



FIDUCIARY BOARD

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

January 13, 2022
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Peter Santini

Telephonically Present:

Deborah Primock
Elaine Acosta Sweet
Emily Kile
Sharon Yates
Belvet Elsouhag
Hon. Jay M.Polk
Paul Friedman

Absent:

OTHER ATTENDEES:

AOC Staff:

Aaron Nash
Michelle Martinez
Margaret Lindsay
Wil Castro
Hal White
Pasquale Fontana
William MacIntyre
Kristina Tuba
Ashleigh Hansen
Thomas Kolodziejczyk
Arnita Oliver

Guests:

Ed Laber
Dawn Walters
Christine Tasopoulos
Toni McBain
Bill Chalmers
Susan Wulff
Amanda Goldstein
Lisa Price
L. Garcia
Anne Marie Lander
MaryAnn
Josephine Jones
Heather Bull

CALL TO ORDER

Called to Order By: Deborah Primock, Chair

Time: 10:30 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review, discussion and possible action regarding the regular session minutes of the meeting held on November 10, 2021.*

Individual Addressing the Board: Deborah Primock Chair

Discussion: None

Motion: Consideration of and motion to accept the regular session minutes of the meeting held on November 10, 2021

Motion Proposals: First Paul Friedman
Second Elaine Acosta Sweet

Motion Results: Pass

1-B: *Review, discussion and possible action regarding the executive session minutes of the meeting held on November 10, 2021.*

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Consideration of and motion to accept the executive session minutes of the meeting held on November 10, 2021.

Motion Proposals: First Paul Friedman
Second Sharon Yates

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: *Review, discussion and possible action regarding Complaint No. 18-0063 involving license holder Carol Severyn.*

Individual Addressing the Board: William MacIntyre

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding that probable cause does not exist as to the allegations.

It is further recommended that the Board dismiss complaint number 18-0063.

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

Motion Proposals: First Elaine Acosta Sweet
Second Belvet Elsouhag

Motion Results: Pass

2-B: Review, discussion and possible action regarding Complaint No. 19-0005 involving license holder Dawn Walters...

Individual Addressing the Board: Margaret Lindsay

Discussion: This matter was presented to the Probable Cause Evaluator who determined that probable cause exists that Walters committed the alleged act(s) of misconduct described in allegation 1, but that probable cause does not exist for allegations 2 through 6. The Division continues to recommend that the Board accept the findings of the Probable Cause Evaluator. Further, the Division recommends that the Board issue an Advisory Letter.

Motion: Consideration of and motion to dismiss complaint as described in the findings

Motion Proposals: First Elaine Acosta Sweet
Second Belvet Elsouhag

Motion Results: Pass

2-C: Review, discussion and possible action regarding Complaint Nos. 19-0001 through 19-0004, 19-0013 through 19-0016, 19-0022 and 19-0023 involving license holders Lisa Price and Entrust Financial Services.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is further recommended the Board enter an order revoking the fiduciary licenses of Lisa Price and Entrust Fiduciary Services, Inc.

It is further recommended that any new or open complaints involving Lisa Price and Entrust Fiduciary Services, Inc. be held in abeyance pending final resolution of this matter.

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

Motion Proposals: First Emily Kile
Second Elaine Acosta Sweet
Recused Hon. Jay M. Polk

Motion Results: Pass

2-D: Update regarding pending complaints.

Individual Addressing the Board: Margaret Lindsay

Discussion: As of January 6, 2022, there are 24 open complaints, 7 of which have been presented on this agenda with dispositive recommendations under Agenda Items 2-A, 2-B and 2-C.

3) INITIAL LICENSURE AND ELIGIBILITY:

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

1. **Toni McBain**
2. **Amanda Goldstein-Klokov**
3. **Nicole Jensen**
4. **Fundamentals Fiduciary Group, L.L.C.**

Individual Addressing the Board: Hal White

- Toni McBain

Discussion: The Division recommends approval of initial individual fiduciary licensure for Toni McBain contingent upon her completing the 1 hour Fiduciary Training Class.

