



# FIDUCIARY BOARD

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

**November 10, 2022**  
**10:30 a.m.**

## **Approve Regular Meeting Minutes**

### **MEMBER ATTENDANCE:**

#### **Present:**

Nicole Surran

#### **Telephonically Present:**

Deborah Primock, Chair

Elaine Acosta Sweet

Sharon Yates

Paul Friedman

Kathryn Blair

Teresa Lancaster

#### **Absent:**

Zora Manjencich

Diana M. Corry

Hon. Jay Polk

### **OTHER ATTENDEES:**

#### **AOC Staff:**

Aaron Nash

Kristina Tuba

Janelle Bauserman

Pasquale Fontana

Hal White

Tea Bravo

Arnita Oliver

#### **Guests:**

JoAnna McDaniel

Robert Murray

Tanya Malos

Jessica DuShane

Theresa Gilsenan

Lena Kalkbrenner

Bill Chalmers

Crystal Painter

Holly Lawder

Mike Bogle

Sam Stirling

Jenni Goldman

Alisa Gray

Nikki

S. Smith

Susan Wulff

Clarissa Ramirez

Lina Garcia

Mark Dangerfield

Dana

Gary Strickland

Claudia Ramirez

Mark Dangerfield

R. Bartholomew

Jeanaine Bartholomew

Josephine M. Jones

Frederick Chen

Tory Roberg

---

**CALL TO ORDER**

*Called to Order By:* Deborah Primock, Chair

*Time:* 10:34 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 September 8, 2022.***

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

***Discussion:*** None

***Motion:*** Consideration of and motion to accept the regular session minutes of the meeting held on September 8, 2022.

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

***Motion Results:*** Pass

***1-B: Review, discussion, and possible action regarding the executive session minutes, part 1 and 2 of the meeting held on September 8, 2022.***

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

***Discussion:*** None

***Motion:*** Consideration of and motion to accept the executive session minutes part 1 and 2 of the meeting held on September 8, 2022.

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

***Motion Results:*** Pass

---

**2) EXECUTIVE SESSION: LEGAL ADVICE:**

**2-A:** *As authorized by ACJA §1-202(C)(5)(c) and (f), discussion or consultation with counsel clarifying representation by the Attorney General's office.*

**Individual Addressing the Board:** Aaron Nash

**Discussion:** Deferred until next meeting

---

**3) PENDING COMPLAINTS:**

**3-A:** *Review, discussion, and possible action regarding Complaint No. 20-0003 involving license holder Patricia Flores.*

**Individual Addressing the Board:** Aaron Nash

**Discussion:** In complaint number 20-0003, the Board filed a Notice of Formal Statement of Charges and Right to Hearing, finding that Patricia Flores violated the Arizona Code of Judicial Administration and other regulatory authorities. The Board's findings included a censure and other sanctions, including a suspension from taking new clients, a probationary period and an audit to be conducted by a third-party.

Flores requested a hearing with the Presiding Disciplinary Judge and a two-day hearing was scheduled. After the first day of hearings, Flores began pursuing a negotiated settlement with the Fiduciary Program. Day Two of the proceedings has been continued to allow the parties to discuss settlement. The Board reviewed the matter at a meeting held on October 18, 2022 and authorized negotiations to continue.

Flores provided a redlined proposed consent agreement on November 9, 2022 that was added to the members' secure site.

**Motion:** Motion to approve the consent agreement subject to footnote changes and allow the Chair to sign on behalf of the board.

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

**Motion Results:** Pass

**3-B:** *Review, discussion, and possible action regarding Complaint No. 18-0061 involving license holder Diane Prescott.*

**Individual Addressing the Board:** Aaron Nash

**Discussion:** In complaint number 18-0061, the Division recommended the Board revoke Diane Prescott’s fiduciary license for violations of the Arizona Code of Judicial Administration and other regulatory authorities. The Board adopted that recommendation and filed a Notice of Formal Statement of Charges and Right to Hearing on May 5, 2022.

Prescott requested a hearing with the Presiding Disciplinary Judge and began pursuing a negotiated settlement with the Fiduciary Program.

The Board reviewed the matter at a meeting held October 18, 2022 and authorized negotiations to continue.

Prescott signed a Consent Agreement consistent with the Board’s stated interests and that document has been provided by Prescott’s counsel for the Board’s consideration.

The Division recommends the Board resolve complaint number 18-0061 by counter-signing the negotiated settlement containing the terms of the agreement.

