

Supreme Court Fiduciary Board

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

Date: May 8, 2008

Time: 10:30 a.m.-12:30 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Marlin "Kip" Anderson

Mary E. Carlton

Diana L. Clarke

Honorable Dean Fink

Mary Jane Baumgarten

Pamela Johnston

Sherry Reed

Diana M. Corry

Shari J. Tomlinson

OTHER ATTENDEES

AOC Staff:

Kitty Boots

Nancy Swetnam

Kandace French

Linda Grau

Nina Preston

Kimberly Siddall

Jenny Lubben

Maria Lopez

Minnie Samaniego

Guests:

Donal D. Childers

Roger T. Coventry

Cathy Corulk

Rena Steele

CALL TO ORDER

Called to Order By: Shari J. Tomlinson

Time: 10:36a.m.

1) REVIEW AND APPROVAL OF MINUTES

1-A: Discussion, review, and possible approval of the Regular Session Minutes of the meeting held on March 13, 2008.

Individuals Addressing the Board: Linda Grau

Discussion: Board discussed the Regular Session Minutes for the meeting of March 13, 2008.

Motion: Moved to defer the Regular Session Minutes of March 13, 2008 to the June 10, 2008 Board Meeting.

Motion Proposals: First Mary E. Carlton
Second Mary Jane Baumgarten

1-B: Discussion, review, and possible approval of the Regular Session Minutes of the meeting held on April 17, 2008.

Discussion: Board discussed the Regular Session Minutes April 17, 2008 to June 10, 2008 Board Meeting.

Motion: Moved to defer the Regular Session Minutes April 17, 2008 to the June 10, 2008 Board Meeting.

Motion Proposals: First Mary E. Carlton
Second Diana L. Clarke

2) PENDING COMPLAINTS

2-A: Review, discussion, and possible action regarding the following complaint:
Complaint Number 07-0021 – Childers & Berg, LLC (Don Childers).

Individuals Addressing the Board: Nancy Swetnam

Discussion: Staff recommended the Board moved to enter in to Executive Session for advice of counsel.

Motion: Moved to enter into Executive Session to receive advice of counsel.

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

Motion Results: Pass

Executive Session: 10:38a.m. – 11:00a.m.

Discussion: The Board, having received advice of counsel, discussed options for resolving the complaint.

Motion: Moved to dismiss Complaint Number 07-0021.

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

Motion Results: Pass

3) CERTIFICATION AND ELIGIBILITY

3-A: Review, discussion, and possible action regarding pending applications for 2008-2010 certification renewal.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Ms. Siddall recommended renewal of certifications for the following:
Sally Carlson
Crismon Cooper
Deborah Dellisanti
Ronald Dubois
Frank Escalante
Peter Frenette
Rebecca Ginsberg
Suzanna Goldman
Ruth Graham
Marshall Herron
Raena Honan
Yolanda Kennedy
Miriam Kennedy
Elizabeth Kizer
Laurie Kuzdal

Sherrel Lines
Vicki Long
Jeffrey Manley
Tiffany Poarch
Loretta Puzzi
Mark Ralles
Mary Jo Randall
Susan Rubin
Evelyn Saunders
Robert Segelbaum
Denice Shepherd
Laura Short
Robert Thames
Elizabeth Valenzuela
Donna Weissenborn
Theresa Whitfield
Cochise County Public Fiduciary (Barbara Middleton)
Gila County Public Fiduciary (Tiffany Poarch)

Motion: Board moved to accept the recommendation of staff and grant renewal of certifications to above referenced applicants.

Motion Proposals: First Pamela Johnston
Second Mary Jane Baumgarten

Discussion: Ms. Siddall recommended the Board grant renewal of certifications for Sherry Reed and Navajo County Public Fiduciary.

Motion: Moved to accept the recommendation of staff and grant renewal of certifications to the above referenced applicants.

Motion Proposals: First Pamela Johnston
Second Mary Jane Baumgarten
Recusal Sherry Reed

Motion Results: Pass

Discussion: Ms. Siddall recommended the Board grant renewal of certification to the following applicants or business entities:
Nancy Anderson
Marlene Appel
Milly Briggs
Donal Childers
Frank Ciotczyk
Carole Collins
Roger Coverntry
James Elliott

Dixie Fredrickson
Kandace French
Joyce Grudowski
Donna Allison-Howard
Phillip Ioset
Barbara Lee
Clark Leuthold
Melissa Liebe
Thomas Mazzillo
Estella Rea
Peter Santini
Sally Sokol
Richard Vanderheiden
Harry Wilke
Childers & Berg, LLC (Donal Childers)
Maricopa County Public Fiduciary (Richard Vanderheiden)

Motion: Board moved to accept the recommendation of staff and grant renewal of certification to the above referenced applicants.

