

Administrative Office of the Courts



INVESTIGATION SUMMARY, DETERMINATION, PROBABLE CAUSE REVIEW, AND RECOMMENDATION REPORT

Complaint No. 23-0005

License No. [REDACTED]

August 28, 2024

Certification and Licensing Division

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
INVESTIGATION SUMMARY, DETERMINATION, PROBABLE
CAUSE REVIEW, AND RECOMMENDATION REPORT**

LICENSEE INFORMATION	Business Name: Fiduciary Solutions, LLC License Number: [REDACTED] Type of License: Fiduciary Business Entity
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COMPLAINANT	Name: Claudia Dabbieri
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INVESTIGATION INFORMATION	Complaint Number: 23-0005 Investigator: Janelle Bauserman
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Complaint Received:	January 31, 2023
Complaint Forwarded to the Licensee:	March 21, 2023
Licensee Received Complaint:	March 29, 2023
Response From Licensee:	May 22, 2023
Period of Active Licensure:	July 31, 2001 – Present
Status of License:	Active
Availability of Licensee:	Available
Availability of Complainant:	Available
Report Date:	August 28, 2024

ALLEGATIONS:

1. Fiduciary Solutions, LLC failed to distribute the estate timely.

DIVISION’S ALLEGATIONS:

None.

List of sources for obtaining information: (Investigative, records, outside resources, etc.):

- Written complaint and documentation submitted by Claudia Dabbieri.
- Written response and documentation submitted by Samantha Stirling, counsel for the license holder, Fiduciary Solutions, LLC.
- Review of applicable Certification and Licensing Division (“Division”) records.
- Review of applicable sections of Arizona Revised Statutes (“A.R.S.”), Arizona Codes of Judicial Administration (“ACJA”) § 7-201 and § 7-202, and Arizona Supreme Court Rules.

- Review of pertinent court records, Superior Court of Arizona, Maricopa County, involving probate case number PB2016-000447.

PERSONS INTERVIEWED:

None. The owner and licensed Designated Principal of Fiduciary Solutions, LLC, passed away on or about June 13, 2023. The primary witness provided a sworn statement by affidavit.

SUMMARY OF INVESTIGATION & ANALYSIS OF ALLEGATIONS:

By way of background, Donald Devers (“Donald”) and Mary Devers (“Mary”) nominated their three children, Daniel, Joanne, and Scott, to succeed them as Trustees of The Donald S. Devers and Mary H. Devers Revocable Trust, dated June 15, 1999, and restated on August 9, 2011 (“Trust”). Mary resigned as Co-Trustee on February 7, 2013. Donald served as sole Trustee until his passing on June 5, 2014. Upon Donald’s passing, Daniel, Joanne, and Scott became the Co-Trustees of the Trust.

On March 3, 2016, Joanne and Scott petitioned the court to remove the Co-Trustees and appoint a Successor Trustee. Due to conflicts between the siblings, Joanne and Scott asked the court to remove the three siblings as Co-Trustees and appoint Fiduciary Solutions, LLC (“Fiduciary Solutions”) as the successor Trustee. On May 19, 2016, Commissioner Margaret LaBianca signed an order appointing Fiduciary Solutions, through its Designated Principal, Mario Martinez (“Martinez”) as the Successor Trustee. Fiduciary Solutions administered the Trust solely for Mary’s benefit until her passing in July 2017. After Mary’s passing, Fiduciary Solutions continued to administer the Trust, marshal assets, and plan to distribute the assets to Daniel, Joanne, and Scott as the beneficiaries of the Trust.

The administration of the Trust was hindered by Daniel’s ongoing legal actions against Fiduciary Solutions and its attorneys, Andersen, PLLC. The court docket in PB2016-000447 shows numerous motions and petitions filed by the attorneys of Andersen, PLLC, on behalf of Trustee, Fiduciary Solutions, requesting the court’s intervention and instruction. In September 2020, Andersen, PLLC, petitioned the court for approval of a final distribution plan. The court approved the distribution plan on December 1, 2020, and ordered the distribution of the Trust assets. However, before making distributions, the attorneys petitioned the court to approve their fees and costs. They requested the court assess those fees that arose from Daniel’s actions against Daniel’s beneficial interest in the Trust. The court approved the attorney fees on June 22, 2021. Scott passed away on May 25, 2021, before his distribution could be made.

