



FIDUCIARY BOARD

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

JULY 11, 2024
10:00 AM

Approved Regular Meeting Minutes

MEMBERS ATTENDANCE:

Present:

Hon. Jennifer Perkins, *Chair*
Elaine Acosta Sweet, *Vice Chair*
Zora Manjencich
Vinay M. Singh

Telephonically Present:

Diana Corry
(Joined at 10:03 AM)
Teresa Lancaster
Sharon Yates
Jeanette S. Bloss
Deborah Primock

Absent:

Hon. Brian Hauser

OTHER ATTENDEES:

AOC Staff:

Aaron Nash
Pasquale Fontana
Lorraine Brown
Janelle Bauserman
Jared Arthur
Wil Castro
Alexis Towey
Téa Bravo
Tara Fong
Zachary McNeece

Guests:

Alisa Gray
Anna Ducham
Anna Lander
Carla Truman
CurleyD1
Bill Chalmers
Daniel Roberts
Deborah
Harrison Alvarez
Heather Bull
Heidi Ernst
Ian O.
Jenni Goldman
Jill

Kallie Knight
Kathryn Blair
LA Fiduciary Services
Lapfid
Letty Segovia
Lynda Lowe
Mikaela Ray
Roger T. Coventry
SSmith
Stephanie Sena Ochoa
Susan Wulff
Tara Lara
Taylor Galas

CALL TO ORDER

Called to Order By:
Time:

Hon. Jennifer Perkins, *Chair*
10:01 AM

1) EXECUTIVE SESSION:

1-A: *As authorized by ACJA § 1-202(C)(5)(b & c), discussion or consultation with counsel regarding legal advice concerning matters of Teresa Lancaster and Bogutz & Gordon, PC.*

Individual Addressing the Board:

Hon. Jennifer Perkins, *Chair*

Discussion: None.

Motion: Move to enter executive session for advice of counsel under ACJA §1-202(C)(5)(b & c).

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

Motion Results: Pass

Recusals: Teresa Lancaster

Note: Diana Corry joined at 10:03 AM. The Division has noted that 'Theresa' was spelled incorrectly in agenda item 1-A; the accurate spelling is 'Teresa'.

ENTERED EXECUTIVE SESSION AT 10:01 AM

EXITED EXECUTIVE SESSION AND ENTERED PUBLIC SESSSION AT 10:11 AM

2) PENDING COMPLAINTS/COMPLIANCE AUDITS:

2-A: *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:

Aaron Nash

Discussion: This complaint was presented to the Fiduciary Board (“Board”) on March 14, 2024. After discussion, the Board requested that Teresa Lancaster (“Lancaster”) be present at the next scheduled Board meeting to be interviewed by the Board and the matter was deferred accordingly. The Board’s May 9, 2024 meeting was rescheduled to May 30, 2024 for quorum reasons. Teresa Lancaster was unavailable for the May 30, 2024 meeting due to a scheduling conflict.

Since March 14, 2024, the Division; Administrative Office of the Courts (“AOC”) counsel, Lisa Hauser (“Hauser”); and the license holder’s counsel, Alisa Gray (“Gray”) discussed investigation and formal interview procedures under the ACJA.

Fiduciary Board Minutes from July 11, 2024 Meeting

To summarize the complaints before the Board today, the Division received a written complaint against Lancaster and Bogutz & Gordon, P.C. (“Bogutz & Gordon”) containing the following allegations:

1. Teresa Lancaster failed to provide Trust accountings and/or complete accountings despite repeated requests from the beneficiary.
2. Teresa Lancaster prohibited complainant from having unfettered access to spend time with her father thereby perpetrating the emotional abuse of a vulnerable adult.
3. Teresa Lancaster allowed the Trust to incur unnecessary fees.
4. Teresa Lancaster conditioned the release of the beneficiary’s full inheritance on executing a hold-harmless release/waiver.
5. Teresa Lancaster disobeyed and/or violated the terms of the Health Care Power of Attorney by not complying with the wishes of the principal.

The Division’s investigation yielded an additional allegation:

6. Teresa Lancaster and Bogutz & Gordon engaged in a conflict of interest or the appearance of a conflict of interest by providing legal services to the ward while at the same time serving as the court-appointed guardian for the ward.

Probable Cause Evaluator, Marcus Reinkensmeyer, entered a finding that probable cause does not exist as to Allegations 1 through 5, and that probable cause exists as to Allegation 6, as detailed in the Investigation Summary.

