

1 **SUPREME COURT OF ARIZONA**
2 **FIDUCIARY BOARD**

3 **IN THE MATTER OF FIDUCIARY**)
4 **LICENSE:**)
5 **ASPEN GROVE FIDUCIARY SERVICES,**)
6 **LLC,**)
License Number 20991)

Nos. FID-NFC-25-0019
FID-NFC-25-0020

AMENDED FINAL ORDER

7 **AND**

8 **ROBIN O'CONNELL,**
9 **License Number 20967**

10 On September 30, 2025, the Fiduciary Board ("Board"), through the Certification and
11 Licensing Division ("Division") pursuant to Arizona Code of Judicial Administration ("ACJA")
12 § 7-201(H)(10), filed a Notice of Formal Statement of Charges and Right to Hearing in the
13 above-captioned matter with the Office of the Presiding Disciplinary Judge, the Honorable Lisa
14 A. Vandenberg ("Judge Vandenberg").

15 On October 1, 2025, Robin O'Connell ("O'Connell"), designated principal of Aspen
16 Grove Fiduciary Services, LLC ("Aspen Grove"), and Aspen Grove were formally served the
17 Notice of Formal Statement of Charges and Right to Hearing. On October 16, 2025, Aspen Grove
18 and O'Connell timely filed an Answer to Notice of Formal Statement of Charges and Right to
19 Hearing and Affirmative Defenses and filed a Request for Hearing, pursuant to ACJA § 7-
20 201(H)(11) and (13). Judge Vandenberg, as the assigned Hearing Officer in this matter, held an
21 evidentiary hearing on February 10, 2026.

22
23 On March 11, 2026, pursuant to ACJA § 7-201(H)(22), Judge Vandenberg filed a Report
24 and Recommendation (No. CLD-FID-2025-006) in complaint numbers CLD-FID-25-0019 and
25 25-0020.

1 Pursuant to ACJA § 7-201(H)(22)(d), the Board may adopt, modify, or remand the
2 Hearing Officer's recommendation in whole or in part.

3 The Board holds the authority to proceed with this action pursuant to ACJA §§7-
4 201(D)(5)(c) and 7-201(H)(9).

5 JURISDICTION

6 Pursuant to ACJA §7-201(D)(1)(a) the Arizona Supreme Court, Administrative Office
7 of the Courts ("AOC"), is responsible for administering the Fiduciary Program and for adopting
8 rules for the implementation and administration of all certification programs, including
9 minimum qualifications, certification and disciplinary processes, and a code of conduct.

10 Pursuant to ACJA § 7-201(D)(5)(c)(1)(g) and ACJA § 7-202(D)(5), the AOC's
11 regulatory boards make all final decisions on the disposition of a complaint.

12 Pursuant to ACJA § 7-201(H)(10), the Board formally served Notice of Formal
13 Statement of Charges and Right to Hearing to Aspen Grove and O'Connell, on October 1, 2025.
14 The Board has jurisdiction over this matter because Aspen Grove was licensed in Arizona as a
15 fiduciary business entity effective September 18, 2023, and its license has been renewed without
16 interruption and remains active. O'Connell was licensed as a fiduciary effective September 24,
17 2023, and her individual fiduciary license has been renewed without interruption and remains
18 active.
19

20 Pursuant to ACJA §7 -201(H) and ACJA § 7-202(H), the matter was investigated, and
21 Aspen Grove and O'Connell were provided an opportunity to respond to the complaint,
22 participate in the investigation of the complaint, file an Answer to the Notice of Formal
23 Statement of Charges, and request a hearing.
24

25 PROCEDURAL HISTORY

1 A. On April 21, 2025, the Division initiated a director-initiated complaint involving Aspen
2 Grove and O'Connell. The complaint was assigned complaint numbers 25-0019 and 25-0020.
3 The complaint contained a single allegation that Aspen Grove and O'Connell engaged in
4 unacceptable practice by failing to respond to a regulatory complaint.

5 B. The director-initiated complaint was prompted by Aspen Grove's and O'Connell's failure
6 to provide a written response to complaint numbers 24-0054 and 24-0055.

7 C. On April 23, 2025, the Division, via United States Postal Service certified mail and by
8 email to a valid point of contact, forwarded Aspen Grove and Designated Principal, O'Connell,
9 a copy of the director initiated complaint and notice of the ACJA § 7-201(H)(3)(c) requirement
10 that Aspen Grove and O'Connell submit a written response to the director initiated complaint
11 within thirty (30) days. Division records confirm delivery of the mailing on May 9, 2025.

12 D. On May 20, 2025, the Division received a reply to the director-initiated complaint. In the
13 reply, O'Connell explained that Aspen Grove was experiencing an unusually high volume of
14 urgent, time-sensitive tasks during the period when the Division attempted contact. O'Connell
15 further stated that these demands were exacerbated by being short staffed. Additionally,
16 O'Connell described operational challenges, including functionality issues with Aspen Grove's
17 workspace, internet connectivity issues, and the complications of relocating to a new office.
18 O'Connell emphasized that the failure to respond in a timely manner was not a refusal to
19 communicate or cooperate with the Division, but rather a result of her losing track of time and
20 feeling overwhelmed by the cumulative demands of the situation. O'Connell also stated her
21 intention to submit further responses at a later time. O'Connell, however, to date, has not
22 provided a written response to the allegation contained in complaints numbers 24-0054 and 24-
23
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1 0055, as required by ACJA § 7-201(H)(3)(c), and which resulted in the director-initiated
2 complaint.

3 E. On July 14, 2025, pursuant to ACJA § 7-201(H)(5)(a)(3), Probable Cause Evaluator, Jeffrey
4 Schrade, entered a finding that probable cause existed as to Allegation 1, as detailed in the
5 Investigation Summary, Determination, Probable Cause Review, and Recommendation Report
6 (“Investigation Summary”), in complaint numbers 25-0019 and 25-0006. The particular sections
7 of laws, court rules, ACJA, and orders relevant to the alleged acts of misconduct are ACJA §§
8 7-201(F)(1) and (4), 7-201(H)(6)(a) and (c) and (6)(k)(7) and ACJA §§ 7-202(F)(1) and (J).

9 F. On September 11, 2025, the Board reviewed the Division’s Investigation Summary
10 incorporated herein and accepted the findings of the Probable Cause Evaluator. The Board voted
11 to revoke the fiduciary business license of Aspen Grove, license number 20991, and to revoke
12 the individual fiduciary license of O’Connell, license number 20967.

13 G. On September 30, 2025, pursuant to ACJA § 7-201(H)(10), the Division filed a Notice
14 of Formal Statement of Charges and Right to Hearing with the Office of the Presiding
15 Disciplinary Judge.

16 H. On October 1, 2025, Aspen Grove and O’Connell were formally served the Notice of
17 Formal Statement of Charges and Right to Hearing.

