

Administrative Office of the Courts



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

**Complaint Nos. 23-0022 and 23-0023
License Nos. [REDACTED] and [REDACTED]**

06/12/2025

Certification and Licensing Division

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

LICENSE HOLDER INFORMATION	License Holder:	Philip DeVico
	License Number:	██████████
	Business Name:	Custom Care & Financial Solutions, LLC
	License Number:	██████████
	Type of License:	Individual Fiduciary, Fiduciary Business Entity
COMPLAINANT	Name:	Jonathan Borodiansky
INVESTIGATION INFORMATION	Complaint Number	23-0022
		23-0033
	Investigator:	Shaun Baland
Complaint Received:		05/15/2023
Complaint Forwarded to the License Holder:		07/14/2023
License Holder Received Complaint:		07/14/2023
Response From License Holder:		08/11/2023
Period of Licensure:		01/09/2014 – Present (Philip DeVico)
Status of License:		Active
Period of Business Licensure:		11/17/2015 – Present (Custom Care & Financial Solutions, LLC)
Status of Business License:		Active
Availability of License Holder:		Available
Availability of Complainant:		Unavailable
Report Date:		06/12/2025

ALLEGATIONS:

- 1) Philip DeVico and Custom Care & Financial Solutions, LLC failed to practice competently by:
 - a) Failing to submit or timely submit documentation for ALTCS benefits resulting in denial of benefits.
 - b) Failing to coordinate and communicate with the assisted living facility involving the application for ALTCS.
 - c) Failing to pay the ward's rent resulting in arrears and the ward receiving a notice of eviction.
 - d) Continuing to pay fiduciary fees and costs while depleting the ward's funds.

ADDITIONAL FINDINGS:

None.

SUMMARY OF INVESTIGATIVE PROCEDURE:

- Written complaint and documentation submitted by complainant, Jonathan Borodiansky (“Borodiansky”)
- Written response and documentation submitted by license holder, Philip DoVico (“DoVico”), Designated Principal of Custom Care & Financial Solutions, LLC (“Custom Care”)
- 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. Philip DoVico (with counsel Paul Harter)
2. Erin Masterson (“Masterson”), Executive Director of Pacifica Senior Living (“Pacifica”); and Kayla Cardenas, Office Manager.
3. Michelle Olivarez, Deputy Assistant Director at Arizona Health Care Cost Containment System (“AHCCCS”).

Complainant, Borodiansky, is the son of ward, Theresa O’Malley (“O’Malley”). The Division reached out to Borodiansky via email to schedule an interview. He responded via email stating he would not participate in the investigation due to his mother’s recent passing.

BACKGROUND SUMMARY:

Custom Care, by and through owner and designated principal, DoVico, was appointed as Temporary Guardian of O’Malley, per Letters of Temporary Guardian on 09/18/2018, and appointed Temporary Conservator, per Letters of Temporary Conservator dated 10/13/2018 in PB2018-003630. Custom Care was appointed Permanent Guardian and Conservator on 1/15/2019, per Letters of Permanent Guardian and Conservator.

O’Malley resided at Pacifica Senior Living (“Pacifica”) in Peoria, Arizona beginning in 2019. She was private pay status. At the beginning of 2022, DoVico began a spend-down process of O’Malley’s estate so that O’Malley would meet financial eligibility for Arizona Long Term Care System (“ALTCS”) benefits. ALTCS, processed through AHCCCS, requires specific financial and medical thresholds. Between October 2022 and May 2023, a total of four ALTCS applications were filed on O’Malley’s behalf.

SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:

Allegation 1: Philip DeVico and Custom Care & Financial Solutions, LLC failed to practice competently by:

- a) Failing to submit or timely submit documentation for ALTCS benefits resulting in denial of benefits.*

Records show that DeVico notified Pacifica on 08/29/2022 that he intended to apply for ALTCS benefits for the ward. The initial ALTCS application was not filed by Custom Care until 10/13/2022. AHCCCS denied this first application on 12/12/2022 due to a failed medical related Pre-Admission Screening (“PAS”). Masterson told the Division that she is typically involved with the PAS because of her familiarity with the screening but in this matter, when ALTCS/AHCCCS representatives proceeded to conduct the PAS, the call was routed to O’Malley’s room instead of Masterson. Masterson was unaware the screening had occurred. Custom Care/DeVico did not appeal the denial.

Following the denial of the initial ALTCS application, Custom Care/DeVico waited approximately three months before filing a second application on 03/03/2023. DeVico attributed this delay in submitting the application to Masterson's limited availability after childbirth, stating he was told by Pacifica staff that Masterson would return in early March 2023 and he wanted her present for the PAS.

