

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFIED PROFESSIONAL GUARDIAN BOARD

)	PGB No. 2007-007(A)
Mary Kuehn,)	
aka Kathy Kuehn,)	AGREEMENT REGARDING
)	DISCIPLINE
CPG No. 4779.)	
)	
)	

The parties, Mary Kuehn, aka Kathy Kuehn (Ms. Kuehn), certified professional guardian license number 4779, and the Certified Professional Guardian Board (Board) enter into this Agreement Regarding Discipline (Agreement) pursuant to the Board's Disciplinary Regulations for Certified Professional Guardians. The Board is investigating a grievance which alleges that Ms. Kuehn committed violations of the Standards of Practice for Certified Professional Guardians. (A copy of the grievance is attached as Exhibit 1.) This Agreement shall become effective as of the date the last party has signed the Agreement and shall remain in effect until further order of the Board or the Supreme Court or written agreement of the parties. The Agreement will be part of the permanent professional guardian licensing record of Ms. Kuehn and will be a public record and subject to public access.

///

FILED BY CPG BOARD
JUN 29 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I. STATEMENT OF FACTS

A. On or about March 12, 2007, a written grievance was filed with the Board alleging misconduct by Ms. Kuehn, Ms. Marsha Caldwell, CPG No. 9594, and Kuehn & Caldwell Guardian Care & Counseling, Certified Professional Guardian Agency No. 10083 (Kuehn & Caldwell Agency), in the performance of its job duties as a court-appointed guardian. Pursuant to the Disciplinary Regulations for Certified Professional Guardians (DR), the Board is investigating this grievance. In lieu of requesting an immediate suspension from the Washington Supreme Court of the professional guardian certification of Ms. Kuehn, the Board has agreed to enter into this Agreement with Ms. Kuehn.

B. At all times relevant herein, Ms. Kuehn was a certified professional guardian pursuant to General Rule of Court (GR) 23.

C. Kuehn & Caldwell Agency is certified as a professional guardian agency pursuant to GR 23. GR 23(d)(2) requires that to qualify as a certified guardian agency, the agency must designate a minimum of two certified professional guardians as persons with final decision-making authority for incapacitated persons or their estates on behalf of the agency (designated CPGs). According to the records of the Board, Kuehn & Caldwell Agency identifies Ms. Kuehn as one of the designated CPGs for Kuehn & Caldwell Agency. However, Ms. Kuehn has advised the Board that she is no longer acting as a designated CPG for this Agency.

II. OBLIGATIONS OF MS. KUEHN PURSUANT TO THIS AGREEMENT

A. Ms. Kuehn agrees that she will accept no new appointments as a professional guardian, as defined by RCW 11.88.008, as an individual or on behalf of a guardianship agency.

**FILED BY CPG BOARD
JUN 29 2007**

1 B. Ms. Kuehn agrees to withdraw from any cases in which she is the court-appointed
2 professional guardian, as defined by RCW 11.88.008, after a new guardian is appointed by the
3 court, on a schedule determined by the Kitsap County Superior Court, but no later than
4 September 4, 2007.

5 C. Ms. Kuehn agrees to notify the superior court in writing on every case in which
6 Kuehn & Caldwell Agency is the court-appointed guardian that Ms. Kuehn is no longer acting as
7 a designated CPG for that agency, and to provide a copy of that notice to the Board. Ms. Kuehn
8 further agrees to request instructions from the court on those cases. Ms. Kuehn's notice to the
9 court must include notice that GR 23(d) (2) requires that to be certified, a guardian agency must
10 have at least two designated CPGs acting for the agency's clients.

11 D. Ms. Kuehn acknowledges that entering into this Agreement will not preclude the
12 Board from imposing disciplinary sanctions and remedies on her at a later date as a result of the
13 Board's investigation into this disciplinary matter.

14 E. Ms. Kuehn agrees that the Board may send the superior courts of the state of
15 Washington, and the grievant, a copy of this Agreement and give notice of the pending grievance
16 against her, and the contents of that grievance.

17 F. Ms. Kuehn may notify the Board that the Board may decertify her as of September 4,
18 2007. Decertification will conclude all further Board disciplinary proceedings against Ms.
19 Kuehn on this grievance.

20 III. VIOLATION OF AGREEMENT

21 Violation of this Agreement by Ms. Kuehn will constitute grounds for discipline. In the
22 event of an alleged breach of this Agreement, the Board shall provide notice to Ms. Kuehn of the
23 alleged breach of the Agreement, and Ms. Kuehn shall have 30 days to respond to the allegations
24
25

FILED BY CPG BOARD

JUN 29 2007

1 of breach. If the Board finds that the Agreement has been breached, the Board may pursue
2 disciplinary action against the professional guardian or agency for violation of the Agreement.

3 **IV. ENTIRE AGREEMENT**

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

8 **V. SEVERABILITY**

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

12 **VI. LAWS GOVERNING**

13 This Agreement shall be governed by the laws of the State of Washington, and any
14 question arising from the Agreement shall be construed or determined according to such law.

15 This Agreement is a public record and is subject to public disclosure or release.

16 **VII. RIGHT TO COUNSEL**

17 Ms. Kuehn acknowledges that she has the right to counsel to represent her in this
18 disciplinary matter, at her expense, as set forth in Disciplinary Regulation 508 and that she has
19 consulted with counsel.
20

21 ///

22 ///

23 ///

24 ///

25 **FILED BY CPG BOARD**

JUN 29 2007

1 The foregoing is agreed to by:

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Mary Kuehn
Mary Kuehn, aka Kathy Kuehn
Certified Professional Guardian No. 4779

6-8-07
Date

Craig Lindsay
Craig Lindsay, WSBA #31078
Buskirk Havers Lindsay PLLC
Attorney for Mary Kuehn aka Kathy Kuehn, CPG # 4779

6/8/07
Date

**APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN
BOARD THIS**

22 DAY OF June, 2007.

Vicki L. Hogan
Judge Vicki L. Hogan
Chair, Certified Professional Guardian Board

FILED BY CPG BOARD
JUN 29 2007

You may request a copy of

EXHIBIT 1 to the AGREEMENT REGARDING DISCIPLINE in
Mary Kuehn aka Kathy Kuehn, CPG No. 4779, PGB No. 2007-007(A)

By sending an email to: Sharon.Eckhom@courts.wa.gov or guardian.program@courts.wa.gov

Or by calling the Certified Professional Guardian Program at (360) 704-4031 or (360) 705-5282