

**Supreme Court Board of Fiduciary**  
Arizona State Courts Building  
1501 West Washington Street, Phoenix, Arizona 85007  
Conference Room 230  
October 11, 2007  
10:00 am -2:00 pm

Approved Regular Minutes

**MEMBER ATTENDANCE**

***Present:***

Mary E. Carlton  
Diana L. Clarke  
Stacey L. Johnson  
Pamela Johnston  
Kymberlei Putz  
Shari J. Tomlinson

***Telephonically Present:***

Marlin "Kip" Anderson

***Absent:***

Honorable Dean Fink

**OTHER ATTENDEES**

***AOC Staff:***

Kitty Boots  
Linda Grau  
Nina Preston  
Kimberly Siddall  
Rhonda Simmons  
Nancy Swetnam  
David Geriminsky  
Emily Holliday

***Guests:***

Heather W. Bull  
Charity Antal  
Marlene Appel  
Donal D. Childers  
Righard Vanderheiden  
Gary Noviello  
LaDonna K. Ockinga  
Greg Como  
Roger Coventry  
Suzanna Goldman

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**CALL TO ORDER**

**Called to Order By:**

Shari J. Tomlinson

**Time:**

10:15 a.m.

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**1) REVIEW AND APPROVAL OF MINUTES**

***I-A:*** Discussion, review, and possible approval of the Regular and Executive Session Minutes of the meeting held on September 13, 2007.

***Individuals Addressing the Board:*** None

**Discussion:** Board discussed and reviewed the Regular and Executive Session Minutes of the meeting held on September 13, 2007.

**Motion:** Move to approve the Regular and Executive Session Minutes of the meeting held on September 13, 2007.

**Motion Proposals:** First: Mary E. Carlton  
Second: Pamela Johnston

**Motion Results:** Pass

**1-B:** Discussion, review, and possible approval of the Regular Session Minutes of the meeting held on September 24, 2007.

**Individuals Addressing the Board:** None

**Discussion:** Board discussed and reviewed the Regular Session Minutes of the meeting held on September 24, 2007.

**Motion:** Moved to accept the Regular Session Minutes of the meeting held on September 24, 2007.

**Motion Proposals:** First: Mary E. Carlton  
Second: Pamela Johnston

**Motion Results:** Pass

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## 2) PENDING COMPLAINTS

**2-A:** Formal Interview with certified fiduciary Donna Allison-Howard and possible action regarding complaint number 06-0007.

**Individuals Addressing the Board:** Linda Grau

**Discussion:** Board discussed Ms. Allison-Howard's request this matter be deferred to the November meeting.

**Motion:** Move to take this agenda item at the next regularly scheduled meeting.

**Motion Proposals:** First: Kymberlei Putz  
Second: Pamela Johnston

**Motion Results:** Pass

**2-B:** Receive verbal statements from the parties, review, discussion, and possible action regarding Hearing Officer Andrew Marshall's Recommendation Report involving certified fiduciary Richard Vanderheiden, the Maricopa County Public Fiduciary's Office and complaint number 03-0010.

**Individuals Addressing the Board:** Linda Grau, Greg Como, LaDonna Ockinga

**Discussion:** Board Received verbal statements from both parties than discussed Hearing Officer Andrew Marshall's Recommendation Report involving certified fiduciary Richard Vanderheiden, the Maricopa County Public Fiduciary's Office and complaint number 03-0010.

**Motion:** Move to go to Executive Session at 10:35 a.m. to receive advice of counsel.

**Motion Proposals:** First: Kymberlei Putz  
Second: Diana E. Clark

**Motion Results:** Pass

*Moved into Executive Session at 10:35 a.m.*

*Moved out of Executive Session at 10:50 a.m.*

**Motion:** Moved to adopt the Findings of Facts, Conclusions of Law, and Sanction Recommendations of the Hearing Officer and to issue a Censure and assesses costs of the investigation and related disciplinary proceedings.

**Motion Proposals:** First: Diana L. Clarke  
Second: Mary E. Carlton

**Motion Results:** Pass

**Motion:** Moved to authorize Board Member Pamela Johnston sign the Final Order on behalf of the board on this Agenda Item.

