

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
INVESTIGATION SUMMARY and PROBABLE CAUSE ANALYSIS
and DETERMINATION REPORT**

CERTIFICATE HOLDER/LICENSEE INFORMATION	License Holder:	Beverly Gloden
	License Number:	20591
	License Holder:	Carla Jones
	License Number:	20276
	Business Name:	Northern Arizona Fiduciaries, Inc.
	Business License Number:	20198
	Type of License:	Individual, Individual, Business Business
COMPLAINANT	Name:	Catherine Mitchell
INVESTIGATION INFORMATION	Complaint Number:	16-0006
		16-0007
		17-0014
	Investigator:	Pasquale Fontana

Complaint Received:	July 8, 2016
Complaint Forwarded to the License Holder:	August 18, 2016
Licensee Received Complaint:	August 22, 2016
Response From License Holder:	September 17, 2016 (Northern Arizona Fiduciary, Inc.)
Request for Extension to Respond:	September 7, 2016 (Beverly Gloden)
Extension Granted (30 days):	September 9, 2016
Response From License Holder:	October 28, 2016 (Beverly Gloden)
Period of Active Licensure:	November 5, 2007 – September 23, 2016 (Beverly Gloden)
Period of Active Licensure:	November 8, 1999 – Present (Carla Jones)
Period of Active Business Licensure:	April 19, 1999 – Present (Northern Arizona Fiduciary, Inc.)
Status of License:	Suspended September 23, 2006 (Beverly Gloden)
Status of License:	Active (Carla Jones)
Status of Business License:	Active (Northern Arizona Fiduciary, Inc.)

Availability of Licensee:
Availability of Complainant:
Report Date:

Available
Available
August 28, 2017

ALLEGATIONS:

1. Beverly Gloden, Vice President of Northern Arizona Fiduciaries, Inc., intentionally gave Hannelore Butterfield a prescription medication that had not been medically prescribed to Ms. Butterfield.

ADDITIONAL ALLEGATIONS:

2. Carla Jones, Designated Principal of Northern Arizona Fiduciaries, Inc., failed to properly supervise Beverly Gloden, after she disclosed that she gave Hannelore Butterfield, a prescription medication that had not been medically prescribed to Ms. Butterfield.
3. Carla Jones allowed the Butterfield estate to be billed for time expended on issues related to fiduciary malfeasance, in violation of ACJA §73-303(D)(2)(j).
4. Carla Jones allowed the estate to be billed at a fiduciary rate for Beverly Gloden's services when Ms. Gloden was operating as a support staff.
5. Carla Jones failed to cooperate with Division staff's request to interview support staff/employees during a regulatory investigation, in violation of ACJA § 7-202(H)(6)(c).

List of sources for obtaining information: (Investigative, records, outside resources, etc.):

- Written Complaint and documentation submitted by Complainant, Catherine Mitchell ("Mitchell"), Adult Protective Services ("APS")
- Written Response and documentation submitted by License Holder, Carla Jones ("Jones"), President and Designated Principal of Northern Arizona Fiduciaries, Inc., ("NAF")
- Written Response and documentation submitted by Terrance P. Woods ("Woods"), Broening Oberg Woods & Wilson, PC., attorney for Jones
- Written Response from Angela Napper ("Napper"), Napper Law Firm, attorney for Beverly Gloden ("Gloden"), Vice President of NAF
- Review of applicable Certification and Licensing Division ("Division") records
- Review of applicable sections of Arizona Revised Statutes ("A.R.S."), Arizona Codes of Judicial Administration ("ACJA") §§ 7-201, 7-202, and 3-303, Arizona Supreme Court Rules
- Review of records, Superior Court of Arizona, County of Yavapai, involving GC2015-00096 Hannelore S. Butterfield ("Ms. Butterfield")
- Review of Arizona Corporation Commission website (<http://www.azcc.gov/>) regarding NAF
- Review of NAF website (<http://www.northernarizonafiduciaries.com/>)

- Records provided by Laurie Wilson (“Wilson”), Prescott Police Department
- Information provided by Lisa Gervase (“Gervase”), Gervase Law Firm, PLLC, attorney for Gloden
- Interview with Shannon Vialpando (“Vialpando”) Community Relations Manager, Alta Vista Retirement Community assisted living (“Alta Vista”)
- Interview with Laurie Stump (“Stump”), Resident Services Manager, Alta Vista
- Interview with Mitchell
- Interview with John Perona (“Perona”), Supervisor, APS Prescott
- Interview with Patricia Hills (“Hills”), Court-appointed investigator in GC2015-00096
- Interview with Jones and attorney, Hans Clugston (“Clugston”)
- Interview with Gloden and attorney, Gervase
- Interview with Steven Dagilis (“Dagilis”), Court-Appointed Attorney for Ms. Butterfield, The Law Office of Steve C. Dagilis

PERSONS INTERVIEWED:

1. Shannon Vialpando
2. Laurie Stump
3. Catherine Mitchell
4. John Perona
5. Patricia Hills
6. Carla Jones
7. Steven Dagilis
8. Beverly Gloden

SUMMARY OF INVESTIGATION:

On September 23, 2016, the Fiduciary Board voted to accept the Consent Agreement to Emergency Summary Suspension, executed by Gloden on September 15, 2015.

Ms. Butterfield passed away on or about May 8, 2016.

On December 18, 2015, by and through counsel, NAF filed, with the Superior Court, Petition for Appointment Emergency/Temporary Guardian and Conservator (Without Notice); Petition for Appointment of Permanent (General) Guardian and Conservator; and Petition for Appointment of Attorney, Medical Professional, and Investigator.

With the referenced Petition, NAF included a copies of Powers of Attorney documents, dated August 22, 2015, appointing NAF as agent.

Powers of Attorney included:

- Financial Durable Power of Attorney and Designation of Guardian and Conservator
- Durable Power of Attorney for Health Care (Medical and Mental)
- Living Will Declaration of Hannelore S. Butterfield also known as Sonja Butterfield

Letters of Temporary Guardian were issues on December 21, 2015.

On December 18, 2015, Gloden and NAF permanently moved Ms. Butterfield from her home into assisted living facility, Alta Vista. On that date, while at Ms. Butterfield's home, Gloden gave Ms. Butterfield a half of a Klonopin tablet, which is a tranquilizer/sedative type of medication. The Klonopin was not prescribed to Ms. Butterfield but was prescribed to Gloden. After Gloden transported Ms. Butterfield to Alta Vista, over lunch, Gloden gave Ms. Butterfield the remaining half of the Klonopin tablet.

A criminal investigation into this matter was conducted by the Prescott Police Department. Police submitted a report to Yavapai County Attorney's Office with recommendation for criminal charges against Gloden.

On December 18, 2015, after being contacted by police, Gloden alerted Jones as to what had occurred. The following day, Jones left for a scheduled 10-day family vacation in Hawaii. While Jones was gone, she left Gloden, the only remaining licensed fiduciary at NAF, in charge of operations and fiduciary decision-making. Jones told Division staff that she did not believe Gloden posed any risk or danger to the public and Jones allowed Gloden unrestricted access to NAF clients until September 23, 2016, at which time Gloden's fiduciary license was summarily suspended by the Board.

The Division notes that Complaint Numbers 16-0006/16-0007), contained allegations of misconduct involving Gloden and NAF. During the investigation into those Complaints, Division staff determined that Jones' conduct as a licensed fiduciary in this matter also warranted investigation because she was directly involved in making decisions pertaining to Gloden. A resultant Director Initiated Complaint (17-0014) was commenced and is included in this Investigation Summary.

SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:

1. On July 8, 2016, the Division received a written Complaint against Gloden and NAF stating:

On December 18, 2015, Prescott Police Department responded to a call at Alta Vista Retirement Living regarding Beverly Gloden, Vice President of Northern Arizona Fiduciary, Inc., giving Hannelore Butterfield a Klonopin (aka Clonazepam) [sic] which Ms. Butterfield [sic] was not prescribed. Beverly [sic] later admitted to Prescott Police Department that she

administered this drug to Ms. Butterfield [sic] to medicate her due to having "issues" [sic] with moving Ms. Butterfield [sic] into a new home. The Klonopin was prescribed to Beverly [sic] not to Ms. Butterfield [sic]. See attached Prescott Police Report (D.R. #15-41349-000) [sic] and a copy of the Letters of Temporary Guardian (case# PB1300GC-20150096) [sic].

2. On September 14, 2016, Division Investigator, Pasquale Fontana ("Investigator Fontana") was tasked to conduct a preliminary investigation into allegations of fiduciary misconduct. The purpose of the investigation was to determine if the facts supported a summary suspension of Gloden's fiduciary license. The initial investigation involved reviewing records from the Prescott Police Department and conducting interviews with Alta Vista managers, Vialpando and Stump.
3. On September 14, 2016, Investigator Fontana conducted a telephonic interview with Vialpando. She said Ms. Butterfield had just been placed on the waitlist at Alta Vista but she was not ready to move into the community. Being on a waitlist meant that Ms. Butterfield could come to the facility to dine at the restaurant and participate in activities. Vialpando said she had been visiting Ms. Butterfield at her home and was worried about a decline in her functioning as were Ms. Butterfield's doctors. Vialpando said the physicians had brought in a fiduciary but Vialpando was not aware that a fiduciary was involved.

Vialpando said that on December 18, 2015, Gloden called her and asked if she could bring Ms. Butterfield to Alta Vista and do a "drop and run" because Ms. Butterfield did not want to move out of her home but was at the point where she would not have a choice. Vialpando said a "drop and run" meant that Gloden would bring Ms. Butterfield to the facility and leave her there permanently but it would be done without her belongings, personal items, or furniture, all things which may have made it easier for her to transition from her private home to an assisted living facility. Vialpando told Gloden that a "drop and run" would make it difficult for facility staff but Gloden said this is how it was going to be done.

Vialpando said that Gloden brought Ms. Butterfield to Alta Vista for lunch and the three of them sat together. Vialpando said that Stump had completed a telephone assessment with Gloden earlier that day but the residency lease for Ms. Butterfield had not been signed. Vialpando stated that Gloden wanted to complete the paperwork necessary to admit Ms. Butterfield into Alta Vista "so she gave Ms. Butterfield a pill and she said I need you to take this pill." Vialpando said she did not know what type of pill Gloden gave to Ms. Butterfield but noted that she was hesitant to take the pill so Gloden said, "It's the same thing that I gave you at the house." Gloden then told Vialpando that there was some type of "mess up" with the prescription at the pharmacy. Vialpando thought that it was an odd comment for Gloden to make and wondered why she mentioned this because, at the time, Vialpando had no knowledge of Ms. Butterfield's prescribed medications.

Asked if Gloden took the pill out of a prescription bottle, Vialpando could not recall but said Gloden took the pill and set it on the table. Vialpando said she saw Gloden give Ms. Butterfield the pill which she took and swallowed. According to Vialpando, Gloden said that the pill was "something to calm her" but she did not identify the medication. Asked whether Ms. Butterfield appeared agitated or needed to be calmed, Vialpando said she had known Ms. Butterfield for several years and said, "I felt she was very calm...like normal, so I didn't see the need for her to be calmed down."

Vialpando said after the pill was given to Ms. Butterfield, Gloden went to meet with Stump to complete the admission paperwork and left afterward. Following Gloden's departure, Stump approached Vialpando and told her that Gloden had divulged that she had given Ms. Butterfield medication to which Vialpando replied, "I saw it, yes she did." Vialpando said that Gloden had identified the subject medication to Stump when they met. Vialpando said that Alta Vista had the physician's orders listing Ms. Butterfield's prescribed medication but now facility staff could not give Ms. Butterfield any of her prescribed medications knowing that Gloden had already given her a pill that was not prescribed to her. Vialpando said they called police out of concern for Gloden's actions because they considered it elder abuse. Rhetorically, Vialpando asked, "What fiduciary gives somebody else's medication to them?"

Vialpando said police arrived and, with Vialpando and Stump present, the police officer called Gloden, placed the telephone call on speaker phone, and recorded the interview. Vialpando said that Gloden did not deny what happened and admitted, "I most certainly did do that." Vialpando said when the police officer asked Gloden how police would know that she had not done this with other people apparently Gloden said something along the lines of she does what she needs to do for her clients.

Vialpando said that Jones was on vacation when the incident occurred but she called Vialpando the following week and "wasn't very happy" that Alta Vista staff had called the police and was pressing charges. Vialpando said Jones "couldn't believe that we called the police and we had no business doing that and we don't even know what we're talking about." Vialpando told Jones, "I'm sorry that you feel that way. We did what we felt we needed to do to protect the resident...and giving somebody other people's medication is not okay, it's against the law." Vialpando said Jones indicated that she would be pursuing this and alluded to suing them although she did not state outright that she intended to sue. Asked if Jones inquired as to what had happened or disputed the facts as she understood them, Vialpando said, "No she basically took what Beverly [Gloden] had to say and that was it, just that we were in the wrong...she didn't like the fact that I called police..."

4. On September 14, 2016, Investigator Fontana conducted a telephonic interview with Stump. She said that on December 18, 2015, Gloden called her and said that

Ms. Butterfield was no longer safe living in her home and she needed to be in assisted living. When Gloden arrived with Ms. Butterfield, she had no idea that she was going to be staying there. Stump said "it was basically what they call a dump and run" whereby someone is dropped off for lunch and left there. Stump said that it was Gloden that used the term "dump and run." Gloden brought Ms. Butterfield around lunch time and went upstairs for lunch. Stump said she was not present during lunch but met with Gloden to go over the paperwork at which time Stump said she told Gloden, "this is so unfair to her...you guys are just going to leave, she has no idea what's going on" to which Gloden said "oh, I gave her a half of a Klonopin." Stump said because Alta Vista was going to be administering Ms. Butterfield's medication, the facility had obtained a list of her prescribed medications. Stump reviewed the doctor's orders and told Gloden that Klonopin did not appear on the orders Stump had had received to which Gloden acknowledged that Ms. Butterfield did not have an order for the medication and said, "I can do that" but Stump thought to herself, "No, you can't." Stump said she asked Gloden if she had a new order from the physician but she said she did not. Stump said she asked Gloden where she got the Klonopin to which Gloden replied "it was one of mine."

Stump stated that she works in the health care field and said "that's against the law, you can't drug somebody." She excused herself from the meeting with Gloden and immediately contacted Ms. Butterfield's doctor. Stump said she let the doctor's office know what Gloden had told her and sought direction as to how to proceed. Of the medication given to Ms. Butterfield, Stump said "that's a narcotic, it's a sedative." Stump spoke with the nurse at the doctor's office who told her to contact APS and police so Stump contacted the authorities. She said that she did not discuss the matter further with Gloden and she left the facility. After Gloden left, Stump met with Vialpando who had been upstairs with Ms. Butterfield and Gloden over lunch. Vialpando told her that she watched Gloden hand Ms. Butterfield a half of a pill and told her to "go ahead and take this." Stump said Gloden had given Ms. Butterfield half of a Klonopin prior to transporting her to Alta Vista and the other half at lunch.

Later that evening, a police officer arrived at Alta Vista and took statements from Stump and Vialpando. The police officer called Gloden while Stump and Vialpando were present, put Gloden on speaker phone, and recorded the interview. Stump said Gloden admitted that she had given Ms. Butterfield a Klonopin without a doctor's order and had given her half of a Klonopin earlier in the morning when Gloden picked her up and the other half of the pill at lunch while at Alta Vista. Stump said Gloden also admitted that the Klonopin was her own and was prescribed to her. Stump said the police officer told her "you know that's against the law, you can't do that" to which Gloden said, "Well, I did what I thought I needed to do." Asked if Gloden indicated that she knew what she did was illegal, Stump said Gloden commented, "I'm aware, I did what I thought I needed to do." Asked if Gloden divulged whether she had done this before, Stump

said she thought the police officer asked Gloden, "So do you do this with all people that you need to get moved?" and Gloden replied that she did not.

Stump said that if Alta Vista staff does not know what medication a person is taking and staff gives something else "we could have really made her sick."

Stump added that NAF had not been Court-appointed at the time Gloden brought Ms. Butterfield to Alta Vista. NAF had filed a petition in Court but had not gone before the judge and apparently there was a Court date set within 24 hours. Stump said Gloden indicated that they were the guardians but Stump pointed out that the paperwork she had showed that a petition was filed but that NAF was not yet appointed to which Gloden said they would be guardians "as soon as it goes through" and that it would be done the next day or so.

Asked if Stump had any subsequent communication with Gloden or anyone from NAF after the incident, Stump said "absolutely yes" because she had to communicate with them and NAF was guardian for Ms. Butterfield. Stump said if there was any issue or if Ms. Butterfield had an appointment Alta Vista staff called NAF. Stump said she tried to keep communication professional but said that she did not trust NAF. Asked whether Gloden continued to be involved as a fiduciary or guardian Stump said, "Oh, absolutely, yes." Stump was asked who she normally spoke with when she called NAF regarding Ms. Butterfield, Stump said she spoke with Gloden and another staff member but could not recall who. Stump indicated that she needed to review the archived file because "we all took a lot of notes to try to cover ourselves."

