



FIDUCIARY BOARD

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

May 9, 2013
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Deborah Primock
Gary Krcmarik
Mary Jane Baumgarten
Catherine Robbins

Telephonically Present:

Emily Kile
Sherry Reed
Leonard Montanaro
Mark Rubin
Diana Corry

Absent:

Ted Evertsen
Judge Jay Polk

OTHER ATTENDEES:

AOC Staff:

Linda Grau
Debbie MacDougall
Anne Hunter
Pasquale Fontana
Bill MacIntyre

Guests:

Heather Bull – The Families Advocate, LLC
Craig Sletten

CALL TO ORDER

Called to Order By: Deborah Primock, Chair

Time: 10:32 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 March 14, 2013.

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Move to approve regular session minutes for the meeting of March 14, 2013.

Motion Proposals: First Gary Krcmarik
Second Mary Jane Baumgarten

Motion Results: Pass

2) PENDING COMPLAINTS:

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

- 1. Complaint Number 09-0009 – Stephanie McCollum*
- 2. Complaint Number 09-0010 – Stephanie McCollum*
- 3. Complaint Number 10-0006 – Leigh Bernstein*
- 4. Complaint Number 12-0008 – Gary Strickland*

Individual Addressing the Board: Linda Grau

Discussion: **Complaint Number 09-0009** – Stephanie McCollum – This complaint was received by the Division in March 2009. The allegations submitted:

1. Ms. Drennan alleged she was wrongfully terminated by SVG as a result of refusing to lie for Ms. McCollum regarding missing personal assets from SVG wards.

2. Ms. Drennan alleged that Ms. McCollum and SVG did not safeguard or secure client estates and property resulting in items going missing from various estates.

The matter was investigated and submitted for probable cause determination.

On March 28, 2013, Probable Cause Evaluator Mike Baumstark entered a finding probable cause *does not exist* in this complaint.

It is recommended the Board accept the findings of the Probable Cause Evaluator and dismiss complaint number 09-0009.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Gary Krcmarik
Recused Emily Kile

Motion Results: Pass

Individual Addressing the Board: Linda Grau

Discussion: **Complaint Number 09-0010** – Stephanie McCollum - This complaint was received by the Division in March 2009. The allegations submitted:

1. The complainant alleged that Ms. McCollum lied to her after she was initially granted approval for the sale of appliances during an estate sale after which she was called by an attorney stating the appliances were not to be sold.
2. The complainant alleged that Ms. McCollum lied to her after advising her that SVG was tax exempt on the sale of a boat at an estate sale and was later advised by an attorney that SVG was not tax exempt.
3. The complainant alleged that Ms. McCollum and SVG accused her of stealing a fur from the estate.

The matter was investigated and submitted for probable cause determination.

On March 28, 2013, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in this complaint.

It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 09-0010.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Gary Krcmarik
Recused Emily Kile

Motion Results: Pass

Individual Addressing the Board: Linda Grau

Discussion: **Complaint Number 10-0006** – Leigh Bernstein – This complaint was received in May of 2010:

1. The complainant alleged Ms. Bernstein and Robert Fleming have mismanaged the financial affairs of Peters (the ward).
 - a. Peters wished to purchase a home and Ms. Bernstein would not allow him to.
 - b. Ms. Bernstein has not paid Peters' rent on time.
 - c. Ms. Bernstein did not pay a utility bill for Peters for the month of November 2007.
 - d. Ms. Bernstein paid a bill out of Peters' account that was not Peters' bill.
2. Ms. Bernstein and Robert Fleming applied for guardianship of Peters which was detrimental to his health and welfare.

The matter was investigated and submitted for probable cause determination.

