CERTIFIED PROFESSIONAL GUARDIAN BOARD

CHERYL ARTHUR, CPG No. 4729, PEGGY BURETA, CPG No. 9999, EAGLE GUARDIANSHIP & PROFESSIONAL SERVICES, LLC, CPG Agency No. 5160.	)	PGB No. 2006-003 DISCIPLINARY SETTLEMENT AGREEMENT

DISCIPLINARY SETTLEMENT AGREEMENT

The parties, Cheryl Arthur, a certified professional guardian, Peggy Bureta, a certified professional guardian, and Eagle Guardianship and Professional Services LLC, a certified professional guardian agency (Eagle Guardianship), and the Certified Professional Guardian Board (Board) enter into this Disciplinary Settlement Agreement (Agreement) pursuant to the Board's Disciplinary Regulations for Certified Professional Guardians. Ms. Arthur, Ms. Bureta and Eagle Guardianship have committed violations of the Standards of Practice for Certified Professional Guardians, resulting in this disciplinary proceeding before the Board. This Agreement is a resolution of this disciplinary proceeding and shall become effective after all parties have signed the Agreement. The Agreement will be part of the permanent professional

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guardian licensing records of Ms. Arthur, Ms. Bureta and Eagle Guardianship and will be a public record and subject to public access.

I. PRELIMINARY FACTS

A. On or about April 13, 2006, a written grievance was filed with the Board alleging misconduct by Eagle Guardianship in the performance of its job duties as the court-appointed guardian in the case of *Guardianship of* M Spokane County Superior Court Case No. 85-4-00729-0 (hereinafter referred to as the " . M *Guardianship*"). Pursuant to the Disciplinary Regulations for Certified Professional Guardians (DR), the grievance was investigated by a Review Panel appointed by the Board's Chairperson.

B. At all times relevant herein, Ms. Arthur was a certified professional guardian (CPG) pursuant to General Rule of Court (GR) 23, licensed as CPG #4729.

C. At all times relevant herein, Ms. Bureta was a certified professional guardian pursuant to GR 23, licensed as CPG #9999.

D. At all times relevant herein, Eagle Guardianship was a certified professional guardian agency (CPGA) pursuant to GR 23, licensed as CPGA #5160. The Board's Application Regulations requires that a certified guardian agency designate a minimum of two certified professional guardians as persons with final decision-making authority for incapacitated persons on behalf of the agency. At the time of the conduct described in Section II of this Agreement, Ms. Arthur and Ms. Bureta were designated by Eagle Guardianship as having decision-making authority for the guardianship clients of the agency.

II. STATEMENT OF FACTS REGARDING CONDUCT AS A GUARDIAN

A. On or about September 18, 2002, Eagle Guardianship was appointed by the Spokane County Superior Court (Court) as the guardian of the person in the M *Guardianship.*

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B. In 2005, Eagle Guardianship filed a written request with the Court asking that the Court approve guardian fees for Eagle Guardianship's care of M . The Court asked for verification of the time spent by Eagle Guardianship in caring for M , in the form of time records and other records of the agency. Eagle Guardianship was unable to provide any records to the court detailing the dates and time spent by Eagle Guardianship caring for M , or the services provided, during the time period for which guardian fees were requested. Eagle Guardianship was unable to document that the agency paid any visits to M during the time period for which fees were requested.

C. In 2005 and 2006, Eagle Guardianship was delinquent in filing annual reports or accountings with the Court in 20 guardianship cases. The Court allows guardians an extension of 90 days after a report's due date to file a report with the Court. However, in 20 cases, reports were filed after this 90 day "grace period." In 14 cases, the delinquent reports were filed by the agency within one month after the extended due date. In five cases, the delinquent reports were filed by the agency within two months after the extended due date. In one case, the delinquent report was filed four months after the extended due date.

III. VIOLATION OF THE STANDARDS OF PRACTICE

A. The Board has adopted Standards of Practice (SOP) which govern the professional conduct of certified guardians.

B. SOP 401.3 requires a guardian to provide reports and accountings that are timely, complete, accurate, understandable, and in a form acceptable to the court. The failure of the guardian to file timely annual reports and accountings, as required by statute, deprives the superior court of the information necessary for the court to meaningfully and timely exercise its supervisory authority over the guardianship. In 2005 and 2006, Eagle Guardianship was

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delinquent in filing reports and accountings in 20 guardianship cases in which it was the court-appointed guardian. Each delinquency constituted a separate violation of SOP 401.3.

