



## Supreme Court Fiduciary Board

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

Date: May 13, 2010  
Time: 10:30 am – 2:30 pm

### Approved Regular Meeting Minutes

#### MEMBER ATTENDANCE:

##### Present:

Marlin “Kip” Anderson  
Mary Jane Baumgarten  
Shari Tomlinson  
Kenneth Reeves, III  
Deborah Primock  
Pamela Johnston

##### Telephonically Present:

Diana L. Clarke

##### Absent:

Diana M. Corry  
Sherry Reed

#### OTHER ATTENDEES

##### AOC Staff:

Linda Grau  
Nancy Swetnam  
Kandace French  
Kimberly Siddall  
Nina Preston  
Debbie MacDougall  
Karla Clanton  
Alex Navarro  
Tony Posante  
Susan Hunt

##### Guests:

Michael R. Perry  
Gary Wagner  
Glenn Hall  
Robert M. Barnes  
Gregory T. Julzer  
Deborah Gilliland  
Jim McCollum  
Stephanie McCollum  
Heather Bull

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**CALL TO ORDER**

**Called to Order By:** Marlin “Kip” Anderson

**Time:** 10:35 a.m.

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**1) REVIEW AND APPROVAL OF MINUTES**

**I-A:** *Review, discussion, and possible action regarding the Regular Session Minutes of the meeting held on April 8, 2010.*

**Individual Addressing the Board:** Marlin “Kip” Anderson

**Discussion:** No discussion

**Motion:** Move to approve the Regular Session Minutes of the meeting on April 8, 2010.

**Motion Proposals:** First Pamela Johnston  
Second Kenneth Reeves, III

**Motion Results:** Pass

**I-B:** *Review, discussion and possible action regarding the Executive Session Minutes of the meeting held on April 8, 2010.*

**Individuals Addressing the Board:** Marlin “Kip” Anderson

**Discussion:** No discussion

**Motion:** Move to approve the Executive Session Minutes of the meeting on April 8, 2010.

**Motion Proposals:** First Pamela Johnston  
Second Shari Tomlinson

**Motion Results:** Pass

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**2) PENDING COMPLAINTS**

**2-A:** *Review, discussion and possible action regarding complaint number 10-0003 dismissed by the Division Director Nancy Swetnam pursuant to Arizona Code of Judicial Administration § 7-201(D)(4)(a) and (H)(2)(a).*

**Individuals Addressing the Board:** Nancy Swetnam

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**Discussion:** On February 22, 2010, Division Director Nancy Swetnam dismissed complaint number 10-0003 without prejudice for lack of jurisdiction and referred the matter to an entity that may have jurisdiction. On March 4, 2010, notice of the dismissal was forwarded to the complainant with notice the complainant could request Board review of the dismissal.

Issues on this dismissal were identified and it was noted that the Fiduciary Program and the Board do not have jurisdiction and the Board will include technical correction in the dismissal. The correction has been made and updated original is available for signature.

It is recommended the Board affirm the dismissal of complaint number 10-0003.

**Motion:** Move to dismiss complaint number 10-0003.

**Motion Proposals:** First Ken Reeves, III  
Second Pamela Johnston

**Motion Results:** Pass

**2-B:** *Review, discussion and possible action regarding complaint number 09-0003 involving the Arizona Department of Veterans' Services, Glenn Hall and Gary Warner.*

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Discussed the roles of ADVS, Mr. Hall and Mr. Warner. No Request for Hearing was filed. With respect to prior consent agreement, no letter of concern or censure was issued to Mr. Hall or Mr. Warner in any prior action. A Final Order has not been issued in this matter. Staff discussed penalties and continuing education.

**Motion:** Move to accept recommendations but eliminate penalties and only order reimbursement of investigation cost, and include additional continuing education hours.

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

**Motion Results:** Pass

**Individuals Addressing the Board:** Linda Grau

**Discussion:** Discussion regarding draft of the Final Order.

**Motion:** Move to draft Final Order as discussed.

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

**Motion Results:** Pass

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### 3) ADMINISTRATIVE ISSUES

**3-A:** *Review, discussion and possible action regarding proposed legislation.*

**Individuals Addressing the Board:** Kandace French

**Discussion:** House Bill 2426 – Adult Guardianship and Protective Proceedings Bill was signed by the governor on April 20, 2010. The effective date will be July 29, 2010.

