

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
INVESTIGATION SUMMARY and PROBABLE CAUSE ANALYSIS
and DETERMINATION REPORT**

<i>CERTIFICATE HOLDER/LICENSEE INFORMATION</i>	Certificate Holder:	Carla Jones
	Certification Number:	20276
	Business Name:	Northern Arizona Fiduciaries, Inc.
	Certification Number:	20198
	Type of Certificate/License:	Individual, Business
<i>COMPLAINANT INVESTIGATION INFORMATION</i>	Name:	Cheryl Gilchrist
	Complaint Number:	18-0056
	Investigator:	Pasquale Fontana
Complaint Received:		October 11, 2018
Complaint Forwarded to the Certificate Holder:		October 30, 2018
Certificate Holder/Licensee Received Complaint:		November 5, 2018
Response From Certificate Holder:		December 17, 2018
Period of Active Certification/Licensure:		November 8, 1999 – Present (Carla Jones)
Period of Active Certification/Licensure:		April 19, 1999 – Present (Northern Arizona Fiduciaries, Inc.)
Status of Certification/License:		Active/Active
Availability of Certificate Holder/Licensee:		Available
Availability of Complainant:		Available
Report Date:		October 30, 2020

ALLEGATIONS:

1. Carla Jones does not have enough licensed fiduciaries and is not meeting the guardianship visitation requirements.

ADDITIONAL ALLEGATIONS:

2. Carla Jones filed annual guardian reports with the Court that were misleading, inaccurate, and/or contained misrepresentations or omissions of material facts.

List of sources for obtaining information: (Investigative, records, outside resources, etc.):

- Written Complaint and documentation submitted by Complainant, Cheryl Gilchrist (“Gilchrist”);
- Written Response and documentation submitted by license holder, Carla Jones (“Jones”), Owner and Designated Principal of Northern Arizona Fiduciaries, Inc. (“NAF”), by and through counsel, Terrance P. Woods (“Woods”), Broening Oberg Woods & Wilson;
- Review of applicable Certification and Licensing Division (“Division”) records;
- Review of applicable sections of Arizona Revised Statutes (“A.R.S.”), Arizona Codes of Judicial Administration (“ACJA”) §§ 7-201, 7-202, and 3-303 and the Arizona Supreme Court Rules including the Arizona Rules of Probate Procedure;
- Review of records, Arizona Superior Court, Yavapai County, involving Stephen Russell (“Stephen”), probate cause number, P1300GC201500070;
- Correspondence with Dr. Stephen J. Nemmers, Ph.D., (“Dr. Nemmers”), Director of Monitoring Operations, Affiliated Monitors, Inc. (“AMI”);
- Compliance monitoring reports from AMI;
- Interview with Cheryl Gilchrist;
- Interview with Carla Jones;
- Interview with Phil Grant (“Grant”).

PERSONS INTERVIEWED:

1. Cheryl Gilchrist
2. Carla Jones
3. Phil Grant

SUMMARY OF INVESTIGATION:

NAF was appointed temporary guardian of and conservator for subject ward/protected person, Stephen, on or about January 7, 2016. NAF was appointed permanent guardian of and conservator for Stephen on or about April 7, 2016.

Stephen was residing with his biological father and family until approximately June 29, 2016 after which the guardian moved Stephen into his mother’s home and care. In late July 2019, Stephen was relocated to a group home facility in Phoenix, AZ.

Gilchrist, Stephen’s mother, alleged that Jones and NAF failed to meet fiduciary standards regarding guardianship visits because Jones rarely visits Stephen and does not have a relationship with him. Gilchrist said Jones sends her support staff to do what Jones should have been doing. Gilchrist stated Jones is the only licensed fiduciary at NAF and Gilchrist thinks NAF staff should be licensed if they work with vulnerable clients.

Jones said she conducts guardianship visits with all her wards on a quarterly annual basis and sees wards a minimum of four times per year, barring emergencies or pressing matters. Jones said since January 2019 or March 2019, she has increased the routine ward visitation schedule to once every five or six visits per year. She maintains that she is compliant with the requisite visitation provisions contained in the ACJA. Jones utilizes her support staff to work with the families and said Stephen's case required considerable time and resources.

SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:

Complaint

Gilchrist said that she is the primary caregiver for her 25-year old incapacitated son, Stephen. Regarding NAF, Gilchrist said there are "a few workers who are not licensed fiduciaries. I don't feel right about it." She said Jones is the only licensed fiduciary "in the building" and her staff, Pam Smith ("Smith") and Julee Pierson ("Pierson"), are not licensed but are working for the fiduciary. Gilchrist stated, "As a mother I find this wrong, they should be licensed." Gilchrist said Jones is not in the office for a week and there is no one at the office who is licensed. Gilchrist said Jones does not have a relationship with Stephen because she only comes to the house whenever there are "complaints."

Fiduciary's Response to Complaint

Jones, by and through her attorney, Woods, provided a written response to the complaint. Jones said the activities performed by non-licensed employees of NAF, on Stephen's behalf, are services which did not require a license, stating, "There is no statute or regulation which prohibits delegation of these tasks to non-licensed personnel under the supervision of the unlicensed [sic] fiduciary." Jones said the administrative expenses to the ward's estate are "significantly controlled by the use of personnel with a lower billing rate."

In the response, Jones included an email she sent to Woods, dated December 3, 2018, wherein she wrote that Gilchrist comes to NAF on the first and fifteenth of each month to pick up a Fry's Foods grocery card and she often brings Stephen with her and Jones will "chat" with them. Jones said she does not normally make a time entry or bill for this. Jones wrote that Stephen came to NAF on November 26, 2018, and she went to Stephen's residence on September 6, 2018. Jones said NAF had another licensed fiduciary, Terra Kirk¹ ("Kirk"), overseeing Stephen's case, but Kirk relocated to Idaho on July 20, 2018. Jones said her associate, Pierson² sees Stephen twice per week for various appointments.

¹ Division records demonstrate the Fiduciary Board granted initial licensure to Terra Kirk on or about September 7, 2017.

² On July 11, 2019, the Fiduciary Board granted initial licensure to Julee Pierson.

Jones said, “to keep administrative expenses down, as this case requires an unusually high amount of oversight to make it successful, my visits with Stephen are briefly when they come in the office for the card.” Jones said she has attended in home meetings with the Department of Economic Security’s Department of Developmental Disabilities (“DDD”) every quarter in 2017 prior to Kirk coming back and managing the case.”

