

CERTIFIED PROFESSIONAL GUARDIAN BOARD

**MAUREEN CARROLL,
CPG No. 10908,**

Respondent.

)
)
) **CPGB No. 2012-002, 2012-013, 2012-038,
2012-045, and 2012-046**

) **Complaint Regarding Disciplinary Action**
) ***Disciplinary Regulation 510***
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The Certified Professional Guardian Board ("Board") alleges that Maureen Carroll, CPG No. 10908 ("Respondent"), has violated the Standards of Practice (SOP). The Board hereby initiates this disciplinary proceeding pursuant to General Rule (GR) 23 and Disciplinary Regulations (DR) 510 for Certified Professional Guardians.

1. JURISDICTION

1.1 At all times relevant herein, Maureen Carroll, CPG No. 10908 ("Respondent"), was a certified professional guardian pursuant to GR 23 practicing in the state of Washington. The Washington Supreme Court certified Respondent on April 16, 2009.

1.2 All professional guardians who practice in the state of Washington are subject to the rules and regulations established pursuant to GR 23.

1.3 The Board has the duty and power to review any allegation that a certified professional guardian or certified professional guardianship agency has violated any applicable statute, fiduciary duty, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians. Pursuant to DR 510.1, the Board has grievances captioned above and approved the filing of a complaint regarding disciplinary action against Respondent.

1.4 The Board may impose sanctions upon a finding of a violation, including decertification or lesser remedies or actions. GR 23(c)(2)(viii).

2. STATEMENT OF FACTS

2.1 Grievance No. 2012-002 -- Guardianship of R.R. The court appointed Respondent guardian of R.R. on March 4, 2011.

2.1.1 Respondent did not file the Inventory within the 3-month statutory filing period ending June 6, 2011. Respondent did not file the Designation of a Standby Guardian within the 90-day statutory filing period ending June 2, 2011.

2.1.2 King County Superior Court issued four orders regarding Respondent's noncompliance, including an Order on Show Cause and Citation for Contempt of Court for failure to appear on February 3, 2012.

2.1.3 On or about February 8, 2012, the Board received a copy of the Order on Show Cause and Citation for Contempt of Court from King County Superior Court. Upon review, the Board opened Certified Professional Guardian Board (CPGB) Grievance No. 2012-002 regarding Respondent's noncompliance and failure to appear in the *Guardianship of R.R.*

2.1.4 Respondent did not file the Guardian's First Annual Report within the 90-days after anniversary statutory filing period ending June 4, 2012. King County Superior Court issued

another five orders regarding Respondent's noncompliance, including another Order on Show Cause and Citation for Contempt of Court for failure to appear on November 15, 2012.

2.1.5 Respondent did not file the Guardian's Second Annual Report within the 90-days after anniversary statutory filing period ending June 3, 2013.

2.2 Grievance No. 2012-013 -- Guardianship of C.B. The court appointed Respondent guardian of C.B. on December 3, 2010. C.B. died on May 2, 2011. Respondent filed a Notice of Death on June 2, 2011.

2.2.1 Respondent did not file the Guardian's First and Final Report within the 90-day statutory filing period ending August 31, 2011.

2.2.2 King County Superior Court issued six orders regarding Respondent's noncompliance, including an Order on Show Cause and Citation for Contempt of Court for failure to appear on March 7, 2012.

2.2.3 On or about April 9, 2012, the Board received a copy of the Order on Show Cause and Citation for Contempt of Court from King County Superior Court. Upon review, the Board opened CPGB Grievance No. 2012-013 regarding Respondent's noncompliance and failure to appear in the *Guardianship of C.B.*

2.3 Grievance No. 2012-038 -- Guardianship of J.C. The court appointed Respondent guardian of J.C. on September 13, 2010.

2.3.1 Respondent did not file the Inventory and Personal Care Plan within the 3-month statutory filing period ending December 13, 2010. Respondent did not file the Designation of a Standby Guardian within the 90-day statutory filing period also ending December 13, 2010.

2.3.2 Respondent did not file her Guardian's First Annual Report within the 90-days after anniversary statutory filing period ending December 12, 2011. King County Superior Court

issued seven orders regarding Respondent's noncompliance, including an Order on Show Cause and Citation for Contempt of Court for failure to appear on October 31, 2012.

2.3.3 The Order entered October 31, 2012, also appointed a Guardian ad Litem to investigate Respondent's failure to file guardian's reports and to appear on show cause orders. The court instructed the GAL to recommend whether Respondent should be removed.