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

Motion Proposals: First Emily Kile
Second Elaine Acosta Sweet

Motion Results: Pass

- **Amanda Goldstein-Klokov**

- **Nicole Jensen**

Discussion: The Division recommends defer the above applicants until next meeting until next meeting

- **Fundamentals Fiduciary Group LLC**

Discussion: The Division recommends approval of initial individual fiduciary licensure for Fundamentals Fiduciary, LLC.

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

Motion Proposals: First Peter Santini
Second Hon. Jay M. Polk

Motion Results: Pass

4) **RENEWAL LICENSURE AND APPLICATIONS:**

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

1. *Iris Crawford Bush*
2. *Elite Fiduciary Services, LLC*
3. *Barbara Ficker*
4. *Robert Ficker*
5. *Stewardship Association*

Individual Addressing the Board: Wil Castro

1. *Iris Crawford Bush*
2. *Elite Fiduciary Services, LLC*

Discussion: It is recommended renewal of standard licensure be granted to the following license holders:

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

Motion Proposals: First Elaine Acosta Sweet
Second Emily Kile

Motion Results: Pass

1. *Barbara Ficker*
2. *Robert Ficker*
3. *Stewardship Association*

Discussion: It is recommended renewal of standard licensure be granted to Barbara Ficker, Robert Ficker and Stewardship Association.

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

Motion Proposals: First Elaine Acosta Sweet
Second Emily Kile

Motion Results: Pass

5) LICENSURE AND ELIGIBILITY:

5-A: Review, discussion, and possible action regarding voluntary surrender request received from the following license holders:

1. *Kathleen Moriarity*
2. *Chelsea Brandes*

Individual Addressing the Board: Hal White

Discussion: ACJA § 7-201(E)(7) reads:

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

Division records indicate there are no pending complaints against Kathleen Moriarity or Chelsea Brandes.

It is recommended the Board accept the request of Kathleen Moriarity and Chelsea Brandes to voluntarily surrender their licenses.

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

Motion Proposals: First Hon. Jay M. Polk

Motion Results: Second Emily Kile
Pass

5-B: *Review, discussion, and possible action regarding inactive status request received from license holder Piedad Hogan. .*

Individual Addressing the Board: Hal White

Discussion: Defer until next meeting

6) ADMINISTRATIVE ISSUES :

6-A: *Review, discussion and possible action regarding the certification renewal application deadline pursuant to Arizona Code of Judicial Administration § 7-201(G)(2).*

Individual Addressing the Board: Michelle Martinez

Discussion: Active certificates expire at midnight on May 31st of each even numbered year.

Staff recommends the Board establish the 2022-2024 renewal application deadline as midnight, May 31, 2022. The renewal period will open on April 1, 2022. An additional \$50 fee will be charged for applications received after April 30, 2022.

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

Motion Proposals: First Elaine Acosta Sweet
Second Emily Kile

Motion Results: Pass

6-B: *Review, discussion and possible action concerning random audits of continuing education compliance for renewal. . .*

Individual Addressing the Board: Michelle Martinez

Discussion: It is recommended the Board request staff to audit 10% of the renewal applicants in the Fiduciary pool for continuing education compliance.

Motion: Considerations of and motion to accept staff's recommendation

Motion Proposals: First Hon Jay M. Polk

Motion Results: Second Peter Santini
 Pass

6-C: *Review, discussion and possible action regarding limitation of accepting new appointments pending formal discipline: ACJA 7-202.*

Individual Addressing the Board: Aaron Nash

Discussion: At the November 2021 Fiduciary Board meeting, the Board discussed the potential harm to the public if a license holder subject to a complaint for substantial violations of the ACJA were able to continue accepting new appointments for fiduciary-related work. Judge Polk and the Director agreed to draft potential code change language for the Board’s consideration addressing this issue.

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

Motion Proposals: First Emily Kile
 Second Peter Santini

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board:

Bill Chalmers

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Elaine Acosta Sweet
 Second Emily Kile

Motion Results: Pass

Time: 12:23 p.m.

Initials: AO