

# Supreme Court Board of Fiduciary

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

Date: April 17, 2008

Time: 10:30 a.m. – 12:30 a.m.

## Approved Regular Meeting Minutes

### MEMBER ATTENDANCE

***Present:***

Diana L. Clarke  
Mary Jane Baumgarten  
Pamela Johnston  
Sherry Reed  
Diana M. Corry  
Shari J. Tomlinson

***Telephonically Present:***

Marlin “Kip” Anderson  
Mary E. Carlton  
Honorable Dean Fink

### OTHER ATTENDEES

***AOC Staff:***

Kitty Boots  
Nancy Swetnam  
Kandace French  
Linda Grau  
Alex Navarro  
Tony Posante  
Nina Preston  
Kimberly Siddall  
Jenny Lubben  
Maria Lopez

***Guests:***

Heather Bull  
Don D. Childers  
Roger T. Coventry  
Catherine Yoshida  
Richard Vanderheiden  
Lisa Price  
David Fochtman  
Carol Soderquist

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### CALL TO ORDER

***Called to Order By:***

Shari Tomlinson, Chair

***Time:***

11:05 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 March 13, 2008.

**Individuals Addressing the Board:** Linda Grau

**Discussion:** Ms. Grau requested the Board defer consideration of the March 13, 2008 meeting Minutes to the May 8<sup>th</sup> meeting agenda.

**Motion:** Move to defer the review of the March 13, 2008 Regular and Executive Session Minutes to May 8<sup>th</sup> Board Meeting agenda.

**Motion Proposals:** First Mary Carlton  
Second Mary Jane Baumgarten

**Motion Results:** Pass

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## 2) PENDING COMPLAINTS

**2-A:** Review, discussion, and possible action regarding the following complaints:  
07-0021-Childers & Berg, LLC (Don Childers)  
07-0028-Maricopa County Public Fiduciary (Richard Vanderheiden)

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Review and discussion of and recommendation regarding complaint number 07-0021 involving Childers and Berg, LLC (Donal Childers). Board discussed business operation related POAs and resolved to seek advice of counsel.

**Motion:** Defer to review and consideration of complaint number 07-0021 to the May 8<sup>th</sup> meeting in order to receive advice of counsel.

**Motion Proposals:** First Sherry Reed  
Second Pamela Johnston

**Motion Results:** Pass

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Review and discussion of and recommendation regarding complaint number 07-0028 involving Maricopa County Public Fiduciary (Richard Vanderheiden).

**Motion:** To accept the finding of the Probable Cause Evaluator and the recommendation of the Division Director and to dismiss complaint

number 07-0028 involving Maricopa County Public Fiduciary (Richard Vanderheiden).

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

**Motion Results:** Pass

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### 3) CERTIFICATION AND ELIGIBILITY

**3-A:** Review, discussion, and possible action regarding pending applications for standard certification submitted by Robert Sumners and Jerry Kappeler.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Ms. Siddall reported the application submitted by Robert Sumner remains incomplete pending receipt of additional information from the applicant and fingerprint results. Ms. Siddall recommended review of Mr. Sumner's application be deferred to the May 8<sup>th</sup> meeting.

**Motion:** Move to defer review of the application to the May 8<sup>th</sup> meeting.

**Motion Proposals:** First Mary E. Carlton  
Second Sherry Reed  
Recused Shari Tomlinson

**Motion Results:** Pass

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Ms. Siddall reported Mr. Kappeler submitted a request to withdraw his application and recommended the Board accept the request.

**Motion:** Motion to accept the withdrawal of the certification application submitted by John Kappeler.

**Motion Proposals:** First Mary Carlton  
Second Mary Jane Baumgarten

**Motion Results:** Pass

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**3-B:** Review, discussion, and possible action regarding pending applications for 2008-2010 certification renewal.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Ms. Siddall reported updated the Board regarding the Consent Agreement granted to Beverly Golden on November 5, 2007 and asked the Board to discuss and determine whether to extend the provisions of the Consent Agreement or to grant renewal certification without a Consent Agreement.

