

**Supreme Court Fiduciary Board**  
Arizona State Courts Building  
1501 West Washington, Phoenix, AZ 85007  
Conference room CLD1  
12:00 p.m. – 4:00 p.m.

May 10, 2007  
Approved Regular Session Minutes

**MEMBER ATTENDANCE**

***Present:***

Dean Fink  
Diana L. Clarke  
Pamela Johnston  
Melissa K. King  
Kymberlei Putz  
Shari J. Tomlinson

***Telephonically Present:***

Marlin “Kip” Anderson  
Mary E. Carlton

***Absent:***

Stacey L. Johnson

**OTHER ATTENDEES**

***AOC Staff:***

Linda Grau  
Maryanne Baiza  
Kimberly Siddall  
Nancy Swetnam  
Alex Navarro  
Dara Fonseth  
Tony Posante

***Guests:***

None

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**CALL TO ORDER**

***Called to Order By:***

Shari Tomlinson, Chair

***Time:***

12:09 pm

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**CALL TO ORDER .....*Shari Tomlinson, Chair***

**1) REVIEW OF PENDING COMPLAINTS.....*Division Staff***

*1-A: Review of complaints dismissed by Division Director, pursuant to Arizona Code of Judicial Administration § 7-201 (D)(4)(a) and (H)(2)(b):*

*Complaint Number 07-0007*

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Nancy Swetnam provided an overview of complaint number 07-0007 and recommends the Board dismiss due to lack of jurisdiction.

**Motion:** To affirm the Division Director's dismissal of complaint number 07-0007 as this matter falls outside the jurisdiction of the Arizona Supreme Court.

**Motion Proposals:** First Dean Fink  
Second Mary Carlton

**Motion Results:** Pass Motion Carries

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**2) ADMINISTRATIVE ISSUES.....Shari Tomlinson, Chair**

2-A: *Review, discussion, and possible action regarding fiduciary authorities gained through execution of Powers of Attorney, Trustee authorities, and conflicts of interest.*

**Individuals Addressing the Board:** Linda Grau

**Discussion:** Review and discussion held regarding fiduciary authorities' gained through the execution of Powers of Attorney. This matter revisited from the April 12, 2007 meeting. Discussion on issues of the Certified Fiduciaries operating under the authority gained through execution of Powers of Attorney.

Discussion was also held on the areas of potential concern, abuse and misconduct of the Trustee's authority and conflict's of interest. Board recommends additional information from staff on prior actions regarding conflicts of interests.

Discussion on the educational requirements of a certified fiduciary regarding at what level should a certified fiduciary be able to sit for the exam. Kimberly Siddall read the requirements from the ACJA 7-202 E(1)(b)(6). This matter was recommended to be deferred to the next month's agenda for the purpose of discussing specifics on the educational requirements.

1:10 PM Diane Clarke attended the meeting.

**Motion:** Motion made for the Board to follow up through a subcommittee to expand the Fiduciary's authority and address issues of the Power of Attorney. Members interested to review thru subcommittee: Mary Carlton, Dean Fink, and Melissa King. Email will go out to members of the Board not in attendance and matter will be deferred to next months' agenda

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

**Motion Results:** Pass Motion Carries

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**3) CERTIFICATION AND ELIGIBILITY.....Division Staff**

**3-A:** *Review of pending applications for Standard certification.*

*Martin Zachreson  
Diane Fuller  
Harvey Van Sciver  
Eileen Rogers  
Arizona Guardians & Conservators (Candace Bow)  
Beverly Gloden*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The following applicants meet the minimum eligibility requirements for certification. Ms. Siddall recommended these individuals be granted Standard certification:

Martin Zachreson  
Harvey Van Sciver  
Eileen Rogers

**Motion:** Board recommends certification be granted to Martin Zachreson, Harvey Van Sciver, and Eileen Rogers.

**Motion Proposals:** First Mary Carlton  
Second Dean Fink

**Motion Results:** Pass Motion Carries

**Discussion:** Ms. Siddall reported the following applicant does not meet the minimum eligibility requirements for certification and recommended that Standard certification be denied to:

Diane Fuller

**Motion:** Motion made by the Board denying the certification of Diane Fuller as recommended by staff.

**Motion Proposals:** First Dean Fink  
Second Diane Fuller

**Motion Results:** Pass Motion Carries

**Discussion:** Ms. Siddall reported the following business entity was involved in two probate actions. It is recommended that the Board invite Ms. Candace Bow to the June 14, 2007 meeting to discuss details of the undisclosed actions and to address the Board regarding the failure to report the pending actions on the business application. As an alternative if the Board is not inclined to invite Ms. Bow to the next meeting, recommendation would be to defer the application in order for staff to request verification of the required bond and new Articles of Incorporation:

Arizona Guardians & Conservators (Candace Bow)

**Motion:** Board recommends deferring this matter to the next meeting of June 14, 2007 and inviting Ms. Candace Bow to address issues as recommended by staff.

**Motion Proposals:** First Kip Anderson  
Second Kymberlei Putz

**Motion Results:** Pass Motion Carries

**Discussion:** Ms. Siddall reported that Nina Preston has requested the Board to defer consideration of this matter to the June 14, 2007 meeting. Linda Grau reviewed with the Board an email from Legal Counsel, who could not be present at this meeting and has asked that the Board deferred this matter involving the request for certification from the this individual; Nina has done extensive research on this matter. Consideration of legal counsel advice regarding findings is requested in order to enter a certification determination on this matter:

Beverly Gloden

**Motion:** Motion made by the Board to defer this matter to the June 14, 2007 meeting as recommended by staff.

**Motion Proposals:** First Dean Fink  
Second Pam Johnston

**Motion Results:** Pass Motion Carries

3-B: *Review, discussion, and possible action regarding request received from Marco Zamora requesting the Board to waive ACJA § 7-201 subsection (E)(1)(f)(2)(b)(iv) requirement and allow Mr. Zamora to retake the examination pass the 90 days of the date of the notice of the examination results sent to him on February 7, 2007.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Ms. Siddall recommends that the Board grant Mr. Zamora's request to retake the examination grant an extension of time until July 31, 2007.

**Motion:** Motion made to allow Mr. Zamora the time to retake the exam

**Motion Proposals:** First Kip Anderson  
Second Kymberlei Putz

**Motion Results:** Pass Motion Carries

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**CALL TO THE PUBLIC** ..... **Shari Tomlinson, Chair**

**Individuals Addressing the Board:** No public in attendance.

**ADJOURN** ..... **Shari Tomlinson, Chair**

**Motion:** To adjourn.

**Motion Proposals:** First Mary Carlton  
Second Melissa King

**Motion Results:** Pass Motion Carries.

**Time:** 1:40PM