



Certified Professional Guardianship Board
Monday, October 19, 2015 9:00 a.m. to 2:00 p.m.
SeaTac Office Center, 18000 International Blvd., Suite 1106,
SeaTac, WA

Meeting Minutes

Members Present

Commissioner Rachelle Anderson
Mr. Gary Beagle
Ms. Rosslyn Bethmann
Dr. Barbara Cochrane (by phone)
Ms. Nancy Dapper
Mr. Bill Jaback
Commissioner Diana Kiesel
Ms. Carol Sloan
Mr. Gerald Tarutis
Ms. Amanda Witthauer

Members Absent

Judge James Lawler, Chair
Judge Gayle Harthcock

Staff

Ms. Shirley Bondon
Ms. Kathy Bowman
Ms. Carla Montejo
Ms. Kim Rood

Guests

Mr. Andy Heinz
Mr. Chad Standifer, Assistant Attorney
General

1. Call to Order

Commissioner Rachelle Anderson called the meeting to order at 9:15 a.m.

2. Welcome and Introductions

Commissioner Anderson welcomed the Board members and public to the meeting.

3. Chair's Report

• Approval of Minutes

Commissioner Anderson asked for changes or corrections to the proposed minutes from the August 10, 2015 telephone meeting. Mr. Jaback informed the Board that he was present for the meeting. Staff will add Mr. Jaback to the minutes.

Motion: *A motion was made and seconded to approve the August 10, 2015 minutes as amended. The motion passed.*

• 2016 Proposed Meeting Dates

Commissioner Anderson asked the Board members to approve the proposed 2016 CPG Board meeting dates.

Mr. Beagle noted that the end of his term is September, 2016 and that there will be

several openings on the Board. The time frame to seek new guardian Board members will be included in the long-term planning meeting in April, 2016 as agreed by members of the Board. It was also suggested by staff that the recruitment effort could start as early as January, 2016. Staff noted that all appointments to the Board are made by the Supreme Court.

Motion *A motion was made and seconded to approve the proposed 2016 meeting calendar. The motion passed.*

- **Grievance Reports**

Staff was asked to brief the Board on the current grievance report. All grievances from 2012 have been resolved. For 2013, there are ten grievances open, for 2014, 28 grievances are open and for 2015, there are currently 36 open grievances. The Board is on track to receive an anticipated 60 grievances for the 2015 calendar year.

A Board member stated that it would be helpful if staff could inform the Board of the number of certified professional guardians involved in multiple grievances each month. Staff agreed to have those numbers for the Board at the next meeting.

- **WINGS Update**

Ms. Bondon, Coordinator of WINGS program in Washington State gave the WINGS background and history. The Supreme Court of Washington State submitted a grant application for participation in WINGS. That application was successful and the WINGS group received \$7,000 from the National Guardianship Network and additional funds from other guardianship stakeholders.

The purpose of this grant is to look at the decisional support system in Washington State and evaluate the current process, identify unmet needs and identify what is working and what is not. From the survey, three areas were prioritized:

1. Supporting the Family and Friends of Persons Needing Decisional Support.
2. Improving Assessment of Persons Needing Decisional Support
3. Improving Guardianship Standards and Practice

A stakeholder conference was held August 7, 2014. During the conference 24 priorities were established. Those priorities have been assigned to four committees:

1. Legislative
2. Long-Range Planning/Strategic Planning
3. Standards and Best Practice
4. Information and Training

A second stakeholder conference is scheduled for March, 2016, during which each committee will report progress and status.

Ms. Bondon also explained the rating process for choosing the priorities.

Mr. Beagle stated that he wanted the following statements on record:

Mr. Beagle raised concerns of what appears to be the lack of CPGs chairing of major committees as outlined in the materials as well as Windsor Schmidt chairing the Standards and Best Practices Committee. Mr. Beagle also noted that according to the WINGS materials received, to serve on any of the committee boards, that individual must live in Washington State, but to serve as chair of a committee you do not have to live within the state.