Complainant Claudia Dabbieri (“Dabbieri”) became involved in the Devers estate in June 2022 when she was appointed as the Personal Representative for Scott’s estate and was a beneficiary of Scott’s estate. Dabbieri submitted her complaints involving Martinez and

Fiduciary Solutions to the Division on January 31, 2023. The Division received a follow-up letter from Dabbieri on April 17, 2023, with additional complaint details.

Dabbieri's complaint and follow-up letter were forwarded to Martinez and Fiduciary Solutions on March 21, 2023. Attorney Samantha Stirling ("Stirling") of Andersen, PLLC, on behalf of Martinez and Fiduciary Solutions, submitted a request for an extension of time to respond to the complaint. Division Director Aaron Nash found good cause existed and granted an extension of time to May 22, 2023. Stirling submitted a timely response to the complaint on behalf of Martinez and Fiduciary Solutions on May 22, 2023.

On June 23, 2023. Stirling notified the Division that Martinez had unexpectedly passed away on June 13, 2023. On September 14, 2023, the Fiduciary Board directed the Division to dismiss, with prejudice, complaint number 23-0006, involving Martinez due to his passing. On September 19, 2023, Dabbieri was notified of the dismissal of complaint number 23-0006 against Martinez's licensure and was informed that an investigation of complaint 23-0005 involving Fiduciary Solutions would proceed.

The Division reviewed the complaint and documents submitted by Dabbieri and documents submitted by Stirling to determine if Fiduciary Solutions engaged in misconduct as alleged by Dabbieri. Documents reviewed included billing statements for Fiduciary Solutions, billing statements for Andersen, PLLC, Trust bank records, court filings, and a sworn statement by affidavit from Marshall Greggersen ("Greggersen"), the Andersen, PLLC, attorney who represented Fiduciary Solutions during the Trust administration.

The Division notes that in his sworn statement, Greggersen said that Andersen, PLLC, handled the bulk of written and telephone correspondence on the Devers Trust. Greggersen said Andersen, PLLC, rather than Fiduciary Solutions, handled most of the correspondence with the trust's beneficiaries because of the contentious nature of the Trust administration and the related litigation involving Daniel.

Allegation 1: Fiduciary Solutions, LLC failed to distribute the estate timely.

Dabbieri's complaint allegation covers two distinct time periods during which she says Fiduciary Solutions failed to distribute Scott's share of the Trust in a timely manner:

- 1) December 1, 2020 – May 25, 2021: the date of the court order approving the distribution plan to the date of Scott's death.
- 2) May 26, 2021 – February 15, 2023: the day after Scott died to the date of the final distribution to Dabbieri.

December 1, 2020, to May 25, 2021

In her complaint, Dabbieri said Scott was to receive a distribution of \$202,670.22 plus a percentage of the fiduciary's \$10,000 holdback. Dabbieri noted that the court approved the distribution plan on December 1, 2020, but Fiduciary Solutions failed to make any distribution to Scott in the six months before he died on May 25, 2021.

Dabbieri said Scott made several calls to Greggerson during the six months before his death to inquire about distributions. Each time Scott called Greggerson, he was told they were working on the accounting. Dabbieri said there was no reason anyone would be working on accounting then.

The billing records provided by Stirling, on behalf of Fiduciary Solutions, show Scott spoke with Greggerson on January 19, 2021, March 8, 2021, and April 22, 2021. The records show Greggerson and Scott talked about the status of the Application for Approval of Attorney's Fees and Costs ("Application") to be assessed against Daniel and the need to have the court's approval of the Application before distributions could be made. Andersen, PLLC billing records do not reflect conversations between Greggerson and Scott regarding the accounting. Neither Fiduciary Solutions' nor Andersen, PLLC's billing records show that Greggerson notified Fiduciary Solutions of the telephone calls with Scott. Fiduciary Solutions' billing records do not reflect any contact between Scott and Fiduciary Solutions or Martinez from when the distribution plan was approved to Scott's passing.

In her complaint, Dabbieri said there was no reason for Scott's distribution to be delayed by Andersen, PLLC's Application to have fees and costs assessed against Daniel's beneficial interest in the Trust. Dabbieri contends that Scott's distribution should have been made shortly after December 1, 2020, when the court signed the order approving the distribution plan.

