



Supreme Court
STATE OF ARIZONA

CERTIFICATION AND LICENSING DIVISION

1501 W. Washington Street, Suite 104
Phoenix, Arizona 85007-3222
602-452-3378

October 2, 2025

VIA EMAIL AND US MAIL

Craig Collins



Linda Kohl



Re: Notice of Formal Statement of Charges and Right to Hearing - Complaint No. 23-0034

Dear Craig Collins, on behalf of Linda Kohl:

This letter is to inform you of the Fiduciary Board (“Board”) action regarding the above-referenced complaint. On September 15, 2025, the Board, having reviewed the Investigation Summary, Determination, Probable Cause Review and Recommendation Report, entered the enclosed Order, finding that regulatory violations occurred in the above-referenced complaint number.

The Notice of Formal Statement of Charges and Right to Hearing is enclosed for your review and contains time-sensitive information on your rights to request an evidentiary hearing. **You must file an Answer to this Notice of Formal Statement of Charges within fifteen (15) days after the date this Notice is served.**

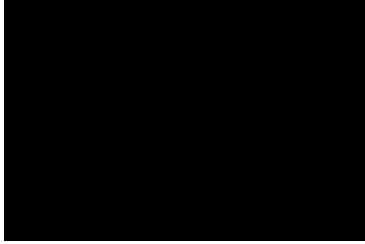
The Answer shall be filed **electronically** with the Arizona Supreme Court Office of the Presiding Disciplinary Judge, [REDACTED],

Do not mail your Answer.

Filing must conform with the Presiding Disciplinary Judge's Administrative Order 2020-05 [AO 2020-05.pdf](#). **If you fail to file an Answer within the time provided and do not request a hearing, you are in default and the factual allegations in the formal charges are deemed admitted.**

If you have questions, please contact the Division by email to complaints@courts.az.gov or by regular mail to the address above.

Sincerely,



Pasquale Fontana
Complaints and Audit Manager
Certification and Licensing Division

**SUPREME COURT OF ARIZONA
FIDUCIARY BOARD**

**IN THE MATTER OF FIDUCIARY
LICENSE:**

LINDA KOHL,
License Number [REDACTED]

No. FID-NFC-23-0034

**NOTICE OF FORMAL
STATEMENT of
CHARGES and RIGHT to
HEARING**

On September 2, 2025, pursuant to Arizona Code of Judicial Administration (“ACJA”) §7-201(H)(5)(a)(3), Probable Cause Evaluator Jeffrey Schrade entered a finding that probable cause exists as to Allegations 1, 2, and 3, as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report (“Investigation Summary”), in complaint number 23-0034, attached as Exhibit A. The particular sections of laws, court rules, ACJA, and orders relevant to the alleged acts of misconduct are ACJA §§7-201(H)(6)(a) and 7-201(H)(6)(k)(6), (7), and (8); ACJA §§7-202 (J)(2)(b)(1), (2), 7-202(J)(7); and A.R.S. §§14-10801, 14-10802, 14-10804, and 14-10813(A) and (C).

On September 11, 2025, the Fiduciary Board (“Board”) accepted the finding of the Probable Cause Evaluator and entered a finding that grounds for formal disciplinary action exists as to Allegations 1, 2, and 3 pursuant to ACJA § 7-201(H)(6), as detailed in the attached Investigation Summary. The Board voted to issue a censure to Linda Kohl (“Kohl”).

JURISDICTION

Pursuant to ACJA § 7-201(H)(10), the Board serves this Notice of Formal Statement of Charges and Right to Hearing and provides notice to Kohl that she has a right to request a hearing on the proposed disciplinary action against license number [REDACTED]. The Board has jurisdiction over this matter because Kohl was licensed as an individual fiduciary effective March 10, 1999, and her license has been renewed without interruption and remains active.

1 The complaint underlying this action was received during the period of Kohl's active
2 licensure and she was provided an opportunity to respond to the complaint and participate in the
3 investigation of the complaint. The Board holds the authority to proceed with this action pursuant
4 to ACJA §§ 7-201(D)(5)(c) and 7-201(H)(9).

5 **ANSWER OF CERTIFICATE HOLDER**

6 **Pursuant to ACJA § 7-201(H)(11), Kohl shall file an Answer to this Notice of Formal**
7 **Statement of Charges and Right to Hearing within fifteen (15) days after the date this**
8 **Notice is served. The Answer shall comply with ACJA § 7-201(H)(17) and with Rule 8 of**
9 **the Arizona Rules of Civil Procedure. Any defenses not raised in the Answer are waived.**
10 **If Kohl fails to file an Answer within the time required, she is deemed in default and the**
11 **Factual Allegations in the Formal Charges are deemed admitted. The Board may then**
12 **determine the matter against Kohl without further proceedings.** The Answer shall be filed
13 electronically with the Arizona Supreme Court Office of the Presiding Disciplinary Judge, [REDACTED]
14 [REDACTED] Filing must
15 conform with the Presiding Disciplinary Judge's Administrative Order 2020-05 found at [AO](#)
16 [2020-05.pdf](#).

