

# FIDUCIARY BOARD

## Meeting Agenda – Thursday, November 13, 2014

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

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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).

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**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 meeting held on September 11, 2014.*

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

*2-A: Review, discussion and possible action regarding the Division Director dismissal of complaint number 14-0005.*

*2-B: Review, discussion and possible action regarding Mario S. Martinez and Fiduciary Solutions, LLC concerning complaint number 13-0013.*

**3) INITIAL LICENSURE AND ELIGIBILITY**..... *Wendy Reiter*

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

1. Linda Bohnet
2. Jeff Ozuna
3. Tesheena Yazzie
4. Annette Jones (Renewal) and Annette M. Jones, LLC  
(Business Entity application)
5. Geraldine Roll
6. Mirna Oldham
7. Nicole Schwartz
8. Jennifer Stupski
9. Rick Kelley

10. Brian Tetrault
11. Lew Perry
12. Steven Anderson
13. Mary Trevillian

3-B: *Review, discussion and possible action regarding the following request for withdrawal of initial application:*

1. Justin Walsh

#### 4) **RENEWAL OF LICENSE APPLICATIONS**

4-A: *Review, discussion, and possible action regarding the following pending applications for renewal of individual and business licensed fiduciaries:*

1. David Osollo
2. Lupe Bray
3. Robin Michaelson
4. Dianne Keethe
5. Katrina Chavez
6. Jennifer Murray
7. Roger Coventry
8. Fred Appel
9. Shannon Bennett
10. Natalie Hyde
11. Royal Bouschor, II
12. Marshall Coyne
13. Jennifer Goldman
14. Ronald Goldman
15. Clinton Liechty
16. J. R. Rittenhouse
17. Eileen Rogers
18. Nicole Sabatina
19. Caron Schmierer
20. Norman Turley
21. Janie Singer
22. Sean McCoy
23. Milly Briggs
24. Krista Cline
25. Claudia Johnson
26. Deborah Primock
27. Dawn Savattone
28. Henry Wood
29. Walter Bache
30. John Barkley
31. Jeanette Bloss

32. Claudia Ramirez
33. Raymond Briggs
34. Debra McPherson
35. Ana Perez-Arrieta
36. Dian Pimental
37. April Riedel
38. Joseph Noviello
39. Charles Arnold
40. Denise Baldwin
41. John Lloyd III
42. Eric MacDonald
43. Valerie Mills
44. Deborah Dellisanti
45. Carol Kopsco
46. Laura Short
47. Karen Miller
48. Peggy McMahan
49. Pamela Walsma
50. Lori Lashley
51. James Elliott
52. Rochelle Hoekstra
53. Clark Leuthold
54. Roger Landis
55. Peter Santini
56. Sally Simpson
57. Rhonda Stone
58. F.M. Westra
59. Elizabeth Hedger
60. Charles Dyer
61. Frank Escalante
62. Constance Olsen
63. Thomas Peterson III
64. Patricia Powers
65. Julianne Brogna
66. Christopher Tozzo
67. Susan Villarreal
68. Catherine Yoshida-Corella
69. Carole Collins
70. H. Rex Hawkins
71. Shawnie Patterson
72. Lyndi Anderson
73. Rebecca Ginsburg
74. Cathleen Gray
75. Joyce Grudowski
76. Mitchell Keamy
77. Teresa Lancaster
78. Mark Sanelli

79. Vinay Singh
80. Alexander Hobson
81. Patricia Kellar
82. Janice Bernardini
83. Joe Cannon
84. Linda Childress
85. Deborah Gilliland
86. Linda Hamilton
87. Sally Sokol
88. Amanda Ubiebor
89. Theresa Whitfield
90. Melissa Woodburn
91. Carol Soderquist
92. Pamela Bensmiller
93. Frank Ciotczyk
94. Kelly Ellis
95. Beverly Gloden
96. Marshall Herron
97. Gary Pope
98. Dawn Walters
99. Glenn Hall
100. Mark Mitchell
101. Frederick Brinckerhoff
102. Benjamin Burnside
103. Jeanne Drabiak
104. Janice Kulp
105. Jacquelyne Mingle
106. Autumn Rodgers
107. Samuel Anderson
108. Sandra Paz
109. Vicki Shepard
110. Anton Janik
111. Belvet Elsouhag
112. Robert Ficker
113. Glenn Gloria
114. Deborah Holliday
115. Jacqueline Kanaga
116. Eliza Read
117. Rhonda Garcia
118. Sabrina Lamb
119. Marion Shontz
120. Scott Ferris
121. Linda Kohl
122. Frances Lara
123. Kathleen Lawson
124. Cecilia Mejia
125. Katherine Trojahn