In her response to the complaint, Stirling, on behalf of Fiduciary Solutions, noted that the December 1, 2020, court order did not address the amount of attorney fees to be assessed against Daniel. Stirling pointed out that the fees attributable to Daniel's actions exceeded the holdback of \$10,000 approved. Stirling argued that a ruling in a subsequent fee dispute could have impacted the funds available for distribution to Scott.

To Stirling's point, had the court ruled that the Trust and not Daniel was liable for the attorney fees and costs, and if the amount of the Trust's liability exceeded the remainder of the \$10,000 holdback, the distributions to all three beneficiaries would be reduced.

Regarding the timeliness of the Application filing, Andersen, PLLC's billing records show that Greggerson and Martinez began compiling documentation for the Application on December 9, 2020, after receiving the signed court order approving final distributions. On February 1, 2021, Greggerson began drafting the Application and continued compiling the necessary documentation. The Application was filed with the court on April 7, 2021. A hearing on the Application was held on May 5, 2021, during which Daniel objected. The court directed Daniel to file his written objection no later than May 26, 2021. The court set a review date of June 4, 2021, in the matter. Daniel failed to file an objection, and on June 7, 2021, the court signed the order approving the Application and found that Daniel's beneficial interest in the Trust would be reduced by \$15,572.54.

The time between the court's approval of the distribution plan in December 2020 and Andersen, PLLC, filing the Application for Attorney's Fees and Costs in February 2021

does not seem unreasonable. Aside from Daniel's objection to the Application for Fees and Costs, the Division did not find evidence of undue delay in obtaining the order approving the Application.

May 26, 2021, to February 15, 2023

Andersen, PLLC billing records provided by Stirling show that Scott's sister, Joanne, notified Greggerson of Scott's passing on May 25, 2021. A May 27, 2021, billing entry shows that Greggerson emailed Fiduciary Solutions about Scott's passing. A May 28, 2021, billing entry shows Greggerson advised Joanne during a telephone call of the information needed to proceed with distributions.

Andersen, PLLC billing records show Greggerson routinely communicated with Joanne about her distribution and the status of Scott's estate in the months following Scott's passing. Daniel occasionally contacted Greggerson about Scott's estate. Greggerson provided Martinez with updates on the Trust status, timing of distributions, and communication with the beneficiaries.

A sworn statement from Greggerson, dated May 22, 2023, provided with the complaint response, said Joanne received her final distribution on October 13, 2021. The statement said partial distributions totaling \$10,414.70 were made to Daniel. Greggerson said Fiduciary Solutions had been unable to make a final distribution to Daniel because Daniel continually refused to receive his final distribution. Andersen, PLLC billing records show that partial distributions to Daniel were made upon his request in the amount he requested.

A billing entry dated January 21, 2022, shows Joanne told Greggerson that she had been in contact with Donny Wease ("Wease"). Based on the court documents and Scott's Will, which Stirling provided to the Division, Wease and Dabbieri were named Co-Personal Representatives of Scott's estate. Court documents show that on April 22, 2022, Wease waived his appointment in favor of Dabbieri being appointed as the sole representative for Scott's estate.

In her complaint, Dabbieri noted that she lives with Wease and that Wease was Scott's best friend. The billing records show that after learning about Wease, Greggerson made several attempts to contact him by telephone and U.S. mail from January 2022 through April 2022.

The sworn statement provided by Greggerson said that upon receiving returned mail for Wease on April 19, 2022, Greggerson obtained the contact information for Dabbieri's attorney, William Holmes ("Holmes"), from Joanne.

Billing records document that Greggerson left a voice message for Holmes on May 23, 2022, regarding Scott's estate. Daniel contacted Greggerson on May 25, 2022, about documents he received relating to Scott's estate. Greggerson then emailed Holmes to request a copy of documents that Dabbieri filed in an Alabama probate court.

On June 1, 2022, Greggerson received a letter from Holmes regarding the requested documents and the upcoming court date for Dabbieri's appointment. The billing records

show that once Greggerson was made aware of the individuals involved with Scott's estate, he made multiple attempts to contact Wease and Holmes.

