ann Thompson
- 103. Kurt Tittelbach
- 104. Shari Tomlinson
- 105. Bradley Torch
- 106. Michael Tucker
- 108. Dorothy Vallely
- 109. Dawn Walters
- 110. Theresa Whitfield
- 111. Scott Whitney
- 112. Heather Winters Bull
- 113. Melissa Woodburn
- 115. Tesheena Yazzie

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Leonard Montanaro
 Second Elaine Sweet

Motion Results: Pass

Individual Addressing the Board: Mark Wilson

Discussion: It is recommended renewal of standard licensure be granted to the following applicants:

- 11. Chelsea Brandes
- 15. Joe Cannon
- 17. Linda Childress
- 23. Iris Crawford Bush
- 25. Donovan Curley
- 39. Cindy Gonzalez
- 45. Natalie Hyde
- 68. Rachel Murguia
- 82. Ellen Riddick
- 84. Autumn Rodgers
- 94. Vinay Singh
- 96. Stephanie Soumis
- 101. Brian Tetrault
- 107. Amanda Ubiebor
- 114. Sandra Wyrick

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Judge Jay Polk
Second Teresa Lancaster
Recused Catherine Robbins
Motion Results: Pass

Individual Addressing the Board: Mark Wilson

Discussion: It is recommended renewal of standard licensure be granted to the following applicants:

- 20. Jason Cobb
- 29. Charles Dyer
- 41. Robert Harner
- 77. Deborah Primock
- 90. Dawn Savattone

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Leonard Montanaro
Recused Deborah Primock
Motion Results: Pass

Individual Addressing the Board: Mark Wilson

Discussion: It is recommended renewal of standard licensure be granted to the following applicants:

- 26. Peggy Dovico
- 83. J.R. Rittenhouse

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Leonard Montanaro
Second Teresa Lancaster
Recused Deborah Primock and Judge Jay Polk
Motion Results: Pass

Individual Addressing the Board: Mark Wilson

Discussion: It is recommended renewal of standard licensure be granted to the following applicants:

- 116. Roger Landis

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Elaine Sweet

Motion Results: Pass

Individual Addressing the Board: Mark Wilson

Discussion: It is recommended renewal of standard licensure be granted to the following applicants:

117. Diane Prescott

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Leonard Montanaro

Motion Results: Pass

Individual Addressing the Board: Mark Wilson

Discussion: It is recommended renewal of standard licensure be granted to the following applicants:

118. William Williams

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Elaine Sweet

Motion Results: Pass

4-B: Review, discussion and possible action regarding renewal of inactive status for the following licensed fiduciaries:

1. Susan Ann Cooper
2. Kathryn Munro
3. Cathy Simons
4. Rena Marie Steele
5. Vergel Tan

Individual Addressing the Board: Mark Wilson

Discussion: Therefore, it is recommended granting renewal of inactive status licensure to the following licensees:

2. Kathryn Munro
3. Cathy Simons
5. Vergel Tan

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Teresa Lancaster

Motion Results: Pass

Individual Addressing the Board: Mark Wilson

Discussion: Therefore, it is recommended to grant renewal of inactive status licensure to the following licensees:

1. Susan Ann Cooper
4. Rena Marie Steele

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Elaine Sweet
Recused Catherine Robbins

Motion Results: Pass

4-C: *Review, discussion and possible action regarding request to waive CE requirement and renew inactive status for licensed fiduciary, Richard Vanderheiden.*

Individual Addressing the Board: Mark Wilson

Discussion: Division recommends the Board accept the request and waive Mr. Vanderheiden's continuing education for the 2014-2016 renewal cycle and grant renewal of Inactive Status Licensure.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Elaine Sweet

Motion Results: Pass

5) LICENSURE AND ELIGIBILITY:

5-A: Review, discussion and possible action regarding request to withdraw renewal application and/or voluntarily surrender licensure received from licensed fiduciary, Beverly Gloden.

Individual Addressing the Board: Mark Wilson

Motion: Move to go into Executive Session to receive advice of counsel and to discuss confidential information.

Motion Proposals: First Elaine Sweet
Second Gary Kremerik

Motion Results: Pass

Board Entered Executive Session:

11:48 a.m.

Return to Regular Session:

12:16 p.m.

Discussion: Staff recommends that the Board not accept Ms. Gloden's request to voluntarily surrender or withdraw her renewal application and to proceed with matters in due course.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Judge Jay Polk

Motion Results: Pass

6) ADMINISTRATIVE ISSUES:

6-A: Review, discussion and possible action regarding the establishment of the 2017 Board meeting schedule.

Individual Addressing the Board: Mark Wilson

Discussion: Therefore, it is recommended the 2017 meeting calendar be set as follows:

- January 12, 2017
- March 9, 2017
- May 11, 2017
- July 13, 2017

- September 14, 2017
- November 16, 2017

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Gary Kremerik

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Elaine Sweet
Second Catherine Robbins

Motion Results: Pass

Time: 12:20 p.m.

Initials: AO