



CONFIDENTIAL INTERMEDIARY BOARD

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

February 13, 2014
10:00 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Laurie Laughlin

Telephonically Present:

Raymond Baxter

Alice deLeon Ernst

Dana Young

Diane Culin

Hannah Rawhouser

Absent:

Nance Daley

Gail Atchison

James Foltz, M.D.

Toni Hellon

Teri Thomson-Taylor

OTHER ATTENDEES:

AOC Staff:

Mark Wilson

Michelle Martinez

Linda Grau

Debbie MacDougall

Kimberly Siddall

Bill MacIntyre

Pasquale Fontana

Arnita Oliver

Chief Justice White Berch

Guests:

CALL TO ORDER

Called to Order By: Laurie Laughlin, Chair

Time: 10:01 a.m.

Special Appearance and Remarks by Chief Justice White Berch

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review and approval of regular session minutes for the meeting of August 15, 2013.*

Individual Addressing the Board: Laurie Laughlin, Chair

Discussion: Move to approve the regular session minutes for the meeting of August 15, 2013.

Motion: Move to approve the minutes of the August 15, 2013.

Motion Proposals: First Diane Culin
Second Alice deLeon Ernst

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: *Review, discussion and possible action regarding complaint number 13-C001 involving certified confidential intermediary Joan Moreaux.*

Individual Addressing the Board: Linda Grau

Discussion: **Complaint Number 13-C001 – Joan Moreaux:** This complaint was received by the Division on October 28, 2013. The complaint alleges that:

1. Ms. Moreaux used poor judgment by calling a fellow CI and berating her for contracting with a former search client of Ms. Moreaux's.
2. Ms. Moreaux was unprofessional when she subsequently called the former client, without just cause, and informed her of the death of her biological mother.
3. Ms. Moreaux's original case with this client was completed

in November of 2011; however, Ms. Moreaux did not submit her finalization report until November 2013, following the notice of receipt of this complaint.

The matter was investigated and submitted for probable cause evaluation.

On February 6, 2014, Probable Cause Evaluator Mike Baumstark entered a finding probable cause *does not exist* as to Allegation 1 but *does exist* as to Allegations 2 and 3.

It is recommended the Board accept the finding of the Probable Cause Evaluator and dismiss Allegation 1.

Regarding Allegations 2 and 3, it is recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a) for acts of misconduct involving ACJA § 7-201(F)(1) and ACJA § 7-203(F)(1), (F)(6), (J)(4)(a) and (J)(5)(a) and issue a Letter of Concern.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Dana Young
Second Raymond Baxter

Motion Results: Pass

3) INITIAL CERTIFICATION AND ELIGIBILITY:

3-A: *Review, discussion and possible action regarding the following application for initial certification.*

1. *Debra Allen*
2. *Jacque Bell*
3. *Michael Wydra*
4. *Jon Lane*
5. *Suzanne Lane*
6. *Kristi Olson*
7. *Stephen Martin*
8. *Vickie Edwardson*

Individual Addressing the Board: Linda Grau

Discussion: It is recommended the Board grant initial certification to the following

applicant:

1. Debra Allen

Motion: Move to accept staff's recommendation to grant initial certification to Debra Allen.

Motion Proposals: First Diane Culin
Second Alice deLeon Ernst

Motion Results: Pass

Individual Addressing the Board: Linda Grau

Discussion: It is recommended the Board grant initial certification to the following applicant:

2. Jacque Bell

Motion: Move to accept staff's recommendation to grant initial certification to Jacque Bell.

Motion Proposals: First Raymond Baxter
Second Diane Culin
Recused Dana Young

Motion Results: Pass

Individual Addressing the Board: Linda Grau

Discussion: It is recommended the Board deny initial application certification to the following applicant:

8. Vickie Edwardson

Motion: Move to accept staff's recommendation to deny certification to Vickie Edwardson.

