



# FIDUCIARY BOARD

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

**July 9, 2015**  
**10:30 a.m.**

## **Approved Regular Meeting Minutes**

### **MEMBER ATTENDANCE:**

#### **Present:**

Deborah Primock-Chair  
Elaine Acosta Sweet  
Gary Kreमारिक  
Catherine Robbins

#### **Telephonically Present:**

Mark Rubin  
Diana Corry  
Leonard Montanaro  
Honorable Jay Polk  
Sherry Reed

#### **Absent:**

Emily Kile

### **OTHER ATTENDEES:**

#### **AOC Staff:**

Mark Wilson  
Michelle Martinez  
Debbie MacDougall  
Anne Hunter  
Wendy Reiter  
Sheryll Prokop  
Hal White  
William MacIntyre  
Arnita Oliver

#### **Guests:**

Jennifer L. Thompson  
Zena L. Hudgins  
Bonnie Stalling  
Leslie Riley  
Martin Lawn  
Amanda  
Shawnie Patterson  
Joe  
Leslie Mann-Damon  
Brian Starr  
Stephen Cundiff

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**CALL TO ORDER**

*Called to Order By:* Deborah Primock, Chair

*Time:* 10:32 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 May 21, 2015.*

*Individual Addressing the Board:* Deborah Primock

*Discussion:* None

*Motion:* Move to accept the regular session minutes of the meeting on May 21, 2015.

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

*Motion Results:* Pass

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

**2-A:** *Review, discussion, and possible action regarding complaint number 10-0016 involving license holder, Anita Royal.*

*Individual Addressing the Board:* Wendy Reiter

*Discussion:* Complaint Number 10-0016 - Anita Royal: On November 17, 2010, the Division received a written complaint against Ms. Royal containing the following allegations:

1. Anita Royal (“Royal”) failed to segregate seized but disputed assets.
2. Royal invested seized assets without complying with statutory requirements so that the funds that had previously been held in guaranteed bank deposit investments decreased in value due to stock market risk.

3. Royal spent seized assets on litigation, after the sanctions order assessing ownership to the ward was appealed and; without any court authorization, spent seized assets for the expenses of one of the parties to the disputed funds without knowing who the owner of the funds was.
4. Royal had ex-parte communications with the court not related to an emergency.
5. Royal seized assets rather than fulfill her duty to protect assets and ascertain ownership of assets.
6. Royal lied to a judge of Superior Court in contravention of Ethical Rules.
7. Royal demonstrated a lack of concern for truthfulness and veracity.

The matter was investigated and submitted for probable cause evaluation.

On June On June 26, 2015, Probable Cause Evaluator Baumstark entered a finding probable cause *does not exist* as to Allegations 1, 3, 4, 5, 6 and 7 and probable cause *does exist* as to Allegations 2A and 2B.

It is further recommended the Board dismiss Allegations 1, 3, 4, 5, 6 and 7 and issue a Letter of Concern regarding Allegations 2A and 2B.

**Motion:** Move to accept staff’s recommendation as to 2A only.

**Motion Proposals:** First Judge Jay Polk  
 Second Gary Krcmarik  
 Opposed Catherine Robbins  
 Recused Mark Rubin

**Motion Results:** Pass

**Motion:** The Board does not accept staff’s recommendation in regards to 2B, and moves that it be dismissed.

**Motion Proposals:** First Catherine Robbins  
 Second Judge Jay Polk  
 Recused Mark Rubin

**Motion Results:** Pass

**Motion:** Move to accept staff’s recommendation in dismissing Allegations 1, 2B, 3, 4, 5, 6, and 7 and issue a Letter of Concern as to Allegation 2A only.

**Motion Proposals:** First Gary Krcmarik  
 Second Elaine Sweet

Opposed Catherine Robbins  
Recused Mark Rubin

**Motion Results:** Pass

**2-B: Review, discussion and possible action regarding complaint number 10-0004, involving license holder, James Clark.**

**Individual Addressing the Board:** Hal White

**Discussion:** Complaint Number 10-0004 – James Clark: On March 30, 2010, the Division received a written complaint against Mr. Clark working for East Valley Fiduciary Services which contained the following allegation:

1. Clark did not communicate with the Cheslers, heirs to Grayce’s estate.

The matter was investigated and submitted for probable cause evaluation.

On June 26, 2015, Probable Cause Evaluator Baumstark entered a finding probable cause *does not exist* as to Allegation 1.

