



Supreme Court Fiduciary Board

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

Date: March 11, 2010
Time: 10:30 am – 2:30 pm

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

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

Telephonically Present:

Sherry Reed
Diana M. Corry
Shari Tomlinson

Absent:

OTHER ATTENDEES

AOC Staff:

Linda Grau
Debbie MacDougall
Kimberly Siddall
Nina Preston
Lori Braddock
Karla Clanton
Alex Navarro
Tony Posante
Kandace French
Susan Hunt
Afton Foutz

Guests:

Michael Warzynski
Deborah Gilliland
Brenda Horn
Heather Bull
Scott R. Ferris
Joe Cannon
Charles M. Dyer

CALL TO ORDER

Called to Order By:

Marlin “Kip” Anderson

Time:

10:31 a.m.

1) REVIEW AND APPROVAL OF MINUTES

1-A: Discussion, review, and possible action regarding the Regular Session Minutes of the meeting held on January 14, 2010.

Individual Addressing the Board: Kandace French

Discussion: No discussion.

Motion: Move to defer consideration of the minutes of the meeting held on January 14, 2010 to the April Meeting.

Motion Proposals: First Diana L. Clarke
Second Mary Jane Baumgarten

Motion Results: Pass

2) PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding the following certificate holder complaints:

Complaint Number 08-0019 – Carla Jones and Northern Arizona Fiduciary, Inc.
Complaint Number 08-0020 – Sherry Reed and Navajo County Public Fiduciary Office
Complaint Number 09-0017 – Rena Steele and Maricopa County Public Fiduciary Office
Complaint Number 08-0030 – Richard Vanderheiden and Maricopa County Public Fiduciary
Complaint Number 08-0012 – Robert Fleming
Complaint Number 09-0006 - Maricopa County Public Fiduciary Office

Individuals Addressing the Board: Linda Grau

Discussion: Staff recommends that the Board enter into Executive Session.

Motion: Move to enter into Executive Session.

Motion Proposals: First Kenneth Reeves, III
Second Diana L. Clarke

Motion Results: Pass

Executive Session 10:33 a.m. to 10:44 a.m.

Complaint Number 08-0019

Individuals Addressing the Board: Linda Grau

Discussion: On January 25, 2010, Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in complaint number 08-0019. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 08-0019.

Motion: Move to accept the findings of the Probable Cause Evaluator and dismiss complaint number 08-0019.

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

Motion Results: Pass

Complaint Number 08-0020

Individuals Addressing the Board: Linda Grau

Discussion: On February 1, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 08-0020. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 08-0020 as recommended.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss complaint number 08-0020 as recommended.

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

Motion Results: Pass

Complaint Number 09-0017

Individuals Addressing the Board: Linda Grau

Discussion: On February 1, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 09-0017. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 09-0017.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss complaint number 09-0017.

Motion Proposals: First Shari Tomlinson

Motion Results: Second Mary Jane Baumgarten
Pass

Complaint Number 08-0030

Individuals Addressing the Board: Linda Grau

Discussion: On February 1, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 08-0030. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 08-0030.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss complaint number 08-0030.

Motion Proposals: First Pamela Johnston
Second Kenneth Reeves

Motion Results: Pass

Complaint Number 08-0012

Individuals Addressing the Board: Linda Grau

Discussion: On February 22, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 08-0012. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 08-0012.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss complaint number 08-0012.

Motion Proposals: First Shari Tomlinson
Second Mary Jane Baumgarten

Motion Results: Pass

Complaint Number 09-0006

Individuals Addressing the Board: Linda Grau

Discussion: On February 22, 2010, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist in complaint number 09-0006. Therefore, it was recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 09-0006 as discussed.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss complaint number 09-0006 as discussed.

Motion Proposals: First Pamela Johnston
Second Shari Tomlinson

Motion Results: Pass

3) ADMINISTRATIVE ISSUES

3-A: Report to the Board regarding status of board member recruitment.

Individuals Addressing the Board: Kandace French

Discussion: On January 20, 2010 Chief Justice Rebecca White Berch signed Administrative Order 2010-14 reappointing the following board members to the Fiduciary Board for a 3-year term through December 31, 2012:

Pamela Johnston
Shari Jayne Tomlinson

Recognizing the expiration of Shari Tomlinson's chairwomanship pursuant to ACJA § 7-201(D)(5)(b) staff acknowledges Ms. Tomlinson's service to the Board and introduces the appointment of board member Kip Anderson as Chair of the Fiduciary Board through December 31, 2011.

There are still vacancies open and recruitment is ongoing.

Motion: No action needed.

3-B: Review, discussion and possible action regarding proposed new legislation.

Individuals Addressing the Board: Kandace French

Discussion: HB 2426 has been transmitted from the House to the Senate. No amendments to the original bill were made in the House. A hearing has been set for this bill on March 17, 2010 at 9 a.m. before the Human Services Committee.

Motion: No action needed.

4) REVIEW OF CERTIFICATION APPLICATIONS

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

*Pamela E. Bensmiller
Joe D. Cannon*

Individuals Addressing the Board: Alex Navarro

Discussion: Recommendation to grant certification to the applicants listed above.

Motion: Move to grant certification to the Pamela E. Bensmiller and Joe D. Cannon.

Motion Proposals: First Mary Jane Baumgarten
Second Pamela Johnston

Motion Results: Pass

*Ellen C. Matthews
Debra A. Bailey*

Individuals Addressing the Board: Alex Navarro

Discussion: Recommendation to defer consideration for certification to the April Board Meeting for the applicants listed above.

Motion: Move to defer consideration for Ellen C. Matthews and Debra A. Bailey.

Motion Proposals: First Mary Jane Baumgarten
Second Pamela Johnston

Motion Results: Pass

5) CERTIFICATION AND ELIGIBILITY

5-A: *Review, discussion, and possible action regarding request for extension to complete continuing education credits received from licensed fiduciary Janice Kulp.*

Individuals Addressing the Board: Alex Navarro

Discussion: Ms. Kulp requested an extension to complete the remaining 6 hours of Continuing Education for the license period 2008-2010.

Staff recommended the Board determine whether Ms. Kulp's request should be considered a special circumstance pursuant to ACJA § 7-202(L)(8)(c)(2) and determine if the request would

warrant an extension of time needed to complete continuing education for the purpose of renewal.

Motion: Move to deny the request for an extension to complete continuing education hours for Janice Kulp.

Motion Proposals: First Kenneth Reeves, III
Second Shari Tomlinson

Motion Results: Pass

CALL TO THE PUBLIC

No Response

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Shari Tomlinson
Second Kenneth Reeves, III

Motion Results: Pass

Time: 11:13 a.m.

Initials: AF

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