126. Patricia Weiss
127. Philip Dovico
128. Stephen Cundiff
129. Laurie Kuzdal
130. Anna Marie Martelli
131. Judy (Jude) Nicholson
132. Ranae Settle
133. Carol Severyn
134. Beverly Tencza
135. William Williams
136. Tracy Boen
137. Debra McKee
138. Helen Jones
139. Kathleen Schultz
140. Joel Margaretten
141. Ann Lander
142. Kurt Tittelbach
143. Hanna Pisiak-Kusiak
144. Michael Tucker
145. William Trusler
146. Carol Ann Thompson
147. Raena Honan
148. Kay Kozak
149. Marlene Appel
150. Carrie Rednour
151. Jeannean Sabatina
152. Ellen Riddick
153. Pamela Johnston
154. Certified Fiduciary Services (Pamela Johnston)
155. Premier Advocacy & Management Services, LLC  
(Pamela Johnston)
156. Robert Harner
157. RLH Fiduciary LLC (Robert Harner)
158. Tiffany Poarch
159. Gila County Public Fiduciary (Tiffany Poarch)
160. Elizabeth Crosby
161. Integrated Fiduciary Services, Inc. (Elizabeth Crosby)
162. Dorothy Valley
163. Valley Consulting, LLC (Dorothy Valley)
164. Pamela Braun
165. Geriatric Assessment Management & Solutions, LLC  
(Pamela Braun)
166. Mark Ralles
167. Ralles Law Firm, P.C. (Mark Ralles)
168. Mary Belasco
169. Jewish Family And Children's Services of Southern AZ  
(Mary Belasco)

170. Maureen Edwards
171. Maureen L. Edwards, L.L.C. (Maureen Edwards)
172. Vicki Haviland
173. Cochise County Public Fiduciary (Vicki Haviland)
174. Sarah Holcomb
175. Assurance Fiduciary & Financial Services PLL (Sarah Holcomb)
176. Darra Rayndon
177. Rayndon & Associates, PLC (Darra Rayndon)
178. Carla Jones
179. Northern Arizona Fiduciaries, Inc (Carla Jones)
180. Nora Garza
181. Greenlee County Public Fiduciary (Nora Garza)
182. Rita Ashford
183. Santa Cruz Public Fiduciary (Rita Ashford)
184. Craig Wisnom
185. Bogutz & Gordon, P.C. (Craig Wisnom)
186. Michael Klecka
187. Conservators of Arizona, Inc. (Michael Klecka)
188. Peggy Van Norman
189. Care Coordinators (Peggy Van Norman)
190. Rashiel Salem
191. Mohave Estate Management Office (Rashiel Salem)
192. Sherrel Lines
193. Graham County Public Fiduciary (Sherrel Lines)
194. Heather Winters-Bull
195. The Families Advocate, LLC (Heather Winters-Bull)
196. Sherry Reed
197. Navajo County Public Fiduciary (Sherry Reed)
198. Vivian Hartless
199. La Paz County Public Fiduciary (Vivian Hartless)
200. Crismon Cooper
201. Crismon Cooper Licensed Fiduciaries, LLC (Crismon Cooper)
202. Melissa Liebe
203. Monarch Fiduciaries, LLC (Melissa Liebe)

## 5) LICENSURE AND ELIGIBILITY

5-A: *Review, discussion, and possible action regarding the voluntary surrender of licensure received from Estella A. Rea.*

5-B: *Review, discussion, and possible action regarding request for placement on inactive status and review of renewal application received from the following licensed fiduciaries:*

1. Vergel V. Tan, license number 20673
2. Robert J. Beecher, license number 20713

5-C: *Review, discussion, and possible action regarding request for wavier of the continuing education credits and review of renewal application received from Richard T. Vanderheiden.*

**6) ADMINISTRATIVE ISSUES .....Division Staff**

6-A: *Update regarding complaints processed by diversion pursuant to Administrative Order 2012-83.*

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

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

**FIDUCIARY BOARD**  
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**2) PENDING COMPLAINTS**

*2-B: Review, discussion and possible action regarding Mario S. Martinez and Fiduciary Solutions, LLC concerning complaint number 13-0013.*

It is recommended the Board accept the findings of the Probable Cause Evaluator and enter a finding that Fiduciary Solutions, LLC and Mario S. Martinez have not committed the alleged acts of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 13-0013.

It is further recommended the Board dismiss complaint number 13-0013.

**FIDUCIARY BOARD**  
**Agenda Summary – Thursday, November 13, 2014**

**3) INITIAL LICENSURE AND ELIGIBILITY**

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

- 1. Linda Bohnet*
- 2. Jeff Ozuna*
- 3. Tesheena Yazzie*
- 4. Annette Jones (Renewal) and Annette M. Jones, LLC  
(Business Entity application)*
- 5. Geraldine Roll*
- 6. Mirna Oldham*
- 7. Nicole Schwartz*
- 8. Jennifer Stupski*
- 9. Rick Kelley*
- 10. Brian Tetrault*
- 11. Lew Perry*
- 12. Steven Anderson*
- 13. Mary Trevillian*

The following applicants for individual or business entity fiduciary licensure have submitted complete applications demonstrating that they meet the minimum eligibility requirements for licensure. No information has been presented or obtained during the background check which precludes licensure. It is recommended the Board grant initial fiduciary licensure to:

