

FIDUCIARY BOARD



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

June 14, 2012
10:30 A.M.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Pamela Johnston
Mary Jane Baumgarten
Ted Evertsen
Gary Krcmarik
Hon. Jay Polk
Deborah Primock

Telephonically Present:

Diana Corry
Leonard Montanaro
Sherry Reed
Shari Tomlinson

Absent

Emily Kile

OTHER ATTENDEES:

AOC Staff:

Nancy Swetnam
Linda Grau
Debbie MacDougall
Nina Preston
Anne Hunter
Annette Fields
Arnita Oliver

Guests:

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 May 10, 2012.*

Individual Addressing the Board: Pam Johnston

Discussion: None

Motion: Move to approve the regular session minutes of the meeting on May 10, 2012.

Motion Proposals: First Leonard Montanaro
Second Gary Krcmarik

Motion Results: Pass

1-B: *Review, discussion, and possible action regarding the executive session minutes of the meeting held on May 10, 2012.*

Individual Addressing the Board: Pam Johnston

Discussion: None

Motion: Move to approve the executive session minutes of the meeting on May 10, 2012.

Motion Proposals: First Mary Jane Baumgarten
Second Leonard Montanaro

Motion Results: Pass

2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding the following complaint dismissed by the Division Director pursuant to Arizona Code of Judicial Administration § 7-201(D)(4)(a) and (H)(2)(a):*

Complaint Number 12-0002

Individual Addressing the Board: Linda Grau

Discussion: On April 23, 2012, Division Director Nancy Swetnam dismissed complaint number 12-0002 with prejudice, upon determining a lack of jurisdiction and referred the matter to an entity that holds jurisdiction. Notice of this dismissal was forward to the complainant along with notice of their right to request Board review of the dismissal. To date, no request for Board review has been received from the complainant. It is recommended the Board affirm the dismissal.

Motion: Move to accept staff's recommendation affirming the Division Director dismissal of complaint number 12-0002.

Motion Proposals: First Ted Evertsen
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; ACJA Part 3: Superior Court, Chapter 3: Probate Court; Arizona Codes of Judicial Administration § 3-302 and § 3-303; and court investigator training.*

Individual Addressing the Board: Nancy Swetnam

Discussion: Nancy Swetnam updated the Board regarding amendments to the Rules of Probate Procedures and ACJA.

3-B: *Review and discussion regarding possible future proposed amendments of Arizona Code of Judicial Administration § 7-201(E)(2)(c).*

Individual Addressing the Board: Nancy Swetnam

Discussion: Nancy Swetnam updated the Board regarding several proposed changes to Arizona Code of Judicial Administration § 7-201(E)(2)(c).

4) INITIAL LICENSE APPLICATIONS

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

1. *Hanna Pisiak-Kusiak*
2. *William Boston*
3. *Glenn Gloria*
4. *Deborah Gilliland*

5. *Ann Lander*
6. *Alexandra Larson*

Individual Addressing the Board: Kimberly Siddall

Discussion:

1. *Hanna Pisiak-Kusiak*
2. *William Boston*
3. *Glenn Gloria*
4. *Deborah Gilliland*
5. *Ann Lander*
6. *Alexandra Larson*

Motion: Move to grant licensure to Hanna Pisiak-Kusiak and defer applicants William Boston, Glenn Gloria, Deborah Gilliland, Ann Lander and Alexandra Larson until the next meeting.

Motion Proposals: First Mary Jane Baumgarten
Second Ted Evertsen

Motion Results: Pass

5) LICENSURE AND ELIGIBILITY

5-A: *Interview with and possible action regarding applicant Bonye W. Barone.*

Individual Addressing the Board: Kimberly Siddall

Discussion During a background investigation, it was discovered that Ms. Barone failed to pay 11 outstanding balances. Ms. Barone was asked by Division staff to show proof of payment. On September 1, 2011, she submitted a letter stating that once she sells her house in Connecticut, she would pay all her outstanding balances.

After conducting a telephonic interview with Ms. Barone, it is recommended that proof be provided that all of the items have been paid and present it at the next board meeting for another review.

Motion: Move to defer until the next meeting and have Ms. Barone show proof that all of the items have been paid.

Motion Proposals: First Hon. Jay Polk
Second Mary Jane Baumgarten.

