

FIDUCIARY BOARD

Meeting Agenda – Thursday, May 13, 2021

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 - 10:30 A.M. Conference Room 109

General Inquiries Call: 602-452-3378 (Certification and Licensing Division Line)

Members of the public may attend meeting in person.

For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

CALL TO ORDER.....*Deborah Primock, Chair*

1) REVIEW AND APPROVAL OF MINUTES.....*Deborah Primock, Chair*

1-A: Review, discussion and possible action regarding the regular session minutes of the meeting held on March 11, 2021.

2) PENDING COMPLAINTS.....*Division Staff*

2-A: Review, discussion and possible action regarding Complaint Nos. 19-0011 and 19-0012 involving license holders Roger Coventry and Childers & Coventry, LLC.

2-B: Review, discussion and possible action regarding Complaint Nos. 20-0001 and 20-0002 involving license holder Dawn Garcia.

3) INITIAL LICENSURE AND ELIGIBILITY.....*Division Staff*

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

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| 1. Amy Bayless | 4. Deborah Schuster |
| 2. Betty Chou | 5. Jennifer Smith |
| 3. Brenda Peterson | 6. LA Fiduciary Services, LLC |

3-B: Review, discussion and possible action regarding application for initial individual licensure for Thomas Strasburg.

4) RENEWAL LICENSURE AND APPLICATIONSDivision Staff

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

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| 1. Claudia Ramirez | 5. Ruth Covey |
| 2. Stephanie Smith | 6. Martelle Olsen |
| 3. Cindy Gonzalez | 7. Sterling Case Mgmt. & Fids of AZ, LLC |
| 4. Tanya Malos | |

5) LICENSURE AND ELIGIBILITY.....Division Staff

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

1. Jon Fleck
2. Steven Anderson
3. Catherine Yoshida-Corella

6) ADMINISTRATIVE ISSUES.....Division Staff

6-A: Review, discussion and possible action regarding Administrative Order 2020-194.

CALL TO THE PUBLIC.....Deborah Primock, Chair

ADJOURN.....Deborah Primock, Chair

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1) REVIEW AND APPROVAL OF MINUTES

I-A: Review, discussion and possible action regarding the regular session minutes of the meeting held on March 11, 2021.

Attached for the Board's review are the regular session minutes from the Board meeting of March 11, 2021.

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2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding Complaint Nos. 19-0011 and 19-0012 involving license holders Roger Coventry and Childers & Coventry, LLC.*

Mike and Wendy Davis asked Roger Coventry (“Coventry”) and Childers & Coventry (“C&C”) if he and his company would like to become the guardian for Mike Davis’ mother, Fay Davis (“Fay”), who was about 90 years old. Mike and Wendy Davis petitioned the court. The guardianship was contested, and C&C was never chosen.

The complainant’s allegations center around whether Coventry had a conflict of interest and whether Coventry filed an Affidavit of Proposed Appointee which contained false statements.

Coventry and C&C were never appointed as guardian or in any other fiduciary capacity.

Recommendation:

It is recommended the Board accept the findings of the Probable Cause Evaluator, Mike Baumstark, and enter a finding Roger Coventry and Childers & Coventry have not committed the alleged acts of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in Allegations 1, 3, 4, 5, 6, 7, 8, and 9 complaint numbers 19-0011 and 190012.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Roger Coventry and Childers and Coventry have committed the alleged act of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in Allegation 2, complaint numbers 19-0011 and 19-0012.

It is recommended that the Board dismiss Allegations 1 and 3 through 9.

It is recommended the Board enter a finding grounds for informal disciplinary action exists concerning Allegation 2 pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6) for acts of misconduct involving ACJA §§ 7-202(J)(1)(c)(2) and (3) by filing the Affidavit of Proposed Appointee which contained an unclear or misleading statement.

It is further recommended the Board issue a Letter of Concern.

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2) PENDING COMPLAINTS

2-B: Review, discussion and possible action regarding Complaint Nos. 20-0001 and 20-0002 involving license holder Dawn Garcia.

Louis Strugalla (“Louis”) and Joan Strugalla (“Joan”) are husband and wife. Dawn Garcia (“Garcia”) is a licensed fiduciary and has a fiduciary relationship with both Louis and Joan. On January 11, 2018, Garcia and Joan were appointed co-guardians for Louis. On January 30, 2020, Garcia became Louis’ sole guardian.

In addition, On January 11, 2018, Joan executed a General Durable Power of Attorney naming Garcia as her agent and a Health Care Power of Attorney naming her sister, Ann Leach, and Garcia as her agents, with authority to act independently.

The complainant is Laura Outram (“Outram”), Louis’ and Joan’s daughter. Outram’s complaint contends that Garcia breached her fiduciary duty to Louis by failing to timely pay Louis’ rent for November 2019, December 2019 and January 2020. Outram also contends that Garcia breached her fiduciary duty to Joan because Garcia failed to provide Outram with a copy of the durable power of attorney. Outram also says Garcia failed to exercise Garcia’s authority under the durable power of attorney when Joan became unable to make decisions or payments.