**Motion:** No action taken.

**3B:** *Review and discussion regarding the formation and appointment of the Committee on Improving Judicial Oversight and Processing of Probate Court Matters.*

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Chief Justice White Berch signed Administrative Order No. 2010-52 establishing the Committee Improving Judicial Oversight and Processing of Probate Court matters on April 30, 2010. Nancy provided a summary of the Probate Court Committee: the purpose and scope of this committee, committee meeting schedule, reviewed the website, Administrative Order, and the names of members who have been appointed.

**Motion:** No action taken.

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### 4) REVIEW OF LICENSE APPLICATIONS

**4-A:** *Review, discussion, and possible action regarding request for Voluntary Surrender received from licensed fiduciary Nancy Anderson, license number 20381.*

**Executive Session 10:13 am to 11:40 am**

***Individuals Addressing the Board:*** Alex Navarro

***Discussion:*** It is recommended the Board defer Ms. Anderson's Voluntary surrender to the July 8<sup>th</sup> Board meeting.

***Motion:*** Move to defer Ms. Anderson's Voluntary Surrender to the July 8<sup>th</sup> Board meeting.

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

***Motion Results:*** Pass

***4B:*** *Review, discussion and possible action regarding reactivation of inactive license received from Jo Rittenhouse.*

***Individuals Addressing the Board:*** Kimberly Siddall

***Discussion:*** On November 11, 2008 the Board granted Ms. Rittenhouse's request for inactive status. On April 8, 2010, Ms. Rittenhouse submitted a reactivation application, required fee and current bond. Division records show no pending or closed complaints against Ms. Rittenhouse. ACJA 7-201 (E)(8)(b) states:

***Motion:*** Move to grant reactivation of renewal licensure to Jo Rittenhouse.

***Motion Proposals:*** First Kenneth Reeves, III  
Second Shari Tomlinson

***Motion Results:*** Pass

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

1. Alexander, Nancy
2. Bachtel, Linda
3. Barnett, Marie
4. Dyer, Charles John
5. Lee, Barbara
6. Long, Vicki
7. O'Neil, Dee
8. Sumners, Robert
9. Weissenborn, Donna
10. Fiduciaries Services LLC
11. Yuma Private Fiduciary, LLC

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Division records confirm there are no pending complaints involving the above listed licensed fiduciaries and they affirm having no client cases. Therefore, staff recommends the Board accept the voluntary surrender of the above listed licensed fiduciaries.

**Motion:** Motion to accept the voluntary surrender of the above listed licensed fiduciaries.

**Motion Proposals:** First Ken Reeves, III  
Second Debra Primock

**Motion Results:** Pass

**4-D:** *Review, discussion and possible action regarding Request for Extension of time to complete continuing education credits and waiver of late application fee received from Diane Levine.*

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** On April 6, 2010, Ms. Levine submitted a letter to the Board requesting a waiver of the 20 hours of continuing education required for the 2008-2010 licensure period. Ms. Levine stated she was unemployed from February 08 to January 09 and only worked part time until August 09 when she became unemployed again until February 2010. On April 26, 2010, Ms. Levine contacted Division staff and requested a waiver of the \$50.00 late application fee. It is recommended the Board deny Ms. Levine's request for the waiver of the late application fee pursuant to ACJA 7-201 (E)(1)(b) stating fees are not refundable or waivable.

**Motion:** Move to deny Ms. Levine's request for the extension of the 20 hours of continuing education required for the 2008-2010 licensure period.

**Motion Proposals:** First Pamela Johnston  
Second Kenneth Reeves, III

**Motion Results:** Pass

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**5) LICENSE AND ELIGIBILITY**

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

Matthews, Ellen  
Phillips, Pamela

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** Discussion regarding applications of Ellen Matthews and Pamela Phillips.

