



FIDUCIARY BOARD

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

January 11, 2024
10:00 A.M.

Approved Regular Meeting Minutes

MEMBERS ATTENDANCE:

Present:

Hon. Jennifer Perkins, Chair
Zora Manjencich
Vinay M. Singh

Telephonically Present:

Elaine Acosta Sweet, Vice Chair
Diana M. Corry
Teresa Lancaster
Sharon Yates
Jeanette S. Bloss -
Left 10:39 A.M. & Returned 10:52 A.M.
Hon. Brian Hauser
Deborah Primock

Absent:

OTHER ATTENDEES:

AOC Staff:

Aaron Nash
Marcus Reinkensmeyer
Pasquale Fontana
William MacIntyre
Wil Castro
Jared Arthur
Janelle Bauserman
Jeff Hunt
Sarah Penttinen
Téa Bravo
Arnita Oliver
Tara Fong

Guests:

Aaron
Benson Whitney
William Chalmers
Brittney Forsman
Christine Tasopulos
David Redkey
Elise Adams
Heidi Ernst
Holly Lawder
Ian Ornsein
Jeanne Drabiak
Jonathan Taddei
Julian Hadland
L.S.

Laurie Sterbenz
Letty Segovia
Mark Anderson
Patricia A. Flores
Roger T. Coventry
Samsung SM-F721U
S. Mathewson
S. Smith
Susan Wulff
Taylor
TFA Admin
iPhone
1602****438
1602****708

CALL TO ORDER

Called to Order By:

Hon. Jennifer Perkins, Chair

Time:

10:04 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 9, 2023.

Individual Addressing the Board:

Hon. Jennifer Perkins, Chair

Discussion: None.

Motion: Consideration of and motion to accept the regular session minutes of the meeting of November 9, 2023.

Motion Proposals: First Elaine Acosta Sweet
Second Zora Manjencich

Motion Results: Pass

1-B: Review, discussion, and possible action regarding the executive session minutes of the meeting held on November 9, 2023.

Individual Addressing the Board:

Hon. Jennifer Perkins, Chair

Discussion: None.

Motion: Consideration of and motion to accept the executive session minutes of the meeting of November 9, 2023.

Motion Proposals: First Vinay M. Singh
Second Diana M. Corry

Motion Results: Pass

2) INITIAL LICENSURE AND ELIGIBILITY:

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

1. Bridgette Fayazi-Azad

2. *Brittney Forsman*
3. *Heather Lindow*
4. *Eloisa Leal*
5. *Karrie Rubke*
6. *Matthew Mansour*
7. *Jocelyn May*

Individual Addressing the Board:

Will Castro

Discussion: The Division recommends the Board to approve initial fiduciary licensure to be granted to applicants Bridgette Fayazi-Azad.

Motion: Motion to approve initial fiduciary licensure contingent on Division staff review of Bridgette Fayazi-Azad's employment history.

Motion Proposals: First Elaine Acosta Sweet
Second Vinay M. Singh

Motion Results: Pass

Discussion: The Division recommends the Board to approve initial fiduciary licensure to be granted to applicants 2 through 4.

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

Motion Proposals: First Zora Manjencich
Second Vinay M. Singh

Motion Results: Pass

Discussion: The Division recommends approval of initial fiduciary licensure to be granted to Karrie Rubke with later effective date contingent on fingerprint results.

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

Motion Proposals: First Zora Manjencich
Second Elaine Acosta Sweet

Motion Results: Pass

Discussion: The Division recommends the Board to grant initial fiduciary licensure to Matthew Mansour.

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

Motion Proposals: First Teresa D. Lancaster
Second Vinay M. Singh

Motion Results: Pass

Discussion: The Division recommends the Board to grant initial fiduciary licensure to Jocelyn May.

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

Motion Proposals: First Vinay M. Singh
Second Diana M. Corry

Motion Results: Pass

3) RENEWAL LICENSURE AND APPLICATIONS:

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

1. *Tara Lara*
2. *Certified Fiduciary Services, Inc.*
3. *Theresa Eells*
4. *Nicolle Escalante*
5. *Kelly Adamcik*
6. *Coy Vernon*
7. *Dawn Garcia*
8. *Garcia Fiduciary Group, LLC*
9. *Christopher Leas*
10. *Reliance Fiduciary, LLC*
11. *Teresa D. Lancaster*
12. *Bogutz & Gordon, P.C.*

Individual Addressing the Board:

Téa Bravo

Discussion: The Division recommends approval of renewal of standard individual licensure be granted to applicants 1 through 5 for the 2022-2024 renewal cycle.