Motion Proposals: First Raymond Baxter
Second Diane Culin

Motion Results: Pass

Individual Addressing the Board: William McIntyre

Discussion: It is recommended the Board grant initial certification to the following applicant:

6. Kristi Olson

Motion: Move to accept staff's recommendation to grant initial certification to Kristi Olson.

Motion Proposals: First Dana Young
Second Raymond Baxter

Motion Results: Pass

Individual Addressing the Board: William McIntyre

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

7. Stephen Martin

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board grant initial certification to the following applicant:

3. Michael Wydra

Motion: Move to accept staff's recommendation to grant initial certification to Michael Wydra.

Motion Proposals: First Alice deLeon Ernst
Second Dana Young

Motion Results: Pass

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommendation the Board grant initial certification to the following applicant:

4. Jon Lane

Motion: Move to accept staff's recommendation to grant initial certification to Jon Lane.

Motion Proposals: First Diane Culin
Second Raymond Baxter

Motion Results: Pass

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended to grant initial certification to the following applicant:

5. Suzanne Lane

Motion: Move to accept staff's recommendation to grant initial certification to Suzanne Lane.

Motion Proposals: First Diane Culin
Second Dana Young

Motion Results: Pass

4) CERTIFICATION AND ELIGIBILITY:

4-A: Review, discussion, and possible action regarding requests for placement on inactive status received from certificate holder Richard Harclerode.

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended the Board accept the request for placement on inactive status to the following applicant:

- **Richard Harclerode**

Motion: Move to grant inactive status to Richard Harclerode.

Motion Proposals: First Alice deLeon Ernst
Second Dana Young

Motion Results: Pass

4-B: Review, discussion, and possible action regarding Voluntary Surrender request received from certified confidential intermediary Christine Burke.

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended the Board accept the voluntary surrender of Christine Burke.

Motion: Move to accept the voluntary surrender of Christine Burke.

Motion Proposals: First Diane Culin
Second Alice deLeon Ernst

Motion Results: Pass

5) PROPOSED ACJA REVISION:

5-A: *Review, discussion, and possible action regarding proposed amendment to ACJA § 7-201 to address untimely renewals*

Individual Addressing the Board: Anne Hunter

Discussion: Brief discussion by Anne Hunter regarding proposed amendment regarding untimely renewals. A pilot program was put in place to process untimely renewal applications showing good cause for the untimely filing. The pilot program has been extended so that Division staff can draft and post comments to the ACJA.

6) ADMINISTRATIVE ISSUES:

6-A: *Review, discussion, and possible action regarding the establishment of the 2014 Board meeting schedule.*

Individual Addressing the Board: Debbie MacDougall

Discussion: The Confidential Intermediary Board was asked to consider and approve a 2014 meeting calendar. It is recommended the Board continue to meet on the third Thursday of the applicable month at 10:00 a.m. as follows:

- February 13, 2014
- May 15, 2014
- August 15, 2014
- November 20, 2014

Motion: Move to accept the meeting schedule as follows:

- February 13, 2014
- May 15, 2014
- August 15, 2014
- November 20, 2014

Motion Proposals: First Raymond Baxter
Second Dana Young

Motion Results: Pass

6-B: Nomination and election of the 2014 Confidential Intermediary Board Vice Chair.

Individual Addressing the Board: Debbie MacDougall

Discussion: Raymond Baxter was nominated by Dana Young. Raymond Baxter declined the nomination.

Motion: Move to defer the election of vice chair until next the meeting.

6-C: Discussion concerning confidentiality requirements governing certificate holders.

Individual Addressing the Board: Mark Wilson

Discussion: Brief discussion by Mark Wilson concerning confidentiality and sharing information with another confidential intermediary pursuant to ACJA § 7-203(J)(1)(g).

CALL TO THE PUBLIC

Individuals Addressing the Board: Anne Jensen

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Diane Culin
Second Raymond Baxter

Motion Results: Pass

Time: 11:27 a.m.

Initials: AO