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

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

**Motion Results:** Pass

**3-C:** *Review, discussion, and possible action regarding Complaint Nos. 20-0011/20-0012/21-0012 involving fiduciary license holders East Valley Fiduciary Services, Michael Bogle and Andrew Stone.*

**Individual Addressing the Board:** Pasquale Fontana

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding that Michael Bogle, Andrew Stone and East Valley Fiduciary Services, Inc. have not committed the alleged acts of misconduct as detailed in allegations 9 through 21 and 24 through 36 of the Investigation Summary and Probable Cause Analysis and Determination Report in complaint numbers 20-0011/20-0012/21-0012.

It is further recommended the Board dismiss allegations 9 through 21 and 24 through 36.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Andrew Stone has committed the alleged acts of misconduct as detailed in allegation 3 of the Investigation Summary and Probable Cause Analysis and Determination Report in complaint numbers 20-0011/20-0012/21-0012.

It is further recommended the Board enter a finding that grounds for informal disciplinary action exist under Arizona Code of Judicial Administration (“ACJA”) §7-201(H)(6)(a) for acts of misconduct as further described in the Investigation Summary and Probable Cause Analysis and Determination Report.

Mitigating Factors:

- Absence of a prior disciplinary record.

Aggravating Factors:

- None.

It is further recommended the Board issue a Letter of Concern to Andrew Stone, license number 20826, under ACJA §7-201(H)(7)(b) and (H)(24)(a)(6)(a).

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Michael Bogle and East Valley Fiduciary Services, Inc. have committed the alleged acts of misconduct as detailed in allegations 1 through 8, 22 and 23 in the limited manner noted, and 37 and 38 of the Investigation Summary and Probable Cause Analysis and Determination Report in complaint numbers 20-0011/20-0012/21-0012.

It is further recommended the Board enter a finding that grounds for formal disciplinary action exist under ACJA §7-201(H)(6)(a) for acts of

misconduct as further described in the Investigation Summary and Probable Cause Analysis and Determination Report.

Mitigating Factors:

- None.

Aggravating Factors:

- A prior disciplinary record.
- Multiple offenses.
- Substantial experience in the profession or occupation.

It is further recommended the Board issue a censure against Michael Bogle, license number 20628, under ACJA §7-201(H)(6)(a), (H)(9), and (H)(24)(a)(6)(b) and direct under ACJA §7-201(H)(24)(a)(6)(f) that Michael Bogle complete a minimum of 5 hours total of continuing education that includes substantive content on court accountings, record keeping, and financial management, providing proof of completion to the Division within 90 days after the Board files the Notice of Formal Charges and Right to Hearing. The 5 hours of continuing education being in addition to the requirements of ACJA §7-202(L)(2).

It is further recommended the Board issue a Censure against East Valley Fiduciary Services, Inc., license number 20592, under ACJA §7-201(H)(6)(a), (H)(9), and (H)(24)(a)(6)(b).

***Motion:*** Motion to defer the matter until next meeting.

***Motion Proposals:*** First Elaine Acosta Sweet  
Second Sharon Yates

***Motion Results:*** Pass

***3-D: Update regarding complaints.***

***Individual Addressing the Board:*** Pasquale Fontana

***Discussion:***

As of November 1, 2022 there are 30 open complaints. The total open complaints numbers do not include complaint numbers 18-0061 and 20-0003 awaiting consent agreement and Final Order.

Complaint numbers 20-0011/20-0012/21-0012 are included in the total open complaints and are before the Board today. The total open complaints number represent complaints under investigation.

---

**4) BOARD-DIRECTED REVIEW AND RESPONSE:**

***4-A: The Division will provide an update on procedures and a review of Complaint No. 18-0063 as directed by Board members following the September 8, 2022 call to the public.***

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

***Discussion:***

Following the call to the public agenda item at the September 8, 2022 Fiduciary Board meeting, Chair Deborah Primock directed that the Division review complaint number 18-0063 in the matter of licensed fiduciary Carol Severyn for further appropriate action, if any. Board member Judge 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.

A memorandum was provided to Board members and Aaron Nash covered the items within the memorandum, including the background related to lack of notification to the complainant in Complaint No. 18-0063, the time it took the Division to assign an investigator and complete the investigation, and the Division's considerations when making a recommendation to the Board. To help explain why the Division failed to provide the complainant with the board's final notice, the Division reported procedural fail points in March of 2022 and internal training and implementation of improvements that were instituted in April of 2022, indicating these current practices should reduce the opportunity for notification errors in the future.

Regarding reopening an investigation, under ACJA 7-201(H)(13), after an investigation has been finalized and documented in the Division's summary and report, gone to the Probable Cause Evaluator, been placed on a board agenda, voted on, and a decision order issued, only the license holder can request a hearing with the Presiding Disciplinary Judge to challenge the outcome. Complainants have no standing to object in this scenario. If the license holder does not request a hearing, the matter is final and there is no provision for the board, the license holder, or the

complainant to revisit the matter. If a subsequent complaint is filed against the license holder, the Division would review if allegations or documentation are new or if they are based on and substantially similar to allegations and an investigation that the Board resolved by final order.