An Andersen, PLLC billing entry from June 16, 2022, shows Greggerson received a letter from Holmes confirming Dabbieri's appointment as the executor for Scott's estate. Stirling provided a copy of the June 16, 2022, correspondence to the Division. In his letter to Greggerson, Holmes requested a status update on the Trust. Greggerson emailed Fiduciary Solutions about Dabbieri's appointment. Billing records do not show that Greggerson or Fiduciary Solutions responded to Holmes' inquiry. Neither Holmes nor Dabbieri contacted Fiduciary Solutions upon Dabbieri's appointment.

In her complaint, Dabbieri explained the one-year delay from when Scott died and her appointment as Personal Representative. Dabbieri said her appointment was delayed because, at the time of Scott's death, Scott was visiting Dabbieri and Wease in Georgia. Dabbieri thought the Georgia probate court had jurisdiction over Scott's estate. The Georgia probate court determined that Scott was only visiting Georgia and was a resident of Alabama, and therefore, Alabama had jurisdiction. Dabbieri said she was further delayed in filing the probate in Alabama because of COVID-19, travel restrictions, and available court dates. The Alabama probate court appointed Dabbieri as the Personal Representative of Scott's estate on June 14, 2022.

Because of the one-year delay in Dabbieri's appointment as the Personal Representative of Scott's estate, Greggerson and Fiduciary Solutions could not distribute Scott's beneficial interest in the Trust to his estate any time before June 2022. Therefore, when determining the timeliness of the distribution to Dabbieri on behalf of Scott's estate, the timeframe in question is between June 16, 2022, when Greggerson and Fiduciary Solutions were notified of Dabbieri's appointment, and February 15, 2023, when Dabbieri received the final distribution for Scott's estate.

Based on billing records and letters provided by Stirling on behalf of Fiduciary Solutions, Holmes sent three letters to Greggerson between June 16, 2022, and September 29, 2022, requesting an update on the trust. Greggerson did not respond to Holmes' inquiries until October 12, 2022, when Greggerson emailed Holmes, saying "they" were working on an accounting for the Trust. Greggerson informed Holmes that the accounting would "take some time." Although Greggerson did not specify who "they" are, the billing records show Greggerson contacted his paralegal and Fiduciary Solutions regarding the accounting.

Records provided by Stirling and Dabbieri show that Dabbieri sent a letter to Greggerson on November 17, 2022, demanding either an accounting and final distribution to Scott's estate or an explanation for why a distribution was not being made. Dabbieri gave Greggerson a deadline of November 29, 2022, to respond.

The billing and email records show Greggerson contacted Holmes by email and telephone on November 29, 2022, to provide a status update and to alert Holmes that a distribution would not be made that day. Greggerson told Holmes he was waiting on the most recent bank statements for the Trust and was preparing the next accounting. Greggerson said they

were evaluating if fees and costs should be assessed to individual beneficiaries. The billing records show that Greggersen informed Fiduciary Solutions of Dabbieri's letter on November 17, 2022, and November 21, 2022.

In her complaint, Dabbieri said she called Martinez on January 6, 2023, and left a voice message. Dabbieri said Martinez returned her call but he denied being the Trustee for the Devers Trust. Later that day, Dabbieri sent a text message to Martinez demanding he make the \$202,000 distribution to Scott's estate. The brief telephone call and text message appear to be the extent of Dabbieri's contact with Martinez and Fiduciary Solutions.

In her response to the complaint, Stirling, on behalf of Fiduciary Solutions, said that Martinez remembers having a telephone conversation with Dabbieri on January 6, 2023. According to Stirling, Martinez called Dabbieri based on a missed call on his cell phone. In the response, Stirling said Martinez believed he was calling someone else with the same area code he was working with. Stirling said Martinez was confused when speaking with Dabbieri and thought she was calling about the Dabbieri Trust. Stirling said Martinez's misunderstanding of what trust Dabbieri was calling about is why he said he was not the Trustee. Stirling said Martinez did end the call abruptly when Dabbieri threatened to call the FBI and the Internal Revenue Service. Stirling noted that during the entire conversation with Dabbieri, Martinez was unaware that Dabbieri was calling as the representative of Scott's estate.