On March 28, 2013, Probable Cause Evaluator Baumstark entered a finding probable cause *does not* exist in Allegations 1(a), 1(b), 1(c) and 2 of this complaint. It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss allegations 1(a), 1(b), 1(c), and 2. Regarding allegation 1(d), probable cause *does* exist. It is recommended the Board accept the findings and recommend the Board consider the age of the complaint, the lack of resulting harm, and the actions taken by the licensee to quickly remedy the bookkeeping error, it is recommended the Board dismiss Complaint Number 10-0006.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Mary Jane Baumgarten
Recused Mark Rubin

Motion Results: Pass

Individual Addressing the Board: Linda Grau

Discussion: **Complaint Number 12-0008** – Gary Strickland - This complaint was received June 21, 2012. The allegations submitted:

1. While acting as Conservator and Guardian for Rose Hannon, the Maricopa County Public Fiduciary under the direction of Gary Strickland falsified evidence to take property legally given to Arballo by Hannon.
2. The MCPF used alleged “underhanded” tactics to prosecute Arballo for financially exploiting Rose Hannon.

The matter was investigated and submitted for probable cause determination.

On March 28, 2013, Probable Cause Evaluator Baumstark entered a finding probable cause *does not* exist in this complaint.

It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 12-0008.

Motion: Move to accept staff’s recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Mark Rubin
Recused Catherine Robbins

Motion Results: Pass

2-B: Review, discussion and possible action regarding the Division Director dismissal of complaint number 12-0001.

Individual Addressing the Board: Linda Grau

Discussion: It is recommended the Board defer consideration until the next agenda.

Motion: Move to accept staff’s recommendation to defer until next meeting.

Motion Proposals: First Mary Jane Baumgarten
Second Gary Krcmarik

Motion Results: Pass

3) ADMINISTRATIVE ISSUES:

3-A: Update on quarterly diversion report.

Individual Addressing the Board: Mark Wilson

Discussion: Discussion was held with respect to the diversion report.

4) INITIAL LICENSE APPLICATIONS:

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

1. *Katrina Chavez.*
2. *Thomas H. Peterson, III*
3. *Robert Beecher*

Individual Addressing the Board: Anne Hunter

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

Katrina Chavez

Motion: Move to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Mary Jane Baumgarten

Motion Results: Pass

Individual Addressing the Board: Anne Hunter

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

Thomas H. Peterson, III

Motion: Move to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Mary Jane Baumgarten

Motion Results: Pass

Individual Addressing the Board: Anne Hunter

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

Robert Beecher

Motion: Move to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Mary Jane Baumgarten

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 fiduciary:

Connie Dohm, license number 20656

Individual Addressing the Board: Anne Hunter

Discussion: It is recommended the Board defer Ms. Dohm's request for inactive status until the July 11, 2013 meeting to allow Division staff to complete the investigation on complaint number 11-0006.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Gary Kremerik
Recused Catherine Robbins

Motion Results: Pass

5-B: Review, discussion, and possible action regarding the following pending application for renewal of individual fiduciary licensure:

Mark Mitchell, license number 20278

Individual Addressing the Board: Anne Hunter

Discussion: It is recommended the Board grant renewal of fiduciary licensure to the following applicant:

Mark Mitchell

Motion: Move to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Gary Krcmarik

Motion Results: Pass

5-C: Review, discussion, and possible action regarding the voluntary surrenders of license received from the following licensed fiduciaries:

*Linnea K. Grooms, license number 20629
Four Peaks Fiduciary Services, LLC, license number 20640 (designated principal, Linnea K. Grooms)*

Individual Addressing the Board: Anne Hunter

Discussion: It is recommended that the Board accept the request of Ms. Grooms to voluntarily surrender both her individual and business licenses.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Mary Jane Baumgarten

Motion Results: Pass

5-D: Review, discussion, and possible action regarding request of Claudia Ramirez to retake the Fiduciary Licensing Examination.

Individual Addressing the Board: Anne Hunter

Discussion: Discussion is held among the board members.

Motion: Move to invite Ms. Ramirez to attend the next board meeting for an informal interview.

Motion Proposals: First Catherine Robbins
Second Mary Jane Baumgarten

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Mary Jane Baumgarten
Second Catherine Robbins

Motion Results: Pass

Time: 11:40 a.m.

Initials: AO