**Motion Proposals:** First: Diana L. Clarke  
Second: Mary E. Carlton

**Motion Results:** Pass

**Recused:** Stacey Johnson

**2-C:** Formal Interview with Donna Dauenhauer regarding complaint numbers 01-0029, 02-0035, and 04-0022.

**Individuals Addressing the Board:** Linda Grau, Emily Holliday

**Discussion:** Board was informed that Ms. Dauenhauer declined the Board's invitation to participate in a Formal Interview and has submitted a request to voluntarily surrender her individual fiduciary certification.

**Motion:** Moved to issue a Letter of Concern to Ms. Dauenhauer in complaint numbers 01-0029, 02-0035, and 04-0022 and accept Ms. Dauenhauer's voluntary surrender request.

**Motion Proposals:** First: Stacey Johnson  
Second: Mary E. Carlton

**Motion Results:** Pass

**2-D:** Review, discussion, and possible action regarding complaint number 03-0014 involving certificate holder Mildred Ellis.

**Individuals Addressing the Board:** Linda Grau, Emily Holliday

**Discussion:** Board Reviewed and discussed complaint number 03-0014 involving certificate holder Mildred Ellis.

**Motion:** Board Moves to find grounds for disciplinary actions and to invite Ms. Ellis for a Formal Interview at the regularly scheduled November meeting.

**Motion Proposals:** First: Pamela Johnston  
Second: Mary E. Carlton

**Motion Results:** Pass

**2-E:** Report regarding and possible action involving complaints dismissed by Division Director, pursuant to Arizona Code of Judicial Administration § 7-201 (D)(4)(a) and (H)(2)(b):

Complaint Number 07-0005  
Complaint Number 07-0021

**Individuals Addressing the Board:** Linda Grau, Emily Holliday

**Discussion:** Board discussed the referenced complaints dismissed by Division Director.

**Motion:** Moved to affirm the Division Director dismissal of complaint number 07-0005.

**Motion Proposals:** First: Stacey Johnson

Second: Diana L. Clarke

**Motion Results:** Pass

**Motion:** Moved to affirm the Division Director dismissal of complaint number 07-0021.

**Motion Proposals:** First: Pamela Johnston  
Second: Stacey Johnson

**Motion Results:** Pass

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### 3) CERTIFICATION AND ELIGIBILITY

**3-A:** Review, discussion and possible action regarding approval of Fiduciary Examination Candidate Study Guide and the Examination cut score, pursuant to ACJA § 7-201 (D)(5)(c)(b)

**Individuals Addressing the Board:** Linda Grau, Katherine Boots

**Discussion:** Board discussed the form and content of the Fiduciary Examination Candidate Study Guide and the basis for the recommended scaled, cut score.

**Motion:** Move to accept 70% as the Fiduciary Examination scaled, cut score.

**Motion Proposals:** First: Stacey Johnson  
Second: Kymberlei Putz

**Motion Results:** Pass

**Motion:** Move to approve the Fiduciary Examination Candidate Study Guide.

**Motion Proposals:** First: Kymberlei Putz  
Second: Diana L. Clarke

**Motion Results:** Pass

**3-B:** Review, discussion, and possible action regarding pending applications for standard certification submitted by:

Beverly Gloden  
East Valley Fiduciary Services, Inc.  
Geriatric Assessment, Management & Solutions, LLC  
Mile High Fiduciaries, LLC

**Individuals Addressing the Board:** Kimberly Siddall, Linda Grau, Nina Preston, Katherine Boots

**Discussion:** Board discussed pending applications for standard certification submitted by:

Beverly Gloden  
East Valley Fiduciary Services, Inc.  
Geriatric Assessment, Management & Solutions, LLC  
Mile High Fiduciaries, LLC

**Motion:** Move to go to Executive Session at 11:55 a.m.

**Motion Proposals:** First: Stacey Johnson  
Second: Mary E. Carlton

**Motion Results:** Pass

*Moved into Executive Session at 11:55 a.m.  
Moved out of Executive Session at 12:10 p.m.*

**Discussion:** The Board reviewed and discussed the provisions and content of the proposed Consent Agreement regarding Ms. Golden's voluntary participation in drug testing and available services in Yavapai County. The Board received advice of counsel regarding the provisions and received a staff recommendation.