Based on the discussions and review noted above since March 2024, the Division modified its recommendation. While still recommending that allegations 1 through 5 be dismissed with prejudice, the Division’s updated recommendation is to dismiss allegation 6 without prejudice, allowing the Division to further review the allegation for a potential director-initiated complaint.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding that Teresa Lancaster and Bogutz & Gordon, P.C. have not committed the alleged acts of misconduct involving Allegations 1, 2, 3, 4 and 5, as detailed in the September 1, 2023 Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint numbers 21-0047 and 21-0048.

It is further recommended the Board dismiss Allegations 1, 2, 3, 4, and 5 with prejudice.

It is further recommended the Board dismiss Allegation 6 without prejudice.

Motion: Accept staff's recommendation.

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

Motion Results: Pass

Recusals: Teresa Lancaster

Note: Alisa Gray addressed the Board on behalf of Teresa Lancaster and Bogutz & Gordon.

2-B: Update regarding pending complaints and compliance audits.

Individual Addressing the Board: Pasquale Fontana

Discussion: *Informational Update.* As of June 24, 2024, there are *78 open complaints. As of May 30, 2024, there were 76 open complaints.

As of June 24, 2024, there are **4 open compliance audits pending final reports. As of March 14, 2024, there were 4 open compliance audits pending final reports.

Note: **Complaints are open until a finding of probable cause is entered. 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-C: Review, discussion, and possible action regarding Complaint Nos. 22-0062, 23-0042, and 23-0059 involving Theresa Whitfield.

Individual Addressing the Board: Janelle Bauserman

Discussion: The Division recommends the Board find Theresa Whitfield in default and enter a Final Order revoking the individual fiduciary license of Theresa Whitfield.

Motion: Accept staff's recommendation with the additions of sending two notifications: one to the courts detailing procedural history and the final decision with reference to the business holding a license without a licensed, designated principal, and another to Theresa Whitfield informing her of her license revocation, instructing termination of activities, requiring notification to all

clients including those not under court supervision, and citing relevant ACJA and ARS statutes on fiduciary roles for revoked licenses.

Motion Proposals: First Jeanette S. Bloss
Second Teresa Lancaster

Motion Results: Pass

Notes: Division has noted that in agenda item 2-C, the correct Complaint No. is '23-0059' and not '23-0029'.

2-D: *Review, discussion, and possible action regarding Complaint Nos. 23-0017, 23-0018, 23-0019, and 23-0021 involving Maricopa County Public Fiduciary, Josephine Jones, Carla Truman, and Stephanie Sena-Ochoa.*

Individual Addressing the Board: Jared Arthur

Discussion: The Division recommends deferring this agenda item until the next meeting to include a corrected Investigation Summary for Complaint Numbers 23-0017, 23-0018, 23-0019, and 23-0021.

Motion: Accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Zora Manjencich

Motion Results: Pass

Recusals: Vinay M. Singh

Notes: Division has noted that in agenda item 2-D, the correct Complaint No. is '23-0021' not '21-0021' and the addition of Complaint No. 23-0019.

3) REVIEW AND APPROVAL OF MINUTES:

3-A: *Review, discussion, and possible action regarding corrections to the March 14, 2024 minutes.*

Individual Addressing the Board: Hon. Jennifer Perkins, *Chair*

Discussion: The Division erred on several agenda items on the March 14, 2024, minutes. The Division has provided to the Board the updated minutes with the proposed changes.

The Division recommends amending the March 14, 2024, minutes with the proposed changes to properly reflect the actions taken by the Board.

Motion: Approve the regular session minutes of the meeting held on March 14, 2024 with the amendments including the correct spelling of “Jeanette S. Bloss” in agenda item 3-A.

Motion Proposals: First Zora Manjencich
Second Vinay M. Singh

Motion Results: Pass

3-B: *Review, discussion, and possible action regarding the regular session minutes of the meeting held on May 30, 2024.*

Individual Addressing the Board: Hon. Jennifer Perkins, *Chair*

Discussion: None.

Motion: Approve the regular session minutes of the meeting held on May 30, 2024, with the amendments including the absence of the word ‘of’ in agenda item 2-B, the absence of ‘w’ in the ‘renewal’ in agenda item 4, and the use of “she” instead of “her” in agenda item 5-A.