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

Motion Proposals: First Zora Manjencich
Second Vinay M. Singh

Motion Results: Pass

Discussion: The Division recommends approval of renewal of standard individual licensure be granted to Coy Vernon for the 2018-2020, 2020-2022 and 2022-2024 renewal cycles.

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

Motion Proposals: First Sharon Yates

Motion Results: Second Vinay M. Singh
Pass

Discussion: The Division recommends approval of renewal of standard licensure be granted to Dawn Garcia and Garcia Fiduciary Group, LLC for the 2020-2022 and 2022-2024 renewal cycles.

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

Motion Proposals: First Elaine Acosta Sweet
Second Vinay M. Singh

Motion Results: Pass

Discussion: The Division recommends approval of renewal of standard licensure be granted to Christopher Leas and Reliance Fiduciary, LLC for the 2022-2024 renewal cycle.

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

Motion Proposals: First Vinay M. Singh
Second Diana M. Corry

Motion Results: Pass

Discussion: The Division recommends approval of renewal of standard licensure be granted to Teresa D. Lancaster for the 2022-2024 renewal period.

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

Motion Proposals: First Jeanette S. Bloss
Second Sharon Yates

Motion Results: Pass

Recusals: Teresa Lancaster

Discussion: The Division recommends approval of renewal of business licensure be granted to Bogutz & Gordon, P.C. for the 2022-2024 renewal period.

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

Motion Proposals: First Vinay M. Singh
Second Jeanette S. Bloss

Motion Results: Pass

Recusals: Teresa D. Lancaster

4) **LICENSURE AND ELIGIBILITY:**

4-A: Review, discussion, and possible action regarding voluntary surrender request received from Garcia Fiduciary Group, LLC.

Individual Addressing the Board:

Téa Bravo

Discussion: It is recommended the Board accept the request of Dawn Garcia to voluntarily surrender the business license of Garcia Fiduciary Group, LLC.

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

Motion Proposals: First Elaine Acosta Sweet
Second Teresa D. Lancaster

Motion Results: Pass

5) PENDING COMPLAINTS

5-A: Update regarding pending complaints.

Individual Addressing the Board:

Pasquale Fontana

Discussion: Informational update. As of December 22, 2023, there are 77 open complaints.

On November 9, 2023, Board meeting, there were 63 open complaints.

Note: Complaints are open until probable cause is determined. The total open complaints represent complaints under investigation.

5-B: Review, discussion, and possible action regarding Complaint No. 21-0044 involving license holder Childers & Coventry, LLC.

Individual Addressing the Board:

William MacIntyre

Discussion: The Division recommends the Board accept the finding of the Probable Cause Evaluator and enter a finding that probable cause does not exist as to Allegations 1, 2, and 3. as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in Complaint Number 21-0044 and to dismiss Complaint Number 21-0044 with prejudice.

Motion: Consideration of and motion to accept the staff's recommendation to dismiss Complaint Number 21-0044 with prejudice.

Motion Proposals: First Teresa D. Lancaster

Motion Results: Second Zora Manjencich
Pass

Recusals: Vinay M. Singh

Note: Benson Whitney addressed the Board.

5-C: Review, discussion, and possible action regarding Complaint No. 21-0045/21-0046 involving license holder Patricia Flores.

Individual Addressing the Board: William MacIntyre

Discussion: The Division recommends the Board accept the finding of the Probable Cause Evaluator and enter a finding Patricia Flores has not committed the alleged acts of misconduct in Allegation 4 and has committed the alleged acts of misconduct in Allegations 1, 2, 3, 5, and 6 as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint number 21-0045 and 21-0046

It is recommended the Board dismiss Allegation 4 with prejudice.

It is recommended the Board enter a finding ground for formal disciplinary action exists under Arizona Code of Judicial Administration (“ACJA”) § 7-201 (H)(6) for act(s) of misconduct involving the specific code sections cited in the Investigation Summary, Determination, Probable Cause Review, and Recommendation- Report.

