



# Fiduciary Board

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

**September 8, 2022**  
**10:30 a.m.**

## Draft Regular Meeting Minutes

### MEMBER ATTENDANCE:

#### Present:

Nicole Surran  
Zora Manjencich

#### Telephonically Present:

Deborah Primock  
Elaine Acosta Sweet  
Hon. Jay Polk  
Paul Friedman Joined 10:34  
Kathryn Blair  
Diana Corry Joined 10:38

#### Absent:

Sharon Yates  
Teresa Lancaster

### OTHER ATTENDEES:

#### AOC Staff:

Aaron Nash  
Kristina Tuba  
Margaret Lindsay  
Wil Castro  
Hal White  
Pasquale Fontana  
William MacIntyre  
Tea Bravo  
Janelle Bauserman  
Arnita Oliver  
Ryan Potter

#### Guests:

Lisa Hauser  
Kelly Wagner  
Russ Bartholomew  
Jeannine Bartholomew  
Josephine Jones  
Tiffany Covington  
Victoria Haynes  
Holly Lauder  
William Robbins  
Frederick Chen  
Robin O'Connell  
Bill Chalmers  
Alisa Gray  
Lina Garcia  
Susan Wulff  
Mary Robbins

Nancy  
Michelle Pederson  
Tom Peterson  
Janine Aguero  
Kallie Knight  
Heather Bull

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**CALL TO ORDER**

*Called to Order By:* Deborah Primock, Chair

*Time:* 10:30 a.m.

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**1) NEW MEMBER WELCOME AND THANK YOU'S:**

***1-A: Introduction of the following new members:***

1. Zora Manjencich was appointed on August 31, 2022, as an attorney member of the Fiduciary Board.
2. Nicole Surran was appointed on August 31, 2022, as a public practice member of the Fiduciary Board.
3. Kathryn Blair was appointed on August 31, 2022, as a public practice member of the Fiduciary Board.

***Individual Addressing the Board:*** Deborah Primock

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

1. Emily Kile was an attorney member of the Fiduciary Board from January 1, 2012, through June 30, 2022.
2. Belvet Elsouhag was a public practice member of the Fiduciary Board from August 7, 2019, through June 30, 2022.

***Individual Addressing the Board:*** Deborah Primock

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**2) EXECUTIVE SESSION:**

***Legal Advice on the matter of Patricia Flores***

***Recused: Zora Manjencich***

**ENTERED EXECUTIVE SESSION – 10:37 a.m.**

***Individual Addressing the Board:*** Aaron Nash, Kelly Wagner, Lisa Hauser

***Discussion:*** Update on the matter of Patricia Flores

**ENDED EXECUTIVE SESSION – 11:07 a.m.**

**3) EXECUTIVE SESSION:**

***Legal Advice on Public Meeting Procedures:***

**ENTERED EXECUTIVE SESSION – 11:09 a.m.**

***Individual Addressing the Board:*** Lisa Hauser

***Discussion:*** Brief discussion on Public Meeting Procedures

**ENDED EXECUTIVE SESSION – 11:19 a.m.**

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

***4-A: Review, discussion, and possible action regarding the regular session minutes of the meeting held on May 12, 2022.***

***Individual Addressing the Board:*** Deborah Primock

***Discussion:*** None

***Motion:*** Consideration of and motion to accept the regular session minutes of the meeting held on May 12, 2022.

***Motion Proposals:*** First Elaine Acosta Sweet  
Second Paul Friedman

***Motion Results:*** Pass

***4-B: Review, discussion, and possible action regarding the executive session minutes of the meeting held on May 12, 2022.***

***Individual Addressing the Board:*** Deborah Primock

***Discussion:*** None

***Motion:*** Consideration of and motion to accept the executive session minutes of the meeting held on May 12, 2022, as amended.

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

***Motion Results:*** Pass

***4-C: Review, discussion, and possible action regarding the regular session minutes of the meeting held on June 6, 2022.***

**Individual Addressing the Board:** Deborah Primock

**Discussion:** None

**Motion:** Consideration of and motion to accept the regular session minutes of the meeting held on June 6, 2022, as amended.

