



FIDUCIARY BOARD

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

March 14, 2013
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE

Present:

Deborah Primock
Mary Jane Baumgarten
Diana M. Corry
Ted E. Evertsen
Catherine Robbins
Gary L. Krcmarik
Sherry Reed

Telephonically Present:

Leonard Montanaro
Mark Rubin
Diana Corry
Judge Jay M. Polk

Absent:

Emily Kile

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Linda Grau
Anne Hunter
Debbie MacDougall
Kimberly Siddall
Wendy Reiter
Nina Preston
Bill MacIntyre
Pasquale Fontana
Arnita Oliver

Guests:

Craig Sletten
Cindy Trimble
Ashley Dammen

CALL TO ORDER

Called to Order By: Deborah Primock, Chair

Time: 10:31 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review, discussion, and possible action regarding the regular session minutes of the meeting held on January 16, 2013.*

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Move to approve regular session minutes for the meeting of January 16, 2013.

Motion Proposals: First Catherine Robbins
Second Gary Krcmarik

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: *Review, discussion and possible action regarding the following complaints:*

- *Complaint Number 09-0021 – Peter Frenette and Sun Valley Group, Inc.*
- *Complaint Number 09-0024 – Peter Frenette and Sun Valley Group, Inc.*
- *Complaint Number 10-0012 – Donna Allison-Howard*
- *Complaint Number 10-0013 – Maricopa County Public Fiduciary*
- *Complaint Number 10-0017 – Mile High Fiduciary and Lisa Drutz*
- *Complaint Number 11-0010 – Robin Michaelson*
- *Complaint Number 11-0009 – Anita Royal*

Individual Addressing the Board: Linda Grau

Complaint Number 09-0021 – Peter Frenette and Sun Valley Group, Inc. This complaint was received with a total of 8 allegations.

Discussion: On February 22, 2013, Probable Cause Evaluator Baumstark entered a finding that probable cause exists as to Allegations 3, 6, 7 and 8 but does not exist as to Allegations 1, 2, 4, and 5.

It is recommended the Board accept the findings of the Probable Cause Evaluator and dismiss Allegations 1, 2, 4, and 5 of Complaint Number 09-0021.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Catherine Robbins
Recused Judge Jay Polk

Motion Results: Pass

Individual Addressing the Board: Linda Grau

Discussion: **Complaint Number 09-0024** – Peter Frenette and Sun Valley Group, Inc. This complaint was received with a total of 9 allegations.

On February 22, 2013, Probable Cause Evaluator Baumstark entered a finding that probable cause exists as to Allegations 3, 7, 8, and 9 but does not exist as to Allegations 1, 2, 4, 5 and 6.

It is recommended the Board accept the findings of the Probable Cause Evaluator and dismiss Allegations 1, 2, 4, 5, and 6 of Complaint Number 09-0024.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Ted Evertsen

Motion Results: Pass Judge Jay Polk

Discussion: It is recommended the Board enter a finding Peter Frenette and Sun Valley Group, Inc. committed the alleged acts of misconduct detailed in the Investigation Summaries and Allegation Analysis Reports in Complaint Numbers 09-0021 and 09-0024.

It is recommended the Board enter a finding grounds for disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) for acts of misconduct involving ACJA § 7-201(F)(1), ACJA § 7-202(F)(1), (J)(4)(b), (J)(4)(e), (J)(4)(j) and (J)(7) for Complaint Number 09-0021 and for acts of misconduct involving ACJA § 7-201(F)(1), ACJA § 7-202(F)(1), (J)(1)(a), (J)(1)(b), (J)(2)(f),

(J)(4)(b), (J)(4)(j) and (J)(7) for Complaint Number 09-0024.

It is further recommended the Board consolidate complaint numbers 09-0021 and 09-0024, any and all other pending complaints against Peter Frenette and Sun Valley Group, Inc.

It is further recommended the Board hold the consolidated matters in abeyance until such time the future as Peter Frenette and/or Sun Valley Group, Inc. reapply for licensure.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Gary Krcmarik
Recused Judge Jay Polk

Motion Results: Pass

Individual Addressing the Board: Linda Grau

Discussion: Complaint Number 10-0012 - Donna Allison-Howard

On January 10, 2013, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in this matter.

Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Complaint Number 10-0012.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Gary Krcmarik

Motion Results: Pass

Individual Addressing the Board: Linda Grau

Discussion: Complaint Number 10-0013 – Maricopa County Public Fiduciary

The complainant alleged five allegations of misconduct.

On January 10, 2013, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in this matter.

Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 10-0013.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Sherry Reed
Recused Catherine Robbins

Motion Results: Pass

Individual Addressing the Board: Linda Grau

Discussion: **Complaint Number 10-0017** – Mile High Fiduciary and Lisa Drutz. This complaint was presented with one allegation.

