



FIDUCIARY BOARD

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

September 12, 2024
10:00 a.m.

Approved Regular Meeting Minutes

MEMBERS ATTENDANCE:

Present:

Hon. Jennifer Perkins - Chair
Elaine Acosta Sweet – Vice Chair

Telephonically Present: Absent:

Diana M. Corry (Joined
@10:12 a.m. left at 11:58
a.m.)
Teresa Lancaster –
(Joined @10:09 a.m.)
Sharon Yates
Jeanette S. Bloss
Zora Manjencich
Hon. Brian Hauser
Deborah Primock
Vinay M. Singh

OTHER ATTENDEES:

AOC Staff:

Aaron Nash
Pasquale Fontana
Janelle Bauserman
Jared Arthur
Lorraine Brown
Shaun Baland
Wil Castro
Téa Bravo
Arnita Oliver

Guests:

David Redkey
Nicole Corona
Susan Wulff
Gary Pope
Heather Bull
Samantha Stirling
Sara Stark
Fiduciary
Mikeaela
Tara Lara
Bill Chalmers
LA Fiduciary Services
Jeanne Gale
Lynda Lowe
Anna Dunham
Elise Adams
Deborah
Rashiel Salem
Michael Volpe
Christopher Leas
T'Shura Ann Elias
SSmith
Adelina Tanner
Kallie Knight
Kelley Wagner
Letty Segovia
1 423...491
Christine Tasopolos
Catherine
Content Coordinators
Alisa Gray
Paula Streit

Mark Hoffman
Fred Chen
Stephanie Sena-Ochoa
Kathryn Blair
Ann Landers

Holly Lawder
Brian Bledsoe
Carla Truman
Heidi Ernst

CALL TO ORDER

Called to Order By:
Time:

Hon. Jennifer Perkins - Chair
10:02 a.m.

1) REVIEW AND APPROVAL OF MINUTES

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

Individual Addressing the Board:

Hon. Jennifer Perkins-Chair

Discussion: None

Motion: Accept the regular session minutes of the meeting held on July 11, 2024.

Motion Proposals: First Elaine Acosta Sweet
Second Sharon Yates

Motion Results: Pass

1-B: Review, discussion, and possible action regarding the executive session minutes of the meeting held on July 11, 2024.

Individual Addressing the Board:

Hon. Jennifer Perkins-Chair

Discussion: None

Motion: Approve the executive session minutes of the meeting held on July 11, 2024.

Motion Proposals: First Elaine Acosta Sweet
Second Zora Manjencich

Motion Results: Pass

Note

Diana Corry and Teresa Lancaster joined after executive session minutes vote.

2) PENDING COMPLAINTS/COMPLIANCE AUDITS

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

Individual Addressing the Board:

Téa Bravo

Discussion: As of August 23, 2024, there are * 69 open complaints and **2 open compliance audits.

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>.*

Elaine Acosta Sweet requested audit outcomes be added to agenda.

2-B: *Review, discussion, and possible action regarding Complaint No. 22-0076, 22-0077, and 22-0078 involving license holders Gila County Public Fiduciary, Tiffany Poarch and Patricia Loos.*

Individual Addressing the Board:

Janelle Bauserman

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Gila County Public Fiduciary, Tiffany Poarch, and Patricia Loos, have not committed the alleged acts of misconduct as detailed in the Investigation Summary in Complaint Number 22-0076, 22-0077, and 22-0078.

It is further recommended the Board dismiss Complaint Number 22-0076, 22-0077, and 22-0078, with prejudice.

Motion: Accept staff's recommendation.

Motion Proposals: First Jeanette S. Bloss
Second Vinay Singh

Motion Results: Pass

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

Individual Addressing the Board:

Janelle Bauserman

Discussion:

Complaint Number 21-0009 involving Nicole Corona (“Corona”) was initially presented to the Board on March 9, 2023. The Board voted to issue Corona a Censure with conditions including probation for one year and a compliance audit conducted by a third-party auditor. The Board directed the Certification and Licensing Division (“Division”) staff to negotiate a Consent Agreement with Corona.

Although Corona declined the initial proposed Consent Agreement, after obtaining counsel, Corona executed the Consent Agreement on August 29, 2023, and the Board executed the Consent Agreement on September 26, 2023.

