



Arizona Supreme Court Fiduciary Board

Arizona State Courts Building
1501 West Washington Street
Phoenix, Arizona 85007-3222
Conference Room 109

Date: July 8, 2010
Time: 10:30 am – 2:30 pm

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Marlin “Kip” Anderson
Pamela Johnston
Diana L. Clarke
Kenneth Reeves, III
Deborah Primock

Telephonically Present:

Mary Jane Baumgarten
Sherry Reed
Diana Corry

Absent:

Shari Tomlinson

OTHER ATTENDEES

AOC Staff:

Linda Grau
Kandace French
Nina Preston
Kimberly Siddall
Alex Navarro
Debbie MacDougall
Deann Barker

Guests:

CALL TO ORDER

Called to Order By: Kip Anderson

Time: 10:34 a.m.

1) REVIEW AND APPROVAL OF MINUTES

1-A: *Review, discussion, and possible action regarding the regular session minutes of the meeting held on May 13, 2010.*

Individual Addressing the Board: Marlin “Kip” Anderson

Discussion: None

Motion: Moved to approve the regular session minutes of the meeting on May 13, 2010.

Motion Proposals: First Kenneth Reeves, III
Second Mary Jane Baumgarten

Motion Results: Pass

1-B: *Review, discussion, and possible action regarding the executive session minutes of the meeting held on May 13, 2010.*

Individuals Addressing the Board: Marlin “Kip” Anderson

Discussion: None

Motion: Moved to approve the executive session minutes of the meeting on May 13, 2010.

Motion Proposals: First Pam Johnston
Second Deborah Primock

Motion Results: Pass

2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding the following complaint dismissed by the Division Director pursuant to Arizona Code of Judicial Administration § 7-201(D)(4)(a) and (H)(2)(a):*

Complaint Number 10-0005

Individuals Addressing the Board: Marlin “Kip” Anderson, Linda Grau

Discussion: Review of Division Director Dismissal

Motion: Moved to affirm dismissal of the above – referenced complaint.

Motion Proposals: First Pamela Johnston
Second Deborah Primock

Motion Results: Pass

2-B: *Review, discussion and possible action regarding complaint number 07-0027 involving the Arizona Department of Veterans' Services.*

Individuals Addressing the Board: Linda Grau

Discussion: On November 16, 2009, the attached Consent Agreement was filed in complaint number 07-0027 involving the Arizona Department of Veterans' Services ("ADVS"). The agreed upon sanctions include a term of probation and a reporting provision that requires ADVS to submit quarterly written status reports with the Board.

ADVS' second quarterly status report was due to the Division no later than June 18, 2010. Also attached are letters received from ADVS designated principal Gregory Sulzer dated March 17, 2010 and June 8, 2010. Division staff became aware of the existence of these letters subsequent to determining the June 18th reporting deadline had not been met. Both letters provide notice from ADVS to provide the second quarterly status report on July 6, 2010.

Recommendation by the Board to order ADVS return to the reporting dates as scheduled from the original order and the final order and consent agreement and to request that Mr. Sulzer and ADVS appear at the September Board meeting to explain why the second quarterly report was late.

Motion: Moved to accept the above staff recommendation with additional language expressing the Board's concern regarding ADVS's continued inability to meet deadlines.

Motion Proposals: First Diana Clarke
Second Kenneth Reeves, III

Motion Results: Pass

3) LICENSE AND ELIGIBILITY

3-A: *Review, discussion, and possible action regarding the renewal of licensure for Marshall Coyne.*

Individuals Addressing the Board: Alex Navarro

Discussion: On May 13, 2010, Division staff recommended the Board grant renewal licensure to Marshall Coyne in error. Division records reflect Mr. Coyne failed to submit a renewal application. The renewal application was subsequently received. It was recommended the Board vacate their May 13th order and grant renewal effective today's date..

Motion: Moved to accept the above recommendation by the Board and grant renewal effective as of today's date.

