



FIDUCIARY BOARD

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

January 12, 2023
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Deborah Primock
Hon. Jay M. Polk
Zora Manjencich
Nicole Surran

Telephonically Present:

Teresa Lancaster
Elaine Acosta Sweet
Diana Corry left @ 12:00 p.m.
Paul Friedman
Kathryn Blair
Sharon Yates

Absent:

OTHER ATTENDEES:

AOC Staff:

Aaron Nash
Kristina Tuba
Wil Castro
Hal White
Pasquale Fontana
William MacIntyre
Ashleigh Hansen
Téa Bravo
Yesenia Corella
Ryan Potter
Jared Trebesch
Carol Mitchell
Lisa Hauser
Theresa Barrett
Shanneyvie Halk

Guests:

Alisa Gray
Holly Lawder
Mark Dangerfield
Larisa Wells
Susan Wulff
Frederick Chen
Ann Lander
Michael Bogle
Shawnie Patterson
Tiffany Poarch
Heather Bull
Davida-Martinez-Espinoza
LaToya Jackson
Daniel Roberts
Anthony Nelson
Bill Chalmers

Letty Segovia
Adam Nadiy
Ann
Teresa
Dina
Mary
Vic
Deborah

CALL TO ORDER

Called to Order By: Deborah Primock, Chair

Time: 10:31 a.m.

1) INFORMATIONAL ITEM:

1-A: *Presentation of 2022 Review of Probate Fee Guidelines.*

Individual Addressing the Board: Carol Mitchell

Discussion: “Brief PowerPoint overview presentation of the Probate fee Guidelines.”

2) REVIEW AND APPROVAL OF MINUTES:

2-A: *Review, discussion, and possible action regarding the regular session minutes of the meeting held on October 18, 2022.*

Individual Addressing the Board: Deborah Primock, Chair

Discussion: None

Motion: Consideration of and motion to accept the regular session minutes for the meeting held on October 18, 2022.

Motion Proposals: First Paul Friedman
Second Elaine Acosta Sweet

Motion Results: Pass

2-B: *Review, discussion, and possible action regarding the executive session minutes of the meeting held on October 18, 2022.*

Individual Addressing the Board: Deborah Primock, Chair

Discussion: None

Motion: Consideration of and motion to accept the executive session minutes of the meeting held on October 18, 2022.

Motion Proposals: First Teresa Lancaster
Second Diana Corry

Motion Results: Pass

2-C: *Review, discussion, and possible action regarding the regular minutes for the meeting held on November 10, 2022.*

Individual Addressing the Board: Deborah Primock, Chair

Discussion: None

Motion: Consideration of and motion to accept the regular session minutes for the meeting held on November 10, 2022.

Motion Proposals: First Elaine Acosta Sweet
Second Paul Friedman

Motion Results: Pass

3) INITIAL LICENSURE AND ELIGIBILITY:

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

1. Davida Martinez-Espinoza

Individual Addressing the Board: Wil Castro

Discussion: The following applicant for individual fiduciary licensure has submitted a complete application demonstrating that they meet the minimum eligibility requirements for licensure. No information has been presented or obtained during the background check which precludes licensure and the applicants have completed the required fiduciary professional training.

It is recommended the Board grant initial fiduciary licensure to Davida Martinez-Espinoza.

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

Motion Proposals: First Hon. Jay M. Polk
Second Zora Manjencich

Motion Results: Pass

4) RENEWAL LICENSURE AND APPLICATIONS:

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

- | | |
|---------------------------------------|--|
| 1. Alliance Fiduciary, LLC | 26. Michele Peavy |
| 2. Joshua Cuffe | 27. Lew Perry |
| 3. Donovan Curley | 28. Pamela Phillips |
| 4. Mary Jane Condit-DiCresce | 29. Dian Pimental |
| 5. Janette Dominguez | 30. Hanna PisiakKusiak |
| 6. Laurie DonisKuzdal | 31. Elizabeth Posey |
| 7. Jeanne Drabiak | 32. Premier Fiduciary Services, LLC |
| 8. Lisa Drutz | 33. Mark Ralles |
| 9. John Dubrawa | 34. Jo Rittenhouse |
| 10. James Elliott | 35. RLH Fiduciary, LLC |
| 11. Heather Fish | 36. Eileen Rogers |
| 12. Jessica Fram | 37. Norman Roundy |
| 13. Elizabeth Friman | 38. Karin Royle |
| 14. Fundamentals Fiduciary Group, LLC | 39. Nicole Schwartz |
| 15. Jennifer Goldman | 40. Laura Short |
| 16. Robert Harner | 41. Jennifer Smith |
| 17. Vivian Hartless | 42. Sterling Case MGMT. & FIDS of AZ., LLC |
| 18. Rex Hawkins | 43. Thomas Strasburg |
| 19. Marshall Herron | 44. Christopher Stubler |
| 20. Piedad Hogan | 45. Jennifer Stupski |
| 21. Karen Kochhar | 46. Nicole Surran |
| 22. Linda Kohl | 47. Kurt Tittelbach |
| 23. LA Fiduciary Services | 48. Valley of the Sun Fiduciary, LLC |
| 24. Lindsay Payne | 49. Jeff Ozuna |
| 25. Rachel Pearson | |

Individual Addressing the Board: Téa Bravo

Discussion: Applicant # 18. Rex Hawkins will be deferred until next meeting.

Individual Addressing the Board: Téa Bravo

Discussion: 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 license holders 1 through 17 and 19 through 48.

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

Motion Proposals: First Elaine Acosta Sweet
Second Hon. Jay M. Polk
Recusals Nicole Surran #2, #5, #9, #46
Deborah Primock #16, #34, #35
Kathryn Blair #25

Motion Results: Pass

Individual Addressing the Board: Téa Bravo

Discussion: Jeff Ozuna applied for renewal of fiduciary licensure. The applicant has submitted a complete renewal application and the applicant's background has been investigated for the renewal period.

