

Below is a brief summary of allegations of misconduct reviewed by the Fiduciary Board from January 1, 2007 through September 10, 2009. There were a total of 172 allegations considered by the Fiduciary Board during the period of this report. Of those allegations 108 were dismissed, 31 were addressed through an information letter of concern, 31 were addressed through a formal disciplinary process. There are three allegations which appeared to be dismissed by the probable cause evaluator but the minutes for the meeting indicate that a consent agreement was proposed. I have been unable to locate the final resolution for those allegations. Please note, complaints that were dismissed by the Division Director are not included in this matrix as those complaints are confidential.

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
October 2006; 06-0018	Apr-07	Allegation 1 - Will not allow the ward to return home and is not making decisions in the ward's best interest	Dismiss allegation pursuant to ACJA §7-201 (H)(5)(c)(1)
		Allegation 2 - Failed to include certification number on court documents; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Grounds for discipline does not exist; Dismiss complaint pursuant to ACJA §7-201 (H)(5)(c)(2)

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
March 2006; 06-0003	Apr-07	Allegation 1 - Sold property for half the appraised value	Dismissed
		Allegation 2 - Allowed unauthorized use of ward's credit card by health staff	Dismissed
		Allegation 3 - Took a trip to property owned by ward using wards funds	Dismissed
		Allegation 4 - Did not pay bills and taxes associated with real property	Dismissed
		Allegation 5 - Failed to make appropriate health decisions which lead to ward's death	Dismissed
		Allegation 6 - Failed to include certification number on court documents; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of Concern for acts of misconduct involving ACJA §7-202(F)(5)
		Allegation 7 - Failed to file court documents timely; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of Concern for acts of misconduct involving ACJA §7-202(F)(5)

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
June 2006; 06-0011	Apr-07	Allegation 1 - Denied ward's family an opportunity to inspect family items and keepsakes prior to selling	Dismiss complaint pursuant to ACJA §7-201 (H)(5)(c)(1)
		Allegation 2 - Placed ward in an unlicensed care home with untrained staff	Dismiss complaint pursuant to ACJA §7-201 (H)(5)(c)(1)
		Allegation 3 - Fiduciary has a monetary interest in care home	Dismiss complaint pursuant to ACJA §7-201 (H)(5)(c)(1)
		Allegation 4 - Isolated ward from family	Dismiss complaint pursuant to ACJA §7-201 (H)(5)(c)(1)
		Allegation 5 - Failed to include certification number on court documents; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ACJA §7-202(F)(5)
		Allegation 6 - Failed to file court documents timely; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ACJA §7-202(F)(5)
		Allegation 7 - Filed an annual report of guardian which was not prepared in compliance with ARS Section 14-5315 and Local Rule 9.2(e); Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ACJA §7-202(F)(5)

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
November 2006; 06-0020	Apr-07	Allegation 1 - Violated ACJA Section 7-201(F)(8) by including certification number on documents when acting in the capacity as county attorney during a period when certification was in inactive status	Dismiss complaint pursuant to ACJA §7-201 (H)(5)(c)(1)

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
June 2006; 06-0010	Apr-07	Allegation 1 - Inappropriately restricted Christensen's telephone services account	Dismiss complaint pursuant to ACJA §7-201 (H)(5)(c)(1)

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
May 2006; 06-0009	Apr-07	Allegation 1 - Isolated the ward from friends	Dismissed
		Allegation 2 - Allowed the facility to alter ward's medications	Dismissed
		Allegation 3 - Failed to include certification number on court documents; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Accept recommendation and enter a finding that grounds for discipline does not exist

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
April 2006; 06-0007	Jun-07	Allegation 1 - Failed to pay pharmacy bills for ward	March 2008 - Entered into consent agreement which includes repayment of pharmacy bill within 45 days,
		Allegation 2 - Failed to file court documents timely; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Letter of Concern issued pursuant to ACJA §7-201(H)(24)(a)(6)(a)