**Motion:** Moved to strike the drug testing related provisions from the proposed Consent Agreement draft and to remove the term "full Board" on page 3 Line 14 of the Consent Agreement.

**Motion Proposals:** First: Stacey Johnson  
Second: Diana L. Clarke

**Motion Results:** Pass

**Motion:** Moved to authorize the Chair's designee to sign the Consent Agreement on behalf of the Board after Ms. Golden has had an opportunity to review and sign the amended Consent Agreement.

**Motion Proposals:** First: Diana L. Clarke  
Second: Stacey Johnson

**Motion Results:** Pass

**Motion:** Moved to invite Mr. Clark of East Valley Fiduciary Services, Inc. to address the Board regarding the pending business entity applicaiton.

**Motion Proposals:** First: Pamela Johnston  
Second: Mary E. Carlton

**Motion Results:** Pass

**Motion:** Moved to grant certification to Geriatric Assessment, Management and Solutions, LLC.

**Motion Proposals:** First: Mary E. Carlton  
Second: Kymberlei Putz

**Motion Results:** Pass

**3-C:** Review, discussion, and possible action regarding petition received from Linda L. Fraunfelter requesting the Board waive the ACJA § 7-202 subsection (E)(1)(d) requirement and permit Ms. Fraunfelter to sit for the fiduciary certification examination.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the petition received from Linda L. Fraunfelter requesting the Board waive the ACJA § 7-202 subsection (E)(1)(d) requirement and permit Ms. Fraunfelter to sit for the fiduciary certification examination.

**Motion:** Moved to deny Ms. Fraunfelter's request for a waiver to sit for the fiduciary exam.

**Motion Proposals:** First: Mary E. Carlton  
Second: Kymberlei Putz

**Motion Results:** Pass

**3-D:** Review, discussion, and possible action regarding Inactive Status request received from certified fiduciary Richard C. Brand, certificate number 20038.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the Inactive Status request received from certified fiduciary Richard C. Brand, certificate number 20038.

**Motion:** Moved to grant the Inactive Status Request submitted by Richard C. Brand.

**Motion Proposals:** First: Kymberlei Putz  
Second: Mary E. Carlton

**Motion Results:** Pass

**3-E:** Review, discussion, and possible action regarding Inactive Status request received from certified fiduciary Daniel C. Frey, certificate number 20435.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the Inactive Status request received from certified fiduciary Daniel C. Frey, certificate number 20435.

**Motion:** Moved to grant the Inactive Status Request submitted by Daniel C. Frey.

**Motion Proposals:** First: Mary E. Carlton  
Second: Pamela Johnston

**Motion Results:** Pass

**3-F:** Review, discussion, and possible action regarding Inactive Status request received from certified fiduciary Patrick F. Chorpenning, certificate number 20238.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the Inactive Status request received from certified fiduciary Patrick F. Chorpenning, certificate number 20238.

**Motion:** Moved to grant the Inactive Status Request submitted by Patrick F. Chorpenning.

**Motion Proposals:** First: Kymberlei Putz  
Second: Mary E. Carlton

**Motion Results:** Pass

**3-G:** Review, discussion, and possible action regarding Inactive Status request received from certified fiduciary Catherine T. Starr, certificate number 20363.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the Inactive Status request received from certified fiduciary Catherine T. Starr, certificate number 20363.

**Motion:** Moved to grant the Inactive Status Request submitetd by Catherine T. Starr.

**Motion Proposals:** First: Mary E. Carlton  
Second: Kymberlei Putz

**Motion Results:** Pass

**3-H:** Review, discussion, and possible action regarding Inactive Status request received from certified fiduciary Marilou Cleland, certificate number 20575.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the Inactive Status request received from certified fiduciary Marilou Cleland, certificate number 20575.

**Motion:** Moved to grant the Inactive Status Request submitted by Marilou Cleland.

**Motion Proposals:** First: Stacey Johnson  
Second: Kymberlei Putz

**Motion Results:** Pass

**3-I:** Review, discussion, and possible action regarding Voluntary Surrender request received from certified fiduciary Richard D. King, certificate number 20515.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the Voluntary Surrender request received from certified fiduciary Richard D. King, certificate number 20515.

