

FIDUCIARY BOARD

Meeting Agenda – Thursday, March 11, 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 December 18, 2020.

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

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.

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

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

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

1. Andree Sidwell

4) RENEWAL CERTIFICATION AND APPLICATIONS.....*Division Staff*

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

1. Anderson, Lyndi

2. Apache County Public Fiduciary

3. Arnold, Charles

4. Baldwin, Denise

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

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

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

1. Charles Fuss
2. River Ruiz

6) ADMINISTRATIVE ISSUES.....*Division Staff*

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

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

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 December 18, 2020.

Attached for the Board's review are the regular session minutes from the Board meeting of December 18, 2020.

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2) PENDING COMPLAINTS

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

In May 2018, the Fiduciary Board entered into a Consent Agreement with Northern Arizona Fiduciaries, Inc. (“NAF”) and Carla Jones (“Ms. Jones”) to resolve Complaint Numbers 16-0007, 16-0008, 16-0009, and 17-0014.

Please review the executed Consent Agreement for full details. The Consent Agreement included Terms of Probation, as follows:

- a) NAF shall enter into an agreement with Affiliated Monitors, Inc. and the agreement shall be in form and substance satisfactory to Division staff (“the Agreement”). The purpose of the Agreement is to provide the Fiduciary Board with assurances that NAF and Ms. Jones are in compliance with all code, rules, and statutory requirements and if appropriate cause NAF and Ms. Jones to modify their policies, procedures and practices.
- b) The Agreement shall provide for two years of monitoring. The first year there shall be no less than four monitoring visits. Additional visits will be required if remedial actions are identified requiring the visits to determine code, rule and statutory compliance
- c) In the second year there shall be no less than two monitoring visits. Additional visits will be required if remedial actions are identifying requiring the visits to determine code, rule and statutory compliance.
- d) In addition to the monitoring, the Agreement shall provide that Affiliated Monitors, Inc. shall provide reports to Division staff after each monitoring visit.
- e) All costs associated with the monitoring and any reports or other activity shall be paid by NAF and Ms. Jones.
- f) NAF and Ms. Jones shall comply with all reasonable requests of Affiliated Monitors, Inc. NAF and Ms. Jones shall immediately notify Division staff of any refusal to comply. The notification shall contain the request and the bases of NAF and Ms. Jones refusal to comply.

Affiliated Monitors, Inc., has conducted its compliance monitoring and has provided the Division monitoring reports as set out in the Terms of Probation. NAF and Ms. Jones have successfully completed the two years of compliance monitoring, as required by the Consent Agreement and Terms of Probation.

No further action is required or recommended thereby resolving Complaint Numbers 16-0007, 16-0008, 16-0009, and 17-0014.

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2) PENDING COMPLAINTS

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

Please reference the Investigation Summary for full details of the investigation.

The Certification and Licensing Division (“Division”) received a written complaint against Carla Jones (“Ms. Jones”) containing one allegation:

1. Carla Jones does not have enough licensed fiduciaries and is not meeting the guardianship visitation requirements.

The Division’s investigation yielded an additional allegation:

2. Carla Jones filed annual guardian reports with the Court that were misleading, inaccurate, and/or contained misrepresentations or omissions of material facts.

Allegation 1 was not substantiated.

Allegation 2 involved the Annual Report of Guardian filed with the Superior Court, Yavapai County, in Probate Cause Number P1300GC2015-00070.

Northern Arizona Fiduciaries, Inc., was appointed as Temporary Guardian and Temporary Conservator for the subject ward/protected person on or about January 7, 2016; and was appointed as Permanent Guardian and Permanent Conservator for the ward/protected person on or about April 7, 2016.

The Division’s investigation found that in the Annual Report of Guardian, filed with the Court on March 7, 2017, Ms. Jones under-reported the number of times the ward was seen by the guardian or licensed fiduciary for the guardian. Ms. Jones reported the following:

The Guardian or Licensed Fiduciary for the guardian has seen the Ward Twenty-Nine (29) times in the last twelve (12) months. [emphasis added]

Ms. Jones reported that the guardian last saw the ward on December 14, 2016.

Records demonstrated that the ward was seen by the guardian or licensed fiduciary for the guardian thirty-seven (37) times during the reporting period. This included visits to the ward’s home and taking the ward and/or accompanying the ward to various medical appointments.

Ms. Jones was not consistent with the annual filing timeline of the first Annual Report of Guardian. Ms. Jones filed the second Annual Report of Guardian on November 13, 2018.

In the second Annual Report of Guardian, Ms. Jones over-reported the number of times that the guardian or the licensed fiduciary for the guardian saw the ward. Ms. Jones reported:

The Guardian or Licensed Fiduciary for the guardian has seen the Ward Seventy (70) times in the last twelve (12) months. The Ward has numerous medical appointments as described below. [emphasis added]

Ms. Jones reported that the guardian last saw the ward on October 24, 2018.

Records demonstrated that the guardian or licensed fiduciary for the guardian saw the ward seven (7) times in 2017 and saw the ward five (5) times in 2018. Combining the guardian's visits of 2017 and 2018, Ms. Jones should have reported twelve (12) visits over the two-year reporting period.

Judicial oversight of vulnerable persons and incapacitated wards is informed, in part, by the guardian's filing of the Annual Report of Guardian. The purpose of the Annual Report of Guardian is to provide the Court with relevant and accurate information. The two Annual Reports of Guardian, referenced herein, filed by Ms. Jones and Northern Arizona Fiduciaries, Inc., by and through counsel, were inaccurate, misleading, and misrepresented the guardian's involvement regarding the number of times the guardian or licensed fiduciary for the guardian saw the ward.

Recommendation:

It is recommended that the Board accept the findings of the Probable Cause Evaluator that probable cause exists that Carla Jones and Northern Arizona Fiduciaries, Inc. violated A.R.S. § 14-5315, ACJA § 3-303(D)(3)(c)(3) and ACJA § 7-202(J)(1)(a) and (c)(3) and issue a Letter of Concern.

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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 applicant applied for initial individual licensure. The applicant has 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 applicant has completed the required fiduciary professional training.

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

1. Andree Sidwell

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

43. Misty Weigle submitted an application for renewal of inactive status licensure. The application is complete, no information has been presented during a background review which is contrary to renewal of inactive status licensure being granted. Ms. Weigle has demonstrated she meets the minimum eligibility requirements for renewal of inactive status licensure.

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

44. Marlene Appel applied for renewal of standard licensure. In May 2020, a suit was filed against Ms. Appel in her role as counsel in the settlement of a Superior Court matter. Although Ms. Appel was not working in her fiduciary capacity, staff has requested she notifies the Division of the outcome of the case.

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

45. 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.

46. Martelle Olsen

47. 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 request received from the following applicants:

1. Charles Fuss was granted licensure on September 10, 2015. On December 31, 2020, Mr. Fuss submitted a request for his certification to be placed on inactive status. Staff has confirmed there are no pending complaints filed against Mr. Fuss.

It is recommended that the Board accept the request and place Charles Fuss, license number 20778, on inactive status.

2. River Ruiz was granted licensure on November 12, 2020. On December 11, 2021, Ms. Ruiz submitted a request for her certification to be placed on inactive status. Staff has confirmed there are no pending complaints filed against Ms. Ruiz.

It is recommended that the Board accept the request and place River Ruiz, license number 20927, on inactive status.

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6) ADMINISTRATIVE ISSUES

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

Staff will present information at the meeting.

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6) ADMINISTRATIVE ISSUES

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

Staff will present information at the meeting.