17 **NOTICE OF RIGHT TO HEARING**

18 **Pursuant to ACJA § 7-201(H)(12)(c), Kohl may request a hearing. Pursuant to**
19 **ACJA § 7-201(H)(13), Kohl must request the hearing within fifteen (15) days of receipt of**
20 **this Notice of Formal Statement of Charges and Right to Hearing, including the factual**
21 **basis supporting the request for hearing and relief demanded.** The Request for Hearing must
22 be filed electronically with the Arizona Supreme Court Office of the Presiding Disciplinary
23 Judge, [REDACTED].
24 Filing must conform with the Presiding Disciplinary Judge's Administrative Order 2020-05
25 found at [AO 2020-05.pdf](#).

1 **BACKGROUND FACTS**

2 A. On October 24, 2023, the Certification and Licensing Division (“Division”) received a
3 written complaint from Christiane Donner (“Donner”) involving Kohl.

4 B. On October 25, 2023, the Division, via United States Postal Services certified mail and
5 by email to a valid point of contact, forwarded Kohl a copy of the complaint and notice of the
6 ACJA §7-201(H)(3)(c) requirement that Kohl submit a written response to the complaint within
7 thirty (30) days. Division records confirm delivery of the mailing on November 6, 2023.

8 C. Kohl provided a timely written response to the complaint on December 18, 2023, as
9 required by ACJA §7-201(H)(3)(c).

10 **FACTUAL ALLEGATIONS OF MISCONDUCT**

11 The Board, having knowledge sufficient to form a belief as to the truth of this
12 information, hereby alleges and finds as follows:

13 A. On October 23, 2023, a complaint was filed with the Division.

14 B. The Division’s investigation addressed the complaint’s allegations that:

- 15 1. Linda Kohl failed to timely distribute and settle the estate.
16 2. Linda Kohl failed to keep the qualified beneficiaries reasonably informed
17 about the trust administration and the material facts necessary for them to
18 protect their interests.
19 3. Linda Kohl engaged in a conflict of interest or the appearance of a conflict of
20 interest.
21

22 C. Linda Kohl failed to timely distribute and settle the estate.

23 D. Linda Kohl failed to keep the qualified beneficiaries reasonably informed about the trust
24 administration and the material facts necessary for them to protect their interests.
25

1 E. Linda Kohl engaged in a conflict of interest or the appearance of a conflict of interest by
2 retaining and paying her tax preparation business to prepare and file estate taxes.

3 F. On September 11, 2025, the Board reviewed the Division’s Investigation Summary,
4 attached as Exhibit A, and incorporated herein, and accepted the findings and recommendation
5 of the Investigation Summary and of the Probable Cause Evaluator. Based on those
6 determinations, the Board voted to issue a censure to Linda Kohl.

7 **FORMAL CHARGES**

8 As detailed in the Investigation Summary, the Board finds that Kohl violated the
9 following statutes, court rules, or ACJA sections:

10 A. Kohl violated ACJA §§7-201(H)(6)(a) and 7-201(H)(6)(k)(6), (7), and (8); ACJA §§
11 202(J)(7); and A.R.S. §§14-10801, 14-10802, and 14-10804 by failing to timely distribute and
12 settle the estate, constituting grounds for discipline pursuant to ACJA §7-201(H)(6).

13 B. Kohl violated ACJA §§7-201(H)(6)(a) and 7-201(H)(6)(k)(6), (7), and (8); ACJA §§ 7-
14 202(J)(7); and A.R.S. §§14-10801, 14-10804, and 14-10813(A) and (C) by failing to keep the
15 qualified beneficiaries reasonably informed about the trust administration and the material facts
16 necessary for them to protect their interests, constituting grounds for discipline pursuant to ACJA
17 §7-201(H)(6).


18 C. Kohl violated ACJA §§7-201(H)(6)(a) and 7-201(H)(6)(k)(6), (7), and (8); ACJA §§ 7-
19 202(J)(2)(b)(1) and (2), 7-202(J)(2)(f), and 7-202(J)(7) by engaging in a conflict of interest or
20 the appearance of a conflict of interest, constituting grounds for discipline pursuant to ACJA §
21 7-201(H)(6).

22 **PROPOSED DISCIPLINARY SANCTIONS**

23 The Board, based on the foregoing Factual Allegations of Misconduct, is seeking the
24 following disciplinary sanctions pursuant to ACJA §7-201(H)(24)(a)(6)(b):
25

1. Issue a Censure to Linda Kohl.

DATED this 2 day of October 2025.