1. Linda Bohnet
2. Jeff Ozuna
3. Tesheena Yazzie
4. Annette Jones and Annette M. Jones, LLC
5. Geraldine Roll
6. Mirna Oldham

The following applications have been processed for Board review and consideration. All applicants have been determined to meet the minimum eligibility requirements for fiduciary licensure:

7. Nicole Schwartz - On her application for licensure, Ms. Schwartz disclosed a 1997 misdemeanor conviction for possession of marijuana for which she was sentenced to community service and probation until the age of 21. Per the applicant the charge has since been expunged from her record and the lack of court documents and any record of the arrest on her fingerprint results appear to support the assertion. The applicant failed to disclose a 1998 petition for

injunction against harassment filed against her by a former high school friend. The petition alleged that the applicant committed various acts of harassment such as driving by petitioner's house, showing up at her work, and threatening bodily injury to petitioner and her family members. The injunction was granted and remained in effect for one year. Due to the nature of the allegations contained in the petition, staff interviewed the applicant regarding the alleged acts of misconduct. In reviewing Ms. Schwartz's application, staff considered the age and level of sophistication of the applicant at the time that the misconduct and conviction occurred, the age of the incidents and the lack of any record of subsequent offenses or misconduct. Staff recommends that the Board grant initial licensure to applicant, Nicole Schwartz.

8. Jennifer Stupski – On her application for licensure, Ms. Stupski disclosed being a defendant in a civil suit (CV2006-050998) stemming from a real estate contract dispute in which the court found in the applicant's favor. The applicant did not state in the application that two other civil suits, a forcible detainer (0704CV-0407716) and an appeal (LC2005-000243) were also filed by the same plaintiff regarding the aforementioned property. The applicant was forthcoming with information and documentation regarding the cases once asked and stated that she believed she had disclosed by providing information regarding the superior court action in which the issue was ultimately resolved, staff found this explanation to be reasonable. Ms. Stupski failed to disclose being a plaintiff in a number of forcible detainer actions filed at the justice court level which were a product of her investment in numerous rental properties. The applicant stated that she did not disclose the forcible detainer actions as she believed the question regarding civil suits on the application referred to cases in superior court not justice court. Staff recommends that the Board grant initial licensure to applicant, Jennifer Stupski, and address the applicant's failure to disclose the justice court filings in her licensure notification, including the following language:

*The Board has concluded its review of your application and determined you have satisfied the eligibility requirements for licensure. Although the Board is granting you licensure, the Board members have concerns regarding your failure to disclose your civil litigation. Lack of diligence is not a quality embraced by the Fiduciary Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of licensure or disciplinary action.*

9. Rick Kelley –The applicant disclosed a 1993 termination from employment at Duffield Miller & Young for not completing 706 Estate Tax Forms quickly enough. As the firm is no longer in business, staff was not able to confirm the applicant's statement but found no reason to question Mr. Kelley's account of the termination. In addition, Mr. Kelley provided information regarding a 2011 Financial Industry Regulatory Authority (FINRA) complaint in which he was mentioned in the Statement for Claim and Demand filed by the claimant. The applicant's involvement was considered by both an arbitration panel and the court and both found that he was not involved in the transaction in question, removed him from the case and expunged the complaint from his Central Registration and Depository (CRD) record. Mr. Kelley failed to disclose being a plaintiff in a 2002 civil suit (Pima County case #C20026240) resulting from a motor vehicle accident and a 1992 bankruptcy filing which was discharged. In explanation for his failure to disclose, he stated that when he read the application he believed the question regarding civil suits referenced those in

which he was the respondent. As he was the plaintiff in the civil suit and the petitioner in the bankruptcy he did not think he needed to disclose. Staff reviewed the documentation from both the litigation and the bankruptcy and found no issues relevant to licensure in either. Therefore, staff recommends that the Board grant initial licensure to applicant, Rick Kelley, and address the applicant's failure to disclose in his licensure notification, including the following language:

*The Board has concluded its review of your application and determined you have satisfied the eligibility requirements for licensure. Although the Board is granting you licensure, the Board members have concerns regarding your failure to disclose your civil litigation. Lack of diligence is not a quality embraced by the Fiduciary Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of licensure or disciplinary action.*

10. Brian Tetrault - Mr. Tetrault disclosed three Disorderly Conduct convictions (1984, 1985 and 1986). Two involved barroom fights in which Mr. Tetrault was a participant. The other involved him being "inebriated at a hotel and accidentally setting off the fire alarm." In all cases he received a fine and jail. Mr. Tetrault has not had any issues with the law since. As Mr. Tetrault was forthcoming with his history, has not had any issues since the mid-1980's and his conviction did not involve any allegations of fraud or financial misconduct, it is recommended that the Board grant initial licensure to Mr. Tetrault.