NAF Licensed Fiduciaries

Cheryl Gilchrist

In her interview, Gilchrist told Division staff that when her family initially got involved with NAF, Jones had other licensed fiduciaries working at NAF. Gilchrist did not know if other licensed fiduciaries were currently employed by NAF. She said it was her understanding that Beverly Gloden³ (“Gloden”) was a licensed fiduciary for NAF but several years ago her fiduciary license was revoked although Gloden continues to “work amongst clients.”

Gilchrist said NAF staff, Pierson, and others are not licensed employees, but they also work with clients. Gilchrist stated, “I found that kind of odd that Carla [Jones] would allow the non-licensed fiduciaries to work around with the clients.” Gilchrist said she thinks every staff member at NAF who works with vulnerable people should be licensed.

Carla Jones

In the response to the complaint, dated February 19, 2019, Jones confirmed she was currently the only licensed fiduciary at NAF.

In her interview, Jones told Division staff when Gloden was a licensed fiduciary, at the same time, NAF employed licensed fiduciary, Kirk, until she left NAF in July 2018. Jones said the only time she was the sole licensed fiduciary at NAF was after July 2018 and said she remained the only licensed fiduciary until Pierson was granted licensure.

Jones was asked if her ability to discharge any of her fiduciary responsibilities was affected in any way while she was the only licensed fiduciary to which she replied, “I believe I carried out my duties accordingly.” Jones said she has “great support staff” who have been with her for years and all function as a team. Jones said she supervises her staff and did not think “anything got out of hand or fell through the cracks” during that time.

³ On September 23, 2016, involving Complaint Nos. 16-0006/16-0007, the Fiduciary Board voted to accept a Consent Agreement to Emergency Summary Suspension for misconduct related to Gloden giving an elderly ward a prescription medication that was not prescribed to the ward but was prescribed to Gloden. On November 16, 2017, the Board ordered the revocation of Gloden’s fiduciary license and issued a cease and desist order enjoining Gloden from representing herself to the public as a licensed fiduciary.

Jones said Pierson, now a licensed fiduciary, can assist with reviewing and signing of documents and she “would be able to do some of the fiduciary visits as a fiduciary visit verses as a care coordinator, care management visit.”

Fiduciary/Guardian’s Visits

Cheryl Gilchrist

Gilchrist told Division staff when Jones first placed Stephen into her home and care, Jones came by the residence to take him to medical appointments, “but it seemed like she stopped it...coming over to see how the client was doing and just having a good relationship with him like every other ward and guardian has.” Asked how often Jones visited the home to see Stephen over the last year and previous year, Gilchrist said, “her [Jones] excuse was to me...it would be too expensive for me to come and see him, meaning that she would charge Stephen an arm and a leg for her to come by to see him...she told me that she would have to charge Stephen a lot of money for her to stop by to see how he’s doing.” Gilchrist said, in one instance, she asked Jones, “well, what’s the point of being his guardian if you’re not going to take an effort to come by and see him, like you should?”

According to Gilchrist, Jones came to the family residence to see Stephen “about once every 7 months” and said the only time Jones came to see him was whenever there was a “complaint.” Gilchrist clarified that a “complaint,” for example, was if a doctor’s office thought Stephen’s toenails were not clipped or if they thought he smelled of urine. Gilchrist said she is very attentive to her son’s nails and hygiene. Gilchrist stated in those instances of a “complaint” reaching Jones, she would come over and talk to Gilchrist “and that was the only way that she would ever come over.” Instead of Jones personally visiting Stephen, Gilchrist said Jones sent NAF staff, Smith or Pierson “for doing what Carla [Jones] should have been doing.” Gilchrist said Jones came to the home to attend case meetings with the DDD representative which occurred every six months initially and, later, annually.

Gilchrist was asked whether she ever specifically requested that Jones visit Stephen to which she replied, “I have. I’ve emailed her, and she told me that if she came out to see Stephen, she would be charging Stephen a lot of money.” Gilchrist stated, “a few times I got aggravated with her. I said why won’t you come out to see your client because he’s paying you to do that.” According to Gilchrist, Jones reiterated the higher cost to the estate which is why Jones instead sent Smith and/or Pierson instead of Jones personally coming to see Stephen.

From January 1, 2019 through July 30, 2019, after which Stephen was moved out of Gilchrist’s home in Prescott, AZ, and was relocated to a group home in Phoenix, Gilchrist said Jones came to see Stephen “maybe...once every four months.” Gilchrist recounted that in 2019, Stephen’s doctor changed Stephen’s medication which helped stabilize his behaviors. Gilchrist thought it would be a good idea for Jones to see Stephen and “just talk

to him,” but said Jones restated that for her to come by “to sit down” with Stephen would cost the estate money “so it was like, okay, whatever.”

Gilchrist said because Stephen had no relationship with Jones, when Stephen and Gilchrist stopped by the NAF office and Jones came out to greet him and ask how he was doing, Stephen would not pay any attention to Jones because “he barely knows her.” Gilchrist said there were occasional meetings with Jones held at NAF’s office.

Regarding Gilchrist’s comments, in the complaint, that while Jones was out of the office there was no licensed staff available, Gilchrist was asked if she experienced any difficulty reaching Jones, if needed. Gilchrist said she typically had to go through NAF staff, but Gilchrist would reach Jones. Gilchrist said during the first year Stephen was in her care, in 2015 or 2016, Jones took several vacations and would be gone for a couple of weeks each time. During those periods when Jones was away, Gilchrist said, if needed, she would call NAF and staff would communicate with Jones via text messages and if Jones “felt a need to call, then she would” but sometimes Gilchrist would not hear directly from Jones for several weeks. Gilchrist said NAF staff was available. Gilchrist denied having any problems reaching Jones during any emergencies.

The Division notes that NAF billing records, entry date May 9, 2018, document Gilchrist asking NAF staff why Jones does not have more involvement with Stephen since she is the guardian.

Carla Jones

In her interview, Jones was asked how important it was for her, as guardian, to personally visit her wards to which she replied, “crucial, it’s important.” Regarding the purpose and benefits of conducting home visits with Stephen or other NAF wards, Jones said she wants to see the home environment to see if it is clean, determine who else lives in the home and whether those individuals are authorized to live there, and to ensure the placement is safe and proper for the ward(s).