**Motion:** Move to defer Pamela Phillips application to the next meeting and grant certification to Ellen Matthews.

**Motion Proposals:** First Kenneth Reeves, III  
Second Debra Primock

**Motion Results:** Pass

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

**Individuals Addressing the Board:** Alex Navarro

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

1. Allison-Howard, Donna
2. Anderson, Lyndi
3. Appel Marlene
4. Badilla, Rashara
5. Bair, Katherine
6. Bair, Warner
7. Baumgarten, Mary Jane
8. Belasco, Mary
9. Bensmiller, Pamela
10. Bernstein, Leigh
11. Bjorndahl, Brian
12. Bloss, Jeanette
13. Boble, Michael
14. Bouschor, Royal II
15. Bray, Lupe
16. Bull, Daniel

17. *Collins, Carole*
18. *Cooper, Crismon*
19. *Coyne, Marshall*
20. *Curti, Thomas*
21. *Dellisanti, Deborah*
22. *Dubois, Ronald*
23. *Dunklin, Donna*
24. *Dyer, Charles*
25. *Eadus, John II*

**Motion:** Move to grant renewal of fiduciary licensure to the above applicants.

**Motion Proposals:** First Kenneth Reeves, III  
 Second Deborah Primock  
 Recusal Mary Jane Baumgarten on #7, Shari Tomlinson on #9

**Motion Results:** Pass

26. *Edwards, Maureen*
27. *Elliott, James*
28. *Elsouhag, Belvet*
29. *Ficker, Robert*
30. *Fleming, Robert*
31. *Foster, Gretchen*
32. *Fredrickson, Dixie*
33. *French, Kandace*
34. *Geisler, Jane Anne*
35. *Gonzales, Mario*
36. *Grooms, Linnea*
37. *Harner, Robert*
38. *Hartless, Vivian*
39. *Haviland, Vicki*
40. *Hawkins, Harold*
41. *Hoekstra, Rochelle*
42. *Holcomb, Sarah*
43. *Ioset, Phillip*
44. *Janik, Anton*
45. *Johnston, Pamela*
46. *Kanaga, Jacqueline*
47. *Kopsco, Carol*
48. *Kizak, Kay*
49. *Kulp, Janice*
50. *Lawson, Kathleen*

**Motion:** Move to grant renewal of fiduciary licensure to the above applicants.

**Motion Proposals:** First Ken Reeves, III  
Second Deborah Primock  
Recusal

**Motion Results:** Pass

51. *Liebe, Melissa*
52. *Lines, Sherrel*
53. *MacDonald, Eric*
54. *Manley, Jeffrey*
55. *Martínez, Mario*
56. *McDonough, Fenton*
57. *McMillan, Kate*
58. *McPerson, Debra*
59. *Michaelson, Robin*
60. *Mills, Valerie*
61. *Mann-Damon, Leslie*
62. *Osollo, David*
63. *Paz, Sandra*
64. *Pimental, Dian*
65. *Poarch, Tiffany*
66. *Pope, Gary*
67. *Price, Lisa*
68. *Primock, Deborah*
69. *Reed, Sherry*
70. *Rittenhouse, Jo*
71. *Robbins, Catherine*
72. *Roberts, Mary*
73. *Rogers, Eileen*
74. *Rubin, Susan*
75. *Sabatina, Jeannean*

**Motion:** Move to grant renewal of fiduciary licensure to the above applicants.

**Motion Proposals:** First Kenneth Reeves, III  
Second Mary Jane Baumgarten  
Recusal Deborah Primock on #68

**Motion Results:** Pass

76. *Salem, Rashiel*
77. *Scartezina, Paul*
78. *Shontz, Marion*
79. *Short, Laura*
80. *Singer, Janie*
81. *Soderquist, Carol*
82. *Sokol, Sally*
83. *Stone, Rhonda*

- 84. Tencza, Beverly
- 85. Tucker, Michael
- 86. Turley, Norman
- 87. Van Norman, Peggy
- 88. Walsma, Pamela
- 89. Wheeler-Ruby, Candy
- 90. Winters-Bull, Heather
- 91. Wood, Henry
- 92. Muller, Nancy

**Motion:** Move to grant renewal of fiduciary licensure to the above applicants.

**Motion Proposals:** First Pamela Johnston  
 Second Kenneth Reeves, III

**Motion Results:** Pass

- 93. Jones, Carla

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** Ms. Jones disclosed a misdemeanor charge in case number CR2008-0514 filed in Prescott Valley Magistrate Court. Copies of the criminal “Plea Agreement” signed August 5, 2008 are attached for Board review. Ms. Jones was assessed a \$220.00 fine plus \$27.00 docket fee which were paid in full on August 5, 2008. Ms. Jones failed to notify division staff within ten days of the misdemeanor pursuant to § 7-201(F)(5)(b).