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
November 2001; 01-0029*	Aug-07	Allegation 1 - Committed acts of self-dealing and unethical behavior by selling the property of a ward to a family member (Note - These allegations were made under the Code of Conduct in effect prior to January 2007)	Formal discipline exists pursuant to ACJA §7-201(H)(6)(a); Invite fiduciary to formal interview pursuant to ACJA §7-201(H)(8); October 2007 - Informal discipline; Issue letter of concern after fiduciary declines the offer to be formally interviewed by the Board; Fiduciary requests voluntary surrender of certification and Board approves such surrender

*Mitigating factors outlined by the AOC include the delay in processing of the complaint. It should be noted that probable cause was determined for formal censure in 2005 but no action was taken and the fiduciary in question retired one week after the Fiduciary Board meeting in which these issues were addressed.

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
December 2002; 02-0035*	Aug-07	Allegation 1 - Committed acts of self-dealing and a conflict of interest by receiving products from a vendor free of charge after allowing the vendor to sell the same product to 12 wards (Note - These allegations were made under the Code of Conduct in effect prior to January 2007)	Formal discipline exists pursuant to ACJA §7-201(H)(6)(a); Invite fiduciary to formal interview pursuant to ACJA §7-201(H)(8); October 2007 - Informal discipline; Issue letter of concern after fiduciary declines the offer to be formally interviewed by the Board; Fiduciary requests voluntary surrender of certification and Board approves such surrender
*Mitigating factors outlined by the AOC include the delay in processing of the complaint. It should be noted that probable cause was determined for formal censure in 2005 but no action was taken and the fiduciary in question retired one week after the Fiduciary Board meeting in which these issues were addressed.			

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
August 2004; 04-0022*	Aug-07; Oct-07	Allegation 1 - Fiduciary issued a check with insufficient funds (Note - These allegations were made under the Code of Conduct in effect prior to January 2007)	Formal discipline exists pursuant to ACJA §7-201(H)(6)(a); Invite fiduciary to formal interview pursuant to ACJA §7-201(H)(8); October 2007 - Informal discipline; Issue letter of concern after fiduciary declines the offer to be formally interviewed by the Board; Fiduciary requests voluntary surrender of certification and Board approves such surrender
		Allegation 2 - Fiduciary's son co-owns a company that provides services to the fiduciary's clients (Note - These allegations were made under the Code of Conduct in effect prior to January 2007)	Dismissed
*Mitigating factors outlined by the AOC include the delay in processing of the complaint. It should be noted that probable cause was determined for formal censure in 2005 but no action was taken and the fiduciary in question retired one week after the Fiduciary Board meeting in which these issues were addressed.			

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
December 2002; 02-0034	Aug-07	Allegation 1 - Loss of supplemental insurance	Informal discipline exists pursuant to ACJA §7-201(H)(7); Issue letter of concern specifically ordering this matter not be considered in future proportionally reviews based on the mitigating factors considered by the Board
		Allegation 2 - Medicare payments not shown on accounting	Informal discipline exists pursuant to ACJA §7-201(H)(7); Issue letter of concern specifically ordering this matter not be considered in future proportionally reviews based on the mitigating factors considered by the Board
		Allegation 3 - All annual accountings filed late	Informal discipline exists pursuant to ACJA §7-201(H)(7); Issue letter of concern specifically ordering this matter not be considered in future proportionally reviews based on the mitigating factors considered by the Board
		Allegation 4 - Deposits and other items missing from fifth annual accounting	Dismissed
		Allegation 5 - Funds advanced by the fiduciary	Informal discipline exists pursuant to ACJA §7-201(H)(7); Issue letter of concern specifically ordering this matter not be considered in future proportionally reviews based on the mitigating factors considered by the Board
		Allegation 6 - Lack of financial planning when cashing in certificate of deposit	Dismissed
		Allegation 7 - Missing payment for September 1997 missing from the third annual accounting	Informal discipline exists pursuant to ACJA §7-201(H)(7); Issue letter of concern specifically ordering this matter not be considered in future proportionally reviews based on the mitigating factors considered by the Board
		Allegation 8 - Deposit missing from accounts	Dismissed

