

FIDUCIARY BOARD

Meeting Agenda – Wednesday, November 10, 2021

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 - 10:30 A.M. Conference Room 109

General Inquiries Call: 602-452-3378 (Certification and Licensing Division Line)

Members of the public may attend meeting in person.

For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

CALL TO ORDER.....*Deborah Primock, Chair*

1) REVIEW AND APPROVAL OF MINUTES.....*Deborah Primock, Chair*

1-A: Review, discussion and possible action regarding the regular session minutes of the meeting held on September 9, 2021.

2) PENDING COMPLAINTS.....*Division Staff*

2-A: Review, discussion and possible action regarding Complaint No. 20-0007 involving license holder Theresa Eells.

2-B: Review, discussion and possible action regarding Complaint Nos. 21-0007 and 21-0008 involving license holders Kelly Crane and Esteemed Life Solutions.

2-C: Update regarding pending complaints.

3) INITIAL LICENSURE AND ELIGIBILITY.....*Division Staff*

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

1. Dawn Shaw
2. Maria Alcala
3. Carla Truman

4) LICENSURE AND ELIGIBILITY.....Division Staff

4-A: Review, discussion, and possible action regarding voluntary surrender request received from the following license holders:

1. Kile & Kupiszewski Law Firm, LLC
2. Charles Fuss

4-B: Review, discussion, and possible action regarding inactive status request received from Edgar Garcia.

5) ADMINISTRATIVE ISSUES.....Division Staff

5-A: Review and discussion regarding restitution in complaint matters. The Board may vote to go into executive session for discussion or consultation with its attorney for legal advice pursuant to A.R.S. § 38-431.03(A)(3) and Section 1-202(C)(5)(c), Code of Judicial Administration.

5-B: Review, discussion and possible action regarding meeting dates for 2022.

CALL TO THE PUBLIC.....Deborah Primock, Chair

ADJOURN.....Deborah Primock, Chair

FIDUCIARY BOARD
Agenda Summary – Wednesday, November 10, 2021

1) REVIEW AND APPROVAL OF MINUTES

1-A: Review, discussion and possible action regarding the regular session minutes of the meeting held on September 9, 2021.

Attached for the Board's review are the regular session minutes from the Board meeting of September 9, 2021.

FIDUCIARY BOARD

Agenda Summary – Wednesday, November 10, 2021

2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding Complaint No. 20-0007 involving license holder Theresa Eells.*

Complainant is one of multiple beneficiaries to the estate of “Judith Gullicksen” (deceased) and was earlier appointed successor co-trustee along with her sister. Complainant and her sister later relinquished their trusteeship to East Valley Fiduciary Services (“EVFS”)/Theresa Eells and complainant alleges:

- 1) EVFS/Eells has taken an inordinate amount of time to settle the estate
- 2) EVFS/Eells gave the complainants sister preferential consideration
- 3) EVFS/Eells never sent her or the other heirs any financial statements
- 4) EVFS/Eells charged for services that were never rendered

The matter was investigated, and PC Evaluator, Marcus Reinkensmeyer, determined that PC does not exist for the allegations.

Recommendation:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Theresa Eells has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 20-0007.

It is further recommended that the Board dismiss complaint number 20-0007.

FIDUCIARY BOARD

Agenda Summary– Wednesday, November 10, 2021

2) PENDING COMPLAINTS

2-B: Review, discussion and possible action regarding Complaint Nos. 21-0007 and 21-0008 involving license holders Kelly Crane and Esteemed Life Solutions.

On April 30, 2021, the Certification and Licensing Division received a written complaint against Kelly Crane and Esteemed Life Solutions, LLC. Complainant is Nader Warrayat, owner of Optimal Senior Living. The complainant alleged that Kelly Crane and Esteemed Life Solutions, LLC, failed to pay \$40,000 for housing and services provided to Frank and Patsy Jo Mendivil.

The matter was investigated, and the Probable Cause Evaluator, Marcus Reinkensmeyer, ultimately determined that probable cause did not exist as to the allegations.

Recommendation:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Kelly Crane and Esteemed Life Solutions, LLC have not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in Allegation 1 for complaint numbers 21-0007 and 21-0008.

It is further recommended that the Board dismiss complaint numbers 21-0007 and 21-0008.