18 I. On October 16, 2025, Aspen Grove and O’Connell timely filed an Answer to Notice of
19 Formal Statement of Charges and Right to Hearing and Affirmative Defenses and filed a Request
20 for Hearing, pursuant to ACJA § 7-201(H)(11) and (13).

21 J. Judge VandenBerg held an evidentiary hearing on February 10, 2026.

22 K. On March 11, 2026, pursuant to ACJA § 7-201(H)(22), Judge VandenBerg filed a Report
23 and Recommendation (No.CLD-FID-2025-006), including Findings of Fact and Conclusions of
24
25

1 Law, in complaint numbers CLD-FID-25-0019 and 25-0020. Judge Vandenberg's Report and
2 Recommendation is attached as Exhibit A.

3 L. On March 27, 2026, pursuant to ACJA § 7-201(H)(23), Aspen Grove and O'Connell
4 timely filed a Request for Rehearing for PDJ's [Judge Vandenberg's] Report &
5 Recommendations dated March 11, 2026. .

6 M. On April 10, 2026, the Division, by and through counsel, filed Certification and
7 Licensing Division's Response to Request for Rehearing for PDJ's Report & Recommendation
8 Dated March 11, 2026.

9 N. On April 27, 2026, Judge Vandenberg entered an Order Re Request for Rehearing
10 denying the Request for Rehearing.

11 **FINDINGS OF FACTS**

12 The Board hereby adopts Judge Vandenberg's Findings of Fact, in whole, as contained
13 in Exhibit A as the Findings of Fact in this matter.

14 **CONCLUSIONS OF LAW**

15 The Board hereby adopts Judge Vandenberg's Conclusions of Law, in whole, as
16 contained in Exhibit A as the Conclusions of Law in this matter.

17 **FINAL DECISION and ORDER**

18 Having adopted the above-referenced Findings of Fact and Conclusions of Law, the
19 Board hereby Orders the following disciplinary sanction in complaint numbers 25-0019 and 25-
20 0020:

- 21
- 22 1. Revoke the fiduciary business entity license of Aspen Grove Fiduciary Services, LLC.
 - 23 2. Revoke the individual fiduciary license of Robin O'Connell.

24 **NOTICE OF RIGHT TO FILE SPECIAL ACTION**

1 Pursuant to ACJA § 7-201(H)(27), Aspen Grove and O'Connell may seek judicial
2 review through a petition for a special action within thirty-five (35) days after entry of this

3 Order.

4
5 DATED this 18th day of May, 2026.

6
7 

8 The Hon. Jennifer Perkins, Chair

9 Fiduciary Board

10
11 By United States Postal Service, Certified Mail to:

12 Aspen Grove Fiduciary Services, LLC
13 Robin O'Connell
14 (Individually and as Statutory Agent for Aspen Grove Fiduciary Services, LLC)
15 1050 E. University Dr. Ste 5
16 Mesa, Arizona 85203

17 Copies of the foregoing emailed this 18 day of May, 2026 to:

18 Aspen Grove Fiduciary Services, LLC
19 Robin O'Connell
20 robin@aspengrovefiduciary.com

21 Samantha Stirling
22 Andersen, PLLC
23 (Counsel for Aspen Grove Fiduciary Services, LLC and Robin O'Connell)
24 [sstirling@andersenpll.com](mailto:ssirling@andersenpll.com)

25 Copies of the foregoing mailed and emailed this 18 day of May 2026 to:

26 Eryn McCarthy
27 Section Chief Counsel
28 Agency Counsel Section
29 Office of the Arizona Attorney General
30 2005 North Central Avenue
31 Phoenix, Arizona 85004

Eryn.McCarthy@azag.gov

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Diane DeDea

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Assistant Counsel

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Arizona Supreme Court

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Administrative Services Division

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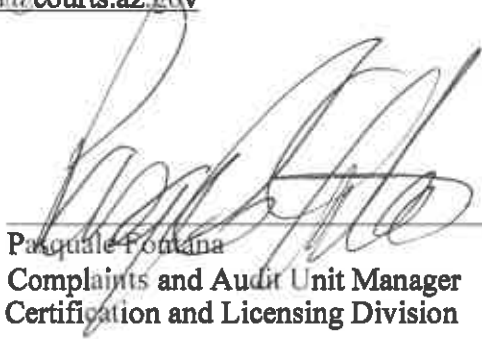
ddede@courts.az.gov

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By:


Pasquale Fontana

Complaints and Audit Unit Manager

Certification and Licensing Division

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EXHIBIT A

SUPREME COURT OF ARIZONA

FIDUCIARY BOARD

**IN THE MATTER OF FIDUCIARY
LICENSE**

**ASPEN GROVE FIDUCIARY
SERVICES, LLC,
License Number 20991**

AND

**ROBIN O'CONNELL,
License Number 20967**

No. CLD-FID-2025-006

**REPORT AND
RECOMMENDATION**

FILED MARCH 11, 2026

On October 17, 2025, Robin O'Connell and Aspen Grove Fiduciary Services, LLC filed a timely request for hearing regarding the Notice of Formal Statement of Charges submitted by the Arizona Supreme Court Fiduciary Board ("Board"). The Presiding Disciplinary Judge ("PDJ") Lisa A. Vandenberg presided over an evidentiary hearing held on February 10, 2025, as the appointed hearing officer, pursuant to the Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(14),(21).

Assistant(s) Attorney General ("AAG(s)") Nancy Bonnell and Lena Kalkbrenner appeared on behalf of the Certificate and Licensing Division of the Administrative Office of the Courts ("CLD") staff. Robin O'Connell ("Ms. O'Connell") appeared in her individual capacity as a licensed private fiduciary

and as the owner of licensed private fiduciary Aspen Grove Fiduciary Services, LLC (“Aspen Grove”), with counsel, Attorney Adam S. Polson.

The parties submitted a number of exhibits¹, and the following individuals testified at the hearing:

- Pasquale Fontana, Manager CLD
- Mark Lawrence, Care Home Manager Oakmont Assisted Living of Scottsdale
- Jessica Fitzgerald, Adult Protective Services Investigator
- Crystal Jones, CLD investigator
- Robin O’Connell
- Jennifer Hills, Nurse/Clinical Coordinator for Aspen Grove

Burden of Proof

“In all formal disciplinary matters brought as the result of an order by the board, evidence in support of the formal statement of disciplinary charges is presented first and carries the burden of proof by a preponderance of the evidence.” ACJA § 7-201(H)(21)(c)(4).

FINDINGS OF FACT

1. On September 8, 2023, Robin O’Connell (“Ms. O’Connell”) obtained her fiduciary license.
2. On September 18, 2023, Aspen Grove Fiduciary Services, LLC (“Aspen

¹ Exhibits 1-16, 20, 22-24, 30, 43, 48-50, 54, 56-57, 61-69, 71-72, 74-75, and 78-83 were admitted on the record by the PDJ. Exhibits 19, 34 and 35 were admitted, over objection, on the record by the PDJ. By stipulation of the parties the following were substituted with less redacted versions: Exhibit 14, 18, 20, 22, 24, 26, and 28. The PDJ notes that the AAG had requested that the PDJ consider the material contained in hyperlinks embedded in the electronic version of exhibits 34 and 35, Counsel Polson objected and the PDJ sustained said objection. The PDJ notes that Arizona Rules of Civil Procedure, Rule 5.2(c)(3)(B) reflects that the hyperlink was not made part of the record simply by its inclusion in a document submitted (or in this case admitted as an exhibit).