Ms. Bondon asked if Mr. Beagle wanted her to respond to his concerns. He said yes, and she stated that like all stakeholders, certified professional guardians were invited to participate in WINGS. Multiple e-mail messages were sent inviting stakeholders to volunteer. The choice to volunteer and participate is a personal one that each individual must make. Two guardians serve on the WINGS Steering Committee, one certified professional guardian and one family guardian. Professor Winsor Schmidt is a national guardianship expert. He served on the Certified Professional Guardianship Board while living in Kentucky. Ms. Bondon stated that she was not aware of a rule or regulation that prohibited someone living out of state from serving on either the Certified Professional Guardianship Board or participating in Washington WINGS. Ms. Bondon further stated that she didn't feel qualified to evaluate Professor Schmidt's research. She was not a researcher, but believed his research was likely reviewed by his peers. She suggested that perhaps Mr. Beagle should address his concerns directly to Professor Schmidt.

- **Ethics Advisory Opinion Request**

The Board received a request for an Ethics Advisory Opinion regarding the question:

“Can an attorney charge fees for legal services he or she provides to the incapacitated person (IP) for whom he or she is a court-appointed guardian if he or she never sought permission from the court to perform legal services for the IP served?”

After speaking with the Board Chair, the request was shared with the WINGS Standards and Practice Committee because this question and other similar ethics questions had been identified as WINGS priorities. Members of the Board's Regulations Committee were invited to join the WINGS Standards and Practice Committee and work on these issues together, avoiding duplication. Gary Beagle agreed to join the WINGS committee.

4. Public Comment Period

Ms. Mindi Blanchard spoke during the public comment period, no written comments were provided.

Mr. Tom Goldsmith spoke during the public comment period. Written comments are attached.

Ms. Claudia Donnelly spoke during the public comment period. Written comments are attached.

During the public comment period, Commissioner Anderson thanked Mr. Heinz for his three year commitment to the Board. Mr. Heinz thanked the Board for their acknowledgment of his contributions.

5. Standards of Practice Committee

Agreement Regarding Discipline of Holly Surface, CPG No. 11393

Mr. Chad Standifer, Assistant Attorney General, addressed the Board regarding the Agreement Regarding Discipline (ARD) of Holly Surface. Mr. Standifer explained the violations of SOPs 406.2 and 406.4. The result of the ARD will be the placement of a letter of admonishment in the disciplinary file for Ms. Surface and that Ms. Surface reimburse the Board \$4,000 for costs associated with this disciplinary action.

If approved, the Agreement will become effective upon signature of the Chair of the Certified Professional Guardianship Board, Judge James W. Lawler.

After AAG Standifer's presentation, the Board entered Executive Session to deliberate. After deliberation, the Board reconvened in public session and voted to approve the Agreement Regarding Discipline.

6. Continuing Education Committee

- **Continuing Education Proposal**

Mr. Beagle, as chair of the Education Committee, gave a brief synopsis of the application process for sponsors of continuing education.

The proposal presented to the Board is to modify the fee arrangement with sponsors of continuing education to require payment for each professional guardian attending an educational session as opposed to a flat fee of \$25 for applications received in advance of 30 days of date of class or \$50 for applications received within 30 days of the date of the class.

The issue was not voted on because no motion was made. A Board member suggested that this proposal be discussed in further detail at the Board meeting on January 11, 2016.

Commissioner Anderson asked Board members to review the proposal in depth along with public comments before the January, 2016 Board meeting.

In response to the concerns raised by Ms. Mindi Blanchard regarding not requiring sign-in sheets to record attendance at continuing education events, Mr. Jaback wondered if there was anything that could be streamlined in the approval process for continuing education. Ms. Bondon asked if there were any specific suggestions for improvement. Commissioner Anderson noted that the Board will review the materials submitted by Ms. Blanchard and tabled the topic for the next in-person meeting.

