



FIDUCIARY BOARD

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

May 10, 2012
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Pamela Johnston
Mary Jane Baumgarten
Ted Eversten
Deborah Primock
Gary Krcmarik

Telephonically Present:

Emily Kile
Leonard Montanaro
Shari J. Tomlinson

Absent:

Sherry Reed
Hon. Jay M. Polk
Diana M. Corry

OTHER ATTENDEES:

AOC Staff:

Nancy Swetnam
Linda Grau
Kimberly Siddall
Nina Preston
Anne Hunter
Annette Fields
Cindy Trimble
Rick Sczerbicki
Arnita Oliver

Guests:

Heather Bull
Jeanne Drabiak

CALL TO ORDER

Called to Order By:

Pam Johnston

Time:

10:30 a.m.

1) REVIEW AND APPROVAL OF MINUTES

I-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 – Chair

Discussion: None

Motion: Move to approve the regular session minutes of the meeting on January 12, 2012

Motion Proposals: First Shari J. Tomlinson
Second Leonard Montanaro

Motion Results: Pass

I-B: *Review, discussion, and possible action regarding the Regular Session minutes of the meeting held on March 8, 2012*

Individual Addressing the Board: Pam Johnston-Chair

Discussion: Linda Grau noted the posted draft contained a misspelling of Gary Krcmarik’s last name and the necessary corrections had already been made.

Motion: Move to approve the regular session minutes of the meeting on March 8, 2012.

Motion Proposals: First Emily Kile
Second Leonard Montanaro

Motion Results: Pass

I-C: *Review, discussion, and possible action regarding the Executive Session minutes of the meeting held on March 8, 2012*

Individual Addressing the Board: Pam Johnston

Discussion: None

Motion: Move to approve the Executive session minutes of the meeting on March 8, 2012

Motion Proposals: First Shari Tomlinson
Second Emily Kile

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 11-0005

Individual Addressing the Board: Nancy Swetnam

Discussion: On April 3, 2012, Nancy Swetnam dismissed the complaint 11-0005 with prejudice upon determining a lack of jurisdiction, referring the matter to an entity which holds jurisdiction. The complainant was sent a notice of dismissal along with a notice of their right to request Board review. No such request has been received. Nancy Swetnam recommended the Board affirm dismissal.

Motion: Move to follow the recommendation to dismissal complaint number 11-0005 with prejudice.

Motion Proposals: First Emily Kile
Second Leonard Montanaro

Motion Results: Pass

2-B: *Review, discussion and possible action regarding complaint number 08-0025 involving Jeffery Lake.*

Individual Addressing the Board: Nancy Swetnam

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

Motion Proposals: First Emily Kile
Second Shari Tomlinson

Motion Results: Pass

Board Entered Executive Session:

10:36 A.M.

Return to Regular Session

10:51 A.M.

Discussion: Nancy Swetnam recommended the Board issued a Final Order in complaint number 08-0025 affirming the July 9, 2009 finding of

ground for discipline and close this complaint without further action; authorizing the Board Chair to sign the Final Order on behalf of the full Board.

Motion: Move to adopt the staff recommendation.

Motion Proposals: First Leonard Montanaro
Second Emily Kile

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; 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 changes to the Rules of Probate Procedures, Rule 31 of the Rules of the Arizona Supreme Court, and Arizona Codes of Judicial Administration. Nancy Swetnam provided an overview of the steps taken to implement all of the provisions, noting the Arizona Judicial Council is scheduled to consider the matters on June 18, 2012 in Tucson.

3-B: *Review and discussion regarding the grounds for denial of certification/licensure in Arizona Code of Judicial Administration § 7-201(E)(2)(c) and possible future proposed amendments of the subsection.*

Individual Addressing the Board: Nancy Swetnam and Linda Grau

Discussion: Discussion occurred regarding possible future amendments to the licensing procedures in ACJA was deferred until June meeting. A discussion regarding the grounds for denial of licensure will be had separately.

