



FIDUCIARY BOARD

Arizona State Courts Building
1501 West Washington Street
Phoenix, Arizona 85007-3222
Hearing Room 109

March 8, 2012
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Pam Johnston
Gary L. Krcmarik
Hon. Jay M. Polk
Deborah Primock
Sherry Reed
Shari J. Tomlinson

Telephonically Present:

Mary Jane Baumgarten
Diana M. Corry
Emily Kile
Leonard Montanaro

Absent:

Ted Evertsen

OTHER ATTENDEES:

AOC Staff:

Nancy Swetnam
Linda Grau
Kimberly Siddall
Nina Preston
Eric Thomas
Arnita Oliver

Guests:

Christina Rodriguez
Andy Beran
Pamiah Menzel

CALL TO ORDER

Called to Order By:

Pam Johnston

Time:

10:30 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 January.12, 2012*

Individual Addressing the Board: Pam Johnston, Linda Grau

Discussion: Shari Tomlinson requested a correction to the discussion regarding applicant Christina Rodriguez and staff's written recommendation to grant licensure staff's verbal recommendation to invite Ms. Rodriguez for an interview.

Hon. Jay Polk noted a needed correction regarding terms of the newly appointed Board members.

Linda Grau recommended the Board defer consideration of the January 12, 2012 minutes to the May meeting to allow for needed corrections to be made.

Motion: Move to defer the approval of the January 12, 2012 minutes to the May meeting agenda.

Motion Proposals: First
Second

Motion Results: Pass

2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding non-certificate holder complaint number.*

NC10-0019 – Carl Hull

Individual Addressing the Board: Nancy Swetnam

Discussion: Nancy Swetnam summarized the complaint and Mr. Hull's written response, noting the Division's review of the matter determined that there was no evidence of misconduct or violation. Nancy Swetnam recommended the Board close the complaint with no further action.

Motion: Move to accept the recommendation.

Motion Proposals: First Emily Kile
Second Leonard Montanaro

Motion Results: Pass

3) ADMINISTRATIVE ISSUES

 **3-A:** *Update regarding amendments to the Rules of Probate Procedure: Rule 31, Rules of the Supreme Court; The Arizona Codes of Judicial Administration § 7-201 and § 7-202; and ACJA Part 3: Superior Court, Chapter 3: Probate Court*

Individual Addressing the Board: Nancy Swetnam

Discussion: Nancy Swetnam updated about amendments to the Rules of Probate Procedures and ACJA. Nancy Swetnam reported there were a number of amendments proposed and those adopted by the Court have an effective date of February 1, 2012 or September 1, 2012.

3-B: *Review of safety procedures in the event of fire or emergency.*

Individual Addressing the Board: Linda Grau

Discussion: Linda Grau provided instructions regarding evacuation procedures from the Board's conference room in the event an evacuation becomes necessary.

3-C: *Review, discussion and possible action regarding the certification renewal application deadline pursuant to Arizona Code of Judicial Administration § 7-201(G)(2).*

Individual Addressing the Board: Kimberly Siddall

Discussion: Renew all license holders, their license expire on May 31 of even numbered years. The staff recommends board establish the 2012/2014 renewal. The application deadline as April 29, 2012.

Motion: Move to adopt the recommendations for the renewal application deadline as April 29, 2012.

Motion Proposals: First Shari J. Tomlinson
Second Gary L. Krcmarik

Motion Results: Pass

4) INITIAL LICENSE APPLICATIONS

4-A: *Review, discussion, and possible action regarding the following pending application for individual licensure*

- 1) *Lori Braddock*
- 2) *Gina M. Lopez*
- 3) *Bonye W. Barone*
- 4) *Mary Warinner*
- 5) *Krista Cline*
- 6) *Peggy McMahon*
- 7) *Mark Sanelli*
- 8) *Karen Miller.*

Individual Addressing the Board: Kimberly Siddall

Discussion: 1. Lori Braddock – It is recommended to grant initial licensure.

Motion: Move to Executive Session to receive the advice of counsel and to discuss confidential information.

Motion Proposals: First Leonard Montanaro
Second Mary Jane Baumgarten

Motion Results: Pass

Board Entered Executive Session:
11:13 A.M.

Return to Regular Session:
11:30 A.M.

Motion: Grant initial licensure to Lori Braddock.

Motion Proposals: First Shari J. Tomlinson
Second Deborah Primock

Motion Results: Pass

Discussion: 2. Gina Lopez is requesting to withdraw her application as she is unable secure a bond. Staff recommended the Board grant the request to withdraw the application.

Motion: Move to approve the withdrawal of Gina Lopez’s application.

Motion Proposals: First Diana M. Corry
Second Mary Jane Baumgarten

Motion Results: Pass

- Discussion:**
3. Bonye W. Barone
 4. Mary Warinner
 5. Krista Cline
 6. Peggy McMahon
 7. Mark Sanelli
 8. Karen Miller

Staff recommended to the Board defer consideration of applicants 3-8 until the May meeting pending the receipt of fingerprint background results.

Motion: Move to defer until the May meeting.

Motion Proposals: First Leonard Montanaro
Second Mary Jane Baumgarten

Motion Results: Pass

5) LICENSURE AND ELIGIBILITY

5-A: *Interview with and possible action regarding applicant Christina I. Rodriquez.*

Individual Addressing the Board: Kimberly Siddall

Discussion: Staff recommends the board address the events leading up to Ms. Rodriguez' bankruptcy and determine if the information being presented is contrary to licensure being granted. The Board interviewed Ms. Rodriguez.

Motion: Move to grant initial licensure to Christina Rodriquez.

Motion Proposals: First Shari J. Tomlinson
Second Gary L. Krcmarik
Opposed Leonard Montanaro and Hon. Jay Polk

Motion Results: Pass

CALL TO THE PUBLIC – No Response

ADJOURNMENT

Individual Addressing the Board: Pamela Johnston

Motion: Move to adjourn.

Motion Proposals: First Shari J. Tomlinson

Second Gary L. Krcmarik

Motion Results: Pass

Time: 11:49 A.M.

Y:\BOARDS COMMITTEES COMMISSION\FIDUCIARY BOARD\MINUTES\REGULAR\2012\MAR082012APPROVED.DOCX

AO