5. On September 14, 2016, the Division received a written Response from Jones, for NAF. Jones wrote that the information surrounding this Complaint was disclosed in NAF's business license renewal.

Jones said that on December 18, 2015, NAF moved Ms. Butterfield from her home to Alta Vista. Ms. Butterfield had previously placed funds on deposit with Alta Vista for a future move and had been attending functions, dinners, happy hour, and other socials and activities at Alta Vista prior to this move. Jones said NAF associate and licensed fiduciary, Gloden, had contacted Ms. Butterfield's primary doctor, Dr. Clifford Rauscher ("Dr. Rauscher"), for a prescription to help ease the anxiety of Ms. Butterfield's move. Dr. Rauscher prescribed Ativan and sent the order to the pharmacy. NAF associate, Julee Pierson ("Pierson"), went to the pharmacy to pick up the Ativan but the pharmacy had filled a separate medication but not the Ativan prescribed for the move.

Jones said that because of concern for Ms. Butterfield's anxiety and lack of the Ativan prescription, Gloden provided Ms. Butterfield one half of a Klonopin when Gloden arrived to pick Ms. Butterfield up from her home and take her to Alta Vista. The Klonopin was not prescribed to Ms. Butterfield. Upon arriving at Alta Vista with Ms. Butterfield, Gloden met with Alta Vista staff and Ms.

Butterfield and all sat down for lunch. Jones said Gloden placed the remaining one half of the Klonopin on the table next to Ms. Butterfield. Jones wrote that Alta Vista staff assisted Ms. Butterfield with taking the remaining medication during the time Gloden was completing the move-in paperwork. Gloden disclosed to Alta Vista staff that she had provided Klonopin to Ms. Butterfield because she regularly attended happy hour which included alcoholic beverages and that she may need closer supervision. Jones said Gloden informed Alta Vista that the prescription for Ativan was not yet ready but would be delivered to Alta Vista later that day.

Jones said that Stump reported the incident to Prescott Police a few hours after the occurrence and that Gloden self-reported this information to APS and to Dr. Rauscher. Jones stated that she reported the occurrence to Court-appointed investigator, Hills, and to Ms. Butterfield's attorney, Steve Dagilis ("Dagilis"). Jones said that on January 6, 2016, she spoke with APS case worker, Carmen Frederick ("Frederick"), and scheduled an appointment at the NAF office for Jones to meet with Frederick and her supervisor, Perona, to discuss this incident and the case.

With her Response, Jones provided a Time Entry marked as "Exhibit A." Jones said that on January 19, 2016, the hearing for Appointment of Permanent Guardian and Conservator was held. As the information was contained in the Court investigator's report, the Court was aware of the incident at the time of the hearing. She said NAF was appointed as Permanent Guardian and Conservator at that hearing.

Jones said that on February 10, 2016, she met with Frederick and Perona at her office and discussed the incident. She said that the case had been sent to the Yavapai County Attorney for review and, upon information and belief, the Yavapai County Attorney, did not have sufficient evidence to proceed with the case and sent it back to the Prescott Police Department. Jones attached Time Entry Detail, Exhibit B. Jones said that Frederick informed her that the allegations against Gloden investigated by APS were unsubstantiated.

Jones stated that Gloden continues to work for NAF in care management. Gloden's duties include coordinating staff and scheduling staff in the field, preparing NAF invoices, reviewing medical invoices and medical insurance, approving medical invoices for payment, coordinating pre-needs arrangements, dealing with corporate filing and other office duties. Jones said Gloden receives direction from Jones, as Principal Fiduciary, and that all of Gloden's decisions must be pre-authorized by Jones.

Jones added that on May 27, 2016, she submitted the following documents to the Division, along with NAF's business license renewal:

- Affidavit of Northern Arizona Fiduciaries, Inc., by Carla M. Jones, signed May 26, 2016

- Employee Discipline Action, Beverly Gloden, executed January 5, 2016
 - Report of Investigation by Patricia Hills, filed with the Court on January 5, 2016
 - Minute Entry from Hearing on Petition for Appointment of Guardian and Conservator, filed January 10, 2016
 - Order Appointing Permanent Guardian and Conservator, filed January 19, 2016.
6. On September 23, 2016, a Fiduciary Board meeting was held for review, discussion, and possible action regarding summary suspension and/or Consent Agreement involving Gloden. The Board voted to accept the Consent Agreement to Emergency Summary Suspension, executed by Gloden on September 15, 2015.
7. On October 3, 2016, Investigator Fontana conducted a telephonic interview with Mitchell. She said that APS program manager, Robert Rivera ("Rivera"), knew that Mitchell was going to file a Complaint with the Division concerning Jones, Gloden, and NAF (Complaint Numbers 16-0008/16-0009/16-0010) so he asked her to check to see if there were any other open cases with APS involving NAF that may have "substantial evidence" and would need to be reported. Mitchell found that APS had an open case involving NAF and Ms. Butterfield. Mitchell reviewed APS records, Court files showing NAF was appointed guardian and conservator for Ms. Butterfield, and the police report containing Gloden's admission that she had provided Ms. Butterfield medication. Mitchell believed that there was "substantial evidence" in the case so she filed the Complaint with the Division.

Mitchell said that on December 4, 2015, APS received a community report regarding Ms. Butterfield "self-neglecting." Mitchell was not directly involved in this case but she was able to provide information to Division staff based on APS records she was referencing during the interview with Division staff. Mitchell said that Frederick was the assigned APS investigator but she is no longer with the agency. The case named NAF as the "alleged perpetrator" due to Gloden giving Ms. Butterfield the medication. APS became aware of NAF's involvement when Frederick learned that Jones and NAF knew about Ms. Butterfield's self-neglect situation. Mitchell said that NAF was either going to petition the Court to become the Court-appointed guardian and conservator or had already been appointed as guardian and conservator.

Mitchell stated that on December 18, 2015, another allegation of abuse was reported to APS involving someone witnessing Gloden giving Ms. Butterfield half of a Klonopin and that the medication had not been prescribed to her. Mitchell said she was unable to determine the reporting source by the notes she was reading but said the reporting source was concerned that there may be "serious medical complications due to Ms. Butterfield receiving this medication that she was not prescribed." Mitchell said the APS report documented that when Gloden, identified as the "alleged perpetrator," dropped Ms. Butterfield off at Alta

Vista, she told facility staff that she had given Ms. Butterfield a half of a Klonopin. Mitchell said the medication is used to control seizures, epilepsy, and for the treatment of pain disorder but it was not prescribed for Ms. Butterfield. The reporting source indicated that Ms. Butterfield was planning to move from her home at the beginning of January 2016, but she was forced to leave her home on December 18, 2015, by Gloden. Apparently, Gloden provided the assisted living facility with a copy of a petition for emergency guardianship but the petition was not signed by a Judge. Gloden told facility staff that the Court's order was expected to be signed by the following Monday. Facility staff indicated that staff would closely monitor Ms. Butterfield for any adverse reaction to the medication that Gloden had given her.

Asked what actions APS took regarding this report, Mitchell said APS records indicated that Frederick met with Gloden on December 23, 2015, at the APS office in Prescott Valley, Arizona. Gloden told APS that she moved Ms. Butterfield on December 18, 2015, and that Ms. Butterfield's doctor had called in a prescription for Ativan. When NAF staff went to pick up the Ativan, it was not filled. Gloden said that Ms. Butterfield "was very upset, didn't want to move, was very panic stricken when they arrived at Alta Vista in the morning" so Gloden decided to give Ms. Butterfield half of Gloden's own medication, Klonopin, to calm her. APS notes read that, while at Alta Vista, Gloden told Vialpando that she had given Ms. Butterfield half of a Klonopin, and that Vialpando was present when this happened. In addition, Gloden admitted to speaking with Officer Fisk of the Prescott Police Department when he interviewed her on December 18, 2015. According to the APS case notes, Mitchell was referencing, Officer Fisk informed Gloden that he was filing a police report and that "what she did was illegal and a crime" and that Gloden should never administer her own drugs to her client.

Mitchell said after the December 23, 2015, meeting with Gloden, Frederick called Jones on January 4, 2016. Asked if she knew who initiated that call, Mitchell said APS case notes indicated that Frederick contacted Jones regarding the concerns for Gloden, as was reported to APS. Jones stated that she was "aware of it" and that she had just returned on that date after being away for two weeks. Jones said she was not sure what happened but that "corrective action will be taken" although she was uncertain as to what kind of corrective action would be taken. Jones said she would schedule a meeting with her attorney "to see what will happen" and that the police report was sent to the district attorney's office. Frederick asked Jones if she had received a copy of the police report and Jones said stated that she made a request but had not yet received the police report.

Mitchell said that Frederick received a call from the Court-appointed investigator, Hills, regarding the guardianship. At that time, Frederick addressed the concerns regarding the medication Gloden had given Ms. Butterfield. Asked if APS records indicated whether Hills was aware of the medication issue, Mitchell said "it didn't sound like she knew of it" but Mitchell qualified her statements saying that she

was not there and was only getting this information from reviewing APS case notes.

Mitchell said another telephone call was documented on January 6, 2016, between Jones and Frederick regarding the medication that Gloden had given Ms. Butterfield. APS case records showed that Jones indicated she had spoken with her attorney and was told that she did not have to report this to the fiduciary board unless Gloden "is found guilty of something." Further, Jones said that if Gloden was charged and found guilty she would have to call and self-report to the fiduciary board because she is a licensed fiduciary and that "it all falls on her" and this would not "fall" on Jones. She also informed APS that she decided to take away Gloden's ability to make decisions for clients, demoted her, and reduced her pay for a significant period of time. Jones said that Ms. Butterfield's physician was contacted and that he was not concerned with Gloden giving Ms. Butterfield Gloden's own medication. Jones stated that because Gloden "tried getting the client's own prescription first" it showed that she attempted to give Ms. Butterfield her own medication but the prescription was not ready for pick up and this was the only reason Gloden gave Ms. Butterfield the medication.

Mitchell said that on February 10, 2016, Frederick and her supervisor, Perona, met with Jones at the NAF office. APS notes documented that they discussed Jones' and NAF's management of the estate and the policies and procedures regarding selling estate items. Mitchell said it seemed that there may have been some concern about how Jones was selling Ms. Butterfield's items. Specifically, APS was inquiring about a brand new handgun that Jones had removed from Ms. Butterfield's home while Frederick was present. Jones said that she had the gun in the vault and had planned to liquidate. APS case records stated that Jones showed how NAF conducts inventories of estate belongings.

Mitchell said that on March 8, 2016, Fredericks, prior to consulting with supervisor Perona, contacted Jones and informed her that APS was closing the case because Ms. Butterfield was in an assisted living facility. Mitchell said Frederick did this prematurely and this should not have been done. Perona was going to close the case and was prepared to mail out a case closure letter but APS Manager, Rivera, reviewed the case and re-opened it because the issues were not resolved so Rivera re-assigned the case to Perona.

Mitchell said APS also contacted the Yavapai County Attorney's office in February 2016 and March 2016 to get updates and to see if any criminal charges would be pursued.

Asked about the status of the APS investigation, Mitchell said the report has been submitted for substantiation and a review and determination could take two or three months. Asked about the process regarding substantiated findings, Mitchell said APS would send a letter to the "alleged perpetrator" and the client informing that APS is putting the case forward for substantiation and that the parties have

the option of rebutting the allegations and there would be an administrative hearing. Once substantiated, APS sends another letter affirming the decision and the person is placed on an APS registry. Being placed on this registry means the allegations were substantiated and that individual has been found to have neglected, exploited or abused a vulnerable adult. Asked who would be specifically named should there be a substantiation of the allegations in this matter, Mitchell said it would identify Gloden only and not NAF because it would show that Gloden committed the act of giving Ms. Butterfield that medication.

8. On October 5, 2016, Investigator Fontana conducted a telephonic interview with Perona, supervisor with the APS Prescott office. He said he supervised former APS staff, Frederick, who was the assigned investigator in this matter but she is no longer with APS. Perona said all of Frederick's work would be reflected in her case notes but said he was somewhat familiar with the case.

Perona said he did not recall having any meetings regarding Ms. Butterfield's case but recalled having a "meeting in private" involving Jones and another APS employee although it was not related to the Butterfield matter. Division staff reviewed, with Perona, information obtained by the Division regarding a February 10, 2016, meeting involving Perona, Frederick, and Jones. This reference appeared to assist his memory and Perona said he recalled a meeting on that date at Jones' office. Asked what was discussed at that meeting, Perona said they talked about how the fiduciary handled assets for clients and that the meeting was more about a learning experience for Frederick because she had previously never met with a fiduciary. Jones went over NAF's policies and procedures and spoke to how she handles cases "once she takes over for a client." Asked if APS had concerns about how NAF handled client assets, Perona said "we're going by what the client was telling us." He elaborated that the issue was "about a firearm that was missing or how it was handled." Perona said Jones acknowledged that the firearm was locked in a safe in her office.

Perona was asked about the circumstances that got APS involved with NAF, he said it was about Gloden "giving the client one of her prescription pills." Asked if APS discussed this issue with Gloden, Perona said "not that I recall" but said it would have been Frederick that would have talked to them about it because it was her case. Asked if he recalled speaking with Jones about this issue, Perona said he did not remember doing so but said Jones contacted him "after the fact about it" when she learned that the Division was involved. Perona said Jones asked him what was going on with the APS case but he told her that he could not discuss the matter. He said it "basically ended there" but Jones mentioned that a Complaint had been filed. Asked if Jones offered any opinion, provided any explanation, or otherwise talked about any actions she may have taken regarding this incident, Perona said "not really at the time, no." He said when Jones called him she was concerned because she thought the APS case was closed and she wanted to get information on the status but he told her that APS could not share any information with her.

Asked about the status APS case was at the time of Jones' call, Perona said it was still open and it remains open to date. He said the report has been sent for review and evaluation to APS's Appeals Specialist, Ellen Stenson, to determine whether there is sufficient evidence to substantiate the reported allegations. If substantiated, the report is forwarded to the Attorney General's office for review. Perona was asked if the APS investigator makes any recommendation as to whether or not to substantiate the allegations. He said that his office would make a recommendation to forward the report on to Ellen Stenson for her review and consideration. Perona was asked if he remembered what recommendations were made in this case to which he said that the case was "originally closed due to law enforcement" not thinking there was enough evidence at the time. Asked to clarify, Perona explained that Prescott Police "didn't do anything with it" so Perona said he thought that APS did not have enough and his office closed the case. Asked what prompted APS to reopen the case, Perona said that the APS Quality Assurance Division reviewed the case and determined that further investigation was required and that this case should be reported to the Division. At that juncture, Person said APS' Mitchell was involved and Perona's understanding was that she forwarded the information she had to the Division. Asked if Gloden was interviewed as part of the APS investigation, Perona said she should have been interviewed.

9. On October 12, 2016, Investigator Fontana conducted a telephonic interview with Hills. She said she was the Court-appointed investigator in Ms. Butterfield's probate case. Division staff reviewed, with Hills, a paragraph she wrote in the Report of Investigation, dated January 6, 2016, which she filed with the Court. The paragraph reflected that a charge was currently pending against a staff member at NAF for giving Ms. Butterfield an unauthorized medication on the day she was moved to Alta Vista. Hills further wrote that Jones was handling the matter internally and, in light of Jones' and NAF's experience and reputation, as well as the extenuating circumstances, this did not deter Hills from recommending NAF as the guardian and conservator for Ms. Butterfield.

Hills was asked how she obtained the information she entered into her report. She said she did not specifically remember but thought Jones told her what had occurred and that Jones probably called her thinking that the court investigator should know about the charges in case Hills was uncomfortable recommending NAF for appointed as guardian for Ms. Butterfield. Questioned if information was provided strictly by Jones or whether Hills received additional information from other sources, she said the details were vague but said Gloden was having a difficult time with Ms. Butterfield when trying to move her from a possibly dangerous situation. Hills said that Gloden had a tablet or half of a tablet that she gave Ms. Butterfield to relax her prior to moving her. Hills believed that the information was provided by Jones. Hills was asked if she spoke with Gloden to which Hills said she thought she may have or probably did but she could not confirm. Hills indicated that she had case notes but providing the Division a copy

of those case notes would not be helpful because she uses a short hand that she can read but would not make sense to anyone else.

Asked if she had concerns about what had taken place regarding Gloden's conduct in this instance, Hills said she could not remember what pill/medication was used but believed that it was "fairly benign...it wasn't like a psychotropic but something to just calm her down." Hills said her understanding was that the situation was really difficult and Gloden did not know what else to do adding "I don't think she really thought of the implications...of what she was doing." Hills opined that Gloden did this out of desperation and remembered that she had this pill and thought it was to calm Ms. Butterfield and make it easier on her.