Motion Proposals: First Elaine Acosta Sweet
Second Zora Manjencich

Motion Results: Pass

4) INITIAL LICENSURE AND ELIGIBILITY:

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

1. *Tatiana Calderon-Speakman*
2. *Jillian Velarde*
3. *Keystone Fiduciary Services, LLC*
4. *Stephanie Sena-Ochoa*
5. *Providia Partners*

Individual Addressing the Board: Alexis Towey

Discussion: The Division recommends the Board grant initial fiduciary licensure to 1. Tatiana Calderon-Speakman contingent on her paying the remaining \$50 application fee within two weeks of this Board’s meeting date. A later effective date of licensure will be applied once Division staff has confirmed the payment.

Motion: Accept staff’s recommendation.

Motion Proposals: First Zora Manjencich

Motion Results: Second Diana Corry
Pass

Discussion: The Division recommends the Board grant initial fiduciary licensure to 2. Jillian Velarde contingent on her paying the remaining \$50 application fee within two weeks of this Board's meeting date. A later effective date of licensure will be applied once Division staff has confirmed the payment.

Motion: Accept staff's recommendation.

Motion Proposals: First Vinay M. Singh
Second Zora Manjencich

Motion Results: Pass

Note: The Division has noted that 'Juillian' was spelled incorrectly in agenda item 4-A; the accurate spelling is 'Jillian'.

Discussion: Division recommends initial fiduciary licensure be granted to 3. Keystone Fiduciary Services, LLC contingent on them paying the remaining \$350 application fee within two weeks of this Board's meeting date. A later effective date of licensure will be applied once Division staff has confirmed the payment.

Motion: Accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Diana Corry

Motion Results: Pass

Recusals: Sharon Yates

Individual Addressing the Board: Wil Castro

Discussion: Deferred initial fiduciary licensure for 4. Stephanie Sena-Ochoa until the next meeting.

Individual Addressing the Board: Alexis Towey

Discussion: Division recommends initial fiduciary licensure be granted to 5. Providia Partners, LLC contingent on them paying the remaining \$350 application fee within two weeks of this Board's meeting date. A later effective date of licensure will be applied once Division staff has confirmed the payment.

Motion: Accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Teresa Lancaster

Motion Results: Pass

5) **LICENSURE AND ELIGIBILITY:**

5-A: *Review, discussion, and possible action regarding inactive status request received from the following license holders:*

1. *Matthew Mansour*
2. *Laura Sharek*

Individual Addressing the Board:

Téa Bravo

Discussion: Division recommends the Board accept the request of 1. Matthew Mansour and 2. Laura Sharek to be placed on inactive status.

Motion: Accept staff's recommendation.

Motion Proposals: First Diana Corry
Second Vinay M. Singh

Motion Results: Pass

6) **ADMINISTRATIVE ITEMS:**

6-A: *Review, discussion, and possible action regarding the establishment of the 2025 Board meeting schedule.*

Individual Addressing the Board:

Téa Bravo

Discussion: The Division recommends the Board keep its schedule of meeting on the second Thursday of every odd numbered month, beginning in January, with a start time of 10:00 AM.

Motion: Accept staff's recommendation.

Motion Proposals: First Diana Corry
Second Elaine Acosta Sweet

Motion Results: Pass

6-B: *Division Updates.*

Individual Addressing the Board:

Aaron Nash

Discussion: The audio and visual upgrades for conference rooms 106 and 109 have been successfully completed.

Announced the retirement of Bill MacIntyre, investigator for the Complaints and Audit Unit within the Certification and Licensing Division at the Arizona Supreme Court.

CALL TO THE PUBLIC

Called to The Public By:

Hon. Jennifer Perkins, *Chair*

Individual Addressing the Board:

Bill Chalmers
Roger Coventry

LIMITED RESPONSE TO CALL TO THE PUBLIC:

Individual Addressing the Public:

Teresa Lancaster

Individual members of the Board may take one or more of the following actions: (a) respond to criticism made in Public Comment; (b) ask staff to review a matter raised in public comment; or (c) ask that a matter raised in public comment be put on a future agenda. **NOTE: Neither the Board as a whole nor Staff are permitted to discuss a matter raised in public comment and the Board is not permitted to vote on a matter raised during an open call to the public unless the matter was otherwise properly noticed on the meeting agenda for discussion and legal action.**

ADJOURNMENT

Adjourned By:

Hon. Jennifer Perkins, *Chair*

Time:

11:15 AM

Initials:

TF