---

**5) INITIAL LICENSURE AND ELIGIBILITY**

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

- 1. Brianna Brandy**
- 2. Clarissa Ramirez**
- 3. Crystal Painter**
- 4. Venessa Sanchez-Santamaria**
- 5. Theresa Gilsenan**
- 6. Anthony Nelson**
- 7. Rebecca Estorga**
- 8. Jo-Anna McDaniel**

**Individual Addressing the Board:** Kristina Tuba

**Discussion:** The following applicants for individual 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. Brianne Brady
2. Clarissa Ramirez

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

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

**Motion Results:** Pass

**Discussion:** Crystal Painter applied for initial fiduciary licensure. The applicant successfully passed the fiduciary program's examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements. The applicant has also attended the fiduciary professional training. Painter provided disclosures

that do not preclude licensure. The Division recommends the Board grant initial fiduciary licensure to Crystal Painter.

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

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

**Motion Results:** Pass

**Discussion:** Venessa Sanchez-Santamaria will be deferred until next meeting

**Discussion:** Theresa Gilsenan applied for initial fiduciary licensure. The applicant successfully passed the fiduciary program's examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements. The applicant has also attended the fiduciary professional training. Gilsenan provided disclosures that do not preclude licensure. The Division recommends the Board grant initial fiduciary licensure to Theresa Gilsenan.

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

**Motion Proposals:** First Elaine Acosta Sweet  
Second Teresa Lancaster

**Motion Results:** Pass

**Discussion:** Anthony Nelson applied for initial fiduciary licensure. The applicant successfully passed the fiduciary program's examination and has submitted a complete application demonstrating that he meets the minimum education and experience requirements. The applicant has also attended the fiduciary professional training. Nelson provided disclosures that do not preclude licensure. The Division recommends the Board grant initial fiduciary licensure to Anthony Nelson contingent on fingerprint results yielding no negative history with a later effective date after the fingerprint results have been confirmed by Division staff.

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

**Motion Proposals:** First Paul Friedman  
Second Sharon Yates

**Motion Results:** Pass

**Discussion:** Rebecca Estorga applied for initial fiduciary licensure. The applicant successfully passed the fiduciary program's examination and has submitted a complete application demonstrating that she meets the minimum education and experience requirements. The applicant has also attended the fiduciary professional training. Estorga provided

disclosures that do not preclude licensure. The Division recommends the Board grant initial fiduciary licensure to Rebecca Estorga.

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

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

**Motion Results:** Pass

**Individual Addressing the Board:** Aaron Nash

**Discussion:** JoAnna McDaniel submitted a completed application and completed the Fiduciary Professional training, and there was no information in the background check that precludes licensure. She has 3 years working under the supervision of a licensed fiduciary, but 2 of the 3 years are outside of the 10-year requirement in the code. The code does not allow the board to change the number of years of experience, but it does allow to go beyond the 10-year lookback period. She is currently a fiduciary with the Gila River Indian Community and has ongoing experience as a fiduciary.

The Division recommends the board credit JoAnna McDaniel's fiduciary experience that was conducted outside the 10-year time frame provided for ACJA §7-202 (E)(1)(B)(1) and recommends approval of her initial fiduciary licensure.

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

**Motion Proposals:** First Teresa Lancaster  
Second Sharon Yates

**Motion Results:** Pass

---

**6) RENEWAL LICENSURE AND APPLICATIONS:**

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

1. *Samuel Anderson*
2. *Apache County Public Fiduciary*
3. *Denise Baldwin*
4. *Amy Bayless*
5. *Jeanette Bloss*
6. *Tracy Boen*
7. *Sidney Brimhall*

8. *Julianne Borgna*
9. *Devin Brown*
10. *Lindsay Brown*
11. *Benjamin Burnside*
12. *Care Coordinators*
13. *Katrina Chavez*
14. *Carole Collins*
15. *Ruth Covey*
16. *Sarah Crotty*
17. *Stacy DeLancey DeLeon*
18. *Elite Fiduciary Service, LLC*
19. *Rhonda Garcia*
20. *Shawn Garner*
21. *Deborah Gilliland*
22. *Cathleen Gray*
23. *Greenlee County Public Fiduciary*
24. *Patricia Grenier*
25. *Eric Haley*
26. *Samantha Hamilton*
27. *Robert Harner*
28. *Alex Harris*
29. *La Paz County Public Fiduciary*
30. *Judy Lackey*
31. *Julie Maier*
32. *Sean McCoy*
33. *Mohave County Public Fiduciary*
34. *Vanessa Nefflen*
35. *Phillip Peek*
36. *RLH Fiduciary, LLC.*
37. *Catherine Robbins*
38. *Errica Schoolmeester*
39. *Vonda Schraner*
40. *Schraner Fiduciary Services, LLC.*
41. *Denice Shepherd*
42. *Marion Shontz*
43. *Stephanie Smith*
44. *Nicole Surran*
45. *Lauren Talkington*
46. *Adelina Tanner*
47. *Beverly Tencza*
48. *Michael Tucker*
49. *Dorothy Valley*
50. *Valley Consulting, LLC.*
51. *Peggy VanNorman*
52. *Jeanne VatterottGale*
53. *Cynthia Wahlin*