Motion Proposals:

First	Kenneth Reeves, III
Second	Deborah Primock
Recusal	Diana Clarke

Motion Results: Pass

3B: *Review, discussion, and possible action regarding the following pending applications for renewal of individual licensed fiduciaries:*

Individuals Addressing the Board: Alex Navarro

Discussion: The following applicants have submitted a complete application, demonstrating they meet the minimum eligibility requirements, and no information was presented during the background investigation which was contrary to renewal of licensure being granted. It was recommended the Board grant renewal of fiduciary licensure to the following applicants:

1. *Anderson, Samuel*
2. *Ashford, Rita*
3. *Bailey, Debra*
4. *Baldwin, Denise*
5. *Barkas, Alese*
6. *Barkley, John*
7. *Berg, Jane*
8. *Bejamin, Donna*
9. *Bogutz, Allan*
10. *Braun, Pamela*
11. *Brinckerhoff, Frederick*
12. *Brogna, Julianne*

- 13. Cannon, Joe
- 14. Carlson, Sally
- 15. Carter, Patricia
- 16. Childers, Donal D.
- 17. Ciotczyk, Frank
- 18. Clark, James
- 19. Clarke, Diana
- 20. Collins, Carol

Individuals Addressing the Board: Alex Navarro

Discussion: The following applicants have submitted a complete application, demonstrating they meet the minimum eligibility requirements, and no information was presented during the background investigation which was contrary to renewal of licensure being granted. It was recommended the Board grant renewal of fiduciary licensure to these applicants.

Motion: Moved to accept staff recommendation and grant renewal of licensure of these applicants.

Motion Proposals: First Mary Jane Baugarten
 Second Kenneth Reeves, III

Motion Results: Pass

- 21. Condit, Mary Jane
- 22. Cooper, Susan
- 23. Cornerll, Phyllis
- 24. Cowley, Janet
- 25. Crosby, Elizabeth
- 26. Drutz, Lisa
- 27. Escalante, Frank
- 28. Espinoza, Patricia
- 29. Ferris, Scott
- 30. Ginsburg, Rebecca
- 31. Gloden, Beverly
- 32. Graham, Ruth
- 33. Grudowski, Joyce
- 34. Guthrie, Clare
- 35. Hall, Glenn
- 36. Hamilton, Linda
- 37. Hanks, Audrey
- 38. Hedger, Elizabeth
- 39. Henderson, Walter
- 40. Herron, Marshall

Individuals Addressing the Board: Alex Navarro

Discussion: The following applicants have submitted a complete application, demonstrating they meet the minimum eligibility requirements, and no information was presented during the background investigation which was contrary to renewal of licensure being granted. It was recommended the Board grant renewal of fiduciary licensure to these applicants.

Motion: Moved to accept staff recommendation and grant renewal of license of these applicants.

Motion Proposals: First Mary Jane Baumgarten
Second Diana Clarke
Motion Results: Pass

41. Higbee, Julie
42. Hills, Shellie
43. Holliday, Deborah
44. James, Chalmers
45. Kellar, Patricia
46. Klecka, Michael
47. Kohl, Linda
48. Kuzdal, Laurie
49. Lamb, Sabrina
50. Lara, Frances
51. Leuthold, Clark
52. Lloyd, John III
53. Margaretten, Joel
54. Martelli, Anna Marie
55. Martin, Bruce
56. Mejia, Cecilia
57. Moriarity, Kathleen
58. Nohren, Roger
59. Noviello, Joseph
60. Olsen, Constance

Individuals Addressing the Board: Alex Navarro

Discussion: The following applicants have submitted a complete application, demonstrating they meet the minimum eligibility requirements, and no information was presented during the background investigation which was contrary to renewal of licensure being granted. It was recommended the Board grant renewal of fiduciary licensure to these applicants.

Motion: Moved to accept staff recommendation and grant renewal of license of these applicants.