**Motion:** Move to defer consideration of Ms. Gloden's renewal application to the May 8<sup>th</sup> meeting.

**Motion Proposals:** First Mary Jane Baumgarten  
Second Mary Carlton

**Motion Results:** Pass

**Discussion:** Ms. Siddall reported the following certificate holders submitted complete applications for renewal of certification and recommended the Board grant renewal of certification to:

Nancy Alexander  
Lyndi Anderson  
Samuel Anderson  
Rita Ashford  
Linda Bachtel  
Doug Bacon  
Denise Baldwin  
John Barkley  
Brian Bjorndahl  
Tracy Boen  
Allan Bogutz  
Della Bonner  
Pam Braun  
Raymond Briggs  
Martha Brightwell  
Frederick Brinckerhoff  
Julianne Brogna  
Gail Christensen  
Karen Collins  
Marshall Coyne  
Gregory Dovico  
Peggy Dovico  
Lisa Drutz  
Donna Dunklin  
Charles Dyer  
Charles J. Dyer  
Maureen Edwards

Thomas Eisner  
Belvet Elsouhag  
Mary Espinoza  
Scott Ferris  
Barbara Ficker  
Robert Ficker  
Patricia Flores  
Tonya Ford  
Gretchen Foster  
Heather Frenette  
Nora Garza  
Mario Gonzales  
Glenn Hall  
Linda Hamilton  
Audrey Hanks  
Vicki Haviland  
Julie Higbee  
Rochelle Hoekstra  
Chalmers James  
Anton Janik  
Claudia Johnson  
Patricia Kellar  
Trudy Kelley  
Charles King  
Michael Klecka  
Linda Kohl  
Kay Kozak  
Jeffrey Lake  
Mario Martinez  
Stephanie Mccollum  
Fenton Mcdonough  
Debra Mckee  
Kate Mcmillan  
Cecilia Mejia  
Robin Michaelson  
Barbara Middleton  
Roger Nohren  
Joseph Noviello  
Sandra Paz  
Deborah Primock  
Darra Rayndon  
Carrie Rednour  
Linda Reid  
Mary Roberts  
Douglas Rothman  
Francine Saccio  
Dawn Savattone  
Paul Scartezina

Caron Schmierer  
 Ranae Settle  
 Marion Shontz  
 Janie Singer  
 Sylvia Stevens  
 Rhonda Stone  
 Karen Strain  
 Beverly Tencza  
 Carol Ann Thompson  
 Dorothy Vallely  
 Harvey Van Sciver, Jr.  
 Dawn Walters  
 Gary Warner  
 F.M. Westra  
 Carmen Wilson  
 Heather Winters-Bull  
 Henry Wood  
 Robin Wright-Gordon  
 Martin Zachreson  
 Charles Zimmerman  
 Arizona Department of Veterans Services (Glenn M. Hall)  
 Geriatric Assessment Management & Solutions, LLC (Pamela Braun)  
 Greenlee County Public Fiduciary (Nora Garza)

**Motion:** To grant 2008-2010 certification renewal to the listed individuals and business entities as recommended.

**Motion Proposals:**

First	Mary Carlton
Second	Sherry Reed

**Motion Results:** Pass

**Discussion:** Ms. Siddall recommended the Board grant 2008-2010 certification renewal to Mary Jane Baumgarten.

**Motion:** Moved to grant 2008-2010 renewal to Mary Jane Baumgarten.

**Motion Proposals:**

First	Mary Carlton
Second	Judge Dean Fink
Recused	Mary Jane Baumgarten

**Motion Results:** Pass

**Discussion:** Ms. Siddall recommended the Board grant 2008-2010 certification renewal to Lupe Bray.

**Motion:** Moved to grant 2008-2010 renewal to Lupe Bray.

**Motion Proposals:** First Mary Carlton  
Second Mary Jane Baumgarten  
Recused Sherry Reed

**Motion Results:** Pass

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**3-C:** Review, discussion, and possible action regarding request for waiver of continuing education for Craig Gordon.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Ms. Siddall reported receiving a request for waiver of the continuing education requirement for Mr. Gordon from Allan Bogutz. Ms. Siddall recommended the Board request a notarized statement and additional documentation from Mr. Gordon.

