



Arizona Supreme Court Fiduciary Board

Arizona State Courts Building
1501 West Washington Street
Phoenix, Arizona 85007-3222
Conference Room 230

Date: February 14, 2008
Time: 10:30 a.m. - 2:30 p.m.

Approved Regular Minutes

MEMBER ATTENDANCE

Present:

Mary Jane Baumgarten
Judge Dean Fink
Pamela Johnston

Telephonically Present:

Diana L. Clarke
Sherry Reed
Marlin "Kip" Anderson
Diana M. Corry

Absent:

Mary E. Carlton
Shari J. Tomlinson

OTHER ATTENDEES

AOC Staff:

Kitty Boots
Kandace French
Nina Preston
Jenny Lubben
David Geriminsky
Maria Lopez

Telephonically Present:

Linda Grau

Guests:

Roger Coventry

CALL TO ORDER

Called to Order By:

Judge Dean Fink

Time:

10:46 a.m.

2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding proposed Consent Agreement with certified fiduciary James Clark involving complaint number 07-0003.*

Individuals Addressing the Board: Linda Grau

Discussion: Following the January meeting and Formal Interview with certificate holder James Clark, a proposed Consent Agreement was forwarded to Mr. Clark for review and signature. It was recommended the Board accept the Consent Agreement and authorize Judge Dean Fink to sign the document on behalf of the full Board.

Motion: Move to accept the proposed Consent Agreement and authorize Judge Dean Fink to sign on behalf of the full Board in regards to complaint number 07-0003.

Motion Proposals: First: Mary Jane Baumgarten
Second: Marlin "Kip" Anderson

Motion Results: Pass

2-B: Review, discussion and possible action regarding proposed Consent Agreement with certified fiduciary Donna Allison-Howard involving complaint number 06-0007.

Individuals Addressing the Board: Linda Grau

Discussion: Following the January meeting, a proposed Consent Agreement was forwarded to Ms. Allison-Howard for review and signature. It was recommended the Board accept the Consent Agreement and authorize Judge Dean Fink to sign the document on behalf of the full Board.

Motion: Move to accept the proposed Consent Agreement and authorize Judge Dean Fink to sign on behalf of the full Board in regards to complaint number 06--0007.

Motion Proposals: First: Pamela Johnston
Second: Mary Jane Baumgarten

Motion Results: Pass

2-C: Review, discussion and possible action regarding complaint number 06-0014 involving certified fiduciary Carla Jones.

Individuals Addressing the Board: Linda Grau

Discussion: On January 22, 2008, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist as to Allegations 1, 2, and 3. Recommendation the Board accept the finding of the Probable Cause Evaluator that certified fiduciaries Northern Arizona Fiduciaries, Inc. and Carla Jones have not committed the alleged acts of misconduct detailed in the Investigation Summary and Allegation Analysis Report and dismiss complaint number 06-0014.

Motion: Move to accept the finding of the Probable Cause Evaluator, dismiss complaint number 06-0014 and authorize Judge Dean Fink to sign the document on behalf of the full Board.

Motion Proposals: First: Mary Jane Baumgarten
Second: Pamela Johnston

Motion Results: Pass

2-D: Report regarding complaints dismissed by the Division Director pursuant to Arizona Code of Judicial Administration § 7-201 (D)(4)(a) and (H)(2)(b):

Complaint Number NC08-0003

Complaint Number NC08-0002

Complaint Number 08-0006

Individuals Addressing the Board: Linda Grau

Discussion: Recommendation to defer consideration of the above listed complaints to the March 13, 2009 board meeting.

Motion: Move to defer this agenda item to the March board meeting.

Motion Proposals: First: Pamela Johnston
Second: Mary Jane Baumgarten

Motion Results: Pass

1) REVIEW AND APPROVAL OF MINUTES

1-A: Discussion, review, and possible approval of the Regular and Executive Session Minutes of the meeting held on January 10, 2008.

Individuals Addressing the Board: Kandace French

Discussion: Board discussed the Regular and Executive Session Minutes of the meeting held on January 10, 2008.

Motion: Move to approve the Regular and Executive Session Minutes of the meeting held on January 10, 2008

Motion Proposals: First: Mary Jane Baumgarten
Second: Marlin "Kip" Anderson

Motion Results: Pass

3) ADMINISTRATIVE ISSUES

3-A: Report of the Fiduciary Duties Subcommittee.

Individuals Addressing the Board: None

Discussion: At the January Subcommittee meeting, staff distributed a letter from the Arizona Fiduciary Association regarding matters related to the work of the Subcommittee. The Subcommittee was unable to meet prior to today's board meeting and intends to review and consider the comments submitted by the AFA at 9:30 a.m. on March 13, 2009, prior to the next scheduled board meeting.

Motion: None.

3-B: Report of the POA Subcommittee.

Individuals Addressing the Board: Judge Dean Fink, Kandace French

Discussion: Judge Dean Fink discussed the new Mission Statement for the subcommittee and the proposed name change for the POA Subcommittee. The proposed name change to "Regulatory Scope Subcommittee" will be added to the agenda for the next regularly scheduled meeting of the Fiduciary Board.

Motion: None.

3-C: Election of the Fiduciary Board Vice Chairperson pursuant to Arizona Code of Judicial Administration § 7-201 (I)(3)(b).

Individuals Addressing the Board: Kandace French

Discussion: Board discussed the election of the Fiduciary Board Vice Chairperson pursuant to Arizona Code of Judicial Administration § 7-201 (I)(3)(b). Nomination of Judge Dean Fink was tendered.

Motion: Board moved to elect Judge Dean Fink to the position of Vice Chairperson for the remainder of the calendar year.

Motion Proposals: First: Marlin "Kip" Anderson
Second: Mary Jane Baumgarten
Abstain: Judge Dean Fink

Motion Results: Pass

CALL TO THE PUBLIC

No response.

ADJOURN

Motion: Adjourn the meeting.

Motion Proposals: First: Diane L. Clarke
Second: Pamela Johnston

Motion Results: Pass

Time: 11:09 a.m.