On February 8, 2024, Corona’s counsel informed the Division that after consulting with a third-party auditor, Corona believed the cost of complying with the Consent Agreement was unmanageable. Corona wanted the Board to consider her voluntarily surrendering her fiduciary license. The Division offered to conduct the compliance audit with Division staff in lieu of Corona paying for a third-party auditor. Corona declined and expressed her desire to negotiate the voluntary surrender of her fiduciary license.

On March 14, 2024, the Board was presented with an Amended Consent Agreement that included terms of censure, transfer, and appointment of all cases for which Corona serves in a fiduciary capacity by June 30, 2024, and voluntary surrender of her fiduciary license. To close or transfer her existing cases, Corona was required to renew her fiduciary license by the end of the renewal period ending May 31, 2024. The Amended Consent Agreement was executed by Corona on March 27, 2024, and by the Board on April 4, 2024.

Corona executed a Voluntary Surrender of License form on May 29, 2024, and forwarded it to the Division.

At the May 30, 2024, Fiduciary Board meeting, Corona presented an update on her progress in closing or transitioning her active cases to another licensed fiduciary. Corona advised the Board that she could not transition all her active cases by the June 30, 2024, deadline. She requested an extension to September 30, 2024, which the Board granted.

Motion: Motion to grant Nicole Corona an extension, until November 14, 2024, and defer until next meeting, requesting Nicole Corona to be present with counsel to provide an update on case closures.

Motion Proposals: First Jeanette S. Bloss
Second Hon. Brian Hauser

Motion Results: Pass

Recusals:

Note: Nicole Corona updated the Board on her progress in closing or transitioning her active cases and requested an extension to the next board meeting of November 14, 2024.

Sara Stark, counsel for Nicole Corona declined to speak.

Janette Bloss asked Corona if she felt it feasible to transfer her remaining cases to another fiduciary and finalize her voluntary surrender, to which the response was no.

Hon. Brian Hauser commented that: If by the next meeting the only action remaining is waiting on the IRS for a tax refund then no further extension should be granted.

2-D: Review, discussion, and possible action regarding Complain No. 23-0027 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 Allegation 1 through 6 as detailed in the Investigation Summary for complaint number 23-0027.

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 suspend Patricia Flores’ fiduciary license for a period of six months, beginning on the date of the Board’s executed final order, and subject to the reinstatement requirements of ACJA §7-201(E)(9).

It is further recommended the Board direct that during the period of suspension, Patricia Flores undergo a compliance audit of her fiduciary

practice. If the compliance audit identifies deficiencies in Ms. Flores' compliance with statutes, court rules, administrative orders, court orders, local rules, the ACJA or other legal or ethical requirements relating to fiduciaries, Ms. Flores must implement a corrective action plan to provide the Board with reasonable assurance that she has cured any deficiencies and is in compliance with all requirements.

It is further recommended that if Patricia Flores is reinstated after suspension, the Board place Patricia Flores on probation for 12-months. After reinstatement, completion of the compliance audit, implementation of any corrective action recommended by the audit, and Board concurrence that Patricia Flores is in compliance and has demonstrated reasonable assurance that she will remain in compliance, the Board may approve the early termination of probation

Motion: Accept staff's recommendation and finding of probable cause, reject the recommendation of suspension, instead issue a letter of censure and accept recommendation to place Flores on 12-month probationary period and compliance audit with related conditions.

Motion Proposals: First Jeanette S. Bloss
Second Teresa Lancaster

Motion Results: Fail

Opposed: Elaine Acosta Sweet, Vinay Singh, Zora Manjencich, Deborah Primock, Hon. Brian Hauser, Sharon Yates, and Diana Corry.

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

Board members requested further information from staff regarding the pattern of lack of cooperation from the license holder.

Motion: Accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Vinay Singh

Motion Results: Pass

Opposed: Jeanette S. Bloss, Teresa Lancaster

2-E: Review, discussion, and possible action regarding Complaint No. 23-0035 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 Allegation 1 through 3 as detailed in the Investigation Summary for complaint number 23-0027.

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 suspend Patricia Flores’ fiduciary license for a period of six months, beginning on the date of the Board’s executed final order, and subject to the reinstatement requirements of ACJA §7-201(E)(9).