Motion Proposals: First Mary Jane Baumgarten
Second Diana Clarke

Motion Results: Pass

61. Otis, James
62. Petersen, Linda
63. Powers, Patricia
64. Ralles, Mark
65. Rea, Estella
66. Rubin, Mark
67. Sulzer, Gregory
68. Thames, Robert
69. Thompson, Carol Ann
70. Tomlinson, Shari
71. Vallely, Dorothy
72. Vanderheiden, Richard
73. Warner, Gary
74. Weiss, Patricia
75. Harry Wilke

Individuals Addressing the Board: Alex Navarro

Discussion: The following applicants remain incomplete pending receipt of background and/or additional information. It was recommended the following applicants be deferred to the September 14th meeting.

Motion: Moved to accept staff recommendation and defer renewal of licensure of the following applicants to the September meeting.

Motion Proposals: First Diana Clarke
Second Mary Jane Baumgarten

Motion Results: Pass

77. Dovico, Gregory
78. Dovico, Peggy
79. Ellis, Mildred
80. Espinoza, Mary
83. Frenette, Heather
84. Frenette, Peter
90. McCollum, Stephanie
101. Whitfield, Theresa

Individuals Addressing the Board: Alex Navarro

Discussion: The following applicants have submitted a complete application, demonstrating they meet the minimum eligibility requirements, and no information was presented during the background investigation which was contrary to renewal of licensure being granted. It was recommended the Board grant renewal of fiduciary licensure to these applicants.

Motion: Moved to accept staff recommendation and renew licensure of the following applicants.

Motion Proposals: First Mary Jane Baumgarten
Second Diana Clarke
Motion Results: Pass

- 76. *Briggs, Milly Ann*
- 81. *Ficker, Barbara*
- 82. *Fitzsimmons, Tamarah*
- 85. *Hawthorne, Michael*
- 86. *Hobson, Alexander*
- 87. *Kruger, Richard*
- 88. *Lander, Mary*
- 89. *Langen, William*
- 90. *McKee, Debra*
- 91. *Mitchell, Mark*
- 93. *Polk, Jay*
- 94. *Rednour, Carrie*
- 95. *Reid, Linda*
- 96. *Simpson, Sally*
- 97. *Steele, Rena*
- 98. *Villarreal, Susan*
- 99. *Walters, Dawn*
- 100. *Westra, F.M.*
- 102. *Woodburn, Melissa*
- 103. *Wright-Gordon, Robin*
- 104. *Yoshida-Corella, Catherine*

Individuals Addressing the Board: Alex Navarro

Discussion: The Board wishes to discuss matters requiring advice of Counsel. It was recommended the Board enter Executive Session to discuss matters confidential by code or court rule.

Motion: Moved to enter Executive Session to discuss confidential matters.

Motion Proposals: First Kenneth Reeves, III
Second Mary Jane Baumgarten
Motion Results: Pass

105. Coventry, Roger

Individuals Addressing the Board: Alex Navarro

Discussion: Discussion regarding the application for renewal by the above-referenced applicant, Roger Coventry.

Motion: Moved to accept Board order Mr. Coventry submit documentation of the resolution of both accounts within 120 days from the Board's order. It was further recommended to grant renewal of licensure to Mr. Coventry.

Motion Proposals: First Kenneth Reeves, III
Second Mary Jane Baumgarten

Motion Results: Pass

106. Nora Garza

Individuals Addressing the Board: Alex Navarro

Discussion: Discussed regarding the application for renewal of applicant Nora Garza. During the 2008-2010 certification period background investigation, it was discovered Ms. Garza was charged with a misdemeanor (open container) on two occasions during 2008. The misdemeanors (class 1) were received on October 23, 2008 and December 3, 2008. Ms. Garza pled guilty both times and paid a fine \$104.00 for each. Ms. Garza failed to disclose both judgments to the Division within 30 days as required by Arizona Code of Judicial Administration § 7-202(F)(4). On August 3, 2009, Ms. Garza submitted a letter to the Division acknowledging her failure to disclose the judgments in a timely manner and submitted copies of the court documents. On April 16, 2010, Ms. Garza submitted an affidavit as part of her renewal application disclosing both misdemeanors.

