



FIDUCIARY BOARD

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

September 13, 2012
10:30 A.M.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Deborah Primock
Gary Krcmarik
Ted Evertsen

Telephonically Present:

Leonard Montanaro
Mary Jane Baumgarten
Diana Corry
Shari Tomlinson

Absent:

Pam Johnston
Emily Kile
Judge Jay Polk
Sherry Reed

OTHER ATTENDEES:

AOC Staff:

Debbie MacDougall
Kimberly Siddall
Nina Preston
Anne Hunter
Rick Sczerbicki
Bill MacIntyre
Wendy Reiter
Arnita Oliver

Guests:

Heather Bull

CALL TO ORDER

Called to Order By: Deborah Primock

Time: 10:37 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 July 12, 2012*

Individual Addressing the Board: Deborah Primock

Discussion: None

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

Motion Proposals: First Mary Jane Baumgarten
Second Leonard Montanaro

Motion Results: Pass

1-B: *Review, discussion, and possible action regarding the executive session minutes of the meeting held on July 12, 2012.*

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Move to approve the executive session minutes of the meeting on July 12, 2012.

Motion Proposals: First Gary Krcmarik
Second Mary Jane Baumgarten

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 NC12-0009*

- *Complaint Number 12-0006*
- *Complaint Number NC11-0012*
- *Complaint Number 11-0013*

Individual Addressing the Board: Debbie MacDougall

Discussion: Pursuant to § ACJA 7-201(H)(1)(g)(3), complaints dismissed by the Division Director are CONFIDENTIAL and not a matter of public record. If the Board wishes to address specific details regarding these matters, it is recommended the Board enter executive session to discuss matters confidential.

Complaint Number NC12-0009: On July 16, 2012, Division Director Nancy Swetnam dismissed complaint number NC12-0009 without prejudice upon determining the processing of the complaint failed to meet the criteria contained in ACJA § 7-201(H)(3)(b). Notice of the dismissal was forwarded to the complainant along with notice of the complainant’s right to request Board review of the Division Director’s dismissal. To date, no request for review has been received from the complainant. Therefore, it is recommended the Board affirm the dismissal.

Motion: Move to accept staff’s recommendation.

Motion Proposals: First Leonard Montanaro
Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: **Complaint Number 12-0006:** On August 3, 2012, Division Director Swetnam dismissed complaint number 12-0006 with prejudice for lack of jurisdiction. Notice of the dismissal was forwarded to the complainant along with notice of the complainant’s right to request Board review of the Division Director’s dismissal. To date no request for review has been received from the complainant. Therefore, it is recommended the Board affirm the dismissal.

Motion: Move to accept staff’s recommendation.

Motion Proposals: First Ted Evertsen
Second Gary Krcmarik

Motion Results: Pass

Discussion: **Complaint Number NC11-0012:** On August 3, 2012, Division Director Swetnam dismissed complaint number NC11-0012 with prejudice for lack of jurisdiction. Notice of the dismissal was forwarded to the complainant along with notice of the

complainant's right to request Board review of the Division Director's dismissal. The complaint requested Board review of the dismissal. It is recommended the Board review and consider the dismissal and the complainant's request for review and affirms the dismissal.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Leonard Montanaro

Motion Results: Pass

Discussion: **Complaint Number 11-0013:** On June 22, 2012, Division Director Swetnam dismissed complaint number 11-0013 without prejudice upon determining the complaint contained allegations that if true, did not constitute a violation of statute, court rule or ACJA. The Board affirmed the dismissal on July 12, 2012. Upon receiving notice of the Board's action, the complainant submitted a request for Board review. It could not be established the complainant received notice of the dismissal prior to the Board's July 12, 2012 review and action. Therefore, this matter has returned to the agenda for further consideration. It is recommended the Board review the complainant's request, reconsider the dismissal, and affirm the dismissal.

Motion: Move to accept the staff's recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Ted Evertsen

Motion Results: Pass

3) ADMINISTRATIVE ISSUES

3-A: *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: Anne Hunter

Discussion: Compliance Manager Anne Hunter presented a brief overview regarding grounds for denial of certification/licensure and possible future proposed amendments of the subsection.