Staff recommends the Board enter into a Consent Agreement ordering Ms. Jones to take 3 additional hours of continuing education in the curriculum areas of ethics and professional responsibility completed no later than 120 days following the Board’s entry of the Consent Agreement in addition to the hours required for the renewal of the 2010-2012 licensure (total of 20 hours). Staff recommends the Board request Division staff prepare and deliver a draft Consent Agreement to Ms. Jones. If Ms. Jones agrees and submits the signed Consent Agreement, the document will be returned to the Board for review and consideration at the next regularly scheduled Board meeting for the signature by the Chair on behalf of the Board.

**Motion:** Move to accept the recommendation of Staff as referenced above.

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

**Motion Results:** Pass

**94. Bache, Walter L.**

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** During the background investigation, it was discovered Mr. Bache failed to pay the balance of 6 outstanding debts and was asked by Division staff to provide proof of payments. On April 7, 2010, Mr. Bache submitted proof of payment in full to 2 of the creditors and stated he will continue to make monthly payments to the remaining creditors until paid in full. It is recommended the Board enter into a Consent Agreement ordering Mr. Bache to submit monthly reports demonstrating payments to the pending accounts until paid in full and quarterly reports of his clients' fees for the licensure period of 2010-2012. Staff recommended the Board request Division staff prepare and deliver a draft Consent Agreement to Mr. Bache. If Mr. Bache agrees and submits the signed Consent Agreement, the document will be returned to the Board for review and consideration at the next regularly scheduled Board meeting for signature by the Chair on behalf of the Board.

**Motion:** Move to accept the recommendation of Staff as referenced above.

**Motion Proposals:** First Kenneth Reeves, III  
Second Deborah Primock

**Motion Results:** Pass

**95. Walker, Stephanie**

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** During the background investigation, it was discovered Ms. Walker failed to pay the balance due to 2 outstanding creditors and a pending short sale on her home. Staff recommends the Board enter into a Consent Agreement ordering Ms. Walker to submit monthly reports demonstrating payments until paid in full and a report of resolution of the short sale on the home. She must also submit quarterly reports of her clients' fees for the licensure period of 2010-2012. Staff recommended the Board request Division staff prepare and deliver a draft Consent Agreement to Ms. Walker. If Ms. Walker agrees and submits the signed Consent Agreement, the document will be returned to the Board for review and consideration at the next regularly scheduled Board meeting for signature by the Chair on behalf of the Board.

**Motion:** Move to accept the recommendation of Staff as referenced above.

**Motion Proposals:** First Shari Tomlinson  
Second Mary Jane Baumgarten  
Recusal Shari Tomlinson  
**Motion Results:** Pass

**96. Liechty, Clint**

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** During the background investigation, it was discovered Mr. Liechty failed to pay 2 outstanding balances totaling \$142.00 and was asked by Division staff to provide an affidavit addressing the past due accounts. Staff recommends the Board order Mr. Liechty to provide proof of the resolution of both accounts to the Division within 120 days from the Board's order and to include language that states failure to make appropriate payment to the debtors could result in the Board taking disciplinary action. It is further recommended the board grant renewal of licensure to Mr. Liechty.

**Motion:** Move to accept the recommendation of Staff as referenced above.

**Motion Proposals:** First Kenneth Reeves, III  
Second Deborah Primock  
**Motion Results:** Pass

**97. Schamel, Sherri**

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** During the background investigation, it was discovered Ms. Schamel had an account 120 days past due. Ms. Schamel was asked by Division staff to provide an affidavit addressing the past due account. Staff recommends the Board enter into a Consent Agreement ordering Ms. Schamel to submit monthly reports demonstrating payments beginning June 2010 and quarterly reports of her clients' fees for the licensure period of 2010-2012. Staff recommended the Board request Division staff prepare and deliver a draft Consent Agreement to Ms. Schamel. If Ms. Schamel agrees and submits the signed Consent Agreement, the document will be returned to the Board for review and consideration at the next regularly scheduled Board meeting for signature by the Chair on behalf of the Board.

