



FIDUCIARY BOARD

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

July 14, 2016
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Deborah Primock
Elaine Acosta Sweet
Catherine Robbins

Telephonically Present:

Diana Corry
Emily Kile
Leonard Montanaro

Absent:

Mark Rubin
Gary Krcmarik
Honorable Jay Polk

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Debbie MacDougall

Guests:

Lori Braddock
Naketa Ross
Stephen Cundiff
Heidi Harris
Joe Cannon
James Clark
Michael Bogle
Vinay Singh

CALL TO ORDER

Called to Order By: Deborah Primock-Chair

Time: 10:36 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 May 12, 2016.*

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Consideration of and motion to approve the regular session minutes of the meeting of May 12, 2016.

Motion Proposals: First Catherine Robbins
Second Elaine Acosta Sweet

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: *Review, discussion and possible actions regarding complaint numbers 15-0002 and 15-0003:*

- i. Involving license holders Michael Bogle and East Valley Fiduciary Services; and*
- ii. Renewal of licensure involving Michael Bogle.*

Individual Addressing the Board: Bill MacIntyre

Discussion: This matter is deferred until next the meeting.

2-B: *Review, discussion and possible action regarding complaint number 15-0007, involving James Otis.*

Individual Addressing the Board: Bill MacIntyre

Discussion: On March 30, 2015, the Division received a written complaint against licensed fiduciary, James Otis.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding James Otis has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-0007.

It is further recommended the Board dismiss complaint number 15-0007.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Leonard Montanaro

Motion Results: Pass

2-C: Review, discussion and possible action regarding complaint number 15-0005, involving Hanna Pisiak-Kusiak..

Individual Addressing the Board: Pasquale Fontana

Discussion: On February 2, 2015, the Division received a written complaint against Hanna Pisiak-Kusiak and Valley Payee Services, LLC.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Hanna Pisiak-Kusiak has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-0005.

It is further recommended the Board dismiss complaint number 15-0005.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Leonard Montanaro

Motion Results: Pass

2-D: Review, discussion and possible action regarding complaint number 15-0012, involving Arizona Department of Veterans' Services.

Individual Addressing the Board: Pasquale Fontana

Discussion: On June 17, 2015, the Division received a written complaint against Arizona Department of Veterans' Services.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Lori Braddock and Arizona Department of Veterans' Services have not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-0012.

It is further recommended the Board dismiss complaint number 15-0012.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Leonard Montanaro

Motion Results: Pass

2-E: *Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation in complaint number 15-0009, involving Apache County Public Fiduciary.*

Individual Addressing the Board: Pasquale Fontana

Discussion: On May 26, 2016, the Board filed the Notice of Formal Statement of Charges in complaint number 15-0009, involving Apache County Public Fiduciary and Patricia Hall.

No answer or request for hearing was filed by Apache County Public Fiduciary or Ms. Hall. Staff recommends that the Board find Apache County Public Fiduciary and Patricia Hall in default and enter a Final Order issuing a Censure.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Leonard Montanaro

Motion Results: Pass

3) INITIAL LICENSURE AND ELIGIBILITY:

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

1. Jessica Fram
2. Virginia Parry
3. Heidi Harris
4. Jesenia Ortega

Individual Addressing the Board: Wil Castro

Discussion: It is recommended granting initial licensure to the following applicant:

1. Jessica Fram

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Leonard Montanaro

Motion Results: Pass

Discussion: It is recommended granting initial licensure to the following applicant:

4. Jesenia Ortega

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Catherine Robbins

Motion Results: Pass

Discussion: It is recommended that the following applicants be deferred until next meeting:

2. Virginia Parry
3. Heidi Harris

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

1. Freedom Fiduciary
2. Fitzsimmons Fiduciary Services

Individual Addressing the Board: Wil Castro

Discussion: It is recommended the following application be deferred until next meeting:

1. Freedom Fiduciary

Individual Addressing the Board: Wil Castro

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

2. Fitzsimmons Fiduciary Services

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Leonard Montanaro

Motion Results: Pass

4) RENEWAL OF LICENSURE APPLICATIONS:

4-A: Review, discussion and possible action regarding the following applications for renewal of individual licensure:

1. Marlene Appel
2. Charles Arnold
3. Chelsea Brandes
4. Pamela Braun
5. Becky Brimhall
6. Daniel Bull
7. Joe Cannon
8. Donal Childers
9. Linda Childress
10. James Clark
11. Jason Cobb
12. Roger Coventry
13. Kelly Crane
14. Iris Crawford Bush
15. Elizabeth Crosby
16. Ravie Cundiff
17. Donavan Curley
18. Peggy Dovico
19. Jeanne Drabiak
20. Charles Dyer

Individual Addressing the Board: Wil Castro

Discussion: It is recommended that the Board defer the following applicants until the next meeting:

3. Chelsea Brandes
7. Joe Cannon
9. Linda Childress

- 10. James Clark
- 11. Jason Cobb
- 14. Iris Crawford Bush
- 17. Donovan Curley
- 18. Peggy Dovico
- 19. Jeanne Drabiak
- 20. Charles Dyer

Individual Addressing the Board: Wil Castro

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

- 1. Marlene Appel
- 2. Charles Arnold
- 4. Pamela Braun
- 5. Becky Brimhall
- 6. Daniel Bull
- 8. Donal Childers
- 12. Roger Coventry
- 13. Kelly Crane
- 15. Elizabeth Crosby
- 16. Ravie Cundiff

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Emily Kile

Motion Results: Pass

5) LICENSURE AND ELIGIBILITY

5-A: Review, discussion and possible action regarding the request for an extension to complete continuing education requirements from licensee, Judy Nicholson.

Individual Addressing the Board: Wil Castro

Discussion: It is recommended that the Board grant Ms. Nicholson's CE extension to 90 days, effective from today's date, to complete her deficient CE. The deficient CE that Ms. Nicholson completes, will not be credited for the 2016-2018 renewal period.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Catherine Robbins

Motion Results: Pass

6) LETTER TO THE BOARD:

6-A: *Review of letter submitted to Board in response to disposition of Complaint No. 09-0007 involving Stephanie McCollum.*

Individual Addressing the Board: Mark Wilson

Discussion: Brief discussion regarding an anonymous letter received by the Division involving Stephanie McCollum.

7) ADMINISTRATIVE ISSUES:

7-A: *Review, discussion and possible action regarding the Notice of Formal Statement of Charges for Complaint Numbers 15-0024/15-0025, involving Mario Gonzales and Sierra Huachuca ARC, Inc.*

Individual Addressing the Board: Wil Castro

Discussion: It is recommended that the Board withdraw the NFC filed against Sierra Huachuca ARC, Inc. only without prejudice.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Emily Kile
Second Catherine Robbins

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Catherine Robbins
Second Elaine Acosta Sweet

Motion Results: Pass

Time: 11:44 a.m.

Initials: AO