



## FIDUCIARY BOARD

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

**Thursday, March 14, 2024**  
**10:00 A.M. – 2:00 P.M.**

### Approved Regular Meeting Minutes

#### MEMBERS ATTENDANCE:

##### Present:

Hon. Jennifer Perkins, *Chair*  
Elaine Acosta Sweet, *Vice Chair*  
Sharon Yates

##### Telephonically Present:

Teresa Lancaster  
Jeanette S. Bloss  
Zora Manjencich  
Deborah Primock

##### Absent:

Diana M. Corry  
Hon. Brian Hauser  
Vinay M. Singh

#### OTHER ATTENDEES:

##### AOC Staff:

Aaron Nash  
Marcus Reinkensmeyer  
Pasquale Fontana  
Bill MacIntyre  
Janelle Bauserman  
Jeff Hunt  
Wil Castro  
Ali Towey  
Téa Bravo  
Tara Fong  
Mark McCall  
Marquita Brazil

##### Guests:

1520\*\*\*\*328  
1602\*\*\*\*708  
1623\*\*\*\*183  
Ann Lander  
Bill Chalmers  
Brittney Forsman  
Call-In User\_1  
Christopher Leas  
Curley D1  
David Lynch  
David Redkey  
Elise Adams  
Fiduciary  
Harrison Alvarez  
Heidi Ernst  
Ian Ornstein  
Jeanne Drabiak  
Jenni  
Johnathan Taddei  
Kallie Knight

Kathleen Moore  
Kerri Jones  
Laurie  
Letty Segovia  
Megan  
Mikaela - Assistant  
Nicole Corona  
Nina Alley  
Rashiel Salem  
Roger T. Coventry  
Samantha Stirling  
Sara Stark  
Shawnie Patterson  
Smathewson  
Stephanie McCollum  
Stephanie Smith  
Susan Wulff  
Tara Lara  
Terry Ornstein

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**CALL TO ORDER**

*Called to Order By:*  
*Time:*

Hon. Jennifer Perkins, *Chair*  
10:03 A.M.

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**1) REVIEW AND APPROVAL OF MINUTES:**

**1-A:** *Review, discussion, and possible action regarding the regular session minutes of the meeting held on January 11, 2024.*

*Individual Addressing the Board:* Hon. Jennifer Perkins

*Discussion:* None.

*Motion:* Approve the regular session minutes of the meeting held on January 11, 2024.

*Motion Proposals:* First Sharon Yates  
Second Zora Manjencich

*Motion Results:* Pass

**1-B:** *Review, discussion, and possible action regarding the regular session minutes of the meeting held on January 24, 2024.*

*Discussion:* None.

*Motion:* Approve the regular session minutes of the meeting held on January 24, 2024.

*Motion Proposals:* First Elaine Acosta Sweet  
Second Jeanette S. Bloss

*Motion Results:* Pass

**1-C:** *Review, discussion, and possible action regarding the executive session minutes of the meeting held on January 24, 2024.*

*Discussion:* Approve the executive session minutes of the meeting held on January 24, 2024.

*Motion:* None.

*Motion Proposals:* First Elaine Acosta Sweet  
Second Sharon Yates

*Motion Results:* Pass

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2) **PENDING COMPLAINTS/ COMPLIANCE AUDITS:**

**2-A: Update regarding pending complaints and compliance audits.**

**Individual Addressing the Board:**

Pasquale Fontana

**Discussion:** Informational update. As of February 29, 2024, there are \*71 open complaints. At the January 11, 2024 Board meeting, there were \*77 open complaints. As of February 29, 2024, there are \*\* 3 open compliance audits pending final reports.

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

\*\* Working papers associated with the compliance audit maintained by Division staff are not public records and are not subject to disclosure. Upon completion of an audit the final report issued to the affected party is a public record subject to public inspection. Final reports that result in corrective action are posted to the program webpage at <https://www.azcourts.gov/cld/Fiduciary-Licensing-Program/Compliance-Audit>.

**2-B: Review, discussion, and possible action regarding Complaint No. 21-0045 and 21-0046 involving license holder Patricia Flores.**

**Individual Addressing the Board:**

Janelle Bauserman

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Patricia Flores has committed the alleged acts of misconduct in Allegations 1, 2, 3, 5, and 6 as detailed in the Investigation Summary. 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. It is further recommended the Board issue a Censure to Patricia Flores and place Patricia Flores on probation for a term of 12 months.