Grove”) obtained its fiduciary license. Robin O’Connell is the principal owner of Aspen Grove.

Complaint Numbers 24-0054 & 24-0055- Lawrence Complaint

3. On November 27, 2024, Mark Lawrence (“Mr. Lawrence”) filed a complaint regarding both Aspen Grove and Robin O’Connell due to alleged overdue outstanding final service and residential fee invoices for two clients, [D.A.] and [J.W.], owed to Oakmont Assisted Living of Scottsdale (“Oakmont”). This complaint was assigned Complaint Numbers 24-0054 & 24-0055 (referred to at hearing as “Lawrence Complaint”).

4. On December 31, 2024, CLD forwarded Aspen Grove and Ms. O’Connell, via certified mail and email, a copy of the Lawrence Complaint with notice that, pursuant to ACJA §7-201(H)(3)(c), a written response was required to be submitted to CLD within 30 days.²

5. Aspen Grove and Ms. O’Connell failed to provide written response as required.

6. On March 10, 2025, CLD sent a follow-up letter informing Aspen Grove and Ms. O’Connell that response had not been received and that such constitutes a violation of ACJA § 7-201(H)(3)(c) and such may result in disciplinary action.

² The Complaint’s indication that this mailing was delivered via mailing on February 1, 2025 was not disputed.

7. D.A. became a resident of Oakmont on January 21, 2022, and his domestic partner of forty years, J.W., joined him on May 4, 2022.

8. At hearing, the parties agreed that no later than August 1, 2023 both D.A. and J.W. had each executed Health Care and Durable Power of Attorney paperwork appointing Ms. O'Connell as their individual agent of Power of Attorney ("POA").

9. Mr. Lawrence indicated that after August 1, 2023 all Oakmont invoices with billing were sent directly to Ms. O'Connell.

10. On February 8, 2024, J.W. was transferred to Mayo Hospital and later discharged on February 27, 2024. While J.W. did not return to Oakmont, his personal belongings and furniture remained there until April 18, 2024. Mr. Lawrence testified that Oakmont adjusted his billing to reflect the applicable storage charges.

11. Ms. O'Connell sent Oakmont a letter on March 2, 2024 indicating that D.A. would transfer to another facility. However, D.A. continued to receive inpatient services from Oakmont until April 18, 2024. Mr. Lawrence testified that Oakmont continued to bill D.A. as a resident until April 18, 2024.

12. Ms. O'Connell acknowledged in her testimony that she had

communications with Mr. Lawrence disputing Oakmont billing regarding these clients prior to the final service invoices were issued.³

13. Mr. Lawrence testified to issuing the final service invoices reflecting that the incurred amount as of April 18, 2024 was \$5,415.00 for J.W. and \$5,375.00 for D.A. He also explained how each client was billed pursuant to Oakmont billing policies.

14. Mr. Lawrence continued sending invoices directly to Ms. O'Connell reflecting the outstanding fees described in paragraph 13 with updates regarding interest on a monthly basis after April 18, 2024.

15. The final billing invoices admitted at hearing reflect that an invoice for D.A. was prepared and dated May 26, 2025 reflecting a total of \$6,540.80, which includes \$1,165.80 in accrued interest at a rate of 1 ½% and an invoice for J.W. was prepared and dated April 23, 2025 reflecting a total of \$6,771.39, which includes \$1,356.39 in accrued interest at a rate of 1 ½%. AGOC-0044-45.

16. Mr. Fontana and Ms. Jones, CLD staff, testified that at the time of the hearing, Ms. O'Connell failed to produce records that reflected good faith/ reasonable efforts to resolve the outstanding Oakmont fees timely after April 18, 2024. However, Mr. Lawrence testified that he received, on behalf of Oakmont,

³ O'Connell's March 2, 2024 letter was admitted into evidence. AGOC-0042-43 Mr. Lawrence's email response to Ms. O'Connell's disputes, dated February 23, 2024, was admitted into evidence. AGOC-0053-53

payment in full from Ms. O'Connell the day before the evidentiary before the

PDJ, i.e. February 9, 2026., stating:

I received two forms of payment. A check in the amount of \$7,411 written on the Aspen Grove business account, and I received cash in the amount of \$7,585.06.

17. The PDJ finds that Ms. O'Connell at hearing was not credible

or reliable in her testimony before the PDJ. Ms. O'Connell lacked transparency in her testimony.

18. Ms. O'Connell testified that she was unaware of the final service invoices from Mr. Lawrence until early 2025,

Initially, I had gone back and forth with Mr. Lawrence several times because the amount, particularly on JW's invoice was extremely high. JW had actually been out of the home since February. But, we didn't know that he was moving out until the doctors had determined he couldn't go back there.

So, [Mr. Lawrence] and I went back and forth to determine the fair amount for those invoices, and then once he sent the finalized copies, then I forwarded them to my [office] administrator for payment.

Q.: Did she pay them?

Ms. O'Connell's A.: Apparently, she did not.

Q.: What did you do when you learned that the bills were not paid?

Ms. O'Connell's A.: Well, by the time I found out about it, it was after the complaint had already been filed.. and, there really wasn't anything I could do immediately.

Q.: Did you receive any phone calls from Mr. Lawrence that the bills were unpaid?

Ms. O'Connell's A.: I did not.

Q.: Did you receive email.. emails?

Ms. O'Connell's A.: In looking at everything, there were emails that, apparently were sent to my junk box.

19. The PDJ finds that Ms. O'Connell failed to demonstrate good cause for her failure to resolve the billing/payment with Oakmont timely and incurred interest on behalf of J.W. and D.A. that was not beneficial or in their best interest. (Further discussion regarding the satisfaction of the final service invoices is found after the caption Complaint Numbers 25-0019 & 25-0020)

Complaint Numbers 25-0025 & 25-0026- APS Complaint

20. On April 18, 2025, Adult Protective Services ("APS") filed a complaint with CLD against Ms. O'Connell and Aspen Grove. The complaint alleged, among other things, that Ms. O'Connell withdrew \$15,000 from J.W. [and D.A.]'s [joint] bank account and had failed to provide APS with documentation supporting the \$15,000 withdrawal. The complaint also alleged, in relevant part, that Ms. O'Connell had failed to pay her client, D.S.'s care facility expenses and failed to communicate with D.S.'s care facility, Brookdale East Arbor ("Brookdale"), regarding payment despite Brookdale's multiple attempts to do so. (This complaint was assigned Complaint Numbers 25-0025 & 25-0026 and was referred throughout the hearing as "APS Complaint".)