Motion Results: Pass

6) RENEWAL OF LICENSE APPLICATIONS

6-A: *Review, discussion, and possible action regarding the following pending applications for renewal of individual licensed fiduciaries:*

1. *Donna Allison-Howard*
2. *Fred Appel*
3. *Rita Ashford*
4. *Mary Jane Baumgarten*
5. *Donna Benjamin*
6. *Pamela Bensmiller*
7. *Janice Bernardini*
8. *Leigh Bernstein*
9. *Jeanette Bloss*
10. *Tracy Boen*
11. *Lori Braddock*
12. *Milly Briggs*
13. *Daniel Bull*
14. *James Clark*
15. *Susan Cooper*
16. *Elizabeth Crosby*
17. *Jeanne Drabiak*
18. *Frank Escalante*
19. *Patricia Flores*
20. *Devon Forrest*
21. *Dixie Frederickson*
22. *Rebecca Ginsburg*
23. *Ronald Goldman*
24. *Linnea Grooms*
25. *Clare Guthrie*
26. *Teresa Hall*
27. *Linda Hamilton*
28. *John Harris*
29. *Elizabeth Hedger*
30. *Alexander Hobson*
31. *Deborah Holliday*
32. *Chalmer James*
33. *Anton Janik*
34. *Pamela Johnston*
35. *Carla Jones*
36. *Jacqueline Kanaga*
37. *Patricia Kellar*
38. *Yolanda Kennedy*
39. *Michael Klecka*

40. *Kay Kozak*
41. *Melissa Liebe*
42. *Leslie Mann-Damon*
43. *Fenton McDonough*
44. *Debra Mckee*
45. *Cecilia Mejia*
46. *Valerie Mills*
47. *Kathleen Moriarity*
48. *David Osollo*
49. *Sandra Paz*
50. *Linda Petersen*
51. *Tiffany Poarch*
52. *Gary Pope*
53. *Deborah Primock*
54. *Darra Rayndon*
55. *J.R. Rittenhouse*
56. *Catherine Robbins*
57. *Mark Rubin*
58. *Susan Rubin*
59. *Peter Santini*
60. *Carol Schmierer*
61. *Kathleen Schultz*
62. *Ranae Settle*
63. *Carol Severyn*
64. *Laura Short*
65. *Janie Singer*
66. *Vinay Singh*
67. *Carol Sodenquist*
68. *Rashida Suminski*
69. *Vergel Tan*
70. *Carol Ann Thompson*
71. *Shari Tomlinson*
72. *Christopher Tozzo*
73. *Peggy Van Norman*
74. *Richard Vanderheiden*
75. *Patricia Weiss*
76. *F.M. Westra*
77. *David Whipple*
78. *Theresa Whitfield*
79. *Heather Winters Bull*
80. *Craig Winsom*
81. *Melissa Woodburn*
82. *Robin Wright-Gordon*
83. *Joe Cannon*
84. *Deborah Dellisanti*
85. *Ruth Graham*
86. *Patricia Grenier*

87. *Shellie Hills*
88. *Sarah Holcomb*
89. *Linda Kohl*
90. *Richard Kruger*
91. *Laurie Kuzdal*
92. *Jeffrey Manley*
93. *Joel Margaretten*
94. *Anna Marie Martelli*
95. *Stephanie McCollum*
96. *Nancy Muller*
97. *Patricia Powers*
98. *Mark Ralles*
99. *Samuel Anderson*
100. *Alese Barkas*
101. *Lisa R. Druts*
102. *Scott Ferris*
103. *Glenn Hall*
104. *Patricia D. Hall*
105. *Chalmers James*
106. *Eric K. Macdonald*
107. *Clark Leuthold*
108. *Christina Rodriguez*
109. *Brian Williamson*
110. *Brian Bjorndahl*
111. *Gregory DoVico*
112. *Peggy DoVico*
113. *Audrey A. Hanks*
114. *Robin Michaelson*
115. *Marshall Herron*
116. *Jennifer Murray*
117. *Shawn M. Patterson*
118. *Joan Sacramento*
119. *Jason E. Cobb*
120. *Lisa Price*
121. *Tamarah Fitzsimmons*
122. *Jeannean Sabatina*
123. *Diana Serna*
124. *Candy Wheeler-Ruby*

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended the Board grant renewal of fiduciary licensure to the following applicants:

1. Donna Allison-Howard
2. Fred Appel
3. Rita Ashford

4. Mary Jane Baumgarten
5. Donna Benjamin
6. Pamela Bensmiller
7. Janice Bernardini
8. Leigh Bernstein
9. Jeanette Bloss
10. Tracy Boen
11. Lori Braddock
12. Milly Briggs
13. Daniel Bull
14. James Clark
15. Susan Cooper
16. Elizabeth Crosby
17. Jeanne Drabiak
18. Frank Escalante
19. Patricia Flores
20. Devon Forrest
21. Dixie Frederickson
22. Rebecca Ginsburg
23. Ronald Goldman
24. Linnea Grooms
25. Clare Guthrie
26. Teresa Hall
27. Linda Hamilton
28. John Harris
29. Elizabeth Hedger
30. Alexander Hobson
31. Deborah Holliday
32. Chalmer James
33. Anton Janik
34. Pamela Johnston
35. Carla Jones
36. Jacqueline Kanaga
37. Patricia Kellar
38. Yolanda Kennedy
39. Michael Klecka
40. Kay Kozak
41. Melissa Liebe
42. Leslie Mann-Damon
43. Fenton McDonough
44. Debra Mckee
45. Cecilia Mejia
46. Valerie Mills
47. Kathleen Moriarity
48. David Osollo
49. Sandra Paz
50. Linda Petersen