Asked how often she visits NAF’s wards, including Stephen, Jones said she visits “at least quarterly” and that for the last nine months she has implemented a visitation frequency of once every five or six weeks based on the recommendations of the compliance monitor⁴ who has been involved with NAF. Jones said the compliance monitor recommended monthly visits with wards “as best practices, but my reading of the rules say quarterly is the rule.” Questioned if she agreed with the compliance monitor’s recommendations to

⁴ At the conclusion of Director Initiated Complaint No. 17-0004, on May 21, 2018, the Fiduciary Board entered into a Consent Agreement with Jones and NAF which included, but was not limited to, terms of two years of probation and compliance monitoring by an independent and qualified monitor. Affiliated Monitors, Inc. was contracted to oversee the monitoring. Former public fiduciary/attorney, Phil Grant, was contracted to conduct the compliance monitoring.

increase visitation with wards, Jones simply said the compliance monitor agrees it is “best practices.” Jones said visits with wards could happen more frequently particularly if “there’s things going on with the case but most of my cases are stable, there’s not a lot of change in them so on one hand there’s an increase in the fees to go monthly but it’s best practices or code is quarterly.”

Jones added that Gilchrist came to NAF’s office on the first and fifteenth of each month to pick up a Fry’s gift card and “many times” would bring Stephen with her. Jones said, “so, although I may not have done a home visit, that didn’t mean I didn’t see Stephen.” Jones said Stephen is “very severely disabled” and when Gilchrist came to NAF, Jones would greet them, ask Stephen how he was doing, and offer him a piece of candy.

Jones was asked whether she considered a “walk-in” visit to NAF’s office a fiduciary visit. She said it would not constitute a home visit, but she may consider it a fiduciary visit “depending on the topic and what we spoke about that time and if I had other qualified representatives who have been in the home recently and have reported that there were issues that maybe I need to go see. We have people in the homes sometimes weekly, sometimes every other week. Although it might not be myself, it’s a qualified representative of my company.”

Asked what circumstances or issues would prompt her to go out to see Stephen more than quarterly, Jones cited one example when NAF received reports that other family members were “sneaking in at night,” living at the house, and using the resources NAF provided for Stephen. She said that would cause her drive by and make unannounced visits. Jones also said any concerns for abuse in general would cause or prompt a fiduciary visit.

Jones said Stephen is the youngest ward on her caseload and is the individual with the highest needs who she said requires most of NAF’s time and resources. Jones said the ward with the second highest need level below those of Stephen’s needs, lives independently and participates in a work program. Jones said NAF had to “micro-manage this case to make it a success, so we’ve had a lot of involvement with him...”

Jones described periods when Stephen has been unstable, which she said, “comes and goes” and occurs every several months. During those periods, Jones said Stephen displays maladaptive, combative, and aggressive behavioral outbursts including throwing food, punching walls, pushing and lashing out at his mother, threatening or possibly hitting his mother and/or her partner with a broom, ripping down curtains, punching or scratching himself, and making inappropriate sexualized requests of other service providers. Jones said Gilchrist may not have always been immediately forthcoming with reporting behavioral outbursts out of fear that Jones may remove Stephen from Gilchrist’s care.

Asked if her awareness of Stephen’s difficulties and aggressive behavioral outbursts would cause her to consider attending the family home and assessing him and his environment on

a more regular basis, Jones stated, “yes and then writing her [Gilchrist] a letter or having a phone call with her about that...it was just a struggle to try to keep the family together, which we tried very, very hard to do...” She said continuous challenges and complications arose resulting in NAF re-evaluating the case and making the decision to move him out of the family home.

Given Stephen’s needs and complex behaviors, as described by Jones, she was asked how she determined how often she should see Stephen in his home. Jones said, “depending on the circumstances, and we discussed that, if there’s unusual or extraordinary circumstance” adding that NAF has facilitated and attended many medical appointments. Jones stated, “I’m sorry, there’s not a set policy that I have for that” and restated that she has implemented an increased visitation schedule since January or March of 2019.

Based on Jones’ practice of conducting quarterly annual fiduciary visits with all wards, including Stephen, she was asked how she could be assured Stephen’s needs were being met. Jones stated, “I’m supervising my staff...they’re qualified representatives of my firm.” Asked if she, as the sole qualified licensed fiduciary, could more aptly assess Stephen’s needs in lieu of relying broadly on the assessments and information provided to her by non-licensed support staff, Jones said she goes out to visit Stephen, reviews medical reports, attends DDD case planning meetings, has attended appointments with Stephen’s speech and language therapist, and relies on Gilchrist because “she’s forthcoming.”

Jones said that she and NAF “always are cognizant of our fees in a case, as well” but Jones denied that fiscal considerations affected or drove practice decisions regarding visitation. She said, “if there’s a need...I’ll see my wards when I need to see them or at least quarterly or more as their case dictates...” As to any specific request from Gilchrist for Jones to come out and visit Stephen, Jones said she would “absolutely” respond by going to the home and visiting. Jones denied Gilchrist made any such request and that Jones did not go out to the home.

During the interview, Division staff reviewed, with Jones, a summary of NAF’s billing records, which reflect the number of fiduciary visits Jones/NAF made with Stephen for years 2017 through 2019.⁵ Records demonstrate Jones conducted two fiduciary visits⁶ in 2017; four fiduciary visits in 2018, of which two fiduciary visits were at Stephen’s home and two were office visits at NAF; and two home visits and two medical related appointments in 2019.

⁵ The Division reviewed the period from January 1, 2019 through July 30, 2019, after which Stephen was relocated to Phoenix, AZ.

⁶ At the time of interview, Division staff understood Jones went to Stephen’s home on March 9, 2017 and June 6, 2017 for meetings with DDD representatives. Upon further review of records, Division staff later noted that Jones attended Stephen’s home on June 14, 2017, after learning Stephen had fallen in the shower.

In response Jones replied, “and that’s one thing we are working on improving and that we have really learned from our monitor to just really increase those and tracks those and we’ve implemented new policies so that has definitely changed since then, moving forward.” Jones indicated that, in addition to her fiduciary visits, Kirk may have attended to Stephen’s home. Jones said Kirk’s visits would be documented in the billing records.

Affiliated Monitors, Inc.

As previously noted in Footnote 4 (Page 6) of this Investigation Summary, as part of the Consent Agreement’s terms of probation and compliance monitoring, AMI submitted reports⁷ to the Division, dated January 21, 2019; May 14, 2019; August 8, 2019; and October 31, 2019.

