



FIDUCIARY BOARD

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

March 9, 2023 10:30 a.m. - Draft Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:	Telephonically Present:	Absent:
Deborah Primock-Chair	Teresa Lancaster	
Elaine Acosta Sweet	Sharon Yates	
Hon. Jay M. Polk	Diana M. Corry	
	Zora Manjencich	
	Nicole Surran	
	Paul Friedman joined @ 10:32 am	
	Kathryn Blair joined	

OTHER ATTENDEES:

AOC Staff:	Guests:	
Aaron Nash	Adam Nativ	Brianna Hall
Kristina Tuba	Camelback Fiduciary	Jenni Monnier
Margaret Lindsey	Melissa May	Samantha Hamilton
Tea Bravo	Sam Davis	Heather Bull
Arnita Oliver	Sam Stirling	Elizabeth McFarland
Ryan Potter	Alisa Gray	Server
Jared Trebesch	Letty Segovia	Lina Garcia
Suzanne Porter	Mark Dangerfield	Aaron
Shanneyvie Halk	Susan Wulff	R. Bartholomew
Wil Castro	Larissa Wells	Jeannie Bartholomew
Afton Foutz	Taylor	Josephine Jones
Janelle Bauserman	Bill Chalmers	Holly Lawder
Marcus Reinkensmeyer	Jenni Goldman	Frederick Chen
Linda Wszalek	Ron Goldman	Sherry Lund
Alberto Rodriguez	Nicole Grigg	Nicole Corona
	ABC 15 camera operator	169647
	Deborah	

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 January 12, 2023.

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Consideration of and motion to accept staff's recommendation to accept the January 12, 2023 minutes.

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

Motion Results: Pass

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

1. Patrick McDermott

Individual Addressing the Board: Wil Castro

Discussion: Division recommends the Board grant initial fiduciary licensure to Patrick McDermott with a later effective date contingent on completing the Fiduciary Professional Training.

Motion: Accept staff's recommendation.

Motion Proposals: First Sharon Yates
Second Elaine Acosta Sweet
Recusal Theresa Lancaster

Motion Results: Pass

3) RENEWAL LICENSURE AND APPLICATIONS:

3-A: *Review, discussion, and possible action regarding the following applications for renewal of 2020-2022 individual licensure:*

1. Lina Garcia
2. Julee Pierson

Individual Addressing the Board: Tea Bravo

Discussion: It is recommended renewal of standard licensure be granted to the above listed license holders.

Motion: Accept staff's recommendation.

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

Motion Results: Pass

3-B: *Review, discussion, and possible action regarding the following applications for renewal of 2022-2024 individual and/or business entity licensure:*

1. Assurance Fiduciary and Financial Service, PLLC
2. Shannon Bennett
3. Leigh Bernstein
4. Lori Braddock
5. Heather Bull
6. Elizabeth Crosby
7. Scott Ferris
8. Taylor Galas
9. Lina Garcia
10. Linda Hamilton
11. John Harris
12. Susan Henley
13. Rochelle Hoekstra
14. Sara Holcomb
15. Sabrina Lamb
16. Shelice Millett
17. Stubler Fiduciary Services, LLC
18. Thomas Peterson
19. Julee Pierson

Individual Addressing the Board: Tea Bravo

Discussion: It is recommended renewal of standard licensure be granted to the above listed license holders: 1-4, 6, 8-15, and 17-19

Motion: Accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Elaine Acosta Sweet

Motion Results: Pass

5. Heather Bull

Discussion: It is recommended renewal of standard licensure be granted to Heather Bull contingent upon receiving her Authorization, Release and Affirmation Statement.

Motion: Accept staff's recommendation

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

Motion Results: Pass

7. Scott Ferris

Discussion: It is recommended renewal of standard licensure be granted to Scott Ferris.

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

Motion Proposals: First Paul Friedman
Second Sharon Yates
Recusal Deborah Primock

Motion Results: Pass

16. Shelice Millett

Discussion: It is recommended renewal of standard licensure be granted to Shelice Millett contingent upon received her continuing education submission.

Motion: Accept staff's recommendation

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

Motion Results: Pass

4) LICENSURE AND ELIGIBILITY

4-A: *Review, discussion, and possible action regarding voluntary surrender request received from the following license holder:*

1. Nicole A. Surran

Individual Addressing the Board: Tea Bravo

Discussion: It is recommended the Board accept the request of Nicole A. Surran to voluntarily surrender her license.

Motion: Accept staff's recommendation to accept Nicole A. Surran's request to voluntarily surrender her license.