4) INITIAL LICENSE APPLICATIONS

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

1) *Krista Cline*

- 2) *Mary Warinner*
- 3) *Peggy McMahon*
- 4) *Nicole sabatina*
- 5) *Hanna Pisiak-Kusiak.*
- 6) *Karen Miller*
- 7) *Mark Sanelli*
- 8) *Bonye Barone*

Individual Addressing the Board: Kimberly Siddall

Discussion: On applicants listed below, Kim Siddall recommended the Board grant initial licensure effective June 1, 2012:

1. Krista Cline
2. Mary Warinner
3. Peggy McMahon

Motion: Move to grant initial licensure effective June 1, 2012.

Motion Proposals: First Mary Jane Baumgarten
Second Deborah Primock

Motion Results: Pass

Discussion: Regarding applicant Nicole Sabatina, Kim Siddall recommended the Board grant initial licensure with effective date as June 1, 2012.

Motion: Move to grant initial licensure with a June 1, 2012 effective date.

Motion Proposals: First Mary Jane Baumgarten
Second Debroah Primock

Motion Results: Pass

Discussion: Regarding applicant Hanna Pisiak-Kusiak, Kim Siddall recommended the Board to defer consideration of the application as staff has not received all of the necessary information.

Motion: Move to defer consideration of the application.

Motion Proposals: First Mary Jane Baumgarten
Second Gary Krcmarik

Motion Results: Pass

Discussion: Regarding applicant Karen Miller, Kim Siddall recommended the Board grant initial licensure effective June 1, 2012 and include language in the notification letter that indicates non-disclosure on future applications may result in denial of renewal or disciplinary action.

Motion: Move to grant initial licensure with recommended language regarding non-disclosure.

Motion Proposals: First Emily Kile
Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: Regarding applicant Mark Sanelli, Kim Siddall recommended the Board grant initial licensure effective June 1, 2012.

Motion: Move to grant initial licensure effective June 1, 2012.

Motion Proposals: First Mary Jane Baumgarten
Second Emily Kile

Motion Results: Pass

Discussion: Regarding applicant Bonye Barone, Kim Siddall recommended the Board offer a Consent Agreement. If Ms. Barone accepts the offered agreement and submits a signed copy, the document will be presented to the Board for review and consideration at the next meeting.

Motion: Move to defer application of Bonye Baron and request staff to provide information on the outstanding balances and invite Ms. Barone to attend the next meeting.

Motion Proposals: First Emily Kile
Second Leonard Montanaro

Motion Results: Pass

5) LICENSURE AND ELIGIBILITY

5-A: *Review, discussion, and possible action regarding request for placement on Inactive Status received from licensed fiduciary Susan Rubin, license number 20353.*

Individual Addressing the Board: Kimberly Siddall

Discussion: Kim Siddall recommended the Board accept Susan Rubin's request to be placed on inactive status.

Motion: Move to place license number 20353 (Susan Rubin) on inactive status.

Motion Proposals: First Shari Tomlinson
Second Emily Kile

Motion Results: Pass

5-B: *Review, discussion, and possible action regarding Voluntary Surrender request received from licensed fiduciary Gregory Sulzer, license number 20623.*

Individual Addressing the Board: Kimberly Siddall

Discussion: Kim Siddall recommended the Board accepts the voluntary surrender of license number 20623 (Gregory Sulzer).

Motion: Move to accept the voluntary surrender of license number 20623 (Gregory Sulzer).

Motion Proposals: First Emily Kile
Second Shari J. Tomlinson

Motion Results: Pass

6) RENEWAL OF LICENE APPLICATIONS

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

1. *Marlene Appel*
2. *Charles Arnold*
3. *Rashara Badilla*
4. *Debra Bailey*
5. *Katherine Bair*
6. *Warner Bair*
7. *Denise Baldwin*
8. *John Barkley*
9. *Lupe Bray*
10. *Julianne Brogna*
11. *Donal Childers*
12. *Carole Collins*
13. *Crismon Cooper*
14. *Phyllis Cornell*
15. *Roger Coventry*
16. *Marshall Coyne*
17. *Iris Crawford Bush*
18. *Thomas Curti*
19. *Connie Dohm*
20. *Patricia Espinoza*
21. *Barbara Ficker*
22. *Robert Ficker*
23. *Robert Fleming*

