

# CONFIDENTIAL INTERMEDIARY BOARD

## Meeting Agenda – Monday December 14, 2020

Arizona Supreme Court -1501 West Washington Street  
Phoenix, Arizona 85007 – **12:00 P.M.** Conference Room 109  
General Inquiries Call: 602-452-3378 (Certification and Licensing Division Line)  
Members of the Public May Attend Meeting in Person

**For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).**

**CALL TO ORDER** ..... *Laurie Laughlin, Chair*

**1) REVIEW AND APPROVAL OF MINUTES** ..... *Laurie Laughlin, Chair*

*1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of June 25, 2019.*

**2) INITIAL CERTIFICATION AND ELIGIBILITY**..... *Division Staff*

*2-A: Review, discussion and possible action regarding the following applications for initial individual confidential intermediary certification:*

1. Caitlynn Claydon
2. Lori Daniels
3. Lexann Downey-Lewis
4. Nancy Padilla

**3) RENEWAL OF CERTIFICATION**..... *Division Staff*

*3-A: Review, discussion, and possible action regarding pending application for renewal of confidential intermediary certification for the following applicants:*

- |                         |                           |
|-------------------------|---------------------------|
| 1. Bell, Jacque         | 9. Schubert, Judy         |
| 2. Casselman, Jeannette | 10. Silverman, Julie      |
| 3. Hartley, Melissa     | 11. Stubbs, Diane         |
| 4. Jensen, Anne         | 12. Allen, Debra          |
| 5. Kaminsky, Hillary    | 13. Edwardson, Vickie     |
| 6. Koktavy, Terry       | 14. Mikoch, Victoria      |
| 7. Mcfarlane, Jean      | 15. Shaughnessy, Patricia |
| 8. Murphy, Sandy        |                           |

**4) ADMINISTRATIVE ISSUES.....***Division Staff*

*4-A: Update concerning 2021 CI training.*

*4-B: Review, discussion and possible action regarding the establishment of the 2021 Board meeting schedule.*

**CALL TO THE PUBLIC .....** *Laurie Laughlin, Chair*

**ADJOURN .....** *Laurie Laughlin, Chair*

**CONFIDENTIAL INTERMEDIARY BOARD**  
**Agenda Summary – Monday, December 14, 2020**

**1) REVIEW AND APPROVAL OF MINUTES**

*1-A: Review, discussion and approval of regular session minutes for the meeting of June 25, 2019.*

Attached for the Board's review and approval are the draft regular session minutes for the meeting of June 25, 2019.

# **CONFIDENTIAL INTERMEDIARY BOARD**

## **Agenda Summary – Monday, December 14, 2020**

### **2) INITIAL CERTIFICATION AND ELIGIBILITY**

*2-A: Review, discussion and possible action regarding the following applications for initial individual confidential intermediary certification:*

The following applicants has applied for initial confidential intermediary certification. The applicants successfully passed the program examination and have submitted a completed application demonstrating that they meet the minimum education and experience requirements and the applicant has completed the required training.

The Division recommends initial standard confidential intermediary certification be granted to the following applicants:

1. Caitlynn Claydon
2. Lori Daniels

3. Lexann Downey-Lewis has completed the required confidential intermediary training, passed the program examination and submitted an application for certification. Ms. Downey-Lewis disclosed several civil matters in which she was a listed party. These matters included a 1987 Pima County Superior Court case in which Ms. Downey-Lewis was listed as a defendant regarding a breach of contract and a 1997 federal court case in which she and her husband were listed as defendants in a Microsoft copyright infringement lawsuit. Ms. Downey-Lewis also disclosed that she was listed as a defendant in a 2002 Order of Protection. Ms. Downey-Lewis disclosed that she was charged with Contempt of Court while serving as a witness in a 2008 Child Protective Services case due to providing protected and confidential information about a child to an organization not involved in the case. Downey-Lewis stated that she testified in the case and the charge was ultimately dismissed without prejudice.

Ms. Downey-Lewis also disclosed involvement in a 2015 Americans with Disabilities Act (ADA) case in which she was listed as the plaintiff. Ms. Downey-Lewis also disclosed that in 2015 several complaints were filed against her clinical social worker license. Ms. Downey-Lewis stated that all complaints were eventually dismissed. At the conclusion of its investigation, the Division has confirmed that Ms. Downey-Lewis' clinical social work license remains active and in good standing with no listed history of discipline or Board actions against her license.

The Division recommends initial standard confidential intermediary certification be granted to Lexann Downey-Lewis.