It is further recommended the Board direct that during the period of suspension, Patricia Flores undergo a compliance audit of her fiduciary practice. If the compliance audit identifies deficiencies in Ms. Flores’ compliance with statutes, court rules, administrative orders, court orders, local rules, the ACJA or other legal or ethical requirements relating to fiduciaries, Ms. Flores must implement a corrective action plan to provide the Board with reasonable assurance that she has cured any deficiencies and is in compliance with all requirements.

It is further recommended that if Patricia Flores is reinstated after suspension, the Board place Patricia Flores on probation for 12 months. After reinstatement, completion of the compliance audit, implementation of any corrective action recommended by the audit, and Board concurrence that Patricia Flores is in compliance and has demonstrated reasonable assurance that she will remain in compliance, the Board may approve the early termination of probation.

Motion: Accept staff’s recommendation.

Motion Proposals: First Jeanette S. Bloss
Second Teresa Lancaster

Motion Results: Pass

Recusals:

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

2-F: *Review, discussion, and possible action regarding Complaint No. 21-0045 and 21-0046.*

Individual Addressing the Board: Janelle Bauserman

Discussion: It is recommended the Board adopt the Hearing Officer’s Findings of Fact and Conclusions of Law in this matter as detailed in his Report and Recommendation dated July 22, 2024.

It is further recommended the Board:

- a) Issue a Letter of Concern to Flores;
- b) Require that Flores attend three hours of continuing education related to proper accounting principles. Flores will confirm with the Division that she has completed the continuing education. The required three hours of continuing education are in addition to the continuing education requirements in ACJA § 7-202(L)(b)(2)(a).
- c) Require that Flores be placed on probation for 12 months during which time Flores will undergo a compliance audit of her fiduciary practice. The 12 months probationary period begins on the date of the Board's executed Final Order.

Motion: Accept staff's recommendation to adopt the Hearing Officer's Findings of Fact and Conclusions of Law, clarifying that sanctions run concurrent if complaints 23-0027 and 23-0035 take effect, and accept the recommendation to serve a 12-month probation period that starts immediately. License holder shall serve one 12-month probation period total across all complaints.

Motion Proposals: First Jeanette S. Bloss
Second Vinay Singh

Motion Results: Pass

Recusals:

2-G: *Review, discussion, and possible action regarding Complaint No. 22-0059 involving license holder Rashiel Salem.*

Individual Addressing the Board: Pasquale Fontana

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 22-0059.

It is further recommended the Board dismiss complaint number 22-0059, with prejudice.

Motion: Accept staff's recommendation.

Motion Proposals: First Hon. Brian Hauser
Second Teresa Lancaster

Motion Results: Pass

Recusals:

Note: Lynda Lowe addressed the Board.
Anna Dunham addressed the Board.
Rashiel Salem addressed the Board.
Gary Pope addressed the Board on behalf of Rashiel Salem.
T'Shura -Ann Elias addressed the Board.

2-H: Review, discussion, and possible action regarding Complaint No. 22-0069 and 22-0070 involving license holders Southwest Fiduciary, Inc. and Gregory DoVico

Individual Addressing the Board: Lorraine Brown

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Gregory DoVico and Southwest Fiduciary, Inc, have not committed the alleged acts of misconduct as detailed in the Investigation Summary in Complaint Numbers 22-0069 and 22-0070.

It is further recommended the Board dismiss Complaint Numbers 22-0069 and 22-0070, with prejudice.

Motion: Accept staff's recommendation

Motion Proposals: First Elaine Acosta Sweet
Second Sharon Yates

Motion Results: Pass

Recusals: Deborah Primock

2-I: 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 the Board accept the finding of the Probable Cause Evaluator and enter a finding Maricopa County Public Fiduciary, Josephine Jones, Carla Truman, and Stephanie Sena-Ochoa have not committed the alleged act(s) of misconduct as detailed in the Investigation Summary in Complaint Numbers 23-0017, 23-0018, 23-0019, and 23-0021.

The Division further recommends the Board dismiss Complaints Numbers 23-0017, 23-0018, 23-0019, and 23-0021, with prejudice.

Motion: Accept staff's recommendation

Motion Proposals: First Elaine Acosta Sweet

Motion Results: Second Zora Manjencich
Pass

2-J: Review, discussion, and possible action regarding Division Director dismissal Complaint No. 24-0026.

Individual Addressing the Board: Pasquale Fontana

Discussion: The Division recommends the Board affirm the decision of the Division Director to dismiss complaint number 24-0026, as detailed in the Initial Screening Report.

Motion: Move for further investigation.