Referencing Hills' report to the Court, she was asked to comment on what she meant by the term "unauthorized medication." She said Ms. Butterfield did not have a State doctor's prescription for that medication. Asked whether Jones or Gloden ever indicated that this was something that should not have been done, Hills said they knew it was and "they were very regretful." Hills recalled that Gloden was "pretty devastated" and that she had done this out of desperation in that situation. Hills said she knows that this was not something they would do on a regular basis or before or ever again. She said they were very well aware of rules for professional fiduciaries. To verify whether she communicated with Gloden, Hills said she would review her case notes and call the Division back.

10. On October 12, 2016, Investigator Fontana conducted a follow up telephonic interview with Hills. She said she reviewed her case notes and verified that she spoke with Jones on January 5, 2016. Jones told her that NAF contacted Ms. Butterfield's physician, Dr. Rauscher, for a prescription for Ativan to help with the move. NAF staff dropped off the prescription at the pharmacy but when they arrived to pick it up it was not ready but another medication had been filled. Hills said her notes indicated that Gloden gave Ms. Butterfield a half of a Klonopin when she was moving Ms. Butterfield from her home to Alta Vista. Gloden then put the other half of the Klonopin on the table while at Alta Vista then told staff that she gave Ms. Butterfield a half of that pill earlier. According to Hills' case notes, Gloden contacted Dr. Rauscher and told him what she had done. Hills said she made a notation in her case notes that Klonopin "is a little stronger than the Ativan." Hills verified that the information she was imparting to the Division was provided to her by Jones. Hills said that she spoke with Jones for about 30 minutes adding that it was at the end of the conversation with Jones that she provided the provided the information about Gloden's conduct.

Asked to verify whether she interviewed Gloden, Hills said her case notes show that she had not spoken with Gloden or the Court-appointed attorney. Hills was asked if her case notes indicated whether Jones was concerned about what had happened or made any comments beyond providing the details of the incident, Hills said that both Jones and Gloden were "very, very concerned about it" and that Jones was trying to determine the appropriate thing to do regarding whether

she should terminate Gloden or take some type of disciplinary action such as putting her on leave. Asked if Jones specifically stated this, Hills said that Jones did make those statements. Hills did not make any recommendation to Jones but Jones was very concerned about how to proceed given the circumstances. Asked if that was information was reflected in her case notes, Hills said it was not but said she remembered this from her conversation with Jones.

11. On October 28, 2016, Napper, Gloden's attorney, provided a written Response indicating that the subject matter of the Complaint, as reported in Prescott Police Department Report (#15-41349) remains under criminal investigation. Therefore, on the advice of counsel, Gloden will not be able to provide any additional information or specific responses to this Complaint. Napper said that Mitchell submitted the referenced police report and Gloden's employer provided the Division documents and records including internal time-keeping records for Gloden, a summary of events in question as submitted in NAF's license renewal in May 2016, and a copy of Gloden's notice of discipline by her employer.
12. On November 30, 2016, Investigators Fontana and Sheryll Prokop ("Investigator Prokop") conducted an onsite interview with Vialpando at Alta Vista. She said that Ms. Butterfield paid a deposit at Alta Vista and had been on a two-year waitlist. Being on the waitlist meant that Ms. Butterfield could utilize the facility's restaurants and she could participate in activities. Ms. Butterfield typically drove herself to the facility and she came for meals and holidays. Vialpando said Ms. Butterfield had positive experiences at Alta Vista and she enjoyed coming.

Vialpando said she and others saw Ms. Butterfield out at a dinner in the community and they were concerned about her. Vialpando had previously visited her so she went to see Ms. Butterfield at her home. When Vialpando arrived there, she said she feared for Ms. Butterfield's safety because she was having memory problems. She had a space heater and papers "stacked all over" and the front door deadlock was broken and locked so in the event of a fire it would be dangerous for her. Vialpando said she made several calls to professional people she knew about these concerns but she did not know that a fiduciary was already "lined up" for Ms. Butterfield. About two weeks later, Vialpando received a call from Gloden stating that she represented Ms. Butterfield and that NAF wanted to place her and was looking to see if Alta Vista was a good fit. Gloden said she was trying to get emergency guardianship and that if all went as planned NAF would have Ms. Butterfield at Alta Vista prior to Christmas.

At a later date, Gloden called again and said that NAF had petitioned the Court but had not yet been appointed although NAF was going to proceed with moving Ms. Butterfield to Alta Vista. Vialpando recalled having a day or several days in which to get an apartment ready for Ms. Butterfield and that NAF was unwilling to bring Ms. Butterfield any of her belongings from her home. Vialpando said moves like these can put people in turmoil especially those with memory deficits

and the experience is worse without having any of their personal belongings. Vialpando said she asked if NAF could bring Ms. Butterfield's couch or some of her pictures but Gloden indicated that NAF preferred that Alta Vista furnish the apartment with whatever was available and NAF would bring Ms. Butterfield's belongings to Alta Vista at another time.

Vialpando said that on December 17, 2015, she spoke with Gloden who said she was going to bring Ms. Butterfield to Alta Vista at lunch time the next day and "do what she calls a drop off." Vialpando asked Gloden what a "drop off" was and apparently Gloden replied that she was going to drop Ms. Butterfield off. Vialpando said this is considered a "drop and run" in the industry because an individual is dropped off unaware that he or she is being dropped off permanently therefore leaving Vialpando to console Ms. Butterfield afterward.

On December 18, 2015, Gloden brought Ms. Butterfield to Alta Vista. Vialpando said she had arranged for them to have lunch and then Gloden would meet with Stump to sign the lease. Vialpando said that Gloden had previously cautioned Vialpando about what to say in front of Ms. Butterfield so Vialpando felt uncomfortable because she could not speak freely. Vialpando said she saw Gloden pull a half of a pill out of her purse and set it next to Ms. Butterfield's glass of water or whatever she was drinking and Gloden said, "I need you to take this" and Ms. Butterfield asked why she needed to take the pill. Gloden told Vialpando that "there was mess up at the pharmacy and so we're getting that fixed." Vialpando said Gloden then turned to Ms. Butterfield and stated, "It's the same as I gave you this morning at the house, so it's fine, just take it, go ahead and take it" but Ms. Butterfield did not want to take the pill. Vialpando said she did not know why Gloden mentioned the issue with the pharmacy because, at that time, Vialpando would not have known that the pill was not for Ms. Butterfield. Asked if Ms. Butterfield took the pill, Vialpando said Gloden set it on the table for her and Ms. Butterfield took it per Gloden's instructions. Gloden then went downstairs to meet with Stump to sign the lease and paperwork. After Gloden left, Stump told Vialpando that Gloden communicated to her that she gave Ms. Butterfield a Klonopin. Vialpando said that Alta Vista needs a physician's order listing all medications but Klonopin was not on the order.

Vialpando later learned, through Stump, that the problem with the pharmacy, alluded to by Gloden at lunch, was related to a new prescription that had been ordered for Ms. Butterfield but that Gloden did not get the prescription before she brought Ms. Butterfield to Alta Vista so Gloden "felt the need to give her one of her personal Klonopins." Vialpando said when Stump approached her, she was upset and asked, "Do you know that she gave her a pill?" and Vialpando said she saw Gloden doing so at lunch. Stump told Vialpando that it was not one of Ms. Butterfield's pills and that it was one of Gloden's prescription pills. After some discussion Stump determined that they needed to call police because they considered this to be elder abuse.

Vialpando said that after Gloden left the facility, Vialpando was responsible for walking Ms. Butterfield into an apartment that she had never seen and also to tell her this is where she will be staying. Ms. Butterfield wanted to go home and said she came there to have lunch like she always did. She eventually got very agitated and it made for a long night for her and Alta Vista staff. Vialpando was asked if NAF had ever done a "drop off" or "dump and run" before. She said she knew of NAF doing them because Gloden admitted it when Vialpando asked her to explain a "drop off." Gloden told her, "This is what we do. I'll come in and have lunch, we'll watch what we're saying to each other, and then I'll get up and leave." Vialpando added, "Those were her exact words."

Vialpando said on the evening of December 18, 2015, a police officer came to Alta Vista and took statements from her and Stump. The officer called NAF's after-hours cell telephone number and Gloden answered the phone. Vialpando said the officer talked to Gloden and she initially denied what had happened but then was truthful. The police officer indicated that he was going to do what he could to stop the emergency guardianship but Vialpando thought that Gloden seemed "nonchalant about it all." The police officer suggested that Alta Vista staff try to locate someone to step in as guardian and to get a Court order. Vialpando said Ms. Butterfield worked for Andy Tomlinson, a financial firm, and the firm controlled her money. They discussed the situation with Alta Vista's director and she placed a call to Andy Tomlinson. Vialpando called his son-in-law who works in the financial office to see if they could step in as guardians.

Vialpando said that while the police officer was at Alta Vista, NAF staff, Pierson, came to the facility with some of Ms. Butterfield's clothing. When the officer tried to speak with Ms. Butterfield, Pierson kept interjecting and the officer had to tell her that he was interviewing Ms. Butterfield. Vialpando said the two "kind of had words" and Pierson seemed to be "on the defensive." Vialpando said she did not speak with Gloden for several days after she brought Ms. Butterfield to Alta Vista.

Vialpando stated that Alta Vista's course of actions upset Jones. She had been on vacation during the time when Ms. Butterfield had been moved to the facility and about a week later Jones called, introduced herself, and wanted to know why Alta Vista had called the police. Vialpando said she told Jones that "improper things had happened" to Ms. Butterfield and that no one should have to go through that experience. Vialpando said she told Jones, "I think we all have a duty to report if we think something's not right" to which Jones apparently replied, "Well, you have no idea what you did and we do what we do for a reason." Vialpando explained that because Gloden had given Ms. Butterfield the Klonopin it "messed up" Alta Vista's medication orders and staff could not give her anything resulting in staff being up with Ms. Butterfield while she was crying.

Asked if she thought that Jones seemed upset that Alta Vista called police, Vialpando said Jones was "very upset" about that and because Alta Vista had

contacted Andy Tomlinson. According to Vialpando, Jones told her that Andy Tomlinson was in the middle of wiring money but after Alta Vista's call the money was stopped. Jones blamed Alta Vista for that and said "so you'll get paid whenever you get paid because of that and that's on you because you stopped it." Asked if Jones made any attempt to obtain information from facility staff to help her understand the facts and what had happened, Vialpando said, "No" and opined that Jones was calling on behalf of protecting NAF and Gloden. Vialpando said Jones made statements along the lines of "she'll do whatever she has to do" which Vialpando took to mean that Jones might possibly take her to Court because Jones thought Vialpando was slandering her business although Jones did not specifically make that threat. Vialpando said before Jones called her, Gloden had also called and asked why Alta Vista contacted the police. Gloden said that Alta Vista did not understand the fiduciary business and what fiduciaries had to do.

13. On November 30, 2016, Investigators Fontana and Prokop conducted an onsite interview with Stump. She said she saw Ms. Butterfield several times per week when she came to the dining room at Alta Vista. Stump said Ms. Butterfield knew she was moving to Alta Vista but not "abruptly." Asked about her understanding of the circumstances that caused Ms. Butterfield's move to be done "abruptly," Stump said Vialpando had concerns for Ms. Butterfield being home alone with papers left on the floor close to a small space heater. There were concerns that her safety was compromised because of memory problems. Stump said that NAF staff did not contact her directly regarding the move. She had completed an assessment and determined that Ms. Butterfield was appropriate for assisted living.

Stump said that when NAF brought Ms. Butterfield to Alta Vista "she literally thought she was coming here for lunch...then they gave her a medication." Stump stated that Ms. Butterfield was brought to Alta Vista and was upstairs having lunch. When Stump met with Gloden, she disclosed that she had given Ms. Butterfield a Klonopin but Stump knew that Ms. Butterfield did not have Klonopin on the order because the physician's referrals listed the prescribed medications. Stump said Klonopin is "controlled substance" and if Alta Vista did not have an order for this medication the facility should get an order because "it's not easy to get those just right off the bat."

Stump said she told Gloden that Alta Vista did not have an order for Klonopin and Gloden stated, "No, she doesn't have an order for it." When Stump asked how Ms. Butterfield got it, Gloden said, "I gave her one of mine" and said, "I can do that" as Ms. Butterfield's guardian. Apparently, Gloden commented that it was "like taking care of a minor child and that she could make those decisions for her." Stump said she thought to herself "absolutely not, this is not okay with me" and Stump immediately called Ms. Butterfield's doctor and spoke with the nurse/medical assistant. Stump relayed to the nurse that Gloden was at Alta Vista and had disclosed that she had given Ms. Butterfield narcotics, not prescribed to her, to sedate her so that Gloden could get her to Alta Vista. Stump said the

doctor's office "clarified that she did not have a prescription for Klonopin, that they should not have given her Klonopin." Stump said the doctor may have been out of town but the nurse told her to call police and when Stump called police, the officer told her to call APS.

Stump said she did not alert Gloden about the call Stump made to the physician's office. Stump said her primary concern was that Ms. Butterfield had a prescription for Lorazepam. Stump stated that if Gloden not disclosed that she had given Ms. Butterfield a Klonopin and had Alta Vista administered the Lorazepam "we could have overdosed her...we could have harmed her" because Alta Vista goes by whatever is shown on the medication list. Additionally, Stump said that "it is against the law" to give someone medication that is not prescribed to them "let alone a controlled substance." Stump said that she did not witness Ms. Butterfield taking the medication but that Vialpando saw Ms. Butterfield take half of a pill. Stump's understanding was that Gloden handed Ms. Butterfield a half of a pill and told her to take the medication and that it was the other half of the same pill which Gloden had given to Ms. Butterfield earlier that morning while at her home. Stump said when the police called Gloden to interview her, she acknowledged giving the Klonopin and said, "I did what I had to do." Gloden also told the police officer that it was her own prescription medication.

Stump said Ms. Butterfield was "so upset and so distraught" because the move happened a week before Christmas and "they just plunked her out of her home and stuck her here with none of her personal items. She didn't even get pajamas until probably 9 o'clock that night." Stump said "it was heartbreaking" and Ms. Butterfield was asking to go home to get her belongings. Stump added that Ms. Butterfield "loved it here but that wasn't how she wanted to be here." She was concerned about her belongings and about her home being unlocked. Stumped described the ordeal as "a horrible experience for her."

Stump was asked whether it was common practice for fiduciaries to place clients at Alta Vista as Ms. Butterfield was placed by NAF. Stump said this was not typical. She said she has seen situations whereby a family member will bring someone going into memory care who does not want to leave his or her home and the family will give the facility a week for the person to get acclimated and then start visitation but Stump said this does not happen often. She commented that NAF should have told Ms. Butterfield that she needed to move for safety reasons adding Ms. Butterfield "was with it enough to have known that you could have sat down with her." Stump said, at the time, she asked Gloden if Ms. Butterfield had "any idea that she's staying" to which Gloden replied, "No, she thinks she's here for lunch." Stump said, "So basically what they call a dump and run" and Gloden stated, "Yes."

Asked if anyone from NAF contacted her regarding what had occurred regarding the medication issue, Stump said that she did not speak with Jones but knew that Jones had reached out to Vialpando because she disclosed that at a staff meeting.

Asked about her understanding of that conversation between Jones and Vialpando, Stump said Jones was “disappointed that we called the cops and got people involved because they had a job to do” and Jones blamed Alta Vista for calling police. Stump said, “My reaction to it was, I don’t owe her anything. My job is to look out for the residents...my job is to be an advocate for seniors, especially vulnerable ones.” Stump said she did not call Jones.

Because Gloden had done this to Ms. Butterfield, Stump said she wondered if Gloden had done this to others or whether she was taking advantage of seniors “all the time.” Stump rhetorically questioned, “What makes you think that you need to give somebody a sedative to get them to come to assisted living? If you could just be honest. And if you will do that then what else will you do? Because to me that’s a violation, that’s abuse. It’s abuse because if I was to give someone a medication that wasn’t theirs and to sedate them, I wouldn’t have my license and I wouldn’t have a job and I shouldn’t be able to be around seniors. And I feel that is the same scenario.” Stump claimed that she has done this work for a long time and is a “huge advocate” for seniors who cannot speak for themselves and what happened in this situation was “taking advantage of a vulnerable adult.”

14. On November 30, 2016, Investigators Fontana and Prokop conducted an onsite interview with Jones and attorney, Clugston. Jones verified that Gloden is currently Vice President of NAF, an officer in the company, but that Gloden does not have an ownership interest in the business. Jones said she is the sole owner of NAF.