**Motion:** Motion to dismissal with prejudice for Allegations 1, 4, and 6.” to “Dismiss allegations 1, 4, and 6 with prejudice.”

**Motion Proposals:** First Jeanette S. Bloss  
Second Elaine Acosta Sweet

**Motion Results:** Pass

**Motion:** Accept the staff’s recommendation to accept the finding of the Probable Cause Evaluator and enter a finding Patricia Flores has committed the Allegations 2, 3, and 5, as detailed in the Investigation Summary. It is further recommended the Board direct the Division to issue a Censure Patricia Flores and place Patricia Flores on probation for a term of 12 months with a compliance audit.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Zora Manjencich

**Motion Results:** Pass

**Note:** Samantha Stirling addressed the Board on behalf of Patricia Flores.

**2-C:** *Review, discussion, and possible action regarding Complaint No. 21-0047 and 21-0048 involving license holder Teresa Lancaster and Bogutz & Gordon, PC.*

**Individual Addressing the Board:**

Bill MacIntyre

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Teresa Lancaster and Bogutz & Gordon have not committed the alleged act(s) of misconduct involving Allegation 1, 2, 3, 4 and 5 as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint numbers 21-0047/21-0048. It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Teresa Lancaster and Bogutz & Gordon have committed the alleged act(s) of misconduct involving Allegation 6, as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint numbers 21-0047/21-0048. 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)(a) for act(s) of misconduct involving ACJA § 7-202(J)(2)(b)(1), (2), (3)(a), (4), and (5) and ACJA § 3-303(D)(4)(a). It is further recommended the Board direct the Division to issue a Censure to Teresa Lancaster and Bogutz & Gordon PC.

**Motion:** Accept the staff’s recommendation to accept the finding of the Probable Cause Evaluator and enter a finding Teresa Lancaster and Bogutz & Gordon have not committed the alleged act(s) of misconduct involving Allegations 1, 2, 3, 4 and 5, as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint numbers 21-0047-/21-004 and to dismiss Allegations 1, 2, 3, 4, and 5 with prejudice.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Zora Manjencich

**Motion Results:** Pass

**Recusals:** Teresa Lancaster

**Motion:** Defer Allegation 6 of this agenda item to a future meeting scheduled as soon as possible subject to quorum requirements and Teresa Lancaster to be present for a formal interview to be conducted at that future meeting.

**Motion Proposals:** First Elaine Acosta Sweet

**Motion Results:** Second Zora Manjencich  
Pass  
**Recusals:** Teresa Lancaster

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**Note:** Elise Adams addressed the Board on behalf of Teresa Lancaster and Bogutz & Gordon, PC. Susan Wulff (5 minutes), Bill Chalmers (1 minute), and Terry Ornstein (5 minutes) used their call to the public time to address the Board. Teresa Lancaster addressed the Board on her behalf.

**2-D: Review, discussion, and possible action regarding Complaint No. 22-0049 involving license holder Jason Cobb.**

**Individual Addressing the Board:** Aaron Nash

**Discussion:** The Division recommends the Board accept the proposed Consent Agreement to resolve Complaint No. 22-0049 involving license holder Jason Cobb.

**Motion:** Accept the staff's recommendation.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Sharon Yates

**Motion Results:** Pass

**2-E: Review, discussion, and possible action regarding Complaint No. 21-0009 involving license holder Nicole Corona.**

**Individual Addressing the Board:** Janelle Bauserman

**Discussion:** The Division recommends the Board accept the proposed Consent Agreement to resolve complaint number 21-0009.

**Motion:** Accept the proposed Consent Agreement to resolve complaint number 21-0009 with amendments to the time frame, transfer of cases, renewal of the license by the end of May, and for Nicole Corona to be present at the May and potentially July meeting to provide updates to the Board.

**Motion Proposals:** First Sharon Yates  
Second Teresa Lancaster

**Motion Results:** Pass

**Note:** Sara Stark addressed the Board on behalf of Nicole Corona. Nicole Corona addressed the Board on her behalf.

**2-F: Review, discussion, and possible action regarding Complaint No. 22-0063 involving license holder Childers & Coventry.**

***Individual Addressing the Board:***

Janelle Bauserman

***Discussion:*** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Childers & Coventry, LLC has not committed the alleged acts of misconduct as detailed in the Investigation Summary in complaint number 22-0063. It is further recommended the Board dismiss complaint number 22-0063 with prejudice.