Motion Proposals: First Elaine Acosta Sweet
Second Hon. Brian Hauser

Motion Results: Pass

Recusals:

Note: Alisa Gray addressed the board.
Holly Lawder addressed the Board.

2-K: Review, discussion, and possible action regarding Division Director dismissal Complaint No. 24-0027.

Individual Addressing the Board: Pasquale Fontana

Discussion: The recommends the Board affirm the Division Director's decision to dismiss complaint number 24-0027 for the reasons detailed in the Initial Screening Report.

Motion: Accept staff's recommendation and affirm the dismissal.

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

Motion Results: Pass

Recusals:

Note: Mark Hoffman addressed the Board.
Paula Streit addressed the Board.

3) INITIAL LICENSURE AND ELIGIBILITY

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

1. *Heidi Hart*
2. *Julie Ruetz*
3. *Mary Stanford*
4. *Stephanie Sena-Ocha*
5. *Barbara Peterson*
6. *Amanda Sigmund*
7. *Paul Deloughery*
8. *Protective Fiduciary, LLC.*

Individual Addressing the Board:

Wil Castro

Discussion: The Division recommends the Board grant initial fiduciary licensure to Heidi Hart 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 staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Sharon Yates

Motion Results: Pass

Individual Addressing the Board:

Wil Castro

Discussion: The Division recommends the Board grant initial fiduciary licensure to Julia Ruetz 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 staff's recommendation.

Motion Proposals: First Sharon Yates
Second Zora Manjencich

Motion Results: Pass

Recusals: Deborah Primock

Discussion: The Division recommends the Board grant initial fiduciary licensure to Mary Stanford contingent on fingerprint results yielding no negative history with a later effective date once the fingerprint results have been confirmed with Division staff, as well as completion of the fiduciary professional training.

Motion: Accept staff's recommendation.

Motion Proposals: First Vinay Singh
Second Hon. Brian Hauser

Motion Results: Pass
Recusals:

Discussion: Sena-Ochoa disclosed her involvement in two civil cases to include a 2014 bankruptcy that contained no adversarial proceedings.

The Division recommends the Board grant initial fiduciary licensure to Stephanie Sena-Ochoa.

Motion: Accept staff's recommendation

Motion Proposals: First Elaine Acosta Sweet
Second Sharon Yates

Motion Results: Pass
Recusals: Vinay Singh

Discussion: The Division recommends the Board grant initial fiduciary licensure to Barbara Peterson with non-disclosure language 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 staff's recommendation

Motion Proposals: First Sharon Yates
Second Deborah Primock

Motion Results: Pass
Recusals:

Discussion: The Division recommends the Board waive and credit under 7-202(E)(1)(a)(3) Amanda Sigmund's experience within the last 10 years, and the Board to grant initial fiduciary licensure to Amanda Sigmund, contingent on her paying the remaining \$500.00 application fee within two weeks of this meeting.

Motion: Accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Teresa Lancaster

Motion Results: Pass
Recusals:

Discussion: Items (7) Paul Deloughery and (8) Protective Fiduciary, LLC will be deferred until next meeting.

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. *Kuol Awan*
2. *Shannon J. Bennett*
3. *Laura Boyack*
4. *John E. Dubrawa*
5. *Sabrina Lamb*
6. *Eloisa Leal*
7. *Elizabeth Morales*
8. *Dawn Shaw*
9. *Melissa T. Woodburn*
10. *Sandra D. Wyrick*
11. *Natalie P. Wasinger*
12. *Carol Ann Thompson*
13. *Veronica Stirnitzke*
14. *Maureen L. Edwards, LLC*

Individual Addressing the Board:

Téa Bravo

Discussion:

It is recommended renewal of standard fiduciary licensure be granted to the following license holders for the 2024-2026 renewal cycle:

1. Kuol Awan
2. Shannon J. Bennett
3. Laura Boyack
4. John E. Dubrawa
5. Sabrina Lamb
6. Eloisa Leal
7. Elizabeth Morales
8. Dawn Shaw
9. Melissa T. Wooburn
10. Sandra D. Wyrick
11. Nataile P. Wasinger

Motion:

Accept staff's recommendation.

