**CERTIFIED PROFESSIONAL GUARDIAN BOARD**

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| In the Matter of the Notice of Noncompliance with Application Regulation 117 (Insurance) of:<br><br>ESTER F. MIHET,<br>CPG No. 10612,<br><br>Respondent. | ) | AGREEMENT REGARDING DISCIPLINE FOR NONCOMPLIANCE WITH APPLICATION REGULATION 117 (INSURANCE) |

The parties, Ester F. Mihet, CPG No. 10612, a certified professional guardian, and the Certified Professional Guardian Board (Board) enter into this Agreement Regarding Discipline (Agreement) pursuant to Application Regulation (AR) 117.7 and the Board's Disciplinary Regulations for Certified Professional Guardians. Ms. Mihet failed to file a declaration regarding her compliance with the errors and omissions insurance requirement pursuant to AR 117.5.1, resulting in this noncompliance proceeding before the Board. This Agreement is a resolution of this proceeding and shall become effective after all parties have signed the Agreement.

## I. STATEMENT OF FACTS

**A.** On July 27, 2007, Ester F. Mihet was certified as a professional guardian pursuant to General Rule of Court (GR) 23, and was so certified at all times relevant to this matter.

**B.** On or about March 21, 2008, the Board issued a Notice of Noncompliance with Application Regulation 117 and Notice of Right to File Petition for Administrative Hearing (Notice) to Ms. Mihet based on her failure to file a declaration with the Board in compliance with AR 117. On April 4, 2008, Ms. Mihet acknowledged receipt of the Notice sent via certified mail.

**C.** On April 8, 2008, Ms. Mihet filed with the Board a Declaration of Required Errors & Omissions Insurance – Regulation 117, declaring that she met the exemption contained in AR 117.3.

## II. VIOLATIONS

Certified professional guardians and certified professional guardian agencies are required to maintain a minimum of $500,000 of errors and omissions insurance which covers the acts of the guardian or agency unless exempted or waived by the regulation. AR 117.2. By January 31 each year, every guardian and agency shall file with the Board a declaration signed under penalty of perjury on a form approved by the Board stating that the guardian or agency either maintains a policy of errors and omissions insurance, that the guardian or agency is exempt, or has been granted a waiver by the Board. AR 117.5.1. Failure to comply with AR 117 may subject the guardian or agency

to disciplinary sanctions. AR 117.7.1. Based on the facts stated above, Ms. Mihet has violated AR 117.5.1.

## III. PRIOR RECORD OF DISCIPLINE

Ester F. Mihet, CPG No. 10612, has no prior record of discipline with the Board.

## IV. DISCIPLINARY SANCTIONS IMPOSED BY THE BOARD

The Board recognizes as mitigating factors: that upon receiving the Notice from the Board, Ms. Mihet filed a declaration of exemption from the errors and omissions insurance; that Ms. Mihet meets the requirements for exemption set forth in AR 117.3; and that Ms. Mihet was certified in July, 2007, and January 31, 2008, was the first due date for filing the declaration of errors and omissions insurance pursuant to AR 117.5.1..

Based on the type of violation in this matter and the mitigating factors set forth above, an appropriate disciplinary sanction is reimbursement of the costs of this disciplinary proceeding. Ester F. Mihet is required to reimburse the Board fifty dollars ($50.00) for the costs of this disciplinary proceeding.

## V. VIOLATION OF AGREEMENT

Failure to comply with the terms of this Agreement shall constitute additional grounds for discipline pursuant to DR 514.4. In the event of an alleged breach of this Agreement, the Board shall provide notice to the certified professional guardian of the substance of the breach, and the certified professional guardian shall have 30 days to respond to the allegations of the breach. If the Board finds that the Agreement has been breached, the Board may pursue disciplinary action against the certified professional guardian or agency for violation of the Agreement.

This Agreement is binding as a statement of all known facts relating to the conduct of Ester F. Mihet, CPG No. 10612, but any additional existing acts may be proven in any subsequent disciplinary proceedings.

## VI. NOTICE

This Agreement shall be retained by the AOC in the certified professional guardian's disciplinary file. This Agreement shall be open to public access and disclosure. Notice of the discipline imposed shall be sent to all superior courts pursuant to DR 514.3.2.

## 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.

## X. RIGHT TO COUNSEL

Ms. Mihet acknowledges that she has the right to individual counsel for representation in this disciplinary matter, at her expense, as set forth in Disciplinary Regulation 509.1.

## XI. PRESENTATION OF AGREEMENT TO THE BOARD

Ester F. Mihet understands that this Agreement is not binding unless and until it is approved and signed by the Board. If the Board rejects this Agreement, Ester F. Mihet waives any objection to the participation in the final determination of this matter of any Board member who heard the Agreement presentation.

COPY RECEIVED, NOTICE OF PRESENTATION WAIVED:

Ester F. Mihet, CPG No. 10612 — Date: 4/28/08

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

**19 DAY OF May, 2008.**

Judge Marywave Van Deren
Chair, Certified Professional Guardian Board