24. *Rhonda Garcia*
25. *Nora Garza*
26. *Jane Anne Geisler*
27. *Beverly Gloden*
28. *Philip Grant*
29. *Joyce Grudowski*
30. *Robert Harner*
31. *Vivian Hartless*
32. *Vicki Haviland*
33. *H. Rex Hawkins*
34. *Rochelle Hoekstra*
35. *Raena Honan*
36. *Phillip Ioset*
37. *Carol Kopsco*
38. *Janice Kulp*
39. *Sabrina Lamb*
40. *Roger Landis*
41. *Lori Lashley*
42. *Kathleen Lawson*
43. *Clinton Liechty*
44. *Sherrel Lines*
45. *John Lloyd Iii*
46. *Sean Mccoy*
47. *Debra Mcpherson*
48. *Joseph Noviello*
49. *Constance Olsen*
50. *Dian Pimental*
51. *Diane Prescott*
52. *Estella Rea*
53. *Carrie Rednour*
54. *Sherry Reed*
55. *Mary Roberts*
56. *Rashiel Salem*
57. *Dawn Savattonne*
58. *Paul Scartezina*
59. *Clarence Scott*
60. *Vicki Shepard*
61. *Marion Shontz*
62. *Sally Simpson*
63. *Sally Sokol*
64. *Rena Steele*
65. *Rhonda Stone*
66. *Kurt Tittelbach*
67. *Michael Tucker*
68. *Norman Turley*
69. *Dorothy Valley*

70. *Susan Villarreal*
71. *Stephanie Walker*
72. *Pamela Walsma*
73. *Dawn Walters*
74. *Harry Wilke*
75. *William Williams*
76. *Henry Wood*
77. *Catherine Yoshida-Corella*
78. *Jane Berg*
79. *James Elliott*
80. *Michael Bogle*
81. *Belvet Elsouhag*
82. *Frank Ciotczyk*
83. *Elizabeth Crosby*
84. *Deborah Dellisanti*
85. *Lyndi Anderson*
86. *Brian Bjorndahl*
87. *Pamela Braun*
88. *Mary Belasco*
89. *Walter Bache*
90. *Benjamin Burnside*
91. *Milly Briggs*
92. *Raymond Briggs*
93. *John Eadus, II*
94. *Maureen Edwards*
95. *Maryjane Baumgarten*
96. *Royal Bouschor, II*
97. *Frederick Brinckerhoff*
98. *Mary Jane Condit*
99. *Charles Dyer*
100. *Denice Shepherd*
101. *Mario Martinez*
102. *Beverly Tencza*
103. *Frances Lara*
104. *Claudia Johnson*
105. *James Otis*
106. *Eileen Rogers*
107. *Gary Strickland*
108. *Tamarah Fitzsimmons*
109. *Jeannean Sabatina*
110. *Diana Serna*
111. *Candy Wheeler-Ruby*

Individual Addressing the Board: Kimberly Siddall

Discussion:

Kim Siddall recommended the Board grant renewal of Fiduciary License to:

1. *Marlene Appel*
2. *Charles Arnold*
3. *Rashara Badilla*
4. *Debra Bailey*
5. *Katherine Bair*
6. *Warner Bair*
7. *Denise Baldwin*
8. *John Barkley*
9. *Lupe Bray*
10. *Julianne Brogna*
11. *Donal Childers*
12. *Carole Collins*
13. *Crismon Cooper*
14. *Phyllis Cornell*
15. *Roger Coventry*
16. *Marshall Coyne*
17. *Iris Crawford Bush*
18. *Thomas Curti*
19. *Connie Dohm*
20. *Patricia Espinoza*
21. *Barbara Ficker*
22. *Robert Ficker*
23. *Robert Fleming*
24. *Rhonda Garcia*
25. *Nora Garza*
26. *Jane Anne Geisler*
27. *Beverly Gloden*
28. *Philip Grant*
29. *Joyce Grudowski*
30. *Robert Harner*
31. *Vivian Hartless*
32. *Vicki Haviland*
33. *H. Rex Hawkins*
34. *Rochelle Hoekstra*
35. *Raena Honan*
36. *Phillip Ioset*
37. *Carol Kopsco*
38. *Janice Kulp*
39. *Sabrina Lamb*
40. *Roger Landis*
41. *Lori Lashley*
42. *Kathleen Lawson*
43. *Clinton Liechty*