***Motion:*** Accept the staff's recommendation.

***Motion Proposals:*** First Elaine Acosta Sweet

Second Sharon Yates

***Motion Results:*** Pass

***2-G: Review, discussion, and possible action regarding Complaint No. 22-0053 involving license holder Glenn Gloria.***

***Individual Addressing the Board:***

Bill MacIntyre

***Discussion:*** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Glenn Gloria has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint number 22-0053. It is recommended the Board dismiss complaint number 22-0053 with prejudice.

***Motion:*** Accept the staff's recommendation.

***Motion Proposals:*** First Sharon Yates

Second Jeanette S. Bloss

***Motion Results:*** Pass

***2-H: Review, discussion, and possible action regarding Complaint No. 22-0058 involving license holder Rashiel Salem.***

***Individual Addressing the Board:***

Bill MacIntyre

***Discussion:*** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Rashiel Salem has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint number 22-0058. It is further recommended the Board dismiss complaint number 22-0058 without prejudice.

***Motion:*** Accept the finding of the Probable Cause Evaluator and enter a finding Rashiel Salem has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary, Determination, Probable Cause Review, and

Recommendation Report in complaint number 22-0058 and to dismiss complaint number 22-0058 with prejudice.

**Motion Proposals:** First Jeanette S. Bloss  
Second Teresa Lancaster  
**Motion Results:** Pass

**2-I: Review, discussion, and possible action regarding the following complaints involving license holder Theresa Whitfield:**

- 1. Complaint No. 22-0062**
- 2. Complaint No. 23-0042**
- 3. Complaint No. 23-0059**

**Individual Addressing the Board:**

Janelle Bauserman

**Discussion:**

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Theresa Whitfield has not committed the alleged acts of misconduct in Allegation 1 as detailed in the Investigation Summary in complaint number 22-0062. It is recommended the Board dismiss Allegation 1 with prejudice. It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Theresa Whitfield has committed the alleged acts of misconduct in Allegations 2 through 8 as detailed in the Investigation Summary in complaint number 22-0062. 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 revoke the fiduciary license of Theresa Whitfield.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Theresa Whitfield has committed the alleged acts of misconduct in Allegations 1 and 2 as detailed in the Investigation Summary in complaint number 22-0042. 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 revoke the fiduciary license of Theresa Whitfield.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Theresa Whitfield has committed the alleged acts of misconduct in Allegations 1 and 2 as detailed in the Investigation Summary in complaint number 23-0059. 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 revoke the fiduciary license of Theresa Whitfield.

**Motion:** Accept the staff’s recommendation to accept the finding of the Probable Cause Evaluator and enter a finding Theresa Whitfield has not committed the alleged acts of misconduct in Allegation 1 as detailed in the Investigation Summary in complaint number 22-0062 and to dismiss Allegation 1 with prejudice.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Zora Manjencich

**Motion Results:** Pass

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**Motion:** Accept the staff’s recommendation to accept the finding of the Probable Cause Evaluator and enter a finding Theresa Whitfield has committed the alleged acts of misconduct in Allegations 2 through 8 as detailed in the Investigation Summary in complaint number 22-0062, has committed the alleged acts of misconduct in Allegations 1 and 2 as detailed in the Investigation Summary in complaint number 22-0042, and has committed the alleged acts of misconduct in Allegations 1 and 2 as detailed in the Investigation Summary in complaint number 23-0059. The Board to 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 and to revoke the fiduciary license of Theresa Whitfield.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Sharon Yates

**Motion Results:** Pass

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**3) INITIAL LICENSURE AND ELIGIBILITY:**

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

- |                                   |                               |
|-----------------------------------|-------------------------------|
| <b>1. Donna Figueroa</b>          | <b>6. Hannah Cundiff</b>      |
| <b>2. Carla Gonzalez Coronado</b> | <b>7. Megan Robbins</b>       |
| <b>3. Jennifer Martinez</b>       | <b>8. Veronica Stirnitzke</b> |
| <b>4. Stefanie Mathewson</b>      | <b>9. Jonathan Taddei</b>     |
| <b>5. Hesli Quihui</b>            | <b>10. David Lynch</b>        |
|                                   | <b>11. Nina Alley</b>         |

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***Individual Addressing the Board:***

Ali Towey

***Discussion:*** It is recommended the Board grant initial fiduciary licensure to applicants 1 through 5; Donna Figueroa, Carla Gonzalez Coronado, Jennifer Martinez, Stefanie Mathewson, and Hesli Quihui.