Germaine to the guardian’s visitation to NAF wards, in the four reports, AMI documented, pertinently:

- 1) January 21, 2019 (Compliance Monitor visit December 19, 2018):
 - Jones typically limits her protected persons’ visits to the four times per year minimum and employed a visit schedule of two days per quarter.
 - Recommendations made: As a best practice, routine visits should be made to protected persons on a monthly basis.

- 2) May 14, 2019 (Compliance Monitor visit March 7, 2019):
 - NAF does not appear to have a set routine for visits. Jones typically limits her protective persons’ visits to the four times per year minimum.
 - Recommendations made: As a best practice, routine visits should be made to protected persons on a monthly basis and all such visits should be documented.

- 3) August 8, 2019 (Compliance Monitor visit June 20, 2019):
 - NAF does not appear to have a set routine for visits. Jones typically limits her protective persons’ visits to the four times per year minimum.
 - Recommendations made: As a best practice, routine visits should be made to protected persons on a monthly basis and all such visits should be documented. [Pending] [sic]

⁷ Compliance monitoring and subsequent reports examined NAF’s overall practices and procedures and did not comment specifically on any probate case involving Jones/NAF as Court-appointed fiduciary.

4) October 31, 2019 (Compliance Monitor visit September 26, 2019):

- NAF has increased the frequency of Fiduciary visits. The principal, Jones, typically limits her protected persons' visits to the four times per year minimum.
- While all protected persons may not be visited monthly, they are all visited substantially more frequently than the four times per year.
- Recommendations made: As a best practice, routine visits should be made to protected persons on a monthly basis and all such visits should be documented. [Partially implemented] [sic]

Jones' statements to Division staff that in January 2019 or March 2019, she implemented an increase in the guardian's visits to wards from quarterly annual visits to once every five or six weeks, were not supported by AMI's reports, referenced above. AMI's reports show that at the time of the compliance monitor's June 20, 2019 visit to NAF, reported date August 8, 2019, Jones and NAF had not yet implemented the increase in visitation schedule.

Dr. Stephen Nemmers

Division staff contacted Dr. Nemmers of AMI, via email. He confirmed that at the time of the compliance monitor's June 20, 2019, visit to NAF, report dated August 8, 2019, the fiduciary's four times per year visitation cycle was still in effect. Dr. Nemmers said the reason for the "pending" status on the report was that with the addition of a second fiduciary (Pierson, monthly visits appeared to be "do-able."

Phil Grant

Division staff contacted compliance monitor, Grant. He said based on the provisions of the ACJA § 7-202, he believes the industry standard for fiduciary/guardian visits to wards is a minimum four visits per year, therefore Jones meets the minimum standard. Grant said he is also aware of provisions in ACJA §3-303 (Statewide Fee Guidelines) that allow fiduciaries to bill for twelve routine annual guardian's visits.

Grant opined that fiduciaries should be directly seeing their wards monthly to assess the ward's physical condition and home environment because visits to the ward and home are an important function of the guardian's role. Grant said he has recommended to Jones that NAF increase the ward visitation schedule and said NAF is beginning to implement that recommendation with the addition of second licensed fiduciary, Pierson.

Grant said Pierson, prior to licensure, was going out to see wards but was doing so as support staff and not as a licensed fiduciary. He said Pierson has now been licensed (July

11, 2019) so NAF can and has been increasing the visitation and Pierson has been making monthly visits to wards.

Grant stated he had not reviewed NAF's Annual Report of Guardian, filed with the Court, involving Stephen.

Annual Report of Guardian

As previously noted on Page 8 of this Investigation Summary, during the interview with Jones, Division staff reviewed the Annual Report of Guardian ("ROG") Jones/NAF filed with the Court on March 7, 2017, reflecting the guardian's visits for 2016; and the ROG that NAF filed with the Court on November 13, 2018, reflecting visits in 2017 and possibly 2018.

Sections 2 and 3 of the ROG filed on March 7, 2017, state, pertinently:

2. The Guardian or Licensed Fiduciary for the guardian has seen the Ward Twenty-Nine (29) times in the last twelve (12) months.
3. The Guardian last saw the Ward on the following date: **December 14, 2016.** [original emphasis]

Sections 2 and 3 of the ROG filed on November 13, 2018, state, pertinently:

2. The Guardian or Licensed Fiduciary for the guardian has seen the Ward Seventy (70) times in the last twelve (12) months.
3. The Guardian last saw the Ward on the following dated: **October 24, 2018.** [original emphasis]

The language, as it appears in Section 2 of the respective ROGs, referenced above, informs the Court the number of times *The Guardian or Licensed Fiduciary for the guardian* [emphasis added] has seen the ward annually. Likewise, Section 3 of the ROGs stated *The Guardian last saw the Ward...* [emphasis added].

Jones was asked about the information reported to the Court in the two ROGs regarding the number of times the guardian or licensed fiduciary for the guardian visits the ward, and the statements she made to Division staff regarding conducting the minimal quarterly annual visits. Jones said, "when we refer to guardian, we refer to Northern Arizona Fiduciaries being the guardian, so it could have been a representative or a licensed fiduciary."

NAF Billing Records

The following is a summary generated from NAF's billing records that were attached with the fiduciary's annual conservator's accountings filed with the Court. This summary abbreviates the number of fiduciary visits with Stephen from January 2016 through July 2019. It also includes the number of times NAF support staff went to the home for various reasons including, but not limited to, welfare checks on the ward, shopping, transportation to and from numerous medical and other appointments, setting up weekly medication in pill organize.

2016:

- Carla Jones: Fiduciary
 - Nine home visits;
 - One medical appointment;
 - One NAF office visit.
- Beverly Gloden: Fiduciary
 - Eighteen home visits;
 - Eight medical or other appointments.
- NAF support staff
 - Thirty-three visits.

2017:

- Carla Jones: Fiduciary
 - Three home visits.
- Terra Kirk: Fiduciary
 - Four home visits.
- NAF support staff
 - Seventy-six visits.

2018:

- Carla Jones: Fiduciary

- Two home visits;
- Two NAF office visits.

- Terra Kirk: Fiduciary
 - One home visit;
 - One medical appointment.

- NAF support staff
 - Fifty-two visits.

