

# FIDUCIARY BOARD

## Meeting Agenda – Thursday, March 8, 2018

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 - 10:30 A.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 .....Deborah Primock, Chair**

**1) REVIEW AND APPROVAL OF MINUTES.....Deborah Primock, Chair**

*1-A: Review, discussion and possible action regarding the regular session minutes of the interim meeting held on January 11, 2018.*

**2) PENDING COMPLAINTS.....Division Staff**

*2-A: Review, discussion and possible action regarding complaint number 18-0001 involving licensee, Katrice Thompson.*

*2-B: Review, discussion and possible action regarding complaint numbers 17-0005 and 17-0006, involving licensees, Fiduciary Solutions, LLC and Mario Martinez.*

**3) INITIAL LICENSURE AND ELIGIBILITY.....Division Staff**

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

1. Joshua Cuffe
2. Charles Latherow
3. Stephanie McCoy

**4) LICENSURE AND ELIGIBILITY.....Division Staff**

*4-A: Review, discussion and possible action regarding request for placement on Inactive Status from licensed fiduciary, Judy Nicholson.*

**5) ADMINISTRATIVE ISSUES ..... *Division Staff***

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

5-B: *Review, discussion and possible action concerning random audits of continuing education compliance for renewal.*

**CALL TO THE PUBLIC ..... *Deborah Primock, Chair***

**ADJOURN ..... *Deborah Primock, Chair***

**FIDUCIARY BOARD**  
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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 January 11, 2018.*

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### **2) PENDING COMPLAINTS**

2-A: *Review, discussion and possible action regarding complaint number, 18-0001 involving certificate holder Katrice Thompson*

On January 10, 2018, Division received a written complaint against Katrice Thompson. Complainant is Jason Cobb of Compass Fiduciary Group, Thompson's employer, who alleges she has misappropriated funds from one of their court appointed wards. Although this matter is currently under investigation, on January 31, 2018, Probable Cause Evaluator Mike Baumstark determined probable cause exists after a preliminary investigation to support an emergency suspension of Thompson's license.

#### **Recommendation:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding that Katrice Thompson has committed the alleged act of misconduct as detailed in the preliminary Investigation Summary and Allegation Analysis Report in complaint number 18-0001.

Furthermore, it is recommended that the Board make a finding that the public health, safety or welfare is at risk which requires emergency suspension of the license. As described set forth in the Investigation Summary, among other things, Thompson misappropriated funds from a ward in her care.

It is further recommended the Board issue an emergency summary suspension.

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### **2) PENDING COMPLAINTS**

*2-B: Review, discussion and possible action regarding complaint numbers 17-0005 and 17-0006, involving licensees, Fiduciary Solutions, LLC and Mario Martinez.*

On March 20, 2017, Division received a written complaint against Mario Martinez. Complainant is the granddaughter of one of Martinez's court appointed wards and alleged numerous improprieties concerning Martinez's care of her.

The matter was investigated and on February 13, 2018 Probable Cause Evaluator Mike Baumstark determined probable cause does not exist as to the allegations.

#### **Recommendation:**

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 17-0005/0006.

It is further recommended the Board dismiss complaint numbers 17-0005/0006

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### **3) INITIAL LICENSURE AND ELIGIBILITY**

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

The following applicants have applied for initial fiduciary licensure. The applicants successfully passed the program examination and have submitted completed applications demonstrating that they meet the minimum education and experience requirements and all applicants have completed the required fiduciary professional training.

The Division recommends approval of initial fiduciary licensure for the following applicants:

1. Joshua Cuffe
2. Charles Latherow

3. Stephanie McCoy applied for initial fiduciary licensure. The applicant successfully passed the fiduciary program's examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements. The applicant has also attended the fiduciary professional training. Ms. McCoy was previously licensed by the Fiduciary Board. Ms. McCoy disclosed a 2009 dissolution of marriage and a 2010 Consent Agreement that was imposed by the Board as a condition to granting her previous fiduciary license, for failure to repay two creditors in a timely manner.

Division recommends that initial fiduciary licensure be granted to Stephanie McCoy.

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### **4) LICENSURE AND ELIGIBILITY**

*4-A: Review, discussion and possible action regarding request for placement on Inactive Status from licensed fiduciary, Judy Nicholson.*

Judy Nicholson was granted licensure on January 9, 2014. On January 22, 2018, Ms. Nicholson submitted a request for her license to be placed on Inactive Status. Staff has confirmed there are no pending complaints filed against her. Ms. Nicholson had her fiduciary licensed renewed with the Board on May 11, 2017 with CE Remedial Actions. Requesting to go Inactive will not resolve Ms. Nicholson's obligations to comply with those terms.

Staff recommends that the Board accept the request and place Judy Nicholson, License number 20726, on Inactive Status with the original CE Remedial Actions to remain in effect.

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### 5) ADMINISTRATIVE ISSUES

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

ACJA § 7-201 (G)(2) reads:

*Application. A certificate holder is responsible for applying for a renewal certificate. The certificate holder shall apply for renewal of certification on the form provided by division staff. The board shall set a deadline renewal application date, in advance of the expiration date, to allow a reasonable time frame for processing the renewal application.*

Active certificates expire at midnight on May 31<sup>st</sup> of each even numbered year.

**Staff recommends the Board establish the 2018-2020 renewal application deadline as May 31, 2018. The renewal period will open on April 1, 2018. An additional \$50 fee will be charged for applications received after April 30, 2018.**

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### **5) ADMINISTRATIVE ISSUES**

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

ACJA § 7-202(L)(8)(d) reads:

*Random Audits of Continuing Education Compliance. During each renewal period the board shall request division staff to randomly specify a number of fiduciaries to demonstrate continuing education requirement compliance through submission of proof of continuing education participation. Refusal or failure to respond to the request for continuing education compliance audit documentation may result in denial of renewal of licensure or disciplinary action pursuant to ACJA § 7-201(H) and this section.*

It is recommended the Board request staff to audit 10% of the renewal applicants in the Fiduciary pool for continuing education compliance.