



Confidential Intermediary Board

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 109

Date: February 19, 2009
Time: 10:00 a.m. – 12:00 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Sheila M. Tickle
Victoria Mikoch
Stephen Kopp

Telephonically Present:

Peggy Bartel
Alice Ernst
Edward J. Ryan
Teri Thomson-Taylor

Absent:

Dr. Kimberly Carroll
Dr. James W. Foltz
Judith Schubert
Toni Hellon

OTHER ATTENDEES

AOC Staff:

Nancy Swetnam
Jenny Lubben
Kimberly Siddall
Linda Grau
Nina Preston
Karla Clanton
Alex Navarro
Afton Foutz

CALL TO ORDER

Called to Order By:

Sheila M. Tickle

Time:

10:00 a.m.

1) **REVIEW AND APPROVAL OF MINUTES**

1-A: Review, discussion and approval of regular Session Minutes for the meeting of January 15, 2009.

Individuals Addressing the Board: Sheila M. Tickle

Discussion: No discussion.

Motion: The Board moved to approve the regular Session Minutes for the meeting of January 15, 2009.

Motion Proposals: First Teri Thomson-Taylor
Second Stephen Kopp

Motion Results: Pass **CI-09-007**

2) **PENDING COMPLAINTS**

2-A: Review, discussion and possible action regarding complaint Number 08-C001 involving Nora McArdle.

Individuals Addressing the Board: Nancy Swetnam, Linda Grau

Discussion: Aggravating factors, mitigating factors, proportionality and validity of complaint were discussed. On January 26, 2009, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist as to Allegations 1, 2 and 3 of complaint number 08-C001. It is recommended the Board dismiss Allegations 1, 2 and 3 of complaint number 08-C001. Regarding Allegations 4, 5 and 6, Probable Cause Evaluator Baumstark found probable cause exists Nora McArdle committed the alleged acts of misconduct detailed in Allegations 4, 5 and 6. Therefore, it is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201 (H)(6)(a) and (H)(7) for acts of misconduct involving ACJA § 7-201 (F)(6) and (H)(3)(c) and ACJA § 7-203 (F)(6). Further recommended that the Board issue a Letter of Concern to Ms. McArdle and order her to submit any and all remaining Finalization Reports to the Division within 30 days of receipt of the Letter of Concern.

Motion: Move to accept Division Director’s recommendations.

Motion Proposals: First Teri Thomson-Taylor
Second Edward J. Ryan
Motion Results: Pass CI-09-008

3) REVIEW OF CERTIFICATION APPLICATIONS

3-A: Review, discussion and possible action regarding the following applicants for standard certification:

***Constance Harrington
Marie Kiszczaki***

Individuals Addressing the Board: Kimberly Siddall

Discussion: The fingerprint results for Constance Harrington have not yet been received. Recommendation to defer consideration of her application until the April 16, 2009 meeting

Motion: Move to accept staff recommendation.

Motion Proposals: First Teri Thomson-Taylor
Second Alice Ernst
Motion Results: Pass CI 09-009

Individuals Addressing the Board: Kimberly Siddall

Discussion: Fingerprint results for applicant Marie Kiszczaki have been received. Ms. Kiszczaki failed to disclose a civil action involving an auto accident stating she had forgotten about it, as it happened more than 10 years ago. Recommendation to grant standard certification to Ms. Kiszczaki and to include language in the certification letter regarding non-disclosure on future applications may result in denial or disciplinary action.

Motion: Move to accept staff recommendation.

Motion Proposals: First Stephen Kopp
Second Edward J. Ryan
Motion Results: Pass CI 09-010

4) ADMINISTRATIVE ISSUES

4-A: Review and discussion of legislation regarding adoption records and the Confidential Intermediary Program.

Individuals Addressing the Board: Linda Grau

Discussion: Discussion regarding current Legislative bills and events. Program funding sources, budget cuts, losses and grants were also discussed. At this time, there is no proposed legislation that will have an impact on the Confidential Intermediary Program. Division staff will update the Board at the next meeting if necessary.

Motion: No action taken.

4-B: Review, discussion and possible action regarding approved continuing education activities.

Individuals Addressing the Board: Jenny Lubben, Linda Grau

Discussion: Discussion regarding concerns raised at the January 15th, 2009 Board meeting including how the Board defines and determines which continuing education activities are approved and the difficulties with fulfilling the ethics requirement. Reference was made to ACJA § 7-203 (L)(4), (7), (8), and (10).

Motion: No action taken.

4-C: Review, discussion and possible action regarding board member attendance.

Individuals Addressing the Board: Sheila M. Tickle

Discussion: Discussion included the resignation of board member Dr. Kimberly Carroll and the attendance record of board member Dr. James W. Foltz. Recommendation to accept Ms. Carroll's resignation and to grant permission for Sheila M. Tickle to speak to Dr. Foltz regarding his attendance.

Motion: Move to accept Board recommendation.

Motion Proposals: First Teri Thomson-Taylor
Second Alice Ernst
Recusal Linda Grau

Motion Results: Pass **CI 09-011**

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Motion: Move to adjourn the meeting.

Motion Proposals: First Teri Thomson-Taylor
Second Victoria Mikoch

Motion Results: Pass **CI 09-012**

Time: 10:42 a.m.

Initials: af/bt