The Honorable Jennifer Perkins, Chair
Fiduciary Board

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1 Original of the foregoing filed this 2 day of October 2025 with:

2 The Honorable Lisa A. VandenBerg
3 Presiding Disciplinary Judge

4 [Redacted]
5 [Redacted]
6 [Redacted]

7 With formal service to the following licensee:

8 Linda Kohl

9 [Redacted]
10 [Redacted]

11 C/O Craig E. Collins (counsel for Linda Kohl)
12 Craig Collins Law Office, L.L.C.

13 [Redacted]
14 [Redacted]
15 [Redacted]

16 Copies of the foregoing mailed and emailed this 2 day of October 2025 to:

17 Eryn McCarthy
18 Section Chief Counsel
19 Agency Counsel Section
20 Office of the Attorney General

21 [Redacted]
22 [Redacted]
23 [Redacted]

24 Jim Morrow
25 Chief Legal Counsel
Administrative Office of the Courts

[Redacted]
[Redacted]
[Redacted]

By:

Pasquale Fontana
Complaints and Audit Unit Manager
Certification and Licensing Division

EXHIBIT A

Administrative Office of the Courts



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

Complaint No. 23-0034

License No. [REDACTED]

April 29, 2025

Certification and Licensing Division

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

LICENSEE INFORMATION	License Holder:	Linda Kohl
	License Number:	██████
	Type of License:	Individual Fiduciary

COMPLAINANT	Name:	Christiane Donner
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INVESTIGATION INFORMATION	Complaint Number:	23-0034
	Investigator:	Janelle Bauserman

Complaint Received:	October 24, 2023
Complaint Forwarded to the Licensee:	October 25, 2023
Licensee Received Complaint:	November 6, 2023
Response From Licensee:	December 18, 2023
Period of Active Licensure:	March 10, 1999 to Present
Status of License:	Active
Availability of Licensee:	Available
Availability of Complainant:	Available
Report Date:	April 29, 2025

ALLEGATIONS:

1. Linda Kohl failed to timely distribute and settle the estate.
2. Linda Kohl failed to keep the qualified beneficiaries reasonably informed about the trust administration and the material facts necessary for them to protect their interests.
3. Linda Kohl engaged in a conflict of interest or the appearance of a conflict of interest.

ADDITIONAL FINDINGS:

None.

SUMMARY OF INVESTIGATIVE PROCEDURE:

- Written complaint and documentation submitted by complainant, Christiane Donner (“Donner”).
- Written response and documentation submitted by license holder, Linda Kohl (“Kohl”), by and through her counsel, Craig Collins (“Collins”), including invoices for services rendered, final accounting, bank records, communications, and estate

tax returns. Kohl signed the response to the complaint, representing that she reviewed the response and the statements were true and correct.

- 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

INTERVIEWS:

1. Christiane Donner
2. Bo Bishop

Note: Linda Kohl provided a written statement through counsel in lieu of an in-person interview.

Note: Charles Adams (“Adams”), attorney, previously represented Marjorie Campbell Ross (“Marjorie”) in connect with her estate planning documents. After Marjorie’s passing, Adams represented Kohl in her capacity as Successor Trustee of the Trust. In April 2016, Adams notified the beneficiaries that he was representing Kohl in her administration of the Trust.

Adams provided a written statement with supporting documents in response to Division staff’s request for information.

SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:

The Division substantiated Allegations 1, 2, and 3.

Marjorie established the *Revocable Living Trust for Marjorie Campbell Ross* (“Trust”) on May 21, 1974. Marjorie amended the Trust on September 7, 2006, to name Kohl as Successor Trustee of the Trust. The amended Trust provided that the Trust assets would be distributed equally to Marjorie’s surviving children upon her death. Marjorie passed away on [REDACTED], and Kohl assumed her role as Successor Trustee. At the time of her passing, Marjorie had two surviving children, Donner, and her brother, Charles.

Allegation 1: Linda Kohl failed to timely distribute and settle the estate.

At the time of her complaint, Donner said her mother’s estate had been open for over seven years. She stated that Kohl did not attempt to close the estate or make final distributions during that time.

In the initial response to the complaint, Collins, for Kohl, said that Kohl had waited for the statute of limitations to expire on the estate taxes before finalizing the estate. Collins said the Internal Revenue Service (“IRS”) has three years, and the Arizona Department of Revenue (“ADOR”) has four years, during which they may audit the estate tax returns and assess additional taxes. Collins said if Kohl had distributed all the Trust assets to the

beneficiaries and either the IRS or ADOR assessed additional taxes, Kohl could be personally liable for the additional tax. Collins noted that the final tax returns were filed on October 1, 2018. Based on the statutes of limitations, Collins said the earliest the Trust could be finalized was October 2022.

Collins added that after the statute of limitations passed in October 2022, final distributions were delayed until December 2023 because of a calendaring error. He said Kohl attempted to contact the attorney handling the Trust in October 2022 to request the preparation of documents to finalize the Trust administration but was informed that the attorney had experienced a major health issue and was unsure when he would return to the office. Kohl made a second attempt to reach the attorney in December 2022 but was again told he was unavailable due to his medical condition. Collins said Kohl calendared a reminder for a third follow-up in approximately 60 days. Collins noted that the third follow-up did not happen until Kohl received the complaint in November 2023. He said that Kohl did not have a satisfactory explanation for her failure to contact the attorney in February 2023, other than an internal office calendaring error. Collins apologized to the beneficiaries on Kohl's behalf for the additional time incurred in completing the administration of the Trust.

In his written statement to the Division, Adams, confirmed that he was hospitalized in August and September 2022 and was not cleared to return to the office until November or December 2022. Adams said that when he was able to return to the office, he did so on a very limited basis. However, in a letter dated December 29, 2022, Adams told Kohl that he thought they needed to "expedite the termination of the trust in order to avoid complications with the beneficiaries." He instructed Kohl to pay her final fiduciary fees and prepare a final accounting for the period from the date of Marjorie's death through January 31, 2023.