51. Tiffany Poarch
52. Gary Pope
53. Deborah Primock
54. Darra Rayndon
55. J.R. Rittenhouse
56. Catherine Robbins
57. Mark Rubin
58. Susan Rubin
59. Peter Santini
60. Carol Schmierer
61. Kathleen Schultz
62. Ranae Settle
63. Carol Severyn
64. Laura Short
65. Janie Singer
66. Vinay Singh
67. Carol Sodenquist
68. Rashida Suminski
69. Vergel Tan
70. Carol Ann Thompson
71. Shari Tomlinson
72. Christopher Tozzo
73. Peggy Van Norman
74. Richard Vanderheiden
75. Patricia Weiss
76. F.M. Westra
77. David Whipple
78. Theresa Whitfield
79. Heather Winters Bull
80. Craig Winsom
81. Melissa Woodburn
82. Robin Wright-Gordon

Motion: Move to approve the above-named applicants.

Motion Proposals: First Leonard Montanaro
 Second Ted Evertsen
 Recusals Pamela Johnson - (Applicant # 34); Mary Jane Baumgarten - (Applicant #4); Deborah Primock - (Applicant #53); Hon. Jay Polk - (Applicants #55, 78, 94, 95, 111, 112, 119 and 120)

Motion Results: Pass

Discussion: *It is recommended to grant renewal of licensures:*

83. Joe Cannon
84. Deborah Dellisanti

- 85. Ruth Graham
- 91. Laurie Kuzdal
- 93. Joel Margaretten
- 94. Anna Marie Martelli
- 95. Stephanie McCollum
- 98. Mark Ralles

Motion: Move to grant renewal of licensure.

Motion Proposals: First Ted Evertsen
 Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: *It is recommended the following applicants be deferred to the July 12, 2012 meeting:*

- 86. Patricia Grenier
- 87. Shellie Hills
- 88. Sarah Holcomb
- 89. Linda Kohl
- 90. Richard Kruger
- 92. Jeffrey Manley
- 96. Nancy Muller
- 97. Patricia Powers

Motion: Move to defer the above-named applicants until the July 12, 2012 meeting.

Motion Proposals: First Ted Evertsen
 Second Hon. Jay Polk

Motion Results: Pass

Discussion: *It recommended the Board grant renewal of licensure:*

- 99. Samuel Anderson
- 100. Alese Barkas
- 101. Lisa R. Druts
- 102. Scott Ferris
- 103. Glenn Hall
- 104. Patricia D. Hall
- 105. Chalmers James
- 106. Eric K. Macdonald
- 107. Clark Leuthold
- 108. Christina Rodriguez
- 109. Brian Williamson

Motion: Move to grant renewal of licensure.

Motion Proposals: First Leonard Montanaro
Second Deborah Primock

Motion Results: Pass

Discussion: *It is recommended the Board grant renewal of licensure and include language regarding non-disclosure on future applications may result in denial of renewal or disciplinary action:*

- 110. Brian Bjorndahl
- 111. Gregory DeVico
- 112. Peggy DeVico
- 113. Audrey A. Hanks
- 114. Robin Michaelson

Motion: *Move to grant renewal of licensure and include language regarding non-disclosure on future applications may result in denial of renewal or disciplinary action.*

Motion Proposals: First Gary Krcmarik
Second Deborah Primock
Recusals Hon. Jay Polk - (Applicants #111, 112 and 114)

Motion Results: Pass

Discussion: *It is recommended the Board grant renewal of licensure and order proof of resolution to the Division staff within 180 days from the Board's order:*

- 115. Marshall Herron
- 116. Jennifer Murray
- 117. Shawn M. Patterson
- 118. Joan Sacramento

Motion: *Move to grant renewal of licensure and order proof of resolution to the Division staff within 180 days from the Board's order.*

Motion Proposals: First Ted Evertsen
Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: *It is recommended that the Board enter into a consent agreement and if they agree, submit the signed consent agreement document to the Board for consideration at the next meeting:*

- 119. Jason E. Cobb
- 120. Lisa Price

Motion: Move to enter into a consent agreement and submit for the Board's review at the next meeting.

