



Supreme Court Fiduciary Board

Arizona State Courts Building
1501 West Washington Street,
Phoenix, Arizona 85007

Conference Room 109

Date: July 10, 2008

Time: 10:30 a.m.-1:30 p.m.

Approved of Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Mary E. Carlton
Diana L. Clarke
Honorable Dean Fink
Mary Jane Baumgarten
Pamela Johnston
Shari J. Tomlinson

Telephonically Present:

Marlin "Kip" Anderson
Sherry Reed
Diana M. Corry

OTHER ATTENDEES

AOC Staff:

Kitty Boots
Nancy Swetnam
Linda Grau
Nina Preston
Kimberly Siddall
Minnie Samaniego
Maria Lopez

Guests:

Janice Pulp
Charles E. [last name illegible]
Roger Coventry

CALL TO ORDER

Called to Order By:

Shari J. Tomlinson

Time:

10:41 a.m.

1) REVIEW AND APPROVAL OF MINUTES

I-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 approval of the Regular Session and Executive Session Minutes of the meeting held on March 13, 2008.

Motion: Board moved to approve the March 13, 2008 Minutes.

Motion Proposals: First Pamela Johnston
Second Judge Dean Fink

Motion Results: Pass

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

Individuals Addressing the Board: Linda Grau

Discussion: Board discussed the approval of the Regular Session and Executive Session Minutes of the meeting held on April 17, 2008.

Motion: Board moved to approve the April 17, 2008 Minutes.

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

Motion Results: Pass

I-C: Discussion, review, and possible approval of the Regular and Executive Session Minutes of the meeting held on May 8, 2008.

I-D: Discussion, review, and possible approval of the Regular and Executive Session Minutes of the meeting held on May 22, 2008.

I-E: Discussion, review, and possible approval of the Regular and Executive Session Minutes of the meeting held on June 12, 2008.

Individuals Addressing the Board: Linda Grau

Discussion: Staff recommended to defer May 8, 2008, May 22, 2008, and June 12, 2008 minutes to the next Board Meeting.

Motion: Board moved to defer May 8, 2008, May 22, 2008 and June 12,

2008 minutes to the next Board Meeting.

Motion Proposals: First Mary E. Carlton
Second Pamela Johnston

Motion Results: Pass

2) CERTIFICATION AND ELIGIBILITY

2-A: Review, discussion, and possible action regarding pending applications for certification.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommends the Board grant certification to applicants Debra MacPherson and Jeanette Bloss.

Motion: Board granted certification to applicants.

Motion Proposals: First Mary E. Carlton
Second Pamela Johnston

Motion Results: Pass

Discussion: Staff recommends the Board grant certification to applicant Carol Soderquist.

Motion: Board granted certification to applicant.

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

Motion Results: Pass

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

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommends the Board grant renewal of certifications to the following applicants:
Tommy Lane (Moricoli)
Diane Levine
Bruce Martin
Dee O'Neill

Randall Sanders
Carol Severyn
Susan Villarreal
Irma Caballero
Nancy Mueller
Marie Barnett
Craig Gordon
Fred Appel
Donna Benjamin
Elizabeth Crosby
Mark Mitchell
Coconino County Public Fiduciary (Raena Honan)
D.M. Benjamin CPA PC (Donna Benjamin)
Yuma Private Fiduciary, L.L.C. (Marie Barnett)
Professional Community Services, Inc. (Audrey Hanks)
Fiduciary Services, LLC (Janice Kulp)
ARC/Guardianship Services Commission (Martha Brightwell)

Motion: Board granted certification to applicants.

Motion Proposals: First Mary E. Carlton
Second Pamela Johnston

Motion Results: Pass

Discussion: Staff recommends to grant certification to applicant Irma Caballero with a consent agreement wherein the applicant provides quarterly updates to the Board regarding payment of outstanding debts.

Motion: Board granted certification to applicant.

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

Motion Results: Pass

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommends to grant certification to applicant Nancy Mueller with consent agreement wherein the applicant provides quarterly updates to the Board regarding payment of outstanding debts.

Motion: Board granted certification to applicant.

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

Motion Results: Pass

Discussion: Staff recommends to defer Marie Barnett to the September 11, 2008 Board Meeting with a letter saying it is unlikely to defer again without good cause as to why she has failed to provide required documentation.

Motion: Board granted certification to applicant.

Motion Proposals: First Judge Dean Fink
Second Mary Jane Baumgarten

Motion Results: Pass

2-C: Review, discussion, and possible action regarding pending renewal application of Candace Bow.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Board moved to enter in to Executive Session.

Motion: Move to Executive Session.

Motion Proposals: First Pamela Johnston
Second Diana L. Clarke
Recusal Judge Dean Fink

Motion Results: Pass

Executive Session: 11:15a.m. – 11:31a.m.

2-D: Review, discussion, and possible action regarding pending renewal application of Clare Guthrie.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommends to defer to September 11, 2008 Board Meeting and to consider entering into a consent agreement wherein Ms. Guthrie would retake and pass the fiduciary examination within 6 months and complete an additional 10 hours of continuing education in the areas of ethics - 3 hours, professional responsibility – 3 hours, and record keeping – 4 hours.

Motion: Moved to defer to September 11, 2008 Board Meeting.

Motion Proposals: First Marlin “Kip” Anderson
Second Mary E. Carlton
Recusal Judge Dean Fink

Motion Results: Pass

2-E: Interview with and possible action regarding renewal applicant Janice Kulp.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommends the Board address the Notary revocation and determine if any issues present any information contrary to renewal of certification being granted.

Motion: Moved to defer to September 11, 2008 Board Meeting.

Motion Proposals: First Mary Jane Baumgarten
Second Pamela Johnston

Motion Results: Pass

2-F: Review, discussion, and possible action regarding Voluntary Surrender request received from inactive certified fiduciary Stacy Slater, certificate number 20493.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Board discussed the Voluntary Surrender request received from certified fiduciary Stacy Slater certificate number 20493.

Motion: Moved to accept the Voluntary Surrender request received from certified fiduciary Stacy Slater certificate number 20493.

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

Motion Results: Pass

3) ADMINISTRATIVE ISSUES

3-A: Discussion regarding meeting materials posted for public review on the Fiduciary Program website.

Individuals Addressing the Board: Linda Grau and Nancy Swetnam

3-B: Report, review, discussion, and possible action regarding the Regulatory Scope Subcommittee.

Individuals Addressing the Board: Judge Dean Fink, Nancy Swetnam, Linda Grau

Discussion: Judge Fink present information and a discussed a draft Legislative Proposal being prepared by the Subcommittee. Ms. Swetnam reported the deadline for filing the proposal was before the Board's next regularly scheduled meeting in September. The Board discussed and agreed to schedule a meeting for August 7, 2008 at 12 noon.

CALL TO THE PUBLIC

Individuals Addressing the Board: Roger Coventry

Discussion: Roger Coventry addressed the Board regarding several issues. Mr. Coventry reiterated his concern about meeting materials being public posted in a manner which he believes might provide members of the public with misconceptions about certificate holders. Mr. Coventry took exception to the remarks of AOC Staff and Board members during the Board's consideration of Agenda Item 3-A. Mr. Coventry inquired as to the status of the vacancies on the Board. Mr. Coventry asked for clarification as to why the recently distributed renewal cards identify him as holding "initial certification". Mr. Coventry inquired about identifying the cause of the delay in meeting minutes being approved and published. Mr. Coventry queried about Consent Agreements the Board offered and entered into regarding renewal of certification.

ADJOURNMENT

Motion: Adjourn the meeting.

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

Motion Results: Pass

Time: 1:22 p.m.