Records show that Kohl made distributions to beneficiaries up to November 2017, then did not make distributions for approximately six years. The distribution receipts provided by Collins, for Kohl, show that Kohl made distributions totaling \$916,477.12 by the end of November 2017. More than \$100,000 remained in the account for approximately six years. Year-end bank statements show that from December 2017 to November 2023, the estate bank account balance was as follows:

December 2017	\$123,959.16
December 2018	\$108,471.71
October 2019	\$112,113.94
December 2020	\$112,127.80
December 2021	\$112,138.93
December 2022	\$108,747.73
November 2023	\$74,434.49

Adams' December 29, 2022 letter to Kohl advised her to expedite the termination of the trust to avoid complications with the beneficiaries and he advised Kohl to pay her final fiduciary fees and prepare a final accounting from Marjorie's death through January 31, 2023.

The bank statements show that on October 30, 2023, Kohl paid her outstanding 2016 through 2023 invoices for fiduciary fees and costs, totaling \$33,066.25. It was only then that the estate's checking account balance fell below \$100,000. The bank statements document that Kohl held over \$100,000 of Trust money for almost six years in anticipation of additional tax liability and administrative expenses, and for an additional 14 months due to the calendaring error made by Kohl, as described by Collins. Kohl filed the final estate taxes in October 2018.

During her April 2, 2025, interview with the Division, Donner said she was not told the estate administration was delayed due to the IRS statute of limitations. Donner said, initially, there was a significant delay transferring Majorie's investment accounts. She said she set up an investment account with Edward Jones to facilitate the transfer, but the transaction did not occur. Donner said after several months of waiting, Bo Bishop ("Bishop") at Edward Jones called Majorie's investment banker to find out what was holding up the transfer. Donner said right after Bishop called Majorie's banker, Kohl called Bishop, angry that he followed up. Donner claimed that shortly after that call, the transfer of assets occurred. Donner said she had no idea how much money Kohl held back all those years. She said she only knew what investment accounts Majorie had because Majorie had given Donner a statement of accounts a month before her death.

During an April 18, 2025, interview with the Division, Bishop confirmed that in his experience, the transfer of the investment account took an inordinate amount of time. He said he and Donner tried to get information from Kohl and the investment company but could never get anyone to call back. Bishop said it was clear that Donner did not understand what was happening with the estate administration, what additional information was needed to transfer funds, or what was causing the delay.

Documents provided with the fiduciary's response to the complaint show that Kohl requested Donner's investment account information on January 3, 2017. Kohl did not make the in-kind securities distribution until 9 months later, in September 2017.

Among the documents provided with Adams' written statement was a memorandum for Marjorie's file, dated August 25, 2017, in which Adams noted that Kohl was having difficulty obtaining account information from Donner's brother Charles to make the in-kind distribution of the investment accounts. Adams suggested that Kohl give Charles two weeks to respond. Adams directed Kohl to liquidate Charles' half of the estate and make a cash distribution if Charles failed to respond by the deadline. Adams noted that Donner had not received her distribution because of Charles' delay.

On February 7, 2025, the Division emailed Collins, for Kohl, requesting an interview with Kohl to discuss the complaint. Collins requested that the Division send a list of questions in advance to allow Kohl to prepare for the interview. The Division provided Collins with a list of nine general topics that would be discussed, but did not provide specific interview questions. Collins said he would provide additional information in the coming days to "streamline the interview." On March 14, 2025, Collins provided a 6-page response to the nine discussion topics ("March 14th response").

In his March 14th response, Collins said the asset distribution timeline for the estate was based on the amount of time needed to collect assets and ready them for disbursement after all expenses of the decedent had been paid. Collins said that it has been Kohl's practice to retain a reserve amount equal to approximately five to ten percent of a trust's value. Kohl's beginning balance sheet, provided with her response to the complaint, shows Marjorie's beginning estate value was just under one million dollars. The accounting shows that the estate had no outstanding debts or creditor claims.

While it is unlikely that Marjorie's estate could incur a tax liability significant enough to justify the \$100,000 holdback, there is no code, rule, or statute that prohibits or restricts the holdback amount. A.R.S. § 14-10817 provides only that a trustee may retain a reasonable reserve for the payment of debts, expenses, and taxes. A review of the Trust tax returns confirmed that Kohl completed the returns as the paid tax preparer. The Division notes that Kohl is an enrolled agent with the IRS, indicating she has specialized training, passed a comprehensive examination, and holds a license issued by the IRS. Given Kohl's expertise, the Division questions the reasonableness of such a large holdback of estate funds during the statute of limitations.

Additionally, it does not appear that Kohl filed IRS Form 4810 to obtain a prompt assessment of the taxes from the IRS. According to the IRS website and Taxaudit.com, Form 4810 cuts the statute of limitations from three years to 18 months. ADOR has a similar process for requesting prompt assessment to reduce the statute of limitations under A.R.S. § 43-1365. With Kohl's specialized tax training, she should have known about these IRS forms to reduce the state and federal statute of limitations, allowing her to finalize the estate sooner.

