



Certified Professional Guardianship Board
Monday, January 11, 2016 (9:00 am - 2:00 pm)
SeaTac Office Center, 18000 International Blvd., Suite 1106,
SeaTac, WA

Meeting Minutes

Members Present

Judge James Lawler, Chair
Mr. Gary Beagle
Ms. Rosslyn Bethmann
Dr. Barbara Cochrane (by phone)
Ms. Nancy Dapper
Judge Gayle Harthcock
Mr. Bill Jaback
Commissioner Diana Kiesel
Ms. Carol Sloan
Mr. Gerald Tarutis

Members Absent

Commissioner Rachelle Anderson
Ms. Amanda Witthauer

Staff

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

1. Call to Order

Judge Lawler called the meeting to order at 9:08 a.m.

2. Welcome and Introductions

Judge Lawler welcomed the Board members and the public to the meeting.

3. Chair's Report

Approval of Minutes

Judge Lawler asked for a motion to approve the minutes of the November 11, 2015 Board meeting. Ms. Bethmann first asked to confirm that the meeting adjourned at 8:30 a.m. The time of adjournment was confirmed.

Motion: *A motion was made and seconded to approve the November 11, 2015 Minutes. The motion passed. Abstained: Ms. Dapper*

Grievance Update

Ms. Montejo provided an updated Grievance report. In summary, the Certified Professional Guardianship Board received five new grievances since the last report, dated October 31, 2015. Seven cases have been resolved without Agreements Regarding Discipline(ARD) or Hearing, due either to no actionable

conduct by the Certified Professional Guardian(CPG), or the death of the CPG. There are currently 68 open grievances, 35 of which were received in 2015.

Mr. Beagle asked that in the future the report should include the number of Certified Professional Guardians with multiple grievances, and the percentage of total grievances each represents.

Judge Lawler inquired about the number of grievances remaining from 2013. There are nine grievances open from 2013.

State and National Updates

Staff informed the Board about the recent Restoration of Rights Project conducted by the American Bar Association (ABA). They thought it important to note that many of those whose rights have been restored were temporarily incapacitated due to illness or accident at the time the guardianship appointment occurred, illustrating the need to explore alternatives for those who require only short term help with managing finances. The ABA will share statistics when their five-state study is complete.

Ms. Bondon reported that she will consult on a two-year project with Dr. Andrew B. Cohen, Section of Geriatrics, Yale School of Medicine on a study about guardianships and end of life decisions.

Staff provided updates on current Legislation, beginning with Senate Bill 5647, effective July 2015, which allows counties to create guardianship courthouse facilitator programs, to assist with guardianship filings. Due to a lack of funding, only two or three counties were considering establishing programs.

The adoption of Senate Bill 5607, the new complaint procedure for the modification or termination of guardianship, allows some tracking ability. At this time, three complaints have been tracked since July 2015. Only complaints that have been submitted on the model form can be tabulated, as there is no way currently to track complaints submitted by letter. Final Orders are still to be submitted to the Board.

House Bill 1035, protecting the personal information of a person acting as a guardian ad litem, was reintroduced in the 2015 session and has been retained in present status. While a guardian ad litem's business address would still be disclosable, personal information would no longer be available to the public.

Correspondence

The Certified Professional Guardianship Board received an invitation to submit a education session proposal for the 2016 annual conference. Judge Lawler explained that it was important to pursue and encourage education on elder issues and noted that there is a higher than usual number of new judges. Judge Lawler thought that presenting at the Spring Conference next year would be preferred, and Judge Harthcock agreed, but voiced some concern that the Board would be able to put together an entire presentation, but should perhaps focus on providing a "nuts and bolts" portion to a session. Judge Lawler believed a 1-1/2

hour session would not be too difficult to put together by the Spring Conference but that the Board should decline participation at the earlier Fall Conference.

4. Public Comment Period

Ms. Claudia Donnelly and Tom Goldsmith provided public comments.