		Allegation 9 - Unnecessary medical expenses due to cancellation of supplemental health insurance policy	Informal discipline exists pursuant to ACJA §7-201(H)(7); Issue letter of concern specifically ordering this matter not be considered in future proportionally reviews based on the mitigating factors considered by the Board
		Allegation 10 - Charge for servicing television set	Dismissed
		Allegation 11 - Double billing of fees	Dismissed
		Allegation 12 - Charges on fifth annual accounting are not clear	Dismissed
		Allegation 13 - Lack of itemized charges on fifth annual accounting	Dismissed
		Allegation 14 - Unreported Medicare check	Dismissed
		Allegation 15 - Bond increased during third and fifth annual accounting when value of estate decreased	Dismissed
		Allegation 16 - Fiduciary requested fees retroactively from January 2002	Dismissed
		Allegation 17 - Excessive fiduciary fees	Dismissed

*Mitigating factors outlined by the AOC include the delay in disciplinary proceedings and the fact that the certified fiduciary failed to renew certification in 2004 (after the investigation into the complaint). This would appear to be in violation of ACJA which indicates that certification cannot be surrendered when complaints are pending.

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
April 2003; 03-0013*	Aug-07	Allegation 1 - Ward inherited a lot of money and property from mother but lives in poor conditions	Dismissed
		Allegation 2 - Inventory and Appraisalment was not filed on time	Probable cause exists but violation occurred prior to certification; therefore allegation is dismissed
		Allegation 3 - No annual guardianship reports were filed for term of guardianship	Informal discipline exists pursuant to ACJA §7-201(H)(7); Issue letter of concern specifically ordering this matter not be considered in future proportionally reviews based on the mitigating factors considered by the Board
		Allegation 4 - Fiduciary did not file timely accountings	Informal discipline exists pursuant to ACJA §7-201(H)(7); Issue letter of concern specifically ordering this matter not be considered in future proportionally reviews based on the mitigating factors considered by the Board
		Allegation 5 - Fiduciary failed to pay taxes on the profits from the sale of land	Informal discipline exists pursuant to ACJA §7-201(H)(7); Issue letter of concern specifically ordering this matter not be considered in future proportionally reviews based on the mitigating factors considered by the Board
<p>*Mitigating factors outlined by the AOC include the delay in disciplinary proceedings and the fact that the certified fiduciary failed to renew certification in 2004 (after the investigation into the complaint). This would appear to be in violation of ACJA which indicates that certification cannot be surrendered when complaints are pending.</p>			

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
July 2007; 07-0001	Sep-07	Allegation 1 - Fiduciary acquired property of wards, sold the items and kept the profits	Dismissed
		Allegation 2 - Fiduciary knowingly provided a weapon from the estate of a ward to a convicted felon	Dismissed
		Allegation 3 - Prepared legal documents without holding legal document preparer certification	Dismissed
		Allegation 4 - Fiduciary failed to keep accurate records of the ward's estate as required by A.R.S. §14-5418 (failure to maintain a Bill of Sale); Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ARS §14-5418, ACJA §7-201(F)(1) and ACJA §7-202(F)(1) and (J)(7)