Jones stated that on May 27, 2016, when Jones applied for renewal of NAF’s business license, she notified the Division as to what took place with Gloden.

By way of background, Jones said that Gloden has worked with Jones for 14 years beginning in 2002. Jones said she did not know Gloden prior to her employment with NAF. Asked what information Jones had regarding Gloden’s history at and around the time of hire, Jones said she could not readily recall because it was 14 years ago and she would need to review her files. She said one of the reasons she hired Gloden was because of her background in private home health care. Jones said that when Gloden was first hired she was doing “care assistant” and “care management” ensuring that clients had proper clothing and did placement assessments. Jones said that Gloden eventually got licensed as a fiduciary and she has maintained that licensure.

Referencing NAF’s billing records, after Gloden gave Ms. Butterfield the Klonopin on December 18, 2015, Gloden contacted Jones and Clugston apparently to “discuss and explain” what had happened according to NAF records. Jones was asked if she was at the office at the time of this incident. She said she was not in the office and was in Cottonwood, AZ, “getting ready to take holiday with my family” and said that she was gone “two weeks.” Questioned whether, in her absence, she left anyone with charge with decision-making

authority, Jones said she is always available by email, cell phone and text messaging if she is needed by any of her staff.

Asked to explain what Gloden reported to her on December 18, 2015, when she called to alert Jones. She said that Gloden stated, "I made a horrible mistake. I provided Sonja [Ms. Butterfield] a medication that wasn't prescribed to her during the move. It was a horrible mistake, that Prescott Police Department has been called and I said ok, well, this was late on a Friday evening. I said we will report that, we already reported to Adult Protective Services who was actively involved in the case when we got into it." Asked if the matter was reported to APS on that day, Jones said it was and that she believed that Gloden reported it directly to APS worker, Frederick, who was assigned to the case. Jones was asked if this matter resulted in APS opening a new investigation, Jones said that APS had an open file with Ms. Butterfield because of significant concerns for her to continue residing alone in her home. Jones said that in 2012, Ms. Butterfield appointed NAF as agent under a Power of Attorney. APS had concerns about Ms. Butterfield living in her home and APS wanted NAF to move quickly to place Ms. Butterfield in Alta Vista where she had previously paid a deposit and was transitioning to live there.

Jones was asked to identify what medication/pill Gloden reported giving to Ms. Butterfield and to explain the rationale for Gloden giving Ms. Butterfield the pill. Jones replied, "She said that she had given her a half of a Klonopin because there was a mistake at the pharmacy and the Ativan that was to be picked up, wasn't picked up. When we picked up the medication, it was actually the Metformin [Metformin] that was picked up and not the Ativan that was filled and she had some Klonopin on her." Jones was asked if she understood that the Klonopin was Gloden's own prescription medication, Jones said "Yes, that's my understanding and she gave her half a Klonopin until the Ativan was ready." Asked if Gloden indicated, to Jones, her intent to give Ms. Butterfield the Klonopin prior to doing so, Jones said that Gloden did not talk to her prior to giving the pill to Ms. Butterfield and disclosed doing so after the fact. Jones said that Gloden told Alta Vista staff about it "because it was a new medication, as she would have with the Ativan" and because Ms. Butterfield often indulged in a few glasses of wine when at Alta Vista. Jones said because Ms. Butterfield had "foreign medication in her," Gloden notified facility staff that she had given her the half of the Klonopin so that facility staff could monitor Ms. Butterfield given that she was "going to go to happy hour, we wanted her to be safe."

Jones was asked if Gloden explained the reason she gave Ms. Butterfield the Klonopin, Jones said it was her understanding that Gloden "did that to relieve the anxiety of the move for Ms. Butterfield, which is why the doctor also prescribed the Ativan to be ready that day to help ease the anxiety of the transition from home to Alta Vista." Asked if Ms. Butterfield knew she was moving to Alta Vista on that particular day, Jones said "She did...I believe so." Jones was asked if she could think of any reason why moving Ms. Butterfield to Alta Vista could not

wait until the appropriately prescribed Ativan was filled by the pharmacy. Jones stated, "Due to the move was scheduled on a Friday to where that she would be safe in Alta Vista over the weekend because Ms. Butterfield would drive to Alta Vista and have happy hour. She would go to the pharmacy and say 'I don't know how to get home'...the pharmacy would report to the doctor that she would get lost driving. There was huge safety concerns for Ms. Butterfield in her home. It was a move to keep her safe over the weekend."

Jones was asked again the reason Gloden could not have waited until the Ativan issue was rectified and the prescription filled rather than giving Gloden's own medication to Ms. Butterfield. Jones stated, "She should have waited, it was a mistake that she made. She should have waited for the Ativan to have been filled." Asked if, in her experience the pharmacy was typically quick to resolve these sorts of issues, Jones said "when there's not a confusion with the patient who's supposed to be receiving the medication as was in this case. They filled the medication for another patient so we had to wait for it to get filled for our client." Asked if she knew how long the pharmacy took to fill the Ativan prescription once learning there was a problem, Jones said she would have to review her notes to see when it was picked up.

Jones was asked if she believed that Gloden's conduct and actions reflected competent fiduciary practice or was acceptable or safe. Jones said, "It was not acceptable to give her the wrong medication. It was reported to Ms. Butterfield's doctor immediately the following Monday. It was reported to the client's attorney the following Monday. It was reported to the Court investigator. It was also reported to the judge and discussed about in open Court at the hearing. I do not believe there was any malicious intent for that, it was a big mistake. I do believe that she had Ms. Butterfield's best interest in her mind, in her heart, when she did that, to keep the anxiety down, to get her moved and to get her safe over the weekend and during the holidays."

Given what Gloden reported to Jones on December 18, 2015, regarding the Klonopin, Jones was asked what concerns she had, if any, to which she replied, "The incident was reported to the police and it was reported to Adult Protective Services. It was reported to the attorney, to the doctor...I left it into the police's hands to investigate for the outcome." More specifically, Jones was asked what concerns she had given that one of her employees reported to her that she had given a Ward a pill that was not prescribed that medication, Jones said, "My concern was the outcome for Ms. Gloden and...concern that my client was safe and that the doctor was aware and...my concern was my client and that my client was safe and she was at Alta Vista and that she was safe...and that it was reported and we would let the investigation unfold."

Questioned about what immediate decisions she after learning about the events of December 18, 2015, Jones said, "Boy, this is almost a year ago. Excuse me for having to go all the way back to December 18th. My decision immediately was for

Ms. Gloden to go home and not to go to Alta Vista over the weekend and I instructed other staff to go to Alta Vista and to check on Sonja [Ms. Butterfield] and to work with the team at Alta Vista and to make sure Sonja's settling in and to arrange her in-home outside care services so that she could get to church on Sunday and she could get with her friend, Milt, and for Beverly [Gloden] to go home and take herself out of the situation. That was my immediate decision."

Jones was asked if she contacted anyone on the evening of December 18, 2015, she said she called her attorney. Asked if those discussions included Gloden, Clugston interjected stating that anything discussed was subject to attorney-client privilege and that he represents NAF. Jones agreed with her attorney's statements and would not answer whether Gloden was included in that discussion. Given Jones' statements that police and APS were involved, she was asked whether she spoke with anyone from APS or police that evening and in the ensuing days, or whether she waited until she returned from her two-week vacation before did anything, Jones said, "I'd really have to look through my notes to refresh my memory."

Asked if she contacted anyone at Alta Vista to discuss this incident and inquire about what had happened, Jones said "No." She denied speaking with police but said she did "probably" contacted APS staff, Frederick and Perona, in February 2016. Jones was asked if the information she obtained about the details of December 18, 2015, came solely from Gloden or whether Jones made efforts to gather additional facts from other sources, Jones said, "Ms. Gloden reported the incident to me."

Given Gloden's stated account of the events, Jones was asked to whether she believed that Gloden required some level of supervision to continue performing her work. Jones remarked, "Upon my return on January 5th, I issued a disciplinary action against Ms. Gloden for the events of December 18th." Asked if she knew whether Gloden visited vulnerable individuals including those under Court-appointed guardianships around the time of the incident with Ms. Butterfield and afterward, Jones said, "Well, yes she did visit other clients." Jones was asked if she had any concerns for Gloden conducting any such visits Jones stated, "No, I did not."

Asked what factors Jones considered that led her to be reasonably assured that nothing like what occurred on December 18, 2015, would happen again, Jones replied, "Ms. Gloden's 14-year history with my firm, this being an isolated incident that was a horrible mistake that we took very seriously and Ms. Gloden's bond that she has with our clients. She truly has a caring compassion and advocates for our clients, for their welfare, for their best interest. She promotes their independence, their self-reliance. She advocates for them, she listens to them, she involves them in aspects of their life."

Jones was asked if, at any time, prior to the December 18, 2015, incident, as described, she had knowledge of any history involving Gloden and prescription medications, Jones said, "I believe there was something in her past and I believe that that was addressed through the fiduciary Board when she was licensed." Jones said, "I do not have that knowledge" when she was asked if she knew specifically what that "something" was. Questioned whether the information about Gloden's past was communicated to her, Jones said, "I would have to go back and look through my employee files. I don't have that here." Jones was further asked if she thought she obtained that information directly from Gloden or from another source, Jones said, "I imagine Ms. Gloden told me she was, had problems with her licensing based on this issue in the past and it was handled through the fiduciary board and the licensing program and she was issued her fiduciary license." Jones said she could not recall when Gloden applied for her fiduciary license but verified that Gloden was an employee with NAF at the time of her application for a fiduciary license. Asked if she retained Gloden's employee record regarding her difficulties in obtaining her fiduciary license, Jones said it would depend on what information was given to her then stated, "I believe that there was a medication issue in her past and that it was addressed during her licensing."

While she was on her two week vacation in December 2015, Jones said she maintained regular contact with her staff and returned to work in early January 2016. She said she created the Employee Disciplinary Action Plan ("Disciplinary Plan"), signed by Gloden on January 5, 2016. Jones was asked to explain the purpose of the Disciplinary Plan. She said, "Ms. Gloden made a mistake. She made a huge mistake. It was an error not to be overlooked." Asked specifically about the purpose or intent of the Disciplinary Plan, Jones said it was to "reprimand her for her mistake...to file a disciplinary action...because this matter I took very seriously and it wasn't okay."

The Division notes the terms of the referenced Disciplinary Plan, paraphrased by the Division:

- Gloden is not authorized to make any decisions on behalf of clients
- Gloden cannot sign any documents related to any client
- Gloden cannot give any instructions to other team members relating to client care
- Gloden cannot bind any client's estate or assets
- Gloden has been demoted to support staff
- Gloden will not practice as licensed fiduciary

The Disciplinary Plan does not include a termination date. After creating the Disciplinary Plan Jones said she reviewed the terms with Gloden who agreed to the terms and signed the document. Jones said she did not review the Disciplinary Plan with other NAF staff because she does not discuss personnel issues with other staff members. Asked about NAF's supervision and reporting structure, Jones said that she gives Gloden instructions who then instructs other

NAF staff based on Jones' direction. Jones said that Gloden is still a "filter" or "buffer" and that NAF associate staff "still go" to her because she is knowledgeable but that Gloden "staffs everything" with Jones who provides direction. Asked whether support staff members were aware of and clear on the reporting and decision-making structure, Jones said she had a meeting with her staff to discuss this.

Jones was asked whether Gloden was compliant with the terms of the Disciplinary Plan to which Jones said she believed Gloden was compliant. When asked what strategies Jones implemented to ensure compliance, Jones said she reviews time records, has regular staff meetings where cases are reviewed, and she delegates responsibilities to staff. Asked to clarify Gloden's new role from fiduciary to support staff, Jones said that Gloden supports her by filtering associate staff's questions so that Jones does not have to field all questions from her staff. Additionally, Jones said that Gloden performs clerical work and assists with payroll and corporate office related matters. Jones acknowledged that Gloden continued to provide direct client services including visiting clients until "recently" referring to the suspension of Gloden's fiduciary license.

Asked to explain Gloden's support staff status in the capacity of visiting NAF clients, Jones appeared to have difficulty providing a clear answer but eventually offered that she sent Gloden out into the field to "check on placements" and said Gloden had direct contact with NAF Wards. Jones was asked if Gloden's support staff status was a new position created for her, Jones said, "maybe support staff wasn't the best word in there" and clarified that all of her staff has communication with clients, visits wards, and takes them to doctor's appointments so Gloden was performing duties similar to those of other NAF staff. Jones said support staff do not sign documents. When questioned about NAF billing records showing that Gloden documented that she signed various documents, Jones said that there may have been times when that occurred but this would have been done under Jones' direction or the signature would appear as signed "for" Jones and NAF.

Referencing the term "dual custody" that was sometimes documented in NAF's billing records when staff members visited with Wards, Jones said the term is used to mean that two staff members attended that particular visit and she verified that if billing records did not reflect "dual custody" then the staff member identified in the billing entry was alone when she conducted the visit with the Ward. Jones said she directed her staff to go out on a visit with a client and staff would later report back to her. Jones said she was aware that Gloden's fiduciary license was suspended and, at that time, Gloden's role changed and she could no longer see clients but she was seeing Wards until her license was suspended. Jones described Gloden's suspension as a "voluntary suspension."

Division staff asked Jones about her meeting and discussion with APS staff regarding Gloden giving Ms. Butterfield the Klonopin, Jones said she met with APS in February or March 2016. Jones reiterated that "Ms. Gloden made a bad mistake, a very bad mistake we've taken it very serious." She said APS staff told

her that the matter would be “unsubstantiated” because APS did not consider Gloden’s actions to be malicious or that she had a malicious intent.

Jones restated her understanding that Gloden gave Ms. Butterfield half of a Klonopin at her home prior to relocating her to Alta Vista to relax her and relieve Ms. Butterfield’s anxiety. Jones said that when they arrived at Alta Vista, they all sat at the table with Alta Vista staff. Jones said the other half of the half of the Klonopin was left at the table but Gloden did not give it to Ms. Butterfield. Jones said she later understood that Ms. Butterfield took the Klonopin but Jones said she presumed that Alta Vista staff gave it to her. Asked to specify where she obtained that information, given that Jones previously stated that she did not speak with staff at Alta Vista, Jones affirmed that she got the details from Gloden.

Jones was asked the reason Gloden brought the Klonopin out and placed on the table at that time. Jones stated that she did not know. Asked if Gloden offered an explanation, Jones said that Gloden did not nor did Jones ask Gloden for an explanation. When asked the reason Ms. Butterfield needed the medication, Jones stated “it’s pretty common” in the industry that whenever a client relocates the doctor “normally prescribes something” to help with the anxiety and fear associated with the transition. Regarding what Jones and NAF knew about Ms. Butterfield’s medical history prior to the move, Jones said she would have to check her records but said NAF obtained a medical history from Ms. Butterfield’s doctor.

Asked again if Ms. Butterfield knew she was being moved to Alta Vista, Jones said Ms. Butterfield paid a deposit at Alta Vista and she was told about the move because NAF had “taken things over there for her.” Jones said the move had been discussed with Butterfield several times although Jones conceded that she was “not sure if the exact date was discussed” with Ms. Butterfield. Asked if Ms. Butterfield agreed to be moved, Jones said she had chosen Alta Vista if she could not be at home adding, “But I don’t think she was quite ready at that exact time to move” although it was imperative because of safety concerns and that APS had multiple reports regarding those concerns. Jones said Ms. Butterfield had a space heater and mounds of paper on the floor, food in her refrigerator that had expired two years prior, and she would drive after consuming wine and she often got lost.

Asked about NAF’s procedures regarding a planned move, Jones described a process which included identification of a window of time when a move will happen, taking steps to ensure that there is an available apartment set up, and contacting the doctor and having medication ordered so it is ready. Regarding Ms. Butterfield’s move, Jones said, “We wanted to get it done before the weekend...so she would be safe and so all of those steps happened before that move and that’s the day the move was scheduled.” Asked about the term “dump and run” Jones did not appear to be familiar with the term and asked Division staff to explain what it was. Division staff described a “dump and run” as occurring when a fiduciary makes the decision to leave a Ward at a facility on a

certain date and does so without the Ward's knowledge that he or she would be left at that facility on that day. Jones said that Ms. Butterfield "was aware that she was going to be moved. Again, I'm not sure if she was aware it would be that day or not. We do arrange to have the staff of the facility so okay we're going to bring them in for lunch and get their rooms ready and have somebody go back."

Jones said that she had her staff "all around that day, during that move, in and out of Alta Vista" and had her staff around "all weekend" to ensure that Ms. Butterfield was settling and adjusting, making sure the caregivers were showing up, and taking Ms. Butterfield to church. Jones said "sometimes it's like leaving your child at school, Kindergarten, for the first day and you turn around and walk away and they're screaming after you to pick them up and you don't want that. You want to make sure these arrangements are really good." Jones stated, "I wouldn't consider this, by any means, a dump and run situation and I wouldn't do that to my clients."