The Division sent Collins an email asking him to obtain Kohl's response regarding the reason she did not request a prompt assessment for the IRS and ADOR. In response, Collins, on Kohl's behalf, said that ADOR does not have a provision comparable to the Internal Revenue Code ("IRC") §6501(d), which permits the filing of Form 4810 for prompt assessment. He said that because the statute of limitations for Arizona is one year longer than the IRS statute of limitations, it is not Kohl's practice to file Form 4810.

Marjorie's estate, valued at under one million dollars, remained open for almost 8 years from January 2016 to December 2023. From November 2017 to December 2023, Kohl made no distributions to beneficiaries, had little to no communication with the beneficiaries, and failed to take any steps to close the estate. Despite having the ability to lessen the federal statute of limitations, thereby reducing the time it would be necessary to hold additional funds for potential federal tax liability, Kohl elected to withhold \$100,000 from the beneficiaries for six years. Kohl's expertise as an IRS enrolled tax preparer would give her knowledge about any potential tax issues and holdback funds accordingly.

A fiduciary has to consider estate tax implications and should withhold sufficient funds to cover estate income taxes that may be due on the decedent's final tax return. There are no specific guidelines for a percentage of funds to withhold for taxes. Kohl's admitted practice standard of generally holding a flat 5-10% of the original estate value of an estate may disregard the actual financial circumstances of an estate. In this subject estate, Kohl withheld approximately \$120,000 for potential taxes.

The allegation is that Kohl failed to timely distribute and settle the estate. The evidence shows that Kohl did not timely distribute and settle the estate. While Kohl distributed approximately 90% of the estate to beneficiaries within the first year, it took Kohl nine months, from January 2017 when she requested Donner's investment account information to September 2017, when Kohl made the in-kind securities distribution. Edward Jones,' Bishop, told the Division that in his experience, Kohl's transfer of the investment account took an inordinate amount of time and that he and Donner tried to get information from Kohl but could not get anyone to call back.

Finalizing the estate while holding back over \$100,000 of the beneficiary's money, was not timely. Kohl filed the final estate taxes in 2018. Taking into account the three-year federal limitation, Kohl's calendaring error caused an additional year of undue delay in the beneficiaries receiving their bequeathed money. The delay was not prudent and not in the best interest of the beneficiaries.

ACJA § 7-201(F(1):

F. Role and Responsibilities of Certificate Holders.

1. Code of Conduct. Each individual certificate holder shall adhere to the code of conduct or standards of conduct, subsection (J) in the applicable section of the ACJA.

ACJA § 7-201(H)(6)(a):

6. Grounds for Discipline. A certificate holder is subject to disciplinary action if the board finds the certificate holder has engaged in one or more of the following:

a. Failed to perform any duty to discharge any obligation in the course of the certificate holder's responsibilities as required by law, court rules, this section or the applicable section of the ACJA;

ACJA § 7-201(H)(6)(k)(6),(7),(8):

k. Engaged in unprofessional conduct, including:

(6) Failed to practice competently by use of...unacceptable practices;

(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;

(8) Failed to practice competently by reason of any cause on a single occasion or on multiple occasions by performing...unacceptable client or customer care or failed to conform to the essential standards of acceptable and prevailing practice;

ACJA § 7-202(F)(1):

F. Role and Responsibilities of Fiduciaries. In addition to the requirements of ACJA § 7 201(F), the following requirements apply:

1. 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).

ACJA § 7-202(J)(7):

7. Trustee and Power of Attorney. A licensed fiduciary who is acting as a trustee or agent under a power of attorney must abide by this code of conduct, regardless of whether that person is acting pursuant to court appointment.

A.R.S. § 14-10801. Duty to administer trust.

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. § 14-10802. Duty of loyalty.

A. A trustee shall administer the trust solely in the interests of the beneficiaries.

A.R.S. § 14-10804. Prudent administration.

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.

Allegation 2: Linda Kohl failed to keep the qualified beneficiaries reasonably informed about the trust administration and the material facts necessary for them to protect their interests.

In her complaint, Donner said she repeatedly requested documentation from Kohl. She said Kohl did not respond or take any action to make final distributions and close the estate.

On October 29, 2024, the Division emailed Collins, counsel for Kohl, a request for all written and electronic communication between Donner and Kohl. Collins replied that, except for a cover letter that accompanied a K-1 statement, all communication from Kohl and her attorney to Donner had been included as four exhibits with the initial response to the complaint.

The Division reviewed the records Collins submitted with the response to complaint. For approximately eight years (8), from January 2016 to December 2023, Kohl communicated with the complainant directly, or through counsel, by mail five times. Billing records show

Kohl or her staff “returned calls” throughout 2016, but the records lack sufficient detail to determine if any of those entries pertain to communication with the complainant. There were no billing entries to indicate that Kohl contacted Donner by email.

Counsel for the estate, Adams’ billing records show more than a four-year gap in communication with Kohl from September 2017 to March 2022. Following Adams’ December 2022 letter directing Kohl to finalize the estate, no further communication was documented for almost a year.

In the March 14th response, Collins, for Kohl, said Donner would not communicate with Kohl. Collins said Donner would occasionally call Adams and he would direct Donner to call Kohl. Collins said Adams would notify Kohl of the call, but when Kohl tried to call Donner back, Donner would not return the calls. Collins said that Adams was helpful in the administration of Marjorie’s Trust because of Donner’s “proclivity” to communicate only with Adams.