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

**Motion Results:** Pass

**4-D:** *Review, discussion, and possible action regarding the executive session minutes of the meeting held on June 6, 2022.*

**Individual Addressing the Board:** Deborah Primock

**Discussion:** None

**Motion:** Consideration of and motion to accept the executive session minutes of the meeting held on June 6, 2022.

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

**Motion Results:** Pass

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**5) PENDING COMPLAINTS:**

**5-A:** *Review, discussion, and possible action regarding complaint numbers 21-0003 and 21-0004 involving license holders Carla Jones and Northern Arizona Fiduciaries, Inc. The Division recommends the Board dismiss the complaint numbers 21-0003 and 21-0004.*

**Individual Addressing the Board:** Janelle Bauserman

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding **Carla Jones and Northern Arizona Fiduciaries, Inc.** have not committed the alleged acts of misconduct as detailed in the Investigation Summary and Probable Cause Analysis and Determination Report in complaint numbers **21-0003** and **21-0004**.

It is further recommended the Board dismiss complaint numbers **21-0003** and **21-0004**.

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

**Motion Proposals:** First Elaine Acosta Sweet  
Second Deborah Primock

**Motion Results:** Pass

**5-B: Update regarding pending complaints.**

**Individual Addressing the Board:** Margaret Lindsey

**Discussion:** As of August 31, 2022, there are 28 open complaints.

The total open complaints number does not include complaints numbers 18-0061 and 20-0003 awaiting hearing and Final Order.

The total open complaints number represent complaints under investigation.

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**6) INITIAL LICENSURE AND ELIGIBILITY:**

**6-A: Review, discussion, and possible action regarding the following applications for initial individual licensure:**

1. The Division recommends that initial fiduciary licensure be granted to Laura Boyack.
2. The Division recommends that initial fiduciary licensure be granted to Justin Cluck.
3. The Division recommends that initial fiduciary licensure be granted to Nina Hadzic.
4. The Division recommends that initial fiduciary licensure be granted to Pharyn Johnson.
5. The Division recommends that initial fiduciary licensure be granted to Patricia Loos.
6. The Division recommends that initial fiduciary licensure be granted to Daniel Roberts.
7. The Division recommends that initial fiduciary licensure be granted to Kallie Knight.

8. The Division recommends that initial fiduciary licensure be granted to Robin O'Connell.
9. The Division recommends that initial fiduciary licensure be granted to Erika Bertoldo.
10. The Division recommends that initial fiduciary licensure be granted to Tiffany Covington.

**Individual Addressing the Board:** Wil Castro

**Discussion:** The following applicants for individual or business entity fiduciary licensure have submitted complete applications demonstrating that they meet the minimum eligibility requirements for licensure. No information has been presented or obtained during the background check which precludes licensure and all applicants have completed the required fiduciary professional training. It is recommended the Board grant initial fiduciary licensure to:

1. Laura Boyack.
2. Justin Cluck
3. Nina Hadzic
4. Pharyn Johnson
5. Patricia Loos
6. Daniel Roberts

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

**Motion Proposals:** First Paul Friedman  
 Second Hon. Jay Polk  
 Recusal Nicole Surran #2

**Motion Results:** Pass

**Discussion:** Division recommends the Board to grant initial fiduciary licensure to Kallie Knight.

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

**Motion Proposals:** First Paul Friedman  
 Second Elaine Acosta Sweet  
 Recusal Hon. Jay Polk

**Motion Results:** Pass

**Discussion:** Division recommends the Board to grant initial fiduciary licensure to Robin O'Connell.

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

**Motion Proposals:** First Paul Friedman  
Second Zora Manjencich

**Motion Results:** Pass

**Discussion:** Division recommends the Board to grant initial fiduciary licensure to Erika Bertoldo with the standard non-disclosure language.

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

**Motion Proposals:** First Elaine Acosta Sweet  
Second Nicole Surran

**Motion Results:** Pass

**Discussion:** Division recommends the Board to grant initial fiduciary licensure to Tiffany Covington with the standard non-disclosure language.

