

FIDUCIARY BOARD

Meeting Agenda – Thursday, May 21, 2015

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 March 12, 2015.

2) PENDING COMPLAINTS/RENEWAL OF LICENSURE..... *Division Staff*

2-A: Review, discussion, interview and possible action regarding Ellen Riddick concerning complaint number 14-0013.

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

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

1. Trista Underwood
2. Piedad Hogan
3. Nicolle Escalante
4. Adriana Fuentes
5. Naketa Ross
6. Jessica Gregg
7. Janette Dominguez

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 March 12, 2015.

A draft of the regular session minutes for the meeting of March 12, 2015, is attached for the Board's review and consideration.

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2) PENDING COMPLAINTS/RENEWAL OF LICENSURE..... *Division Staff*

2-A: Review, discussion, interview and possible action regarding Ellen Riddick concerning complaint number 14-0013.

Allegation: The Complainant realizes the Public Fiduciary cannot control court decisions, but it appears nothing was done to ensure Mr. Goblowsky was financially responsible by making payment to our community for care and preparing an Arizona Long Term Care System (ALTCS) application as agreed upon for his future care.

Brief synopsis of the investigation:

Courtyard Towers invoiced a rent payment due and wants the Maricopa County Public Fiduciary (MCPF) to pay for it.

MCPF was given the temporary guardianship of James Goblowsky (Mr. Goblowsky). MCPF moved Mr. Goblowsky into the Courtyard Towers Senior Living Community (CT). Ellen Riddick, a certified Fiduciary working for MCPF (Ms. Riddick) signed a Residency agreement for Mr. Goblowsky with CT.

A bill was submitted for payment with MCPF by CT. At approximately 10:00 AM on September 23, 2014, a judge with Maricopa County Superior Court gave an “Order Discharging and Terminating Guardianship.” Since the bill was not paid at that time, and Mr. Goblowsky was deemed competent by the court to pay his own bills out of his own checking account (which had sufficient funds to pay the bill when returned to Mr. Goblowsky), and since the judge had said MCPF was no longer guardian, MCPF did not pay the bill for Mr. Goblowsky.

Probable cause evaluator Mike Baumstark, on March 5, 2015, determined probable cause does not exist the certificate holder has committed the alleged act of misconduct as to the Allegation.

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3) INITIAL LICENSURE AND ELIGIBILITY

3-A: *Review, discussion and possible action regarding the following application for initial licensure:*

1. *Trista Underwood*
2. *Piedad Hogan*
3. *Nicolle Escalante*
4. *Adriana Fuentes*
5. *Naketa Ross*
6. *Jessica Gregg*
7. *Janette Dominguez*

The following applicants for individual or business entity 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. Trista Underwood
2. Piedad Hogan
3. Nicolle Escalante

The following applications have been processed for Board review and consideration. All applicants have been determined to meet the minimum eligibility requirements for fiduciary licensure. In the event the recommendation is to grant with additional non-disclosure language, the following language would be used:

The Fiduciary Board (“Board”) has concluded its review of your application and determined you have satisfied the eligibility requirements for licensure. Although the Board is granting you licensure, the Board members have concerns regarding the failure to disclose <insert failure of disclosure>. Lack of diligence is not a quality embraced by the Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of licensure or disciplinary action.

4. Adriana Fuentes – Ms. Fuentes disclosed a 2010 termination from employment at AZ Statewide Paralegal, LLC on her application for licensure for the failure to follow office policy which was confirmed by the previous employer. Staff contacted the applicant’s previous employer under whom she completed her fiduciary training, Fleming & Curti, and her current employer, the Pima County Public Fiduciary’s Office regarding Ms. Fuentes’ work

performance. Neither employer expressed concerns regarding Ms. Fuentes job performance or her abilities to successfully perform the duties of a fiduciary. Staff considered Ms. Fuentes' candor regarding the termination, the nature of the reported cause for the termination and the evaluations of her past and current employers. Staff's recommendation is to grant initial licensure to Adriana Fuentes.

5. Naketa Ross - Ms. Ross failed to disclose having filed a 2010 petition for injunction against harassment on behalf of her minor child. The applicant stated as the petition was not filed on her own behalf and the allegations did not deal with any incident in which she was personally involved, she did not believe that it was an item that needed to be disclosed. Staff found Ms. Ross' explanation for the failure to disclose to be reasonable. However, in staff's opinion the failure to disclose being a party to the litigation should be addressed with the applicant. Therefore, staff's recommendation is to grant initial licensure to Naketa Ross and include the afore-mentioned additional language regarding future non-disclosures in her notification of licensure letter.
6. Jessica Gregg – On her application for fiduciary licensure, Ms. Gregg failed to disclose being a defendant in a 2001 civil suit that resulted from a motor vehicle accident in which she was involved. Ms. Gregg explained that she had failed to disclose the case because she had forgotten about it as it was so long ago. There were no allegations of concern with regards to licensure in the court documentation, however staff believes the failure to disclose the litigation should be addressed. Therefore, staff's recommendation is to grant initial licensure to Jessica Gregg and include the additional afore-mentioned language regarding future non-disclosures in her notification of licensure letter.
7. Janette Dominguez – Applicant disclosed being the defendant in a civil case. Applicant stated that the case involved a dispute with a contractor. Staff reviewed the court record and found no evidence of fraud or misconduct. Therefore, it is recommended that the Board grant initial licensure.