Recommendation:

It is recommended the Board accept the finding of the Probable Cause Evaluator, Mike Baumstark, and enter a finding Dawn Garcia has not committed the alleged acts of misconduct as detailed in Allegations 1 through 7 of the Investigation Summary and Allegation Analysis Report in Complaint numbers 20-0001 and 20-0002.

It is further recommended the Board dismiss complaint numbers 20-0001 and 20-0002.

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3) INITIAL LICENSURE AND ELIGIBILITY

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

The following applicants applied for initial individual licensure. The applicants have submitted completed applications demonstrating they meet the minimum eligibility requirements for licensure. No information has been presented or obtained during the background check which would preclude licensure. The applicants have completed the required fiduciary professional training.

The Division recommends approval of initial individual fiduciary licensure for the following applicant:

1. Amy Bayless
2. Betty Chou
3. Brenda Peterson
4. Deborah Schuster
5. Jennifer Smith

6. LA Fiduciary Services, LLC applied for initial fiduciary business licensure. Lew Perry is listed as the designated principal. LA Fiduciary Services, LLC is currently in good standing with the Arizona Corporation Commission and has no other licensed fiduciaries or trainees listed in the application. Ms. Perry rediscovered several civil and criminal matters she was involved in as a listed party that had been previously disclosed to the Board when she was initially licensed on November 13, 2014.

The Division recommends approval of initial entity fiduciary licensure for LA Fiduciary Services, LLC.

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3) INITIAL LICENSURE AND ELIGIBILITY

3-B: Review, discussion and possible action regarding application for initial individual licensure for Thomas Strasburg.

Staff will provide information at the meeting.

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4) RENEWAL CERTIFICATION APPLICATIONS

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

The following individual license holders have submitted applications for renewal of standard licensure. The applications are complete, no information has been presented during a background review which is contrary to renewal of standard licensure being granted and the license holders have demonstrated they meet the minimum eligibility requirements for renewal of standard licensure. It is recommended renewal of standard licensure be granted to the following individuals:

1. Claudia Ramirez
2. Stephanie Smith
3. Cindy Gonzalez

4. Tanya Malos has applied for renewal of standard licensure. The application is complete, and the licensee has demonstrated that she meets the minimum eligibility requirements for renewal of standard licensure. Ms. Malos disclosed several civil cases in which she was listed as a defendant regarding unpaid debt.

It is recommended renewal of standard licensure be granted to Tanya Malos.

5. Ruth Covey applied for renewal of standard Fiduciary licensure and failed to disclose a civil court case on her application, where she is named as a defendant. The accident occurred when Ms. Covey was returning to the office after visiting a client, which resulted in her employer, Sterling Case Management and Fiduciaries of Arizona, LLC, also being named as a defendant. Ms. Covey explained to the Division that the matter was not disclosed due to her misunderstanding of the requirements regarding notification of civil court cases.

It is recommended renewal of standard licensure be granted to Ruth Covey with the standard non-disclosure language.

6. Martelle Olsen
7. Sterling Case Mgmt. & Fids of Az, LLC

Martelle Olsen applied for renewal of standard fiduciary licensure. Ms. Olsen is also the principal for Sterling Case Management and Fiduciaries of Arizona, LLC. On both applications, Ms. Olsen failed to disclose a dissolution of marriage. Ms. Olsen explained to the Division that the matter had no impact on the business and she simply forgot to disclose the matter.

Additionally, Ms. Olsen failed to disclose a civil case, where Ms. Ruth Covey and Sterling Case Management and Fiduciaries of Arizona, LLC, were named as defendants. Ms. Olsen explained to Division that she was unaware of this case since Ms. Covey is a co-owner of the business and all documents related to this matter were received by Ms. Covey.

It is recommended renewal of standard licensure be granted to Martelle Olsen and Sterling Case Management and Fiduciaries of Arizona, LLC with the standard non-disclosure language.

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5) LICENSURE AND ELIGIBILITY

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

1. Jon Fleck was granted licensure on September 7, 2017. On March 15, 2021, Mr. Fleck submitted a request for his licensure to be placed on inactive status. Staff has confirmed there are no pending complaints filed against Mr. Fleck.

It is recommended that the Board accept the request and place Jon Fleck, license number 20839, on inactive status.

2. Steven Anderson was granted licensure on November 13, 2014. On April 7, 2021, Mr. Anderson submitted a request for his licensure to be placed on inactive status. Staff has confirmed there are no pending complaints filed against Mr. Anderson.

It is recommended that the Board accept the request and place Steven Anderson, license number 20755, on inactive status.

3. Catherine Yoshida-Corella was granted licensure on October 31, 2005. On May 6, 2021, Ms. Yoshida-Corella submitted a request for her licensure to be placed on inactive status. Staff has confirmed there are no pending complaints filed against Ms. Yoshida-Corella.

It is recommended that the Board accept the request and place Catherine Yoshida-Corella, license number 20549, on inactive status.

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6) ADMINISTRATIVE ISSUES

6-A: Review, discussion and possible action regarding Administrative Order 2020-194

Staff will provide information at the meeting.