21. On April 29, 2025, CLD forwarded Aspen Grove and Ms. O'Connell, via

certified mail and email, a copy of the APS Complaint with notice that, pursuant to ACJA §7-201(H)(3)(c), a written response was required to be submitted to CLD within 30 days.⁴

22. Aspen Grove and Ms. O'Connell failed to provide written response as required.

23. On or around November 16, 2024, D.A. passed away.

24. On December 5, 2024, Ms. O'Connell withdrew \$15,000 cash from D.A.'s and J.W.'s Wells Fargo joint checking account. Ms. O'Connell later agreed in her testimony that she had not received permission from J.W. or D.A. (prior to his death) to do so.

25. Ms. O'Connell testified that a week prior to her visit at the bank on December 5, 2024, she had scheduled the appointment with the bank. She agreed in her testimony that on December 5, 2024 she withdrew the \$15,000.00 from her clients' account.

26. During CLD's May 7, 2025 interview with Ms. O'Connell, she admitted that she withdrew \$15,000 from the joint Wells Fargo account and informed CLD that the funds were placed in a business safe at the Aspen Grove office that only she could access.

⁴ The Complaint's indication that this mailing was delivered via mailing on May 9, 2025 was not disputed.

27. Ms. O'Connell testified that she placed half of the money in her office safe initially and used the rest to pay her fiduciary invoices, having just become aware that her invoices for September, October and November of 2024 had not been paid. She testified that she later moved the remaining money from her safe to a safety deposit box at PNC bank that she had opened four to five months earlier.

28. Ms. O'Connell also clarified in her testimony, that she did not contact J.W. to get approval for the late payment of her fiduciary fees or the withdrawal from his account.

29. The PDJ finds that it is unclear from Ms. O'Connell's presentation at hearing whether the alleged safety deposit box that she referenced was owned by her clients or not, as she failed to produce any documentation of the alleged safety deposit box. At hearing, Ms. O'Connell's counsel asked:

Q.: Did you look for documentation of the safe deposit box at PNC?

O'Connell's A.: I... yes, I couldn't find it anywhere. I couldn't find it anywhere.

30. At hearing, when asked why she moved the money to the safety deposit box, Ms. O'Connell testified that she didn't feel comfortable with the safe given the theft that had occurred at her office.

31. However, when the PDJ asked when that theft had occurred, Ms.

O'Connor testified that someone had broke into the safe in her office on January 15, 2024 (almost a year prior to the December 5, 2024 withdrawal.)⁵

32. The PDJ finds this testimony non-sensical. The PDJ further finds Ms. O'Connell testimony failed to demonstrate that the payment of her fiduciary fees in late December of 2024 was in her clients' best interests and not motivated by self-dealing.

33. On May 2, 2025 Probable Cause was determined for the allegations reflected in the Preliminary Investigation Summary dated May 1, 2025.

34. On May 8, 2025, the Board declined summary suspension of the licenses on an emergency basis, but ordered Ms. O'Connell to appear at subsequent Fiduciary Board ("Board") meetings to provide updates as CLD completed its investigation.

35. On June 10, 2025, CLD requested an interview with Ms. O'Connell and asked her to supply all documentation concerning the \$15,000 withdrawal and other items.

36. After two interviews that took place on June 16, 2025, CLD sent an email

⁵ Ms. O'Connell did not present any corroborating evidence of the described theft.

to O'Connell asking for the following by June 20, 2025: documentation regarding the \$15,000 withdrawal and email and phone records of communications with J.W. after November 17, 2024 and other items.

37. On June 20, 2025, O'Connell requested an extension to provide the documents CLD had requested. CLD extended the deadline to June 23, 2025.

38. On June 24, 2025, O'Connell provided a partial response to CLD's request for documents related to D.S. CLD reiterated its request for the outstanding documents related to J.W.

39. On June 25, 2025, CLD reiterated its request for the remaining documents it had requested on June 16, 2025.

40. On June 26, 2025, O'Connell submitted to CLD some documentation related to J.W., but her email indicated that she had not included the requested J.W. or D.A. invoices or records of calls to J.W. She said she would send them in a different email because of file size limits.

41. On June 30, 2025, CLD sent a follow-up email to O'Connell requesting the specific date of the \$15,000 withdrawal and email correspondent with J.W. On July 1, 2025, O'Connell responded that she would provide the requested documents, but provided documents related to a different person.

42. On July 10, 2025, O'Connell told the Board that she communicated with

Brookdale East Arbor (“Brookdale”), the care facility for Ms. O’Connell’s client D.S., that same day. CLD stated it confirmed that fact and also confirmed that Brookdale was owed \$31,189.05 for D.S.

43. On July 14, 2025, CLD notified O’Connell via email and mail that the CLD investigation yielded additional allegations regarding O’Connell’s storing of the \$15,000 in the business safe and charging D.A.’s estate for time expended on filing an APS complaint after D.A. had passed. CLD gave Ms. O’Connell fifteen days to respond to the additional allegations.

44. Jessica Fitzgerald (“Ms. Fitzgerald”), Adult Protective Services Investigator, testified at hearing regarding APS’ requests for information in connection with three vulnerable adults, J.W., D.S. and H.C. The PDJ found her testimony was measured, she presented herself professionally and was credible.

45. Ms. Fitzgerald testified that she began her investigation with concerns of exploitation of J.W. and requested documentation regarding J.W. on June 20, 2025 for the first time and then also on July 7, 2025 without response from Ms. O’Connell until July 19, 2025. Thereafter, Ms. O’Connell sent an email requesting that they meet on July 21, 2025, at Aspen Grove’s office stating that all files and records would be readily available at the location⁶. Ms. Fitzgerald testified that

⁶ During testimony, Ms. Fitzgerald referenced AGOC- 1078, the email from Ms. O’Connell described in her testimony.

she and Ms. O'Connell met on July 22, 2025 at Aspen Grove's office. The AAG asked Ms. Fitzgerald:

Q.: What was the purpose of the meeting?

Fitzgerald's A.: The purpose of the meeting was for me to gather documentation regarding the \$15,000 that had been withdrawn from JW's account, and as well as getting, like, a fee sheet and any additional stuff related to the estate, things like that.

46. The AAG asked Ms. Fitzgerald,

Q.: Did Ms. O'Connell show you documents?

Fitzgerald's A.: No, she did not.

Q.: Did she attempt to show you documents?

Fitzgerald's A.: She said that she could show me stuff on her laptop, but that her laptop wasn't available. She was borrowing one, so she never used the laptop.

47. Ms. Fitzgerald testified that at the end of the hour-long meeting, Ms. O'Connell had committed to send documents. While Ms. Fitzgerald testified to receiving some paperwork regarding bills related to J.W. and D.A., she did not receive the documents that were in the previous written requests.

48. The AAG asked,

Q: Is your investigation regarding Ms. O'Connell still open?

