

FIDUCIARY BOARD

Meeting Agenda – Friday, December 18, 2020

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 – 9:00 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 November 12, 2020.

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

2-A: Review, discussion and possible action regarding complaint No. 19-0025 involving license holder Pamela Walsma.

2-B: Review, discussion and possible action regarding complaint No. 20-0005 involving license holder Nicole Corona.

2-C: Review, discussion and possible action regarding complaint No. 20-0006 involving license holder Sterling Case Management & Fiduciaries of Arizona, LLC.

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. Josephine Jones*
- 2. Kile Law Firm, PC*

4) RENEWAL CERTIFICATION AND APPLICATIONS.....Division Staff

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

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|---|-------------------------------------|
| 1. Camelback Fiduciary
LLC | 9. Liebe, Melissa |
| 2. Crosby, Elizabeth | 10. McCollum, Stephanie |
| 3. Drutz, Lisa | 11. Navajo County Public Fiduciary |
| 4. Fitzsimmons Fiduciary
Services, LLC | 12. Premier Fiduciary Services, LLC |
| 5. Fitzsimmons, Tamarah | 13. Serna, Diana |
| 6. Grand Canyon Senior
Care, LLC | 14. Tomlinson, Shari |
| 7. Haley, Eric | 15. Tucker, Michael |
| 8. Integrated Fiduciary
Services, Inc. | 16. Tully, John |
| | 17. Turley, Norman |
| | 18. Cooper, Susan |
| | 19. Steele, Rena |

5) LICENSURE AND ELIGIBILITY.....Division Staff

5-A: Review, discussion, and possible action regarding inactive status request received from Sherrel Lines.

6) ADMINISTRATIVE ISSUES.....Division Staff

6-A: Review and discussion regarding Administrative Order 2020-194 concerning licensed fiduciaries' obligation to visit wards.

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

ADJOURN.....Deborah Primock, Chair

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1) REVIEW AND APPROVAL OF MINUTES

1-A: Review, discussion and possible action regarding the regular session minutes of the meeting held on November 12, 2020.

Attached for the Board's review are the regular session minutes from the Board meeting of November 12, 2020.

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2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding complaint No. 19-0025 involving license holder Pamela Walsma.*

On October 15, 2019 Division received a complaint regarding Pamela Walsma. Complainant, a daughter, trustee of her father's estate, and guardian, alleges;

1. Walsma inappropriately handled Trust assets by selling or disposing of the assets without proper approval and by failing to deposit proceeds from any sale into the Trust after the sale.
2. Walsma opened the conservatorship account at a bank for which she sat on the Board.
3. Walsma and the lawyer for subsequently appointed personal representative were in the same firm.
4. At the conclusion of the conservatorship, Walsma failed to inform the Court of the Trust. Thereby causing funds to be deposited with the personal representative instead of in the Trust.

The matter was investigated, and PC Evaluator Mike Baumstark ultimately determined that PC 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 Pamela Walsma has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 19-0025.

It is further recommended the Board dismiss complaint number 19-0025.

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2) PENDING COMPLAINTS

2-B: Review, discussion and possible action regarding complaint No. 20-0005 involving license holder Nicole Corona.

On June 6, 2020, the Certification and Licensing Division (“the Division”) received a written complaint against licensed fiduciary, Nicole Corona. Complainant, Robert Magoon, son of the subject ward in this matter, alleged:

1. Nicole Corona retaliated against the ward by transferring him to an assisted living facility in a different county.
2. Nicole Corona conspired with a psychiatrist to have the ward inappropriately labelled as mentally incapacitated and unstable.
3. Nicole Corona confiscated the ward’s cell phone and did not purchase minutes for the cell phone.
4. Nicole Corona did not provide the ward monthly allowance money.
5. Nicole Corona lost the ward’s wheelchair.
6. Nicole Corona failed to account for the ward’s federal stimulus money.
7. Nicole Corona sold the ward’s vehicle without his knowledge and failed to provide statements to ward regarding the sale.

Please refer to the Investigation Summary and Allegation Analysis Report, involving complaint number 20-0005, for full details of the Division’s investigation.

Summary:

Complainant was estranged from his father from March 2009 until approximately August 2019. Complainant last saw his father in March 2009. Complainant resides in Kansas and his father is in a skilled nursing facility in Arizona. Complainant’s concerns and allegations are based, primarily, on information he received from his father when the two spoke on the telephone and also on information Complainant obtained throughout his involvement with his father. Complainant believes that his allegations are “meritorious,” and he described Ms. Corona’s conduct as unethical, unprofessional and even “illegal.” Complainant demands that the Fiduciary Board revoke Ms. Corona’s fiduciary license.

