



Fiduciary Board

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

July 13, 2023
10:30 a.m.

Draft Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

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

Telephonically Present:

Teresa Lancaster-left at 12:04 p.m.
Diana M. Corry-left at 12:04 p.m.
Jeanette S. Bloss
Deborah Primock

Absent:

Sharon Yates
Hon. Brian Hauser

OTHER ATTENDEES:

AOC Staff:

Aaron Nash
Kristina Tuba
Hal White
Janelle Bauserman
William MacIntyre
Wil Castro
Téa Bravo
Alexis Towey
Afton Foutz
Yesenia Corella
Jared Trebesch
Jared Arthur
Jim Morrow
Arnita Oliver
Ash Foster
Alberto Rodriguez

Guests:

Claire DiPardo
Stephen Cundiff
KNXV TV
David Redkey
S Smith
Josephine Jones
Heidi Ernst
Cary L. Lackey
Jenna Einmo
Terry
David McHenry
Patty Loos
Ann Lander
Alisa Gray
Sherry Lund
Susan Wulff

Deborah Gilliland
Elise Adams
Heather Bull
Hon. Jay Polk
Jenni Monnier
Paul Borlaug
Jenni Goldman-Az Elder Care
William Chalmers
Denise Martin
AS
Latoya Jackson
Diane Diamond
Holly Lawder
Kallie Knight
Kim Owens
S Smith

Tara Lara
Ann
Lina Garcia
Letty Segovia
Lisa James
Taylor Galas
Rick Black
928....822
928...823

CALL TO ORDER

Called to Order By:

Hon. Jennifer Perkins, Chair

Time:

10:36 a.m.

1) WELCOMES AND THANK YOU'S:

Individual Addressing the Board: Aaron Nash

1-A: Introduction of the following new member:

1. Honorable Jennifer Perkins was appointed on June 7, 2023, as a judicial member and Chair of the Fiduciary Board.

Individual Addressing the Board: Aaron Nash

1-B: Thank you to the following members:

1. Honorable Jay Polk was the superior court judicial member of the Fiduciary Board from January 1, 2012 through June 7, 2023.
2. Deborah Primock served as Chair to the Fiduciary Board from July 2013 through May 2023 and remains as a private practice fiduciary member of the Fiduciary Board.

2) REVIEW AND APPROVAL OF MINUTES:

2-A: Review, discussion, and possible action regarding the regular session minutes of the meeting held on May 11, 2023.

Individual Addressing the Board: Hon. Jennifer Perkins, Chair

Discussion: None

Motion: Consideration of and motion to accept the regular session minutes of the meeting held on May 11, 2023.

Motion Proposals: First Elaine Acosta Sweet
Second Zora Manjencich

Motion Results: Pass

2-B: Review, discussion, and possible action regarding the executive session minutes of the meeting held on May 11, 2023

Individual Addressing the Board: Hon. Jennifer Perkins, Chair

Discussion: None

Motion: Consideration of and motion to accept the executive session minutes of the meeting held on May 11, 2023.

Motion Proposals: First Elaine Acosta Sweet
Second Vinay Singh

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. Paul Borlaug
2. William Jenney
3. LaToya Jackson

Individual Addressing the Board: Wil Castro

1. Paul Borlaug

Discussion: The Division recommends the Board grant initial fiduciary licensure to Paul Borlaug.

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

Motion Proposals: First Zora Manjencich
Second Vinay Singh

Motion Results: Pass

2. William Jenney

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends the Board grant initial fiduciary licensure to William Jenney contingent on completion of the Fiduciary professional training.

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

Motion Proposals: First Vinay Singh

Second Elaine Acosta Sweet
Recused Teresa Lancaster
Motion Results: Pass

3. LaToya Jackson

Individual Addressing the Board: Wil Castro

Discussion: A member asked about Jackson's time in training. Maricopa County Public Fiduciary Josephine Jones verified Jackson's dates of employment.

The Division recommends the Board grant initial fiduciary licensure to LaToya Jackson.

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

Motion Proposals: First Elaine Acosta Sweet
Second Vinay Singh

Motion Results: Pass

4) LICENSURE AND ELIGIBILITY

4-A: *Review, discussion, and possible action regarding voluntary surrender request received from Diane Prescott.*

Individual Addressing the Board: Aaron Nash

Discussion: Diane Prescott agreed to voluntarily surrender her fiduciary license upon the Board's approval of the resolution of a Consent Agreement. The Division determined that Diane Prescott has satisfactorily resolved the Terms and Conditions set forth in the Consent Agreement. To resolve complaint number 18-0061, the Division recommends the Board accept the voluntary surrender of Diane Prescott's fiduciary license.