11. Lew Perry - Ms. Perry disclosed a 2001 Possession of Marijuana misdemeanor conviction. Ms. Perry received 24 hours of community service, one year of unsupervised probation and a \$750 fine. In December 2011, she applied to the court to have her judgment set aside and in 2012 it was granted. Ms. Perry failed to disclose a 2000 bankruptcy. She stated that her failure to disclose was a misunderstanding of the question and not an attempt to withhold information. She stated that the bankruptcy was an accumulation of debt over a ten year period starting when she was a student and ending with an unemployed husband. She stated in the last thirteen years she has repaired her credit rating through financial responsibility and education. As Ms. Perry's explanation for her failure to disclose appears to be reasonable and her conviction did not involve any allegations of fraud or financial misconduct, it is recommended that the Board grant initial licensure to Ms. Perry and address the applicant's failure to disclose in her licensure notification, including the following language:

*The Board has concluded its review of your application and determined you have satisfied the eligibility requirements for licensure. Although the Board is granting you licensure, the Board members have concerns regarding your failure to disclose your civil litigation. Lack of diligence is not a quality embraced by the Fiduciary Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of licensure or disciplinary action.*

12. Steven Anderson - Mr. Anderson disclosed a 1974 conviction for Possession of Dangerous Drugs and a 1998 Driving Under the influence that caused bodily injury. The 1974 criminal conviction involved Mr. Anderson's home being searched and police finding various drugs. Mr. Anderson said that unknowingly his roommate was a drug dealer. After 30 days in jail and 3 years of probation this offense was reduced from a felony to a misdemeanor and set aside. Mr. Anderson was 18 years old at the time. The 1998 DUI was a misdemeanor and he received a fine, 10 days of house arrest/electronic monitoring and suspension of his license for a year. He said that offense remained a misdemeanor due to the other party sustaining only soft tissue injuries. Mr. Anderson failed to disclose two bankruptcies (2005 and 2014). He stated that he did not know that bankruptcy was considered a civil action and was not trying to be deceptive. The first bankruptcy he attributed to medical bills his wife accumulated, low paying jobs and high child support payments which led to their use of credit cards to get by. He stated that the second bankruptcy involved a collection agency selling his debt to an attorney who was able to get a wage assignment. He stated that the attorney bought another of his debts and that he was unable to keep up on payments and filed chapter seven again. Mr. Anderson also failed to disclose five civil actions/lawsuits related to the bankruptcies. Mr. Anderson stated that he didn't realize what a civil action entailed and that is why he did not disclose them on the application. As Mr. Anderson's explanation for his failure to disclose appears to be reasonable and his convictions are not recent and do not involve any allegations of fraud or financial misconduct, it is recommended that the Board grant initial licensure to Mr. Anderson and address the applicant's failure to disclose in his licensure notification, including the following language:

*The Board has concluded its review of your application and determined you have satisfied the eligibility requirements for licensure. Although the Board is granting you licensure, the Board members have concerns regarding your failure to disclose your civil litigation. Lack of diligence is not a quality embraced by the Fiduciary Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of licensure or disciplinary action.*

13. Mary Trevillian - Ms. Trevillian submitted her application for public fiduciary licensure on March 7, 2014. On her application for licensure, Ms. Trevillian disclosed a 2006 misdemeanor conviction out of Peoria Municipal Court for disorderly conduct arising from a domestic dispute with her former spouse. Court documents indicate that the applicant was ordered to complete violence intervention courses and the record shows that the courses were completed and the judgment of guilt was set aside on 01/09/2008. The applicant also disclosed 2010 bankruptcy proceedings which although filed independently by her ex-husband, involved some community debt. The debt was discharged in September of 2010.

Ms. Trevillian's application failed to disclose a 2010 civil suit in which she and her former husband were defendants as well as bankruptcy proceedings filed in 1987. Per the applicant she was not aware of the 2010 civil suit (CV2010-090666) which was a complaint in forcible detainer and money damages filed by a former landlord, because her husband handled all such issues within the marriage and did not tell her that they had been served, thus she was unaware that she had ever been named. With regards to the bankruptcy proceedings, although Ms. Trevillian did disclose

her ex-husband's current bankruptcy which involves some shared outstanding debt, she failed to disclose a bankruptcy petition she filed in 1987. Ms. Trevillian stated that the failure to disclose the 1987 bankruptcy was in error and due to her focus on the most recent bankruptcy proceedings. The bankruptcy proceedings concluded in July of 1987 with a final discharge of debt.

In 2006 Ms. Trevillian was arrested and convicted for misdemeanor disorderly conduct DV. Because the conviction stemmed from a domestic violence incident, division staff obtained the police report and also interviewed Ms. Trevillian. According to the police report, the Trevillians were mutually involved in a physical fight and Ms. Trevillian acknowledged being involved in other physical confrontations during the marriage. Both Ms. Trevillian and her ex-husband were arrested. Ms. Trevillian pled guilty to the charge of disorderly conduct DV, was ordered to complete 26 classes on violence intervention, and completed the classes as ordered. The police report as well as information obtained during the interview with Ms. Trevillian indicates that physical altercations had occurred throughout the course of the marriage. Having determined that there was a conviction for an act of violence, that the police report indicates a repetitive nature of that violence, and after inquiry, Ms. Trevillian's failure to meet her burden to determine she is qualified in light of the conviction for violent activity, taking into consideration the seriousness of the conviction, as well as the relevance of the underlying issue to the basis role of the fiduciary to protect vulnerable individuals, Division staff recommends that the board deny licensure to Mary Trevillian pursuant to ACJA §7-201 (E)(2)(c)(2)(b)(v) *Has a conviction by final judgment of a misdemeanor if the crime has a reasonable relationship to the practice of the certified profession or occupation.*