On February 26, 2013, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in this complaint.

Therefore, it is recommended the Board accept the finding of the probable Cause Evaluator and dismiss Complaint Number 10-0017.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: **Complaint Number 11-0010** – Robin Michaelson - This complaint was presented with two allegations.

On January 22, 2013, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in this complaint.

Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Complaint Number 11-0010.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Mary Jane Baumgarten

Motion Results:

Discussion: **Complaint Number 11-0009** – Anita Royal - This complaint was presented with three allegations.

On February 22, 2013, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in Allegation 1 and 2, but does exist in Allegation 3 in this complaint.

Therefore, it is recommended the Board accept the finding of the probable Cause Evaluator and dismiss Allegations 1 and 2.

Regarding Allegation 3, it is recommended the Board enter a finding ground for informal disciplinary action exists and issue a Letter of Concern.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Sherry Reed
Second Mary Jane Baumgarten
Recused Mark Rubin

Motion Results: Pass

2-B: Review, discussion and possible action regarding complaint number 08-0031 involving Lisa Price and Entrust Fiduciary Services Inc.

Individual Addressing the Board: Linda Grau

Discussion: At the January meeting, the Board reviewed and deferred complaint number 08-0031 to afford an opportunity for additional consideration.

It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 08-0031.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Mary Jane Baumgarten
Recused Judge Jay Polk

Motion Results: Pass

3) ADMINISTRATIVE ISSUES:

3-A: Update on quarterly diversion report.

Individual Addressing the Board: Linda Grau

Discussion: There is nothing to report at this time.

3-B: Review, discussion, and possible action regarding the passing score and study guide for the fiduciary exam.

Individual Addressing the Board: Kimberly Siddall

Discussion: Brief discussion regarding the passing score and study guide for the Fiduciary Exam.

Motion: Move to accept the score of 70 as passing but correct with the proper verbage for future publication.

Motion Proposals: First Leonard Montanaro
Second Mark Rubin
Opposed Gray Krcmarik - Mary Jane Baumgarten – Catherine Robbins – Diana Corry – Ted Evertsen

Motion Results: Failed

Motion: Move that we honor the history and integrity of the program and support 72 as the Raw Score that is authorized in the government documents and not the tutorial study guide.

Motion Proposals: First Catherine Robbins
Second Mary Jane Baumgarten

Motion Results: Pass

Motion: Move to amend the Study Guide in order for it to properly represent the RAW Score of 72.

Motion Proposals: First Catherine Robbins
Second Mary Jane Baumgarten

Motion Results: Pass

4) INITIAL LICENSE APPLICATIONS:

4-A: *Review, discussion, and possible action regarding the following pending applications for individual and/or business entity licensure:*

1. *Ana Perez-Arrieta*
2. *William Trusler*
3. *Eliza Read*
4. *Jamie Silva*
5. *Russell Murphy*

Individual Addressing the Board: Wendy Reiter

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

1. Ana Perez-Arrieta

2. William Trusler
3. Eliza Read

Motion: Move to accept staff's recommendation.

Motion Proposals: First Leonard Montanaro
Second Gary Krcmarik

Motion Results: Pass

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

4. Jamie Silva

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mark Rubin
Second Gary Krcmarik
Recused Catherine Robbins

Motion Results: Pass

Discussion: It is recommended the Board accept the applicant's request for withdrawal of his application for fiduciary licensure.

5. Russell Murphy

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mark Rubin
Second Gary Krcmarik

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. *Mary Jane Baumgarten, license number 20416*
2. *Phillip Ioset, license number 20565*
3. *Evelyn Saunders, license number 20244*

Individual Addressing the Board: Wendy Reiter

Discussion: Amend staff's recommendation and remove Mary Jane Baumgarten

from the recommendation.

It is recommended the Board accept the requests of Phillip Ioset and Evelyn Saunders to be placed on inactive status.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mark Rubin
Second Leonard Montanaro
Recused Catherine Robbins

Motion Results: Pass

5-A: Review, discussion, and possible action regarding the voluntary surrender of license received from the following licensed fiduciary:

1. Brian Williamson, license number 20674

Individual Addressing the Board: Wendy Reiter

Discussion: It is recommended the Board accept the request of Brian Williamson to voluntarily surrender his license.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Gary Krcmarik

Motion Results: Pass

CALL TO THE PUBLIC

Deborah Primock, Chair

Individuals Addressing the Board: None

ADJOURNMENT

Deborah Primock, Chair

Motion: Move to adjourn.

Motion Proposals: First Gary Krcmarik
Second Mary Jane Baumgarten

Motion Results: Pass

Time: 11:12 a.m.

Initials: AO