



Fiduciary Board

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

May 11, 2023
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Deborah Primock, Chair
Elaine Acosta Sweet
Hon. Jay M. Polk
Vinay M. Singh

Telephonically Present:

Teresa Lancaster
Diana M. Corry
Sharon Yates joined @ 10:34 A.M.
Zora Manjencich
Hon. Brian Hauser
Jeanette S. Bloss

Absent:

OTHER ATTENDEES:

AOC Staff:

Aaron Nash
Kristina Tuba
Margaret Lindsey
Pasquale Fontana
Wil Castro
Hal White
William MacIntyre
Shanneyvie Halk
Janelle Bauserman
Arnita Oliver
Afton Foutz
Yesenia Corella
Jared Trebesch
Lisa Hauser

Guests:

Andrew Stone
Linda Wilson
Ann Lander
Jill Ryan
Becky Brimhall
Brandon Messick
Alisa Gray
KNXV-TV
Samsung SM-F936U
Latoya
Mike Bogle
Kevin
Melissa Blasius
Aaron
Belvet Elsouhag
Emily
Frederick Chen

Kathryn Blair
Kallie Knight
Skyler Diaz
Tara Lara
Mark Dangerfield
Taylor
Kaba
Heather Bull
Diane Dimond
Diana Clark
Nicole Corona
Bill Chalmers
Krissiha Lagos
Jimmy Rohde
D. Martin
Ana Camacho
Cindy Venegas
Samsung SM- A037U

Sherri Lund
Claire DiPardo
Rick Black
Linda Lowe
Anna Dunham
Susan Wulff
Lillian Jones
Nicole Corona
Randall Brown
Ben Giles
Deborah Gilliland
Jimmy Rohde
Larry Scaringelli
Larissa Wells
Stephanie McCollum
D. Wells
Holly Lawder
CF

CALL TO ORDER

Called to Order By: Deborah Primock, Chair

Time: 10:31 a.m., followed by technical issues,
resolved at 10:42 a.m.

1) NEW MEMBER WELCOME AND THANK YOU'S:

Individual Addressing the Board: Aaron Nash

1-A: Introduction of the following new members:

- 1. Honorable Brian Hauser was appointed on April 26, 2023, as the Chief Justice Designated member of the Fiduciary Board.*
- 2. Jeanette S. Bloss was appointed on April 26, 2023, as a private practice member of the Fiduciary Board.*
- 3. Vinay M. Singh was appointed on April 26, 2023, as a public practice member of the Fiduciary Board.*

Individual Addressing the Board: Aaron Nash

1-B: Thank you to the following outgoing members:

- 1. Paul D. Friedman was the Chief Justice Designated member of the Fiduciary Board from January 15, 2020, through December 31, 2022.*
- 2. Nicole A. Surran was a public practice member of the Fiduciary Board from August 31, 2022, through April 26, 2023*
- 3. Kathryn Blair was a public practice member of the Fiduciary Board from August 31, 2022, through May 9, 2023.*

2) REVIEW AND APPROVAL OF MINUTES:

2-A: Review, discussion, and possible action regarding the regular session minutes of the meeting held on March 9, 2023.

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Consideration of and motion to accept the minutes of March 9, 2023.

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

Motion Results: Pass

3) INITIAL LICENSURE AND ELIGIBILITY:

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

1. *Cami Barnella*

Individual Addressing the Board: Wil Castro

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

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

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

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. *Maria Alcala***
- 2. *Pamela Braun***
- 3. *Becky Brimhall***
- 4. *Daniel Bull***
- 5. *Coconino County Public Fiduciary***
- 6. *Deborah Dellisanti***
- 7. *Charles Dyer***
- 8. *Barbara Ficker***
- 9. *R. Michael Ficker***
- 10. *Tamarah Fitzsimmons***
- 11. *Fitzsimmons Fiduciary Services, LLC***
- 12. *Geriatric Assessment Management & Solutions, LLC***
- 13. *Grand Canyon Senior Care, LLC***
- 14. *Stephanie Hollander***
- 15. *Deborah Holliday***
- 16. *Annette Jones***
- 17. *Arielle Morales***