2019 (January through July):

- Carla Jones: Fiduciary
 - Two home visits;
 - Two medical visits.

- NAF support staff
 - Twenty-nine visits.

ANALYSIS OF ALLEGATIONS:

Allegation 1: Carla Jones does not have enough licensed fiduciaries and is not meeting the guardianship visitation requirements.

Gilchrist's allegation consists of two elements. One involves the quantity of licensed fiduciaries employed by Jones/NAF. The second proposes that the fiduciary failed to meet acceptable practice standards regarding guardianship visits to the ward.

Regarding the first element, there are no statutory or regulatory provisions mandating the number of licensed fiduciaries that must or should be employed by any given fiduciary business. Likewise, there are no provisions regarding the number of support staff or professionals that must or should be employed or contracted by any fiduciary business entity.

As noted previously in this Investigation Summary, Jones and Gloden were both licensed fiduciaries at NAF until on or about September 23, 2016, when the Fiduciary Board summarily suspended Gloden's fiduciary license for an act(s) of misconduct (See Footnote 3). The Board subsequently revoked Gloden's fiduciary license on or about November 16, 2017

Jones told Division staff that NAF employed licensed fiduciary, Kirk, at the same time Gloden was licensed. Jones said the only time she was the only licensed fiduciary at NAF was from about July 18, 2018, after Kirk left NAF, until Pierson was granted licensure. However, Jones' statements are not supported by Division records and timeline.

However, records demonstrate there were two periods when Jones was the sole actively licensed fiduciary at NAF. The first period was from on or about September 23, 2016, after Gloden's fiduciary license was summarily suspended by the Fiduciary Board, until on or about September 7, 2017, when Kirk was granted initial licensure as a fiduciary. While Gloden's license was suspended and before Kirk was granted initial licensure, Jones was the sole actively licensed fiduciary. The second period was after Kirk left NAF on or about July 18, 2018, until Pierson was granted initial licensure on or about July 11, 2019. Each of the respective periods when Jones was the exclusive licensed fiduciary at NAF spanned a duration of approximately one year.

The second element of Gilchrist's allegation is concerned with whether Jones fulfilled her fiduciary obligations regarding the guardian's visits to the ward. Gilchrist complained that Jones sent NAF support staff and "doing what Carla [Jones] should have been doing," relating to fiduciary visits with Stephen. Gilchrist's comments invite enquiry into whether Jones, to any extent, informally outsourced, to NAF's non-licensed staff, the guardian's visits and the assessment information that is characteristically obtained by a qualified, licensed fiduciary during home environment visits to the ward.

Jones told Division staff she considers personally attending her guardian's visits as "crucial, it's important" and said seeing ward in their home environments allows her to assess the physical environment as to cleanliness, safety and appropriateness of the environment. Jones told Division staff that visits with wards could happen more frequently particularly if "there's things going on with the case but most of my cases are stable, there's not a lot of change in them so on one hand there's an increase in the fees to go monthly but it's best practices or code is quarterly."

Jones also said Grant recommended that NAF increase the ward visitation schedule to monthly visits "as best practices, but my reading of the rules say quarterly is the rule." Jones' statements suggest that she interprets the code to mean it sanctions or accepts a minimum standard of quarterly guardian visits per year.

Jones seems to be referencing ACJA §7-202(J)(4), pertinently:

4. Guardianship. The fiduciary acting as guardian shall assume legal custody of the ward and shall ensure the ward resides in the least restrictive environment available. The fiduciary or the fiduciary's qualified representative, if the ward is located outside the county or state, shall visit the ward **no less than quarterly** [emphasis added] and as often as is necessary to ensure the client's well-being.

Grant offered his professional opinion that, in his experience, the minimum quarterly annual visits to wards, as noted in the AJCA, is the industry standard for fiduciaries. He said fiduciaries, in general, are following that quarterly standard, therefore Jones meets the minimal requirement. Grant further opined that, as best practices, fiduciaries should be meeting with their wards monthly and stated he has made that recommendations to Jones.

Consistent with Jones' construal of the code's provision that the fiduciary "shall visit the ward no less than quarterly..." she has historically endorsed and utilized, as a matter of practice, personally visiting Stephen and all NAF wards on that minimal basis, absent emergencies or general incidents of significance which may require instantaneous and/or timely action by the fiduciary's office.

Notwithstanding Jones' interpretation and understanding of the referenced code provision, the Division believes that ACJA §7-202(J)(4), establishes a minimum standard of visitation for those wards located *outside* the county or state:

"The fiduciary or the fiduciary's qualified representative, if the ward is located outside the county or state, shall visit the ward no less than quarterly and as often as is necessary to ensure the client's well-being [italics and emphasis added]."

Moreover, ACJA §3-303(D)(3)(c)(3), Statewide Fee Guidelines, allows fiduciaries to charge estates for "common fiduciary services rendered in a routine guardianship..." and permits "one routine visit per month by the fiduciary to the ward..."

c. Common fiduciary services rendered in a routine guardianship or conservatorship engagement. The fiduciary shall provide a reasonable explanation for exceeding these services. The common fiduciary services are:

(3) One routine personal visit per month by the fiduciary to the ward or protected person [italics and emphasis added]:

NAF's website states that Jones is a member of the National Guardianship Association.

The National Guardianship Association's Standards of Practice, Standard 13(IV)(A), states [italics added]:

IV. The guardian shall visit the person no less than monthly.

A. The guardian shall assess the person's physical appearance and condition and assess the appropriateness of the person's current living situation and the continuation of existing services, taking into consideration all aspects of social, psychological, educational, direct services, and health and personal care needs as well as the need for any additional services.

The referenced standards note that to promote consistency with the application of the National Guardianship Standards, the authors used constructions such as “shall,” to impose duty, in contrast to “may,” which connotes discretionary authority.

Jones has not conveyed any independent or self-regulating motivation to set the ward visitation standard above what she discerns is the acceptable *minimal* requirement by code. When Division staff asked Jones if she agreed with the compliance monitor’s recommendations to increase visitation with her wards, including Stephen, Jones said simply that the compliance monitor agrees it is “best practices,” a comment that does not signify any idealistic or philosophical consensus on the subject. Jones/NAF did eventually increase the ward visitation schedule on the recommendation of the compliance monitor although Grant’s recommendation was to increase “as best practices” to a monthly visitation schedule and Jones acquiesced and agreed to increase visitation with wards to once every five or six weeks.

