



Supreme Court Fiduciary Board

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

Conference Room 109

Date: June 12, 2008

Time: 10:30 a.m. – 12:30 p.m.

Draft Regular Meeting Minutes

Present:

Diana L. Clarke

Honorable Dean Fink

Mary Jane Baumgarten

Pamela Johnston

Shari J. Tomlinson

Telephonically Present:

Marlin “Kip” Anderson

Mary E. Carlton

Sherry Reed

Diana M. Corry

OTHER ATTENDEES

AOC Staff:

Linda Grau

Maria Lopez

Jenny Lubben

Kimberly Siddall

Karla Clanton

Guests:

Cathy Yoshida-Corella

Candy Wheeler-Ruby

April Riedel

CALL TO ORDER

Called to Order By: Judge Dean Fink

Time: 10:34a.m.

1) REVIEW AND APPROVAL OF MINUTES

1-A: Discussion, review, and possible approval of the Regular Session Minutes of the meeting held on March 13, 2008.

1-B: Discussion, review, and possible approval of the Regular Session Minutes of the meeting held on April 17, 2008.

1-C: Discussion, review, and possible approval of the Regular and Executive Session Minutes of the meeting held on May 8, 2008.

1-D: Discussion, review, and possible approval of the Regular and Executive Session Minutes of the meeting held on May 22, 2008.

Individuals Addressing the Board: Linda Grau

Discussion: Staff recommended the Board defer consideration of the Minutes to the July meeting.

Motion: Board moved to accept staff's recommendation.

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

Motion Results: Pass

2) CERTIFICATION AND ELIGIBILITY

2-A: Review, discussion, and possible action regarding pending application of John Llyod for standard certification.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended standard certification be granted Mr. Lloyd.

Motion: Board moved to accept staff's recommendation.

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

Motion Results: Pass

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

Individuals Addressing the Board:

Discussion: Staff recommended renewal of standard certification be granted to the following individuals or business entities:

Royal Bouschor, II
Phyllis Cornell
John Eadus, II
Michael Hawthorne
Walter Henderson
William Langen
Eric MacDonald
Joel Margaretten
Carole Roubal
Linda Woern
Monarch Fiduciaries, LLC (Melissa Liebe)
Fiduciary Solutions, L.L.C. (Mario Martinez)

Motion: Board moved to accept staff's recommendation.

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

Discussion: Staff recommended renewal of standard certification be granted to Clinton Liechty and Stephan McCaffery.

Motion: Board moved to accept staff's recommendation.

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

Motion Results: Pass

Discussion: Staff recommended the Board defer renewal of certification application of Marie Barnett and request applicant provide required documentation.

Motion: Board moved to accept staff's recommendation.

Motion Proposals: First Marlin “Kip” Anderson
Second Mary E. Carlton

Motion Results: Pass

Discussion: Staff recommended the Board defer renewal of certification of the following applications individuals or business entities:
Donna Benjamin
Elizabeth Crosby
Susan Villarreal
Mark Mitchell
Tommy Lane (Moricoli)
Fred Appel
Randall Sanders
Coconino County Public Fiduciary (Patricia Powers)
D.M. Benjamin CPA PC (Donna Benjamin)
Yuma Private Fiduciary, L.L.C. (Marie Barnett)
Arc/Guardianship Services Commission (Martha Brightwell)

Motion: Board moved to accept staff’s recommendation.

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

Motion Results: Pass

Discussion: Staff recommended the Board defer renewal of certification of the business entity application for Professional Community Services, Inc. (Audrey Hanks).

Motion: Board moved to accept staff’s recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Mary E. Carlton
Recusal Pamela Johnston

Motion Results: Pass

Discussion: Staff recommended renewal of standard certification be granted to Michael Tucker.

Motion: Board moved to accept staff’s recommendation.

Motion Proposals: First Mary E. Carlton
Second Pamela Johnston

Recusal Judge Dean Fink

Motion Results: Pass

Discussion: Staff recommended renewal of standard certification be granted to the business entity Conservators of Arizona, Inc. (Michael Klecka).

Motion: Board moved to accept staff’s recommendation.

Motion Proposals: First Mary E. Carlton
Second Pamela Johnston

Motion Results: Pass

Discussion: Staff recommended the Board moved to enter in to Executive Session for advice of counsel.

Motion: Moved to enter into Executive Session.

Motion Proposals: First Mary E. Carlton
Second Pamela Johnston

Motion Results: Pass

Executive Session: 10:45 a.m. – 10:49 a.m.

Discussion: Staff recommended the Board address the disclosures and determine if any issues present any information contrary to renewal of certifications being granted for Jeffrey Alloway and Mary Lander.

Motion: Board moved to invite Jeffrey Alloway and Mary Lander to an informal interview at the July 10th board meeting.

Motion Proposals: First Pamela Johnston
Second Marlin “Kip” Anderson

Motion Results: Pass

Discussion: Staff recommended the Board request staff invite Janice Kulp to attend the July 10th meeting to provide additional information regarding the revocation of her notary license.

Motion: Board moved to accept staff’s recommendation.

Motion Proposals: First Mary Jane Baumgarten
Second Marlin “Kip” Anderson

Motion Results: Pass

2-E: Review, discussion, and possible action regarding request for waiver of continuing education for Craig Gordon.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommends the Board grant the waiver and that Mr. Gordon be required to file the appropriate documentation for continuing education.

Motion: Board moved to accept staff's recommendation.

Motion Proposals: First Mary E. Carlton
Second Diana L. Clarke

Motion Results: Pass

2-F: Review, discussion, and possible action regarding Inactive Status request received from certified fiduciary Vicki L. Long, certificate number 20452.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommends the Board grant Inactive status request.

Motion: Board moved to accept staff's recommendation.

Motion Proposals: First Diana L. Clarke
Second Pamela Johnston

Motion Results: Pass

2-C: Interview with and possible action regarding renewal applicant Candace Bow.

2-D: Interview with and possible action regarding renewal applicant Clare Guthrie.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommends the Board address the disclosures and determine if any issues present any information contrary to renewal of certification being granted.

Motion: Board moved to defer consideration to the July 10th board

meeting to seek advice from counsel.

Motion Proposals: First Diana L. Clarke
Second Mary E. Carlton

Motion Results: Pass
Recusal Judge Dean Fink

3) ADMINISTRATIVE ISSUES

3-A: Review, discussion and possible action regarding the 2009 Fiduciary Board meeting schedule.

Individuals Addressing the Board: Linda Grau

Discussion: Staff provided the Board with a list of proposed dates for the 2009 meeting schedule.

Motion: Board moved to accept staff's proposed meeting schedule with a 10:30 a.m. start time for each meeting.

Motion Proposals: First Mary Jane Baumgarten
Second Pamela Johnston

Motion Results: Pass

3-B: Update regarding Fiduciary Board Public Comment filed in pending Rule 28 Petition R-07-0012.

Discussion: Staff provided the Board with a copy of the filed Public Comment for informational purposes. No action was requested.

3-C: Review, discussion and possible action regarding the Fiduciary Activities/Duties Subcommittee proposal for amendments to Arizona Code of Judicial Administration § 7-202.

Discussion: Judge Dean Fink proposed word-smithing to page 7, paragraph 9. The Board discussed various elements of the proposed amendments to ACJA § 7-202.

Motion: Board moved to accept the proposal for amendments with amendment to page 7, paragraph 9, and requested staff proceed with publication for public comment.

Motion Proposals: First Diana L. Clarke

Second Pamela Johnston

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board: No response.

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First Mary Jane Baumgarten
Second Pamela Johnston

Motion Results: Pass

Time: 12:22p.m.