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

Motion Proposals: First Zora Manjencich
Second Elaine Acosta Sweet

Motion Results: Pass

5) RENEWAL LICENSURE AND APPLICATIONS

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

1. Melissa Ahlers
2. Dane Dehler
3. Paul Melo
4. Martelle Olsen
5. Ronald Patterson
6. Gregory Poulos
7. Carol Soderquist
8. Shawnie Patterson
9. Professional Community Services, Inc.
10. Dawn Walters
11. Carla Jones
12. Northern Fiduciaries, Inc
13. Stephen Cundiff
14. Jenna Einmo
15. Diane Prescott

Individual Addressing the Board: Téa Bravo

Discussion: It is recommended renewal of standard licensure be granted to the following license holders for the 2022-2024 renewal period: Applicants 1 and 3 through 7.

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

Motion Proposals: First Vinay Singh
Second Elaine Acosta Sweet

Motion Results: Pass

2. Dane Dehler

Individual Addressing the Board: Téa Bravo

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 Zora Manjencich
Recusal Teresa Lancaster

Motion Results: Pass

Individual Addressing the Board: Téa Bravo

8. Shawnie Patterson

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 Teresa Lancaster
Second Zora Manjencich
Recusal Vinah Singh

Motion Results: Pass

9. Professional Community Services, Inc.

Individual Addressing the Board: Téa Bravo

Discussion: The Division recommends approval of renewal standard business licensure for Professional Community Services, Inc. for the 2016-2018, 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

10. Dawn Walters

Individual Addressing the Board: Téa Bravo

Discussion: The Division recommends approval of renewal standard licensure for Dawn Walters. for the 2020-2022 and 2022-2024 renewal periods.

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

Motion Proposals: First Elaine Acosta Sweet
Second Teresa Lancaster

Motion Results: Pass

11. Carla Jones

12. Northern Arizona Fiduciaries, Inc.

Individual Addressing the Board: Téa Bravo

Discussion: The Division recommends approval of renewal standard individual and business licensure for Carla Jones and Northern Arizona Fiduciaries, Inc. for the 2018-2020, 2020-2022 and 2022-2024 renewal periods.

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

Motion Proposals: First Teresa Lancaster
Second Jeanette Bloss

Motion Results: Pass

13. Stephen Cundiff

Individual Addressing the Board: Téa Bravo

Discussion: The Division recommends approval of renewal standard individual licensure for Stephen Cundiff for the 2022-2024 renewal period. Cundiff addressed the Board and answered questions regarding non-disclosures in his renewal application.

Motion: Approve standard individual renewal for the 2022-2024 renewal period and issue an advisory letter regarding Cundiff's non-disclosure.

Motion Proposals: First Jeanette Bloss
Second Elaine Acosta Sweet

Motion Results: Pass

14. Jenna Einmo

Individual Addressing the Board: Aaron Nash

Discussion: The Division recommends approval of renewal standard individual licensure for Jenna Einmo with standard non-disclosure language for the 2022-2024 renewal period. Einmo and her counsel, Cary Lackey were available to speak but the Board did not ask questions.

Motion: Approve standard individual renewal for the 2022-2024 renewal period and issue an advisory letter regarding Einmo's non-disclosure.

Motion Proposals: First Jeanette Bloss
Second Elaine Acosta Sweet
Recusal Vinay Singh

Motion Results: Pass

15. Diane Prescott

Individual Addressing the Board: Aaron Nash

Discussion: The Division recommends approval of renewal standard individual licensure for Diane Prescott for the 2018-2020 and 2020-2022 renewal periods and recommends approval of renewal standard individual

licensure for the 2022-2024 renewal period through July 13, 2023, the date of Prescott's voluntary surrender of licensure.

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

Motion Proposals: First Elaine Acosta Sweet
Second Vinay Singh

Motion Results: Pass

6) ADMINISTRATIVE ITEMS:

6-A: *Review, discussion, and possible action regarding changes to ACJA § 7-201(H)(1)(e) regarding complainants.*

Individual Addressing the Board: Aaron Nash

Discussion: At the March 9, 2023, Fiduciary Board meeting, the Board directed division staff to recommend proposed changes to the Arizona Code of Judicial Administration (ACJA) that would address issues raised by members and the public related to complainants receiving notice of their complaint's placement on a Board agenda. The Board's proposed language included a 45-day reconsideration period a complainant could assert if they were not notified of the meeting date when their complaint would be heard. The 45-day reconsideration period language was removed from the final version on advice of legal counsel.

Existing language remains in subsection (H)(1)(e)(4) that failure to comply with the notice provisions does not affect the ultimate disposition of the complaint. The boards and committees retain the ability they currently have to defer a matter to a future meeting if not satisfied with the division's notification efforts.

This is an informational update because the Arizona Judicial Council (AJC) voted to implement the final version.

6-B: *Review, discussion, and possible action regarding changes to changes to ACJA § 7-202.*

Individual Addressing the Board: Aaron Nash

Discussion: The Division will be posting a proposal to modify ACJA § 7-202 that applies to licensed fiduciaries. The proposal has to be routed through the Administrative Office of the Courts before posting to the ACJA Forum

online. A member noted that fee increases are never welcome but may be necessary to sustain regulatory functions.