5. Annual Planning Meeting Agenda Topics

Committee members discussed the following ideas for the annual planning meeting:

- Send a special invitation to new certified professional guardians.
- Review the triage process for grievances and determine what needs to occur to assure grievances are resolved quickly.
- Review grievances from a historical perspective, with a comparison of year to date with the previous year.
- Prioritize grievances, in particular CPG with multiple grievances. Discuss workflow. One member noted that the grievance backlog occurred due to a lack of resources. Another member commented that a lack of resources shouldn't be used as an excuse for a backlog.
- One board member suggested doing something positive, rather than disciplinary. Certified Professional Guardians should be contacted to determine what they would like the Board to discuss. The Board can also identify where CPGs often get into trouble, and state these issues up front. A member noted that unfortunately, many of those who make these mistakes, probably aren't attending meetings.
- The Board should consider working with attorneys who assist CPGs, helping to better educate CPGs to help them avoid standard pitfalls, such as late filings.
- The Board should reconsider posting ethics advisory opinions, which would be a tangible way to provide input outside of a disciplinary proceeding.
- A member noted that in her court 99% of CPGs do a great job. The Board should find a way to provide a mechanism for acknowledging stellar CPGs. A statewide award should be considered. A process would be needed. The Board was cautioned against recognizing individuals, but asked to consider recognizing groups or specific actions that are positive – what you would want others to emulate.
- A member suggested writing positive stories about CPGs, for instance sending letters to the Editor.
- A member commented that an increasing number of guardians are not taking high-risk cases, and wondered how CPG Board discipline affected the number of CPGs willing to do this work. The number of regulations is a complaint he has heard from CPGs. The Washington Association of Professional

Guardians and other CPGs should be encouraged to communicate more with the Board so a solution can be found. As a public policy issue, advocacy is needed for incapacitated persons. Cases are being dismissed because no one will take the cases. Often due to family dynamics fraught with issues, the time required in just placating the family is overwhelming. Guardianship is a business, and there is a problem with guardians taking on additional caseload just to keep cash flow, which breeds “bad” guardianship. Often once a guardian is appointed, without a successor, you’re basically the guardian indefinitely as the Court will not terminate the guardianship, and if the client isn’t deemed as a danger to themselves, there is no way to enforce what needs to be done. Due to family conflicts, Guardians ad litem can’t find CPGs to serve as many have determined that this kind of family trouble isn’t worth it. CPGs grade cases, not just on the income but on the “grief” factor. The problem is that experienced CPGs won’t take the difficult cases, and that means inexperienced CPG are taking the low pay, high risk cases. A member suggested sending a report to the Supreme Court acknowledging the problem, and proposing the topic for discussion at the Spring Conference.

- All regulations should be reviewed for consistency, and to assure they are understood.
- Invite the Public Records Officer to attend a Board meeting to answer questions regarding GR 31.1 once the act has been in place for a while.
- The WINGS Standards and Practice Committee is developing proposed standards for Board review. These should be discussed during the planning meeting.

6. Brainstorm New Member Recruitment

Mr. Beagle and Ms. Dapper reminded the Board that this is the last year of their term of service. Judge Lawler shared his concern that more CPGs haven’t shown an interest in applying to be a member of the Board. Mr. Jaback said he thinks the recruitment process is fine, but he too was also frustrated by the apparent lack of interest. Ms. Dapper suggested reaching out to the Senior Lobby and Aging Caucus as they are focused on elder issues. Judge Lawler encouraged Mr. Beagle and Ms. Dapper to recruit for their replacements. Mr. Beagle noted that if you have a business, it’s tough to make the time commitment needed to volunteer, to attend Board meetings, participate in WINGS, etc., especially for a sole practitioner. Mr. Tarutis offered to include the announcement on the bar association’s website, noting that many attorneys are also guardians. Judge Lawler would like to have the announcement out by April.

The search to replace the Board position vacated by Mr. Andrew Heinz has been extended. The Board’s Nominating Committee met, but still needs more candidate information. A 30 day extension was requested to complete this search. Both Ms. Dapper and Judge Harthcock indicated they were aware of interested candidates. A motion was made, seconded and approved to extend the time for the search.

7. **Executive Session (closed to public)**

8. **Vote on Executive Session Discussion**

Certification Noncompliance for non-payment of fees:

• **CPGS with Active Status:**

Motion: *A motion was made and seconded to decertify the following currently Active CPGS for failure to comply with recertification requirements. The motion passed.*

Samuel Ciapanna
Jeannie Jones
Monica Sattler-Summers
Barbara Schreck
Paul Van Wyk

Abstained: Mr. Jaback abstained from voting on Monica Sattler-Summers.
Judge Harthcock abstained from voting on Paul Van Wyk.