It is further recommended the Board issue a Censure to Patricia Flores.

It is further recommended the Board place Patricia Flores on probation for a term of 12 months the details are outlined in the Investigation Summary.

Motion: Defer for further review on Complaint No. 21-0045 and 21-0046 involving license holder Patricia Flores to the March 14, 2024, meeting.

Motion Proposals: First Elaine Acosta Sweet
Second Diana M. Corry

Motion Results: Pass

Note: Mark Anderson, attorney for the license holder, addressed the Board and made a statement on behalf of Patricia Flores.

5-D: Review, discussion, and possible action regarding Complaint No. 22-0054 involving license holder East Valley Fiduciary Services, Inc.

Individual Addressing the Board: Pasquale Fontana

Discussion: The Division recommends the Board accept the findings of the Probable Cause Evaluator and enter a finding East Valley Fiduciary Services, Inc., has not committed the alleged acts of misconduct as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in Complaint Number 22-0054 and to dismiss Complaint Number 22-0054 with prejudice.

Motion: Consideration of and motion to accept the staff's recommendation to dismiss Complaint Number 22-0054 with prejudice.

Motion Proposals: First Elaine Acosta Sweet
Second Teresa D. Lancaster

Motion Results: Pass

5-E: Review, discussion, and possible action regarding Complaint No. 22-0049 involving license holder Jason Cobb.

Individual Addressing the Board: Aaron Nash

Discussion: Informational update. This complaint was initially presented to the Fiduciary Board ("Board") on November 9, 2023, at which time the Board did not adopt the recommendations of the Division Director and directed the Certification and Licensing Division ("Division") to pursue negotiating a Consent Agreement with license holder, Jason Cobb.

Since the November 9, 2023, Board meeting, the Division has entered into discussions and negotiations with Jason Cobb and Christine Tasopulos, legal counsel, about the terms of the Consent Agreement. Negotiations are ongoing.

5-F: Review, discussion, and possible action regarding Complaint No. 21-0047/21- 00048 involving license holder Teresa Lancaster and Bogutz & Gordon, P.C.

Individual Addressing the Board: Aaron Nash

Discussion: Prior to the Board meeting, Teresa D. Lancaster submitted an email to the Board requesting this matter be deferred to the following meeting because she had to retain new counsel due to her attorney retiring.

Motion: Defer on Complaint No. 21-0047 & 21-00048 involving license holder Teresa D. Lancaster and Bogutz & Gordon, P.C. to the March 14, 2024, meeting.

Motion Proposals: First Elaine Acosta Sweet
Second Diana M. Corry

Motion Results: Pass

Recusals: Teresa D. Lancaster

Note: Teresa D. Lancaster and her new counsel, Elise Adams, were present to address the board.

6) ADMINISTRATIVE ITEMS

6-A: *Review, discussion, and possible action related to the process of proposing modifications to the Arizona Code of Judicial Administration (ACJA).*

Individual Addressing the Board: Aaron Nash

Discussion: Informational update. A member of the public requested additional information about the process for recommending modifications to the ACJA. The Fiduciary program page currently has two items on its FAQ page addressing how ACJA proposals are submitted and how the public can know if proposals are pending. The process for modifying the ACJA is not the same as proposing legislation to the legislative branch, but there are some similarities, such as a draft is proposed, a sponsor is obtained, and the proposal is circulated for comment before a final version goes to a vote.

6-B: *Division updates.*

Individual Addressing the Board: Aaron Nash

Discussion: Informational update. The Division has had discussions on streamlining processes for all 9 of professions that are regulated and staffed.

- For the complaint processes are moving away from repetitive report items to more focused format.
- Audits are scheduled for later this month. Renewals are no longer holding will there are pending complaints based off past practice
- . Complaints will be handled as a separate entity.
- Zoom format: Continuing to find best format.

CALL TO THE PUBLIC

Individual Addressing the Board: Ian Ornstein
William Chalmers
David Redkey
Holly Lawder
Roger T. Coventry

ADJOURNMENT

The chair adjourned the meeting at 11:26 a.m.

Initials: AO