

Supreme Court Board of Fiduciary
Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 230
August 9, 2007
10:00 am -2:00 pm

Approved Regular Session Minutes

MEMBER ATTENDANCE

Present:

Diana L. Clarke
Commissioner Dean Fink
Stacey L. Johnson
Pamela Johnston
Shari J. Tomlinson

Absent:

Marlin "Kip" Anderson
Mary E. Carlton
Kymberlei Putz

OTHER ATTENDEES

AOC Staff:

Kitty Boots
Lauren Eiler
Dara Fonseth
Linda Grau
Nina Preston
Kimberly Siddall
Nancy Swetnam
David Geriminsky
Maryanne Baiza

Guests:

Roger Coventry
Patricia Powers
James Rettler
Lisa Price

CALL TO ORDER

Called to Order By:

Shari J. Tomlinson

Time:

10:16 A.M.

1) REVIEW AND APPROVAL OF MINUTES

1-A: Discussion, review, and possible approval of the Regular Session and Executive Session Minutes of the meeting held on June 14, 2007.

Individuals Addressing the Board: Shari Tomlinson

Discussion: Board discussed the approval of the Regular Session and Executive Session Minutes of the meeting held on June 14, 2007.

Motion: Moved to approve the June 14, 2007 Minutes

Motion Proposals: First: Commissioner Dean Fink
Second: Diana Clarke

Motion Results: Pass

1-B: Discussion, review, and possible approval of the Regular Session Minutes of the meeting held on July 12, 2007:

Individuals Addressing the Board: Shari Tomlinson

Discussion: Board discussed the approval of the Regular Session Minutes of the meeting held on July 12, 2007.

Motion: Moved to approve the July 12, 2007 Minutes.

Motion Proposals: First: Pamela Johnston
Second: Commissioner Dean Fink

Motion Results: Pass

2) PENDING COMPLAINTS

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

01-0029 – Donna Dauenhauer

02-0035 – Donna Dauenhauer

04-0022 – Donna Dauenhauer

02-0034 – Linda Hogan

03-0013 – Linda Hogan

Individuals Addressing the Board: Nancy Swetnam, Linda Grau, Lauren Eiler, Kimberly Siddall, and Dara Fonseth

Discussion: Board discussed the course of action to take against Donna Dauenhauer concerning complaint numbers 01-0029, 01-0035, and 04-0022.

Motion: Moved to issue a Letter of Concern with specific language in the letter added to the letter regarding the Boards' discussion.

Motion Proposals: First: Stacey L. Johnson
Second: Commissioner Dean Fink
Opposed: Pamela Johnston, Diana Clarke, Shari Tomlinson

Motion Results: Fail

Amended Motion: Moved to accept the findings of the Probable Cause Evaluator and enter a finding grounds for formal discipline exists pursuant to ACJA § 7-201 (H)(6)(a) and invite Ms. Dauenhauer to participate in a Formal Interview, pursuant to ACJA § 7-201 (H)(8) at the September meeting.

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

Motion Results: Pass

Discussion: Board discussed complaint numbers 02-0034 and 03-0013 involving Linda Hogan.

Motion Proposals: Moved to accept the findings of the Probable Cause Evaluator and enter a finding grounds for informal disciplinary action exists pursuant to ACJA § 7-201 (H)(7) and issue a Letter of Concern., specifically ordering this matter not be considered in future proportionality reviews based on the mitigating factors considered by the Board.

Motion Results: Pass

3) CERTIFICATION AND ELIGIBILITY

3-A: *Review, discussion, and possible action regarding pending applications for Standard certification submitted by:*

*Patricia Rettler Powers
Laurie Kuzdal
Beverly Golden*

Individuals Addressing the Board: Kimberly Siddall, Linda Grau

Discussion: Board discussed Patricia Rettler Powers pending application for standard certification.

Motion: Moved to accept and enter the proposed Consent Agreement to grant certification to Patricia Rettler Powers and designate Board Chair Shari Tomlinson to sign the Consent Agreement on behalf of the Board.

Motion Proposals: First: Stacey L. Johnson
Second: Commissioner Dean Fink

Motion Results: Pass

Discussion: Board discussed Laurie Kuzdal's pending application for standard certification.

Motion: Moved to defer consideration of the applicaiton to the September 13, 2007 meeting.

Motion Proposals: First: Commissioner Dean Fink
Second: Pamela Johnston

Motion Result: Pass

Discussion: Board discussed Beverly Golden's pending application for standard certification.

Motion: Moved to offer Beverly Golden a Consent Agreement to certification and invite Beverly Golden to the September 13, 2007 meeting to discuss the possible conditions of a Consent Agreement.

Motion Proposals: First: Pamela Johnston
Second: Diana Clarke

Motion Result: Withdrawn

Amended motion: Moved to invite Beverly Golden to the September 13, 2007 meeting and request staff inform Ms. Golden of the Consent Agreement provisions the Board is considering for the Consent Agreement.

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

Motion Result: Pass

3-B: Review, discussion, and possible action regarding business entity application of Arizona Guardians & Conservators.

Discussion: Board discussed possible action regarding business entity application of Arizona Guardians & Conservators.

Motion: Moved to accept the request to withdrawal of business entity application.

Motion Proposals: First: Pamela Johnston
Second: Diana L. Clarke
Recused: Commissioner Dean Fink

Motion Results: Pass

4) ADMINISTRATIVE ISSUES

4-A: *Review, discussion, and possible action regarding renewal application deadline and the continuing education period.*

Individuals Addressing the Board: Linda Grau, Nancy Swetnam

Discussion: Board discussed possible action regarding renewal application deadline and the continuing education period

Motion: Moved to recommend the Supreme Court adopt the proposed amendments to ACJA 7-202 (L)(2)(a) to extend the period within which certificate holders can complete the required continuing education hours required for renewal of certification.

Motion Proposals: First: Commissioner Dean Fink
Second: Stacey L. Johnson

Motion Results: Pass

Motion: Moved to establish a 2008-2010 renewal application submission deadline of April 1, 2008, pursuant to ACJA § 7-202 (G)(2)

Motion Proposals: First: Stacey L. Johnson
Second: Diana L. Clarke
Opposed: Commissioner Dean Fink

Motion Result: Pass

4-B: *Review and discussion regarding roles and activities of sitting Fiduciary Board Subcommittees.*

Individuals Addressing the Board: Nancy Swetnam, Linda Grau

Discussion: Board discussed the roles and activities of sitting fiduciary subcommittees Board Chair Tomlinson offered a limited called to the public regarding this agenda item and attendees Lisa Price and Roger Coventry addressed the Board. The Board discussed forwarding a general information letter to

the fiduciary community regarding the roles and responsibilities of the Board and its Subcommittees.

Motion: Moved to disseminate a the amended letter to the fiduciary community regarding the roles and responsibilities of the Fiduciary Board and its Subcommittees.

Motion Proposals: First: Diana L. Clarke
Second: Stacey L. Johnson

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board: Rodger Coventry, Lisa Price

ADJOURN

Motion: Adjourn the meeting.

Motion Proposals: First: Stacy Johnson
Second: Commissioner Dean Fink

Motion Results: Pass

Time: 1:06 p.m.