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
May 2007; 07-0010	Sep-07	Allegation 1 - Fiduciary only checked on ward once or twice per year	Dismissed
		Allegation 2 - Fiduciary did not return ward's phone calls	Dismissed
		Allegation 3 - Fiduciary would not allow the ward to leave the care facility	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
June 2003; 03-0014	Oct-07	Allegation 1 - Fiduciary failed to comply with Arizona Revised Statutes, local rules of civil procedure and probate for the Superior Court and Administrative Rules and ACJA and the Code of Conduct for Fiduciaries	<p>October 2007 - Grounds for formal discipline exist pursuant to ACJA §7-201(H)(6), ARS §14-5312(5), §14-5315, §14-5418(B), §14-5419(A), and ACJA §7-202(F)(1), Appendix A, Code of Conduct Standard (2)(e), (4)(a), and 7, and local civil procedure and probate rules of the Superior Court in Pima County, including Civil Procedure Rule 6(c) and 9.1(j) and Probate Rule 9.2(2)(ii); Invite fiduciary to formal interview; December 2007 - Recommendation to enter into consent agreement including provisions that the Fiduciary would resolve outstanding court ordered sanctioned fines within 90 days; Board agreed to waive costs of investigation and Fiduciary agreed any future court ordered fines would be resolved in a timely manner; February 2008 - Entered into consent agreement</p>
		Allegation 2 - Failed to follow court orders when fiduciary did not pay the sanctions assigned	<p>October 2007 - Grounds for formal discipline exist pursuant to ACJA §7-201(H)(6), ARS §14-5312(5), §14-5315, §14-5418(B), §14-5419(A), and ACJA §7-202(F)(1), Appendix A, Code of Conduct Standard (2)(e), (4)(a), and 7, and local civil procedure and probate rules of the Superior Court in Pima County, including Civil Procedure Rule 6(c) and 9.1(j) and Probate Rule 9.2(2)(ii); Invite fiduciary to formal interview; December 2007 - Recommendation to enter into consent agreement including provisions that the Fiduciary would resolve outstanding court ordered sanctioned fines within 90 days; Board agreed to waive costs of investigation and Fiduciary agreed any future court ordered fines would be resolved in a timely manner; February 2008 - Entered into consent agreement</p>

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
August 2007; 07-0019*	Nov-07	Allegation 1 - Fiduciary failed to pay for services rendered to ward	Dismissed
*It should be noted that the investigator found a number of technical violations during the course of the interview into this matter but those violations are not included as allegations as they had been in previous complaints. The investigation notes that the office of the fiduciary was audited and the technical violations were addressed via a corrective action plan.			

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
December 2006; 07-0002	Nov-07	Allegation 1 - Fiduciary breached duty as personal representative by attempting to unduly influence the heirs of the estate	Dismissed
		Allegation 2 - Fiduciary failed to pay a claim submitted against the estate	Dismissed
		Allegation 3 - Fiduciary failed to recover all tangible property of the estate	Dismissed
		Allegation 4 - Failed to include certification number on court documents; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ACJA §7-202(F)(5)
		Allegation 5 - Fiduciary identified non-certified business entity on court documents in conjunction with individual fiduciary certification number; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ACJA §7-202(F)(5)

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
February 2007; 07-0006	Nov-07	Allegation 1 - Fiduciary charged trip out of state to ward's estate	Dismissed
		Allegation 2 - Fiduciary failed to obtain court approval to sell real property thereby violating a court order	Dismissed
		Allegation 3 - Fiduciary double billed for services performed	Dismissed
		Allegation 4 - Fiduciary charged fees to the estate that were disproportionate	Dismissed
		Allegation 5 - Fiduciary failed to respond in writing timely to complaint as required by ACJA §7-201(H)(3)(c); Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ACJA §7-202(F)(5)
		Allegation 6 - Fiduciary identified non-certified business entity on court documents in conjunction with individual fiduciary certification number; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ACJA §7-202(F)(5)
		Allegation 7 - Failed to include certification number on court documents; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ACJA §7-202(F)(5)

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
September 2005; 05-0007	Nov-07	Allegation 1 - Fiduciary charged excessive fees for conservator administration	Dismissed
		Allegation 2 - Fiduciary allowed co-guardian to cash out life insurance policy thereby denying the primary beneficiary the death benefit	Dismissed
		Allegation 3 - Fiduciary accounted for bonds worth \$6,500 but never accounted for funds received from bonds	Dismissed
		Allegation 4 - Fiduciary took over 1 year from date of discharge to turn over all assets to family	Dismissed
		Allegation 5 - Fiduciary instructed caregiver to remove POA documents from the home	Dismissed
		Allegation 6 - Failed to file court documents timely; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ACJA §7-202(F)(5)