The subject ward has a history of hospitalizations. He cannot ambulate on his own volition, is wheelchair bound, and requires personal care to complete many activities of daily living. While the ward was at Yuma Regional Medical Center in or about September 2019, hospital case management made a referral to Ms. Corona’s office because medical professionals did not think the ward could safely be discharged home and believed a guardianship was appropriate.

After Ms. Corona was appointed as guardian, the ward was discharged from hospital and he was moved into a skilled nursing facility in Yuma, where he remained from October 2019 to May 2020.

Due to the ward's aggressive conduct and escalating maladaptive behaviors, the facility's psychiatric personnel evaluated the ward and determined the facility was no longer appropriate to provide care to the ward. The ward was then transferred to a behavioral health facility. The placement lasted only three days because the ward, dissatisfied with the facility, waged a hunger strike and did not eat for three days. He also called police during his brief residency at the facility. The behavioral health facility determined that the ward required hospitalization and he returned to Yuma Regional Medical Center. The ward was eventually discharged from the hospital and was placed into a skilled nursing facility in Phoenix, due to lack of available resources in Yuma and the surrounding area.

In September 2020, Ms. Corona filed an Emergency Petition for Discharge of Guardian with the Court out of concerns for her safety because of Complainant's conduct toward her which included abusive, aggressive and threatening behavior, which Ms. Corona said her made her ability to continue serving as Guardian untenable.

The Division's investigation did not find evidence that substantiated the complaint allegations, nor did Complainant provide evidence that supported his assertions. In addition to the allegations of the complaint, Complainant frequently communicated with Division staff and raised additional concerns. The Division's investigation into the additional concerns did not find that Ms. Corona's conduct rose to the level of a violation of code.

Recommendations:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Nicole Corona has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 20-0005.

It is further recommended the Board dismiss complaint number 20-0005

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2) PENDING COMPLAINTS

2-C: Review, discussion and possible action regarding complaint No. 20-0006 involving license holder Sterling Case Management & Fiduciaries of Arizona, LLC.

On June 4, 2020, Division received this complaint from the “advocate” of a Veteran’s Administration benefit recipient. At the time Sterling Case Management (Sterling) was designated as the “Payee” for that beneficiary and the complainant alleged;

- 1) Sterling was not paying his monthly utility bills timely resulting in near termination of those services.
- 2) Sterling purchased a defective AC unit for the client with his VA funds then refused to remedy the situation

The matter was investigated and PC Evaluator Mike Baumstark determined that PC does not exist to the allegations.

Recommendation:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Martelle Olsen has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 20-0006.

It is further recommended the Board dismiss complaint number 20-0006.

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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. They have submitted completed applications demonstrating they meet the minimum eligibility requirements for licensure. 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 entity fiduciary licensure for the following applicants:

1. Josephine Jones
2. Kile Law Firm, P.C.

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4) RENEWAL CERTIFICATION APPLICATIONS

4-A: Review, discussion and possible action regarding the following applications for renewal of individual and/or business entity Fiduciary certification:

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

1. Camelback Fiduciary LLC
2. Crosby, Elizabeth
3. Drutz, Lisa
4. Fitzsimmons Fiduciary Services, LLC
5. Fitzsimmons, Tamarah
6. Grand Canyon Senior Care, LLC
7. Haley, Eric
8. Integrated Fiduciary Services, Inc.
9. Liebe, Melissa
10. McCollum, Stephanie
11. Navajo County Public Fiduciary
12. Premier Fiduciary Services, LLC
13. Serna, Diana
14. Tomlinson, Shari
15. Tucker, Michael
16. Tully, John
17. Turley, Norman

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

18. Cooper, Susan
19. Steele, Rena

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5) LICENSURE AND ELIGIBILITY

5-A: *Review, discussion, and possible action regarding inactive status request received from Sherrel Lines.*

Sherrel Lines was granted licensure on June 19, 2001. On November 30, 2020, Ms. Lines submitted a request for her certification to be placed on inactive status. Staff has confirmed there are no pending complaints filed against Ms. Lines.

It is recommended that the Board accept the request and place Sherrel Lines, license number 20359, on inactive status.

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6) ADMINISTRATIVE ISSUES

6-A: Review and discussion regarding Administrative Order 2020-194 concerning licensed fiduciaries' obligation to visit wards.

Staff will present information at the meeting.