***Motion:*** Accept the staff's recommendation.

***Motion Proposals:*** First Sharon Yates  
Second Teresa Lancaster

***Motion Results:*** Pass

***Discussion:*** The Division recommends the Board grant initial fiduciary licensure to applicants Hannah Cundiff and Megan Robbins contingent on fingerprint results yielding no negative history with a later effective date once the fingerprint results have been confirmed with Division staff.

***Motion:*** Accept the staff's recommendation.

***Motion Proposals:*** First Elaine Acosta Sweet  
Second Zora Manjencich

***Motion Results:*** Pass

***Recusals:*** Jeanette Bloss

***Discussion:*** The Division recommends the Board grant initial fiduciary licensure to Veronica Stirnitzke with the standard non-disclosure language.

***Motion:*** Accept the staff's recommendation.

***Motion Proposals:*** First Elaine Acosta Sweet  
Second Zora Manjencich

***Motion Results:*** Pass

***Recusals:*** Jeanette S. Bloss

***Discussion:*** The Division recommends the Board grant initial fiduciary licensure to Jonathan Taddei with the standard non-disclosure language.

***Motion:*** Accept the staff's recommendation.

***Motion Proposals:*** First Teresa Lancaster  
Second Sharon Yates

***Motion Results:*** Pass

***Individual Addressing the Board:***

Wil Castro

**Discussion:** The Division recommends the Board grant initial fiduciary licensure to David Lynch.

**Motion:** Accept the staff's recommendation.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Jeanette S. Bloss

**Motion Results:** Pass

**Discussion:** The Division recommends that Nina Alley be denied initial fiduciary licensure under ACJA § 7-201(E)(2)(c)(1), for failing to meet the qualifications and eligibility requirements as outlined in ACJA § 7-202(E)(1)(a)(2)(b)(iii) for failure to meet the minimum eligibility qualifications of one year of full-time equivalent work experience within the previous five years in which the applicant performed services in the administration of a trust, decedent's estate, guardianship, or conservatorship under the supervision of a licensed attorney.

**Motion:** Grant initial fiduciary licensure to Nina Alley contingent on the completion of the Fiduciary Professional Training course with a later effective date determined by Division staff.

**Motion Proposals:** First Jeanette S. Bloss  
Second Teresa Lancaster

**Motion Results:** Pass

**Note:** This agenda item was taken first in the in the Initial Licensure and Eligibility sections. Nina Alley addressed the Board on her behalf.

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#### **4) RENEWAL LICENSURE AND APPLICATIONS:**

**4-A: Review, discussion, and possible action regarding the following application for renewal of individual licensure:**

##### **1. Heidi Ernst**

**Individual Addressing the Board:** Téa Bravo

**Discussion:** The Division recommend approval of renewal of standard individual licensure be granted to Heidi Ernst 2022-2024 renewal cycle.

**Motion:** Accept the staff's recommendation.

**Motion Proposals:** First Teresa Lancaster  
Second Elaine Acosta Sweet

**Motion Results:** Pass

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5) **ADMINISTRATIVE ITEMS:**

**5-A:** *Review, discussion, and possible action regarding scheduling conflict for next Board meeting; May 9th, 2024.*

**Individual Addressing the Board:**

Téa Bravo

**Discussion:** Discussion regarding attendance and quorum for the next Board meeting. The Division received notice from one of the members regarding a possible scheduling conflict that might arise for the May 9th meeting. The Arizona Fiduciary Association conference will be held on May 9-10 which could possibly affect quorum. Division staff will send out an email poll to see which Board members would be in attendance and additional alternative dates for May's meeting and possible interim meeting.

**5-B:** *Division Updates.*

**Individual Addressing the Board:**

Aaron Nash

**Discussion:** Informational update. The Division's pending complaints and compliance audits are getting results from months of training and process improvements. Due to the loss of two thirds of the division's staff in one unit over a 5-week period, the Division is working to rebuilding and appreciate everyone's patience. The Administrative Office of the courts will be upgrading conference rooms 109 & 106, and completion is anticipated for May 2024.

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**CALL TO THE PUBLIC**

**Called to The Public By:**

Hon. Jennifer Perkins, *Chair*

**Individual Addressing the Board:**

Bill Chalmers (4 minutes) used his remaining call to the public time. Teresa Lancaster addressed comments made towards her.

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**ADJOURNMENT**

**Adjourned By:**

Hon. Jennifer Perkins, *Chair*

**Time:**

12:31 P.M.

**Initials:**

TF