**Motion:** Moved to grant the Voluntary Surrender request submitted by Richard D. King.

**Motion Proposals:** First: Mary E. Carlton  
Second: Kymberlei Putz

**Motion Results:** Pass

**3-J:** Review, discussion, and possible action regarding Voluntary Surrender request received from certified fiduciary Donna Dauenhauer, certificate number 20064.

**Individuals Addressing the Board:** Linda Grau

**Discussion:** Staff noted the Board previously addressed this request earlier in the meeting while resolving Agenda Item 2-C.

**3-K:** Review, discussion, and possible action regarding Voluntary Surrender request received from certified fiduciary Marcia G. Salomon, certificate number 20019.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the Voluntary Surrender request received from certified fiduciary Marcia G. Salomon, certificate number 20019.

**Motion:** Moved to grant the Voluntary Surrender request submitted by Marcia G. Salomon.

**Motion Proposals:** First: Mary E. Carlton  
Second: Pamela Johnston

**Motion Results:** Pass

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**BREAK STARTED** 11:40 a.m.

**BREAK ENDED** 11:55 a.m.

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#### **4) ADMINISTRATIVE ISSUES**

**4-A:** Review, discussion and possible action regarding 2008 Fiduciary Board meeting schedule.

**Individuals Addressing the Board:** Linda Grau

**Discussion:** Board discussed the 2008 Fiduciary Board meeting schedule. Staff recommended the 2008 meetings occur on January 10<sup>th</sup>, February 14<sup>th</sup>, March 13<sup>th</sup>, April 17<sup>th</sup>, May 8<sup>th</sup>, May 22<sup>nd</sup>, June 12<sup>th</sup>, July 10<sup>th</sup>, August 14<sup>th</sup>, September 11<sup>th</sup>, October 9<sup>th</sup>, November 13<sup>th</sup>, and December 11<sup>th</sup>. Staff recommended the Board consider not meeting during August as a second May meeting has been proposed to address renewal applications. The Board discussed meeting start times.

**Motion:** Move to approve the schedule as recommended by staff and for no meeting to be scheduled during August meeting, with all meetings to be scheduled for 10:30 a.m. until 2:30 p.m.

**Motion Proposals:** First: Stacey Johnson  
Second: Diana L. Clarke

**Motion Results:** Pass

**4-B:** Review and discussion regarding Arizona Supreme Court Rule 31 regarding use of designations likely to induce others to believe a person or entity are authorized to engage in the practice of law.

**Individuals Addressing the Board:** Linda Grau

**Discussion:** Board discussed Arizona Supreme Court Rule 31 regarding use of designations likely to induce others to believe a person or entity is authorized to engage in the practice of law.

**Motion:** Moved distribute an information notice to the fiduciary community concerning Rule 31.

**Motion Proposals:** First: Pamela Johnston  
Second: Mary E. Carlton

**Motion Results:** Pass

**4-C:** Review, discussion and possible action regarding Legislative Proposal No. 2008-06: Guardianship; persistently or acutely disabled.

**Individuals Addressing the Board:** Linda Grau

**Discussion:** Board discussed Legislative Proposal No. 2008-06: Guardianship; persistently or acutely disabled.

**Motion:** Moved to take no action on this matter

**Motion Proposals:** First: Stacey Johnston  
Second: Kymberlei Putz

**Motion Results:** Pass

**4-D:** Report of the Fiduciary Duties Subcommittee.

**Individuals Addressing the Board:** Linda Grau

**Discussion:** The Fiduciary Duties Subcommittee reported the Subcommittee had drafted possible measures for addressing the Arizona Judicial Council's

request. Staff will work with Legal Counsel to draft the Subcommittees proposal for further review at the next meeting.

**4-E:** Report of the POA Subcommittee.

**Individuals Addressing the Board:** Linda Grau

**Discussion:** The POA Subcommittee did not submit a report and is scheduled to meet immediately following the Board meeting.

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## CALL TO THE PUBLIC

**Individuals Addressing the Board:** None

**Discussion:** None

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## ADJOURN

**Motion:** Adjourn the meeting.

**Motion Proposals:** First: Kymberlei Putz  
Second: Mary E. Carlton

**Motion Results:** Pass

**Time:** 1:15 p.m.