



# FIDUCIARY BOARD

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

**March 12, 2015**  
**10:30 A.M.**

## Approved Regular Meeting Minutes

### MEMBER ATTENDANCE:

**Present:**

Deborah Primock  
Elaine Acosta Sweet  
Catherine Robbins

**Telephonically Present:**

Leonard Montanaro  
Judge Jay Polk  
Mark Rubin  
Diana Corry

**Absent:**

Gary Krcmarik  
Sherry Reed  
Emily Kile

### OTHER ATTENDEES:

**AOC Staff:**

Mark Wilson  
Michelle Martinez  
Debbie MacDougall  
Kimberly Siddall  
Ann Hunter  
Pasquale Fontana  
Hal White  
Bill MacIntyre  
Armita Oliver

**Guests:**

Craig Sletten  
Jeffrey Manley

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**CALL TO ORDER**

*Called to Order By:* Deborah Primock, Chair

*Time:* 10:31 a.m.

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**1) REVIEW AND APPROVAL OF MINUTES:**

**1-A:** *Review, discussion, and possible action regarding the regular session minutes of the meeting held on November 13, 2014.*

*Individual Addressing the Board:* Deborah Primock

*Discussion:* None

*Motion:* Move to accept the regular session minutes of November 13, 2014.

*Motion Proposals:* First Catherine Robbins  
Second Elaine Acosta Sweet

*Motion Results:* Pass

**1-B:** *Review, discussion and possible action regarding the regular session minutes of the meeting held on January 8, 2015*

*Individual Addressing the Board:* Deborah Primock

*Discussion:* None

*Motion:* Move to accept the regular session minutes of January 8, 2015.

*Motion Proposals:* First Judge Polk  
Second Leonard Montanaro

*Motion Results:* Pass

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**2) PENDING COMPLAINTS/RENEWAL OF LICENSURE:**

**2-A:** *Review, discussion, interview and possible action regarding Stephanie McCollum concerning complaint number 09-0007.*

*Discussion:* This agenda item is deferred until the next meeting.

**2-B: Review, discussion and possible action regarding Gregory DoVico and Southwest Fiduciary, Inc., settlement proposal concerning complaint number 13-0004 and applications for renewal of licensure.**

**Individual Addressing the Board:** Pasquale Fontana

**Discussion:** **Complaint No. 13-0004** – Gregory DoVico and Southwest Fiduciary, Inc.:

It is recommended that the board accept the settlement proposal and issue a Decree of Censure to Gregory DoVico and Southwest Fiduciary, Inc. proposal.

**Motion:** Move to accept the consent agreement and grant authority to Elaine Sweet to sign the consent agreement on behalf of the Board.

**Motion Proposals:** First Leonard Montanaro  
Second Diana Corry  
Recused Deborah Primock, Judge Polk and Catherine Robbins

**Motion Results:** Pass

**Discussion:** Gregory DoVico and Southwest Fiduciary, Inc. have pending renewal applications. Mr. DoVico disclosed that he and his company were named as defendants in a civil action filed in U.S. District Court by plaintiffs Grant Goodman and Karen Mothershed.

The complaint was dismissed and the Court ordered Goodman a vexatious litigant and issued a permanent injunction.

***It is recommend that the Board renew licensure to the above-named applicant.***

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Leonard Montanaro  
Second Diana Corry  
Recused Deborah Primock, Judge Polk and Catherine Robbins

**Motion Results:** Pass

**2-C: Review, discussion, and possible action regarding Mario Martinez and Fiduciary Solutions, complaint number 14-0001, 14-0002 and applications for renewal of licensure.**

**Individual Addressing the Board:** William MacIntyre

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Mario Martinez has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 14-0001 and 14-0002.

***It is further recommended the Board dismiss complaint numbers 14-0001 and 14-0002.***

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Catherine Robbins  
Second Judge Polk

**Motion Results:** Pass

**Discussion:** In addition, Mario Martinez and Fiduciary Solutions, LLC have pending renewal applications. Mr. Martinez failed to disclose that he and his company were named as defendants in a civil action filed with Maricopa County Superior Court. The complaint alleged that Martinez and Fiduciary Solutions were members of Rasmussen Properties, LLC and the fraud claims originally alleged were based on this factual predicate. The plaintiffs conceded that Martinez and Fiduciary Solutions were not members of Rasmussen Properties, LLC and as a consequence did not include them as parties in the Second Amended Complaint. The court dismissed the original fraud claims brought against Martinez and Fiduciary Solutions, LLC without prejudice. Mr. Martinez stated that he failed to disclose the action because he was served with the action after he filed his renewal application.

***Therefore, it is recommended to grant renewal of licensure to Mario Martinez and Fiduciary Solutions, LLC.***

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Catherine Robbins

**Motion Results:** Pass

**2-D: Review, discussion, and possible action regarding Leslie Mann-Damon, complaint number 14-0003.**

**Individual Addressing the Board:** Bill MacIntyre

**Discussion:** **Complaint No. 14-0003** – Leslie Mann-Damon

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Leslie Mann-Damon has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-0003.

It is further recommended the Board dismiss complaint number 14-0003.