[The Division notes that NAF's Billable Time Entries, documented conversations that took place in December 2015 between NAF staff and Alta Vista regarding Ms. Butterfield moving to Alta Vista. Records indicated that it was not until December 17, 2015, when Gloden confirmed that she would be moving Ms. Butterfield the next day and there is some indication that Alta Vista was scrambling to accommodate the request for an apartment for Ms. Butterfield. As to whether Ms. Butterfield knew about the move on December 18, 2015, NAF records showed that NAF staff (initials TK) contacted Ms. Butterfield on December 18, 2015, "per Bev to remind her that Bev is taking her for lunch at 11. She was thankful for the call."]

Division staff reviewed, with Jones, various billings that NAF included in the conservator's accounting submitted to the Court in this matter. Billings appeared to be related to Gloden's conduct around the Klonopin issue and reflected calls to/from Clugston, calls to and meetings with APS, calls between Clugston and APS, calls between Clugston and Court-appointed attorney, Steven Dagilis ("Dagilis").

Division staff referenced ACJA § 3-303(D)(2)(j) regarding billing for time and expenses related to misfeasance or malfeasance. Jones was asked if she was aware of cited provisions in § 3-303(D)(2)(j), Jones said was aware of guidelines and said that she "just put it out there, billed it to the Court, the accounting was approved..." Asked if she knew this was something she could not or should not do, Jones said "I know that there's guidelines on billing, yes...but it's just part of the documentation, entered bill that was submitted. It was ultimately approved."

Jones stated, "I think it's like \$272.00 or something I think I added up on that at one point that might have accidentally got input billed instead of hit the wrong button maybe." Asked to clarify whether she thought this was an accident, Jones replied, "I don't know if it was an accident." Asked who reviewed the accounting

information prior to NAF submitting the accounting to the Court, Jones said she reviews Form 7 and the reconciliation of the invoices and she reviews the invoices monthly for accuracy. Jones said that she submits the accounting to her attorney and she authorizes the attorney to file the petition requesting the Court's approval.

15. The Division notes that on November 9, 2016, Division staff contacted Jones telling her that Division staff wished to conduct onsite interviews with Jones and some of her staff, at her office.

On November 30, 2016, Division investigators conducted an onsite interview with Jones and her attorney. Upon conclusion of the interview with Jones and her attorney, Division staff requested an interview with NAF staff Pierson and Yvonne Hignight ("Hignight"). Jones insisted that she had to be present when Division staff interviewed any of her employees and she would not allow Division staff to interview her staff without her being physically present in the interview. Division staff stated that Clugston, as attorney for NAF, could be present during interviews with NAF staff but reiterated that Division staff wanted to interview NAF employees separate and apart from Jones. She was not agreeable to this and insisted that the interview could not take place unless she was also present. Division staff left without interviewing NAF staff.

16. The Division reviewed the Prescott Police Department Offense Report, D.R. Case #15-41349-000, by Officer John Fisk, dated December 18, 2016. Officer Fisk documented that Stump contacted police to report that Gloden, of NAF, knowingly administered a dangerous drug, Clonazepam, to Ms. Butterfield earlier that day. The report indicates that after Gloden brought Ms. Butterfield to Alta Vista, Gloden later verbally admitted to knowingly administering the drug to Ms. Butterfield despite knowing that Gloden did not have a valid prescription for the drug. Officer Fisk documented that he asked Gloden about the pill she gave to Ms. Butterfield and that Gloden verbally admitted to giving Ms. Butterfield a Klonopin. Initially, Gloden claimed that Ms. Butterfield was prescribed the Klonopin but then admitted that she knew Ms. Butterfield was not prescribed the Klonopin and admitted that it was Gloden's own prescribed medication. Gloden verbally admitted to knowing what she did was "illegal" and explained that she gave Ms. Butterfield the Klonopin because Gloden was having "issues" with her during the moving process.

Officer Fisk concluded that, based on the totality of the circumstances, this case will be forwarded to the Yavapai County Attorney's Office for review of potential charges being filed against Gloden for knowingly administering a dangerous drug, Clonazepam, to Ms. Butterfield.

17. The Division reviewed the recorded interview with Officer Fisk and Gloden.

18. On March 3, 2017, Division Investigators, Pasquale Fontana and Sheryll Prokop, interviewed Gloden with attorney, Gervase, present. Gloden verified that she was currently Vice President of NAF but said she does not hold an ownership position in the corporation. Gloden said she has been employed with NAF since 2002 and she became a licensed fiduciary in 2007.

Regarding Ms. Butterfield and the events of December 18, 2015, Gloden said on that date, NAF was serving as agent under a Power of Attorney and that Ms. Butterfield "was not a ward of the Court." Gloden added that Ms. Butterfield was a danger to herself and to others. Gloden said she knew they were going to be moving Ms. Butterfield to Alta Vista on December 18, 2015, and they had been working and planning the move "all week." Gloden said Ms. Butterfield had chosen to live at Alta Vista and had already paid a deposit.

Gloden stated that on December 16, 2015, she took Ms. Butterfield to her physician and "flat out told him that I was going to move her to Alta Vista and I asked him for a prescription of a tranquilizer for her so that it would make the move a little bit easier." Gloden described Ms. Butterfield as "very high strung, excitable, confused" due to her medical condition. Gloden said the doctor gave her the prescription for Ativan and Gloden took it to CVS pharmacy that same day. She said that on December 18, 2015, she sent an associate to pick up the prescription and Gloden was going to pick up Ms. Butterfield at her home at 11:00 AM and had an appointment for lunch at Alta Vista.

Gloden was asked if going for lunch was Ms. Butterfield's understanding of what was happening that day to which Gloden said, "Yes." Gloden said Ms. Butterfield used to go to Alta Vista almost daily and at 4:00 p.m. the facility had a "tipping time" where they would serve alcohol to the senior residents. Gloden said Ms. Butterfield would come for "tipping time," have dinner, and then drive herself home.

Asked if going to Alta Vista was generally a positive experience, Gloden said, "Uh huh, I think so, because she didn't know of any other assisted living that she wanted to be at, she just knew that a place where she could get food and liquor...socialize." Gloden said she told Ms. Butterfield that she would be at her place at 11:00 AM on December 18, 2015, and was taking her to lunch. Gloden said she did not specifically tell Ms. Butterfield that they were going to Alta Vista but Gloden had set up an appointment with Alta Vista administrator, "Maggie Greenwood" and Vialpando the day before.

Asked if meeting Ms. Greenwood at noon was important to the process, Gloden said it was not and that it was simply a meeting. Gloden conceded, "It's just a people pleasing type thing that I struggle with internally...that was all." Gloden said she felt "a little pressure" because Vialpando told her that Ms. Greenwood was leaving at noon and "it'd be great if you could be here before that because Maggie wants to meet you" and welcome Ms. Butterfield. Gloden said although

she felt some "pressure" she did not know why she felt pressured. She said "when I do moves, there's always an amount of anxiety for me because I knew I was going to go to her house and remove her from her home and she was never going to go back. I didn't tell her that, we don't tell people that ahead of time." She said that Ms. Butterfield had placed her deposit at Alta Vista about two years ago but she could not "make the move." Gloden said Ms. Butterfield would say that she knew she had to move to Alta Vista "but I'm just not ready yet...after Christmas, my brother's coming from Germany, after Christmas I'll do it." Gloden attributed Ms. Butterfield's thought process to her diagnosed medical condition because she told the same story over the last two years.

Gloden said that on December 18, 2015, she sent Pierson to CVS pharmacy to pick up the prescription. Asked what time Pierson went to the pharmacy, Gloden said it was around 10:30 AM or 10:45 AM. Gloden said she was leaving the office and heading down the staircase and she met Pierson who was coming up the stairs on her way back to the office from CVS. Pierson had the bag of medication and when Gloden felt the weight of the bag she said she instantly knew that the wrong medication had been filled. Gloden said she opened the bag and realized the medication that had been filled was for Ms. Butterfield's other medical condition but the prescription for Ativan had not been filled.

Gloden said that she was expecting the Ativan and, "I was planning on...administering her one Ativan prior to even getting her out of the house because her anxiety level at all times was very unmanageable and I knew what was in store for her. So when she didn't have the right medication, I said well that's okay...we can't get it now, I've got a schedule to keep and I said I'm just going to go do this and so I drove over to Sonja's [Ms. Butterfield] house and I did, at that time, take my own medication. Took a half a medication, put it in my back pocket." Gloden said when she arrived at Ms. Butterfield's home, she was on the telephone with the cable company. Gloden said she told her that they were going to go to lunch and Ms. Butterfield said, "Okay, well let me find my purse." Gloden said Ms. Butterfield "was just all over the place and, at that point, I took the half of the Klonopin out of my back pocket and I said here and she says what is that? And I said it's a tranquilizer, it'll help you calm down. She just grabbed it, took it, dry swallowed it."

Gloden was asked to clarify what she told Pierson to do when they met on the staircase when Gloden first realized that the Ativan had not been filled. Gloden said she told Pierson, "Please go up to the office, get on the phone with CVS because Sonja's [Ms. Butterfield] going to need this medication." Gloden said she communicated that to Pierson so that she could "straighten out whatever faux pas happened." Gloden described the problem as being related to a possible computer glitch or that CVS was going with one of two names Ms. Butterfield was using. Asked if CVS was familiar with Ms. Butterfield, Gloden said the pharmacy was familiar with her. Gloden was asked what she was hoping Pierson would do when Gloden asked her to call CVS, Gloden said "that she would get it

straightened out and that we would end up with a bottle of Ativan for Alta Vista so they could have it in case Sonja [Ms. Butterfield] needed it.”

Queried whether she spoke with Pierson after she called the pharmacy, Gloden said “No” and said she left to go to Ms. Butterfield’s home. Gloden stated that she gave Ms. Butterfield the Klonopin “to just make the whole event not quite as trying and stressful for Sonja [Ms. Butterfield].” Gloden was asked if there was any reason for Ms. Butterfield to be agitated about going to Alta Vista given that her experiences at the assisted living facility were positive, Gloden said, “It was her normal state. At that point, she did not know we were going to Alta Vista. When I got there she asked me...where are we going to go to lunch? And I said why don’t we go to Alta Vista and she said okay” while at her home.

Asked if there was a reason that anything (medication) was needed, Gloden said, “You know, in the long run, yes, because once we got to the point where we told Sonja [Ms. Butterfield] was not going to go home” over lunch and when they took her to her new room, she “came totally unglued.” Asked to review what occurred at Ms. Butterfield’s home prior to Gloden taking her to Alta Vista, Gloden appeared to have difficulty providing a clear answer as to why medication was necessary. Gloden acknowledged “...to answer your question...could I have gotten her out of the house? I could have gotten her out of the house without the medication, pretty confident of that, it’s just the extenuating circumstances that I knew were going to happen for her.

Asked how long she was at Ms. Butterfield’s home, Gloden said, “about 10 minutes.” Gloden restated that she gave Ms. Butterfield the Klonopin and when Ms. Butterfield asked what it was, Gloden said she told her that it was a “mild tranquilizer” and said Ms. Butterfield stated, “Oh good I need that.” Asked if Gloden had any communication with Pierson at that point, or knew how long it may take the pharmacy to fill the prescription, Gloden said she did not communicate with Pierson.

Gloden said that when she arrived at Alta Vista with Ms. Butterfield, they were met by Vialpando with whom Gloden said she previously had several conversations about the move and the facility and they were “working very closely” together. Gloden said there was a respite apartment available. Gloden commented that they sat down in the dining room and ordered lunch. At that time, Gloden said, “I took the other half of the Klonopin...and I put in on her placemat and I said here’s another little tranquilizer and she said to me you already gave me one of those and I said yes I did and I said you don’t have to take this if you don’t want to.” Gloden said they sat eating and “the medication sat there.” Gloden said she was going with Vialpando to get the admissions paperwork done but Gloden realized that she had left the half of the Klonopin there and said that Vialpando told her “don’t worry about it, I’ll make sure Sonja [Ms. Butterfield] takes it.” Asked if she told Vialpando that the medication was Gloden’s own, she said she

did not and that Gloden had a "horrible feeling" when Vialpando commented about she would ensure that Ms. Butterfield took the medication.

Gloden said she was completing the admissions process with Stump who asked her if Ms. Butterfield knew that she was not going home today and to which Gloden said, "No, she doesn't." Gloden recounted Stump's response being, "I just hate these kind of move-ins" and Gloden said "Well, I'm having a blast with it...it's not my favorite thing to do either." Gloden said about that point "for some reason I felt it was necessary to let these people know that I had given Sonja [Ms. Butterfield] medication because for one, tipping time was a couple hours away and then I knew at some point that the Ativan was going to get there, don't know when. And I wanted everybody to know and it was completely for Sonja's [Ms. Butterfield] wellbeing." Golden was asked if she had any idea how long it would take for the Ativan to be ready to which she said she did not because Pierson had sent her a text message relaying that she had an accident so she was detained for about an hour "so I knew it would be a little bit longer." Gloden verified that she and Pierson had mobile phones while in the field.

Gloden was asked if she consulted with Ms. Butterfield's doctor, CVS pharmacy, or with Jones or anyone at NAF prior to giving Ms. Butterfield the Klonopin, Gloden said she did not. Gervase stated that Gloden did speak with the doctor's office "right after just to let his office know." Gloden stated, "I called to self-report" on Monday morning (December 21, 2015). Asked if she thought that giving the medication was a safe thing to do, Gloden said "I did...I knew it was a similar medication that she was prescribed." Gervase said Clonazepam, Klonadine and Ativan, which is Lorazepam, are both mild sedatives that are used interchangeably for tension or anxiety. Gloden agreed with her attorney's statement. Asked how she had that knowledge or experience, Gloden said she has spent many years with clients managing and reviewing medications and said she is "pretty familiar with that type of medication." Gloden was asked what knowledge and medical history including any allergies to medication she had regarding Ms. Butterfield prior to giving her the Klonopin, Gloden said, "Well it was very little. I knew she wasn't allergic to it" and said she knew this because she was with Ms. Butterfield at the doctor's office on December 16, 2015, and "her sheet" did not list any allergies.

Asked what information she relayed to Stump when they met to complete the admissions paperwork for Ms. Butterfield, Gloden said she told Stump, "I want you to know that I gave Sonja [Ms. Butterfield] a half of a Klonopin and I said there's a prescription for Ativan coming." Gloden said she also told Stump that it was one of Gloden's own medications and had not been prescribed to Ms. Butterfield. Gloden said she thought that Stump "immediately left the room and called police" but she "disappeared very quickly because, of course, she was concerned" and that, as a reporter, Stump had to do what she needed to do "because of what I did."

Gloden said she went with Vialpando and Ms. Butterfield to her new apartment at which time, Gloden told Ms. Butterfield that this was her new place to live. Gloden remarked that Ms. Butterfield stated that she did not want to be there and wanted to go home and she started getting quite agitated. Gloden said she and Vialpando thought it was best if Gloden left. After exiting Alta Vista, Gloden said she went to Home Instead and signed paperwork because NAF was hiring a companion for Ms. Butterfield over the weekend. Gloden said she then went back to the office. At that time, NAF staff told Gloden that Stump had called the office wondering where the Ativan was because Ms. Butterfield was "highly agitated." Gloden said she called Pierson who had gone to Ms. Butterfield's home to gather some belongings and "may have gone" to CVS pharmacy. Gloden said she thought that the prescription took a while for Pierson to "get it straight" before CVS would dispense the medication. Gloden said Pierson did not arrive at Alta Vista until about 7:00 p.m.

Gloden said a police officer called her and said he was at Alta Vista and he was investigating Gloden giving Ms. Butterfield medication. Gloden said she was surprised by his call and that until then "there wasn't an inkling of me that felt like I had done the wrong thing." She said she had a long time "to sit with this" because it has been a long process. Gervase stated, "That's the nature of mistakes, is that we don't think in the moment...you're trying to do something that you think is to help somebody and you don't think in the moment. Had you stopped and thought in the moment...we wouldn't be sitting here...that's the nature of a simple negligent mistake as opposed as trying to do something intentionally wrong." Gloden said she agreed with her attorney's statement.

Gloden said when Officer Fisk asked her if she gave Ms. Butterfield the medication "my first response was, no, because I really didn't know who he was." She said she did not ask him who he was but verified that he identified himself as a police officer when he called her. She said the officer had called her on the NAF "on-call phone" because Gloden was on call. Gloden said she was just caught off guard and "the lie just flew out of my mouth and I immediately set it straight" because if he was a police officer, "I can't lie about any of this." When she told Officer Fisk that NAF had petitioned the Court for guardianship and conservator he said that if he had anything to do with this she would not become guardian and conservator.