In addition, Jones told Division staff, “most of my cases are stable, there’s not a lot of change in them so on one hand there’s an increase in the fees to go monthly but it’s best practices or code is quarterly.” Notwithstanding the general stability in her caseload, Jones description of Stephen’s distressing behaviors and high level of need which she said necessitated NAF to “micro-manage this case to make it a success, so we’ve had a lot of involvement with him...,” suggests that the circumstances of this case may warrant a more prescribed fiduciary engagement regarding Jones’ direct visitation.

By conducting quarterly annual fiduciary visits to wards, including Stephen, and utilizing NAF support staff to directly and engage with ward, although not exclusively, to some extent, Jones has set up, particularly in 2017, somewhat of a reliance on and confidence in NAF’s non-licensed staff to be the *eyes and ears* of the guardian. It is primarily support staff who frequently attend to Stephen and his home and assess his personal and familial needs and communicate any presenting or emerging issues to Jones. Information Jones would normally obtain during routine home visits, including Stephen’s physical condition and hygiene, emotional state, general health, and the condition of the home and/or other relevant information in the continuum of care and administration of the guardianship, are provided, largely, by NAF support staff.

The Division does not contend that Jones has delegated informed consent or contractual agreement decision making authority to non-licensed staff, expressly prohibited by ACJA§7-202(J)(2)(e), nor does the Division draw any inference as to the qualifications, skills and abilities, or professionalism of NAF’s non-licensed staff. However, NAF support staff are not qualified licensed fiduciaries.

The Division recognizes that Jones, as guardian, has access to physicians, therapists and other community professionals, including DDD representatives, involved with Stephen and

to any related reports and documentation that may assist her with assessment and decision-making.

Since July 11, 2019, Pierson was granted licensure as a fiduciary and is assisting NAF's operations. Grant told Division staff that Pierson is capable and has experience working with NAF's wards, and she has been regularly attending to wards' residences including Stephen's, although Pierson was conducting those home visits as non-licensed staff. Grant said he encouraged Pierson to consider obtaining licensure as a fiduciary and since she has been licensed (July 11, 2019), Pierson has been making regular visits to wards.

If the language of ACJA §7-202(J)(4) is widely interpreted by the fiduciary industry to mean that the minimum standard of guardianship visits is four times annually, rather than reading the provision as establishing a minimum measure of visitation specific for wards located outside the county or state, then Jones and NAF appear to be operating in accordance with prevailing fiduciary practice.

Allegation 1 is not substantiated.

Allegation 2: Carla Jones filed annual guardian reports with the Court that were misleading, inaccurate, and/or contained misrepresentations or omissions of material facts.

ACJA §§ 7-201(F)(1) and 7-202(F)(1) require all fiduciaries to comply with the Code of Conduct contained in § 7-202(J).

ACJA §7-201(H)(6)(a):

6. Grounds for Discipline. A certificate holder is subject to disciplinary action if the board finds the certificate holder has engaged in one or more of the following:

a) Failed to perform any duty to discharge any obligation in the course of the certificate holder's responsibilities as required by law, court rules, this section or the applicable section of the ACJA;

ACJA §7-202(A):

A. Definitions.

"Fiduciary" as provided in A.R.S. § 14-5651(K)(1) means:

...

(a) A person who for a fee serves as a court appointed guardian or conservator for one or more persons who are unrelated to the fiduciary.

“Guardian” means “a person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment but excludes a person who is merely a guardian ad litem” as provided in A.R.S. § 14-1201(23).

ACJA §7-202(J)(1)(a) and (c)(3):

J. Code of Conduct. This code of conduct is adopted by the supreme court to apply to all licensed fiduciaries, pursuant to A.R.S. § 14-5651(A)(1) in the state of Arizona. The purpose of this section is to establish minimum standards of performance for licensed fiduciaries.

1. Duty to the Court.

a. The fiduciary shall perform all duties and discharge all obligations in accordance with current Arizona law, federal law, administrative rules, court orders, court rules, administrative orders, and the Arizona Code of Judicial Administration.

c. The fiduciary shall:

(3) Not knowingly file any document with the court or present testimony to the court that is misleading, inaccurate, or false, or that contains misstatements, misrepresentations, or omissions of material facts;

Arizona Rules of Probate Procedure, Rule 30. Guardianships/Conservatorships-Specific Procedures

C. Annual Guardian Reports

1. Unless otherwise ordered by the court, the guardian's first annual report shall cover the time from the date the guardian's letters were first issued through and including the last day of the ninth month after the date the guardian's permanent letters were issued. The report shall be filed with the court on or before the anniversary date of the issuance of the guardian's permanent letters.

2. Unless otherwise ordered by the court, all subsequent annual reports of guardian shall cover the time from the ending date of the most recent previously filed annual report of guardian through and including the last date of the twelfth month thereafter. The report shall be filed with the court on or before the anniversary date of the issuance of the guardian's permanent letters.

4. For purposes of this rule, if the guardian's appointment initially was temporary, “the date the guardian's letters were first issued” shall mean the date the guardian's temporary letters were issued; otherwise, “the date the guardian's

letters were first issued” shall mean the date the guardian's permanent letters were issued.

A.R.S. §14-5315. Guardian reports: contents

C. The report shall include the following:

- 2. The number of times the guardian has seen the ward in the last twelve months.*
- 3. The date the guardian last saw the ward.*

As previously detailed in this Investigation Summary, NAF was appointed temporary guardian of and conservator for Stephen on or about January 7, 2016 and was appointed permanent guardian of and conservator on or about April 7, 2016.

Jones, for NAF, filed an Interim Report of Guardian with the Court on June 28, 2016; and Annual Report of Guardian, on March 7, 2017; and on November 13, 2018, respectively.

The Interim Report of Guardian, while not required, was filed within six months of NAF's initial appointment as guardian. The report indicates, in part, "The reason for this interim report is to permit all interested parties to be aware of the progress that is being made."

In the ROG, dated February 23, 2017, filed with the Court on March 7, 2017, Sections 2 and 3 read:

2. The Guardian or Licensed Fiduciary for the guardian has seen the Ward Twenty-Nine (29) times in the last twelve (12) months.
3. The Guardian last saw the Ward on the following date: **December 14, 2016** [original emphasis].

