

been removed as guardian in any other matter, but do want to disclose I was replaced as Trustee for the Special Needs Trust of [T.B.] . . . . This replacement was the result of an agreed to Stipulation dated February 7, 2013.”

At the disciplinary hearing Ms. Marino supplied the undersigned with certain documents from the T.B. matter. See In re Jeanette Marino, 317-2015-AP-0001 (Index #11). Briefly, she was appointed guardian over the person and estate of T.B. and as trustee for her special needs trust. See In re: Guardianship of T.B., No. 317-2010-GI-337; In re: Special Needs Trust of T.B., 317-2010-TU-853. In March 2013, she “voluntarily” resigned as guardian over the person after T.B. filed a motion requesting appointment of a new guardian. See Order (Index #44).<sup>29</sup> In July 2014, a hearing was held to address, inter alia, the ward’s request that Ms. Marino be removed as guardian over the estate and as trustee. Ms. Marino had moved for termination of the guardianship over the estate, but objected to her removal as trustee of the special needs trust. See Order (Index #76). The trial court granted the motion to terminate the guardianship over the estate and eventually also ordered that Ms. Marino be removed as trustee. The Probate Division noted that it had “ongoing concerns about the ongoing excessive and unreasonable fees being charged by Ms. Marino.” It also noted disputes between Ms. Marino and DHHS over her failure to provide documents the State was entitled to receive. Id. Ms. Marino subsequently filed a *Motion to Reconsider* (Index #80) her removal as trustee. The state Division of Health and Human Services (“DHHS”) objected, (Index #82), and that motion was denied. (Index #83).

<sup>29</sup> Unless otherwise indicated, index numbers referenced in this Section C(ii) to documents in the In re: Guardianship of T.B., No. 317-2010-GI-337, matter.

12

The undersigned takes notice that in her letter to Judge Kelly in October 2014, Ms. Marino indicated that her "replacement" as trustee was the result of an "agreed to Stipulation." See In re Jeanette Marino, 317-2015-AP-0001 (Index #11). However, the record reveals that not only did she object to removal, she requested reconsideration of the order removing her. This, again, further erodes confidence in her overall ability to address Probate Division judges with the candor expected from a certified individual approved for appointment as a guardian under their aegis.

iii) Compliance with Request for Information

The undersigned discerns a similar inability to communicate with candor in regard to another request by Judge Kelly in his letter dated September 30, 2014. See In re Jeanette Marino, 317-2015-AP-0001 (Index #11). In that letter, Judge Kelly requested, *inter alia*, the names of all cases in which she was then appointed guardian. He also requested "the date on which you last personally visited with your ward." Ms. Marino forwarded to Judge Kelly copies of the certificates of appointment and stated in her reply to him that she had "also noted on each certificate the date of my last in person visit with my Wards." Letter dated October 9, 2014. However, review of those certificates reveals that all fail to indicate the year when she in fact visited that ward, and two provide neither month nor date.<sup>30</sup> That failure to comply with a direct request evinces an essential lack of candor that gives the undersigned pause as to the effectiveness of any court oversight of her activities should a sanction be fashioned that allows Ms. Marino to continue as a guardian.

Standard of Review

<sup>30</sup> At the disciplinary hearing Ms. Marino offered that all the visits reported by month and date were within the twelve months preceding the September 30, 2014 letter of Judge Kelly; however no explanation was given for the reason the year was omitted.