It was recommended the Board enter into a Consent Agreement wherein Ms. Garza to take 3 additional hours of continuing education in the curriculum areas of ethics and professional responsibility to be completed no later than 120 days following the Board's entry to a Consent Agreement in addition to the hours required for the renewal of the 2010-2012 licensure.

Motion: Moved to accept staff recommendation as noted above.

Motion Proposals: First Pamela Johnston
Second Mary Jane Baumgarten

Motion Results: Pass

107. Joan Sacramento

Individuals Addressing the Board: Alex Navarro

Discussion: Discussion regarding the renewal application of Ms. Sacramento.

Motion: Moved to accept staff recommendation as directed by the Board and grant renewal of licensure to Ms. Sacramento.

Motion Proposals: First Kenneth Reeves, III
Second Pamela Johnston

Motion Results: Pass

108. Patricia Flores

Individuals Addressing the Board: Alex Navarro

Discussion: Discussion regarding the renewal application of Ms. Flores.

Motion: Moved to accept staff recommendation as directed by the Board to enter into a Consent Agreement wherein Ms. Flores provide quarterly reports of court appointment client fees and submit monthly verification of payments towards the debt.

Motion Proposals: First Diana Clarke
Second Deborah Primock

Motion Results: Pass

109. Fred Appel

Individuals Addressing the Board: Alex Navarro

Discussion: Mr. Appel entered into a consent agreement for the Fiduciary renewal period of 2008-2010 on September 15, 2008 regarding two unpaid collection accounts. On April 23, 2010, Mr. Appel submitted a letter stating he continues to make payments; however, the debt has increased to from \$3,982.22 to \$4,099.96 as a result of legal fees and interest. Division records reflect Mr. Appel has complied with the terms of the 2008-2010 consent agreement; however, the current payoff amount has increased. It was recommended the Board enter into an extended consent agreement for the licensure period of 2010-2012 reflecting the same provision outlined in the 2008-2010 consent agreement.

Motion: Moved to accept staff recommendation the Board enter into an extended consent agreement for the licensure period of 2010-2012 reflecting the same provision outlined in the 2008-2010 consent agreement.

Motion Proposals: First Kenneth Reeves, III
Second Pamela Johnston

Motion Results: Pass

110. Tommy Lane

Individuals Addressing the Board: Alex Navarro

Discussion: Discussion regarding the renewal application of Mr. Lane.

Motion: Moved to approve staff recommendation as directed by the Board to order Mr. Lane to provide proof of dispute and/or settlement of the account within 120 days from the Board's decision. It was further recommended the Board grant renewal of licensure to Mr. Lane.

Motion Proposals: First Diana Clarke
Second Kenneth Reeves, III
Recusal Mary Jane Baumgarten

Motion Results: Pass

111. Tracy Boen

Individuals Addressing the Board: Alex Navarro

Discussion: Discussion regarding the renewal application of Tracy Boen.

Motion: Moved to approve staff recommendation as directed by the Board to enter into a Consent Agreement wherein Ms. Boen provide quarterly reports of court appointment client fees, submit verification of payment for the outstanding debt, and if she files Chapter 13 Bankruptcy to provide the documentation.

Motion Proposals: First Pamela Johnston
Second Deborah Primock

Motion Results: Pass

112. Raymond Briggs

Individuals Addressing the Board: Alex Navarro

Discussion: Discussion regarding the renewal application of Raymond Briggs.

Motion: Moved to accept staff recommendation as directed by the Board to include a letter requesting verification of the resolution within 120 days of the Board's order and grant renewal of licensure to Mr. Briggs.

Motion Proposals: First Diana Clark
Second Kenneth Reeves, III

Motion Results: Pass

113. Shaw Patterson

Individuals Addressing the Board: Alex Navarro

Discussion: Discussion regarding the renewal application of Shaw Patterson.