**Motion:** Move to defer consideration of the CE waiver request to the May 8<sup>th</sup> Agenda in order to receive additional clarification from Mr. Gordon regarding the amount of CE he has completed to date.

**Motion Proposals:** First Mary E. Carlton  
Second Mary Jane Baumgarten

**Motion Results:** Pass

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**3-D:** Review, discussion, and possible action regarding request for extension of continuing education for Jacqueline Kanaga.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Ms. Siddall reported Ms. Kanaga requested a six month extension to complete the required continuing education hours necessary for renewal but noted Ms. Kanaga failed to comply with the requirement the request be submitted as a notarized statement. Ms. Siddall recommended the Board defer consideration to the May meeting and request Ms. Kanaga submit a notarized statement.

**Motion:** Move to defer to May and request notarized statement regarding extension as recommended.

**Motion Proposals:** First Mary Jane Baumgarten  
Second Sherry Reed

**Motion Results:** Pass

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**3-E:** Review, discussion, and possible action regarding Inactive Status request received from certified fiduciary Stacy Slater.

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Ms. Siddall confirmed receipt of Ms. Slater's request to be placed on Inactive Status and reported Superior Court in Maricopa County records reflect Ms. Slater is not currently appointed in a fiduciary capacity to any case. Ms. Siddall confirmed there are not pending complaints involving Ms. Slater on file with the Division and recommended Ms. Slater be placed on Inactive Status.

**Motion:** Move to transfer to Inactive Status as recommended.

**Motion Proposals:** First Mary E. Carlton  
Second Mary Jane Baumgarten

**Motion Results:** Pass

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#### **4) ADMINISTRATIVE ISSUES**

**4-A:** Report of the Fiduciary Activities/Duties Subcommittee.

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** Ms. Swetnam addressed the Board regarding the activities of the Activities/Duties Subcommittee's continuing to work on preparing a draft of proposed changes to ACJA. The draft circulated for consideration in advance of the meeting was discussed.

**Limited Call to the Public:**

Chair Tomlinson opened the floor for a limited call to the public regarding the posted circulated draft proposal. Lisa Price, Roger Coventry, Donal Childers, and Heather Bowles addressed the Board.

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**4-B:** Report of the Regulatory Scope Subcommittee.

**Individuals Addressing the Board:** Linda Grau

**Discussion:** Ms. Grau reported the Regulatory Scope Subcommittee is scheduled to meet shortly and more information will be provided at future meetings.

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**4-C:** Review, discussion and possible action regarding pending Rule 28 Petition number R-07-0024.

**Individuals Addressing the Board:** Linda Grau

**Discussion:** The Board discussed the petition and needing time to review and consider the possible impacts of the petition. Board requested the matter be placed on the May 8<sup>th</sup> agenda.

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**4-D:** Review, discussion and possible action regarding pending Rule 28 Petition number R-07-0012.

**Individuals Addressing the Board:** Linda Grau

**Discussion:** The Board discussed the petition and needing time to review and consider the possible impacts of the petition. Board requested the matter be placed on the May 8<sup>th</sup> agenda.

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## CALL TO THE PUBLIC

**Individuals Addressing the Board:** Roger T. Coventry

**Discussion:** Mr. Coventry addressed the Board with concerns regarding the content of Board materials publically published pertaining to renewal applicants and complaint matters.

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## ADJOURNMENT

**Motion:** Adjourn the meeting.

**Motion Proposals:** First Mary Jane Baumgarten  
Second Sherry Reed

**Motion Results:** Pass  
**Time:** 1:30 p.m.

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