In making the recommendation staff also considered and found to be relevant the following criteria in ACJA §7-201 (E)(2)(c)(3):

- *The applicant's age at the time of the conviction;*
- *The applicant's experience and general level of sophistication at the time of the pertinent conduct and conviction;*
- *The degree of violence, injury or property damage and the cumulative effect of the conduct;*
- *The reliability of the information regarding the conduct;*
- *The recency of the conviction;*
- *Any evidence of rehabilitation or positive social contributions since the conviction occurred as offered by the applicant;*
- *The relationship of the conviction to the purpose of certification;*
- *The relationship of the conviction to the applicant's field of certification;*
- *The applicant's candor during the application process;*
- *The applicant's overall qualifications for certification separate from the conviction.*

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**3) INITIAL LICENSURE AND ELIGIBILITY**

*3-B: Review, discussion and possible action regarding the following request for withdrawal of initial application:*

*1. Justin Walsh*

Mr. Walsh submitted an initial application for public fiduciary licensure on May 19, 2014 and was employed with the Mohave County Public Fiduciary's Office at that time. At the September 11, 2014 Board meeting it was noted that Mr. Walsh was no longer employed with the public fiduciary in Mohave County and division staff subsequently notified the applicant of the bond requirement as he was no longer exempt. The Mohave County Public Fiduciary's Office was contacted regarding the status of Mr. Walsh's employment and division staff were not informed of any issues relevant to licensure. On October 21, 2014, Mr. Walsh informed division staff that he was no longer interested in pursuing his fiduciary licensure due to a career change. Staff recommends that the Board grant Mr. Walsh's request to withdraw his application for fiduciary licensure.

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## 4) RENEWAL OF LICENSE APPLICATIONS

4-A: *Review, discussion, and possible action regarding the following pending applications for renewal of individual and business licensed fiduciaries:*

*The following license holders have submitted applications for renewal of licensure. These license holders have failed to disclose information required in the background information section of the application and have responded to staff's inquiry for further information. In the opinion of staff, these certificate holders have otherwise demonstrated they meet the minimum eligibility requirements for licensure. It is recommended the Board grant renewal of licensure to the following and include the following language in their renewal letter:*

“The Board has concluded its review of your renewal application and determined that you continue to satisfy the eligibility requirements for licensure. Although the Board is renewing your license, the Board members have concerns regarding your failure to disclose <insert what the failure was>. Lack of diligence is not a quality embraced by the Fiduciary Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of licensure or disciplinary action.”

1. David Osollo – On his application for renewal of his fiduciary licensure, Mr. Osollo failed to disclose a 2014 civil suit to which he is a party. Mr. Osollo was named in the suit only in his official capacity as the successor trustee of a trust and the litigation resulted from a motor vehicle accident in which the beneficiary of the trust was involved. The licensee stated that the omission was not intentional as he believed at the time that he submitted his application that he was going to be removed as a party from the suit. The litigation is ongoing and Mr. Osollo apologized to the Board for the oversight in completing his application. Although Mr. Osollo did fail to disclose the suit, his explanation appears reasonable and is consistent with court record and the allegations in the suit do not appear to be relevant to licensure.
2. Lupe Bray – On her application for renewal of her fiduciary licensure, Ms. Bray failed to disclose a 2012 civil suit to which she is a party. The licensee stated that she is the plaintiff in a civil suit that resulted

from a motor vehicle accident in which she was involved. Ms. Bray disclosed that the suit is still pending even though she was rear-ended in 2010, because the damages from the accident exceeded the defendant's policy limits and she has had to file against her own insurance company under her underinsured motorist policy provision. Per Ms. Bray, she failed to provide information regarding the civil suit on her application for renewal because it happened so long ago and she had forgotten about it. A review of the court documents revealed no indication of misconduct or fraud on the part of the licensee.