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

Motion Results: Pass

Discussion: Ms. Siddall recommended the Board grant renewal of certification to the following applicants:
Katherine Bair
Warner Bair
Jay Polk
Eileen Rogers

Motion: Board moved to accept the recommendation of staff and grant renewal of certification to the above referenced applicants:

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

Motion Results: Pass

Discussion: Ms. Siddall recommends the Board defer consideration of the renewal applications to the May 22nd meeting for the following applicants:
Linda Peterson
Susan Villarreal

Motion: Board moved to accept staff's recommendation and defer

consideration of the above referenced renewal applicants.

Motion Proposals: First Judge Dean Fink
Second Mary E. Carlton
Recusal Sherry Reed

Motion Results: Pass

Discussion: Ms. Siddall reported renewal applicant Shawn Patterson disclosed a pending extreme DUI case. Ms. Siddall recommended the Board grant renewal of certification and require Ms. Patterson to provide the final disposition documentation to the Division within 48 hours of the court decision.

Motion: Board moved to grant renewal of certification and required Ms. Patterson to provide final disposition within 30 days pursuant to ACJA 7-202 (F)(4).

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

Motion Results: Pass

3-B: Review, discussion, and possible action regarding pending renewal application for Beverly Gloden.

Discussion: Ms. Siddall recommended the Board discuss if an extension of the consent agreement is necessary. The Board determined an extension was not necessary.

Motion: Board moved to grant renewal of certification to Beverly Gloden.

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

Motion Results: Pass

3-C: Review, discussion, and possible action regarding pending renewal application for Patricia Powers.

Discussion: Ms. Siddall recommended the Board grant renewal of certification to Ms. Powers.

Motion: Board moved to accept the recommendation of staff and grant renewal of certification to Patricia Powers.

Motion Proposals: First Mary E. Carlton

Second Judge Dean Fink

Motion Results: Pass

3-D: Review, discussion, and possible action regarding request for waiver of continuing education for Craig Gordon.

Discussion: Ms. Siddall recommended the Board defer consideration to the next board meeting.

Motion: Board moved to accept staff's recommendation and defer consideration of this agenda item to the next meeting.

Motion Proposals: First Marlin "Kip" Anderson
Second Mary E. Carlton

Motion Results: Pass

3-E: Review, discussion, and possible action regarding request for extension of continuing education for Jacqueline Kanaga.

Discussion: Ms. Siddall recommended the Board grant renewal of certification and approve an extension for Ms. Kanaga to complete the continuing education by no later than December 1, 2008 and to waive the self study hours limitation.

Motion: Board moved to accept staff's recommendation.

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

Motion Results: Pass

3-F: Review, discussion, and possible action regarding Voluntary Surrender request received from certified fiduciary Patricia E. Nolan, certificate number 20439.

Discussion: Ms. Siddall verified Ms. Nolan is eligible for voluntary surrender.

Motion: Board moved to accept Ms. Nolan's Voluntary Surrender request.

Motion Proposals: First Mary E. Carlton
Second Pamela Johnston

Motion Results: Pass

4) ADMINISTRATIVE ISSUES

4-A: Review, discussion and possible action regarding pending Rule 28 Petitions R-07-0024.

Individuals Addressing the Board: Nancy Swetnam and Linda Grau

Discussion: Staff provided an overview of the petition and the Board determined it did not wish to comment regarding the petition.

4-B: Review, discussion and possible action regarding pending Rule 28 Petitions R-07-0012.

Discussion: Staff provided additional information about the petition and recommended the Board submit a comment regarding the pending Rule 28 Petition R-07-0012.

Motion: Board moved to file the Public Comment as drafted for submission before the May 20, 2008 deadline.

Motion Proposals: First Diana L. Clarke
Second Pamela Johnston

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board: Roger T. Coventry

Discussion: Roger Coventry addressed the Board regarding materials posted for public review on the Fiduciary Program website.

Motion: Requesting staff post an agenda item for the June meeting regarding public information.

Motion Proposals: First Diana M. Corry
Second Mary E. Carlton

Motion Results: Pass

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First Marlin “Kip” Anderson
Second Judge Dean Fink

Motion Results: Pass

Time: 12:10p.m.

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