



# FIDUCIARY BOARD

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

**January 14, 2016**  
**10:30 a.m.**

## **Approved Regular Meeting Minutes**

### **MEMBER ATTENDANCE:**

#### **Present:**

Deborah Primock  
Elaine Sweet  
Catherine Robbins

#### **Telephonically Present:**

Sherry Reed  
Leonard Montanaro  
Mark Rubin  
Gary Krcmarik  
Diana Corry  
Emily Kile

#### **Absent:**

Honorable Jay Polk

### **OTHER ATTENDEES:**

#### **AOC Staff:**

Mark Wilson  
Michelle Martinez  
Debbie MacDougall  
Will Castro  
Anne Hunter  
Hal White  
Arnita Oliver

#### **Guests:**

Mark Anderson  
Donna Allison-Howard  
Rolie Farrell  
Rachel Murguia  
Vinay Sugh  
Brian Tetrault  
Cindy Gonzalez  
Wendy Cohill  
Cathy Yashida-Corella  
Stephen Cundiff

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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 5, 2015.*

*Individual Addressing the Board:* Deborah Primock

*Discussion:* None

*Motion:* Consideration of and motion to approve the regular session minutes of the meeting on November 5, 2015.

*Motion Proposals:* First Elaine Sweet  
Second Catherine Robbins

*Motion Results:* Pass

**1-B:** *Review, discussion and possible action regarding the regular session minutes of the meeting held on November 17, 2015.*

*Individual Addressing the Board:* Deborah Primock

*Discussion:* None

*Motion:* Consideration of and motion to approve the regular session minutes of the meeting on November 17, 2016.

*Motion Proposals:* First Catherine Robbins  
Second Gary Krcmarik

*Motion Results:* Pass

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**2) PENDING COMPLAINTS:**

**2-A: Review, discussion and possible action regarding complaint number 14-0010, involving Donna Allison-Howard.**

**Individual Addressing the Board:** Bill MacIntyre

**Discussion:** The matter was investigated and upon completion of the investigation, the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. Evaluator Baumstark determined probable cause *does exist* as to Allegation 1 and *does not exist* as to Allegations 2, 3, 4, 5, and 6.

It is recommended the Board issue a Letter of Concern.

Donna Allison is present with her attorney, Mark Anderson.

**Motion:** The Board rejects staff's recommendation and moves to dismiss the complaint.

**Motion Proposals:** First Mark Rubin  
Second Catherine Robbins

**Motion Results:** Pass

**2- B: Review, discussion and possible action regarding complaint number 15-0006, involving Phyllis Cornell.**

**Individual Addressing the Board:** Bill MacIntyre

**Discussion:** Upon completion of the investigation, the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. Evaluator Baumstark determined probable cause *does not exist* as to Allegations 1, 2, 3, and 4 but *does exist* as to Allegation 5.

It is recommended the Board dismiss the complaint as to Allegations 1, 2, 3, and 4. As to Allegation 5, enter a finding grounds for informal discipline exists.

It is further recommended the Board issue a Letter of Concern.

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

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

**Motion Results:** Pass

**2-C: *Review, discussion and possible action regarding complaint number 14-0006, involving Denise Shepherd.***

***Individual Addressing the Board:*** Bill MacIntyre

***Discussion:*** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Denise Shepherd has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-0006.

It is further recommended the Board dismiss complaint number 14-0006.

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

***Motion Proposals:*** First Elaine Sweet  
Second Catherine Robbins  
Recused Mark Rubin

***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. *Ernesto Echeverria***
- 2. *Janie Stover***
- 3. *Ayudando Alpha, Inc. (Brad Torch)***

***Individual Addressing the Board:*** Hal White

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

Ernesto Echeverria

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

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

***Motion Results:*** Pass

***Individual Addressing the Board:*** Hal White

**Discussion:** It is recommended that the Board deny application for licensure for the following applicant:

Janie Stover

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

**Motion Proposals:** First Emily Kile  
Second Gary Krmarik

**Motion Results:** Pass

**Individual Addressing the Board:** Anne Hunter

**Discussion:** It is recommended that the Board defer the following application until the next meeting:

Ayudando Alpha, Inc. (Brad Torch)

**Motion:** Consideration of and motion 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 application for renewal of individual fiduciary licensure:*

*Scott Whitney*

**Individual Addressing the Board:** Hal White

**Discussion:** It is recommended the Board grant renewal of fiduciary licensure.

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

**Motion Proposals:** *First* Elaine Sweet  
*Second* Leonard Montanaro  
*Recused* Catherine Robbins

**Motion Results:** *Pass*

5) **LICENSURE AND ELIGIBILITY**

**5-A:** *Review, discussion, and possible action regarding request for placement on inactive status received from the following licensed fiduciaries:*

1. *Natalie Hyde, license number 20706*
2. *Vanessa Ratliff, license number 20742*

**Individual Addressing the Board:** Wil Castro

**Discussion:** It is recommended that the following applicants be placed on inactive status:

Natalie Hyde  
Vanessa Ratliff

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

**Motion Proposals:** *First* Emily Kile  
*Second* Elaine Sweet

**Motion Results:** *Pass*

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6) **ADMINISTRATIVE ISSUES**

**6-A:** *Review, discussion and possible action regarding the certification renewal application deadline pursuant to Arizona Code of Judicial Administration § 7-201 (G)(2).*

**Individual Addressing the Board:** Hal White

**Discussion:** Staff recommends the Board establish the 2016-2018 renewal application deadline as May 31, 2016. The renewal period will open on April 1, 2016. An additional \$50 fee will be charged for applications received after April 30, 2016.

**Motion:** Consideration of and motion to accept the recommended timeframes for application renewal, but the Board rejects the recommendation that an additional fee be charged for applications received after April 30, 2016.

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

**Motion Results:** *Pass*

**6-B: Discussion and possible action concerning random audits of continuing education compliance for renewal.**

**Individual Addressing the Board:** Hal White

**Discussion:** It is recommended the Board audit 10% of the renewal applicants in the Fiduciary pool for continuing education compliance.

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

**Motion Proposals:** *First* Catherine Robbins

*Second* Gary Krcmarik

**Motion Results:** *Pass*

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**CALL TO THE PUBLIC**

**Individuals Addressing the Board:** None.

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**ADJOURNMENT**

**Motion:** Move to adjourn.

**Motion Proposals:** First Elaine Sweet

Second Catherine Robbins

**Motion Results:** Pass

**Time:** 11:20 a.m.

Initials: AO