• **CPGS with Inactive Status:**

Motion: *A motion was made and seconded to decertify the following currently Inactive CPGS for failure to comply with recertification. The motion passed.*

Kristi Holden
Heather Kurt
Tami Lauteren
Marshan Raub

CPGs with Active Status that submitted Requests for Reconsideration:

Motion: *A motion was made and seconded to allow Gloria Muhammed to retain her certification, on the condition she files the required documents, pays the annual recertification fee, the required \$150 late fee and an additional \$150 special service fee. The motion passed.*

Motion: *A motion was made and seconded to allow Katherine Stratton to retain her certification, on the condition she pays the \$150 late filing fee. The motion passed.*

Grievances

- **Agreement Regarding Discipline:**

Motion: *A motion was made and seconded to approve a Letter of Admonishment regarding the conduct of Constance O’Hare per the Agreement Regarding Discipline and Stipulated Findings that was signed by Ms. O’Hare on December 28, 2015. The motion passed.*

Recap of Motions from January 11, 2016 Meeting

Motion Summary	Status
Motion: <i>A motion was made and seconded to decertify the following currently active CPGs for failure to comply with recertification requirements: Samuel Ciapanna, Jeannie Jones, Monica Sattler-Summers, Barbara Schreck, Paul Van Wyk</i>	Passed
Motion: <i>A motion was made and seconded to decertify the following currently inactive CPGs for failure to comply with recertification requirements: Kristi Holden, Heather Kurt, Tami Lauteren, Marshan Raub</i>	Passed
Motion: <i>A motion was made and seconded to allow Gloria Muhammed to retain her certification, on the condition she files required documents and pays recertification fee, late filing fee and special service fee.</i>	Passed
Motion: <i>A motion was made and seconded to allow Katherine Stratton to retain her certification, on the condition she files required documents and pays late filing fee.</i>	Passed
Motion: <i>A motion was made and seconded to approve a Letter of Admonishment regarding the conduct of Constance O’Hare per the ARD and Stipulated Findings signed by Ms. O’Hare on December 28, 2015.</i>	Passed

9. Wrap Up / Adjourn

The next Board meeting will be by teleconference on Monday March 14, 2016 at 8:00 am. Judge Lawler adjourned the meeting at 11:50 am.

Good morning:

WINGS

While on the Family and Friends committee, we made a recommendation that said isolation of seniors shouldn't occur. ~~Now on the Legislative Committee, we can't even talk about it or what is happening in our state today.~~ Kerri Kasem has sponsored a bill that would end isolation, ^{also} Catherine Falk and NASGA has done the same thing. ~~Yet, we are prohibited from talking about these bills.~~ ^{of course} In 2014, the AOC wrote a report – how many of you have seen it? The just of the report states that “it is our perception that isolation occurs in WA State”. I guess Dena's grandmother was isolated by a figment of her imagination as was Kerri's dad. I have ² stories to share with you – one occurring in Seattle ~~and~~ ^{+ one in Spokane.} one in Omak. This board is supposed to be protecting the elderly; like I've said before, I don't see it. In November some members of the group I belong to talked to Rep. Kochmar and told her that there are laws on the books that this Board doesn't make guardians adhere to. So why is this Board in existence?

The press knows them as well as some legislators.

Guardians are given due process for any complaints filed against them. But what about the Vulnerable Adult ^{one} who is told to turn her heat down in the Spokane winter or isolated a senior from family member? What about their rights?

V
or can't have any food

Thank you.

Claudia Donnelly

**

I don't know the bill number,

xxx Again, I don't know the bill number or sponsor,

Isolation & Financial Exploitation Story #46: Washington State

My parents put their house in trust in 1999. Mom has dementia/Alzheimer showing signs for a long time, this is probably why her sister and nephew took advantage of her. My mother's sister convinced my mother to move with her. She kept my mom from my sons and I for 3 years. In 2011 is the first time I got to see or speak to mom. Mom told me mother's sister took her to an attorney, she wanted her house, bank account and car. I started calling Adult protective services (APS) over this matter. When I was allowed to get mom, mother's sister wouldnt allow mom to have her check book, mother's sister would always state that her son had it and was balancing it. Son is not an account, he didnt attend college. I know my mom would have never allowed the son or mom's sister into her bank account. Mom needed to hire a contractor, it was someone from mom's sister's church. Long story the contractor took advantage of mom, mom's sister wouldnt give mom her mail (sister was picking the mail up since sister and sister's son disconnected mom's car) for the insurance, the insurance canceled her. We could have taken the contractor to court but mom's sister wouldnt allow it, it would make her look bad in church. Mom's house is destroyed. I contacted APS over the contractor Mom fell in 2012, mom's sister and her son took mom to the hospital the family didnt know for 8 hours. In mom's purse that night at the hospital her sister took out 5,000. It was never returned. When mom got out of the hospital, she was not to do anything or go anywhere, I couldnt get a hold of mom's sister or mom, I went there, mom's sister took her to the bank to cash more checks. Mom made many withdrawals from the bank for not having a driver license. I have contacted APS over the fall, mom's sister not giving mom her medicine and sister giving sister's medicine to mom. I have contacted the sister not feeding mom and keeping her clean. In 2014 mom came back home, when I got her belongings from her sister, I noticed some checks that were signed by the sister, sister stated she signed only one. Since looking through mom's checks the sister has been signing mom's checks since 2008, last time I checked forgery is forgery. I changed mom's bank account and looked through it, Wells Fargo told me that the sister announced in Wells Fargo that she was signing checks and Wells Fargo didnt report this. Wells Fargo told me that the sister's son had mom into the bank