4) INITIAL LICENSE APPLICATION

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

1. *Amanda Ubiebor*
2. *Annette Jones*
3. *Dianne Keethe*
4. *Helen Jones*
5. *Shannon Bennett*
6. *Stephanie Soumis*
7. *Jewish Family and Children's Services of Arizona (David T. Osollo)*

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended that the Board grant initial licensure to the following applicants:

2. *Annette Jones*
3. *Dianne Keethe*
7. *Jewish Family and Children's Services of Arizona (David T. Osollo)*

Motion: Move to grant licensure to the above-named applicants.

Motion Proposals: First Mary Jane Baumgarten
Second Shari Tomlinson

Motion Results: Pass

Discussion: Applicant disclosed being charged with DUI in May of 2004. Applicant paid the fines and completed the class that was required. It is recommended to grant initial licensure to the applicant:

1. *Amanda Ubiebor*

Motion: Move to accept staff's recommendation.

Motion Proposals: First Leonard Montanaro
Second Gary Krcmarik

Motion Results: Pass

Discussion: Applicants:
4. *Helen Jones*
5. *Shannon Bennett*

It is recommended to defer until the November meeting.

Motion: Move to defer until the November meeting.

Motion Proposals: First Shari Tomlinson
Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: *On Applicant:*
6. *Stephanie Soumis*

Staff recommends going into executive session to receive advice of counsel and to discuss confidential information.

Motion: Move to go into executive session to receive advice of counsel and to discuss confidential information.

Motion Proposals: First Shari Tomlinson
Second Mary Jane Baumgarten

Motion Results: Pass

Entered into Executive Session

11:09 A.M.

Returned to Regular Session

11:11 A.M.

Discussion:

Motion: Move to accept staff's recommendation.

Motion Proposals: First Ted Evertsen
Second Gary Krcmarik

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 Gary Strickland, license number 20663.*

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended to accept Mr. Strickland's request to be placed on inactive status.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Ted Evertsen
Second Shari Tomlinson

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. *Bruce Martin*
2. *Sarah Holcomb*
3. *Patricia Grenier*
4. *Shellie Hills*
5. *Linda Kohl*
6. *Candy Wheeler-Ruby*
7. *Mary Espinoza*
8. *Richard Kruger*
9. *Lisa Price*

Individual Addressing the Board: Kimberly Siddall

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

1. *Bruce Martin*
2. *Sarah Holcomb*
3. *Patricia Grenier*
4. *Shellie Hills*

Motion: Move to grant renewal of individual licensure to the above named applicants.

Motion Proposals: First Shari Tomlinson
Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: It is recommended to grant renewal and include language regarding

non-disclosure on future applications may result in denial of renewal or disciplinary action to the following applicant:

5. *Linda Kohl*

Motion: Move to accept staff's recommendation.

Motion Proposals: First Shari Tomlinson
Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: It is recommended granting renewal of licensure and order proof of resolution to division staff within 180 days of the Board's order to the following applicant:

6. *Candy Wheeler-Ruby*

Motion: Move to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Mary Jane Baumgarten

Recusal Shari Tomlinson

Motion Results: Pass

Discussion: It is recommended to grant renewal to the following applicant:

7. *Mary Espinoza*

Motion: Move to accept staff's recommendation.

Motion Proposals: First Shari Tomlinson
Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: It is recommended that the Board deny renewal of licensure pursuant to ACJA § 7-201(E)(2)(c)(1), applicant has not submitted a complete application with all deficiencies corrected, applicable documents and failed to submit proof of citizenship:

8. *Richard Kruger*

Motion: Move to accept staff's recommendation.

Motion Proposals: First Leonard Montanaro
Second Mary Jane Baumgarten

Motion Results: Pass

Discussion: It is recommended that the Board defer the following applicant to the next Board meeting:

9. *Lisa Price*

Motion: Move to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Ted Evertsen

Motion Results: Pass

CALL TO THE PUBLIC – NO RESPONSE

ADJOURNMENT

Individual Addressing the Board: Deborah Primock

Motion: Move to adjourn.

Motion Proposals: First Shari Tomlinson
Second Mary Jane Baumgarten

Motion Results: Pass

Time: 11:18 A.M.

Initials: AO