It is further recommended the Board dismiss complaint number 10-0004.

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

**Motion Proposals:** First Catherine Robbins  
Second Gary Krcmarik

**Motion Results:** Pass

**2-C: Review, discussion and possible action regarding complaint number 13-0012, involving license holder, Maricopa County Public Fiduciary.**

**Individual Addressing the Board:** Bill MacIntyre

**Discussion:** Complaint Number 13-0012 – *Maricopa County Public Fiduciary* – On October 22, 2013, the Division received a complaint alleging misconduct on the part of the MCPF.

Complainant alleged the MCPF was appointed unnecessarily to care for her son and, after appointment, engaged in a pattern of inappropriate care and mismanaged assets.

The case was investigated and on June 25, 2015, Probable Cause Evaluator Mike Baumstark found no probable cause exists for the allegations.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding MCPF has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 13-0012.

It is recommended the Board dismiss complaint number 13-0012.

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

**Motion Proposals:** First Leonard Montanaro  
Second Gary Krcmarik  
Recused Deborah Primock  
Recused Catherine Robbins

**Motion Results:** Pass

**2-D: Review, discussion and possible action regarding complaint number 14-0019, involving license holder, Patricia Flores; and application for renewal of licensure.**

**Individual Addressing the Board:** Bill MacIntyre

**Discussion:** Complaint Number 14-0019 – Patricia Flores - On December 26, 2014, the Division received a complaint alleging misconduct on the part of fiduciary Patricia Flores. Complainant alleged Flores breached her fiduciary duties by releasing funds without a court order.

The case was investigated and on June 8, 2015, Probable Cause Evaluator Mike Baumstark found no probable cause exists for the allegation.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Patricia Flores has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-0019.

It is further recommended the Board dismiss complaint number 14-0019.

In light of staff's recommendation with regard to complaint number 14-0019 and the disposition of the aforementioned civil litigation, staff's recommendation is to grant renewal of licensure to Patricia Flores.

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

**Motion Proposals:** First Mark Rubin  
Second Elaine Sweet

**Motion Results:** Pass

**2-E: Review, discussion and possible action regarding complaint number 14-0014, involving license holder, Leslie Mann-Damon.**

**Individual Addressing the Board:** Bill MacIntyre

**Discussion:** Complaint Number 14-0014 – Leslie Mann-Damon - On November 2, 2014, the Division received a complaint alleging misconduct on the part of fiduciary Leslie Mann-Damon. The complainant, daughter of Mann-Damon's ward, alleged Mann-Damon overbilled her mother's estate, falsified various information, caused emotional harm to the complainant's mother and refused to cooperate with the complainant.

The case was investigated and on June 25, 2015, Probable Cause Evaluator Mike Baumstark found no probable cause exists for the allegation.

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 14-0014.

It is further recommended the Board dismiss complaint number 14-0014.

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

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

**Motion Results:** Pass

**2-F: Review, discussion and possible action regarding complaint number 15-0001, involving license holder, Leslie Mann-Damon; and application for business licensure.**

**Individual Addressing the Board:** Bill MacIntyre

**Discussion:** Complaint Number 15-0001 – Leslie Man-Damon - On December 3, 2014, the Division received a second complaint alleging misconduct on the part of fiduciary Leslie Mann-Damon from the same complainant in 14-0014. Complainant, the daughter of Mann-Damon's ward, alleged

additional unethical fiduciary practices perpetrated by Mann-Damon against the complainant's mother.

The case was investigated and on June 25, 2015, Probable Cause Evaluator Mike Baumstark found no probable cause exists for the allegation.

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 15-0001.

It is further recommended the Board dismiss complaint number 15-0001.

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

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

**Motion Results:** Pass

**Discussion:** Next Step for Families, LLC (Designated Principal, Leslie Mann-Damon) – On the application for certification, Ms. Mann-Damon disclosed a previous complaint, being the plaintiff in an order of protection and the defendant in civil litigation all related to her fiduciary administration of the probate proceedings referenced in complaint numbers 14-0014 and 15-0001. In addition, she disclosed having been the plaintiff in an order of protection filed during divorce proceedings in 2009. No matters relevant to licensure other than those addressed in the aforementioned complaints were identified in the business entity application.

In light of the staff's recommendation in complaint numbers 14-0014 and 15-0001, it is recommended that the Board grant initial fiduciary business entity licensure to Next Step for Families, LLC.

