

**Supreme Court Fiduciary Board**  
Arizona State Courts Building  
1501 West Washington, Phoenix, AZ 85007  
Conference Room 230  
10:00 a.m. – 2:00 p.m.

June 14, 2007  
Approved Regular Session Minutes

**MEMBER ATTENDANCE**

***Present:***

Commissioner Dean Fink  
Diana L. Clarke  
Pamela Johnston  
Melissa King  
Kymberlei Putz  
Shari J. Tomlinson  
Mary E. Carlton  
Marlin “Kip” Anderson

***Absent:***

Stacey L. Johnson  
Robin B. Fuller  
Barbara Howes

**OTHER ATTENDEES**

***AOC Staff:***

Rhonda Simmons  
Kimberly Siddall  
Dara Fonseth  
Lauren Eiler  
Loretta Diaz

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**CALL TO ORDER**

***Called to Order By:***

Shari Tomlinson, Chair

***Time:***

10:07 a.m.

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**1) REVIEW AND APPROVAL OF MINUTES**

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

***Individuals Addressing the Board:*** Shari Tomlinson, Chair

***Discussion:*** The Board discussed amendments to the May 10, 2007 Regular Session Minutes.

**Motion:** Moved to approve the May 10, 2007 Regular Session Minutes with amendments as discussed.

**Motion Proposals:** First: Mary Carlton  
Second: Diana Clarke

**Motion Results:** Pass Motion Carries

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## 2) REVIEW OF PENDING COMPLAINTS

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

- **06-007 – Donna Allison-Howard**

**Individuals Addressing the Board:** Lauren Eiler, Acting Director

**Discussion:** The Board discussed complaint # 06-007 involving Donna Allison-Howard.

**Motion:** Moved to send a Consent Agreement to Ms. Allison-Howard which includes a requirement she pay restitution to Silver Creek Pharmacy in the amount of \$168.49 and consent to the issuance of a Letter of Concern. Further moved to invite Ms. Allison-Howard to the next Board meeting for a formal interview to discuss the Consent Agreement.

**Motion Proposals:** First: Diana Clarke  
Second: Mary Carlton

**Motion Results:** Pass Motion Carries

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## 3) CERTIFICATION AND ELIGIBILITY

**3-A:** *Review of pending applications for Standard certification.*

*Jim Otis*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the application of Jim Otis.

**Motion:** Moved to deny Mr. Otis' application for Standard certification pursuant to ACJA § 7-201(E)(2)(c)(2)(b)(VI) and (VII).

**Motion Proposals:** First: Commissioner Dean Fink  
Second: Melissa King

**Motion Results:** Pass Motion Carries

**3-A:** *Review of pending applications for Standard certification.*

*Beverly Gloden*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board discussed the application of Beverly Gloden.

**Motion:** Moved to go into executive session.

**Motion Proposals:** First: Commissioner Dean Fink  
Second: Mary Carlton

**Motion Results:** Pass Motion Carries

**Motion** Moved to send a Consent Agreement to Ms. Gloden which includes substance abuse testing and that Ms. Gloden remain in practice with another certified fiduciary. Further moved to invite Ms. Gloden to the next Board meeting for a formal interview to discuss the Consent Agreement.

**Motion Proposals:** First: Commissioner Dean Fink  
Second: Marlin Anderson

**Motion Results:** Pass Motion Carries

**3-B:** *Interview with and possible action regarding business entity application of Arizona Guardians & Conservators.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Board was informed Arizona Guardians & Conservators submitted a request to withdraw their application.

**Motion:** Moved to defer consideration of this agenda item for the July Board meeting at the request of staff to allow staff the opportunity to research the issue of withdrawals of applications with the Attorney General's Office.

*Review, discussion, and possible action regarding Inactive Status request received from certified fiduciary Katiri Berry, certificate number 20536.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The Board discussed Katiri Berry's request to be placed on Inactive Status.

**Motion:** Moved to defer action on this agenda item to allow staff to contact Cochise County Public Fiduciary's Office to determine whether Ms. Berry has any outstanding cases.

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

**Motion Results:** Pass Motion Carries

**3-D:** *Review, discussion, and possible action regarding petition received from John Lloyd III requesting the Board waive the ACJA § 7-202 subsection (E)(1)(b) requirement and permit Mr. Lloyd to sit for the fiduciary certification examination.*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** The Board discussed Mr. Lloyd's request that the Board waive the ACJA § 7-202-(E)(1)(b) requirement and allow him to sit for the fiduciary certification examination.

**Motion:** Moved to deny Mr. Lloyd's request as he does not meet the requirements to sit for the examination.

**Motion Proposals:** First: Melissa King  
Second: Pamela Johnston

**Motion Results:** Pass Motion Carries

**3-E:** *Discussion and possible action regarding the renewal application deadline pursuant to Arizona Code of Administration § 7-201 (G)(2).*

**Individuals Addressing the Board:** Rhonda Simmons

**Discussion:** Board discussed setting a deadline to submit a renewal application for the 2008-2010 renewal period. The Board further discussed how the renewal deadline affects the certificate holder's ability to obtain continuing education credits.

**Motion:** Moved to defer action on this agenda item to allow discussion by the Board on the continuing education requirement and how this is affected by the renewal deadline.

**Motion Proposals:** First: Pamela Johnston  
Second: Melissa King

**Motion Results:** Pass Motion Carries

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**4) ADMINISTRATIVE ISSUES**

**4-A:** *Review, discussion, and possible action regarding potential Arizona Code of Judicial Administration § 7-201 (D)(5)(c)(1)(a) Board recommendations to the Arizona Supreme Court regarding issues related to the fiduciary profession; including (1) fiduciary authorities gained through execution of Powers of Attorney, Trusts, and other means, (2) conflicts of interest, and (3) education requirements for certification eligibility.*

**Individuals Addressing the Board** Rhonda Simmons and Dara Fonseth

**Discussion:** Board discussed the need for the subcommittee to meet on this issue.

**Motion** Moved to defer discuss on this agenda item to allow Linda Grau to set and be present for another meeting of the subcommittee.

**Motion Proposals:** First: Commissioner Dean Fink  
Second: Melissa King

**Motion Results:** Pass Motion Carries

**4-B:** *Report from, and discussion and possible action regarding Board Subcommittee on certification required fiduciary tasks.*

**Individuals Addressing the Board:** Shari Tomlinson

**Discussion:** Board discussed the need for the subcommittee to meet on this issue.

**Motion:** Moved to defer discussion on this agenda item to allow Linda Grau to set and be present for another meeting of the subcommittee.

**Motion Proposals:** First: Pamela Johnston  
Second: Diana Clarke

**Motion Results:** Pass: Motion Carries

**4-C:** *Discussion regarding Board Member recruitment.*

**Individuals Addressing the Board:** Rhonda Simmons

**Discussion:** Board discussed the vacancies and ways to recruit members for these vacancies.

***Motion:*** No action was taken

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**CALL TO THE PUBLIC**

***Individuals Addressing the Board:*** Shari Tomlinson, Chair

***Discussion:*** None

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**ADJOURN**

***Motion:*** To adjourn.

***Motion Proposals:*** First: Commissioner Dean Fink  
Second: Melissa King

***Motion Results:*** Pass Motion Carries

***Time:*** 11:53 a.m.