Ms. Fitzgerald's A.: It's open with the Attorney General's office. [I]t means that, Adult Protective Services made the decision to substantiate the allegation of exploitation, so when we've concluded our

investigation and gone through our chain of command of reviewing stuff.

49. Mr. Fontana and Ms. Jones, CLD staff, testified that at the time of the hearing, Ms. O'Connell had failed to provide an accounting with regard to the moneys withdrawn from D.A.'s and J.W.'s Wells Fargo joint checking account despite CLD's requests.

50. There was a document admitted at hearing that reflects that J.W. revoked his POA for Ms. O'Connell on November 18, 2024. Ms. Jones, CLD investigator, testified that she spoke with J.W. and he stated that he had emailed the revocation to Ms. O'Connell and forwarded a copy to Ms. Jones thereafter. AGOC-0082. Ms. O'Connell testified that she was not aware of this writing on November 18, 2024 but later uncovered it in her junk email (on an unspecified date).

51. As well, in her testimony, Ms. O'Connell described a meeting she had with J.W. on November 12, 2024. During the conversation, J.W. had indicated that he might be physically able to manage his bills on his own. Ms. O'Connell indicated that when she responded, she said, "And so, I just had stressed to him that, you know, ...it wasn't really stressing, it was more of an inquiry. That we were doing more for him than just paying the bills, we were managing his care as well."

52. Ms. O'Connell also testified that she eventually returned this money to J.W. (on an unspecified date), when her counsel asked:

Q.: When you initially took that money and you paid... paid Aspen, did you believe that you were entitled to do that?

O'Connell's A.: Yes.

Q. Why did you reverse those charges recently?

O'Connell' A: Yes. It was the right thing to do.

53. The PDJ finds that Ms. O'Connell's presentation did not provide persuasive evidence with regard to good cause for her failure to provide the requested accounting for the \$15,000 withdrawn from her clients' joint account on December 5, 2024. Nor did she provide persuasive evidence that she had used the withdrawn funds for the clients' best interest. As well, Ms. O'Connell failed to provide a reason for comingling her clients' funds in her personal safe. Finally, Ms. O'Connell failed to demonstrate a reason for failing to determine her clients' wishes with regard to the withdrawal and or the payment of her fees at that time.

54. With regard to Complaint Numbers 25-0025 & 25-0026, the Board accepted the Probable Cause Evaluator's findings that grounds existed for formal disciplinary action as to allegations 2, 3, 5, and 6, and voted to revoke Ms. O'Connell's fiduciary licenses and impose a civil penalty of \$500.

55. The Board found that Ms. O'Connell violated ACJA § 7-201(F)(1)m 7-

201(H)(6)(a) and (k)(6)-(7) by failing to pay a ward's bill (D.S.) for months and failing to communicate with the care facility (Brookdale) despite the care facility's repeated attempts.

56. With regard to the alleged issues with Brookdale, the PDJ notes that the Complainant Brookdale did not testify at hearing and Ms. O'Connell did provide testimony regarding a plausible reason that the billing issue/delay to have occurred that was corroborated by Jennifer Hills, Nurse/Clinical Coordinator and Case Manager.

However, Ms. Hills agreed in her testimony that there was a five-month window in which Ms. O'Connell did not have communication with Brookdale-February through July of 2025. As well, both Ms. O'Connell and Ms. Hills agreed that Ms. O'Connell also did not respond to Mr. Fontana from CLD. Ms. O'Connell's explanation was not credible or compelling. Ms. O'Connell testified, "I lost that window of time that I could file, you know, or submit a written response. I just, you know, and I've said it over and over again, I don't have a good excuse. There's not a good excuse."

Complaint Numbers 25-0019 25-0020- Director's Complaint

57. On March 10, 2025, CLD sent Ms. O'Connell a follow-up letter regarding

the above described Lawrence Complaint indicating it had not received a response or a request for an extension and that failure to respond was a violation of ACJA § 7-201(H)(3)(C).

58. On March 31, 2025, CLD left a detailed voicemail on Ms. O'Connell's direct office line regarding the failure to respond to the Lawrence Complaint.

59. On April 2, 2025, CLD emailed Ms. O'Connell regarding the ACJA's requirement a licensee/certificate holder must respond to a complaint within 30 days or request an extension.

60. On April 21, 2025, CLD initiated a Director Initiated Complaint and assigned the Complaint Numbers 25-0054 & 25-0055, (referred herein as the "Director's Complaint") regarding Ms. O'Connell's failure to respond to a regulatory complaint. The Director's Complaint was filed the same day.

61. On April 23, 2025, CLD mailed the Director's Complaint to O'Connell via certified mail and sent a copy by email. The Complaint included a notice that a written response was required within 30 days, pursuant to ACJA §7-201(H)(3)(c).

62. CLD received Ms. O'Connell's response to the Director's Complaint on May 20, 2025. The response indicated that, Ms. O'Connell "had been unusually busy, short staffed, were experience operational challenges including a workspace, internet connectivity and relocation." It also stated that Ms. O'Connell had, "lost

track of the complaint, that they had been overwhelmed and had not refused to respond.” Ms. O’Connell stated that she would supplement her response.

63. On June 9, 2025, CLD emailed Ms. O’Connell about her failure to respond to the complaint and that CLD was requiring a meeting to discuss outstanding issues.

64. On June 25, 2025, Ms. O’Connell contacted CLD to request additional time to produce the materials.

65. On June 26, 2025, Ms. O’Connell submitted some additional documentation.

66. On July 17, 2025, the Probable Cause Evaluator found probable cause existed as to Allegation 1 of the Investigative Summary.

67. Mr. Lawrence testified that he had observed the September 11, 2025, Board meeting. He described that a board member asked Ms. O’Connell:

[I]f the, the payments due for Mr. [D.] A. and Mr. [J.]W. were made. .

AAG’ s Q: And did Ms. O'Connell answer the board member's question?

Lawrence’ s A: Yes, she did.

AAG’ s Q: What did she say?

Lawrence’ s A: She said, yes, those payments were made..., I forget the exact word, this week or last week.

68. Ms. O’Connell also testified with regard to her remarks at the September 11, 2025 Board meeting in her direct testimony.

Counsel's Q.: [A]t the board hearing in September 2025, you said, I think, I think there's some testimony on this already today, that, you had paid or were about to pay the invoices. Why did you tell the Board that?

O'Connell's A.: I had slated them to go out by courier to be paid, well, a portion of it, with the remaining cash.

After the Board meeting, my assistant had informed me that the courier, when he came to pick it up, nobody was at the office, so they actually hadn't gone out.

Counsel's Q.: So why didn't you pay it at that point?

O'Connell's A.: Well, at that point, we had... ended up with a series of things that kind of happened, and...

my daughter ended up... she had, she lost her baby, stillborn, and so I was trying to help her with that.

And then I had a good friend of mine that passed away, and I was traveling out of state. By that point, I didn't know... I just didn't know what to do. At the... with the board meeting, the way it went.