- 54. *Natalie Wasinger*
- 55. *Patricia Weiss*
- 56. *Christine Wells*
- 57. *FM Westra*
- 58. *Yavapai County Public Fiduciary*
- 59. *Katherine Trojahn*
- 60. *Tina Brooks*
- 61. *Wendy Cohill*
- 62. *Rocio Farrell*
- 63. *Amanda Goldstein-Klokov*
- 64. *Amy Goodwin*
- 65. *Glenn Hall*
- 66. *AnnMarie Lander*
- 67. *Tara LowmanRojas*
- 68. *Taisha Maclin*
- 69. *Toni McBain*
- 70. *Rachel Murguia*
- 71. *Dora Pedrego*
- 72. *Mary Trevillian*
- 73. *Ellen Riddick*
- 74. *Vinay Singh*
- 75. *Margaret Taylor*
- 76. *Carla Truman*
- 77. *Amanda Ubiebor*
- 78. *Sandra Wyrick*

**Individual Addressing the Board:** Tea Bravo

**Discussion:** The listed 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. The Division recommends renewal of standard licensure be granted to license holders 1 through 58 with the exception of 27, 36 and 44 being deferred until next meeting.

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

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

**Motion Results:** Pass

**Individual Addressing the Board:** Tea Bravo

**Discussion:** Katherine Trojahn applied for renewal of fiduciary licensure. The applicant has submitted a complete renewal application and the applicant's background has been investigated for the renewal period. Trojahn provided disclosures that do not preclude licensure. The Division recommends renewal of standard licensure be granted to Katherine Trojahn.

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

**Motion Proposals:** First Elaine Acosta Sweet  
Second Sharon Yates

**Motion Results:** Pass

**Individual Addressing the Board:** Tea Bravo

**Discussion:** The license holders listed as numbers 60 through 78 submitted applications for individual fiduciary licensure. The applicants have submitted complete renewal applications and the applicants' backgrounds have been investigated for the renewal period.

The applicants marked "Yes" to the background questions number 19 and 20. All applicants disclosed to the Division that their employer has/had a complaint filed against the business license within the renewal period. The Division has determined this should not deter the renewal of the license holders.

The Division recommends renewal of standard individual licensure be granted to applicants 60 through 78.

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

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

**Motion Results:** Pass

---

## 7) EXAMINATION AND ELIGIBILITY:

**7-A:** *The Board requested to interview applicant Jessica DuShane regarding the request for permission to retake licensure examination. Review, discussion, and possible action regarding request for a fourth time examination retake.*

**Individual Addressing the Board:** Kristina Tuba

- Remarks from Jessica DuShane

**Discussion:** The Division recommends that Jessica DuShane be allowed to retake the licensure examination.

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

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

**Motion Results:** Pass

---

## 8) ELECTION OF VICE CHAIR

**8-A:** *Under ACJA §7-201(I)(3)(b), the members are to elect a vice chair to a specified term.*

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

**Discussion:** Elaine Acosta Sweet has been nominated to serve as vice chair through June 30, 2025.

**Motion:** Motion to accept Elaine Acosta Sweet to serve as vice chair through June 30, 2025.

**Motion Proposals:** First Paul Friedman  
Second Sharon Yates

**Motion Results:** Pass

---

## CALL TO THE PUBLIC

The Chair ordered a Call to the Public during agenda item 3-C.

**Individuals Addressing the Board:**

- Susan Wulff
- Bill Chalmers
- Mark Dangerfield

The Chair ordered a Call to the Public during agenda item 4-A.

**Individuals Addressing the Board:**

- Robert Murray
- Alisa Gray

- Frederick Chen

The Chair ordered a Call to the Public at the end of the meeting.

***Individuals Addressing the Board:***

- Susan Wulff
- Holly Lawder
- Bill Chalmers

---

**ADJOURNMENT**

***Motion:*** Move to adjourn.

***Motion Proposals:*** First Elaine Acosta Sweet  
Second Sharon Yates

***Motion Results:*** Pass

***Time:*** 12:57 p.m.

Initials: AO