Andersen, PLLC billing records show the next contact between Greggersen and Dabbieri or her counsel was on February 1, 2023, when Arizona attorney Roger Curley ("Curley") contacted Greggersen on Dabbieri's behalf. Greggersen responded to Curley by email on February 2, 2023. In his email, Greggersen once again said he was waiting for the Trust bank statements. He told Curley he had finished the review of fees and costs, and Scott's beneficial interest remained unchanged. In his response, Curley said, "Given that it is over one and a half years since the order, it would be much appreciated if you could provide a date when this distribution will be made. I would hope it would be done by next week."

Curley was referring to the order approving the Application for Attorney Fees and Costs signed by the court on June 7, 2021. Billing records show Greggersen sent an Acknowledgment, Release, and Waiver of Accounting for Dabbieri's signature on February 8, 2023. Curley returned the signed Acknowledgment, Release, and Waiver of Accounting on February 9, 2023. On February 14, 2023, Curley sent Greggersen a follow-up email asking for the distribution status. On February 15, 2023, Greggersen sent Curley a copy of the distribution check that was being sent to Dabbieri that day.

Although Greggersen repeatedly told Dabbieri's attorneys that the preparation of an accounting delayed the distribution to Scott's estate, the billing records do not indicate that Andersen, PLLC, or Fiduciary Solutions expended a substantial amount of time preparing an accounting between the time of Dabbieri's appointment and the final distribution to Scott's estate. Andersen, PLLC, billing shows Greggersen discussed the accounting with his paralegal and Martinez, reviewed fees and costs attributable to Daniel and Scott's

estate, and compiled invoices and bank statements. Ultimately, Dabbieri signed a waiver of the final accounting that purportedly delayed the estate administration.

Additionally, Joanne received her final distribution on October 13, 2021. Daniel received at least two partial distributions before Dabbieri received the final distribution for Scott's estate. This indicates that preparing a final accounting did not delay distributions to two of the three beneficiaries.

In her response to the complaint, Stirling, for Fiduciary Solutions, said the first demand for distribution to Scott's estate was in Dabbieri's November 21, 2022, letter. Stirling said the distribution to Scott's estate was made just three and a half months after Dabbieri's demand. However, in his June 15, 2022, letter informing Greggersen of Dabbieri's appointment, Holmes requested the status of the Trust. Given that Dabbieri's only interest in the Trust was the distribution to Scott's estate, Holmes' request for a status update on June 15, 2022, was specific to the distribution timing because he was counsel for Dabbieri at that time. There was no record that Greggersen responded to Holmes' request. On July 21, 2022, Holmes specifically asked when Scott's estate could expect to receive the distribution. The time between Holmes' June 15, 2022, inquiry and Dabbieri's February 15, 2023, distribution is eight months rather than three months, as Stirling put forth.

In reviewing Fiduciary Solution's knowledge of and involvement in the Trust administration, billing records show the fiduciary was primarily limited to paying bills, reconciling bank accounts, compiling tax return documents, and distributing estate personal property. Fiduciary Solutions distributed cash and personal property to the beneficiaries at Greggersen's direction.

In his sworn statement, Greggersen said he handled the bulk of written and telephone correspondence on the Devers Trust. Greggersen said Andersen, PLLC, rather than Fiduciary Solutions, handled most of the correspondence with the trust's beneficiaries because of the contentious nature of the Trust administration and the related litigation.

Billing records show Greggersen and Andersen, PLLC handled not only the beneficiary communication but also directed Fiduciary Solutions' activity. Neither the beneficiaries nor their attorneys had significant contact with Fiduciary Solutions, although Fiduciary Solutions was the court-appointed Successor Trustee.

Despite Andersen, PLLC handling the bulk of the estate administration, Fiduciary Solutions, as the Successor Trustee, has the duty to settle and distribute the estate efficiently, timely, impartially, and in the interest of the beneficiaries. Although A.R.S. § 14-10807 and the Devers' Trust instrument allow the fiduciary to delegate duties and powers, that does not absolve Fiduciary Solutions from its obligations as Trustee.

Based on the eight-month delay in making the final distribution to Scott's estate, with no documented explanation for the delay other than preparing a final accounting and reviewing the attorney fees and costs which were settled by the court's order in 2022, the

evidence demonstrates that Fiduciary Solutions, through its counsel, failed to distribute the estate timely in violation of the following authorities:

ACJA § 7-201(H)(6)(a) Failed to perform any duty to discharge any obligation in the course of the certificate holder's responsibility as required by law, court rules, this section or the applicable section of the ACJA.