In his December 29, 2022, letter to Kohl, Adams confirmed that Donner called his office and left several messages. However, neither Adams’ nor Kohl’s billing records indicate Donner’s calls were returned.

During her interview, Donner told the Division that she called Kohl’s office several times to inquire about the status of the estate, but Kohl never returned her calls. Donner said she began calling attorney Adams when she could not reach Kohl. She said she spoke with assistants at both offices, but neither Adams nor Kohl called her back.

The documentation provided by Collins with the response to the complaint shows Kohl prepared one accounting, along with a balance sheet as of the date of death and a balance sheet as of October 20, 2023, at the termination of the Trust administration. Adams mailed the First and final accounting and the balance sheets to the beneficiaries on November 13, 2023. When the Division requested all Trust accountings, inventories, and balance sheets to the Division, Collins indicated that the documents provided with the response to the complaint represented the entirety of the financial statements prepared by Kohl.

In the March 14th response, Collins said neither Marjorie’s Trust nor Arizona statutes required Kohl to provide annual accountings to the Trust’s residual beneficiaries. He said a full and complete accounting of Kohl’s administration of Marjorie’s Trust was provided to the beneficiaries, and Kohl was released from all liability and accountability in connection with the Trust.

The Division notes that although section 3.03 of the Trust required that annual accountings be sent only to “adult income beneficiaries,” A.R.S. § 14-10813(C) requires a trustee to send an account at least annually and at the termination of the trust to distributees of trust income or principal. Kohl did not provide annual Trust accountings to beneficiaries as required by statute.

During her interview, Donner told the Division that said she did not remember receiving any documentation from Kohl other than the final accounting.

Kohl had a duty to keep the beneficiaries informed about the trust administration and to provide them with sufficient information to protect their interests. The evidence shows that Kohl neither regularly communicated with the beneficiaries nor provided them with adequate accounting of the Trust. The evidence demonstrates that Kohl failed to keep the qualified beneficiaries reasonably informed about the Trust administration and the material facts necessary for them to protect their interests.

ACJA § 7-201(F)(1):

F. Role and Responsibilities of Certificate Holders.

1. Code of Conduct. Each individual certificate holder shall adhere to the code of conduct or standards of conduct, subsection (J) in the applicable section of the ACJA.

ACJA § 7-201(H)(6)(a):

6. Grounds for Discipline. A certificate holder is subject to disciplinary action if the board finds the certificate holder has engaged in one or more of the following:

a. Failed to perform any duty to discharge any obligation in the course of the certificate holder's responsibilities as required by law, court rules, this section or the applicable section of the ACJA;

ACJA § 7-201(H)(6)(k)(6),(7),(8):

k. Engaged in unprofessional conduct, including:

(6) Failed to practice competently by use of...unacceptable practices;

(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;

(8) Failed to practice competently by reason of any cause on a single occasion or on multiple occasions by performing...unacceptable client or customer care or failed to conform to the essential standards of acceptable and prevailing practice;

ACJA § 7-202(F)(1):

F. Role and Responsibilities of Fiduciaries. In addition to the requirements of ACJA § 7 201(F), the following requirements apply:

1. 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).

ACJA § 7-202(J)(7):

7. Trustee and Power of Attorney. A licensed fiduciary who is acting as a trustee or agent under a power of attorney must abide by this code of conduct, regardless of whether that person is acting pursuant to court appointment.

A.R.S. § 14-10801. Duty to administer trust.

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. Prudent administration.

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.

A.R.S. § 14-10813. Duty to inform and report.

A. Unless the trust instrument provides otherwise, a trustee shall keep the qualified beneficiaries of the trust reasonably informed about the administration of the trust and of the material facts necessary for them to protect their interests. Unless the trustee determines that it is unreasonable under the circumstances to do so, a trustee shall promptly respond to a beneficiary's request for information related to the administration of the trust.

C. A trustee shall send to the distributees or permissible distributees of trust income or principal and to other beneficiaries who request it, at least annually and at the termination of the trust, a report of the trust property, liabilities, receipts and disbursements, including the source and amount of the trustee's compensation, a listing of the trust assets and, if feasible, their respective market values.

Allegation 2 is substantiated.

Allegation 3: Linda Kohl engaged in a conflict of interest or the appearance of a conflict of interest.

In her complaint, Donner said that Kohl retained the beneficiaries' attorney, Adams, to represent Kohl in the estate administration. Donner opined that Kohl's representation by Adams created a conflict of interest and further exacerbated the issues with Kohl's administration.

Documents provided by Collins, for Kohl show that Adams represented the beneficiaries' mother, Marjorie, in connection with her estate planning documents. After Marjorie's passing, Adams represented Kohl as the Successor Trustee of the Trust. In April 2016, Adams notified the beneficiaries that he was representing Kohl in her administration of the Trust.

