

Supreme Court Fiduciary Board
Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 230
10:00 am – 2:00 pm

Thursday, July 12, 2007
Approved Regular Session Minutes

MEMBER ATTENDANCE

Present:

Shari J. Tomlinson
Pamela Johnston
Mary E. Carlton
Commissioner Dean Fink
Diana L. Clarke
Kymberlei Putz

Telephonically Present:

Marlin “Kip” Anderson

Absent:

Stacey L. Johnson

OTHER ATTENDEES

AOC Staff:

Linda Grau

Kimberly Siddall

Kitty Boots

Nina Preston

Loretta Diaz

Guests:

None

CALL TO ORDER

Called to Order By:

Shari J. Tomlinson (Chair)

Time: 10:13 a.m.

1) REVIEW AND APPROVAL OF MINUTES

1-A: Discussion, review, and possible approval of the Regular Session Minutes of the meeting held on June 14, 2007.

Individual Addressing the Board:

Mary E. Carlton

Discussion:

Board discussed the draft minutes for the June meeting.

Motion: Move to defer consideration of the minutes on next Board meeting pending corrections.

Motion Proposals: First Mary E. Carlton
Second Commissioner Dean Fink

Motion Results: Pass # Motion Carries

2) CERTIFICATION AND ELIGIBILITY

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

Applicant: *Jacqueline R. Sepulveda*

Individual Addressing the Board: Kim Siddall

Discussion: Ms. Siddall recommended the Board grant certification. Board discussed application for standard certification for Ms. Sepulveda.

Motion: Moved to grant Ms. Sepulveda's application for standard certification.

Motion Proposals: First Pamela Johnston
Second Commissioner Dean Fink

Motion Results: Pass # Motion Carries

Applicant: *Patricia Rettler Powers*

Individual Addressing the Board: Kim Siddall

Discussion: Ms. Siddall recommended the Board consider granting certification through a Consent Agreement Board discussed application for standard certification for Ms. Powers. Board discussed possible conditions of certification and Consent Agreement provisions.

Motion: Moved to request staff draft and forward to Ms. Powers a proposed Consent Agreement to certification requiring provisions to include Ms. Powers complete five hours additional hours of continuing education in order to be eligible for renewal of certification. The Board moves the proposed Consent Agreement contain a provision requiring a written Affidavit from Ms. Powers explaining why she did not comply with ACJA § 7-201 regarding retaking the examination. Further, the Board moves the proposed Consent Agreement contain a provision Ms. Powers shall read and comply

with all communications received from the Fiduciary Board and the Certification and Licensing Division.

Motion Proposals: First Marlin “ Kip” Anderson
Second Diana L. Clarke

Motion Results: Pass #Motion Carries

2-B: *Review, discussion, and possible action regarding business entity application of Arizona Guardians & Conservators.*

Individual Addressing the Board: Kimberly Siddall

Discussion: Ms. Siddall recommended the Board defer consideration of this agenda item to the August meeting. Board discussed possible action regarding business entity application of Arizona Guardians & Conservators.

Motion: Move to defer to the August Board meeting.

Motion Proposals: First Kymberlei Putz
Second Commissioner Dean Fink

Motion Results: Pass #Motion Carries

2-C: *Review, discussion, and possible action regarding Inactive Status request received from certified fiduciary Katiri Berry, certificate number 20536.*

Individual Addressing the Board: Kimberly Siddall

Discussion: Ms. Siddall recommended the Board approve Ms. Berry’s request to convert her certification to Inactive Status. Board discussed Ms. Berry’s request.

Motion: Move to accept and approve placing the certification of Katiri Berry to Inactive Status.

Motion Proposals: First Kimberlei Putz
Second Mary E. Carlton

Motion Results: Pass #Motion Carries

2-D: *Review, discussion, and possible action regarding Reactivation request received from Mary B. Espinoza, certificate number 20002.*

Individual Addressing the Board: Kimberly Siddall

Discussion: Ms. Siddall recommended the Board approve the request of Mary Espinoza to return her certification to active status. Board discuss reactivation request received from Ms. Espinoza.

Motion: Moved to reactivate the certificate of Mary Espinoza.

Motion Proposals: First Kimberlei APutz
Second Pamela Johnston

Motion Results: Pass #Motion Carries

2-E: *Review, discussion, and possible action regarding renewal application deadline and the continuing education period.*

Individual Addressing the Board: Linda Grau

Discussion: Board discussed renewal application deadlines and applicable continuing education periods.

Motion: Moved to defer consideration of establishing a renewal application deadline until the August meeting..

Motion Proposals: First Kymberlei Putz
Second Commissioner Dean Fink

Motion Results: Pass #Motion Carries

3) ADMINISTRATIVE ISSUES

3-A: *Discussion regarding Board Member recruitment.*

Individual Addressing the Board: Linda Grau

Discussion: Board discussed the status of the pending recruitment for new Board members.

Motion: No action taken.

3-B: *Election of Vice Chair pursuant to Arizona Code of Judicial Administration § 7-201 (I)(3)(b).*

Individual Addressing the Board: Linda Grau

Discussion: Ms. Grau recommended the Board discuss, tender nominations, and elect a Vice Chair for the remainder of the current term. Board discussed election for a new Vice Chair.

Motion: Moved to elect Stacey Johnson is the Vice Chairperson.

Motion Proposals: First Kymberlei Putz
Second Pamela Johnston

Motion Results: Pass # Motion Carries

3-C: *Review, discussion, and possible action regarding potential Arizona Code of Judicial Administration § 7-201 (D)(5)(c)(1)(a) Board recommendations to the Arizona Supreme Court regarding issues related to the fiduciary profession; including (1) fiduciary authorities gained through execution of Powers of Attorney, Trusts, and other means, (2) conflicts of interest, and (3) education requirements for certification eligibility.*

Individuals Addressing the Board: Linda Grau

Discussion: Board received and discussed an update from the POA Subcommittee. The POA Subcommittee resolved to meet again in mid-August to continue with on-going efforts.

Motion: No action taken.

3-D: *Subcommittee report, discussion and possible action regarding certification required fiduciary tasks.*

Individuals Addressing the Board: Shari Tomlinson

Discussion: Board received and discussed and update from the Subcommittee on Fiduciary Duties.

Motion: No action taken.

CALL TO THE PUBLIC

No response received.

ADJOURN

Motion: Adjourn the meeting.

Motion Proposals: First Kymberlei Putz
Second Mary E. Carlton

Motion Results: Pass # Motion Carries

Time: 11:18a.m.

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