Gloden stated that she did not call Jones to inform her as to what had taken place until after the police contacted Gloden. She said Jones does not work on Fridays and she was at home preparing to leave the next day for 10-day family vacation to Hawaii. Gloden said she relayed "the whole story" to Jones. Gloden said the first question from Jones, "you know, to cover herself, was, did I instruct you to do anything of this? And I said, no, you did not." Gloden said that Jones told her to go home because it was late and Gloden was upset. She said Jones instructed Gloden to stay away from Alta Vista over the weekend because "it would not be

in your best interest.” Gloden said Jones remained on the telephone with her until Gloden got home then Jones indicated that she was going to call her attorney.

Gloden commented that she was “on-call” that weekend. She was asked who, if anyone, was given authority to operate the business and make decisions while Jones was away on vacation. Gloden said, “Well I was until January 6, 2016, when I was demoted.” Gloden was asked if Jones provided her with any direction or had any expectation during the period when Jones would be away, Gloden said she did not recall but said “there was no determination, there was no direction except for stay away from Alta Vista.”

Gloden verified that she, as a licensed fiduciary, was the person in charge and making the decisions while Jones was away. Gloden was asked whether there was any expectation for Gloden to report to Jones while she was away during that time or it waited until Jones got back. Gloden said the understanding was, “We’ll do it when we get back.” Asked if she had any contact with Jones while she was in Hawaii, Gloden said “things have changed drastically...but it didn’t change until January.” Asked how much oversight Jones had on Gloden’s day to day work before the establishment of the Disciplinary Plan, Gloden said that Jones has as much oversight as she wants because she has access to all the time accounts and she can review them and can ask questions. Asked if Jones checked in during the time she was away, Gloden could not recall and said that if she had any concerns while Jones was in Hawaii, “I would have called her.”

Gloden was questioned whether, during the period when Jones was away, she continued to visit NAF wards/vulnerable persons as she normally would, Gloden said, “Yes.” When asked if visited clients alone or with another staff member, Gloden said she would need to review her time accounts to verify. Gloden was asked if it would be normal practice to visits clients alone or go with another staff member, Gloden said “Yes” it would be normal to go alone. Asked under what circumstances two (2) NAF staff members would go out to visits wards/vulnerable persons, Gloden said “generally...the two people in dual custody more so has to do with property management and marshaling assets and things like that is really when we do the dual custody.” Asked if at any time, Jones told Gloden that she should not, she said, “Not at that point. I was instructed to self-report to the doctor and self-report to Adult Protective Services.” Gloden said she self-reported on the following Monday.

Gloden said when Jones returned from her vacation, they did not discuss the matter further but said that Jones indicated she needed to impose some disciplinary action and she wrote up the Disciplinary Plan, discussed it with her and then Gloden signed the document. Asked if she was involved in the development of the plan, Gloden said she was not but she agreed to the terms stating, “I did, I don’t know why, just primarily because I was wasn’t in a position where I wanted to lose my job,” Gloden said she was in the process of buying a new house. Gloden said, at that point, she had been an employee of Jones’ for 14

years and Jones “trusted the fact that with this action against me that we could resume some sort of normalcy in business with me stepping back out of the fiduciary role.” Gloden said Jones did not discuss terminating her employment.

Division staff reviewed, with Gloden, the terms of the Disciplinary Plan. Asked what demonstrably changed in her role at that point, Gloden said that all care conferences included Jones or Gloden immediately informed Jones what had gone on when an NAF employee reported to Gloden about a doctor’s appointment etc. Gloden said her pay was cut about half. Gloden described her role as big and that to fill the void Jones now had to do what Gloden was doing. Asked further about her demotion and the delineation from fiduciary to support staff, Gloden said the “care manager part didn’t completely go away.” Asked to clarify what was different in her role as care manager given the demotion, Gloden said, “You know, I can’t answer that because we really didn’t come to any type of agreement as to what that was going to look like so I just stepped back to where I felt comfortable and that was not going out in the field, dealing with the clients as little as possible.”

Questioned if NAF support staff members were aware of the Disciplinary Plan, Gloden said staff was aware because Jones, on the same day Gloden signed the Disciplinary Plan, “just made a very bold and blazen announcement that I had been demoted” and told her staff that Gloden could no longer make decisions and they were not to ask her to do anything and that staff should come to Jones. Gloden commented that staff members approached her saying that Jones “was kind of hard on you.”

Gloden was asked if she was in the field from January 6, 2016, onward, Gloden said “occasionally” but said although she would not call herself the office manager, she said she helped Jones with much of the business part of the company so there was plenty to do. Gloden said she reduced time in the field as a result and visited Wards/clients alone without other NAF staff. Asked about the expectation regarding reporting to Jones and any supervision in context of the Disciplinary Plan when Gloden was out in the field and/or had to make decisions, Gloden said that being support staff she called and conferenced with Jones, as needed. Asked to explain any expectations regarding reporting to Jones when in the field visiting clients, Gloden replied that she did not go out much but “just for my own protection, I would conference with Carla [Jones]. I don’t recall if she gave me the order to do that but at that point I was pretty scared and feeling inadequate.”

Asked if during any time she went out to see Wards/vulnerable persons if she gave any medication to anyone for whom NAF was responsible to which Gloden said, “No.” Asked about her understanding of her fiduciary authority to administer medications and if she had that authority, Gloden said, “No.” Division staff reviewed, with Gloden, various NAF time account/billing entries. As example, on February 24, 2016, involving a Ward (noted by Division staff as

initials, MD), Gloden noted that she picked up medication for MD and “will set up medi-set for the rest of the week.” Asked to explain the medi-set, Gloden said it was the plastic daily reminders for medication. Asked what her role was in setting up the medi-set Gloden said she “took the pills out of the bottle and put them in the medi-set, as prescribed on the bottle.” Questioned as to whether Jones was aware that this is something Gloden did on that particular day, Gloden said “probably not.”

Records, March 23, 2016, regarding a visit with another client, Gloden appeared to be in a consultative or educative role regarding the medications that the client was taking or was not taking. Gloden said, in this matter, because she has her own experience with the same condition as that of this client, Gloden said she was “very comfortable because of my own personal experiences...about how to take....medication...I was just speaking out of personal experience.” Gloden said this client had previously “stopped taking everything.”

In another time account entry, involving this same client, dated March 25, 2016, Gloden documented that she arrived early in the morning and the client was in bed. The caregiver told Gloden that because the client wanted to eat, giving her the medication was delayed. Gloden’s billing entry documented “I gave it before I left.” Asked to explain what that meant, Gloden said, “Well, probably what it says, I probably at that point encouraged her to take her medication.” Asked if Jones was aware of this, Gloden said she had been conferencing with Jones because it was an “odd case” and that NAF had stepped in “very quickly” because the previous power of attorney resigned.

Gervase stated that she wanted to clarify the comment Gloden made regarding encouraging the client to take that medication. Gervase said that the medication on March 25, 2016, was in the client’s pill box so she would know what days to take it and she had the documentation that the pharmacy “always gives out with prescription medication explaining with food, without food, time of taking and so forth...” Gervase asked Gloden if that was what she encouraged her to do and to follow the documentation. Gloden said “Well yes, this was not the woman that had the medi-set, set up. She just had the bottle...and at that time I had just given her the bottle...” Regarding the “I gave it before I left” as documented in the billing entry, Division staff said the documentation seemed to imply or report that Gloden gave this person the medication/pill before leaving and Gloden said she could not remember exactly.

Regarding the Disciplinary Plan, Gloden was asked how Jones ensured that Gloden complied with the terms of the plan. She said, “We just spoke everyday” informally but there was no formal supervisory approach despite Gloden’s changed role and capacity. Gloden was asked if the above-referenced billing time entries referencing medications was something she discussed with Jones. Gloden indicated that they would have discussed those but said she could not recall if they spoke specifically about these issues.

Division staff discussed Gloden's history regarding the details involved in her initial application for her fiduciary license and the Fiduciary's Board. Gloden was asked if Jones was aware of Gloden's history. Gloden said, "Oh, absolutely" and said Jones knew about this "the first day I interviewed with her" in September 2002. Gloden said she was a Certified Nursing Assistant and had experience in home health care. Gloden said that Jones told her at the interview that she would want Gloden to eventually become a licensed fiduciary. Gloden stated that she told Jones "I have a past and I have felony convictions and I don't think anybody will license me again." Gloden said she did not provide any specific detail about the convictions but said this was about 15 years ago and she could not recall specifically but thought she only left it that she had prior felony convictions.

Asked if Jones seemed concerned about this disclosure, Gloden said, "No" but that Jones said, "That's okay we'll work through it." Gloden was asked if she told Jones at any time that the past issues were related to prescription medications, Gloden said, "Oh yes" but she could not remember if she told Jones about this prior to or after her employment with NAF. Gloden said she also had, over years, spoken with others in the office because "it's part of my story and I am in recovery now so I do speak about it, not proudly." Gervase added that the conviction was over 20 years ago.

Regarding client billing and rates, Gloden confirmed that Jones sets the client billing rate and said she knows the rates because "I do the billing." Gloden said the fiduciary rate was \$95.00 hourly for her services and Jones billed at \$105.00 per hour, support staff billed at \$85.00. Given Gloden's pay cut and change in capacity and demotion to support staff status, Gloden was asked if the billing rate to clients changed at that time and said the rates did change.

Gloden said the billing process involves employees enter, into billing, their documentation of everything they do for the day and at the end of the month they generate invoices. Gloden said she reviews "each and every time entry." Gloden said after reviewing all the billing and collating the information she prints off invoices/time accounts and she gives them to the account manager and "she cuts the checks." Asked if anyone oversees this process Gloden said, "No." Gloden said from those invoices "we get paid" and that if there is any oversight it would be from the Court accountant who "reviews everything." In review of Gloden stating that she does the billing and had to ensure that the billing rate would have been reduced for her when she was demoted to support staff, Gloden said "I hope so, I might have missed a few entries but I was very careful."

Gervase commented that Gloden had a valid prescription for the Klonopin and that the doctor's office did not relay having any concerns that Gloden provided the Klonopin and that these pills are used interchangeably. Gloden restated that she did not consult with Ms. Butterfield's doctor's office prior to giving Ms. Butterfield the Klonopin and Gloden did not consider doing so stating, "In the

heat of the moment, no.” Gervase added that if not for a “mix up with the pharmacy not giving the correct medication” Gloden would have had Ms. Butterfield’s sedative and would have given her the prescribed medication.

Asked again if there was anything that prevented Gloden from waiting to transport Ms. Butterfield after the medication issue was sorted out at the pharmacy, Gloden said “No, sitting here now, after the fact, there’s a lot of things I wouldn’t have done different.” She reiterated that until she got the call from Officer Fisk she “really didn’t feel...I felt that my disclosure [to Alta Vista] was going to save me.” Gloden claimed that she was not thinking about herself and was trying to do the right thing for Ms. Butterfield.

ANALYSIS OF ALLEGATIONS:

Allegation 1: Beverly Gloden, Vice President of Northern Arizona Fiduciaries, Inc., intentionally gave Hannelore Butterfield a prescription medication that had not been medically prescribed to Ms. Butterfield.

ACJA §§ 7-201(F)(1) and § 7-202(F)(1) require all fiduciaries to comply with the Code of Conduct contained in § 7-202(J).

§ 7-202(J)(1)(a):

1. Duty to the Court.

a. The fiduciary shall perform all duties and discharge all obligations in accordance with current Arizona law, federal law, administrative rules, court orders, court rules, administrative orders, and the Arizona Code of Judicial Administration.

§ 7-202(J)(2) and (3)(d), (e) and (f):

2. Relationship with the Ward or Protected Person. The fiduciary shall exhibit the highest degree of trust, loyalty, and fidelity in relation to the ward, protected person, or estate.

3. Decision Making. The fiduciary shall exercise extreme care and diligence when making decisions on behalf of a ward or protected person. The fiduciary shall make all decisions in a manner that promotes the civil rights and liberties of the ward or protected person and maximizes independence and self-reliance.

d. The fiduciary shall maintain an awareness of the limitations of the fiduciary’s expertise, shall carefully consider the views and opinions of those involved in the treatment, care and management of the ward, protected person, or estate, and shall seek independent opinions when necessary.

e. The fiduciary shall recognize their decisions are open to the scrutiny of other interested parties and, consequently, to criticism and challenge. Subject to orders of the court, the fiduciary alone is ultimately responsible for decisions made on behalf of the ward, protected person, or estate. The fiduciary shall maintain accurate and complete records to support the decisions made in the administration of a case, in compliance with court rules and the applicable sections of the Arizona Code of Judicial Administration.

f. The fiduciary shall refrain from decision making in areas outside the scope of the guardianship, conservatorship, or personal representative order.

§ 7-201(H)(6)(a) and (k)(6),(7) and (8)

6. Grounds for Discipline. A certificate holder is subject to disciplinary action if the board finds the certificate holder has engaged in one or more of the following:

a. Failed to perform any duty to discharge any obligation in the course of the certificate holder's responsibilities as required by law, court rules, this section or the applicable section of the ACJA;

k. Engaged in unprofessional conduct, including:

(6) Failed to practice competently by use of unsafe or unacceptable practices;

(7) Failed during the performance of any responsibility or duty of the profession or occupation to use the degree of care, skill and proficiency commonly exercised by the ordinary skillful, careful and prudent professional certificate holder engaged in similar practice under the same or similar conditions regardless of any level of harm or injury to the client or customer;

(8) Failed to practice competently by reason of any cause on a single occasion or on multiple occasions by performing unsafe or unacceptable client or customer care or failed to conform to the essential standards of acceptable and prevailing practice;

A.R.S. §13-3407(A)(5): Possession, use, administration, acquisition, sale, manufacture or transportation of dangerous drugs: classification

A. A person shall not knowingly:

5. Administer a dangerous drug to another person.

A.R.S. §13-3407(B)(5):

B. A person who violates:

5. Subsection A, paragraph 5 of this section is guilty of a class 2 felony.

On December 18, 2015, acting as agent under Powers of Attorney, Gloden permanently moved Ms. Butterfield from her home into Alta Vista. NAF had petitioned the Court to be appointed guardian and conservator for Ms. Butterfield but was not appointed until December 21, 2015.

Gloden did not tell Ms. Butterfield that she was being permanently moved on December 18, 2015, and simply told her that they were going for lunch at Alta Vista. Ms. Butterfield had previously paid a depot at Alta Vista, frequented the facility to dine and participate in happy hour and, by all accounts, enjoyed going to Alta Vista.

While at Ms. Butterfield's home on the morning of December 18, 2015, Gloden gave Ms. Butterfield one half of a Klonopin tablet, a prescription sedative/tranquilizer, that was prescribed to Gloden but was not prescribed to Ms. Butterfield. After transporting Ms. Butterfield to Alta Vista, over lunch, Gloden, witnessed by Alta Vista manager, Vialpando, gave Ms. Butterfield the remaining half of the Klonopin tablet or set it down on the table beside Ms. Butterfield and instructed her to take the pill. When Ms. Butterfield questioned why she needed to take it, Vialpando said Gloden reassured Ms. Butterfield that it was the same pill that Gloden had given to her earlier while at Ms. Butterfield's home.

Vialpando told Division staff that she saw Gloden take out a pill, later identified as Klonopin, place it on the table next to Ms. Butterfield, and instructed Ms. Butterfield to take the medication. Vialpando said Ms. Butterfield was reluctant to take the pill so Gloden reassured her that it was the same pill that Gloden had given to her earlier while at Ms. Butterfield's home. Vialpando said she saw Ms. Butterfield take and swallow the pill.

Gloden then met with Alta Vista manager, Stump, to complete the admissions process and paperwork. During that meeting with Stump, Gloden disclosed that she had given Ms. Butterfield the Klonopin, as detailed in this Investigation Summary. Stump told Division staff that she was alarmed by Gloden's disclosure and Stump contacted Ms. Butterfield's doctor's office to alert them and to seek direction. The physician was unavailable and the nurse instructed Stump to call police and APS.

The Division reviewed the recorded interview with Gloden conducted by the Prescott Police, Officer Fisk, on December 18, 2015. In brief, Gloden disclosed that she had given Ms. Butterfield the Klonopin. Gloden was not forthcoming initially and, when questioned by the police officer, Gloden said that the Klonopin had been prescribed to Ms. Butterfield but then Gloden quickly acknowledged that the Klonopin had not been prescribed to Ms. Butterfield and was prescribed to Gloden.

On or about December 28, 2015, Officer Fisk filed his report to the Yavapai County Attorney's Office and, on or about February 3, 2016, the Attorney's Office requested that the police department conduct further investigation. Detective Barnard told Division staff that the Yavapai County Attorney's Office had requested additional information and that

police concluded its work and re-submitted the report to Yavapai County Attorney's Office with recommendations for criminal charges against Gloden.