3. Robin Michaelson – Ms. Michaelson failed to disclose being a plaintiff in a 2012 civil suit on her application for renewal of her fiduciary license. Per the licensee, the suit was filed in error by her attorney, on her behalf in her official capacity as the trustee of a trust. Ms. Michaelson asserts and the court records confirm that the complaint, which involved a wrongful attachment allegation, was filed in February of 2012, the defendant was served in April of 2012 and the suit was dismissed with prejudice in July of 2012 at Ms. Michaelson's request. Having reviewed the court record for this case, staff found no issues of concern relevant to licensure. Ms. Michaelson stated that she did not intentionally try to mislead the Board in omitting the civil litigation but believed that as it was filed in error without her knowledge and dismissed, that it would not be a part of the official record.
4. Dianne Keethe – Failed to disclose being a plaintiff for an Order of Protection. License holder stated she filed a protection order against her son for bringing alcohol into her house and being abusive to her. The order was granted. She failed to list it on her renewal application because she had forgotten about it.
5. Katrina Chavez – Failed to disclose being involved in a bankruptcy. License holder stated she was divorcing her husband and he wanted to file for bankruptcy. They reconciled the marriage however, he continued with the bankruptcy filing. License holder stated she understood she was a party in the bankruptcy and attended the hearing but she was not involved in the full process and that it was an oversight for not disclosing it on her renewal application. The bankruptcy was filed on September 12, 2012 and discharged on December 24, 2012.
6. Jennifer Murray – Failed to disclose a Petition Against Harassment filed by license holder. She stated that defendant was a ward of the Maricopa County Public Fiduciary's Office who kept making verbal threats over the phone and on email to her. The petition was granted. License holder stated she completely forgot about it and neglected to include it on her renewal application.

*The following license holders have submitted applications for renewal of licensure. These license holders disclosed information required in the background information section of the application. In the opinion of staff, the license holders have demonstrated they meet the minimum eligibility requirements for renewal of licensure. It is recommended the Board grant renewal of licensure to the following:*

7. Roger Coventry – Disclosed being named in a civil action with his wife. The suit was brought against his wife and her former employer, a health care provider. The allegations filed in the complaint were 1) tort – developed breast cancer after applying a cream given to her by the health care provider, 2) medical negligence – health, nursing and medical care fell below the applicable standard of care, skill and learning of reasonable, competent, and prudent health care providers; fell below the standard of care by other acts and/or omissions occurring during the medical, nursing and health care decision making, treatment, and follow-up; sustained serious personal injuries and 3) breach of contract – failed to remedy the harm; impaired rights to receive the benefits and expertise agreed to by the contract. This case appears to be a medical malpractice suit. The case was dismissed.
8. Fred Appel – Disclosed receiving a misdemeanor offense. Plead no contest/guilty to having two fishing poles in the water and not having a 2 pole stamp. License holder stated he received a fishing license as a gift. He did not purchase a two pole stamp as he would at a later date. While fishing, his line on his pole became stuck, so he casted he second line in while trying to free the first line. Arizona Game and Fish pulled up to do a license check and he did not have a two pole stamp. License holder provided a letter of explanation to the Justice of the Peace and provided proof of the purchase of a 2-pole stamp. The plea was accepted and the sentence was suspended with no fine.
9. Shannon Bennett – Disclosed filing a police report against a minor for stolen house and car keys on September 26, 2014, and then filing an Injunction Against Harassment against the same minor on October 7, 2014. License holder befriended the minor who was new to town and she had given a ride to a storage unit. Minor come to her house to thank her and invite her to a BBQ his family was having. While inside the license holder's house the minor stole her house and car keys. While the license holder was out of town, the minor tried to break-in to her house, contacted her via text and phone calls regarding using her vehicle and the location of her vehicle. The minor was arrested and booked for burglary in the 2<sup>nd</sup> degree and conspiracy to commit theft of means of transportation. The injunction against harassment petition was granted.

*The following renewal applications were received and processed for Board review:*

10. Natalie Hyde\* – Completed 2.5 hours of continuing education outside the timeframe.

*The following license holders have submitted applications for renewal of licensure. In the opinion of staff, the applications are complete, no information has been presented during a background review which is contrary to renewal of licensure being granted and the license holders have demonstrated they meet the minimum eligibility requirements. It is recommended renewal of licensure be granted to the following individuals and businesses:*

11. Royal Bouschor, II
12. Marshall Coyne\*
13. Jennifer Goldman
14. Ronald Goldman
15. Clinton Liechty
16. J. R. Rittenhouse
17. Eileen Rogers
18. Nicole Sabatina\*
19. Caron Schmierer
20. Norman Turley
21. Janie Singer\*
22. Sean McCoy
23. Milly Briggs\*
24. Krista Cline
25. Claudia Johnson
26. Deborah Primock
27. Dawn Savatone
28. Henry Wood
29. Walter Bache
30. John Barkley\*
31. Jeanette Bloss
32. Claudia Ramirez
33. Raymond Briggs
34. Debra McPherson
35. Ana Perez-Arrieta
36. Dian Pimental
37. April Riedel
38. Joseph Noviello
39. Charles Arnold
40. Denise Baldwin
41. John Lloyd III
42. Eric MacDonald
43. Valerie Mills
44. Deborah Dellisanti