2.3.4 On or about November 5, 2012, the Board received a copy of the Order on Show Cause and Citation for Contempt of Court from King County Superior Court. Upon review, the Board opened CPGB Grievance No. 2012-038 regarding Respondent's noncompliance and failure to appear in the *Guardianship of J.C.*

2.3.5 Respondent filed a Notice of Death of J.C. on January 18, 2013. Respondent did not file her Guardian's Final Report within the 90-day statutory filing period ending April 18, 2013. The court issued another order regarding Respondent's noncompliance before Respondent filed her Final Report.

2.4 Grievance No. 2012-045 -- Guardianship of L.B. The court appointed Respondent successor guardian for L.B. on February 28, 2011.

2.4.1 Respondent did not file the Inventory and Personal Care Plan within the 3-month statutory filing period ending May 31, 2011. Respondent did not file the Designation of a Standby Guardian within the 90-day statutory filing period also ending May 31, 2011.

2.4.2 Respondent filed a Notice of Death of L.B. on April 4, 2012. Respondent did not file her Guardian's First and Final Report within the 90-day statutory filing period ending July 3, 2012. The court issued four orders regarding Respondent's noncompliance, including an Order to Show Cause and Citation for Contempt of Court for failure to appear on October 23, 2012.

2.4.3 On or about November 7, 2012, the Board received a copy of the Order on Show Cause and Citation for Contempt of Court from King County Superior Court. Upon review, the Board opened CPGB Grievance No. 2012-045 regarding Respondent's noncompliance and failure to appear in the *Guardianship of L.B.*

2.5 Grievance No. 2012-046 -- Guardianship of E.J. The court appointed Respondent guardian for E.J. on February 10, 2011.

2.5.1 Respondent did not file the Inventory and Personal Care Plan within the 3-month statutory filing period ending May 10, 2011.

2.5.2 Respondent did not file her Guardian's First Annual Report within the 90-days after anniversary statutory filing period ending May 10, 2012.

2.5.3 The court issued ten orders regarding Respondent's noncompliance, including an Order on Show Cause and Citation for Contempt of Court for failure to appear on November 15, 2012.

2.5.4 On or about November 27, 2012, the Board received a copy of the Order on Show Cause and Citation for Contempt of Court from the King County Superior Court. Upon review, the Board opened CPGB Grievance No. 2012-046 regarding Respondent's noncompliance and failure to appear before the court in the *Guardianship of E.J.*

2.5.5 Respondent filed her Guardian's First Annual Report on December 20, 2012. Respondent, however, still had not filed the Inventory and Personal Care Plan. The court issued four more orders regarding Respondent's noncompliance. Over two years after her appointment, Respondent finally filed the Inventory and Personal Care Plan on May 6, 2013.

2.5.6 Respondent did not file her Guardian's Second Annual Report within the 90-days after anniversary statutory filing period ending May 13, 2013.

2.6 Audit. As part of its investigation of the grievances noted above, on December 11, 2012, AOC requested a list of Respondent's active cases. A response was not received until January 15, 2013.

2.6.1 On November 25, 2013, AOC staff completed an audit of Respondent's active cases as of January 15, 2013. The audit reviewed the court dockets of Respondent's active cases to assure timely filing of inventories, personal care plans, designations of standby guardians, and annual reports. The audit concluded that the majority of Respondent's reports were filed late and that two cases were then delinquent.

2.6.2 AOC notified Respondent of the delinquencies by letter dated November 26, 2013. Respondent failed to promptly correct these delinquencies.

2.6.3 On January 17, 2014, AOC requested an updated active case list from Respondent. Upon receipt, AOC staff completed a second audit that confirmed that Respondent continued to file her reports late.

2.7 Failure to Comply. The Standards of Practice Committee of the Board reviewed the investigation reports prepared for CPGB Grievance No. 2012-002 and 2013-013 on September 20, 2012. Unaware of the existence of the other three grievances, the SOPC recommended that Respondent obtain additional training on court rules and procedures. Respondent agreed to take an additional training course in December 2012. Because of a change in the training's location, Respondent did not attend; however, Respondent has not completed any comparable training since then.

2.8 Errors & Omissions Insurance. Respondent declared under penalty of perjury in her Annual Renewal filed on July 27, 2013, that she had 25 or fewer cases and, therefore, was exempt from Certification Maintenance Regulation (CMR) 704.1 requiring CPG's to maintain Errors and Omissions (E&O) insurance.

2.8.1 Respondent's attorney submitted an updated list of active cases to AOC on January 27, 2014. On that date, Respondent had thirty (30) active cases.

2.8.2 Respondent did not notify AOC when the number of her active cases exceeded 25 and did not provide proof of E&O insurance.