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

**Motion Proposals:** First Paul Friedman  
Second Elaine Acosta Sweet

**Motion Results:** Pass

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**7) RENEWAL LICENSURE AND APPLICATIONS:**

**7-A: Review, discussion, and possible action regarding the following applications for renewal of individual and business entity licensure.**

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|--|------------------------------|
| 1. Harrison Alvarez.                   | 32. Gregory Loughridge       |
| 2. Lyndi Anderson                      | 33. Eric Macdonald           |
| 3. Marlene Appel                       | 34. Anita Mackowiak          |
| 4. Debra Bailey                        | 35. Ellen Majure             |
| 5. Elise Bajohr                        | 36. Anna Martelli            |
| 6. Veronica Benech Temesio             | 37. Rhonda Mayo              |
| 7. Kathryn Blair                       | 38. Giovanni Maytorena       |
| 8. Condit and Associates, LLC          | 39. Stephanie McCollum       |
| 9. Conservators of Arizona, Inc.       | 40. Cecilia Mejia            |
| 10. Susan Cooper                       | 41. Robin Michaelson         |
| 11. Ravie Cundiff                      | 42. Valerie Mills            |
| 12. Graham County Public Fiduciary     | 43. Jacquelyne Mingle        |
| 13. Raena Honan                        | 44. Mohave Estate Management |
| 14. Brett Howard                       | 45. Monarch Fiduciaries, LLC |
| 15. Integrated Fiduciary Services, LLC | 46. Elizabeth Morales        |
| 16. Ivaylo Ivanov                      | 47. Nancy Mueller            |

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|-------------------------|--|
| 17. Nicole Jensen       | 48. Cheri Murray                       |
| 18. Darren Joe          | 49. Cherie Olivas                      |
| 19. Virginia Jones      | 50. Jesenia Ortega                     |
| 20. Emily Kile          | 51. River Ruiz                         |
| 21. Kile Law Firm, PC   | 52. Santa Cruz Public Fiduciary        |
| 22. Michael Klecka      | 53. Scottsdale Fiduciary Services, LLC |
| 23. Edward H. Laber     | 54. Rena Steele                        |
| 24. Edward J. Laber     | 55. William Williams                   |
| 25. Laber & Laber, PLC  | 56. Julie Willinger                    |
| 26. Lori Lashley        | 57. Craig Wisnom                       |
| 27. Charles Latherow II | 58. Melissa Woodburn                   |
| 28. Kathleen Lawson     | 59. Kendall Yates                      |
| 29. Jennifer Leitch     | 60. Tesheena Yazzie                    |
| 30. Clark Leuthold      | 61. Eva Yeager                         |
| 31. Melissa Liebe       | 62. Rachel Yokley                      |

**Individual Addressing the Board:** Tea Bravo

**Discussion:** The following individual license holders and business entities have submitted applications for renewal of standard licensure. The applications are complete, no information has been presented during a background review which is contrary to renewal of standard licensure being granted and the license holders have demonstrated they meet the minimum eligibility requirements for renewal of standard licensure. It is recommended renewal of standard licensure be granted to the following license holders:

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

**Motion Proposals:** First Paul Friedman  
 Second Elaine Acosta Sweet  
 Recusal Nicole Surran-#1, 18, 47; Kathryn Blair #7, 60; Hon Jay Polk-#3, 20, 21, 36 Deborah Primock-#29

**Motion Results:** Pass

**8) LICENSURE AND ELIGIBILITY:**

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

1. The Division recommends the Board accept the request and place Claudia Johnson, license number No. 20528, on inactive status.
2. The Division recommends the Board accept the request and place Sandra A. Paz, license number No. 20504, on inactive status.

**Individual Addressing the Board:** Hal White

**Discussion:** It is recommended that the Board accept the request and place Claudia Johnson, license number 20528, on inactive status effective the first day of the current two-year certification period, contingent on her completing the paperwork and paying the fees.

It is recommended that the Board accept the request and place Sandra A. Paz, license number 20504, on inactive status effective the first day of the current two-year certification period, contingent on her completing the paperwork and paying the fees.

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

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

**Motion Results:** Pass

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**9) EXAMINATION AND ELIIBILITY:**

**9-A: Review, discussion, and possible action regarding request for a third time examination retake for the following examinee Nancy Thornton.**

**Individual Addressing the Board:** Kristina Tuba

**Discussion:** Nancy Thornton took her examination on April 20, 2022, obtaining a score of 54.

On July 9, 2022, the Division received her request to retake the exam on December 21, 2022. Ms. Thornton was unable to register for reexamination in a timely matter due to medical issues related to her husband.

It is recommended the Board accept the request of Ms. Thornton to retake the fiduciary examination on December 21, 2022.