Adams does not appear to have represented the beneficiaries at any point. He disclosed his involvement in the Trust and informed the beneficiaries that he represented Kohl in her

role as Successor Trustee. There does not appear to have been any conflict or impropriety in Kohl retaining Adams to represent her in the Trust administration. The evidence does not demonstrate that Kohl engaged in a conflict of interest or the appearance of a conflict of interest as it pertains to the relationship with Adams.

Therefore, Donner’s allegation that Kohl engaged in a conflict of interest by hiring Adams is not substantiated.

However, the Division noted a separate area of concern. As mentioned in Allegation 1, Kohl is an Enrolled Agent with the IRS. She is a paid tax preparer through her Arizona limited liability company, Kohl-Hough, LLC. Arizona Corporation Commission (“ACC”) records show that Kohl-Hough, LLC formed on July 25, 2001. Kohl prepared Marjorie’s final individual tax return and all estate tax returns as the paid tax preparer for Kohl-Hough, LLC. She billed Marjorie’s estate \$3,725 for tax preparation fees.

On February 20, 2025, the Division requested that Collins obtain Kohl’s response to the potential new allegation that Kohl engaged in a conflict of interest by retaining her own tax preparation services to prepare and complete Marjorie’s and the estate’s tax returns. In his March 14, 2025, letter to the Division, Collins said that Kohl provides fiduciary services only to her tax clients who approach her for assistance. He said Kohl believes she can better provide fiduciary services to this limited clientele due to her extensive knowledge base and insights gained from years of providing accounting and tax-related services to her clients.

Collins said that in any situation where a potential conflict exists, Kohl asks herself if her financial interests affect her actions. He stated that the tax relationship between Kohl and Marjorie had existed for many years prior to Kohl’s assumption of her duties and responsibilities as the Successor Trustee of Marjorie’s trust. Collins said that because Kohl was very familiar with Marjorie’s financial circumstances, she continued to provide tax preparation services for Marjorie’s estate after assuming her fiduciary role. Collins said Kohl believes she has always acted in the best interests of Marjorie and the beneficiaries of Marjorie’s Trust. Collins noted that Kohl charged the estate the same hourly rate for her fiduciary services and her tax services.

Collins’ response identified the tax returns that Kohl prepared after Marjorie’s death.

Type of tax returns	Tax year	Date filed	Amount charged
1040 and 140	2015	Paper 10/15/16	850.00
1040 and 140	2016	Paper 10/15/16	No charge
1041 and 141	2016	e-file 10/02/17	1285.00
1041 and 141	2017	e file 10/01/18	1590.00

ACJA §7-202(J)(b)(1) directs a fiduciary to avoid self-dealing, conflict of interest, impropriety, or the appearance of a conflict of interest or impropriety. The code further states that self-dealing, a conflict of interest, or impropriety arises where the fiduciary has some personal or agency interest other individuals may perceive as self-serving or adverse to the position or best interest of the ward, protected person, or decedent. A conflict of interest may also arise if the fiduciary has dual or multiple relationships with a ward that

conflict with each other or has a conflict between or among the best interests of two or more wards.

ACJA §7-202(J)(2)(b)(2) requires a fiduciary to maintain independence from all service providers to enable the fiduciary to coordinate services, challenge inappropriate or poorly delivered services.

Complainant alleged that Kohl engaged in a conflict of interest because she had retained the beneficiaries' attorney to represent Kohl in the estate administration. Although the Division did not find that Kohl's actions involving attorney Adams constituted misconduct or breach of fiduciary duty, the Division's investigation determined that Kohl failed to avoid conflict of interest impropriety and self-dealing by retaining her tax preparation business to prepare estate taxes. By retaining her own tax preparation business and providing tax preparation services, which is a non-fiduciary service, while at the same time, Kohl was acting in a fiduciary capacity for the estate, Kohl failed to maintain distance from all service providers and she engaged in the appearance of a conflict of interest.

Although Collins, for Kohl, stated that Kohl charged the estate the same hourly rate for her tax preparation services as her fiduciary rate, this does not resolve the conflict of interest and self-serving conduct. Kohl benefitted financially from the transaction because as Trustee with decision-making authority, she elected to retain and pay herself to prepare the estate taxes.

Kohl's reliance on her own tax expertise contributed to the delay in the estate remaining open for the full IRS and ADOR statutes of limitations, even though she could have sought a prompt assessment for federal taxes to shorten the period via IRS Form 4810.

During her interview, Donner told the Division that she was aware that Kohl was preparing the estate tax returns because Kohl had been Majorie's tax preparer for years.

The evidence demonstrates that Kohl failed to avoid a conflict of interest or the appearance of a conflict of interest by retaining her own tax preparation services to prepare the estate taxes for an estate while serving as the Successor Trustee.

ACJA § 7-201(F(1):

F. Role and Responsibilities of Certificate Holders.

1. Code of Conduct. Each individual certificate holder shall adhere to the code of conduct or standards of conduct, subsection (J) in the applicable section of the ACJA.

