



FIDUCIARY BOARD

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

November 14, 2013
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE

Present:

Deborah Primock-Chair
Catherine Robbins
Gary Krcmarik
Ted Evertsen
Sherry Reed
Emily Kile

Telephonically Present:

Leonard Montanaro
Mary Jane Baumgarten
Diana Corry
Hon. Jay Polk
Mark Rubin

Absent:

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Linda Grau
Debbie MacDougall
Kimberly Siddall
Anne Hunter
Pasquale Fontana
Emily Holliday
Rachel Rowland
Arnita Oliver

Guests:

Paul Omerza
Audrey Hanks
Stacey Johnson
Larry Scaringelli

CALL TO ORDER

Called to Order By: Deborah Primock, Chair

Time: 10:30 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review and approval of regular minutes for the meeting of September 12, 2013.*

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Move to approve regular session minutes for the meeting of September 12, 2013.

Motion Proposals: First Gary Krcmarik
Second Catherine Robbins

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: *Review, discussion and possible action regarding complaint number 13-0002 involving licensed fiduciaries Audrey Hanks and Professional Community Services, Inc.*

Individual Addressing the Board: Pasquale Fontana

Discussion: **Complaint Number 13-0002-Audrey Hanks and Professional Community Services, Inc.**

On February 15, 2013, the Division received a complaint alleging that PCS filed documents in the Superior Court that were untrue about the complainant, the adult child of a ward, in a manner that displayed negligence and a lack of due diligence on the part of PCS.

The matter was investigated and the investigations revealed the pleading underlying the complaint omitted facts which would be necessary to understand the nature of the events described.

On July 12, 2013, Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists as to the allegation.

It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint no. 12-0002

Motion: Move to decline the findings of the Probable Cause Evaluator and dismiss the complaint.

Motion Proposals: First Catherine Robbins
Second Mark Rubin
Recuse Emily Kile

Motion Results: Pass

2-B: *Review, discussion and possible action regarding complaint number 10-0008 involving licensed fiduciary Jane Anne Geisler*

Individual Addressing the Board: Linda Grau

Discussion: **Complaint Number 10-0008 – Jane Ann Geisler**- The Division received this complaint on June 29, 2010. The complainant offered 16 allegations.

The matter was investigated and submitted for probable cause determination.

On November 1, 2013, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in complaint number 10-0008.

It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 10-0008.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Mark Rubin
Recused Emily Kile

Motion Results: Pass

3) **ADMINISTRATIVE ISSUES:**

3-A: *Update regarding complaints processed by diversion pursuant to Administrative Order 2012-83.*

Individual Addressing the Board: Debbie MacDougall

Discussion: No complaints to discuss at this time.

3-B: *Review, discussion, and possible action regarding the establishment of the 2014 Board meeting schedule.*

Individual Addressing the Board: Debbie MacDougall

Discussion: The Fiduciary Board is asked to consider and approve a 2014 meeting calendar. It is recommended that the 2014 calendar be set as follows:

- January 9, 2014
- March 13, 2014
- May 8, 2014
- July 10, 2014
- September 11, 2014
- November 13, 2014

Motion: Move to accept the meeting schedule as follows:

- January 9, 2014
- March 13, 2014
- May 8, 2014
- July 10, 2014
- September 11, 2014
- November 13, 2014

Motion Proposals: First Gary Krcmarik
Second Hon. Jay Polk

Motion Results: Pass

4) LICENSURE AND ELIGIBILITY:

4-A: *Review, discussion, and possible action regarding the request of Virginia Flores to retake the Fiduciary Licensing Examination*

Individual Addressing the Board: Kimberly Siddall

Discussion: Staff recommends the Board permit Ms. Flores to retake the written examination for the fourth time.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Mary Jane Baumgarten

Motion Results: Pass

5) INITIAL LICENSE APPLICATIONS:

5-A: *Interview with and possible action regarding pending application for applicant Philip DeVico.*

Individual Addressing the Board: Wendy Reiter

Discussion: Defer until next board meeting in January.

Motion: Move to defer interview with Philip DeVico until the next board meeting in January.

Motion Proposals: First Mark Rubin
Second Emily Kile
Recuse Hon. Jay Polk

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Gary L Kremarik
Second Mary Jane Baumgarten

Motion Results: Pass

Time: 11:27 a.m.

Initials: AO