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
January 2007; 07-0003	Nov-07	Allegation 1 - Fiduciary placed wards in a hotel for over a year before purchasing a home for the wards	Dismissed
		Allegation 2 - Fiduciary charged excessive fees during the period of March 23, 2005 through February 11, 2006	November 2007 - Dismissed by the probable cause evaluator but Board rejected this finding and substantiated the allegation; Formal disciplinary action pursuant to ACJA §7-201(H)(6)(a), H)(6)(k)(3), and (H)(6)(k)(7); Fiduciary invited to formal interview pursuant to ACJA §7-201(H)(8); March 2008 - Entered into consent agreement requiring censure pursuant to ACJA §7-201(H)(24)(a)(6)(b), participating in 10 additional hours of CLEs to be completed within 90 days; civil penalty of \$1,000.00 (\$250.00 per found violation) to be paid within 90 days and payment of the costs associated with the investigation in the amount of \$246.85 to be paid within 90 days
		Allegation 3 - Fiduciary billed fees by placing a lien on wards' mobile home	Dismissed
		Allegation 4 - Failed to include certification number on court documents; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ACJA §7-202(F)(5)
		Allegation 5 - Fiduciary filed an incomplete inventory; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	November 2007 - Formal disciplinary action pursuant to ACJA §7-201(H)(6)(a), H)(6)(k)(3), and (H)(6)(k)(7); Fiduciary invited to formal interview pursuant to ACJA §7-201(H)(8); March 2008 -Same as above
		Allegation 6 - Fiduciary identified non-certified business entity on court documents in conjunction with individual fiduciary certification number; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Informal discipline; Issue letter of concern for acts of misconduct involving ACJA §7-202(F)(5)

		<p>Allegation 7 - Fiduciary improperly funded the wards' living expenses based on an agreement with the ward to reimburse the fiduciary when the ward received his anticipated inheritance; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint</p>	<p>November 2007 - Formal disciplinary action pursuant to ACJA §7-201(H)(6)(a), H)(6)(k)(3), and (H)(6)(k)(7); Fiduciary invited to formal interview pursuant to ACJA §7-201(H)(8); March 2008 - Entered into consent agreement (do not have access to terms of agreement)</p>
		<p>Allegation 8 - Fiduciary failed to provide competent management to the wards' estate by purchasing a home that was not handicapped accessible and in need of repairs; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint</p>	<p>November 2007 - Formal disciplinary action pursuant to ACJA §7-201(H)(6)(a), H)(6)(k)(3), and (H)(6)(k)(7); Fiduciary invited to formal interview pursuant to ACJA §7-201(H)(8); March 2008 - Same as above</p>
		<p>Allegation 9 - Fiduciary failed to follow a court order when the court ruled the fiduciary fees were excessive and ordered the fiduciary to reimburse the wards' estate; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint</p>	<p>November 2007 - Formal disciplinary action pursuant to ACJA §7-201(H)(6)(a), H)(6)(k)(3), and (H)(6)(k)(7); Fiduciary invited to formal interview pursuant to ACJA §7-201(H)(8); March 2008 - Same as above</p>

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
September 2006; 06-0014	Mar-08	Allegation 1 - Fiduciary permitted ward to reside in deplorable conditions	Report indicates that probable cause evaluator found that the allegations were not substantiated but minutes indicate that proposed consent agreement was authorized
		Allegation 2 - Fiduciary failed to supply ward with adequate monthly living expenses	Report indicates that probable cause evaluator found that the allegations were not substantiated but minutes indicate that proposed consent agreement was authorized
		Allegation 3 - Fiduciary over-charged fees, exploited, neglected and abused ward by not allowing her enough money for living expenses, failing to make needed repairs to ward's residence and not providing ward with transportation to the doctor or the store	Report indicates that probable cause evaluator found that the allegations were not substantiated but minutes indicate that proposed consent agreement was authorized