Motion Proposals:

First Sharon Yates
Second Elaine Acosta Sweet

Motion Results:

Pass

Recusals:

Vinay Singh # 1, 10, 11

Individual Addressing the Board:

Téa Bravo

Discussion: The Division recommends approval of renewal of standard licensure be granted to Carol Ann Thompson for the 2022-2024 and 2024-2026 renewal cycles.

Motion: Accept staff's recommendation.

Motion Proposals: First Vinay Singh
Second Sharon Yates

Motion Results: Pass

Recusals:

Individual Addressing the Board: Téa Bravo

Discussion: The Division recommends the following: grant a 90-day extension to complete five credits with one hour in ethics, place Stirnitzke on a continuing education audit for the next cycle and approve renewal of Veronica Stirnitzke for the 2024-2026 cycle contingent on complying with the provisions.

The five hours of continuing education completed outside of the 2024-2026 renewal cycle will not be credited to the continuing education requirements applicable to the 2026-2028 renewal cycle.

Motion: Accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Sharon Yates

Motion Results: Pass

Recusals:

Note: Jeanette S. Bloss asked for clarity on how extensions and compliance work.

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends the Board grant Maureen L. Edwards, LLC's 2022-2024 renewal application so that all services rendered during that timeframe remain valid.

The Division further recommends denial of Maureen L. Edwards, LLC's 2024-2026 renewal application with an effective date of 90 days after the Board's final order. The Division's recommendation is to facilitate sufficient time for the business's designated principal to transfer the remaining wards to another licensed fiduciary.

The Division recommends denial under the following Arizona Code of Judicial Administration (“ACJA”) provisions:

- ACJA 7-201(E)(2)(c)(2)(b)(i) for committing material misrepresentation, omission, fraud, dishonesty, or corruption in the application form for improperly listing Whitfield as a Trainee in the Change of Designated Principal Form. Whitfield is ineligible to provide fiduciary services as a trainee under the ACJA.
- ACJA 7-201(E)(2)(c)(2)(b)(iii) has conduct showing the applicant or officer, director, partner, member, trustee, or manager of the applicant is incompetent or a source of injury and loss to the public due to the owner of Maureen L. Edwards, LLC, Whitfield, not fully cooperating with the incoming designated principal, Crane.
- ACJA 7-201(E)(2)(c)(2)(b)(vi) has a denial, revocation, suspension or any disciplinary action of any professional or occupational license or certificate in reference to Whitfield’s recently revoked fiduciary license.
- ACJA 7-201(E)(2)(c)(2)(b)(xii) has violated any decision, order or rule issued by a professional regulatory entity in reference to complaints Nos. 22-0062, 23-0042 and 23-0059 due to Whitfield continuing to provide fiduciary services after the Board revoked her license, requiring her to terminate all fiduciary activities.

Motion: Accept staff’s recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Hon. Brian Hauser

Motion Results: Pass

Recusals:

5) ADMINISTRATIVE ITEMS

5-A: *Review, discussion, and possible action regarding establishment of subcommittee to discuss changes to ACJA 7-201 and/or 7-202 regarding additional protection of wards.*

Individual Addressing the Board: Aaron Nash

Discussion: The Board previously discussed the need to better protect wards when a fiduciary’s license is suspended or revoked. The Division recommends the Board create a subcommittee of members to consider related issues and to propose modifications to ACJA § 7-202 and, if appropriate, § 7-201. Chair

or other Board members can name a subcommittee chair and members. No vote required. The Division can coordinate and staff meetings.

Jeanette Bloss commented that it would benefit the Board and the community to look for ways to ensure wards and estates are transitioned to follow-up services. Recommends establishing a subcommittee to recommend amendments to the applicable code sections.

Hon. Brian Hauser recommends, and Elaine Sweet agrees, that the subcommittee should be composed of individuals who work in the field or who receive fiduciary's services.

Vinay Singh volunteers to join the subcommittee.

Hon. Jennifer Perkins, Chair, appoints Jeanette Bloss as the chair of the subcommittee and suggests that individuals who would like to participate should reach out to Jeanette Bloss or Division staff.

5-B: Division Updates

Individual Addressing the Board:

Aaron Nash

Discussion:

Informational only:

Lorraine Brown-1st presentation.

Shaun Baland recently hired. Investigators are now fully staffed.

CALL TO THE PUBLIC

Individual Addressing the Board:

*Susan Wulff

*Bill Chalmers

ADJOURNMENT

The chair adjourned the meeting at 12:53 p.m.

Initials:

AJO