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

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

**Motion Results:** Pass

**9-B: Review, discussion, and possible action regarding request for a fourth time examination retake for the following examinee Jessica DuShane.**

**Individual Addressing the Board:** Kristina Tuba

**Discussion:** The members discussed the applicant's score history on prior exam attempts and suggested additional study and training through her employer may be required to help the applicant pass the exam. A member noted that the Division's study guide is from 2007.

**Motion:** Table the request until the next meeting and invite the applicant to address the board and explain why the next attempt will be successful.

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

**Motion Results:** Pass

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**10) ADMINISTRATIVE ISSUES:**

**10-A: Review and discussion regarding updates to Arizona Code of Judicial Administration §7-201.**

**Individual Addressing the Board:** Aaron Nash

**Discussion:** The Arizona Judicial Council approved an amendment to ACJA 7-201 to formalize the contingent approval process. Under the new language effective now, Boards may, but are not required to direct applicants to be licensed or certified contingent on a clean background report. When the background report arrives following a Board decision and has no deficiencies, the Division will notify the applicant they can begin providing services. If the background report reveals deficiencies, the Division must bring the applicant back before the Board for consideration before the applicant can be authorized to provide services.

**10-B: Review and discussion regarding Arizona Supreme Court rule petition decisions.**

**Individual Addressing the Board:** Aaron Nash

**Discussion:** At its August 23 Rules Agenda, the Arizona Supreme Court approved a rule petition filed by Judge Polk and a rule petition filed by the Division. Both petitions were to amend Probate Rule 45.

Petition R-22-0008 amends Probate Rules 45(c) and (e) to require a conservator to provide statements, appraisals, or other documentation to support his or her initial inventory and to attach to the annual account any HUD-1 or similar settlement statement for any real property that was sold during the account period.

Petition R-22-0019 amends Probate Rule 45 to require a conservator to amend his or her initial inventory before the first account if the conservator discovers additional assets or learns that an asset's value is erroneous or misleading.

The rule changes take effect January 1, 2023.

***10-C: Information update and discussion regarding mileage reimbursement for in-person Board member attendance.***

***Individual Addressing the Board:*** Aaron Nash

***Discussion:*** As more members return to in-person attendance at board meetings this agenda item is a reminder that board members may be reimbursed for their travel to and from the meeting. If your employer does not provide mileage reimbursement and you would like to claim it, complete the AOC's form and return it to Division staff for processing.

***10-D: Review, discussion, and possible action regarding the establishment of the 2023 Board meeting schedule.***

***Individual Addressing the Board:*** Tea Bravo

***Discussion:*** It is recommended to accept the establishment of the 2023 Board meeting schedule.

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

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

***Motion Results:*** Pass

***10-E: Information update regarding Division staffing:***

***Individual Addressing the Board:*** Aaron Nash

***Discussion:*** The Certification and Licensing Division received approval to create a new investigator position and has a legislative budget request for funding to add a second new investigator position. The Division's Complaints and Audit Unit is currently staffed with three full time investigators. Two

vacancies are posted on the Courts' careers page and the Division is interviewing candidates. Once all positions are filled, the complaints and audit unit will have five full-time investigators, which could become six in the next year, in addition to the unit manager. Although it has been difficult to attract qualified candidates, the added staff is intended to complete more investigations and audits in less time.

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## **CALL TO THE PUBLIC**

*To accommodate public requests, the Chair took the Call to the Public out of order from the posted agenda, taking comments after the Executive Session and before the Review and Approval of Minutes agenda items.*

**Individuals Addressing the Board:** Susan Wulff  
Alisa Gray  
Holly Lauder  
Victor Haynes  
Ann  
Michelle Pederson  
Bill Chalmers

Following the call to the public, the Chair directed the Division to review complaint number 18-0063 in the matter of licensed fiduciary Carol Severyn for further appropriate action, if any. Board member Hon. Jay Polk directed the Division to review the Division's processes for systemic problems with sending notification to complainants and to address the question of whether the Board can reopen a completed investigation.

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## **ADJOURNMENT**

**Motion:** Move to adjourn.

**Motion Proposals:** First Paul Friedman  
Second Elaine Acosta Sweet

**Motion Results:** Pass

**Time:** 12:31 a.m.

Initials: AO