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
July 2007; 07-0022	Mar-08	Allegation 1 - Fiduciary demonstrated unprofessional conduct by resigning from company with no advance notice and in doing so disrupted services to beneficiaries	Dismissed
		Allegation 2 - Fiduciary demonstrated unethical behavior by making allegations against partner without asking the board of the company to conduct a proper investigation	Dismissed
		Allegation 3 - Fiduciary misappropriated social security funds company was administering and provided funds to a business operated by Fiduciary's spouse	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
December 2006; 07-0023	Mar-08	Allegation 1 - Fiduciary mismanaged a ward's account	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
June 2007; 07-0013	Mar-08	Allegation 1 - Fiduciary used estate funds to pay legal fees and other expenses incurred while answering a Division complaint	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
June 2007; 07-0021	Apr-08	Allegation 1 - Fiduciary did not act in ward's best interest when moving ward into an assisted living facility	Dismissed
		Allegation 2 - Fiduciary did not properly maintain ward's house and car	Dismissed
		Allegation 3 - Fiduciary did not file the inventory and appraisalment timely	Dismissed
		Allegation 4 - Fiduciary charged for visits to the ward which were not provided	Dismissed
		Allegation 5 - Fiduciary assisted in the preparation of POA documents without the authority to do so; Note - This allegation was a result of the investigation into the complaint and was not a part of the original complaint	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
November 2007; 07-0028	Apr-08	Allegation 1 - Fiduciary did not move ward to an assisted living facility until thirty days after being appointed	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
February 2007; 07-0004	Sep-08	Allegation 1 - Fiduciary failed to pursue immediate guardianship for ward as ordered by the Superior Court	Formal Discipline - Matter settled via a consent agreement
		Allegation 2 - Fiduciary failed to provide coverage for the guardian administrator who was out of the office and could not be reached by family members.	Formal Discipline - Matter settled via a consent agreement
		Allegation 3 - Fiduciary failed to timely respond to emergency messages left by family members regarding the ward's need for medical treatment	Formal Discipline - Matter settled via a consent agreement

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
November 2007; 07-0029	Sep-08	Allegation 1 - Fiduciary's non-certified business entity published and disseminated materials identifying the business entity as "Certified by the Arizona Supreme Court"	Formal Discipline - Matter settled via a consent agreement
		Allegation 2 - Fiduciary and the non-certified business entity violated ARS Section 41-130 for using the Great Seal of Arizona ("State Seal") for commercial purposes on advertising materials and business cards.	Formal Discipline - Matter settled via a consent agreement
		Allegation 3 - Fiduciary failed to timely respond to emergency messages left by family members regarding the ward's need for medical treatment	Formal Discipline - Matter settled via a consent agreement

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
December 2007; 08-0001	Sep-08	Allegation 1 - Fiduciary refused to provide copies of the ward's accounting to the guardian and interested parties.	Formal Discipline - Matter settled via a consent agreement
		Allegation 2 - Fiduciary incorrectly reported to the guardian the ward's funds had been depleted to a balance of \$2,000 and the fiduciary would need to move the ward to a different adult group home.	Formal Discipline - Matter settled via a consent agreement
		Allegation 3 - Fiduciary failed to file an inventory within ninety (90) days of appointment as conservator	Formal Discipline - Matter settled via a consent agreement
		Allegation 4 - Fiduciary failed to secure and file the bond ordered by the Court at the time of appointment as conservator.	Formal Discipline - Matter settled via a consent agreement
		Allegation 5 - Fiduciary failed to file an accounting on the anniversary date of appointment as conservator.	Formal Discipline - Matter settled via a consent agreement
		Allegation 6 - Fiduciary filed an inaccurate and incomplete accounting.	Formal Discipline - Matter settled via a consent agreement
		Allegation 7 - Fiduciary failed to include the certification number on court documents.	Formal Discipline - Matter settled via a consent agreement
		Allegation 8 - Fiduciary failed to manage the ward's accounts.	Formal Discipline - Matter settled via a consent agreement
		Allegation 9 - Fiduciary failed to marshal and secure property of the ward.	Formal Discipline - Matter settled via a consent agreement