ACJA § 7-201(H)(6)(k)(6) Failed to practice competently by use of unsafe or unacceptable practices.

ACJA § 7-201(H)(6)(k)(7) Failed during the performance of any responsibility or duty of the profession or occupation to use the degree of care, skill and proficiency commonly exercised by the ordinary skillful, careful and prudent professional certificate holder engaged in similar practice under the same or similar conditions regardless of any level of harm or injury to the client or customer.

ACJA § 7-201(H)(6)(k)(8) Failed to practice competently by reason of any cause on a single occasion or on multiple occasions by performing unsafe or unacceptable client or customer care or failed to conform to the essential standards of acceptable.

ACJA § 7-202(J)(6) A fiduciary acting as personal representative must settle and distribute the estate of the decedent efficiently, timely, and in the best interests of the estate and, if appropriate, in accordance with the terms of any probated and effective will.

ACJA § 7-202(J)(6)(d) A fiduciary must exercise intelligence, prudence, and diligence in providing competent management of the property and income of the estate. A fiduciary acting as a personal representative must observe the standards of care and duties applicable to trustees.

A.R.S. § 14-10801 On acceptance of a trusteeship, the trustee shall administer the trust in good faith, in accordance with its terms and purposes and the interests of the beneficiaries and in accordance with this chapter.

A.R.S. § 14-10804 A trustee shall administer the trust as a prudent person would, by considering the purposes, terms, distributional requirements and other circumstances of the trust. In satisfying this standard, the trustee shall exercise reasonable care, skill and caution.

Allegation 1 is Substantiated

DISCIPLINARY HISTORY:

None

SUBMITTED BY:

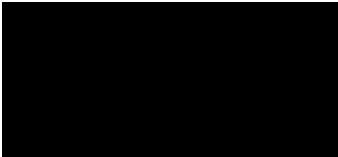


8/28/2024

Janelle Bauserman, Investigator
Certification and Licensing Division

Date

REVIEWED BY:



August 28, 2024

Pasquale Fontana, Manager
Certification and Licensing Division

Date

REVIEWED BY:



9/16/2024

Aaron Nash, Director
Certification and Licensing Division

Date

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
REVIEW AND DECISION OF THE PROBABLE CAUSE
EVALUATOR**

REVIEW AND DECISION OF THE PROBABLE CAUSE EVALUATOR:

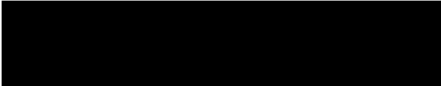
Under ACJA § 7-201(H)(5)(a), the deputy director, serving in the capacity of probable cause evaluator under ACJA § 7-201(D)(3)(a), having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint number **23-0005**:

- Directs division staff to investigate further.

- Determines probable cause does not exist demonstrating the certificate holder has committed any acts of misconduct or violations of the statutes, court rules, this section, or the applicable section of the ACJA and enters a written finding to that effect as to Allegation(s):

- Determines probable cause exists demonstrating the certificate holder has committed one or more acts of misconduct or violations of the statutes, court rules, this section, or the applicable section of the ACJA and enters a written finding to that effect as to Allegation(s):

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	<u>10/15/2024</u>
Marcus Reinkensmeyer ✓ Probable Cause Evaluator	Date

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
RECOMMENDATION TO THE BOARD**

LICENSE HOLDER INFORMATION	Business Name:	Fiduciary Solutions, LLC
	License Number:	██████
	Type of License:	Fiduciary Business Entity

RECOMMENDATION TO THE FIDUCIARY BOARD (“BOARD”):

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding **Fiduciary Solutions, LLC** has committed the alleged act(s) of misconduct as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint number **23-0005**.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists under Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6) for act(s) of misconduct involving ACJA §§ 7-201(H)(6)(a) and (k)(6), (7), and (8); ACJA §§ 7-202(J)(6) and (6)(d); A.R.S. §§ 14-10801, and 14-10804.