The Division reviewed NAF's billing/time entry, by Gloden, dated December 18, 2015. It read, in pertinent part:

Meet up with Julee [Pierson] in hallway for Ativan...Ativan not ready at the pharmacy at this time. Instruct Julee to get on the phone with CVS and get proper medication. To Sonja's [Butterfield] house to pick her up for lunch...she was really worked up, the house causes so much additional confusion. As I did not have the Sonja's [sic] Ativan from the pharmacy and we were moving forward, I decided to give her ½ [sic] Klonopin, my decision was based solely for Sonja's well being [sic] and comfort as I knew what she had coming for her. I wanted to buffer this fiduciary move a bit for her. I had no thought about myself at this time. I knew the medication I was giving was from the same class of drugs Rauscher [sic] [Dr. Rauscher] wrote her and was confident she would be ok...At lunch, I placed another ½ [sic] Klonopin next to Sonja ask I knew the next move was to take her up to her new apartment...Shannon [Vialpando] wanted me to get the paperwork started...I mentioned to Shannon I needed to go back and get the medication I left and Shannon stated to me "I will make sure she takes it..."

I let Laurie [Stump] know as I had no Ativan for Sonja, I have her ½ of 0.50 Klonopin. I knew happy hour was coming up, and other medication on the way. I felt it best to disclose this information for Sonja's sake. Laurie stated to me she "hates" these kinds of moves. I told her I do too. It is necessary to secure Sonja.

Gloden and Jones represented to Division staff that there was some type of a "mix up" or mistake made by CVS pharmacy resulting in the pharmacy filling one of Ms. Butterfield's medication, for a specific medical condition, but CVS did not fill the prescription for Ativan.

The Division believes that there is no appropriate circumstance or justification for Gloden, as a licensed professional fiduciary, to give her client, Ms. Butterfield, or anyone whom NAF has a fiduciary responsibility, prescription medication that is not otherwise prescribed to that individual by a licensed medical professional.

Gloden's statements to the Division illustrate a problematic mindset regarding Gloden's decision-making in this instance. Gloden's decision to give Ms. Butterfield the Klonopin was premeditated. She formulated the idea to give Ms. Butterfield the Klonopin prior to Gloden having any knowledge that the Ativan had not been filled by CVS. This is evidenced by Gloden's statements that, at around 10:30 AM or 10:45 AM, she had instructed support staff, Pierson, to go to CVS to pick up the Ativan. Gloden said she went to Ms. Butterfield's home at 11:00 AM, as scheduled, so that Gloden could have Ms. Butterfield at Alta Vista by 12:00 PM.

Gloden told Division staff that while at her NAF office, she decided to give Ms. Butterfield the Klonopin. Gloden said she took her Klonopin medication, broke the pill in half and put it in her back pocket. Gloden also stated that she had left her office to go to Ms. Butterfield's home and was going down the building staircase when she encountered Pierson who was coming up the staircase on her way back from CVS. At that time, Pierson handed Gloden the bag containing the prescription medication and when Gloden first realized that the Ativan had not been filled. Realizing that the Ativan had not been filled, Gloden said she instructed Pierson to call CVS to get the Ativan filled so that Alta Vista would have it later, if needed. Gloden then proceeded to Ms. Butterfield's home to relocate her to Alta Vista. Gloden's account is consistent with the NAF billing submitted to the Court.

Gloden acknowledged that she and Pierson carry cell phones while in the field but Gloden said she did not communicate with Pierson to determine the status of Ativan prior to Gloden leaving the office. Gloden's decision to give Ms. Butterfield the Klonopin before having knowledge that the Ativan was not filled reveals a devious approach to client care and indicates unsafe and very irresponsible fiduciary practice.

During her interview, Gloden told Division staff that she personally experiences anxiety during "these types" of moves:

"when I do moves, there's always an amount of anxiety for me because I knew I was going to go to her house and remove her from her home and she was never going to go back. I didn't tell her that, we don't tell people that ahead of time."

Gloden claimed that she felt pressure to be at Alta Vista by 12:00 PM so she could meet the administrator, whom she had previously met, so that the administrator could welcome Ms. Butterfield to the facility. Gloden characterized her self-imposed pressure as "it's just a people pleasing type thing that I struggle with internally...that was all." Gloden also conceded "...to answer your question...could I have gotten her out of the house? I could have gotten her out of the house without the medication, pretty confident of that, it's just the extenuating circumstances that I knew were going to happen for her."

Gloden's comments, referenced above, are incongruous with APS case records of December 23, 2015. The APS records reflected Gloden's comments to the APS investigator that "the client [Ms. Butterfield] was very upset, didn't want to move and was very panic stricken when they arrived at Alta Vista that morning."

Further, Gloden's statements, per APS case records, contradict Vialpando's description of Ms. Butterfield when she initially arrived at Alta Vista with Gloden. Vialpando said that Ms. Butterfield appeared calm and "normal." According to both Vialpando and Gloden, it was only when Ms. Butterfield was told she was now living at Alta Vista permanently at the time she was shown her new apartment that she became very distressed and was agitated.

Moreover, Gloden told Division staff that she was surprised by the police officer's call and said that until she was contacted by police "there wasn't an inkling of me that felt like I had done the wrong thing...I really didn't feel...I felt that my disclosure [to Alta Vista] was going to save me." Gloden's statements reflect a disconnect or disengagement from sound professional fiduciary judgment.

Throughout, Gloden claimed that she was not thinking about herself and was trying to do the right thing for Ms. Butterfield. Notwithstanding Gloden and Jones' assertions that Gloden was thinking of Ms. Butterfield and Gloden was somehow acting in Ms. Butterfield's best interest by trying to reduce her anxiety and move-related stress, it seems that Gloden may have been serving her own self-interests and she attempted to make the move and transition as uneventful and easy as possible for her own sake and mitigate her own anxieties. Gloden admitted that she could have moved Ms. Butterfield without giving her the Klonopin and Gloden acknowledged that there was no practicable or substantive reason that would have prevented Gloden from waiting to move Ms. Butterfield until the Ativan had been filled.

Gloden's conduct demonstrates poor judgment and establishes willingness to step beyond the scope of her fiduciary license and abuse both her authority and her elderly client. By giving Ms. Butterfield the Klonopin tablet, as detailed in this Investigation Summary, Gloden made a medical decision, for which is neither qualified or license to make, and exceeded her authority as a fiduciary. Despite Gloden's self-proclaimed confidence that the Klonopin was in the "same class" of drugs, as note previously in this Investigation Summary, she ultimately made a medical decision on behalf of Ms. Butterfield, and may have done so without a clear and definitive understanding of possible contraindications and whether the Klonopin could have been harmful to Ms. Butterfield.

Gloden's actions, in this instance, demonstrate that she engaged in unprofessional conduct by failing to adhere to competent and safe practice and failing to conform to acceptable standards of prevailing practice, in breach of § 7-201(H)(6)(a) and (k)(6),(7) and (8). In addition to resultant potential criminal charges, Gloden's actions, as described herein, constitute risk to public health, safety and welfare.

Allegation 1 is substantiated.

Allegation 2: Carla Jones failed to properly supervise Beverly Gloden, after she disclosed that she gave Hannelore Butterfield, a prescription medication that had not been medically prescribed to Ms. Butterfield.

ACJA §§ 7-201(F)(1) and § 7-202(F)(1) require all fiduciaries to comply with the Code of Conduct contained in § 7-202(J).

*§ 7-202(E)(3)(f)(1)(a) and (c):
f. Responsibilities of Principal.*

(1) The principal shall:

(a) Provide active and direct supervision of all other licensed fiduciaries, trainees, and support staff who work with wards, protected persons, or decedent estates and who work for the corporation, limited liability company, or partnership, Department of Veterans' Services, or Office of the Public Fiduciary;

(c) In compliance with subsections F and J, delegate and assume personal professional responsibility for ensuring the tasks performed by the licensed fiduciaries, professionals, support staff, and others who provide services for wards, protected persons, or decedent estates are within the scope of their training and experience and have been delegated by the principal.

§ 7-202(J)(2) and (3)(d), and (e):

2. Relationship with the Ward or Protected Person. The fiduciary shall exhibit the highest degree of trust, loyalty, and fidelity in relation to the ward, protected person, or estate.

3. Decision Making. The fiduciary shall exercise extreme care and diligence when making decisions on behalf of a ward or protected person. The fiduciary shall make all decisions in a manner that promotes the civil rights and liberties of the ward or protected person and maximizes independence and self-reliance.

e. The fiduciary shall recognize their decisions are open to the scrutiny of other interested parties and, consequently, to criticism and challenge. Subject to orders of the court, the fiduciary alone is ultimately responsible for decisions made on behalf of the ward, protected person, or estate. The fiduciary shall maintain accurate and complete records to support the decisions made in the administration of a case, in compliance with court rules and the applicable sections of the Arizona Code of Judicial Administration.

§ 7-201(H)(6)(a) and (k)(6),(7), and (8)

6. Grounds for Discipline. A certificate holder is subject to disciplinary action if the board finds the certificate holder has engaged in one or more of the following:

a. Failed to perform any duty to discharge any obligation in the course of the certificate holder's responsibilities as required by law, court rules, this section or the applicable section of the ACJA;

k. Engaged in unprofessional conduct, including:

(6) Failed to practice competently by use of unsafe or unacceptable practices;

(7) Failed during the performance of any responsibility or duty of the profession or occupation to use the degree of care, skill and proficiency commonly exercised

by the ordinary skillful, careful and prudent professional certificate holder engaged in similar practice under the same or similar conditions regardless of any level of harm or injury to the client or customer;

(8) Failed to practice competently by reason of any cause on a single occasion or on multiple occasions by performing unsafe or unacceptable client or customer care or failed to conform to the essential standards of acceptable and prevailing practice;

Gloden did not immediately inform Jones about giving Ms. Butterfield the Klonopin. Gloden said she continued with fiduciary business and she alerted Jones only after Gloden was contacted by police. She said that Jones does not work on Fridays and on December 18, 2015, Jones was at home preparing to leave the following day for a 10-day family vacation in Hawaii. Gloden said that after she was interviewed by police, she called Jones and told her "the whole story." Gloden said "to cover herself" the first question Jones asked her was if Jones had instructed Gloden to do any of this i.e. give Ms. Butterfield the Klonopin, to which Gloden responded that Jones had not.

Gloden said Jones told her to go home for the evening and to avoid going to Alta Vista over the weekend because it would not be in Gloden's "best interest" to do so. Gloden remained "on-call" for NAF that weekend. In addition to telling Gloden to go home and avoid Alta Vista over the weekend, Gloden said that Jones instructed her to "self-report to the doctor and self-report to Adult Protective Services." Gloden said that Jones did not place any restrictions on her or took any precautions while Jones left for her vacation. Gloden could not recall whether Jones checked in with her or the office while she was away on vacation but Gloden said she could call Jones should any problem arise. Gloden further said that while Jones was away, she left Gloden in charge of making the fiduciary decisions and generally does so whenever Jones is away.

In her interview with Division staff, Jones claimed that Gloden made a mistake when she gave Ms. Butterfield the Klonopin. Jones said that, despite Gloden's conduct, Jones did not have any concern for Gloden visiting other vulnerable persons. Jones said she viewed this as an isolated incident and she did not believe that Gloden would do this again. When Jones was asked what she took into consideration that would reasonably assure her Gloden would not repeat this behavior, Jones offered, "Ms. Gloden's 14-year history with my firm. This being an isolated incident that was a horrible mistake that we took very seriously and Ms. Gloden's bond that she has with our clients. She truly has a caring compassion and advocates for our clients, for their welfare, for their best interest. She promotes their independence, their self-reliance. She advocates for them, she listens to them. She involves them in aspects of their life."

However, the above-referenced history and dynamics were already present when Gloden gave Ms. Butterfield the Klonopin but those elements seemed to be the basis on which Jones' concluded that Gloden did not pose a risk or danger to the public.

In her July 28, 2017, Response to the Division [per the Director Initiated Complaint 17-0014], Jones's attorney, Woods, for Jones, wrote that Gloden was "a knowledgeable and valuable team member...a valued and experienced employee for more than a decade at the time in question." Woods added that Gloden self-reported the incident and knew she was being investigated for possible criminal charges. The matter had been brought to the attention of APS and would be reviewed by the Superior Court. Jones further noted that in taking all of that into account, she did not view Gloden as "...an immediate danger to any of the clients she was serving." Woods continued that Jones "responded appropriately to this single act of misconduct on the part of an experienced, long-term employee, and that there was no lack of supervision deserving sanction.

NAF's billing records/time entries demonstrated that Gloden visited approximately eleven (11) NAF clients in their homes and/or at various places from December 18, 2015, through July 15, 2016. Some of the billing entries identified those visits as a "fiduciary visit" though Gloden was apparently demoted to support staff, per the Disciplinary Plan. Gloden conducted those visits with NAF clients on her own.

During a home visit with a client on February 24, 2016, Gloden documented, in part, that she picked up medication for the client and "will set up medi-set for the rest of the week." Gloden told Division staff that this meant she "took the pills out of the bottle and put them in the medi-set, as prescribed on the bottle." Gloden replied "probably not" when Division staff asked her if this was something of which Jones was aware.

On a home visit with another client, on March 23, 2016, Gloden's documentation reflected a discussion or consultation with a client regarding medications. Gloden told Division staff that she was "very comfortable because of my own personal experiences...about how to take...medication...I was just speaking out of personal experience."

During a follow up visit with this same client, on March 25, 2016, Gloden documented that she arrived early in the morning and the client was in bed. The caregiver indicated that she had delayed giving the client the medication because she wanted to eat. Gloden recorded "I gave it before I left." Gloden explained that this meant "Well, probably what it says, I probably at that point encouraged her to take her medication." Given the implication that Gloden had given the medication to this person before leaving, Gloden said she could not remember if that was the case.

Division records show that on March 18, 2005, Gloden submitted her application to the fiduciary program for initial licensure (certification at that time) and, in that application, Gloden disclosed that she pleaded guilty in October 1996 for possession of dangerous drugs and obtaining narcotics by fraud. She received four years' probation and the crime was an undesignated Class 4 offense. During the term of the probation, in August 1997, Gloden violated the terms and conditions of the probation by stealing prescription pads from the doctor who was treating her. Because of the additional violation, Gloden was sentenced to four more years of probation and it was designated as a Class 3 Felony.

As result of the violation, the Arizona State Board of Nursing revoked Gloden's Certified Nursing Assistant License. In February 2001, Gloden was discharged from probation and petitioned the Court to vacate judgment of guilt and restore civil rights. On June 1, 2001, the Court entered an Order Vacating Judgment of Guilt and Dismissing Charges, Restoring Civil Rights and Restoring Right to Possess Firearms, Case Number CR1997-93816. On December 6, 2004, the Court, entered an Order Vacating Judgment of Guilt and Dismissing Charges in Case Number CR1996-092772. In this Order, the Court denied Restoring Civil Rights and Restoring Right to Possess Firearms.

With respected to the Fiduciary Board, Gloden entered into a Consent Agreement in 2007 which included terms that she not act as an independent fiduciary and agreed to act under the supervision of a certified fiduciary who is a named designated principal for a certified fiduciary business.

Gloden told Division staff that she informed Jones about her history.

Jones acknowledged to Division staff that she knew Gloden had "medication issue in past and that it was addressed during her licensing." Throughout the period when Gloden was dealing with this issue, she was continuously employed by NAF.

Despite Jones' contention that she deemed Gloden's actions as "unacceptable" and that Jones/NAF took the matter "very seriously," Jones' subsequent actions in response to the ordeal seem to undermine her assertions. Jones did not express any substantive concern about the fundamental issues such as Gloden acting outside the scope of her fiduciary authority, Gloden's criminal conduct, or that Gloden failed to exhibit the highest degree of trust and loyalty to Ms. Butterfield and committed a fundamental breach of trust. Gloden actions represent abuse of an 80-year old vulnerable person to whom Gloden, Jones, and NAF have fiduciary responsibilities.

In response to Gloden's conduct, as described herein, Jones disciplined her, per the terms and conditions of the Disciplinary Plan. While Gloden was demoted to support staff status and was not to act in a fiduciary capacity, Jones did not adequately address the core breach of trust issue evidenced by Jones' statements that she did not believe Gloden posed any risk to the public and by Jones allowing Gloden to have unrestricted access to vulnerable persons from December 18, 2015, to September 23, 2016, when Gloden's fiduciary license was suspended.

Gloden unilaterally made the decision to give an elderly individual medication that was not prescribed to that individual. It would have been prudent for Jones, as Designated Principal and employer, to ensure that Gloden was sufficiently supervised by perhaps disallowing unrestricted access to NAF clients or allowing access only when accompanied by another NAF staff member. Instead, Jones' Disciplinary Plan, while apparently exercising administration of employee discipline, failed to substantively deal with the essential issue which is protection of the public because Jones permitted Gloden to have unrestricted access to clients. There was no oversight while Gloden was in people's homes and other environments. As such, the Division does not believe that

Jones and NAF took sufficient measures to ensure, to the extent reasonably possible, that Gloden would not be in a situation where she could possibly compromise or abuse another individual.