Motion: Moved to accept staff recommendation as directed by the Board to enter into a Consent Agreement wherein Ms. Patterson provide quarterly reports of court appointment client fees and submit monthly verification of payments towards the debt.

Motion Proposals: First Diana Clarke
Second Kenneth Reeves, III

Motion Results: Pass

3-C: *Review, discussion, and possible action regarding Voluntary Surrender request received from the following licensed fiduciaries:*

*Berry, Katiri A.
Van Sciver, Jr. Harvey
Williamson, Brian*

Individuals Addressing the Board: Alex Navarro

Discussion: Division records confirmed there are no pending complaints involving the above listed licensed fiduciaries and they affirm having no client cases. Staff recommended the Board accept the voluntary surrender of the above listed licensed fiduciaries.

Motion: Moved to accept staff recommendation as noted above.

Motion Proposals: First Deborah Primock
Second Pamela Johnston

Motion Results: Pass

3-D: *Review, discussion, and possible action regarding Consent Agreements for the following licensed fiduciaries:*

*Bache, Walter
Serna, Diana
Walker, Stephanie
Muller, Nancy*

Individuals Addressing the Board: Alex Navarro

Discussion: During the May 13th meeting the Board discussed entering into Consent Agreements with the above individuals. Staff drafted the attached Consent Agreements and provided to each licensed fiduciary for review and consideration. Each licensed fiduciary has agreed to enter into the Consent Agreement and has signed such. Therefore, staff recommended the Board accept the consent agreements and grant renewal of fiduciary license for the above listed individuals and have the Chair sign on behalf of the full Board.

Motion: Moved to accept staff recommendation and accept the consent agreements and grant renewal of fiduciary license for the above listed individuals and have the Chair sign on behalf of the full Board.

Motion Proposals:

First	Kenneth Reeves, III
Second	Diana Clarke
Recusal	Shari Reed on Diana Serna
Recusal	Pamela Johnston on Stephanie Walker

Motion Results: Pass

3-E: *Review, discussion, and possible action regarding the following pending applications for renewal of fiduciaries business licensed:*

The above businesses have submitted a complete application, demonstrating they meet the minimum eligibility requirements, and no information was presented during the background investigation which is contrary to renewal of licensure being granted. It was recommended the Board grant renewal of fiduciary licensure to the following business entities:

1. *Arizona Department of Veteran Services (Gregory Sulzer)*
2. *Bogutz & Gordon, P.C. (Allan Bogutz)*
3. *Certified Care Management, LLC (Jane Berg)*
4. *Certified Fiduciary Services, Inc. (Pamela Johnston)*

5. *Childers & Berg, LLC (Donal Childers)*
6. *Cochise County Public Fiduciary (Vicki Haviland)*
7. *Coconino County Public Fiduciary (Patricia Powers)*
8. *Condit & Associates, LLC (Mary Jane Condit)*
9. *Conservators of Arizona, Inc. (Michael Klecka)*
10. *D. M. Benjamin CPA, PC (Donna Benjamin)*
11. *East Valley Fiduciary Services, Inc. (James Clark)*
12. *Entrust Fiduciary Services, Inc. (Lisa Price)*
13. *Geriatric Assessment Management & Solutions LLC (Pamela Braun)*
14. *Integrated Care Management Fiduciary (Elizabeth Crosby)*
15. *Maricopa County Public Fiduciary (Susan Cooper)*
16. *Mesch, Clark & Rothschild (Mark Rubin)*
17. *Mile High Fiduciaries, LLC (Lisa Drutz)*
18. *Professional Community Services, Inc. (Audrey Hanks)*
19. *Ralles Law Firm, P.C. (Mark Ralles)*
20. *Rayndon & Associates, PLC (Derra Rayndon)*
21. *Santa Cruz Public Fiduciary (Rita Ashford)*
22. *Yavapai County Public Fiduciary (Shari Tomlinson)*

Individuals Addressing the Board: Alex Navarro

Discussion: None

Motion: Move to accept the recommendation of the Board to grant renewal of fiduciary licensure to the above business entities.