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
December 2006; 06-0021	Nov-08	Allegation 1 - Fiduciary was improperly appointed was ward's fiduciary because Fiduciary is a private fiduciary	Dismissed
		Allegation 2 - Fiduciary destroyed the ward's remains against written wishes of the ward.	Dismissed
		Allegation 3 - Fiduciary improperly collected and distributed assets of the ward.	Dismissed
		Allegation 4 - Fiduciary failed to perform fiduciary duties; including marshalling of estate assets.	Dismissed
		Allegation 5 - Fiduciary filed late, false and erroneous pleadings and accountings.	Informal Discipline - Letter of Concern
		Allegation 6 - Fiduciary committed fraud by misleading heirs to the ward about costs and distributions.	Dismissed
		Allegation 7 - Fiduciary failed to preserve and maintain estate assets.	Informal Discipline - Letter of Concern
		Allegation 8 - Fiduciary took will, trust and statements of the ward.	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
June 2007; 07-0011	Nov-08	Allegation 1 - Fiduciary failed to pay ward's bills promptly.	Dismissed
		Allegation 2 - Fiduciary failed to properly maintain ward's home and car.	Dismissed
		Allegation 3 - Fiduciary demonstrated rudeness, and a lack of professionalism toward ward's family.	Dismissed
		Allegation 4 - Fiduciary inaccurately represented itself as successor guardian and conservator to ward on a document filed in the Superior Court.	Dismissed
		Allegation 5 - Fiduciary billed the estate for time spent responding to the complaint.	Informal Discipline - Letter of Concern - It should be noted in this case that the Letter of Concern requested that the fiduciary repay the estate the fees charged for responding to the complaint even though Superior Court was aware of the concerns of the AOC prior to approving the accounting and approving fees and the Superior Court still approved the fees as reasonable and necessary.

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
February 2008; 08-0007	Nov-08	Allegation 1 - Fiduciary financially exploited ward by providing unnecessary guardianship services.	Dismissed
		Allegation 2 - Fiduciary failed to provide the assisted living home with two weeks notice prior to moving ward as required by the contract.	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
June 2007; 07-0011	Nov-08	Allegation 1 - Fiduciary failed to pay ward's bills promptly.	Dismissed
		Allegation 2 - Fiduciary failed to properly maintain ward's home and car.	Dismissed
		Allegation 3 - Fiduciary demonstrated rudeness, and a lack of professionalism toward ward's family.	Dismissed
		Allegation 4 - Fiduciary inaccurately represented itself as successor guardian and conservator to ward on a document filed in the Superior Court.	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
October 2007; 07-0026	May-09	Allegation 1 - Fiduciary required decedent's children provide old photos to provide the existence of decedent's pre-marital property but did not require the same of the decedent's widower.	Dismissed
		Allegation 2 - Fiduciary did a poor job of compiling an inventory of the property in decedent's home, resulting in expensive jewelry and clothing being unaccounted for and missing.	Dismissed
		Allegation 3 - Fiduciary allowed decedent's widower to be unsupervised when removing property from his home, but required decedent's children to be supervised.	Dismissed
		Allegation 4 - Fiduciary did not request a copy of a Jeep title from decedent's widower while attempting to determine ownership of the vehicle.	Dismissed
		Allegation 5 - Fiduciary failed to have decedent's widower arrested for theft.	Dismissed
		Allegation 6 - Fiduciary failed to sell a boat and trailer, truck, and car to raise money for decedent's care.	Dismissed
		Allegation 7 - Fiduciary improperly spent estate funds to form a trust account.	Dismissed
		Allegation 8 - Fiduciary offered to sell decedent's home and property to decedent's children but did not take into account one-third ownership already held by decedent's son.	Dismissed
		Allegation 9 - Fiduciary did not provide decedent's child a requested itemized income and debt statement.	Dismissed
		Allegation 10 - Fiduciary failed to acknowledge a bill to the estate, sent by decedent's child, requesting payment and interest on a promissory note.	Dismissed
		Allegation 11 - Fiduciary did not request a title from decedent's widower for an ATV quad, to determine ownership.	Dismissed
		Allegation 12 - Fiduciary charged the ward's estate for costs of reviewing and answering division complaint against the professional fiduciary license.	Dismissed