Notwithstanding Jones' assertions that this was a single act of misconduct, the nature of Gloden's transgression is significant, irresponsible, potentially dangerous, and unlawful. Further, Jones depiction that it was an "isolated incident" may be accurate but Jones' subsequent response appears to discount Gloden's history regarding prescription drugs, which has some relevancy. Gloden had difficulty obtaining her fiduciary license based on criminal charges stemming from prescription medication issues, as noted in this analysis.

The Division does not, in any way, disparage or diminish Gloden's personal recovery. However, Jones did not express that she considered Gloden's history into consideration when evaluating and concluding that Gloden's actions did not rise to the level that she posed a danger to the public.

Gloden told Division staff that "there wasn't an inkling of me that felt like I had done the wrong thing..." While it is unclear if Gloden made those, or similar, statements to Jones, those comments confirm that Gloden failed to see any wrongdoing on her part which raises questions as to whether she had done this with other clients in past.

Ultimately, Jones was sufficiently convinced that, going forward, Gloden would simply refrain from misusing her authority and abusing vulnerable clients. But, Jones' judgment, evidenced by her decision to allow Gloden to have unrestricted access to clients, at the time of the incident on December 18, 2015, through to approximately September 23, 2016, given Gloden's careless and unlawful actions, could not have been guided by the underlying principal of decision-making strictly in the best interest of the client. The circumstances involved in this matter warranted prudence and caution. The Division does not believe that Jones and NAF took sensible, purposeful and responsible measures reflective of the level of concern required for the protection of the public.

Allegation 2 is substantiated.

Allegation 3: Carla Jones allowed the Butterfield estate to be billed for time expended on matters related to fiduciary malfeasance, in violation of ACJA § 3-303(D)(2)(j).

ACJA §§ 7-201(F)(1) and § 7-202(F)(1) require all fiduciaries to comply with the Code of Conduct contained in § 7-202(J).

§ 7-202(J)(1)(a):

1. Duty to the Court.

a. The fiduciary shall perform all duties and discharge all obligations in accordance with current Arizona law, federal law, administrative rules, court

orders, court rules, administrative orders, and the Arizona Code of Judicial Administration.

§ 3-303(D)(2)(j):

2. Compensation of the Professional. Unless otherwise ordered by the court, compensation and reimbursement for professional services shall meet the following requirements:

j. Time and expenses for any misfeasance or malfeasance are not compensable.

In the interview with Jones, Division staff reviewed, with Jones, NAF's billings that were ultimately filed with the Court on June 15, 2016, in the Petition to Approve Conservator's Northern Arizona Fiduciaries, Inc.'s First and Final Accounting; and Petition to Terminate Conservatorship, in P1300GC201500096, Ms. Butterfield, for the period from January 20, 2016, through May 8, 2016.

Fiduciary Billing:

Gloden:

- December 21, 2015
 - \$28.50 for 0.30 minute call to Dr. Rauscher's office to update on Ms. Butterfield's move then police involvement. The doctor was not in – Gloden spoke with office manager. Doctor will call if he has questions.
 - \$28.50 for 0.30 minute call to Clugston. Updated Clugston on Ms. Butterfield's weekend.
 - \$19.00 for 0.20 email correspondence with APS investigator to set up meeting to discuss Ms. Butterfield's move to Alta Vista. Meeting with APS set for December 23, 2015.

Total: \$76.00

Jones:

- January 4, 2016
 - \$31.50 for 0.30 minute call to APS regarding complaint against Gloden. Meeting scheduled with APS worker and supervisor next week to review the case. NAF to let APS know what corrective action will be taken.
 - \$31.50 for 0.30 minute call with APS. Scheduled appointment with APS investigator and supervisor next week to review the case.

February 20, 2016

- \$84.00 for 0.80 minutes - meeting with APS.

Total: \$147.00

Legal billing:

Clugston:

- December 18, 2015
 - \$247.00 for 0.90 minutes – call with Jones and Gloden regarding “status of move.”
- December 21, 2015
 - \$82.50 for 0.50 minute call – communicate with Gloden re status, notes; also call to Dagilis leaving message.

Total: \$329.50

Dagilis:

- December 21, 2015
 - \$58.50 for 0.30 minute call with Clugston

Total: \$58.50

Although the pertinent legal billings were noted, the Division was concerned primarily with the fiduciary billings although Clugston’s December 18, 2015, billing regarding the conference with Gloden and Jones was specific to Gloden’s conduct regarding the Klonopin.

During the interview with Jones, Division staff referenced the fee guidelines set out in ACJA § 3-303(D)(2)(j) and asked her if she was aware of those guidelines. Jones stated that she was aware of the fee guidelines and said that she “just put it out there, billed it to the Court, the accounting was approved...” Jones was asked if she knew whether this was something she could not or should not do to which Jones said, “I know that there’s guidelines on billing, yes...but it’s just part of the documentation, entered bill that was submitted. It was ultimately approved.” Jones added, “I think it’s like \$272.00 or something I think I added up on that at one point that might have accidentally got input billed instead of hit the wrong button maybe.” Asked to clarify whether she thought it was accidental Jones replied, “I don’t know if it was an accident.” Jones stated that she reviews Form 7 and the reconciliation of the invoices and also reviews the monthly invoices for accuracy. Jones said she submits the accounting to her attorney and she

authorizes the attorney to file the Petition requesting the Court's approval for the accounting.

The Division notes that in Jones' Response of July 28, 2017, Woods, on behalf of Jones, wrote that "Reviewing her records, Ms. Jones does not believe she billed the client inappropriately. However, she did find three time entries of her own which might fall into the category of responding to the fiduciary malfeasance." Woods identified \$147.00 in billing for the January 4, 2016, January 6, 2016, and February 10, 2016 communication with APS. Further, the Response documents that Ms. Jones refunded the Butterfield estate and provided verification of that refund (July 27, 2017).

There was no refund issued related to billing from Clugston's office.

While the billing does not appear to be exorbitant, Jones and NAF knowingly allowed the estate to be billed on activities related to Gloden's malfeasance, in violation of § 3-303(D)(2)(j).

Allegation 3 is substantiated.

Allegation 4: Carla Jones allowed the Butterfield estate to be billed at a fiduciary rate for Beverly Gloden's services when Ms. Gloden was operating as support staff.

ACJA §§ 7-201(F)(1) and § 7-202(F)(1) require all fiduciaries to comply with the Code of Conduct contained in § 7-202(J).

§ 7-202(J)(1)(a):

1. Duty to the Court.

a. The fiduciary shall perform all duties and discharge all obligations in accordance with current Arizona law, federal law, administrative rules, court orders, court rules, administrative orders, and the Arizona Code of Judicial Administration.

§ 7-202(J)(5)(b)(1):

5. Conservatorship. The fiduciary acting as conservator for the estate shall provide competent management of the property and income of the estate. The fiduciary shall exercise the highest level of fiduciary responsibility, intelligence, prudence, and diligence in the discharge of all duties. A fiduciary shall avoid any self-interest in the discharge of this duty.

b. Pursuant to A.R.S. § 14-1104:

1. The fiduciary must prudently manage costs, preserve the assets of the ward or protected person for the benefit of the ward or protected person and protect against incurring any costs that exceed probable benefits to the ward, protected

person, decedent's estate or trust, except as otherwise directed by a governing instrument or court order.

§ 7-202(J)(5)(h) and (j):

h. The fiduciary shall have no self-interest in the management of the estate and shall exercise caution to avoid even the appearance of self-interest.

j. The fiduciary shall ensure that all fees and expenses incurred for the protected person by the fiduciary, including compensation for the services of the fiduciary, are reasonable in amount, necessarily incurred for the welfare of the protected person, and in compliance with ACJA § 3-303.

§ 3-303(D)(2)(g)(2):

g. The hourly rate charged for any given task shall be at the authorized rate, commensurate with the task performed, regardless of whom actually performed the work, but clerical and secretarial activities are not separately billable from the Professional. The Professional shall abide by the following requirements:

(2) A fiduciary may only bill a fiduciary rate when performing services that require the skill level of the fiduciary; a companion rate when performing companion services; a bookkeeper rate when performing bookkeeping and bill-paying services for a client; and shall not charge when performing secretarial or clerical services, for example.

In Jones' Response of July 28, 2017. Woods, for Jones, wrote that billing rates are not controlled by law or regulation. Despite Gloden's internal discipline, Woods wrote that she was a knowledgeable and value team member and for the during of the Butterfield case which terminated in August 2016, Gloden was a licensed fiduciary and remained so until she was notified of the emergency suspension of her fiduciary license in September 2016. Woods further noted that all fees were reviewed and approved by the Superior Court of Yavapai County. Woods, for Jones, stated that there was no inappropriate billing.

Notwithstanding Jones' position on this matter that there is no law or regulation controlling billing and that there was no inappropriate billing, ACJA § 3-303(D)(2)(g)(2) sets out that a fiduciary may only bill a fiduciary rate when performing services that require the skill level of the fiduciary.

Jones made it clear that effective January 5, 2016, she disciplined Gloden because of her conduct regarding the Klonopin issue and Jones demoted Gloden to support staff status and reduced her pay. Per Jones' Disciplinary Plan, Gloden was no longer authorized to make decisions on behalf of clients, sign documents related to clients, instruct other NAF team members related to client care, or bind clients' estates or assets. The plan specifically states "Ms. Gloden will not practice as a licensed fiduciary during this time."

§ 3-303(D)(2)(g) compels the fiduciary to charge for any given task “*at the authorized rate, commensurate with the task performed, regardless of whom actually performed the work...*”

It is factually accurate that Gloden was a licensed fiduciary during the time she worked on the Butterfield matter because the Board had not suspended her license until September 23, 2016. However, Gloden was not authorized to function as licensed fiduciary, evidenced by her employer’s imposed disciplinary action and resultant pay reduction. As such, Jones should not have allowed the estate to be billed at a fiduciary rate of \$95.00 hourly for Gloden’s services when Gloden was not performing as a licensed fiduciary. The estate should have been billed at \$85.00, reflective of fiduciary assistant rates, for Gloden’s services because she was operating as support staff.

A review of NAF’s website (<http://www.northernarizonafiduciaries.com/services.html>), showed NAF’s Fee Statement and Basis for Compensation and the following hourly fees and rate levels, effective January 1, 2015:

- Licensed Principal Fiduciary - \$105 - \$150.00
- Licensed Fiduciaries - \$95.00
- Fiduciary Assistants - \$85.00
- Office/Care Assistants - \$75.00

Billing records, per NAF’s accounting filed with the Court, showed that Jones allowed Gloden to bill at \$95.00 hourly almost entirely, with few exceptions, regardless of the task performed. For example, after January 5, 2016, Gloden billed at the above-referenced fiduciary rate for tasks including reviewing debit, credit and balance in bank account; telephone calls; generating fax cover letters to physicians, print letters of permanent guardian, forwarding letters; reviewing invoices; complete time accounts and statements;/invoices; and various other tasks.

Gloden billed for 22.3 hours at \$95.00 hourly totaling \$2,118.50. Had Jones billed the estate at the assistant’s rate for Gloden’s services, the cost to the estate would have been \$1,895.50, saving the estate \$223.00. Although the savings to the estate was nominal, Jones nonetheless should have acted in compliance with § 3-303(D)(2)(g).

The Division did not perform a comprehensive review of all NAF’s clients for whom Gloden was providing services during this time.

Allegation 4 is substantiated.

Allegation 5: Northern Arizona Fiduciaries, Inc., failed to cooperate with Division staff’s request to interview its employees during an investigation, in violation of ACJA § 7-202(H)(6)(c).

ACJA §§ 7-201(F)(1) and § 7-202(F)(1) require all fiduciaries to comply with the Code of Conduct contained in § 7-202(J).

§7 201(H)(6)(c):


6. Grounds for Discipline. A certificate holder is subject to disciplinary action if the board finds the certificate holder has engaged in one or more of the following:

c. Failed to cooperate with or supply information to the director, deputy director, division staff or board by the specific time stated in any request

On November 9, 2016, Division staff notified Jones that the Division wished to conduct onsite interviews with Jones and several of her staff at the NAF office in Prescott, Arizona. On November 30, 2016, Division staff interviewed Jones with her attorney present. Upon conclusion of the interview, Division staff requested an interview with NAF associate staff members, Pierson and Hignight, respectively. Jones insisted that she wanted to be present when Division staff interviewed any of her employees and she would not permit an interview unless that condition was met. Division staff stated that Clugston, as attorney for NAF, could be present during the interview with NAF employees but reiterated that Division staff wanted to interview Pierson and/or Hignight separately and apart from Jones. She was not agreeable and insisted that the interview could not take place without her being present. Division staff left without interviewing Pierson or Hignight.

Allegation 5 is substantiated.

SUBMITTED BY:


PASQUALE FONTANA, Investigator
Certification and Licensing Division


Date

REVIEWED BY:


Certification and Licensing Division


Date

DECISION OF THE PROBABLE CAUSE EVALUATOR:

Having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint number 16-0006/16-0007/17/0014, the Probable Cause Evaluator:

[] requests division staff to investigate further.

[] determines probable cause does not exist the certificate holder has committed the alleged acts of misconduct as to Allegation(s):

[] determines probable cause exists the certificate holder committed the alleged acts of misconduct as to Allegation(s):

#s 1, 2, 3, 4, and 5.

Mike Baumstark 8/30/17

Mike Baumstark
Probable Cause Evaluator

Date

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
ORDER OF THE BOARD**

<i>CERTIFICATE HOLDER/LICENSEE INFORMATION</i>	Certificate Holder:	Beverly Gloden	
	Certification Number:	205591	
	Certificate Holder:	Carla Jones	
	Certificate Number:	20276	
	Certificate Holder:	Northern Fiduciaries Inc.	Arizona
	Certificate Number:	20198	

Recommendation:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Beverly Gloden, Carla Jones and Northern Arizona Fiduciaries Inc. have committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 16-006, 16-007 and 17-0014.

Mitigating factors:

- a. Absence of prior disciplinary history

Aggravating Factors:

- a. Dishonest or selfish motive (billing practices Jones and NAF)
- b. Multiple offenses including complaint numbers 16-008, 16-0009 and 16-0010
- c. Failure to cooperate with investigation (Jones and NAF)
- d. Vulnerability of the victim
- e. Substantial experience in the profession

It is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6) for act(s) of misconduct as described in the investigative complaint.

It is further recommended the Board revoke the licenses of Beverly Gloden, Carla Jones and Northern Arizona Fiduciaries, Inc.

SUBMITTED BY:



Director
Certification and Licensing Division

3/31/17

Date

FINAL DECISION AND ORDER:

The Board having reviewed the above Investigation Summary, Allegation Analysis Report, finding of the Probable Cause Evaluator, and Recommendation regarding complaint numbers 16-0007 and 17-0014 and Carla Jones, certificate number 20276 and Northern Arizona Fiduciaries, certificate number 20198, defers the matters for consideration at a later date. As to the aforementioned Report and Recommendation regarding complaint number 16-0006, and Beverly Gloden, certificate number 20591, the Board makes a finding of facts and this decision, based on the facts, evidence, and analysis as presented and enters the following order:

- requests division staff to investigate further.
- refers the complaint to another entity with jurisdiction.
 - Referral to: _____
- dismisses the complaint, and:
 - requests division staff prepare a notice of dismissal pursuant to ACJA § 7-201(H)(5)(c)(1).
 - requests division staff prepare a notice of dismissal and an Advisory Letter pursuant to ACJA § 7-201(H)(5)(c)(2).
- determines grounds for discipline exist demonstrating the certificate holder committed the alleged act(s) of misconduct and:
 - enter a finding the alleged act(s) of misconduct or violation(s) be resolved through informal discipline, pursuant to ACJA § 7-201(H)(7) and issue a Letter of Concern.
 - enter a finding the alleged act(s) of misconduct or violation(s) be resolved through formal disciplinary proceeding, pursuant to ACJA § 7-201(H)(9).
- requests the certificate holder appear before the Board to participate in a Formal Interview, pursuant to ACJA § 7-201(H)(8).
- orders the filing of Notice of Formal Charges, pursuant to ACJA § 7-201(H)(10).
- enters a finding the public health, safety or welfare is at risk, requires emergency action, and orders the immediate emergency suspension of the certificate and sets an expedited hearing for:

Date, Time, and Location: _____

adopts the recommendations of the Division Director.

does not adopt the recommendations of the Division Director and orders:



Deborah Primock, Chair
Fiduciary Board

9/9/17
Date