C. SOP 403.3 requires that all compensation for the services of the guardian be documented, reasonable in amount, and incurred for the incapacitated person's welfare. The guardian may not pay or advance guardian fees or expenses except as approved by the court. Although Eagle Guardianship made a request to the Court for payment of guardian fees, Eagle Guardianship was not able to document its services in the M *Guardianship,* a violation of SOP 403.3.

E. SOP 404.9 requires that the guardian regularly monitor the incapacitated person's residential placement to ensure appropriateness and that such placement be the least restrictive alternative. The guardian must consent to changes, as they become necessary, advantageous, or otherwise in the incapacitated person's best interests. The guardian should consider that even changes within an existing residential facility have an impact on the quality of life of the incapacitated person. Eagle Guardianship had no documentation as to whether or not the agency had regularly monitored the incapacitated person's residential placement in the M *Guardianship,* in violation of SOP 404.9.

IV. DISCIPLINARY SANCTIONS IMPOSED BY THE CERTIFIED PROFESSIONAL GUARDIAN BOARD

A. The Board imposes the disciplinary sanction of a letter of reprimand on Eagle Guardianship, Ms. Arthur and Ms. Bureta for the conduct and violations of the Standards of Practice described in Sections II and III of this Agreement. In determining this sanction, the Board has taken into account the changes implemented by Ms. Arthur and Ms. Bureta at Eagle Guardianship as a result of this grievance, including 1) expanded monitoring by each designated

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guardian at Eagle Guardianship of all guardianship cases on which Eagle Guardianship is the court-appointed guardian, replacing the past practice of dividing the agency caseload so that each guardian was responsible for monitoring only the cases assigned to that guardian, 2) the adoption by the designated guardians at Eagle Guardianship of written standards of practice regarding client care for the guardians at the agency, and 3) adopting the requirement that a timesheet to record client visits and other agency services be maintained for each client. In addition, the Board has taken into account the sanctions imposed by the Spokane County Superior Court reducing the fees that the agency may charge in the M *Guardianship.*

B. Costs. Eagle Guardianship, Ms. Bureta and Ms. Arthur are jointly and severally liable for the Board's costs in this matter, in the amount of $78.30, which must be paid to the Board within 30 days of the date this Agreement is signed by the Board.

V. PRIOR RECORD OF DISCIPLINE

Eagle Guardianship, Ms. Arthur and Ms. Bureta have no prior record of disciplinary sanctions imposed by the Board.

VI. VIOLATION OF AGREEMENT

Violation of this Agreement by Eagle Guardianship, Ms. Arthur or Ms. Bureta may constitute grounds for discipline. In the event of an alleged breach of this Agreement, the Board shall provide notice to the professional guardian or guardian agency alleged to be in breach of the Agreement of the allegations regarding breach of the Agreement, and the professional guardian or agency so notified shall have 30 days to respond to the allegations of breach. If the Board finds that the Agreement has been breached, the Board may pursue disciplinary action against the professional guardian or agency for violation of the Agreement.

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VII. ENTIRE AGREEMENT

This Agreement comprises the entire agreement of the parties with respect to the matters covered herein, and no other agreement, statement, or promise made by any party which is not included herein shall be binding or valid. This Agreement may be modified or amended only by a written amendment signed by all parties.

VIII. SEVERABILITY

The provisions of this Agreement are intended to be severable. If any term or provision of this Agreement is illegal or invalid for any reason, the remainder of the Agreement will not be affected.

IX. LAWS GOVERNING

This Agreement shall be governed by the laws of the State of Washington, and any question arising from the Agreement shall be construed or determined according to such law. This Agreement is a public record and is subject to public disclosure or release, along with the Board's investigative files in this matter.

X. RIGHT TO COUNSEL

Ms. Arthur, Ms. Bureta, and Eagle Guardianship acknowledge that each has the right to individual counsel to represent each party separately in this disciplinary matter, at the party's expense, as set forth in Disciplinary Regulation 508. Ms. Arthur, Ms. Bureta and Eagle Guardianship each acknowledge that each party has either consulted with counsel or has had the opportunity to do so and chosen not to consult with counsel.

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The foregoing is agreed to by:

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Cheryl Arthur, Certified Professional Guardian
and President of Eagle Professional Guardianship & Services, LLC,
Individually and as President of Eagle Professional Guardianship & Services, LLC.

6/14/07
DATE

Peggy Bureta, Certified Professional Guardian

6/14/07
DATE

APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN BOARD THIS

22 DAY OF June, 2007.

Judge Vicki L. Hogan
Chair, Certified Professional Guardian Board

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