Mitigating factors under ACJA § 7-201(H)(22)(b)(1):

- The absence of a prior disciplinary record;
- The absence of a dishonest motive;
- The absence of a selfish motive;
- Personal or emotional problems;
- A timely good faith effort to make restitution or to rectify consequences of misconduct;
- Full and free disclosure to the division staff, the board or the hearing officer;
- A cooperative attitude toward any proceedings;
- Inexperience in the practice of the profession or occupation;
- Character or reputation;
- Physical or mental disability;
- Physical or mental impairment;
- Delays in the disciplinary proceedings;
- Interim rehabilitation;
- Imposition of other penalties or sanctions;
- Remorse;
- The remoteness of prior offenses;
- Other: _____

Aggravating factors under ACJA § 7-201(H)(22)(b)(2):

- A prior disciplinary record;
- A dishonest motive;
- A selfish motive;

- Multiple offenses;
- Bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with this section, the applicable section of ACJA, court rules or orders of the hearing officer; (Failure to respond to Division requests sent to a valid point of contact reflects an uncooperative attitude toward the investigation)
- Submission of false evidence, false statements or other deceptive practices during the discipline process;
- Refusal to acknowledge wrongful nature of the conduct;
- Vulnerability of the victim;
- Substantial experience in the profession or occupation;
- Indifference to making restitution;
- Other: _____

It is recommended the Board direct the Division to issue a Letter of Concern to Fiduciary Solutions, LLC.

SUBMITTED BY:



10/15/2024 _____

Aaron Nash, Director Date
Certification and Licensing Division

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
DECISION AND ORDER OF THE BOARD**

DECISION AND ORDER:

The Board having reviewed the above Investigation Summary, Determination, Probable Cause Review, and Recommendation Report, regarding complaint number 20-0005 and FIDUCIARY SOLUTIONS, LLC, license number [REDACTED] makes a finding of facts and this decision, based on the facts, evidence, and analysis as presented and:

- Request division staff to conduct further investigation;
- Refer the complaint to another entity with jurisdiction;

Referral to: _____

- Determine no violation exists and dismiss the complaint
 - with prejudice
 - without prejudice
- Determine no acts of misconduct or violation occurred and no discipline is warranted; however the certificate holder's actions need modification or elimination and issue an advisory letter pursuant to subsection (D)(5)(c)(1)(g);
- Enter a finding the certificate holder has violated any provisions of the statutes, court rules, this section, or the applicable ACJA specific sections or subsection (H)(6) and order an emergency summary suspension, pursuant to subsection (H)(9)(d);
- Enter a finding the certificate holder has violated any of the provisions of the statutes, court rules, this section, the applicable ACJA sections or subsection (H)(6) and issue an order imposing any or a combination of the following information or formal disciplinary sanctions:
 - Issue a letter of concern
 - Issue a censure
 - Resolve any found acts of misconduct or violations by consent order or other negotiated settlement
 - Place specific restrictions on a certificate
 - Place the certificate holder on probation or a set period of time under specified conditions

- Mandate additional training for the certificate holder
- Issue a cease and desist order pursuant to subsection (E)96)
- Order suspension of a certificate for a set period of time with specific conditions for reinstatement

- Order revocation of a certificate with specific conditions for reinstatement
- Assess costs associated with the investigation and disciplinary proceedings; or
- Impose civil penalties associated with the investigation and disciplinary proceedings.

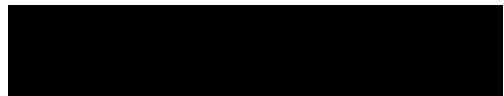
- Order the preparation of documents necessary for informal or formal disciplinary actions under subsection (H)(7)(b), (H)(8)(b) or (H)(9)(b)

- Request the license holder appear before the Board to participate in a Formal Interview, pursuant to ACJA § 7-201(H)(8).

- Enter a finding the public health, safety or welfare is at risk, requires emergency action, and orders the immediate emergency suspension of the license and sets an expedited hearing for:

Date, Time, and Location: _____

- Order the filing of Notice of Formal Charges, pursuant to ACJA § 7-201(H)(10).
- Adopts the recommendations of the Division Director.
- Does not adopt the recommendations of the Division Director and orders:


1/9/2025
 The Hon. Jennifer Perkins, Chair Date
 Fiduciary Board