18. *Sandra Paz*
19. *Ana Perez Arrieta*
20. *Brenda Peterson*
21. *Pima County Public Fiduciary Office*
22. *Gary Pope*
23. *Ralles Law Firm, P.C.*
24. *Claudia Ramirez*
25. *Carrie Rednour*
26. *Caron Schmierer*
27. *Ranae Settle*
28. *Carol Severyn*
29. *Dawn Shaw*
30. *Andree Sidwell*
31. *Stewardship Association*
32. *Scott Whitney*
33. *Yuma County Public Fiduciary*
34. *Deborah Primock*
35. *DSP Fiduciary Services, LLC*
36. *Audrey Hanks*
37. *Cindy Gonzalez*
38. *Mark Rubin*
39. *The Families Advocate, LLC*
40. *Southern Arizona Fiduciary Services, LLC*
41. *Professional Community Services, INC.*
42. *Stephen Cundiff*
43. *Jenna Einmo*

Individual Addressing the Board: Kristina Tuba

1. Maria Alcalá

Discussion: It is recommended renewal of standard licensure be granted to the above license holder for the 2022-2024 renewal period:

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

Motion Proposals:

First	Elaine Acosta Sweet
Second	Hon. Jay M. Polk
Recusal	Vinay Singh

Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

2. Pamela Braun
3. Becky Brimhall
4. Daniel Bull

Discussion: It is recommended renewal of standard licensure be granted to the above license holders for the 2022-2024 renewal period:

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

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

Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

5. Coconino County Public Fiduciary

Discussion: It is recommended renewal of standard licensure be granted to the above license holder for the 2022-2024 renewal period.

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

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

Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

6. Deborah Dellisanti

Discussion: It is recommended renewal of standard licensure be granted to the above license holder for the 2022-2024 renewal period.

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

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

Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

7. Charles Dyer

Discussion: It is recommended renewal of standard licensure be granted to the above license holder for the 2022-2024 renewal period.

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

Motion Proposals: First Diana Corry
Second Vinay Singh

Motion Results: Recusal Deborah Primock
Pass

Individual Addressing the Board: Kristina Tuba

8. Barbara Ficker

Discussion: It is recommended renewal of standard licensure be granted to the above license holder for the 2022-2024 renewal period.

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

Motion Proposals: First Vinay Singh
Second Hon. Jay M. Polk

Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

9. R. Michael Ficker
10. Tamarah Fitzsimmons
11. Fitzsimmons Fiduciary Services, LLC
12. Geriatric Assessment Management & Solutions, LLC
13. Grand Canyon Senior Care, LLC
14. Stephanie Hollander
15. Deborah Holliday
16. Annette Jones
17. Arielle Morales
18. Sandra Paz

Discussion: It is recommended renewal of standard licensure be granted to the above license holders for the 2022-2024 renewal period.

Consideration of and motion to accept staff's recommendation.

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

Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

19. Ana Perez Arrieta

Discussion: It is recommended renewal of standard licensure be granted to the above license holder for the 2022-2024 renewal period.

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

Motion Proposals: First Vinay Singh
Second Hon. Jay M. Polk
Recusal Teresa Lancaster
Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

20. Brenda Peterson
21. Pima County Public Fiduciary Office
22. Gary Pope
23. Ralles Law Firm, P.C.
24. Claudia Ramirez
25. Carrie Rednour
26. Caron Schmierer
27. Ranae Settle
28. Carol Severyn
29. Dawn Shaw
30. Andree Sidwell
31. Stewardship Association
32. Scott Whitney
33. Yuma County Public Fiduciary
34. Deborah Primock
35. DSP Fiduciary Services, LLC

Discussion: It is recommended renewal of standard licensure be granted to the above license holders for the 2022-2024 renewal period.

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

Motion Proposals: First Hon. Jay M. Polk
Second Vinay Singh
Recusal Deborah Primock #34, 35
Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

36. Audrey Hanks

Discussion: Deferred.

Individual Addressing the Board: Kristina Tuba

37. Cindy Gonzalez

Discussion: It is recommended renewal of standard licensure be granted to the above license holder for the 2018-2020 and 2022-2024 renewal periods.

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

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

Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

38. Mark Rubin

Discussion: It is recommended renewal of standard licensure be granted to the above license holder for the 2020-2022 and 2022-2024 renewal periods.

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

Motion Proposals: First Hon. Jay M. Polk
Second Vinay Singh

Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

39. The Families Advocate, LLC

Discussion: It is recommended renewal of standard licensure be granted to the above license holder for the 2018-2020 and 2022-2024 renewal periods.

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

Motion Proposals: First Vinay Singh
Second Elaine Acosta Sweet

Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

40. Southern Arizona Fiduciary Services, LLC

Discussion: It is recommended renewal of standard licensure be granted to the above license holder for the 2020-2022 and 2022-2024 renewal periods.

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

Motion Proposals: First Hon. Jay M. Polk
Second Vinay Singh

Motion Results: Pass

Individual Addressing the Board: Kristina Tuba

41. Professional Community Services, Inc.

Discussion: Deferred.