Motion Proposals:

First	Pamela Johnston
Second	Mary Jane Baumgarten
Recusal	Pamela Johnston on Certified Fiduciary Services Inc.

Motion Results: Pass

23. *Apache County Public Fiduciary (Laura Simms)*
24. *Greenlee County Public Fiduciary (Nora Garza)*
25. *Northern Arizona Fiduciaries, Inc. (Carla Jones)*
26. *NRM Resource Management (Rosemerrie Christie)*
27. *Pima County Public Fiduciary Office (Anita Royal)*
28. *Pinal County Public Fiduciary (Joan Sacramento)*
29. *Southwest Fiduciary, Inc. (Gregory Dovico)*
30. *Statewide Community Services, LLC (Peggy Dovico)*
31. *Stewardship Association (Barbara Ficker)*
32. *The Sun Valley Group, Inc. (Peter Frenette)*

Individuals Addressing the Board: Alex Navarro

Discussion: The above business entities remain incomplete pending receipt of background and/or additional information. It was recommended the following business entities be deferred to the September 14th meeting.

Motion: Moved to accept staff recommendation # 24, 25, 26, 27, 29, 30 and 32 business entities be deferred to the September 14th Board meeting.

Motion Proposals: First Mary Jane Baumgarten
Second Diana Clark

Motion Results: Pass

Individuals Addressing the Board: Alex Navarro

Discussion: None

Motion: Moved to accept staff recommendation to grant renewal to business entities #23, 28 and 31.

Motion Proposals: First Mary Jane Baumgarten
Second Pamela Johnston

Motion Results: Pass

4) REVIEW OF LICENSE APPLICATIONS

4-A: *Review, discussion, and possible action regarding the following pending applications for individual licensure:*

1. *Fromkes, Liza*
2. *McCoy, Sean*
3. *Murray, Jennifer*
4. *Tittlback, Kurt*

Individuals Addressing the Board: Alex Navarro

Discussion: The above applications remain incomplete pending receipt of fingerprint results, professional responsibility training, and/or additional information. Staff tentatively recommended these applications be deferred to the September 14th meeting.

Motion: Moved to defer the above applications to the September 14th Board meeting.

Motion Proposals: First Kenneth Reeves, III
Second Pamela Johnston
Motion Results: Pass

5. *Arellano, Silvia*

Individuals Addressing the Board: Alex Navarro

Discussion: The above applicant submitted a complete application, demonstrating she meets the minimum eligibility requirements, and no information was presented during the background investigation which is contrary to licensure being granted. It was recommended the Board grant initial licensure to the above individual:

Motion: Moved to accept recommendation by the Board to grant initial licensure to Ms. Arellano.

Motion Proposals: First Diana Clarke
Second Kenneth Reeves, III
Motion Results: Pass

4-B: *Review, discussion, and possible action regarding the following pending application for business entity licensure:*

Four Peaks Fiduciary Services, LLC (Linnea Grooms)

Individuals Addressing the Board: Alex Navarro

Discussion: The above business entity submitted a complete application, demonstrating the business meets the minimum eligibility requirements, and no information was presented during the background investigation which is contrary to licensure being granted. It was recommended the Board grant initial business licensure to the above.

Motion: Moved to accept recommendation by the Board to grant initial business licensure to the above.

Motion Proposals: First Diana Clarke
Second Kenneth Reeves, III
Motion Results: Pass

CALL TO THE PUBLIC

Silvia Arellano - Expressed her gratitude to the Board for approving her application.

Heather Bull, VP-AZ Fiduciaries Association – technical question on Administrative Code 7202.

Lisa Price – Questions on quarterly reports regarding client fees.

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Kenneth Reeves, III
Second Mary Jane Baumgarten

Motion Results: Pass

Time: 12:14 p.m.

Initials: SH

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