

1
2 **ARIZONA SUPREME COURT**
3 **Fiduciary Board**

4 **IN THE MATTER OF FIDUCIARY**
5 **LICENSE:**

6 **MICHAEL D. BOGLE,**
7 **License Number [REDACTED]**

8 **and**

9 **EAST VALLEY FIDUCIARY SERVICES,**
10 **INC.**
11 **License Number [REDACTED]**

NO. 20-0011, 20-0012 and 21-0012

CONSENT AGREEMENT

12 THE FIDUCIARY BOARD (herein, "Board") and MICHAEL D. BOGLE ("Bogle") as an
13 individual fiduciary (Fiduciary License No. [REDACTED]) and as Designated Principal for EAST
14 VALLEY FIDUCIARY SERVICES, Inc. ("EVFS") (Bogle and EVFS are, collectively, "the
15 Parties") enter into the following Consent Agreement.

16 **RECITALS**

17 1. Bogle is a licensed fiduciary in the State of Arizona since approximately November
18 12, 2009. His license number is [REDACTED]

19 2. EVFS is a corporation duly authorized to conduct business in Arizona with license
20 number [REDACTED]. On or about November 8, 2007, EVFS was licensed as a Fiduciary business.

21 3. Bogle is the designated principal of EVFS. As the designated principal, Bogle is
22 responsible for the actions of EVFS and its employees.

23 4. Bogle and EVFS were court-appointed in Maricopa County Superior Court case
24 PB2017-001373 as the temporary conservator from August 21, 2017, through September 18,
25 2018, and as temporary guardian from August 29, 2017, through October 17, 2017.
26

1 Allegation 37 Filed a Conservator's accounting that was inaccurate and/or misleading
2 and/or that contained misstatements and/or misrepresentations of material
3 facts.

4 Allegation 38 Failed to timely file the final Conservator's Account in accordance with the
5 Court's order.

6 The allegations and findings stem from the Parties' service as the temporary conservator
7 of Chalmers from August 2017 through September 2018, and certain actions after that, until
8 January 15, 2021, when the probate court approved the EVFS Final Accounting. While the Parties
9 do not agree with the Division's findings, and they have not had a chance to formally respond to
10 them, they believe it best to resolve the allegations through this Consent Agreement due to the
11 complexity of the case, the fact that the events happened several years ago, and the additional time
12 and expense that would be required to pursue the issues through a hearing and possible appeal
13 through the courts. The complexity of the case is shown in part by the fact that events related to
14 EVFS's conservatorship of Chalmers have already necessitated five separate decisions by the
15 Arizona Court of Appeals, stemming from three Superior Court decisions.

16 At its meeting on January 12, 2023, the Fiduciary Board instructed Division Staff to
17 attempt to resolve the disciplinary issues related to the 12 substantiated allegations against the
18 Parties through a Consent Agreement.

19 JURISDICTION

20 The Board possesses jurisdiction over complaints 20-0011, 20-0012 and 21-0012 under
21 ACJA §§ 7-201(H) and 7-202(H).

22 CONSENT AGREEMENT AUTHORITY

23 The Board's is authorized under ACJA § 7-201(H)(24)(a)(6)(c), on completion of its
24 investigation of a pending complaint, to resolve any found acts of misconduct by consent order
25 and issue a censure and place licensees on probation under ACJA § 7-201 (H)(24)(a)(6)(b) and
26 (e).

1 It is in the interest of protecting the public, the administration of justice, the preservation
2 of judicial and administrative resources, and in compliance with statutes and governing
3 regulations, that Complaint Nos. 20-0011, 20-0012, and 21-0012 be resolved by consent upon
4 Board Approval.



5 **TERMS OF AGREEMENT**

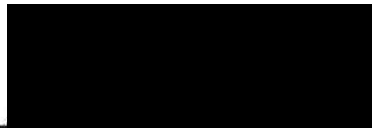
- 6 1. EVFS and Bogle recognize there is risk of adverse findings if they take the
7 complaints to hearing, and that doing so would require additional time and expense.
8 By waiving their rights to a hearing and entering into this Consent Agreement,
9 EVFS and Bogle do not admit to the misconduct asserted in the Investigation
10 Summary and Probable Cause Analysis and Recommendation and Board Order.
- 11 2. The Board censures EVFS and Bogle.
- 12 3. The Board places EVFS and Bogle on probation for a term of one year, as follows:
- 13 a. EVFS and Bogle must undergo a compliance audit under ACJA § ACJA §
14 7-201(D)(2)(b)(4) (the "Compliance Audit") to identify any deficiencies in
15 the Parties' compliance with statutes, court rules, administrative orders, court
16 orders, local rules, the ACJA and any other legal or ethical requirement
17 relating to fiduciaries, and develop a corrective action plan to be
18 implemented by the Parties to provide the Board with reasonable assurance
19 that Bogle and EVFS have cured any deficiencies and are in compliance with
20 all applicable code provisions, rules, and statutory requirements.
- 21 b. Upon completion of the Compliance Audit, implementation of any
22 corrective action recommended by the audit, and Board concurrence that
23 EVFS and Bogle are in compliance and have demonstrated reasonable
24 assurance that they will remain in compliance, the Board may approve the
25 early termination of probation.
- 26


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26


- c. EVFS and Bogle must provide the compliance auditor and audit staff access to EVFS's and Bogle's records and staff as the compliance auditor deems necessary for the purposes of completing the Compliance Audit, making audit recommendations, and confirming implementation of any recommended corrections.
 - d. EVFS and Bogle must comply with all reasonable requests of the compliance auditor and must immediately notify Division staff of any refusal to comply. The notification must contain the request and the bases of the refusal to comply.
 - e. Bogle must complete a minimum of 5 hours total of continuing education that includes substantive content on court accountings, record keeping, and financial management, and must provide proof of completion to the Division within 10 days of completion and before the termination of the probationary period.
 - f. All costs associated with the Compliance Audit and reporting must be paid by EVFS or Bogle.
4. This Consent Agreement does not in any way affect or limit further disciplinary action for violations of statutes, rules, or administrative code provisions uncovered during the Compliance Audit or as the result of complaints pending or filed after the date on which the Board approves this Consent Agreement.
5. EVFS and Bogle must comply with all laws, court rules, administrative code provisions, and probationary terms. Failure to do so may result in further discipline, including disciplinary action as to Complaint Nos. 20-0011, 20-0012, and 21-0012, which are the subject of this Consent Agreement, in the event that EVFS and Bogle violate or do not complete the terms of their probation.

1 This Consent Agreement is approved by the Parties on the date indicated.

2
3  06/02/2023
4 Michael Bogle Date
5 (Fiduciary License No. )


5/19/23
Deborah Primock, Date
Chair, Fiduciary Board

6
7 East Valley Fiduciary Services, Inc.
8 (Fiduciary License No. )

9 By: 
10 President
Dated: 06/02/2023