A final version of the proposal will post to the ACJA Forum for review and public comment before the proposal can be presented to the Arizona Judicial Council.

This is an informational update.

7) PENDING COMPLAINTS:

7-A: Review, discussion, and possible action regarding Complaint Nos. 22-0060, 22-0072, 22-0073 involving license holders Compass Fiduciary Group, LLC, Jason Cobb, and Jeanne Drabiak Review, discussion, and possible action regarding changes to changes to ACJA § 7-202.

Individual Addressing the Board: Aaron Nash

Discussion: On initial screening of the complaint, Division staff determined the complaint is appropriate for Division Director dismissal. Under ACJA § 7-201(H)(2)(a)(2)(c) and (d), and (H)(2)(c), Division staff recommended the Division Director enter a finding that the complainant failed to provide allegations to remedy an insufficient complaint or of acts of misconduct or violation of the statutes, court rules, or applicable sections of the ACJA.

The Division recommends the Board affirm the dismissals without prejudice.

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

Motion Proposals: First Elaine Acosta Sweet
Second Vinay Singh

Motion Results: Pass

7-B: Review, discussion, and possible action regarding Complaint Nos. 22-0074 and 22-0075 involving license holders Camelback Fiduciary, LLC, and John Tully.

Individual Addressing the Board: Aaron Nash

Discussion: On initial screening of the complaint, Division staff determined the complaint is appropriate for Division Director dismissal. Under ACJA § 7-201(H)(2)(a)(2)(c) and (d), and (H)(2)(c), Division staff recommended the Division Director enter a finding that the complainant failed to provide allegations to remedy an insufficient

complaint or of acts of misconduct or violation of the statutes, court rules, or applicable sections of the ACJA.

The Division recommends the Board affirm the dismissals without prejudice.

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

Motion Proposals: First Vinay Singh
Second Teresa Lancaster

Motion Results: Pass

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

Individual Addressing the Board: Aaron Nash

Discussion: On initial screening of the complaint, Division staff determined the complaint is appropriate for Division Director dismissal. Under ACJA § 7-201(H)(2)(a)(2)(c) and (d), and (H)(2)(c), Division staff recommended the Division Director enter a finding that the complainant failed to provide allegations to remedy an insufficient complaint or of acts of misconduct or violation of the statutes, court rules, or applicable sections of the ACJA, and failed to provide sufficient information to permit an investigation.

The Division recommends the Board affirm the dismissal without prejudice.

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

Motion Proposals: First Elaine Acosta Sweet
Second Zora Manjencich

Motion Results: Pass

7-D: Review, discussion, and possible action regarding Complaint No. 23-0013 involving license holder Arizona Elder Care, LLC.

Individual Addressing the Board: Aaron Nash

Discussion: On initial screening of the complaint, Division staff determined the complaint is appropriate for Division Director dismissal. Under ACJA § 7-201(H)(2)(a)(2)(a), and (H)(2)(b)(2), Division staff recommended the Division Director enter a finding that the complaint falls outside the jurisdiction of the supreme court, the statutes, court rules, or applicable sections of the ACJA.

The Division recommends the Board affirm the dismissal without prejudice.

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

Motion Proposals: First Teresa Lancaster
Second Vinay Singh

Motion Results: Pass

7-E: *Review, discussion, and possible action regarding update of Complaint Nos. 20-0013, 20-0014, 22-0051, and 22-0052 involving license holder Jane Ann Geisler and Managed Protective Services and associated Consent Agreement.*

Individual Addressing the Board: William MacIntyre

Discussion: It is recommended that the Board defer this matter to the next Board meeting when it is anticipated this matter should be completed and Geisler and MPS will surrender their licenses. It is further recommended that if the matter is not resolved before the next Board meeting, Geisler be directed to appear before the Board to explain and clarify the status of each unresolved matter at that time.

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

Motion Proposals: First Elaine Acosta Sweet
Second Zora Manjencich

Motion Results: Pass

7-F: *Update regarding pending complaints.*

Individual Addressing the Board: Aaron Nash

Discussion: As of June 26, 2023, there are 36* open complaints.

**The total known open complaints numbers do not include complaint numbers 22-0060/22-0072/22-0073; 22-0074/22-0075; 22-0088; and 23-0013, presented at this Board meeting.*

The open complaints numbers do not include complaint numbers 20-0013, 20-0014, 22-0051, and 22-0052 presented at this Board meeting.

CALL TO THE PUBLIC

Individuals Addressing the Board:

- Diane Diamond
- Holly Lawder
- David Redkey
- Susan Wulff
- Clair DiPardo
- William Chalmers
- Rick Black
- Sherry Lund

ADJOURNMENT

The Chair adjourned the meeting at 12:27 p.m.

Initials: AO