69. The PDJ asked Ms. O'Connell when her daughter suffered her loss, Ms. O'Connell testified that it was in early October 2025, and the loss of her friend was in mid-October 2025, and the traveling occurred at the end of October 2025.

70. On September 11, 2025, the Board accepted the Probable Cause Evaluator's finding and entered a finding that grounds for formal disciplinary action exist for Allegation 1 and voted to revoke Ms. O'Connell's licenses. It found that O'Connell violated ACJA §§ 7-201(F)(1) and (4), 7-201(H)(6)(a), (c), and (k)(7), 7-202(F)(1) and (J) by engaging in an unacceptable practice by failing to respond

to a regulatory complaint, all of which constituted grounds for discipline under ACJA § 7-201(H)(6). The Board voted to revoke O'Connell's licenses under ACJA § 7-201(H)(24)(a)(6).

71. On September 15, 2025, the Board issued its Order finding violations of the ACJA and ordering revocation.

**CONCLUSIONS OF LAW
(Provided by Stipulation of the parties)**

72. ACJA §§ 7-201 and 7-202 apply to the licensure and regulation of fiduciaries.

73. The Board makes all final decisions regarding alleged acts of misconduct, as well as violations statutes, court rules and applicable sections of the ACJA in addition to the imposition of sanctions for licensees. ACJA § 7-201(D)(5)(c)(1)(g) and § 7-201(H)(9).

74. Upon finding that the certificate holder/licensee has violated any statutes, court rules or applicable sections of the ACJA, the Board may issue an order imposing formal disciplinary sanctions, including revocation of a certificate/license and the imposition of civil penalties. ACJA § 7-201(H)(24)(a)(6).

75. Pursuant to ACJA § 7-201 (F)(1) Certificate holders are required to adhere to the code of conduct or standards of conduct contained in subsection J of the applicable ACJA section.

76. Pursuant to ACJA § 7-202(F)(1) in addition to the requirements of ACJA § 7-201(F), a licensed fiduciary must also adhere to the code of conduct in ACJA § 7-202(J) as required by A.R.S. § 14-5651(A)(1).

77. Pursuant to ACJA § 7-201(F)(4) a certificate holder/licensee shall respond by the specific time stated in any request for information from, and shall provide documents to division staff pertaining to complaints alleging acts of

misconduct or violations by the certificate holder/licensee. Failure to comply with the subsection is grounds for discipline pursuant to subsection (H)(6)(c).

78. Pursuant to ACJA § 7-201(H)(6) a certificate holder/licensee is subject to disciplinary action if the Board finds the certificate holder/licensee has engaged in one or more of the actions or omissions set forth in ACJA § 7-201(H)(6)(a)-(k).

79. Pursuant to ACJA § 7-201(H)(6)(a) the failure to perform any duty to discharge any obligation in the course of the certificate holder's/licensee's responsibilities as required by law, court rules, this section or the applicable section of the ACJA is grounds for discipline.

80. Pursuant to ACJA § 7-201(H)(6)(g) a certificate holder/licensee is subject to disciplinary action if the Board finds that the certificate holder/licensee exhibited gross negligence.

81. Pursuant to ACJA § 7-201(H)(6)(h) a certificate holder/licensee is subject to disciplinary action if the Board finds that the certificate holder/licensee exhibited incompetence in the performance of duties.

82. Pursuant to ACJA § 7-201(H)(6)(k)(6) a certificate holder/licensee is subject to disciplinary action if the Board finds that the certificate holder has engaged in unprofessional conduct including the failure to practice competently by using unsafe or unacceptable practices.

83. Pursuant to ACJA § 7-201(H)(6)(k)(7) a certificate holder/licensee is subject to disciplinary action if the Board finds that the certificate holder has engaged in unprofessional conduct including the failure 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 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.

84. Pursuant to ACJA § 7-201(H)(6)(k)(8) a certificate holder/licensee is subject to disciplinary action if the Board finds that the certificate holder/licensee failed to practice competently by reason of any cause on a single occasion or multiple occasions by performing unsafe or unacceptable client or customer care

or failed to conform to the essential standards of acceptable and prevailing practice.

85. Pursuant to ACJA § 7-201(H)(3)(c) a certificate holder/licensee is required to provide a written response to a complaint within thirty (30) days of notification of the complaint.

86. Pursuant to ACJA § 7-201(H)(11) a certificate holder shall file an answer to the formal statement of charges within fifteen days after the date the statement is served and any defenses not raised in a certificate holder's answer are waived.

87. Pursuant to ACJA § 7-201(H)(24)(a)(6)(i) and (k) the Board may, after the completion of an investigation concerning alleged acts of misconduct or violations by a certificate holder, enter a finding that the certificate holder has violated provisions of the applicable statutes, court rules, and ACJA sections or subsections and order the revocation of a certificate and impose civil penalties.

88. Pursuant to ACJA § 7-202(J)(2) a fiduciary must exhibit the highest degree of trust, loyalty, and fidelity in relation to the ward, protected person, or estate.

89. Pursuant to ACJA § 7-202(J)(6)(e) a fiduciary must resolve all questions in good faith and make decisions that are most beneficial to the estate.

90. Pursuant to ACJA § 7-202(J)(7) a licensed fiduciary who is acting as a trustee or agent under a power of attorney must abide by the code of conduct in ACJA § 7-202(J) regardless of whether the person is acting pursuant to a court appointment.

91. Pursuant to ACJA § 7-202(H)(2)(b) the Board may determine and impose a civil penalty under A.R.S. § 14-5651(D) that does not exceed \$500 for each failure or violation or a total of \$15,000 and payable to the supreme court for remission to the state treasurer for deposit in the general fund.

92. Pursuant to A.R.S. § 14-5651(D) if, after an investigation, the supreme court determines that a fiduciary violated the rules adopted pursuant to A.R.S. § 14-5651, it may revoke the fiduciary's license or impose other sanctions, including civil penalties, and shall notify the superior court in each county of this action.

ANALYSIS

RECOMMENDATIONS REGARDING MISCONDUCT OR VIOLATIONS

Pursuant to ACJA § 7-201(H)(22)(b), after taking and considering the evidence regarding the allegations, the PDJ finds that the record demonstrates:

Lawrence Complaint

Allegation A: Aspen Grove and Ms. O'Connell failed to pay final service and residency invoices for two people, in violation of ACJA §§ 7-201(F)(1); 7-201(H)(6)(a) and (k)(6),(7); 7-202(F)(1); 7-202(J)(2), 7-202(J)(6)(e); 7-202(J)(7).

The PDJ finds: CLD has established, by a preponderance of the evidence, that Ms. O'Connell failed to satisfy, pursuant to ACJA § 7-202(J)(2), her duty as a fiduciary to exhibit the highest degree of trust, loyalty, and fidelity in relation to the protected person, and her duty as a fiduciary to resolve all questions in good faith and make decisions that are most beneficial to the estate, pursuant to ACJA § 7-202(J)(6)(e) and ACJA §7-202(J)(7).