AHCCCS sent a Request for Information (“RFI”) to Custom Care/DeVico on 03/10/2023, with a deadline to provide the information by 03/19/2023. No response was received and the application was denied on 03/28/2023. DeVico told the Division that it was a minor \$10–\$20 financial overage as the disqualifying factor due to Pacifica not cashing a check. AHCCCS confirmed that the denial was due to the missed RFI deadline.

Custom Care/DeVico filed a third ALTCS application on 03/29/2023. AHCCCS issued an RFI with a deadline for Custom Care to provide information by 04/20/2023. No response was provided by the deadline. The application was denied on 04/24/2023. DeVico told the Division that he believed the ALTCS documentation has been submitted but later realized it was not.

A fourth application was received by AHCCCS on 05/09/2023, though its filing origin remains unclear. DeVico denied filing it and speculated that Masterson had done so. Masterson told the Division she did not file the application, adding that Pacifica does not submit applications to ALTCS on behalf of wards. AHCCCS approved this application on 07/19/2023, retroactive to 05/01/2023.

The fiduciary’s failure to timely respond to two separate RFIs which identified deficiencies in the application and requested additional information, contributed to the delay in approval of long-term care benefits for the ward. Additionally, Custom Care/DeVico’s inability to confirm who filed the final application is concerning. The Division determined that the missed deadlines for ALTCS requests for information constitute a lack of diligence by the fiduciary.

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),(7):

k. Engaged in unprofessional conduct, including:

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

ACJA §7-202(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).

Allegation 1 a) is substantiated.

b) Failing to coordinate and communicate with the assisted living facility involving the application for ALTCS.

Masterson told the Division that Pacifica was not informed in advance of DoVico's spend-down plan for O'Malley. Pacifica only learned of the plan after contacting Custom Care after the fiduciary submitted a partial rent payment for September 2022. Masterson stated that the standard protocol is for fiduciaries to communicate spend-down plans in advance so the facility can prepare for partial payments and the ward's transition to ALTCS which includes moving wards from private pay to shared room status due to costs.

DoVico reported that he communicated the spend-down plan in-person on several occasions with both Masterson and Pacifica front desk staff. However, he could not recall names or dates of these conversations and did not provide documentation supporting the claim. In an email dated 08/29/2022, DoVico responded to Pacifica's inquiry about the partial rent payment and he explained the spend-down plan, but did not reference any prior discussions about the matter. Pacifica's email suggests the facility was not aware of any prior knowledge of a spend-down.

Regarding the three-month gap between the 12/12/2022 denial of the first ALTCS application and the second application Custom Care/DoVico filed on 03/03/2023, DoVico stated this was due to Masterson's unavailability following childbirth. He claimed that Pacifica staff told him she would return in early March. However, the Division reviewed email communications between DoVico and Masterson during this period and found no indication that DoVico asked about her availability for the PAS or confirmed her return date. Masterson stated she remained mostly available, either in person or remotely, throughout that time.

The Division concluded that more clear and consistent communication from Custom Care/DoVico to Pacifica/Masterson may have prevented some of the misunderstanding and would have allowed AHCCCS to schedule a PAS sooner if the application had been filed before March 2023. However, the Division did not find evidence that DoVico's actions constituted misconduct or a code violation.

Allegation 1 b) is not substantiated.

c) Failing to pay the ward's rent resulting in ward receiving a notice of eviction.

Due to liquidity issues following the spend-down of O'Malley's estate, Custom Care/DoVico made partial rent payments to Pacifica while pursuing ALTCS long-term care benefits. These partial payments led to accrued arrears, prompting the facility to prepare eviction paperwork for O'Malley.

In his interview with the Division, Philip DoVico stated that O'Malley was never at risk of eviction, asserting that the facility was aware ALTCS approval was pending. He noted that he has never had a ward evicted and claimed that no facility would evict a patient over partial or missed rent payments.

In contrast, Masterson told the Division that the threat of eviction was very real. As months passed without Pacifica receiving the full rent and with no ALTCS approval, Masterson said Pacifica's management pressured her to initiate eviction proceedings. Masterson explained that, because O'Malley remained in private pay status, the mounting debt was unsustainable. She delayed the eviction process as long as possible—potentially risking her job—and confirmed that by the time ALTCS was approved, an eviction notice had been prepared and approved, awaiting service to the guardian/ward. The approval of ALTCS prevented the eviction from being carried out.

