



FIDUCIARY BOARD

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

November 10, 2021
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Peter Santini

Telephonically Present:

Chair-Deborah Primock
Teresa Lancaster
Diana M. Corry
Elaine Acosta Sweet
Emily Kile
Sharon Yates
Belvet Elsouhag
Hon. Jay M. Polk
Paul Friedman

Absent:

OTHER ATTENDEES:

AOC Staff:

Aaron Nash
Michelle Martinez
Rachel Rowland
Bill McIntyre
Hal White
Wil Castro
Brianna Farmer
Ashleigh Hansen
Margaret Lindsey
Lisa Hauser

Guests:

Bill Chalmers
Susan Wulff
Nicole Grigg
Letty Segovia

CALL TO ORDER:

Called to Order By: Deborah Primock, Chair

Time: 10:31 am

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review, discussion and possible action regarding the regular session minutes of the meeting held on September 9, 2018.*

Individual Addressing the Board: Deborah Primock, Chair

Discussion: None

Motion: Consideration of and motion to approve September 9, 2021 minutes as presented.

Motion Proposals:

First	Paul Friedman
Second	Belvet Elsouhag
Recused	Peter Santini

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: *Review, discussion and possible action regarding Complaint No. 20-0007 involving license holder Theresa Eells.*

Individual Addressing the Board: William MacIntyre

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Theresa Eells has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 20-0007.

It is further recommended that the Board dismiss complaint number 20-0007.

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

Motion Proposals: First Paul Friedman
Second Elaine Acosta Sweet
Recused Emily Kile

Motion Results: Pass

2-B: Review, discussion and possible action regarding Complaint Nos. 21-0007 and 21-0008 involving license holders Kelly Crane and Esteemed Life Solutions.

Individual Addressing the Board: Rachel Rowland

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Kelly Crane and Esteemed Life Solutions, LLC have not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in Allegation 1 for complaint numbers 21-0007 and 21-0008.

It is further recommended that the Board dismiss complaint numbers 21-0007 and 21-0008.

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

Motion Proposals: First Hon. Jay M. Polk
Second Paul Friedman

Motion Results: Pass

2-C: Update regarding pending complaints.

Individual Addressing the Board: Aaron Nash

Discussion: Aaron Nash provided an update on the Division's Complaint Case Aging status. As of November 5, 2021, there are 27 open complaints.

Informational item only.

3) INITIAL LICENSURE AND ELIGIBILITY:

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

Discussion: The Division recommends approval of initial fiduciary licensure for the following applicants:

1. Dawn Shaw

2. Maria Alcala

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

Motion Proposals: First Paul Friedman
Second Elaine Acosta Sweet

Motion Results: Pass

3. Carla Truman

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure for Carla Truman.

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

Motion Proposals: First Teresa Lancaster
Second Peter Santini

Motion Results: Pass

4) LICENSURE AND ELIGIBILITY

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

- 1. Kile & Kupiszewski Law Firm, LLC
- 2. Charles Fuss

Individual Addressing the Board: Hal White

Discussion: It is recommended the Board accept the request of Kile & Kupiszewski Law Firm, LLC and Charles fuss to voluntarily surrender their licenses.

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

Motion Proposals: First Elaine Acosta Sweet
Second Belvet Elsouhag
Recusals Emily Kile and Hon. Jay M. Polk

Motion Results: Pass

4-B: *Review, discussion, and possible action regarding inactive status request received from Edgar Garcia.*

Individual Addressing the Board: Hal White

Discussion: It is recommended that the Board accept the request and place Edgar Garcia, license number 20833, on inactive status.

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

Motion Proposals: First Paul Friedman
Second Diana Corry

Motion Results: Pass

5) ADMINISTRATIVE ISSUES

5-A: *Review and discussion regarding restitution in complaint matters. The Board may vote to go into executive session for discussion or consultation with its attorney for legal advice pursuant to A.R.S. § 38-431.03(A)(3) and Section 1-202(C)(5)(c), Code of Judicial Administration.*

Motion: Move to enter executive session to receive advice of counsel and to further discuss A.R.S. § 38-431.03(A)(3) and Section 1-202(C)(5)(c), Code of Judicial Administration.

Motion Proposals: First Elaine Sweet
Second Paul Friedman

Motion Results: Pass

Board Entered Executive Session: 10:47 am

Return to Regular Session: 11:02 am

5-B: It is recommended the Fiduciary Board approve the 2022 meeting calendar as follows:

January 13, 2022
March 10, 2022
May 12, 2022
July 14, 2022
September 8, 2022
November 10, 2022

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
Susan Wulff

ADJOURNMENT

Motion: Move to adjourn.
Motion Proposals: First Elaine Sweet
Second Paul Friedman
Motion Results: Pass
Time: 11:31 am

Initials: EAH