The number of guardian visits documented in the above-referenced ROG was inconsistent with NAF's billing records which detailed 37 times when Jones and Gloden, collectively, saw and/or visited Stephen in 2016. Some of the contact with Stephen included visits to his home and/or accompanying Stephen to a medical appointment. Eleven of those fiduciary visits were conducted by Jones and 26 of the visits were conducted by Gloden. The ROG under-reported the number of times the guardian or licensed fiduciary for the guardian saw Stephen in 2016, by eight visits.

In fact, NAF exceeded the number of routine visits per ACJA §3-303(D)(3)(c)(3).

ACJA §3-303(D)(3)(c)(3):

c. Common fiduciary services rendered in a routine guardianship or conservatorship engagement. The fiduciary shall provide a reasonable explanation for exceeding these services. The common fiduciary services are:

(3) One routine personal visit per month by the fiduciary to the ward or protected person;

Arizona Rules of Probate Procedure, Rule 30(C)(2), requires the guardian to file all subsequent ROGs from the ending date of the most recent previously filed ROG through and including the last date of the twelfth month thereafter.

The first ROG was dated February 23, 2017 and filed with the Court on March 7, 2017; but the second ROG was dated November 5, 2018 and filed with the Court on November 13, 2018.

In the second ROG, dated November 5, 2018, filed with the Court on November 13, 2018, Sections 2 and 3 read:

2. The Guardian or Licensed Fiduciary for the guardian has seen the Ward Seventy (70) times in the last twelve (12) months. The Ward has numerous medical appointments as described below.
3. The Guardian last saw the Ward on the following date: **October 24, 2018** [original emphasis].

As detailed in the analysis of Allegation 1, NAF billing records demonstrate that in 2017 Jones conducted three fiduciary visits:

- March 9, 2017 (home visit to attend DD planning meeting)
- June 6, 2017 (home visit to attend DDD planning meeting)
- June 14, 2017 (emergency home visit because Stephen fell in the shower)

Kirk, after obtaining initial licensure on or about September 7, 2017, conducted four home visits in 2017:

- September 8, 2017 (home visit)
- September 11, 2017 (home visit)
- October 24, 2017 (home visit to attend DDD case planning meeting)
- December 12, 2017 (home visit to attend DDD case planning meeting)

In calendar year 2017, Jones and Kirk combined for seven fiduciary visits with Stephen.

In calendar year 2018, Jones conducted three fiduciary visits:

- May 3, 2018 (NAF office visit)
- September 6, 2018 (home visit)
- December 11, 2018 (home visit to attend DDD case planning meeting)

The December 11, 2018, meeting DDD meeting occurred after Jones/NAF filed the ROG on November 13, 2018 and would not have been counted as a fiduciary visit. Excluding December 11, 2018, Jones conducted only two fiduciary visits in 2018.

Kirk conducted two fiduciary visits in 2018:

- May 17, 2018 (Meet Russell at Speech therapy, drove Stephen home)
- July 13, 2018 (home visit)

Kirk left her employment at NAF on or about July 18, 2018.

In 2018, Jones and Kirk combined for four fiduciary visits prior to the November 13, 2018 ROG filing date.

Combining calendar years 2017 and 2018, the total number of fiduciary visits were eleven.

There were no records found documenting that anyone from NAF saw Stephen on October 24, 2018, as detailed in the corresponding ROG.

Notwithstanding the language of the respective ROGs specifying the number of times “**The Guardian or Licensed Fiduciary for the guardian has seen the Ward...**” [emphasis added] Jones reported 29 fiduciary visits in the first ROG, dated February 23, 2017, and 70 fiduciary visits in the ROG dated November 5, 2018, and

As previously noted in this Investigation Summary, when Jones was asked about the discrepancies between fiduciary visits detailed in the ROG and the quarterly annual visitation schedule she has utilized as her practice standard, Jones replied, “when we refer to guardian, we refer to Northern Arizona Fiduciaries being the guardian, so it could have been a representative or a licensed fiduciary.”

The Division notes that it would be inappropriate to include support staff as part of the number of the times the Guardian or Licensed Fiduciary for the guardian has seen the ward, particularly when reporting to the Court.

In addition, if Jones was reporting the number of guardian’s visits in the first ROG to include visits from “a representative or licensed fiduciary” (NAF support staff), then Jones would have counted the 37 fiduciary visits made by Jones and Gloden, combined, plus the 33 visits made by NAF support staff, for a total of 70 visits that year. The ROG indicated 29 fiduciary visits.

Again, applying Jones' explanation that a guardian's visits could be "a representative or licensed fiduciary" then the second ROG, dated November 5, 2018 and filed with the Court on November 13, 2018, would have included:

- Seven fiduciary visits in 2017;
- Seventy-six NAF support staff visits in 2017;
- Five fiduciary visits in 2018 (excluding December 11, 2018 visit);
- Fifty-two NAF support staff visits in 2018.

While the Division disagrees with the premise that NAF support staff visits have validating equivalency to the guardian's visit, Jones statements are incongruent with prevailing language in statute, code, and the ROG filed by Jones and NAF wherein the terms guardian or fiduciary are distinct.

A.R.S. § 14-5651(K)(1) defines "Fiduciary" as:

(a) A person who for a fee serves as a court appointed guardian or conservator for one or more persons who are unrelated to the fiduciary.

ACJA §7-202(A):

"Guardian" means "a person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment but excludes a person who is merely a guardian ad litem" as provided in A.R.S. § 14-1201(23).

ACJA §3-303(B)(2)(a)(1):

B. Applicability. Pursuant to Rules 10.1 and 33, Arizona Rules of Probate Procedure and the administrative authority provided by Article VI, Section 3 of the Arizona Constitution, and A.R.S. §§ 14-1104 and 14-5109, the statewide fee guidelines and requirements for competitive bids adopted by this section apply to the reasonable compensation and reimbursement for services rendered by Professionals in Title 14 proceedings.

In this section the term professional applies to licensed and unlicensed court-appointed fiduciaries, guardians ad litem and attorneys.

2. These fee guidelines:

a. Apply to the compensation of the following individuals who are paid by an estate:

(1) Court-appointed fiduciaries, specifically guardians, conservators, and personal representatives, licensed and unlicensed;

Arizona Rules of Probate Procedure, Rule 30. Guardianships/Conservatorships-Specific Procedures

C. Annual Guardian Reports

1. Unless otherwise ordered by the court, the guardian's first annual report shall cover the time from the date the guardian's letters were first issued through and including the last day of the ninth month after the date the guardian's permanent letters were issued. The report shall be filed with the court on or before the anniversary date of the issuance of the guardian's permanent letters.