Motion Proposals: First Ted Evertsen
Second Mary Jane Baumgarten
Recusals Hon. Jay Polk - (Applicants #119 and 120)

Motion Results: Pass

Discussion: *Staff recommends the Board grant renewal and allow the chair to sign on behalf of the board with respect to the consent agreement.*

123. Diana Serna

Motion: *Move to grant renewal and allow the chair to sign on behalf of the board with respect to the consent agreement.*

Motion Proposals: First Mary Jane Baumgarten
Second Gary Krcmarik
Recusals Shari Tomlinson

Motion Results: Pass

Discussion: It was suggested to view a standard consent agreement at the next meeting.

Motion: Move to add as an agenda item to the July 12, 2012 meeting, a discussion regarding the review of the applicants' reports with the consideration that a question would be added and what would be the criteria.

Motion Proposals: First Pam Johnston
Second Ted Evertsen

Motion Results: Pass

Discussion: *It is recommended to defer the following applicants to the July 12, 2012 meeting.*

121. Tamarah Fitzsimmons
122. Jeannean Sabatina
124. Candy Wheeler-Ruby

Motion: Move to defer the following applicants to the July 12, 2012 meeting.

Motion Proposals: First Gary Krcmarik
Second Mary Jane Baumgarten

Motion Results: Pass

6-B: *Review, discussion, and possible action regarding the following pending business applications for renewal of licensure:*

1. *Bogutz & Gordon, P.C. - (Craig H Wisnom)*
2. *Care Coordinators – (Peggy S Van Norman)*
3. *Certified Fiduciary Services, Inc (Pamela Johnston)*
4. *Coconino County Public Fiduciary (Nancy Mueller)*
5. *Compass Fiduciary Group, LLC - (Jason E Cobb)*
6. *Conservators of Arizona, Inc. - (Michael J Klecka)*
7. *D.M. Benjamin CPA PC – (Donna M. Benjamin)*
8. *Entrust Fiduciary Services, Inc. – (Lisa M Price)*
9. *Estate Management Services, LLC - (Daniel E Bull)*
10. *Four Peaks Fiduciary Services, LLC – (Linnea K Grooms)*
11. *Integrated Fiduciary Services, Inc. – (Elizabeth Crosby)*
12. *Maricopa County Public Fiduciary – (Gary B Strickland)*
13. *Mohave County Public Fiduciary – (Catherin R Robbins)*
14. *Monarch Fiduciaries, LLC – (Melissa T Liebe)*
15. *Northern Arizona Fiduciaries, Inc – (Carla M Jones)*
16. *Pinal County Public Fiduciary – (Joan M Sacramento)*
17. *Premier Advocacy & Management Services LLC – (Pamela Johnston)*
18. *Ralles Law Firm, P.C. – (Mark T Ralles)*
19. *Rayndon & Associates, PIC – (Darra L Raydon)*
20. *Santa Cruz Public Fiduciary – (Rita Luz Ashford)*
21. *Sierra Huachuca Arc, Inc – (Mario A Gonzales)*
22. *Southwest Fiduciary, Inc. – (Gregory P Dovico)*
23. *Statewide Community Services, LLC – (Peggy A Dovico)*
24. *Yavapai County Public Fiduciary – (Shari Tomlinson)*
25. *Yuma County Public Fiduciary – (Candy M Wheeler-Ruby)*
26. *Childers & Berg, LLC – (Donal D Childers)*
27. *Apache County Public Fiduciary*
28. *Arizona Department of Veterans Services*
29. *East Valley Fiduciary Services, Inc. – (James C Clark)*
30. *Mesch, Clark & Rothschild – (Mark Rubin)*
31. *Mile High Fiduciaries, LLC – (Lisa R Drutz)*
32. *Pima County Public Fiduciary Office – (Philip H Grant)*

Individual Addressing the Board: Kimberly Siddall

Discussion: Staff recommends the above-named business applications for renewal of licensure be approved.

Motion: Move to approve the above-named business applications for renewal of licensure.

Motion Proposals: First Ted Evertsen

Second Mary Jane Baumgarten
Recusals Hon. Jay Polk- (Applicants #5, 8,13,15, 22, and 23)
Deborah Primock - (Applicant #22)
Pamela Johnston - (Applicants #3 and 17)

Motion Results: Pass

CALL TO THE PUBLIC

ADJOURNMENT

Individual Addressing the Board: Pam Johnston

Motion: Move to adjourn.

Motion Proposals: First Mary Jane Baumgarten
Second Gary Krcmarik

Motion Results: Pass

Time: 12:03 P.M.

Initials: AO

Y:\BOARDS COMMITTEES COMMISSION\FIDUCIARY BOARD\MINUTES\REGULAR\2012\06-14-12 Draft.docx