

payment in her second *Motion for Reconsideration*, in its initial decision on the request for additional fees, and consideration of the first *Motion for Reconsideration*, the Probate Division was operating under the assumption that she had, to date, only billed for \$2,193 as reported on the accounting filed in July 2014, when in fact a month prior to submission of the account she had *collected* \$4,800 from the Moore Center. In the attorney context, the Supreme Court views withholding information from the court as warranting serious sanction. Attorneys face suspension "when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding," *In re Wolterbeek*, 152 N.H. at 715 (quotations omitted), and disbarment where there is an intent to deceive the courts. *Id.*

Consequently, the undersigned concludes that the appropriate sanction for the \$4,800 payment from the Moore Center, failure to report it in the accounting submitted under oath, and email requesting the Moore Center to pay her in advance of approval of the \$4,641.19, is **suspension** from the approved list of professional guardians. Although the undersigned would be justified in recommending removal as the \$4,800 payment was to her own benefit, see *id.*, I am reluctant to recommend a sanction based upon intent to deceive or that there was knowing conversion.³⁵ Rather, I am confident in my conclusion that Ms. Marino knew or *should have known* she was dealing with J.L.'s property in an improper manner and that her accounting did not include material information. See Final Order on Guardian Fees at 6-7. The undersigned does not view

³⁵I would be more inclined to impose removal given her email to the Moore Center. However, my understanding is that those funds were ultimately never forwarded to her.