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Catherine Robbins  
Second Leonard Montanaro

**Motion Results:** Pass

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### 3) INITIAL LICENSURE ANE ELIGIBILITY:

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

1. Paul Melo
2. Virginia Flores
3. Donna Morrison
4. Nicolle Escalante
5. Bradley Torch

**Individual Addressing the Board:** Wendy Reiter

**Discussion:** It is recommended the Board grant initial fiduciary licensure to Paul Melo.

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Diana Corry

**Motion Results:** Pass

**Individual Addressing the Board:** Wendy Reiter

**Discussion:** It is recommended the Board grant initial fiduciary licensure to Virginia Flores, but include the following language regarding the applicant's failure to disclose in her notification of licensure:

*The Board has concluded its review of your application and determined you have satisfied the eligibility requirements for licensure. Although the Board is granting you licensure, the Board members have concerns regarding your failure to disclose your civil litigation. Lack of diligence is not a quality embraced by the Fiduciary Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of certification or disciplinary action.*

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Judge Polk  
Second Elaine Acosta Sweet

**Motion Results:** Pass

**Individual Addressing the Board:** Wendy Reiter

**Discussion:** It is recommended the Board allow Donna Morrison to withdraw her application.

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Judge Polk  
Recused Catherine Robbins

**Motion Results:** Pass

**Individual Addressing the Board:** Kimberly Siddall

**Discussion:** It is recommended the Board defer Nicolle Escalante until next meeting.

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Catherine Robbins  
Second Diana Corry

**Motion Results:** Pass

**Individual Addressing the Board:** Kimberly Siddall

**Discussion:** It is recommended the Board grant initial fiduciary licensure to Bradley Torch but include the following language regarding the applicant's failure to disclose in his notification of licensure:

*The Board has concluded its review of your application and determined you have satisfied the eligibility requirements for licensure. Although the Board is granting you licensure, the Board members have concerns regarding your failure to disclose your civil litigation. Lack of diligence is not a quality embraced by the Fiduciary Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of certification or disciplinary action.*

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Judge Polk

**Motion Results:** Pass

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**4) RENEWAL OF LICENSURE APPLICATIONS:**

**4-A: Review, discussion, and possible action regarding the following pending applications for renewal of individual and business licensed fiduciaries:**

1. Rena Steele
2. Jane Anne Geisler and Managed Protective Services Inc.
3. Catherine Robbins and Maricopa County Public Fiduciary
4. Patricia D. Hall
5. Apache County Public Fiduciary (Patricia D. Hall)

**Individual Addressing the Board:** Kimberly Siddall

**Discussion:** It is recommended to grant renewal of inactive licensure to the following applicant:

1. Rena Steele

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Leonard Montanaro  
Second Judge Polk

**Motion Results:** Pass

**Individual Addressing the Board:** Kimberly Siddall

**Discussion:** It is recommended to grant renewal of licensure to the following applicant:

2. Jane Anne Geisler

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Mark Rubin  
Second Leonard Montanaro  
Recused Judge Polk

**Motion Results:** Pass

**Individual Addressing the Board:** Kimberly Siddall

**Discussion:** It is recommended the Board grant renewal of licensure to be granted to the following individuals and business, but include the following language regarding the applicant's failure to disclose in her notification of licensure.

3. Catherine Robbins and Maricopa County Public Fiduciary

*The Board has concluded its review of your application and determined you have satisfied the eligibility requirements for licensure. Although the Board is granting you licensure, the Board members have concerns regarding your failure to disclose your civil litigation. Lack of diligence is not a quality embraced by the Fiduciary Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of certification or disciplinary action.*

**Motion:** Move to accept staff recommendation.

**Motion Proposals:** First Leonard Montanaro  
Second Mark Rubin  
Recused Judge Polk and Catherine Robbins

**Motion Results:** Pass

**Individual Addressing the Board:** Kimberly Siddall

**Discussion:** It is recommended the Board grant renewal of licensure to the following applicants:

4. Patricia D. Hall
5. Apache County Public Fiduciary (Patricia D. Hall)

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Catherine Robbins

*Motion Results:* Second Judge Polk  
Pass

**4-B:** *Interview, review, discussion, and possible action regarding the pending application for renewal of Jeff Manley.*

*Individual Addressing the Board:* Kimberly Siddall

*Discussion:* Jeff Manley is present and addresses the Board.

It is recommended the Board deny Mr. Manley's application for renewal.

*Motion:* Move to accept staff recommendation and deny Mr. Manley's application.

*Motion Proposals:* First Catherine Robbins  
Second Judge Polk

*Motion Results:* Pass

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**5) LICENSURE AND ELIGIBILITY:**

**5-A:** *Review, discussion, and possible action regarding request for placement on inactive status received from Rebecca Ginsburg, license number 20423.*

*Individual Addressing the Board:* Kimberly Siddall

*Discussion:* It recommended the Board accept the request of Ms. Ginsburg to be placed on inactive status.

*Motion:* Move to accept staff's recommendation.

*Motion Proposals:* First Elaine Acosta Sweet  
Second Leonard Montanaro

*Motion Results:* Pass

**6) LICENSURE AND ELIGIBILITY:**

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

*Individual Addressing the Board:* Debbie MacDougall

**Discussion:** There are no complaints that have been processed by diversion to report at this time.

**6-B: Update regarding closed complaints posted to the Fiduciary webpage.**

**Individual Addressing the Board:** Anne Hunter/Wendy Reiter

**Discussion:** Brief discussion and presentation of the closed 2014 complaints posted to the Fiduciary webpage.

**6-C: Nomination and election of the 2015 Fiduciary Board vice chair.**

**Individual Addressing the Board:** Debbie MacDougall

**Discussion:** Gary Krcmarik and Catherine Robbins were nominated.

**Motion:** Motion to nominate Catherine Robbins to continue as vice chair for 2015.

**Motion Proposals:** First Leonard Montanaro  
Second Judge Polk

**Motion Results:** Pass

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**CALL TO THE PUBLIC**

**Individuals Addressing the Board:** Mark Wilson

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**ADJOURNMENT**

**Motion:** Move to adjourn.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Catherine Robbins

**Motion Results:** Pass

**Time:** 11:53 a.m.

Initials: AO