

Supreme Court Board of Fiduciary

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

Conference Room 109

Date: March 13, 2008

Time: 10:30 a.m.- 2:30 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE

Present:

Diana M. Corry

Shari J. Tomlinson

Diana L. Clarke

Honorable Dean Fink

Mary Jane Baumgarten

Pamela Johnston

Sherry Reed

Telephonically Present:

Marlin (Kip) Anderson

Mary E. Carlton

OTHER ATTENDEES

AOC Staff:

Kitty Boots

Nancy Swetnam

Maria Lopez

Kandace French

Jenny Lubben

Alex Navarro

Tony Posante

Nina Preston

Kimberly Siddall

Guests:

Carol A. Soderquist

CALL TO ORDER

Called to Order By:

Shari Tomlinson, Chair

Time:

10:33 a.m.

1) REVIEW AND APPROVAL OF MINUTES

I-A: Review, discussion and approval of the Regular and Executive Session Minutes for meeting of February 14, 2008.

Individuals Addressing the Board: None

Discussion: Board discussed status of minutes.

Motion: Moved to defer approval of the Regular and Executive Session Minutes to April 17, 2008 Board Meeting.

Motion Proposals: First Marlin Anderson
Second Diana M. Corry

Motion Results: Pass

2) PENDING COMPLAINTS

2-A: 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 NC08-0006

Individuals Addressing the Board: Nancy Swetnam

Discussion: None.

Motion: Motion to affirm Division Director dismissal of complaint number NC08-0003.

Motion Proposals: First Mary Jane Baumgarten
Second Judge Dean Fink

Individuals Addressing the Board: Nancy Swetnam

Discussion: None.

Motion: Motion to affirm Division Director dismissal of complaint number NC08-0002.

Motion Proposals: First Judge Dean Fink
Second Pamela Johnston

Motion Results: Pass

Individuals Addressing the Board: Nancy Swetnam

Discussion: None.

Motion: Motion to affirm Division Director dismissal of complaint number NC08-0006.

Motion Proposals: First Mary E. Carlton
Second Pamela Johnston

Motion Results: Pass

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

Complaints Number 07-0022 Above and Beyond Payee Services (John Eadus)
Complaint Number 07-0023 Navajo County Public Fiduciary Office (Sherry Reed)
Complaint Number 07-0013 Southwest Fiduciary, Inc. (Greg DeVico)
Complaint Number 04-0019 Lynelle Esser
Complaint Number 05-0008 Lynette Esser

Individuals Addressing the Board: Nancy Swetnam

Discussion: Review and discussion of and recommendation regarding complaint number 07-0022 involving Above and Beyond Payee Services (John Eadus).

Motion: To accept the recommendation of the Division Director and the finding of the Probable Cause Evaluator and dismiss complaint number 07-0022.

Motion Proposals: First Judge Dean Fink
Second Pamela Johnston

Motion Results: Pass

Individuals Addressing the Board: Nancy Swetnam

Discussion: Review and discussion of and recommendation regarding complaint number 07-0023 involving Navajo County Public Fiduciary Office (Sherry Reed).

Motion: To accept the recommendation of the Division Director and the finding of the Probable Cause Evaluator and dismiss complaint number 07-0023.

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

Motion Results: Pass

Individuals Addressing the Board: Nancy Swetnam

Discussion: Review and discussion of and recommendation regarding complaint number 07-0013 involving Southwest Fiduciary, Inc. (Greg DiVico)

Motion: To accept the recommendation of the Division Director and the finding of the Probable Cause Evaluator and dismiss complaint number 07-0013.

Motion Proposals: First Pamela Johnston
Second Judge Dean Fink

Motion Results: Pass

Individuals Addressing the Board: Nancy Swetnam

Discussion: Review and discussion of and recommendation regarding complaint numbers 04-0019 and 05-0008 involving Lynette Esser.

Motion: To accept the recommendation of the Division Director and to close and dismiss complaint numbers 04-0019 and 05-0008.

Motion Proposals: First Judge Dean Fink
Second Sherry Reed

Motion Results: Pass

3) ADMINISTRATIVE ISSUES

3-A: Report of the Fiduciary Activities and Duties Subcommittee.

Individuals Addressing the Board: Nancy Swetnam

Discussion: The Subcommittee to continues to work through ACJA § 7-202 anticipates coming to the Board with a proposal at the April meeting.

Motion: None

3-B: Report of the POA Subcommittee and possible action regarding change of name and scope of the Subcommittee.

Individuals Addressing the Board: Judge Dean Fink

Discussion: Judge Fink provided a status update regarding the Subcommittees' efforts and requested the Board change the name of the POA Subcommittee to the Regulatory Scope Subcommittee and accept the Mission Statement drafted by the Subcommittee.

Motion: To change the POA Subcommittee name to the "Regulatory Scope Subcommittee" and to accept the proposed Mission Statement.

Motion Proposals: First Mary Jane Baumgarten
Second Pamela Johnston

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board: Carol Soderquist

Discussion: Ms. Soderquist expressed interest in becoming a member of the Fiduciary Board.

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First Mary Jane Baumgarten
Second Sherry Reed

Motion Results: Pass

Time: 11:13 a.m.
