

FIDUCIARY BOARD



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

January 12, 2012
10:30 A.M.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Pamela Johnston
Ted Evertsen
Deborah Primock
Emily Kile
Lenny Montanaro
Gary L. Krcmarik
Hon. Jay Polk

Telephonically Present:

Mary Jane Baumgarten
Sherry Reed
Shari Tomlinson
Diana Corry

OTHER ATTENDEES:

AOC Staff:

Nancy Swetnam
Linda Grau
Kandace French
Nina Preston
Kimberly Siddall
Eric Thomas
Afton Foutz
Arnita Oliver

Guests:

Christopher Tozzo
Heather Bull

CALL TO ORDER

Called to Order By:

Pam Johnston

Time:

10:35 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 November 10, 2011.

Individual Addressing the Board: Pam Johnston

Discussion: None

Motion: Move to approve the regular session minutes of the meeting on November 10, 2011.

Motion Proposals: First Ted Eversten
Second Deborah Primock

Motion Results: Pass

1-B: Review, discussion, and possible action regarding the executive session minutes of the meeting held on November 10, 2011.

Individual Addressing the Board: Pam Johnston

Discussion: None

Motion: Move to approve the executive session minutes of the meeting on November 10, 2011.

Motion Proposals: First Mary Jane Baumgarten
Second Deborah Primock

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 11-0015

Individual Addressing the Board: Nancy Swetnam

Discussion: Pursuant to ACJA §7-201(H)(1)(9)(3), complaints dismissed by the Division Director are confidential and not a matter of public record.

On November 14, 2011, Division Director Swetnam dismissed complaint number 11-0015 without prejudice, upon determining a lack of jurisdiction. Nancy Swetnam recommended the Board affirm

the dismissal.

Motion: Affirm the Division Director dismissal of complaint number 11-0015.

Motion Proposals: First Ted Eversten
Second Deborah Primock

Motion Results: Pass

3) ADMINISTRATIVE ISSUES

3-A: *Report regarding status of Board Member terms, expirations and appointments.*

Individual Addressing the Board: Kandace French

Discussion: The Chief Justice appointed Pam Johnston the Board Chair effective January 4, 2012. Newly appointed members Gary Krcmarik and Lenny Montanaro were appointed to three year terms on the Board. Newly appointed members the Honorable Jay Polk and Emily Kile were appointed to one and two year terms respectively.

3-B: *Nomination and election of the 2012 Fiduciary Board vice Chair.*

Individual Addressing the Board: Kandace French

Discussion: Pam Johnston nominated Deborah Primock as Vice Chair.

Motion: Elect Deborah Primock as the Fiduciary Board Vice Chair for the 2012 calendar year.

Motion Proposals: First Shari Tomlinson
Second Sherry Reed

Motion Results: Pass

3-C: *Update regarding amendments to the Rules of Probate Procedure; Rule 31, Rules of the Supreme Court; the Arizona Codes of Judicial Administration § 7-210 and § 7-202; and ACJA Part 3: Superior Court, Chapter 3: Probate Court.*

Individual Addressing the Board: Nancy Swetnam

Discussion: Nancy Swetnam updated the committee about amendments to the

4) INITIAL LICENSE APPLICATIONS

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

1. Christopher M. Tozzo
2. Iris V. Crawford Bush
3. Gina M. Lopez
4. Christina I. Rodriguez

Individual Addressing the Board: Kimberly Siddall

Discussion: Christopher M. Tozzo disclosed being involved in civil actions regarding franchise agreements and assets seller agreement for a tutoring center for an elementary and secondary school students. Applicant has completed all requirements for licensure and therefore staff recommended the Board grant Fiduciary License.

Motion: Grant licensure to Christopher M. Tozzo

Motion Proposals: First Mary Jane Baumgarten
Second Lenny Montanaro

Motion Results: Pass

Discussion: Iris V. Crawford Bush disclosed her job with Bank One was eliminated during 2000 due to downsizing. Applicant has completed all requirements for licensure and therefore staff recommended the Board grant Fiduciary License.

Motion: Grant licensure to Iris V. Crawford Bush

Motion Proposals: First Deborah Primock
Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: Gina Lopez – Division is waiting for documentation of the requisite bond. Staff recommended the application be deferred to the March meeting.

Motion: Defer consideration of the application to the March 8, 2012 meeting.

Motion Proposals: First Hon. Jay Polk
Second Deborah Primock

Motion Results: Pass

Motion: Grant licensure for Christina I. Rodriquez - Motion withdrawn.

Motion Proposals: First Shari Tomlinson
Second

Motion Results: Fail

Discussion: Christina I. Rodriguez - Staff recommended the Board grant licensure. The board discussed requiring Christina Rodriquez to provide a more detailed and comprehensive explanation of the events leading up to her bankruptcy and whether to invite Ms. Rodriquez to the March meeting for an informal interview.

Motion: Require Ms. Rodriquez to submit a more detailed explanation of the events leading up to her bankruptcy and invite her to participate in an informal interview at the March 8, 2012 meeting.

Motion Proposals: First Deborah Primock
Second Ted Eversten

Motion Results: Pass 1 opposed – Shari Tomlinson

CALL TO THE PUBLIC – NO RESPONSE

ADJOURNMENT

Individual Addressing the Board: Pam Johnston

Motion: Move to adjourn.

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

Motion Results: Pass

Time: 11:17 am

Initials: AO

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