**Motion:** Move to accept the recommendation of Staff as referenced above.

**Motion Proposals:** First Shari Tomlinson  
Second Mary Jane Baumgarten

**Motion Results:** Pass

**98. Johnson, Claudia**

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** During the background investigation, it was discovered Ms. Johnson had 4 accounts past due. Staff requested she provide a written response addressing the past due accounts. Her licensure is in good standing with the Division and staff recommended the Board order also ask Ms. Johnson to submit the final disposition of her bankruptcy as soon as it is completed. It was recommended to grant Ms. Johnson's renewal license.

**Motion:** Move to grant renewal of license.

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

**Motion Results:** Pass

**99. Serma, Diana**

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** During the background investigation, it was discovered Ms. Serna had 7 past due accounts and was asked to provide an affidavit explaining the accounts. Staff recommends the Board enter into a Consent Agreement ordering Ms. Serna to submit monthly reports demonstrating payments toward the debts beginning in June 2010 and quarterly reports of her clients' fees for the licensure period of 2010-2012. Staff recommends the Board request Division staff prepare and deliver a draft Consent Agreement to Ms. Serna. If Ms. Serna agrees and submits the signed Consent Agreement, the document will be returned to the Board for review and consideration at the next regularly scheduled Board meeting for signature by the Chair on behalf of the Board.

**Motion:** Move to accept the recommendation of Staff as referenced above.

**Motion Proposals:** First Shari Tomlinson  
Second Mary Jane Baumgarten

**Motion Results:** Pass

**100. Fayndon, Darra**

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** During the background investigation, it was discovered Ms. Rayndon had a past due account. Division staff requests Ms. Rayndon submit an affidavit explaining the account. Staff recommends the Board enter into a Consent Agreement ordering Ms. Rayndon to submit monthly reports demonstrating payments toward the debts and quarterly reports of her clients' fees for the licensure period of 2010-2012. If Ms. Rayndon agrees, staff recommends the Board request Division staff prepare and deliver a draft Consent Agreement to Ms. Rayndon. If Ms. Rayndon agrees and submits the signed Consent Agreement, the document will be returned to the Board for review and consideration at the next regularly scheduled Board meeting for signature by the Chair on behalf of the Board.

**Motion:** Move to accept the recommendation of Staff as referenced above.

**Motion Proposals:** First Deborah Primock  
Second Mary Jane Baumgarten

**Motion Results:** Pass

**5-C:** *Review, discussion, and possible action regarding the following pending business applications for renewal of licensure:*

**Individuals Addressing the Board:** Alex Navarro

**Discussion:** The following business entities have submitted complete applications, they demonstrate they meet the minimum eligibility requirements, and no information has been presented during the background investigation which is contrary to renewal of licensure being granted. Staff recommends the Board grant renewal of fiduciary business license to the following:

1. Care Coordinators (Peggy Van Norman)
2. Crismon Cooper Licensed Fiduciaries, LLC (Crismon Cooper)
3. Fiduciary Solutions, L.L.C. (Mario Martinez)
4. Gila County Public Fiduciary (Tiffany Poarch)
5. Graham County Public Fiduciary (Sherrel Lines)
6. Jewish Family & Children's Services of Southern Arizona (Janie Singer)
7. La Paz County Public Fiduciary (Vivian Hartless)
8. Managed Protective Services Inc. (Jane Anne Geisler)
9. Mohave County Public Fiduciary (Catherine Robbins)
10. Mohave Estate Management Office (Rashiel Salem)

11. Monarch Fiduciaries, LLC (Melissa Liebe)
12. Navajo County Public Fiduciary (Sherry Reed)
13. Northern Arizona Fiduciary Services, PLLC (Sarah Holcomb)
14. Premier Advocacy & Management Services LLC (Pamela Johnston)
15. Sierra Huachuca Arc, Inc (Mario Gonzales)
16. Yuma County Public Fiduciary (Candy Weeler-Ruby)

**Motion:** Move to approve and grant renewal of fiduciary business license on the above 1 through 16.

**Motion Proposals:** First Mary Jane Baumgarten  
 Second Kenneth Reeves, III  
 Recusal Pamela Johnston on #14

**Motion Results:** Pass

## CALL TO THE PUBLIC

**Individuals Addressing the Board:** Stephanie McCullum, Licensed Fiduciary

**Discussion:** Discussed deadline on expiration of certification.

## ADJOURNMENT

**Motion:** Move to adjourn.

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

**Motion Results:** Pass

**Time:** 12:04 pm

Initials: /SH

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