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

**Motion Proposals:** First Catherine Robbins  
Second Gary Krcmarik

**Motion Results:** Pass

**2-G: Review, discussion and possible action regarding complaint number 11-0006, involving license holder, Maricopa County Public Fiduciary.**

**Individual Addressing the Board:** Anne Hunter

**Discussion:** Complaint Number 11-0006 – Maricopa County Public Fiduciary - On May 27, 2011 the Division received a complaint alleging misconduct on the part of the Maricopa County Public Fiduciary (the MCPF) as follows:

1. The complainant, court appointed attorney for the ward, alleged the MCPF filed an Annual Report of Guardian late.
2. The complainant alleged that MCPF failed to notify the ward’s attorney of the ward’s inpatient treatment.
3. The complainant alleged, failed to provide the ward’s attorney with an Annual Report of Guardian and other records,
4. The complainant alleged, that MCPF failed to maintain mental health treatment authority for the ward.

An investigation was conducted and the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. On July 2, 2015, Probable Cause Evaluator Baumstark entered a finding probable cause *does not exist* as to Allegation 3, and probable cause *does exist* as to Allegations 1, 2, and 4.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding the MCPF has not committed the alleged act of misconduct in regards to Allegation 3, and has committed the alleged acts of misconduct in regards to Allegations 1, 2, and 4.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) for acts of misconduct involving ACJA § 7-202 (J)(2)(e) and (J)(8), A.R.S § 14-5312.01(D), and Arizona Rules of Probate Procedure Rule 36(A)(1) and issue a Letter of Concern.

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

**Motion Proposals:** First Elaine Sweet  
Second Gary Krmarik  
Recused Catherine Robbins

**Motion Results:** Pass

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**3) INITIAL LICENSURE AND ELIGIBILITY:**

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

**1. William D. Howsden**

2. *John Paul Tully*
3. *Edward Jerome Laber*
4. *Jennifer Sodaro*
5. *Richard Cox*

**Individual Addressing the Board:** Sheryll Prokop

**Discussion:** It is recommended the Board grant initial fiduciary licensure to the following applicants:

1. William D. Howsden
2. John Paul Tully

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

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

**Motion Results:** Pass

**Individual Addressing the Board:** Sheryll Prokop

**Discussion:** It is recommended the Board grant initial fiduciary licensure to the following applicant:

3. Edward Jerome Laber

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

**Motion Proposals:** First Mark Rubin  
Second Judge Jay Polk

**Motion Results:** Pass

**Individual Addressing the Board:** Wendy Reiter

**Discussion:** It is recommended the Board grant initial fiduciary licensure to the following applicant:

4. Jennifer Sodaro

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

**Motion Proposals:** First Mark Rubin  
Second Gary Krcmarik  
Opposed Leonard Montanaro, Sherry Reed, Jay Polk, Diana Corry, Elaine Sweet, Deborah Primock  
Abstain Catherine Robbins

**Motion Results:** The Board denies initial licensure to Jennifer Sodaro.

**Individual Addressing the Board:** Hal White

**Discussion:** It is recommended the Board grant initial fiduciary licensure to the following applicant:

5. Richard Cox

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

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

**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 fiduciary:*

##### 1. Brian Bjorndahl

**Individual Addressing the Board:** Wendy Weiter

**Discussion:** It is recommended the Board invite Mr. Bjorndahl to next the meeting.

**Motion:** Move to invite Mr. Bjorndahl to the next meeting.

**Motion Proposals:** First Gary Kremerik  
Second Elaine Sweet

**Motion Results:** Pass

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#### 5) LICENSURE AND ELIGIBILITY:

**5-A:** *Review, discussion, and possible action regarding the request of Yvonne Stallings to retake the Fiduciary Licensing Examination.*

**Individual Addressing the Board:** Anne Hunter

**Discussion:** Staff recommends the Board permit Ms. Stallings to retake the examination for the fourth time.

**Motion:** Move to allow Ms. Stallings to retake the Fiduciary Licensing Examination.

**Motion Proposals:** First Gary Krcmarik  
Second Catherine Robbins

**Motion Results:** Pass

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## CALL TO THE PUBLIC

**Individuals Addressing the Board:** Catherine Robbins

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## ADJOURNMENT

**Motion:** Move to adjourn.

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

**Motion Results:** Pass

**Time:** 11:50 a.m.

Initials: AO