44. *Sherrel Lines*
45. *John Lloyd Iii*
46. *Sean Mccoy*
47. *Debra Mcpherson*
48. *Joseph Noviello*
49. *Constance Olsen*
50. *Dian Pimental*
51. *Diane Prescott*
52. *Estella Rea*
53. *Carrie Rednour*
54. *Sherry Reed*
55. *Mary Roberts*
56. *Rashiel Salem*
57. *Dawn Savattonne*
58. *Paul Scartezina*
59. *Clarence Scott*
60. *Vicki Shepard*
61. *Marion Shontz*
62. *Sally Simpson*
63. *Sally Sokol*
64. *Rena Steele*
65. *Rhonda Stone*
66. *Kurt Tittelbach*
67. *Michael Tucker*
68. *Norman Turley*
69. *Dorothy Valley*
70. *Susan Villarreal*
71. *Stephanie Walker*
72. *Pamela Walsma*
73. *Dawn Walters*
74. *Harry Wilke*
75. *William Williams*
76. *Henry Wood*
77. *Catherine Yoshida-Corella*

Motion: Move to approve applicants numbered 1-77 for licensure renewal.

Motion Proposals: First Mary Jane Baumgarten
 Second Gary Krcmarik

Motion Results: Pass
Recused Recusal Emily Kile # 26

Discussion: Kim Siddall recommended the Board renew licensure of:

78. *Jane Berg*

- 79. *James Elliott*
- 80. *Michael Bogle*
- 81. *Belvet Elsouhag*
- 82. *Frank Ciotczyk*
- 83. *Elizabeth Crosby*
- 85. *Lyndi Anderson*
- 87. *Pamela Braun*
- 88. *Mary Belasco*
- 89. *Walter Bache*
- 90. *Benjamin Burnside*
- 92. *Raymond Briggs*
- 93. *John Eadus, II*
- 94. *Maureen Edwards*
- 96. *Royal Bouschor, II*
- 97. *Frederick Brinckerhoff*

Motion: Move to approve the above noted applicants for renewal of licensure.

Motion Proposals: First Shari Tomlinson
 Second Deborah Primock
 Recusal Emily Kile # 83 & 87
 Recusal Mary Jane Baumgarten #95

Motion Results: Pass

Discussion: Kim Siddall recommended the Board grant renewal of licensure to applicants:

- 98. *Mary Jane Condit*
- 99. *Charles Dyer*
- 100. *Denice Shepherd*

Motion: Move to grant renewal of license to the above applicants.

Motion Proposals: First Deborah Primock
 Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: Kim Siddall recommended the Board grant renewal of licensure to the following applicants and include language in the renewal notification letter that non-disclosures on future applications may result in denial of renewal or disciplinary action.

- 101. *Mario Martinez*

102. Beverly Tencza

Motion: Move to accept staff recommendation.

Motion Proposals: First Pam Johnston
Second Gary Krcmarik

Motion Results: Pass

Discussion: Kim Siddall recommended the Board to grant renewal of licensure and order proof of resolution to the Division within 180 days from the Board's order.

103. Frances Lara

104. Claudia Johnson

105. James Otis

106. Eileen Rogers

107. Gary Strickland

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

Motion Proposals: First Emily Kile
Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: Kim Siddall recommended the Board offer Consent Agreements with the following applicants:

108. Tamarah Fitzsimmons

109. Jeannean Sabatina

110. Diana Serna

111. Candy Wheeler-Ruby

Motion: Move to offer Consent Agreements to the above stated applicants.