As reflected in the findings of fact, the PDJ finds that Ms. O'Connell agreed in her testimony that she had discussed billing concerns for D.A. and J.W. with Mr. Lawrence to her satisfaction prior to the final service invoices for charges through April 18, 2024 were issued. She indicated that she had directed that the invoices be paid upon receipt by her staff. The PDJ finds Ms. O'Connell's testimony thereafter with regard to resolving these invoices to lack credibility.

Assuming *arguendo* that, Ms. O'Connell's indication that she did not become aware of the final services invoices until early 2025 and/or that they had not been paid prior to her locating these invoices in her junk email folder, she failed to demonstrate fair dealing with Oakmont thereafter and caused additional interest to be incurred on behalf of her clients' accounts that were not beneficial to either client's estate.

To be clear, CLD and the Board are not collection agents for those claiming a debt owed by an estate or a fiduciary. Here, Ms. O'Connell's actions are problematic on two levels. The first being, her described lack of office management (including her lack of oversight with an employee that she testified she directed to pay the invoices and her lack of awareness that she had received the invoices) coupled with the additional cost incurred from late payment interest. The second, perhaps the most problematic, being the inaccurate avowal that payment to Oakmont had been made to the Board in a public meeting on September 11, 2025, and then her failure to thereafter pay Oakmont for five additional months.

APS Complaint

Allegation A: Aspen Grove and O'Connell violated ACJA §§7-201(F)(1), 7-201(H)(6)(a), and (k)(6) and (7) and ACJA §§ 7-202(F)(1) and 7-202(J)(6)(e) by failing to practice competently by use of unacceptable practice by failing to pay [Client D.S.]'s bills for months and failing to communicate with the care facility [Brookdale] despite ongoing attempts, constituting grounds for discipline under ACJA §7-201(H)(6).

The PDJ finds: CLD did not establish, by a preponderance of the evidence, that Ms. O'Connell failed to satisfy her duty as a fiduciary specifically under ACJA § 7-202(J)(6), as there is nothing in the record alleging that she was acting or attempting to act as a Personal Representative with regard to this client. Unlike other matters involving Ms. O'Connell, the Formal Charge here does not reference 7-202(J)(7) (regarding agents of Powers of Attorney). Having said that, both parties seemed to have agreed that the allegations were with regard to Ms. O'Connell's actions as D.S.'s power of attorney. Even if that is enough to proceed with analysis here, the PDJ also finds that, while there is adequate evidence that Ms. O'Connell failed to resolve all questions in good faith and make decisions on behalf of D.S. in her lack of communication with Brookdale between February and July of 2025, there was not an adequate showing with regard to a benefit or lack thereof to the estate. Certainly, her inaction/communication for those five months in 2025 demonstrate that Ms. O'Connell failed to exercise extreme care and diligence when making decisions on behalf of her client D.S., is a violation of ACJA § 7-202(J)(3) and fell short of her duty with regard to her degree of trust, loyalty and fidelity to her client D.S. pursuant to ACJA § 7-202(J)(2), however such was not specifically alleged.

However, the PDJ finds that the CLD has met its burden by a preponderance of the evidence that Ms. O'Connell's failure to communicate with Brookdale for five months on behalf of client, as agent of a Power of Attorney, as described above is a violation of ACJA §§7-201(H)(6)(a), and (k)(6)and (7).

Allegation B: Aspen Grove and O'Connell violated ACJA §§7-201(F)(1), 7-201(H)(6)(a), and (k)(6)and (7) and ACJA §§ 7-202(F)(1), 7-202(J)(6)(e) and ACJA 7-202(J)(7) by engaging in unethical and unprofessional conduct by, as agents under powers of attorney, withdrawing approximately \$15,000 from a clients' joint bank account and failing to provide financial records supporting the withdraw to APS investigators, constituting grounds for discipline under ACJA §7-201(H)(6).

The PDJ finds: CLD has established, by a preponderance of the evidence, that Ms. O'Connell failed to satisfy her duty as fiduciary by engaging in unethical and unprofessional conduct by, as an agent under powers of attorney, withdrawing approximately \$15,000 from a clients' joint bank account ACJA § 7-201(H)(6)(k)(6) and (7); as well as to her duty as a fiduciary to resolve questions in good faith and make decisions that are most beneficial to the estate, pursuant to ACJA § 7-202(J)(6)(e) and ACJA 7-202(J)(7); and her duty as a fiduciary to provide financial records to Adult Protective Services and provide requested financial records supporting the withdrawal to CLD. As well, CLD has established, by a preponderance of the evidence that Ms. O'Connell failed to satisfy her duty to maintain and make available her financial records, pursuant to ACJA §7-202(F)(1)

(code of conduct under 7-202(J)(3)(e) which required a fiduciary to maintain accurate and complete records to support the decisions made in the administration of a case.)

Allegation C. Aspen Grove and O'Connell violated ACJA §§7-201(F)(1), 7-201(H)(6)(a), (g), (h), and (k)(6), (7), and (8) and ACJA §§7-202(F)(1), 7-202(J)(6)(e) and 7-202(J)(7) by co-mingling assets involving the [J.W./D.A.] estate by withdrawing at least \$15,000 from the clients' joint account without their knowledge and consent and placing and holding the estate assets in the fiduciary's personal/business safe, constituting grounds for discipline under ACJA §7-201(H)(6).

The PDJ finds: CLD has established, by a preponderance of the evidence that Ms. O'Connell failed to satisfy the duty pursuant to ACJA §7-202(F)(1) (code of conduct under ACJA 7-202(J)(3), to make all reasonable efforts to determine the preferences of each protected person, both past and current, regarding all decisions the fiduciary is empowered to make) with regard to both the removal of \$15,000 from J.W. and D.A.'s account and/or the payment of her own alleged outstanding fiduciary invoices by not consulting either client prior to the action. Her payment to herself also smacks of self-dealing given the evidence around J.W.'s possible desire to revoke her agency. Such also lacks transparency and violates her duty to maintain loyalty to her client pursuant to the Code of Conduct (ACJA 7-202(J)(2)). The PDJ did not find Ms. O'Connell's testimony credible regarding the placement of the remaining money from the withdrawal, but if

credible, such still violated her obligation to avoid co-mingling assets also pursuant to the Code of Conduct (ACJA 7-202(J)(5)(d) and (6)(d),(e),(f).

Allegation D. Aspen Grove and O’Connell violated ACJA §§7-201(F)(1), 7-201(H)(6)(a),and (k)(6) and (7) and ACJA §§7-202(F)(1) and 7-202(J)(6)(e) by engaging in unethical and unacceptable practice by charging decedent Adair’s estate for time expended on tasks involving filing a report with APS after Adair’s passing, constituting grounds for discipline under ACJA§7-201(H)(6).

The PDJ finds: CLD did not establish, by a preponderance of the evidence, this allegation. There simply was not adequate evidence presented on the record at hearing for the PDJ to evaluate this allegation.