Motion Proposals: First Teresa Lancaster
Second Hon. Jay M. Polk
Recusal Nicole Surran

Motion Results: Pass

5) ADMINISTRATIVE ITEMS

5-A: *Review, discussion, and possible action regarding changes to ACJA §7-201 regarding complainants.*

Individual Addressing the Board: Aaron Nash

Discussion: The division recommends posting the proposed changes on the ACJA Forum for public comment while division staff circulate the proposed modifications to other regulatory boards and committees for review and input. The members discussed giving complainants time to request reconsideration of a board decision if the complainant asserts they did not get notice that their complaint was scheduled for a meeting.

Motion: The board directs staff to add language to the proposal allowing the board to reconsider a complaint decision if the complainant can demonstrate within 45 days of the meeting that the complainant did not receive notice of the meeting in which the board took action.

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

Motion Results: Pass

6) PENDING COMPLAINTS:

6-A: Update regarding pending complaints.

Individual Addressing the Board: Margaret Lindsey

Discussion: As of March 1, 2023, there are 34* open complaints.

**The total known 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.*

Informational item only.

6-B: Review, discussion, and possible action regarding Complaint No. 20-0003 involving license holder Patricia Flores.

Individual Addressing the Board: Aaron Nash

Discussion: The Board may find that Patricia Flores complied with the terms of the Consent Agreement. If the Board finds that Patricia Flores violated ACJA § 7-201(H)(6)(k)(4) by engaging in unprofessional conduct for failing to comply with terms of the consent agreement, the Division recommends the Board issue a Letter of Concern.

Attorney Samantha Stirling spoke on behalf of Patricia Flores and the members discussed whether Flores was in technical compliance with the Consent Agreement terms.

Motion: Find that Patricia Flores has complied with the terms of the Consent Agreement.

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

Motion Results: Pass

6-C: Review, discussion, and possible action regarding Complaint No. 18-0061 involving license holder Diane Prescott.

Individual Addressing the Board: Aaron Nash

Discussion: The Division recommends that the Board consider Prescott's voluntary surrender after June 7, 2023, with the understanding that the Estate of Hassebrock is the only matter where Prescott is eligible to provide fiduciary services, consistent with the terms of the Consent Agreement

Motion: Accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Sharon Yates
Recusal Zora Manjencich

Motion Results: Pass

6-D: Review, discussion, and possible action regarding Complaint Nos. 20-0011, 200012, 21-0012 involving license holders East Valley Fiduciary Services, Inc., and Michael Bogle.

Individual Addressing the Board: Aaron Nash

Discussion

- Bill Chalmers
- Marker Dangerfield
- Larissa Wells

Discussion: The Division and counsel for the fiduciaries are pursuing a Consent Agreement at the Board's direction, but no meeting has taken place and there is not a draft agreement to consider. The members, complainants, and counsel for the fiduciaries discussed. It is recommended to defer this matter to the May 11, 2023, meeting for further review and action.

Motion: Accept staff's recommendation to defer this matter until the next meeting.

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

Motion Results: Pass

6-E: Review, discussion, and possible action regarding Complaint Nos. 20-0013, 20-0014, 22-051 & 22-052 involving license holder Jane Ann Geisler and Managed Protective Services.

Individual Addressing the Board: Aaron Nash

Discussion: Geisler and Managed Protective Services are still in the process of winding down matters and obtaining court-ordered reappointments of successor fiduciaries. It is recommended the Board defer this matter until the May 11, 2023, meeting.

Motion: Accept staff's recommendation to defer this matter until the next meeting.

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

Motion Results: Pass

6-F: Review, discussion, and possible action regarding Complaint No. 21-0009 involving license holder Nicole Corona.

Individual Addressing the Board: Janelle Bauserman

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Nicole Corona has committed the alleged acts of misconduct in Allegations 1, 2, 3, and 4 as detailed in the Investigation Summary and Probable Cause Analysis and Determination Report in complaint number **21-0009**.

It is further recommended the Board enter a finding that grounds for formal disciplinary action exist under Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6) and (H)(9) for acts of misconduct as further described in the Investigation Summary and Probable Cause Analysis and Determination Report.

It is further recommended the Board issue a Censure against Nicole Corona under ACJA § 7-201(H)(24)(a)(6)(b).

Motion: Accept the findings of the Probable Cause Evaluator and direct staff to pursue a Consent Agreement that includes a censure and a probationary period of up to 1 year that includes a compliance audit.

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

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board:

- Susan Wulff
 - Russ Bartholomew
 - Bill Chalmers
 - Holly Lawder
 - Fred Chen
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ADJOURNMENT

Motion: Move to adjourn.

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

Motion Results: Pass

Time: 11:55 a.m.

Initials: AO