7. Regulations Committee

- **Proposed Rules for Posting Disciplinary Records**

Per GR 31.1, effective January 2016, after investigation, all guardian grievances will be available to the public. The proposed regulation specifies the documents that will be posted on the web. After extensive discussion and review of public comments, a motion was made and seconded to approve the SOP as provided below. The motion passed.

“003.5 Posting Records. For a grievance or complaint that results in discipline to a professional guardian, the grievance or complaint, any response submitted by the professional guardian, the agreement or order imposing discipline, and any order on appeal by the professional guardian, shall be posted for public access on the website for the Administrative Office of the Court.”

8. Ombudsman Program Discussion

Staff was asked to recap the ombudsman program. Staff stated that during a meeting between Judge Lawler and Chief Justice Madsen, the Chief suggested that the Board research a guardianship ombudsperson, whose investigation of new grievances may offer a quicker resolution to grievances. The Board requested public comment on the subject of ombudsperson. Public comments were received and reviewed.

9. Nominating Committee Report

Commissioner Kiesel stated that there was need for geographic diversity on the Board, thus the nominating committee was contacting local bar associations in Eastern Washington and encouraging members to submit letters of interest to

serve on the Board to the Washington State Bar Association (WSBA). The application period was extended to December 31, 2015.

10. Closed Public Session and Entered Executive Session

11. Reconvened and Voted on items discussed in Executive Session

Standards of Practice Committee

On behalf of the Standards of Practice Committee, a motion was made and seconded to approve the Agreement Regarding Discipline for Certified Professional Guardian, Holly Surface. The motion was approved.

Applications Committee

On behalf of the Applications Committee, Mr. Jaback presented all applications for Board approval.

Motion: *A motion was made and seconded to deny Joseph Baird's application for certification. The motion passed.*

Motion: *A motion was made and seconded to conditionally approve Janel Benson's application for certification upon background check clearances by Children's Administration and Adult Protective Services. The motion passed.*

Motion: *A motion was made and seconded to approve Corinne Silins' application for certification. The motion passed.*

Motion: *A motion was made and seconded to deny Michael Scott Smith's application for certification. The motion passed.*

Motion: *A motion was made and seconded to deny Stewart Wallin's application for certification. The motion passed.*

Motion: *A motion was made and seconded to conditionally approve Lori Weeks' application for certification upon successfully completing the UW guardianship training. The motion passed.*

Recap of Motions from October 19, 2015 Meeting

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve the August 10, 2015 minutes.</i>	Passed
Motion: <i>A motion was made and seconded to approve the proposed 2016 meeting calendar.</i>	Passed

Motion Summary	Status
<p>Motion: <i>A motion was made and seconded to approve the Agreement Regarding Discipline for Certified Professional Guardian, Holly Surface. The motion was approved</i></p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to approve the SOP as provided below.</i></p> <p>“003.5 Posting Records. For a grievance or complaint that results in discipline to a professional guardian, the grievance or complaint, any response submitted by the professional guardian, the agreement or order imposing discipline, and any order on appeal by the professional guardian, shall be posted for public access on the website for the Administrative Office of the Court.”</p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to deny Joseph Baird’s application for certification.</i></p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to conditionally approve Janel Benson’s application for certification upon background check clearances by Children’s Administration and Adult Protective Services.</i></p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to approve Corinne Silins’ application for certification.</i></p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to deny Michael Scott Smith’s application for certification.</i></p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to deny Stewart Wallin’s application for certification.</i></p>	<p>Passed</p>
<p>Motion: <i>A motion was made and seconded to conditionally approve Lori Weeks’ application for certification upon successfully completing the UW guardianship training.</i></p>	<p>Passed</p>

Action Items	Status
<ul style="list-style-type: none"> Determine the number of CPGs that have multiple grievances. 	<p>In progress</p>
<ul style="list-style-type: none"> Discuss continuing education proposal at the January 11, 2016 Board meeting 	<p>In progress</p>

9. Wrap Up and Adjourn

The meeting was adjourned at 1:00 p.m. The next Board meeting is a conference call scheduled for November 16, 2015 at 8:00 a.m.