45. Carol Kopsco\*
46. Laura Short
47. Karen Miller
48. Peggy McMahon
49. Pamela Walsma
50. Lori Lashley
51. James Elliott
52. Rochelle Hoekstra
53. Clark Leuthold
54. Roger Landis\*
55. Peter Santini
56. Sally Simpson
57. Rhonda Stone
58. F.M. Westra
59. Elizabeth Hedger\*
60. Charles Dyer
61. Frank Escalante\*
62. Constance Olsen
63. Thomas Peterson III
64. Patricia Powers
65. Julianne Brogna
66. Christopher Tozzo
67. Susan Villarreal
68. Catherine Yoshida-Corella
69. Carole Collins
70. H. Rex Hawkins
71. Shawnie Patterson
72. Lyndi Anderson
73. Rebecca Ginsburg
74. Cathleen Gray
75. Joyce Grudowski
76. Mitchell Keamy
77. Teresa Lancaster
78. Mark Sanelli\*
79. Vinay Singh
80. Alexander Hobson
81. Patricia Kellar
82. Janice Bernardini
83. Joe Cannon\*
84. Linda Childress
85. Deborah Gilliland
86. Linda Hamilton
87. Sally Sokol
88. Amanda Ubiebor
89. Theresa Whitfield
90. Melissa Woodburn

91. Carol Soderquist
92. Pamela Bensmiller
93. Frank Ciotczyk
94. Kelly Ellis\*
95. Beverly Gloden
96. Marshall Herron
97. Gary Pope
98. Dawn Walters
99. Glenn Hall\*
100. Mark Mitchell
101. Frederick Brinckerhoff\*
102. Benjamin Burnside
103. Jeanne Drabiak\*
104. Janice Kulp\*
105. Jacquelyne Mingle
106. Autumn Rodgers
107. Samuel Anderson
108. Sandra Paz
109. Vicki Shepard
110. Anton Janik
111. Belvet Elsouhag
112. Robert Ficker
113. Glenn Gloria
114. Deborah Holliday
115. Jacqueline Kanaga\*
116. Eliza Read
117. Rhonda Garcia
118. Sabrina Lamb
119. Marion Shontz
120. Scott Ferris
121. Linda Kohl\*
122. Frances Lara\*
123. Kathleen Lawson
124. Cecilia Mejia
125. Katherine Trojahn
126. Patricia Weiss
127. Philip Dovico
128. Stephen Cundiff\*
129. Laurie Kuzdal
130. Anna Marie Martelli\*
131. Judy (Jude) Nicholson
132. Ranae Settle
133. Carol Severyn
134. Beverly Tencza\*
135. William Williams
136. Tracy Boen

137. Debra McKee
138. Helen Jones\*
139. Kathleen Schultz\*
140. Joel Margaretten
141. Ann Lander\*
142. Kurt Tittelbach
143. Hanna Pisiak-Kusiak
144. Michael Tucker
145. William Trusler
146. Carol Ann Thompson\*
147. Raena Honan
148. Kay Kozak
149. Marlene Appel\*
150. Carrie Rednour
151. Jeannean Sabatina
152. Ellen Riddick
153. Pamela Johnston
154. Certified Fiduciary Services (Pamela Johnston)
155. Premier Advocacy & Management Services, LLC (Pamela Johnston)
156. Robert Harner
157. RLH Fiduciary LLC (Robert Harner)
158. Tiffany Poarch
159. Gila County Public Fiduciary (Tiffany Poarch)
160. Elizabeth Crosby
161. Integrated Fiduciary Services, Inc. (Elizabeth Crosby)
162. Dorothy Vallely\*
163. Vallely Consulting, LLC (Dorothy Vallely)
164. Pamela Braun
165. Geriatric Assessment Management & Solutions, LLC (Pamela Braun)
166. Mark Ralles\*
167. Ralles Law Firm, P.C. (Mark Ralles)
168. Mary Belasco\*
169. Jewish Family And Children's Services of Southern AZ (Mary Belasco)
170. Maureen Edwards\*
171. Maureen L. Edwards, L.L.C. (Maureen Edwards)
172. Vicki Haviland\*
173. Cochise County Public Fiduciary (Vicki Haviland)
174. Sarah Holcomb
175. Assurance Fiduciary & Financial Services PLL (Sarah Holcomb)
176. Darra Rayndon
177. Rayndon & Associates, PLC (Darra Rayndon)
178. Carla Jones
179. Northern Arizona Fiduciaries, Inc (Carla Jones)
180. Nora Garza
181. Greenlee County Public Fiduciary (Nora Garza)
182. Rita Ashford

183. Santa Cruz Public Fiduciary (Rita Ashford)
184. Craig Wisnom
185. Bogutz & Gordon, P.C. (Craig Wisnom)
186. Michael Klecka
187. Conservators of Arizona, Inc. (Michael Klecka)
188. Peggy Van Norman
189. Care Coordinators (Peggy Van Norman)
190. Rashiel Salem
191. Mohave Estate Management Office (Rashiel Salem)
192. Sherrel Lines
193. Graham County Public Fiduciary (Sherrel Lines)
194. Heather Winters-Bull
195. The Families Advocate, LLC (Heather Winters-Bull)
196. Sherry Reed\*
197. Navajo County Public Fiduciary (Sherry Reed)
198. Vivian Hartless
199. La Paz County Public Fiduciary (Vivian Hartless)
200. Crismon Cooper
201. Crismon Cooper Licensed Fiduciaries, LLC (Crismon Cooper)
202. Melissa Liebe
203. Monarch Fiduciaries, LLC (Melissa Liebe)

\*These individuals were audited for Continuing Education Credits.