		Allegation 13 - Fiduciary did not notice the court of the ward's death within 10 days as required per Supreme Court Rule 127.	Informal Discipline - Letter of Concern - Letter to include language that a better practice would be to reimburse the estate for fiduciary and attorney's fees billed to the estate for defending against a division complaint. Specifically, the recommendation would be for the fiduciary to reimburse the estate for the fiduciary and attorney's fees.
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Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
May 2008; 08-0014	Jul-09	Allegation 1 - Fiduciary did not authorize necessary dental care for ward	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
July 2008; 08-0021	Jul-09	Allegation 1 - Fiduciary falsely identified the fiduciary as the Personal Representative of the estate.	Dismissed
		Allegation 2 - Fiduciary spent over \$30,000 without court authorization.	Dismissed
		Allegation 3 - Fiduciary contacted heirs of the estate in an attempt to prevent heir from becoming appointed as Personal Representative of the estate.	Dismissed
		Allegation 4 - Fiduciary charged estate for actions which were beyond the scope of the court appointment as Special Administrator.	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
July 2007; 07-0015	Jul-09	Allegation 1 - Fiduciary denied legal representation to the ward.	Dismissed
		Allegation 2 - Fiduciary violated the ward's human rights by not allowing the ward visitation or telephone calls with family members and by not granting the ward's wishes.	Dismissed
		Allegation 3 - Fiduciary failed to provide a proper patient review and evaluation every ninety days.	Dismissed
		Allegation 4 - Fiduciary filed inaccurate annual accounting without the proper descriptions of the ward's property.	Dismissed
		Allegation 5 - Fiduciary failed to include its fiduciary number on court documents.	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
September 2008; 08-0025	Jul-09	Allegation 1 - Fiduciary's employment was terminated following an internal investigation by the employer regarding the fiduciary's conduct pertaining to the securing and marshalling of ward's property following ward's death.	Formal Discipline - To include a censure, probation to include providing the division staff within 30 days a list of any court appointments and updating division staff every 60 days regarding new appointments and status of cases, participation in 5 additional hours of CLE, assess costs of investigation and require fiduciary to file proof of bond within 30 days

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
July 2008; 08-0022	Jul-09	Allegation 1 - Fiduciary created a conflict of interest by having a staff member work at a care home where the fiduciary has placed wards.	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
April 2008; 08-0010	Jul-09	Allegation 1 - Fiduciary committed false advertising by claiming on its website to be an "associate" member of the State Bar of Arizona and Maricopa County Bar Association	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
September 2007; 07-0024	Jul-09	Allegation 1 - Fiduciary did not allow the ward to return home.	Dismissed
		Allegation 2 - Fiduciary's actions caused assets belonging to ward to be frozen, despite ward having no financial relationship to a second ward.	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
April 2008; 08-0009	Jul-09	Allegation 1 - Fiduciary lied in the Superior Court to gain control of ward's estate.	Dismissed
		Allegation 2 - Fiduciary took ward to a small room and questions ward until ward became nauseous.	Dismissed
		Allegation 3 - Fiduciary failed to provide family with requested interim accountings regarding ward's estate.	Dismissed
		Allegation 4 - Fiduciary restricted family from having contact with ward.	Dismissed

Year of Original Complaint	Year Complaint Presented to Board	Violations Cited	Outcome
October 2007; 07-0027	Jul-09	Allegation 1 - Fiduciary failed to promote the welfare and safety of the ward by failing to make necessary repairs to the ward's residence in a timely manner.	Formal Discipline - To include: Censure, probation for two years with the following conditions - provide a complete list of all appointments within 30 days; file quarterly reports detailing case status for each appointment verification of filing compliance, and compliance with visitation requirements; conduct a review and accounting of all records and accounts of the ward and report to the division with 60 days; remit fees within 90 days, also assessed costs associated with investigation, civil penalties for each violation within 90 days
		Allegation 2 - Fiduciary failed to properly monitor ward's taxes and bank accounts, causing penalties and fees.	Same
		Allegation 3 - Fiduciary contracted with and permitted an unlicensed contractor to make repairs to the ward's residence.	Same
		Allegation 4 - Fiduciary charged excessive fees to the ward's estate.	Same
		Allegation 5 - Fiduciary failed to timely file the annual accountings and inventory reports.	Same
		Allegation 6 - Fiduciary failed to include its fiduciary number on court documents.	Same