ACJA § 7-201(H)(6)(a):

6. Grounds for Discipline. A certificate holder is subject to disciplinary action if the board finds the certificate holder has engaged in one or more of the following:

a. Failed to perform any duty to discharge any obligation in the course of the certificate holder's responsibilities as required by law, court rules, this section or the applicable section of the ACJA;

ACJA § 7-201(H)(6)(k)(6),(7),(8):

k. Engaged in unprofessional conduct, including:

(6) Failed to practice competently by use of...unacceptable practices;

(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;

(8) Failed to practice competently by reason of any cause on a single occasion or on multiple occasions by performing...unacceptable client or customer care or failed to conform to the essential standards of acceptable and prevailing practice;

ACJA § 7-202(F)(1):

F. Role and Responsibilities of Fiduciaries. In addition to the requirements of ACJA § 7 201(F), the following requirements apply:

1. 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).

ACJA § 7-202(J)(7):

7. Trustee and Power of Attorney. A licensed fiduciary who is acting as a trustee or agent under a power of attorney must abide by this code of conduct, regardless of whether that person is acting pursuant to court appointment.

ACJA §7-202 (J)(2)(b)(1), (2):

(1) Avoid self-dealing, conflict of interest, impropriety, or the appearance of a conflict of interest or impropriety. Self-dealing, a conflict of interest, or impropriety arises where the fiduciary has some personal or agency interest other individuals may perceive as self-serving or adverse to the position or best interest of the ward, protected person, or decedent. A conflict of interest may also arise if the fiduciary has dual or multiple relationships with a ward that conflict with each other or has a conflict between or among the best interests of two or more wards.

(2) Maintain independence from all service providers to enable the fiduciary to coordinate services, challenge inappropriate or poorly delivered services, and act in the best interests of the ward or protected person.

Allegation 3 is substantiated.

DISCIPLINARY HISTORY:

None.

SUBMITTED BY:

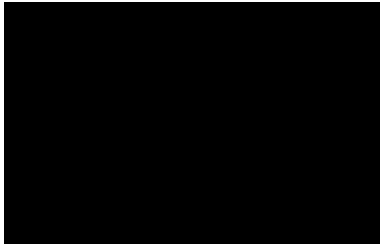


4/29/2025

Janelle Bauserman
Certification and Licensing Division

Date

REVIEWED BY:



August 29, 2025

Pasquale Fontana, Manager
Certification and Licensing Division

Date

REVIEWED BY:



August 29, 2025

Abigail Raddatz, 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:

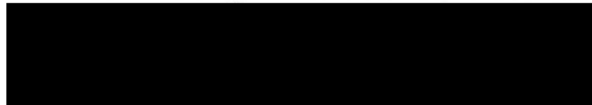
Under ACJA § 7-201(H)(5)(a), the deputy director, serving in the capacity of probable cause evaluator under ACJA § 7-201(D)(3)(a), having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint number **23-0034**:

- 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):

1, 2, and 3



Jeffrey Schrade
Probable Cause Evaluator

9/2/2025
Date

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

LICENSEE INFORMATION

License Holder: Linda Kohl
License Number: [REDACTED]
Type of License: Individual Fiduciary

COMPLAINANT

Name: Christiane Donner

**INVESTIGATION
INFORMATION**

Complaint Number: 23-0034
Investigator: Janelle Bauserman

RECOMMENDATION TO THE FIDUCIARY BOARD (“BOARD”):

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding **Linda Kohl, license number [REDACTED]** has committed the alleged act(s) of misconduct as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint number **23-0034**.

It is further recommended the Board enter a finding grounds for formal 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 7-201 (H)(6)(k)(6), (7) and (8); ACJA §§ 7-202 (J)(2)(b)(1), (2); 7-202 (J)(6) (d), (e), and (f); 7-202(J)(7); A.R.S. §§ 14-10801; 14-10802;14-10804; 14-10813(A) and (C).

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

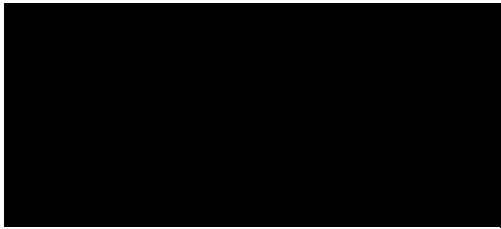
- The absence of a prior disciplinary record;
- The absence of a dishonest motive;
- The absence of a selfish motive;
- Personal or emotional problems;
- A timely good faith effort to make restitution or to rectify consequences of misconduct;
- Full and free disclosure to the division staff, the board 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 further recommended that the Board issue a Censure to Linda Kohl.

SUBMITTED BY:



September 2, 2025

Abigail Raddatz, 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 **23-0034** and **Linda Kohl, license number** [REDACTED] makes a finding of facts and this decision, based on the facts, evidence, and analysis as presented and:

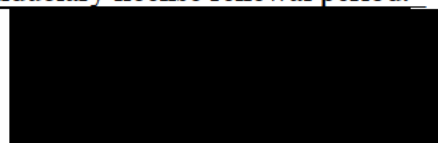
- Request division staff to conduct further investigation;
- Refer the complaint to another entity with jurisdiction;

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)(6)

- 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:

The Board further orders Linda Kohl to complete three additional education hours specific to the administration of probate and trust estates. One hour shall be on ethics involving conflict of interest. The three hours are to be completed prior to the next fiduciary license renewal period.



The Hon. Jennifer Perkins, Chair
Fiduciary Board

09/15/2025
Date