



FIDUCIARY BOARD

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

March 11, 2021
10:30 A.M.

Draft Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Telephonically Present:

Absent:

Deborah Primock - Chair
Diana M. Curry
Elaine Acosta Sweet
Emily Kile
Sharon Yates
Belvet Elsouhag
Hon. Jay M. Polk
Peter Santini
Paul Friedman

Teresa Lancaster

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Wil Castro
Hal White
Pasquale Fontana
Brianna Farmer
Ashleigh Hansen
Savannah Peavy
Margaret Lindsey

Guests:

Lina Garcia
Terrance Woods
Laura Sharek
William Chalmers
Susan Wulff
Kathryn Blair
Tori McBain
Janet Wells
Josephine Jones

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 December 8, 2020.

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 December 18, 2020

Motion Proposals: First Paul Friedman
Second Elaine Acosta Sweet

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: Review, discussion and possible action regarding dispositive consent agreement in complaint nos. 16-0007, 16-0008, 16-0009, and 17-0014 involving license holders Northern Arizona Fiduciaries, Inc. and Carla Jones.

Individual Addressing the Board: Pasquale Fontana

Discussion: In May 2018, the Fiduciary board entered in a Consent Agreement with Northern Arizona Fiduciaries, Inc. and Carla Jones to resolve Complaint Numbers 16-0007, 16-0008, 16-0009 and 17-0014. Northern Arizona Fiduciaries, Inc and Ms. Jones have completed the required compliance monitoring required by the Consent Agreement.

It is recommended that the Board resolves the Complaint Numbers 16-0007, 16-0008, 16-0009 and 17-0014.

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

Motion Proposals: First Peter Santini
Second Belvet Elsouhag

Motion Results: Pass

2-B: Review, discussion and possible action regarding complaint no. 18-0056 involving license holder Carla Jones.

Individual Addressing the Board: Pasquale Fontana

Discussion: The Certification and Licensing Division (“Division”) received a complaint against Carla Jones (“Ms. Jones”) with the allegation that Ms. Jones does not have enough licensed fiduciaries and has not met the guardianship visitation requirements. Upon further investigation the Division found an additional allegation being that the annual guardian reports filed with the Court were misleading, inaccurate, and/or contained misrepresentations or omissions of facts.

Terrence P. Woods, an attorney for Ms. Jones, stated that since the first allegation she has been operating in a more professional status and has hired another licensed fiduciary in her office. Mr. Woods also affirmed that this was an administrative error and these complaints have been discussed in the Superior Court.

It is recommended that the Board issue a letter of concern.

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

Motion Proposals: First Paul Friedman
Second Elaine Acosta Sweet

Motion Results: Pass

3) INITIAL LICENSURE AND ELIGIBILITY:

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

1. Andree Sidwell

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial individual fiduciary licensure for Andree Sidwell.

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

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

Motion Results: Pass

4) RENEWAL CERTIFICATION AND APPLICATIONS:

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

- | | |
|-------------------------------------|---|
| 1. Anderson, Lyndi | 25. Hanks, Audrey |
| 2. Apache County Public Fiduciary | 26. Harris, John |
| 3. Arnold, Charles | 27. Howard, Brett |
| 4. Baldwin, Denise | 28. Jones, Annette |
| 5. Bennett, Shannon | 29. Kuzdal, Laurie |
| 6. Blair, Kathryn | 30. Landis, Roger |
| 7. Braddock, Lori | 31. Lawson, Kathleen |
| 8. Brandes, Chelsea | 32. Lines, Sherrel |
| 9. Brown, Devin | 33. Maureen L. Edwards, LLC |
| 10. Campos, Antonella | 34. Maytonena, Giovanni |
| 11. Cohill, Wendy | 35. Mejia, Cecilia |
| 12. Cooper Love, Crismon | 36. Palacio, Hector |
| 13. Corona, Nicole | 37. Professional Community Services, Inc. |
| 14. Dicresce, Mary Jane | 38. Stubler Fiduciary Services, LLC |
| 15. Elliott, James | 39. Stubler, Christopher |
| 16. Elsouhag, Belvet | 40. Tanner, Adelina |
| 17. Ernst, Heidi | 41. The Families Advocate, LLC |
| 18. Escalante, Nicole | 42. Walsma, Pamela |
| 19. Espinoza, Patricia | 43. Weigle, Misty |
| 20. Estate Management Services, LLC | 44. Appel, Marlene |
| 21. Ferris, Scott | 45. Covey, Ruth |
| 22. Fleming & Curti, PLC | 46. Olsen, Martelle |
| 23. Fleming, Robert | 47. Sterling Case Mgmt. & Fids of AZ, LLC |
| 24. Friman, Elizabeth | |

Individual Addressing the Board: Brianna Farmer

Discussion: The Division recommends renewal of standard licensure to be granted to license holders 1 through 42.