Director’s Complaint

Allegation A: Aspen Grove and O’Connell violated ACJA §§7-201(F)(1) and (4), 7-201(H)(6), (a), (c) and (k)(7) and ACJA §§7-202(F)(1) and (J) by engaging in unacceptable practice by failing to respond to a regulatory complaint; constituting grounds for discipline under ACJA §7-201(H)(6).

The PDJ finds: CLD has established, by a preponderance of the evidence that Ms. O’Connell failure to respond to a regulatory complaint violates her obligations as a fiduciary pursuant to ACJA §7-201(H)(6).

In her Answer filed, prior to the retention of counsel, on October 17, 2025, Ms. O’Connell conflates the submission that CLD received on May 20, 2025 (which has been referred in the Investigative Summary as a response) and the requirement

to substantively “respond to the complaint” pursuant to ACJA 7-201(H)(3)(c) and the requirement “to cooperate with or supply information to the director, deputy director, division staff or board by the specific time stated in any request” pursuant to ACJA §7-201(H)(6). The PDJ finds by a preponderance of the evidence that Ms. O’Connell failed to provide the relevant documentation and information requested by CLD in the investigation attached to the Lawrence Complaint, and the APS Complaint allegations and the Director’s Complaint throughout the investigation, and proceedings before the PDJ.

SANCTION

The primary purpose of CLD and the Board’s oversight of fiduciaries, in general, is to provide “effective administration of the fiduciary program and in licensure of fiduciaries and fiduciary entities for performance of responsibilities in a professional and competent manner, and for the protection of the public in accordance with all applicable statutes . . .” ACJA § 7-202(C); *see also* ACJA § 7-201(C) (“The primary purpose of the certification and discipline processes is protection of the public. In addition, the certification programs ensure compliance to the highest ethical standards, rehabilitation of the certificate holder and deterrence of further unprofessional conduct . . .”).

ACJA § 7-202(A) defines: “Fiduciary,” consistent with A.R.S. § 14-5651(K)(1) and (J), to include: (3) person who for a fee serves as a trustee or agent under a power of attorney.

ACJA § 7-202(F)(1) provides that the Role and Responsibilities of Fiduciaries includes adherence to the Code of Conduct. Each licensed fiduciary must adhere to the code of conduct in subsection (J), required by A.R.S. § 14-5651(A)(1).

If the supreme court finds that Ms. O’Connell violated a rule regarding the fiduciary code of conduct, ARS 14-5651(D) instructs that revocation of the fiduciary’s license is a permissible sanction or the imposition of sanctions. While ARS 14-5651(K)(1) does not specifically include the manner in which Ms. O’Connell/ Aspen Grove was acting as a fiduciary in these cases, as an agent under a power of attorney, ARS 14-5651(J) states “this the section applies to any supreme court licensed fiduciary who is as [agent under a power of attorney]. The PDJ finds this statute is instructive with regard to the legislature’s agreement as to the appropriate consequences to consider for violations of the fiduciary code of conduct.

Here, the Board intends to revoke Aspen Grove and Ms. O’Connell’s licenses as private fiduciaries in the State of Arizona, and as described in the APS Complaint Formal Charges, also “impose a civil penalty of \$500.00 to Robin O’Connell, pursuant to A.R.S. §14-5651(D) and ACJA § 7-202(H)(2)(b).”

The ACJA mandates consideration of relevant mitigating (as provided in ACJA § 7-201(H)(22)(b)(1)) and aggravating (as provided in ACJA § 7-201(H)(22)(b)(2)) factors. The PDJ proceeds with said consideration as follows:

Lawrence Complaint

Complaint Numbers 24-0054 & 24-0055

The hearing record supports the following *Mitigating Factors*:

- The absence of a prior disciplinary record⁷;

The record supports the following *Aggravating Factors*:

- Submission of false statement or other deceptive practices during the discipline process (Ms. O'Connell's admitted misstatements to the Board on September 11, 2025 regarding payment of the outstanding invoices and or failure to correct either those statements with the Board or payment immediate to her understanding that payment had not in fact been made.)
- Failure to provide a written response to the regulatory complaint.

APS Complaint

Complaint numbers 25-0025 & 25-0026

The hearing record supports the following *Mitigating Factors*:

- The absence of a prior disciplinary record.

The record supports the following *Aggravating Factors*:

- Multiple offenses;

⁷ While CLD had reflected consideration of Ms. O'Connell's stated personal or emotional problems as a mitigating factor, the PDJ does not find that the record demonstrates a nexus between the cause of the misconduct at issue and the personal or emotional problems described at hearing.

- Bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with this section, the applicable section of the ACJA, court rules or orders of the hearing officer; (Failure to respond to complaint; failure to provide records requested by CLD reflects an uncooperative attitude toward the investigation); and
- Indifference to making restitution; (involving the \$15,000 withdrawal from J.W. and D.A.'s joint account given the failure to provide an accounting of said funds).

Director's Complaint

Complaint numbers 25-0019 & 25-0020

The hearing record supports the following *Mitigating Factors*:

- The absence of a prior disciplinary record⁸

The record supports the following *Aggravating Factors*:

- Pattern of failing to respond/cooperate.

CONCLUSION

Based on the foregoing, this hearing officer recommends that the Board revoke Aspen Grove Fiduciary Services, LLC and Robin O'Connell's licenses as private fiduciaries in the State of Arizona. With regard to the imposition of a civil penalty of \$500.00 to Robin O'Connell, such is permissible pursuant to A.R.S. §14-5651(D) and ACJA § 7-202(H)(2)(b), but the PDJ does not take a position regarding such. The Licenses Aspen Grove and Robin O'Connell should be order to notify

⁸ While CLD had reflected consideration of Ms. O'Connell's stated personal or emotional problems as a mitigating factor, the PDJ does not find that the record demonstrates a nexus between the cause of the misconduct at issue and the personal or emotional problems described at hearing.

all clients and all courts and agencies currently involved in overseeing matters attached to said clients within 30 days of the Board's final Order.

The PDJ further directs the Disciplinary Clerk to provide Presiding Judge of Probate Department of the Maricopa County Superior Court Dean Fink⁹ and Commissioner Vanessa Smith a copy of this report and recommendation along with the complete name of the individual referred here in as D.S.¹⁰

DATED this 11th day of March, 2026.

Lisa A. VandenBerg
Hon. Lisa Ann VandenBerg
Presiding Disciplinary Judge

⁹ Given Commissioner Smith's pending rotation from her probate calendar.

¹⁰ In her testimony before the PDJ, Ms. O'Connell indicated that she had appeared before Commissioner Smith regarding D.S. (without reference to a case number) regarding a matter involving Ms. O'Connell's efforts to sell a piece of property for D.S. that involves a billboard easement agreement that had not concluded at the time of her testimony on February 10, 2026.

Copy of the foregoing e-mailed
this 11th day of March, 2026 to:

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