Division recommends granting his continuing education waiver and his renewal of standard fiduciary licensure.

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

Motion Proposals: First Paul Friedman
Second Teresa Lancaster
Recusal Nicole Surran

Motion Results: Pass

5) LICENSURE AND ELIGIBILITY:

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

1. The Division recommends the Board accept the request and place Mary Jane Condit-DiCresce license number No. 20517 on voluntary surrender status.

Individual Addressing the Board: Téa Bravo

Discussion: Division records indicate there are no pending complaints against Mary Jane Condit-DiCresce.

Mary Jane Condit-DiCresce's license was included for renewal earlier this board meeting. A letter was subsequently received requesting voluntary surrender.

It is recommended the Board accept the request of Mary Jane Condit-DiCresce to voluntarily surrender her license #20517.

Motion: Consideration of and motion to accept the request of Mary Jane Condit-DiCresce to voluntarily surrender her license.

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

Motion Results: Pass

6) PENDING COMPLAINTS:

6-A: *Review, discussion, and possible action regarding Complaint Nos. 20-0011/20-0012/21-0012 involving fiduciary license holders East Valley Fiduciary Services, Michael Bogle and Andrew Stone.*

Individual Addressing the Board: Aaron Nash

Discussion: The Division received three individual and separate complaints involving the same protected person and consolidated the complaints into 38 allegations.

A reminder that Fiduciary Board meetings are not evidentiary hearings, the board must make its decision by a preponderance of the evidence based on the information that was presented.

Allegations 9 through 21, and Allegations 24 through 36 were not substantiated and the Division recommends they be dismissed. Allegation 3 against Andrew Stone was substantiated, and the Division recommends a Letter of Concern be issued as informal discipline.

The Division substantiated Allegations 1 through 8, Allegations 22 and 23, and Allegations 37 and 38 as detailed in the Investigation Summary.

The Division recommends the Board issue a Censure against Michael Bogle and East Valley Fiduciary Services, Inc., and that Michael Bogle complete a minimum of 5 additional hours of continuing education that includes substantive content on court accountings,

record keeping, and financial management, providing proof of completion to the Division within 90 days after the Board files the Notice of Formal Statement of Charges and Right to Hearing.

The Division recommends the Board issue a Letter of Concern to Andrew Stone.

Board members discussed the allegations and findings and inquired into the license holders' prior discipline history, indicating probation would be appropriate for Bogle and East Valley Fiduciary Services, in addition to the Division's recommendations.

Public Comments from the following:

- Mark Dangerfield
- Bill Chalmers
- Larisa Wells
- Susan Wulff

Motion: Consideration of and motion to extend a consent agreement to Bogle and East Valley Fiduciary Services that includes the Division's recommendations and a term of probation that includes a compliance audit.

Motion Proposals: First Elaine Acosta Sweet
Second Paul Friedman
Recusal Hon. Jay M. Polk

Motion Results: Pass.

Motion: Consideration of and motion to accept staff's recommendation to issue a Letter of Concern to Andrew Stone.

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

Motion Results: Pass.

6-B: Review, discussion, and possible action regarding Complaint No. 21-0001 involving license holder Phyllis Cornell.

Individual Addressing the Board: William MacIntyre

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding that probable cause does not exist as to the allegations.

It is further recommended that the Board dismiss complaint number 21-0001.

Motion: Consider of and motion to accept staff's recommendation

Motion Proposals: First Hon. Jay M. Polk
Second Elaine Acosta Sweet

Motion Results: Pass

6-C: Review, discussion, and possible action regarding Complaint Nos. 20-0013, 20-0014, 22-0051, and 22-0052 involving license holders Jane Anne Geisler and Managed Protective Services.

Individual Addressing the Board: William MacIntyre

Discussion: The Division recommends the Board accept the findings of the Probable Cause Evaluator, approve the Consent Agreement provided in the meeting materials, and authorize the Chair to sign the Agreement to resolve Complaint Nos. 20-0013, 20-0014, 22-0051, and 22-0052 involving license holders Jane Anne Geisler and Managed Protective Services.

Motion: Consideration of and motion to accept staff's recommendation with stated amendment page 5-line 16-17 change successor trustee to successor fiduciary.

Motion Proposals: First Elaine Acosta Sweet
Second Zora Manjencich
Recusal Hon. Jay M. Polk

Motion Results: Pass

6-D: Update regarding pending complaints.

Individual Addressing the Board: Pasquale Fontana

Discussion: As of December 22, 2022, there are * 27 open complaints.

*The total open complaints numbers do not include complaint numbers 20-0011/20-0012/21-0012 which are before the Board today. The total open complaints number represent complaints under investigation.

7) ADMINISTRATIVE MATTERS:

7-A: Review, discussion, and possible action regarding the Division Director's Memorandum to the Board, dated November 2, 2022.

Individual Addressing the Board: Aaron Nash

Discussion: The members discussed the November 2, 2022 memo regarding Division operations, noting there are improvements that can be made to the ACJA. Suggestions included doing a better job of giving notice to complainants, mandating notice to complainants, allowing complaints to be reopened if the complainant was not notified of the meeting where the complaint would be considered, and allowing complainants to rebut the Division's findings.

Motion: Consideration of and motion to add changes to the ACJA as an agenda item at the next meeting.

Motion Proposals: First Deborah Primock
Second Hon. Jay M. Polk

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board:

- Alisa Gray
- Ann
- Holly Lawder
- Frederick Chen

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Elaine Acosta Sweet
Second Hon. Jay M. Polk

Motion Results: Pass

Time: 12:11 p.m.

Initials: RP/AO