2. Unless otherwise ordered by the court, all subsequent annual reports of guardian shall cover the time from the ending date of the most recent previously filed annual report of guardian through and including the last date of the twelfth month thereafter. The report shall be filed with the court on or before the anniversary date of the issuance of the guardian's permanent letters.

4. For purposes of this rule, if the guardian's appointment initially was temporary, "the date the guardian's letters were first issued" shall mean the date the guardian's temporary letters were issued; otherwise, "the date the guardian's letters were first issued" shall mean the date the guardian's permanent letters were issued.

The A.R.S., ACJA, Arizona Rules of Probate Procedure, clearly define and distinguish the terms "guardian" and "fiduciary" and do not include any language regarding a "representative" or support staff.

The ROG, executed by Jones on February 23, 2017, shows "Carla M. Jones, Guardian of Stephen Russell," and states, in part:

Pursuant to Arizona Revised Statutes ("A.R.S.") §14-5315, NORTHERN ARIZONA FIDUCIARIES, INC., by Carla M. Jones (the "Guardian") of STEPHEN RUSSELL (the "Ward"), hereby submits her annual report as follows:

Sections 2 and 3:

2. The Guardian or Licensed Fiduciary for the guardian has seen the Ward Twenty-Nine (29) times in the last twelve (12) months.
3. The Guardian last saw the Ward on the following date: **December 14, 2016** [original emphasis].

The ROG, executed by Jones on November 5, 2018 shows "Carla M. Jones for NORTHERN ARIZONA FIDUCIARIES, INC., Guardian for Stephen Russell."

Pursuant to Arizona Revised Statutes ("A.R.S.") §14-5315, NORTHERN ARIZONA FIDUCIARIES, INC., by Carla M. Jones (the "Guardian") of STEPHEN RUSSELL (the "Ward"), hereby submits her annual report as follows:

Sections 2 and 3:

2. The Guardian or Licensed Fiduciary for the guardian has seen the Ward Twenty-Nine (29) times in the last twelve (12) months.
3. The Guardian last saw the Ward on the following date: **December 14, 2016** [original emphasis].

A.R.S. §14-5315 contains substantive reporting requirements including, but not limited to, for the purpose of this analysis, the number of times the guardian has seen the ward in the last twelve months and the date the guardian last saw the ward. There is no reference in the statute regarding a representative of the guardian.

The purpose of the ROG is to inform and provide the Court with important, relevant and accurate information. The two referenced ROG filed by Jones/NAF, by and through counsel, were inaccurate, misleading, and misrepresented the guardian's direct involvement regarding the number of times the guardian visited the ward and the date of the last time the guardian visited the ward.


Allegation 2 is substantiated.

SUBMITTED BY:

Pasquale Fontana _____
PASQUALE FONTANA, Investigator
Certification and Licensing Division

October 30, 2020
Date

REVIEWED BY:



MARK WILSON, Division Director
Certification and Licensing Division

11/3/20
Date

DECISION OF THE PROBABLE CAUSE EVALUATOR:

Having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint number 18-0056, the Probable Cause Evaluator:

- requests division staff to investigate further.
- determines probable cause does not exist the certificate holder has committed the alleged acts of misconduct as to Allegation(s):

1.

- determines probable cause exists the certificate holder committed the alleged acts of misconduct as to Allegation(s):

2.

Mike Baumstark *11/9/2020*

Mike Baumstark Date
Probable Cause Evaluator

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
ORDER OF THE BOARD**

<i>CERTIFICATE HOLDER INFORMATION</i>	Certificate Holder:	Carla Jones
	Certification Number:	20276
	Business Name:	Northern Arizona Fiduciaries, Inc.
	Certificate Number:	20198
	Type of Certificate/License:	Individual, Buisness

RECOMMENDATION:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Carla Jones and Northern Arizona Fiduciary has not committed the alleged act(s) of misconduct as detailed in allegation 1 of the Investigation Summary and Allegation Analysis Report in complaint number 18-0056.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Carla Jones and Northern Arizona Fiduciary has committed the alleged act(s) of misconduct as detailed in allegation 2 of the Investigation Summary and Allegation Analysis Report in complaint number 18-0056.

It is further recommended the Board accept the findings of the Probable Cause Evaluator and dismiss allegation 1 and enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6) for act(s) of misconduct as further described in the Investigation Summary.

It is further recommended that the Board issue a Letter of Concern.

SUBMITTED BY:



3/1/21

Mark Wilson, Division Director
Certification and Licensing Division

Date

FINAL DECISION AND ORDER:


The Board having reviewed the above Investigation Summary and the finding of the Probable Cause Evaluator, and Recommendation regarding complaint number 18-0056 and Carla Jones and Northern Arizona Fiduciaries, Inc., certificate numbers 20276 and 20198, respectively, makes a finding of facts and this decision, based on the facts, evidence, and analysis as presented and enters the following order:

- requests division staff to investigate further.
- refers the complaint to another entity with jurisdiction.
Referral to: _____
- dismisses the complaint, and:
 - requests division staff prepare a notice of dismissal pursuant to ACJA § 7-201(H)(5)(c)(1).
 - requests division staff prepare a notice of dismissal and an Advisory Letter pursuant to ACJA § 7-201(H)(5)(c)(2).
- determines grounds for discipline exist demonstrating the certificate holder committed the alleged act(s) of misconduct and:
 - enter a finding the alleged act(s) of misconduct or violation(s) be resolved through informal discipline, pursuant to ACJA § 7-201(H)(7) and issue a Letter of Concern.
 - enter a finding the alleged act(s) of misconduct or violation(s) be resolved through formal disciplinary proceeding, pursuant to ACJA § 7-201(H)(9).
- requests the certificate holder appear before the Board to participate in a Formal Interview, pursuant to ACJA § 7-201(H)(8).
- orders the filing of Notice of Formal Charges, pursuant to ACJA § 7-201(H)(10).
- enters a finding the public health, safety or welfare is at risk, requires emergency action, and orders the immediate emergency suspension of the certificate and sets an expedited hearing for:

Date, Time, and Location: _____

adopts the recommendations of the Division Director.

does not adopt the recommendations of the Division Director and orders:


Deborah Primock, Chair 3/11/21
Fiduciary Board Date