Motion Proposals: First Pam Johnston
Second Shari Tomlinson

Motion Results: Pass

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

1. Crismon Cooper Licensed Fiduciaries LLC (Crismon J Cooper)
2. Managed Protective Services Inc. (Jane Anne Geisler)
3. Fleming & Curti, PLC (Robert B Fleming)
4. Gila County Public Fiduciary (Tiffany Poarch)

5. *Mohave Estate Management Office (Rashiel J Salem)*
6. *Navajo County Public Fiduciary (Sherry L Reed)*
7. *Graham County Public Fiduciary (Sherrel Lines)*
8. *Stewardship Association (Barbara J Ficker)*
9. *Cochise County Public Fiduciary (Vicki L Haviland)*
10. *Greenlee County Public Fiduciary (Nora Garza)*
11. *Vallely Consulting, LLC (Dorothy E. Vallely)*
12. *Assurance Fiduciary & Financial Svcs PLL (Sarah J Holcomb)*
13. *La Paz County Public Fiduciary (Vivian Hartless)*
14. *Professional Community Services, Inc. (Audrey A Hanks)*
15. *Condit and Associates, LLC (Mary Jane Condit)*
16. *Fiduciary Solutions, LLC (Mario S Martinez)*
17. *Care Coordinators (Peggy S Van Norman)*
18. *Southwest Fiduciary, Inc. (Gregory P Dovico)*
19. *Statewide Community Services, LLC (Peggy A Dovico)*
20. *Geriatric Assesmnt Mngmt&Solutions, LLC (Pamela J Braun)*
21. *Monarch Fiduciaries, LLC (Melissa T Liebe)*
22. *Coconino County Public Fiduciary (Nancy Mueller)*
23. *Pinal County Public Fiduciary (Joan M Sacramento)*
24. *Childers & Berg, LLC (Donal D Childers)*
25. *East Valley Fiduciary Services, Inc. (James C Clark)*

Individual Addressing the Board: Kimberly Siddall

Discussion: Kim Siddall recommended the Board grant renewal of Fiduciary business license to the following:

1. *Crimson Cooper Licensed Fiduciaries LC (Crismon J. Cooper)*
2. *Managed Protective Services Inc. (Jane Anne Geisler)*
3. *Fleming & Curti, PLC (Robert B Fleming)*
4. *Gila County Public Fiduciary (Tiffany Poarch)*
5. *Mohave Estate Management Office (Rashiel J Salem)*
6. *Navajo County Public Fiduciary (Sherry L Reed)*
7. *Graham County Public Fiduciary (Sherrel Lines)*
8. *Stewardship Association (Barbara J Ficker)*
9. *Cochise County Public Fiduciary (Vicki L Haviland)*
10. *Greenlee County Public Fiduciary (Nora Garza)*
11. *Vallely Consulting, LLC (Dorothy E. Vallely)*
12. *Assurance Fiduciary & Financial Svcs PLL (Sarah J Holcomb)*
13. *La Paz County Public Fiduciary (Vivian Hartless)*
14. *Professional Community Services, Inc. (Audrey A Hanks)*
15. *Condit and Associates, LLC (Mary Jane Condit)*

Motion: Move to grant renewal of the above noted business licenses.

Motion Proposals: First Deborah Primock
Second Mary Jane Baumgarten
Recusal Emily Kile - # 2 and #20

Motion Results: Pass

Discussion: Kim Siddall recommended the Board grant renewal of licensure to the following application and include language in the renewal notification letter indicating non-disclosure on future applications may result in denial of renewal or disciplinary action.

16. Fiduciary Solutions, LLC (Mario S. Martinez).

Motion: Move to approve the renewal license of the above applicant conditioned upon the language being included as the staff recommended.

Motion Proposals: First Pamela Johnston
Second Deborah Primock

Motion Results: Pass

Discussion Kim Siddall recommended the Board grant renewal of licensure to:

20. Geriatric Assesmnt Mngmnt & Solutions, LLC (Pamela J. Braun)

Motion: Move to grant renewal of licensure as recommended.

Motion Proposals: First Mary Jane Baumgarten
Second Gary Krcmarik
Recusal Emily Kile

Motion Results: Pass

CALL TO THE PUBLIC

No Response

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Shari J. Tomlinson
Second Mary Jane Baumgarten

Motion Results: Pass

Time: 12:08 p.m.

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