4. Nancy Padilla has completed the required confidential intermediary training, passed the program examination and submitted an application for certification. Ms. Padilla disclosed two felony criminal convictions and an ongoing bankruptcy that at the end of Division's review of the application has not had any adversarial proceedings.

The first criminal conviction Ms. Padilla disclosed was a 2010 felony theft conviction. The conviction resulted when Ms. Padilla kept a rental vehicle longer than what she could. During the case, Ms. Padilla was also charged and convicted of a misdemeanor for failing to appear.

The second criminal felony conviction also occurred in 2010 when Ms. Padilla was convicted for theft means of transportation. This case resulted when Ms. Padilla stole a vehicle and changed the title to her name. Ms. Padilla was also charged with three additional felonies for forgery, fraudulent schemes/artifices and trafficking in stolen property, but these charges were later dismissed. Ms. Padilla stated that much has changed since her last criminal offense.

Ms. Padilla failed to disclose her involvement in nine civil cases. These cases included a 1995 dissolution of marriage and a 2000 bankruptcy filing. The remaining seven cases were matters related to debt in which she was listed as a defendant and were filed in the years 2006, 2008 and the remaining five being filed in 2018. The Division was unaware of the 1995 dissolution of marriage until it was disclosed to staff in a later interview. In the 2006 matter Ms. Padilla stated that she did not disclose it because it involved her ex-husband's debt and they divorced in 1995. Ms. Padilla stated that she was unaware she had to disclose the 2000 bankruptcy filing since the case was only filed but never progressed. In the 2008 case, Ms. Padilla stated she never knew her involvement until it was brought up by Division staff. Ms. Padilla stated that she did not disclose the five 2018 debt matters because they were being handled in her ongoing bankruptcy. Ms. Padilla also failed to disclose a 2009 misdemeanor conviction for failing to appear in court for a traffic violation. She stated that this was a result of her driving with a suspended license.

Confidential Intermediaries, amongst other responsibilities are entrusted at the highest level to safeguard all confidential information and can review identity information not available to the general public. Given the nature of Ms. Padilla's prior acts the Division has concerns regarding certification of Ms. Padilla.

The Division recommends initial standard confidential intermediary certification be denied to Nancy Padilla pursuant to ACJA § 7-201(E)(2)(c)(2)(b)(ii) for committing any act constituting material misrepresentation, omission, fraud, dishonesty and ACJA § 7-201(E)(2)(c)(2)(b)(iv) having a conviction by final judgment of a felony, regardless of whether civil rights have been restored.

# **CONFIDENTIAL INTERMEDIARY BOARD**

## **Agenda Summary – Monday, December 14, 2020**

### **3) RENEWAL OF CERTIFICATION**

*3-A: Review, discussion, and possible action regarding the following pending applications for renewal of confidential intermediary certification:*

The following individual certificate holders have submitted applications for renewal of certification. The applications are complete, no information has been presented during a background review which is contrary to certification being renewed and all meet the minimum eligibility requirements. It is recommended renewal of certification be granted to the following individuals:

- |                         |                      |
|-------------------------|----------------------|
| 1. Bell, Jacque         | 7. Mcfarlane, Jean   |
| 2. Casselman, Jeannette | 8. Murphy, Sandy     |
| 3. Hartley, Melissa     | 9. Schubert, Judy    |
| 4. Jensen, Anne         | 10. Silverman, Julie |
| 5. Kaminsky, Hillary    | 11. Stubbs, Diane    |
| 6. Koktavy, Terry       |                      |

The following individual certificate holders have submitted applications for renewal of certification. No information has been presented during a background review which is contrary to certification being renewed. It is recommended renewal of certification be granted to the following individuals pending staff approval of Continuing Education hours:

12. Allen, Debra
13. Edwardson, Vickie
14. Mikoch, Victoria
15. Shaughnessy, Patricia

**CONFIDENTIAL INTERMEDIARY BOARD**  
**Agenda Summary – Monday, December 14, 2020**

**4) ADMINISTRATIVE ISSUES**

*4-A: Update concerning 2021 CI training.*

Staff will present information at the meeting.

# **CONFIDENTIAL INTERMEDIARY BOARD**

## **Agenda Summary – Monday, December 14, 2020**

### **4) ADMINISTRATIVE ISSUES**

*4-B: Review, discussion and possible action regarding the establishment of the 2021 Board meeting schedule.*

The Confidential Intermediary Board is asked to consider and approve the 2021 meeting calendar.

Therefore, it is recommended the 2021 meeting calendar be set as follows:

April 19, 2021  
August 12, 2021  
November 18, 2021

All meetings to begin at 10:00 a.m.