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

Motion Proposals: First Peter Santini
Second Eliane Acosta Sweet (?)
Recused Belvet Elsouhag as to 16, Hon. Jay M. Polk as to 3 & 44.

Motion Results: Pass

43. Weigle, Misty

Discussion: Misty Weigle requested a renewal of inactive status licensure. The application was completed though no information was presented during the background review. Ms. Weigle meets the minimum eligibility requirements for renewal of inactive status.

It is recommended renewal of inactive status licensure be granted to Misty Weigle.

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

Motion Proposals: First Paul Friedman
Second Belvet Elsouhag

Motion Results: Pass

44. Marlene Appel

Discussion: May 2020, a suit was filed against Ms. Appel in her role during a Superior Court matter. Though she was not working in her fiduciary capacity, she is to notify the Division of the outcome.

It is recommended renewal of inactive status licensure be granted to Marlene Appel.

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

Motion Proposals: First Paul Friedman
Second Elaine Acosta Sweet

Motion Results: Pass

45. Ruth Covey

46. Martelle Olsen

47. Sterling Case Mgmt. & Fids of AZ, LLC

Discussion: Ruth Covey applied for renewal of standard fiduciary licensure but failed to disclose a civil court case where she was named as a defendant. As Ms. Covey was on her way back from working with a client when the

accident occurred her employer Sterling Case Management and Fiduciaries of Arizona (“Sterling Case Management”), LLC, was also named as a defendant. Martelle Olsen, the principal for Sterling Case Management, LLC, failed to disclose a dissolution of marriage in addition to failing to disclose the civil court case where Ruth Covey and Sterling Case Management, LLC, were named defendants.

It was questioned if the accident with Ms. Covey occurred during her two-year licensure or if it has happened before her current licensure and should have been filed on her previous renewal application. The accident happened January 16, 2018 but was not filed on 2019. The matter remains pending.

Matter deferred.

5) LICENSURE AND ELIGIBILITY

5-A: Review, discussion, and possible action regarding inactive status request received from the following applicants:

1. Charles Fuss
2. River Ruiz

Individual Addressing the Board: Hal White

Discussion: Charles Fuss, license number 20778, has submitted a request for his certification to be placed on inactive status. There are no pending complaints filed against Mr. Fuss.

River Ruiz, license number 20927, has submitted a request for his certification to be placed on inactive status. There are no pending complaints filed against Mr. Ruiz.

It is recommended that the Board accept the requests and place both Charles Fuss and River Ruiz on inactive status.

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

Motion Proposals: First Paul Friedman
Second Emily Kile
Recusals Peter Santini
Motion Results: Pass

6) ADMINISTRATIVE ISSUES

6-A: Review and discussion concerning submission of second half of renewal fee for 2020-2022 renewal cycle.

Individual Addressing the Board: Mark Wilson

Discussion: Arizona Judicial Council issued an increase in fees for fiduciaries from \$250 to \$400. Members of the fiduciary community requested that the fee be split annually and be billed \$200 each year. The fee due date is on May 31, 2021 and the Division will be reaching out to the fiduciary community to let them know that the \$200 payment will be due by that date. Those who will need to pay the amount will be contacted by mail and email to ensure that the payment will be made before the due date.

6-A: Review and discussion concerning representation of fiduciary profession in media and entertainment mediums.

Individual Addressing the Board: Hon. Jay M. Polk

Discussion: There is concern with how the media and entertainment portrays guardianship and conservatorships. "I Care a Lot" was released by Netflix and does not portray the rules and requirements of the fiduciary and the protections that the ward receives. It was mentioned that Arizona has criteria that states do not have. It was suggested that the Division and Board create information that is given to the public to address the concerns that this movie may create.

CALL TO THE PUBLIC

Individuals Addressing the Board: William Chalmers and Susan Wulff

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Elaine Acosta Sweet
Second Paul Friedman

Motion Results: Pass

Time: 11:28 A.M.

Initials: SP