FIDUCIARY BOARD
Agenda Summary – Wednesday, November 10, 2021

2) PENDING COMPLAINTS

2-C: Update regarding the status of pending complaints.

As of November 5, 2021, there are 27 open complaints.

FIDUCIARY COMPLAINTS
COURTOOLS MEASURE 4
AGE OF PENDING CASELOAD
Shaded Areas Represent Cases within Time Standard of 22 Months

Age (Months)	Number Cases	Percent	Cumulative Percent
0-4	3	11%	11%
5-9	8	30%	41%
10-14	2	7%	48%
15-19	2	7%	55%
20-22	2	7%	62%
23-35	9	34%	96%
36-50	1	4%	100%
Over 50	0	0%	0%
Total	27	100%	100%

FIDUCIARY BOARD

Agenda Summary – Wednesday, November 10, 2021

3) INITIAL LICENSURE AND ELIGIBILITY

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

The following applicants applied for initial individual licensure. Applicants have successfully passed the program examination and have submitted complete applications demonstrating that they meet the minimum education and experience requirements. No information has been presented or obtained during the background check which would preclude licensure. The applicants have completed the required fiduciary professional training.

The Division recommends approval of initial individual fiduciary licensure for the following applicants:

1. Dawn Shaw
2. Maria Alcala

3. Carla Truman (“Truman”) applied for initial individual fiduciary licensure. The applicant has successfully passed the program examination, has submitted a complete application demonstrating that she meets the minimum eligibility requirements for licensure and has completed the required fiduciary professional training. Truman disclosed three civil matters in which she was named as either a plaintiff or petitioner. Truman also disclosed two misdemeanor trespassing charges that occurred in 1987 and 1988 for her involvement in a protest.

The Division recommends approval of initial individual fiduciary licensure for Carla Truman.

FIDUCIARY BOARD

Agenda Summary – Wednesday, November 10, 2017

4) LICENSURE AND ELIGIBILITY

4-A: *Review, discussion, and possible action regarding voluntary surrender request received from the following license holders:*

1. Kile & Kupiszewski Law Firm, LLC., license number 20862, was granted licensure on April 27, 2018. On September 20, 2021, the Division received a request from the business to voluntarily surrender its license.
2. Charles Fuss, license number 20778, was granted licensure on September 10, 2015. On October 4, 2021, the Division received a request from Mr. Fuss to voluntarily surrender his license.

ACJA § 7-201(E)(7) reads:

A certificate holder in good standing may surrender their certificate to the board. However, the surrender of the certificate is not valid until accepted by the board. The board or division staff may require additional information reasonably necessary to determine if the certificate holder has violated any provision of the statutes, court rules and this section or the applicable section of the ACJA. The surrender does not prevent the commencement of subsequent discipline proceedings for any conduct of the surrendered certificate holder occurring prior to the surrender.

Division records indicate there are no pending complaints against Kile & Kupiszewski Law Firm, LLC or Charles Fuss.

It is recommended the Board accept the request of Kile & Kupiszewski Law Firm, LLC and Charles Fuss to voluntarily surrender their licenses.

FIDUCIARY BOARD

Agenda Summary – Wednesday, November 10, 2021

4) LICENSURE AND ELIGIBILITY

4-B: Review, discussion, and possible action regarding inactive status requests received from Edgar Garcia.

Edgar Garcia (“Garcia”) was granted licensure on July 13, 2017. On June 25, 2021, Garcia submitted a request for his licensure to be placed on inactive status. Staff has confirmed there are no pending complaints filed against Garcia.

It is recommended that the Board accept the request and place Edgar Garcia, license number 20833, on inactive status.

FIDUCIARY BOARD
Agenda Summary – Wednesday, November 10, 2021

5) ADMINISTRATIVE ISSUES

5-A: Review and discussion regarding restitution in complaint matters.

The Board may vote to discuss or consult with its attorney on this matter in executive session.

FIDUCIARY BOARD

Agenda Summary – Wednesday, November 10, 2021

5) ADMINISTRATIVE ISSUES

5-B: Review, discussion and possible action regarding meeting dates for 2022.

The Fiduciary Board is asked to consider and approve the 2022 meeting calendar.

Therefore, it is recommended the 2022 meeting calendar be set as follows:

January 13, 2022

March 10, 2022

May 12, 2022

July 14, 2022

September 8, 2022

November 10, 2022

All meetings to begin at 10:30 a.m.