**FIDUCIARY BOARD**  
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**5) LICENSURE AND ELIGIBILITY**

5-A: *Review, discussion, and possible action regarding the voluntary surrender of licensure received from Estella A. Rea.*

Ms. Rea was granted licensure on June 8, 2005. On November 8, 2012, the Board accepted her request and transferred her license to inactive status. On October 17, 2014, Ms. Rea submitted a request to voluntarily surrender her license.

ACJA § 7-201 (E)(7) reads:

*A certificate holder in good standing may surrender their certificate to the board. However, the surrender of the certificate is not valid until accepted by the board. The board or division staff may require additional information reasonably necessary to determine if the certificate holder has violated any provision of the statutes, court rules and this section or the applicable section of the ACJA. The surrender does not prevent the commencement of subsequent discipline proceedings for any conduct of the surrendered certificate holder occurring prior to the surrender.*

Division records indicate that there are no pending complaints against Ms. Rea.

**It is recommended the Board accept the request of Ms. Rea to voluntarily surrender her license.**

# FIDUCIARY BOARD

## Agenda Summary - Thursday, November 13, 2014

### 5) LICENSURE AND ELIGIBILITY

*5-B: Review, discussion, and possible action regarding request for placement on inactive status and review of renewal application received from the following licensed fiduciaries:*

1. Vergel V. Tan, license number 20673
2. Robert J. Beecher, license number 20713

Vergel V. Tan was granted licensure on September 8, 2011. On May 28, 2014, the Division received Mr. Tan's application to renew his license. On July 8, 2014, the Division received Mr. Tan's request for his license to be placed on inactive status.

Robert J. Beecher was granted licensure on May 9, 2013. On May 7, 2014, the Division received Mr. Beecher's application to renew his license. On October 9, 2014, the Division received Mr. Beecher's request for his license to be placed on inactive status.

ACJA § 7-201 (E)(8)(a) reads:

*A certificate holder may transfer to inactive status, upon written request to the board. Upon recommendation of division staff the board may accept the transfer of the certificate holder to inactive status and division staff shall note in the certification database the certificate holder is on inactive status, in good standing. The inactive certificate holder shall not engage in the practice of the profession or occupation of certification pro bono or for a fee or other compensation while on inactive status and shall not present themselves as a certificate holder.*

Both license holders have confirmed that they are not assigned to any cases and Division records indicate that there are no pending complaints against either of the licensees. In addition, both licensees have submitted complete renewal applications, demonstrating they meet the minimum eligibility requirements, and no information has been presented during the background investigation which is contrary to renewal of licensure being granted. It is recommended the Board grant renewal of fiduciary licensure and accept their request to be placed on inactive status.

# FIDUCIARY BOARD

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## 5) LICENSE AND ELIGIBILITY

5-C: *Review, discussion, and possible action regarding request for waiver of the continuing education credits and review of renewal application received from Richard T. Vanderheiden.*

On May 13, 2014, Mr. Vanderheiden submitted the attached letter requesting a waiver of the 20 hours of continuing education required for the 2012-2014 licensure period. Mr. Vanderheiden has been on inactive status since May 12, 2011. Mr. Vanderheiden stated he has been retired from the profession and has not performed or received any income from any fiduciary related services. Mr. Vanderheiden stated he has been a speaker at fiduciary and judicial conferences and has served on the Center for Guardianship Board and is currently the Chair for the Disciplinary Policy Committee. He is also a commissioner on the Disciplinary and Ethics Commission for the Certified Financial Planners Board. He is currently on inactive status with the Nebraska State Bar.

ACJA 7-202 (L)(8)(c) states:

*“Extension or Waiver of Continuing Education Requirements. A fiduciary seeking renewal of certification who has not fully complied with the continuing education requirements may request an extension or waiver of the continuing education requirements under the following conditions:*

*(1) The fiduciary submits a notarized statement to the board, explaining the facts regarding non-compliance and requesting an extension or waiver of the requirements.*

*(2) The board shall determine whether extenuating circumstances exist. In reviewing the request, the board shall consider if the fiduciary has been unable to devote sufficient hours to fulfill the continuing education requirements because of:*

*(a) Full-time service in the armed forces of the United States during a substantial part of the renewal period;*

*(b) An incapacitating illness documented by a statement from a currently licensed physician;*

*(c) A physical inability, documented by a statement from a currently licensed physician for the fiduciary to travel to the sites of continuing education programs;*

*(d) Being retired from the fiduciary profession and not performing any fiduciary services; or*

*(e) Any other special circumstances the board determines appropriate.*

*(3) A fiduciary whose certificate has been restricted, suspended or revoked by the board is not eligible to request a waiver or extension.”*

It is recommended to grant renewal of licensure and waive the continuing education requirements.

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**6) ADMINISTRATIVE ISSUES**

*6-A: Update regarding complaints processed by diversion pursuant to Administrative Order 2012-83.*

Division staff will provide an update on the diversion report.