Individual Addressing the Board: Hal White

42. Stephen Cundiff

Discussion: The members considered entering executive session for more information.

Motion: Defer for more information on background findings.

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

Motion Results: Pass

Individual Addressing the Board: Hal White

43. Jenna Einmo

Motion: Move to enter executive session for discussion or consideration of matters/records made confidential or privileged.

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

Motion Results: Pass

ENTERED IN EXECUTIVE SESSION – 11:05 A.M.

Discussion: Discussion regarding confidential matters.

EXITED EXECUTIVE SESSION – 11:31 A.M.

Discussion: It is recommended to defer until next meeting and to obtain additional information from Jenna Einmo.

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

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

Motion Results: Pass

5) PENDING COMPLAINTS:

5-A: Review, discussion, and possible action regarding Complaint No. 22-0088 involving license holder Certified Fiduciary Services Inc.

Individual Addressing the Board: Aaron Nash

Discussion: It is recommended to defer until next meeting for further review.

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

Motion Proposals: First Hon. Jay M. Polk
Second Vinay Singh

Motion Results: Pass

5-B: Review, discussion, and possible action regarding Complaint No. 21-0010 involving license holder Cochise County Public Fiduciary.

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 21-0010.

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

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

Motion Results: Pass

5-C: Review, discussion, and possible action regarding Complaint No. 21-0002 involving license holder Dawn Garcia.

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 21-0002.

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

Motion Proposals: First Teresa Lancaster
Second Elaine Acosta Sweet
Motion Results: Pass

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

Individual Addressing the Board: Margaret Lindsey

Discussion: The Board previously directed the Division to attempt resolving the complaint through a Consent Agreement with Corona. Corona declined. Corona was present remotely at the meeting and declined to comment. It is recommended:

- The Board accept the determination of the Probable Cause Evaluator and find that Nicole Corona has committed the violations described in the Investigation Summary and Probable Cause Analysis and Determination Report.
- Nicole Corona receive a censure and be placed on probation for a term of one year as follows:
 - That Corona submits to an audit to be performed by a third party mutually agreed upon by the Division and Corona. The purpose and scope of the audit is to provide the Board with assurance that Corona is in compliance with code, rule and statutory requirements and to cause Corona to modify her policies, procedures and practices until she is in compliance.
 - If the Division and Corona cannot agree on an auditor, the matter be brought back to the Board at the next regularly scheduled meeting for a final determination.
 - On completion of the compliance audit, implementation of any corrective action recommended by the audit, and Board concurrence that Corona is in compliance and has demonstrated reasonable assurance that she will remain in compliance, the Board may approve the early termination of probation.
 - That Corona pay all costs associated with the compliance audit.
 - That Corona comply with all reasonable requests of the compliance auditor.
 - That Corona immediately notify Division staff of any refusal to comply, including the bases of Corona's refusal to comply.

- The term of probation does not affect or limit, in any manner, further disciplinary action if the audit uncovers violations of statutes, rules or the administrative code.

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

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

Motion Results: Pass

5-E: Update regarding Complaint Numbers 20-0011, 20-0012, 21-0012 involving license holders East Valley Fiduciary Services, Inc., and Michael Bogle.

Individual Addressing the Board: Aaron Nash

Discussion: The Board previously directed the Division to attempt resolving the complaint through a Consent Agreement. The Agreement was provided to the Board for review.

The Chair recognized William Chalmers for public comment during the agenda item.

It is recommended that the Board accept the proposed Consent Agreement and allow the chair to sign on behalf of the board.

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

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

Motion Results: Pass

5-F: Update regarding pending complaints

Individual Addressing the Board: Margaret Lindsey

Discussion: As of May 5, 2023, there are 40 *open complaints.

**The total known open complaints numbers do not include complaint numbers 20-0011/20-0012/21-0012, 18-0061, 20-0013/20-0014/22-0051/22-0052 with pending Consent Agreements and 21-0009 presented at the previous Board meeting. The total open complaints number represent complaints under investigation.*

Individuals Addressing the Board:

Susan Wulff
Larissa Wells
Holly Lawder
Frederick Chen
Ann
Anna Camacho
Skylar Diaz
Cindy Venegas
Alisa Gray
Sherri Lund
Claire DiPardo
Rick Black
William Chalmers
Linda Lowe
Anna Dunham

*Diane Dimond was unable to speak during the call to the public, but her notes were provided to the Fiduciary Board Members after the meeting.

ADJOURNMENT

Motion: Move to adjourn.

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

Motion Results: Pass

Time: 12:44 p.m.

Initials: AO