

FIDUCIARY BOARD

Meeting Agenda – Thursday, September 9, 2021

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 - 10:30 A.M. Conference Room 109

General Inquiries Call: 602-452-3378 (Certification and Licensing Division Line)

Members of the public may attend meeting in person.

For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

CALL TO ORDER.....*Deborah Primock, Chair*

1) REVIEW AND APPROVAL OF MINUTES.....*Deborah Primock, Chair*

1-A: Review, discussion and possible action regarding the regular session minutes of the meeting held on July 8, 2021.

1-B: Review, discussion and possible action regarding the regular session minutes of the meeting held on July 23, 2021.

2) PENDING COMPLAINTS.....*Division Staff*

2-A: Review, discussion and possible action regarding Complaint Nos. 19-0006 and 19-0007 involving license holders Phillip DeVico and Custom Care & Financial Solutions.

2-B: Review, discussion and possible action regarding Complaint No. 19-0010 involving license holder Maricopa County Public Fiduciary's office.

3) LICENSURE AND ELIGIBILITY.....*Division Staff*

3-A: Review, discussion, and possible action regarding inactive status request received from the following:

- 1. Janet Wells*
- 2. Candy Ruby*

CALL TO THE PUBLIC.....*Deborah Primock, Chair*

ADJOURN.....*Deborah Primock, Chair*

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1) REVIEW AND APPROVAL OF MINUTES

1-A: Review, discussion and possible action regarding the regular session minutes of the meeting held on July 8, 2021.

Attached for the Board's review are the regular session minutes from the Board meeting of July 8, 2021.

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1) REVIEW AND APPROVAL OF MINUTES

1-B: Review, discussion and possible action regarding the regular session minutes of the meeting held on July 23, 2021

Attached for the Board's review are the regular session minutes from the Board meeting of July 23, 2021.

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2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding Complaint Nos. 19-0006 and 19-0007 involving license holders Phillip DoVico and Custom Care & Financial Solutions.*

This matter was initially presented to the Board at the September 5, 2019 meeting. During the Board meeting, the licensee, through his attorney, indicated that the Division's report only included part of his statement. More specifically, the report noted that Philip DoVico told the Division that it was "possible" that the messages from the VA investigator may have been overlooked but that there was no malice or intentional neglect. However, Mr. DoVico, again through his attorney, indicated during the Board meeting that when asked by the Division "is it possible that messages were overlooked?" he replied with "yes it is possible, not probable and here is why...[Mr. DoVico] was trying to establish relationship with the VA so it would've been illogical for him to ignore phone calls."

Since there was a dispute about statements made by Mr. DoVico, the Division requested that the item be pulled from the agenda, to allow for the Division to check if the conversation was recorded and then report back to the Board. However, after reviewing its records, the Division discovered that the conversation with Mr. DoVico was not recorded.

Below are the facts about this matter that were previously presented to the Board.

Phillip DoVico was contracted by a VA beneficiary to be the beneficiary's payee for benefits. In addition to paying rent, DoVico paid other miscellaneous bills as needed and issued beneficiary a "Truelink" card where \$25 a week was deposited as a personal allowance. This continued through early 2019 when the VA decided to do a random audit on beneficiary's case and ultimately terminated DoVico's services.

VA investigator Kenneth Richter (the complainant) was assigned the case and, after conversations with beneficiary and his care facility administrators, concluded several transgressions were occurring. Richter said his main concern was the fact Negrete claimed he had not been receiving his personal allowance for the past few months and attempts to contact DoVico were difficult. Richter stated he also was unable to contact DoVico, insisting he called several times and left several messages on his answering machine. Due to the lack of responsiveness, Richter felt Negrete was clearly not receiving the level of attention he needed and discontinued the services of DoVico and CCSF. Richter said Negrete was immediately placed into the VA Fiduciary program and will eventually be assigned an approved fiduciary.

The complaint raises two allegations concerning DoVico's failure to pay bills or provide cash in a timely manner. The investigation did not uncover facts that supported these allegations. Further, the complaint raised an allegation that DoVico was unresponsive to the beneficiary and others.

The investigation report was initially submitted to the Probable Cause Evaluator who determined that probable cause did not exist as to allegations 1 and 2 (failure to pay bills or provide cash) and did exist as to allegation 3 (unresponsiveness).

Recommendation:

Following further review, based on the dispute during the initial presentation of this matter at the September 5, 2019 Board meeting concerning statements that were made by Philip DeVico during an interview with staff, the lack of recording of the interview in question, and the nature of the allegations, Division staff amends its previous Recommendation to the Board signed August 30, 2019.

It is, therefore, recommended the Board accept the Amended Decision of the Probable Cause Evaluator and enter a finding that Philip DeVico has not committed the alleged act(s) of misconduct as detailed in allegations 1 through 3 of the Investigation Summary and Allegation Analysis Report in complaint numbers 19-0006 and 19-0007.

It is further recommended that the Board dismiss complaint numbers 19-0006 and 19-0007.

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2) PENDING COMPLAINTS

2-B: Review, discussion and possible action regarding Complaint No. 19-0010 involving license holder Maricopa County Public Fiduciary's office.

On March 18, 2019, the Certification and Licensing Division received a written complaint against licensed fiduciary, Maricopa County Public Fiduciary's office. Complainant is the mother of the ward and alleged in her complaint that she did not receive phone calls from her son in violation of court order and agreement amongst the parties, nor did she receive any communication about her son. Further, the complainant indicated that she was not notified of the ward's change of address.

The matter was investigated, and the Probable Cause Evaluator, Mike Baumstark, ultimately determined that PC did not exist as to the allegations.

Recommendation:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding that Maricopa County Public Fiduciary has not committed the alleged acts of misconduct as detailed in the Summary of Investigation and Analysis of Allegations Report in complaint number 19-0010.

It is further recommended that the Board dismiss complaint number 19-0010.

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Agenda Summary – Thursday September, 9 2021

3) LICENSURE AND ELIGIBILITY

3-A: Review, discussion, and possible action regarding inactive status requests received from the following applicants:

1. Janet Wells was granted licensure on July 13, 2017. On August 6, 2021, Ms. Wells submitted a request for her licensure to be placed on inactive status. Staff has confirmed there are no pending complaints filed against Ms. Wells.

It is recommended that the Board accept the request and place Janet Wells, license number 20834, on inactive status.

2. Candy Ruby was granted licensure on March 2, 1999. On March 23, 2021, Ms. Ruby submitted a request for her licensure to be placed on inactive status. Staff has confirmed there are no pending complaints filed against Ms. Ruby.

It is recommended that the Board accept the request and place Candy Ruby, license number 20009, on inactive status.