It is common practice for conservators to spend down estate funds to qualify the ward/protected person for ALTCS benefits, and financial restriction and hardship during this period is expected. Partial rent payments were a foreseeable part of this transition.

Ultimately, while the delay from October 2022 to July 2023 in obtaining ALTCS benefits placed financial strain on Pacifica, the eviction notice was never served, and O'Malley remained housed at Pacifica.

Allegation 1 c) is not substantiated.

d) Continuing to pay fiduciary fees and costs while depleting the ward's funds.

DoVico provided billing statements that support his statements made in the response to the complaint that Custom Care did not charge fiduciary fees and costs once O'Malley's funds were depleted in the spend-down. Supporting documentation shows that O'Malley's remaining funds were spent on rent and prescriptions only. The last fiduciary fees paid from O'Malley's funds occurred in August 2022. All subsequent fiduciary services were provided at no charge to O'Malley.

Allegation 1 d) is not substantiated.

DISCIPLINARY HISTORY:

None.

SUBMITTED BY:



06/12/2025

Shaun Baland, Investigator
Certification and Licensing Division

Date

REVIEWED BY:



June 13, 2025

Pasquale Fontana, Manager
Certification and Licensing Division

Date

REVIEWED BY:



June 18, 2025

Abigail Raddatz, Director Date
Certification and Licensing Division

**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 numbers 23-0022 (Custom Care & Financial Solutions, LLC) and 23-0023 (Philip DoVico):

- 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):

1 b), 1 c), 1 d)

- 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 a)



Jeffrey Schrade
Probable Cause Evaluator

6/30/2025

Date

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

LICENSE HOLDER INFORMATION	License Holder:	Philip DeVico
	License Number:	██████████
	Business Name:	Custom Care & Financial Solutions, LLC
	License Number:	LLC
	Type of License:	██████████ Individual Fiduciary Fiduciary Business Entity

RECOMMENDATION TO THE FIDUCIARY BOARD (“BOARD”):

It is recommended that the Board accept the finding of the Probable Cause Evaluator and enter a finding that Philip DeVico and Custom Care & Financial Solutions, LLC, have not committed the alleged act(s) of misconduct in Allegations 1 b), 1 c), and 1 d) as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint numbers 23-0022 (Custom Care & Financial Solutions, LLC) and 23-0023 (Philip DeVico).

It is further recommended that the Board dismiss Allegations 1 b), 1 c), and 1 d) with prejudice.

It is further recommended that the Board accept the finding of the Probable Cause Evaluator and enter a finding that Philip DeVico and Custom Care & Financial Solutions, LLC, have committed the alleged act(s) of misconduct in Allegations 1 a), as detailed in the Investigation Summary, Determination, Probable Cause Review, and Recommendation Report in complaint numbers 23-0022 (Custom Care & Financial Solutions, LLC) and 23-0023 (Philip DeVico).

It is further recommended that the Board enter a finding that grounds for informal disciplinary action exists under Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6) for act(s) of misconduct involving ACJA §§7-201(F)(1), 7 201(H)(6)(a), 7 201(H)(k)(7), and § 7 202(F)(1).

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;

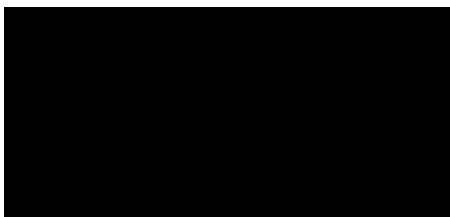
- Physical or mental disability;
- Physical or mental impairment;
- Delays in the disciplinary proceedings;
- Interim rehabilitation;
- Imposition of other penalties or sanctions;
- Remorse;
- The remoteness of prior offenses;
- Other: _____

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 direct the Division to issue a Letter of Concern to Custom Care & Financial Solutions, LLC and Philip DoVico.

SUBMITTED BY:



June 30, 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:

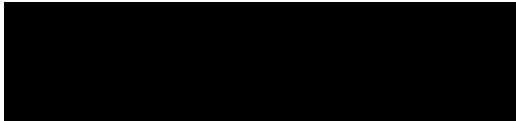
The Board having reviewed the above Investigation Summary, Determination, Probable Cause Review, and Recommendation Report, regarding complaint numbers 23-0022 (Custom Care & Financial Solutions, LLC) and 23-0023 (Philip DoVico), fiduciary license numbers [REDACTED] and [REDACTED], respectively, makes 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 Hon. Jennifer Perkins, Chair
 Fiduciary Board

7/11/2025
 Date