2.9 Prior Disciplinary Action. Respondent failed to complete and report her Continuing Education Requirements for the reporting period ending on December 31, 2010. Respondent entered into an Agreement Regarding Discipline that placed a remedy of probation on Respondent for two years, from October 11, 2011, through October 11, 2013.

3. VIOLATIONS OF THE STANDARDS OF PRACTICE

The Board hereby alleges that Respondent has violated the following Standards of Practice:

3.1 Guardian's Duty to the Court.

3.1.1 The Board hereby incorporates by reference the facts set forth in paragraphs 2.1 through 2.6, and all subparagraphs therein.

3.1.2 The Board alleges that Respondent violated her duty to the court as required in Standards of Practice (SOP) 401.1, 401.3, and 401.5, which provide in pertinent part:

401.1 The guardian shall perform duties and discharge obligations in accordance with applicable Washington and federal law and the requirements of the court.

401.3 The guardian shall at all times be thoroughly familiar with RCW 11.88, RCW 11.92, GR 23, these standards, and, any other regulations or laws which govern the conduct of the guardian in the management of the affairs of an incapacitated person.

401.5 The guardian shall provide reports, notices, and financial accountings that are timely, complete, accurate, understandable, in a form acceptable to the court, and consistent with the statutory requirements.

3.2 Guardian's Duty to Appoint a Standby Guardian.

3.2.1 The Board hereby incorporates by reference the facts set forth in paragraphs 2.1.1, 2.3.1, and 2.4.1 above.

3.2.2 The Board alleges that Respondent violated her duty to appoint a standby guardian as required in SOP 401.6, which provides in pertinent part:

401.6 All certified professional guardians and guardian agencies have a duty by statute to appoint a standby guardian.

3.3 Guardian's Duty to Report Change of Status.

3.3.1 The Board hereby incorporates by reference the facts set forth in paragraph 2.8 above.

3.3.2 The Board alleges that Respondent violated her duty to report a change of status as required in CMR 704.6, which provides in pertinent part:

704.6 Duty to Report Loss of Insurance or Change of Status

704.6.2 A guardian or agency who has previously claimed exempt status pursuant to this regulation, whose caseload changes during the year so that the guardian or agency is no longer exempt, shall within fifteen (15) calendar days of the status change file a declaration under penalty of perjury with the Board on a form approved by the Board stating how the guardian or agency meets the requirements of this regulation.

3.3.3 Failure to comply with this regulation may constitute separate grounds for imposition of the sanctions of suspension or revocation of certification. CMR 704.7.1.

4. DISCIPLINARY SANCTIONS

4.1 Based on the facts and violations as stated above, Respondent's conduct constitutes grounds for discipline pursuant to Disciplinary Regulation (DR) 503, which provides in pertinent part:

DR 503 A professional guardian may be subject to disciplinary action for any of the following:

503.1 Violation of or noncompliance with applicable statutes, court orders, court rules, or other authority.

503.3 Failure to perform any duty one is obligated to perform as a professional guardian.

503.4 Violation of the oath, duties, or standards of practice of a professional guardian.

503.9 Willful disregard of a subpoena or order of a court, review panel, Board committee or the Board.

503.11 Conduct demonstrating unfitness to work as a professional guardian, including but not limited to persistent or repeated violations of rules, standards of practice or regulations, or disciplinary actions.

503.13 Failing to cooperate during the course of an investigation as required by the Board's regulations.

4.2 **Aggravating Factors.** Aggravating factors as stated at DR 515.1.4.1 may be considered in the imposition of sanctions, including:

4.2.1 Prior disciplinary action by the Board against the same professional guardian;

4.2.2 A pattern of misconduct and multiple offenses;

4.2.3 Failure to cooperate with a disciplinary proceeding; and

4.2.4 Refusal to acknowledge the wrongful nature of the conduct.

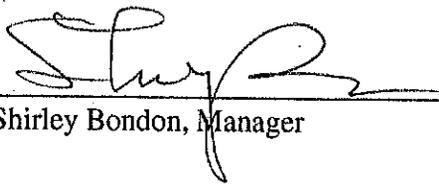
4.3 **Mitigating Factors.** Mitigating factors as stated at DR 515.1.4.2 may also be considered in the imposition of sanctions. None are identified.

4.4 **Imposition of Sanctions.** Based on the foregoing, it is requested that Respondent be found in violation of the regulations cited above and that the disciplinary sanctions of decertification and costs, including attorney fees and other provable expenses, be imposed on Respondent in accordance with the Disciplinary Regulations.

DATED this 9th day of April, 2014.

CERTIFIED PROFESSIONAL GUARDIAN BOARD

By: _____


Shirley Bondon, Manager