weekly getting money for him. I know mom she would never have allowed her sister to sign her checks and she hated her sister's son. I have heard all my life how she hated that son.

But since I complained to the governor and APS, APS told me, I couldn't be in charge of mom, I made too many complaints to APS. APS stated they were going to make sure there was no money left and they would be appointing a guardian ad litem. The state called for an independent investigation his named initials are H.S There was nothing about H.S that was independent, he lied about all of us, H.S said what the state wanted him to say. H.S contacted the contractor that took advantage of mom for an interview. H.S the independent investigator for the state stated I used APS, for my own gain. APS stated people can't call APS all the time. The governor wanted all cases closed in 30 days no matter what, this is what APS told me. APS stated there was an investigation into mom's missing money they asked mom's sister and son if they stole anything from mom, they said no, case closed! So there is still over 100 thousand missing. So in the long run, since I called APS, I can't be my mother's power of attorney! I can't do anything for my mother because I called APS, and I am being punished. This so called guardian ad litem GAL and judges are trying to take mom's house out of trust so they can get paid. This one GAL has 20 people, she is nothing but a thief. Now my son is guardian of mom, to keep mom's house insurance we had to get the trees trimmed and new roof, the guardian ad litem told my son about this house roofer and tree trimmer, my son tried to get a hold of this GAL (guardian ad litem) for 3 days to make sure this was ok to do since she recommend him, the GAL would not answer her phone, the GAL would not respond to his emails, so my son calls from a different phone, GAL picks up, my son states his name, GAL hangs up on him. My son wrote her a check in August, she just now cashed it, GAL was trying to screw up his banking. I kinda typed this fast trying to recall everything, if you have any questions please contact me. I want everyone to know about the state, but I don't want my mother taken from me. One other thing the last time in court the judge that never heard the case said the GAL had to stay on the case to teach him something, which could be taught in one day, but they are draining my mother's account, and since my son is Native American, the judge assumes he is too dumb to do anything. This county is very racist. My son has a good paying job, he is an account for his tribe! If you want to know more please

feel free to contact me

From: **Claudia Donnelly** thedonnelly@oo net
Subject: another story
Date: January 10, 2016 at 3:20 PM
To:
Bcc:

Here is another story you might be interested in reading.

Good day,

My grandmother [REDACTED] was isolated on numerous occasions from my mother [REDACTED]

[REDACTED] was taken from her Senior residence and admitted to [REDACTED] Hospital in Spokane for Morphine induced medical problems; at the hospital the doctors found she was being medicated at the Senior facility and gave a directive: NO MORE MORPHINE as well as numerous other laxatives and medications. When my grandmother returned to the senior facility my mother [REDACTED] ran across the nurses medication records that showed [REDACTED] was indeed back on Morphine even though the hospital had specifically stated NO and that is when the issues with isolation started.

[REDACTED] was restricted from visiting to certain hours, she was not allowed to see the medication list her mother was on and she was no longer able to question how her mother was being treated. When she was finally able to take her mother out for an afternoon she took her to an independent physician where again the Morphine was documented as unnecessary. Unfortunately the senior facility with the help of Adult protection and the state attorney generals office petitioned for a guardianship. Under the guise of going to lunch my grandmother was illegally taken to a locked Dementia ward where fraudulent powers of attorney were used to commit [REDACTED] and deny [REDACTED] the right to visit, care for her mother, question the medications that were being prescribed and the treatment [REDACTED] was receiving.

After [REDACTED] was locked in the Dementia ward with the assistance of the GAL and the State Attorney Generals office and without notifying [REDACTED] attorney, with the use of fraudulent powers of attorney a restraining order was filed against [REDACTED] and was granted. Anyone and everyone who has read the petition for the restraining order was shocked. There was no evidence of abuse or neglect in fact the in home care service that visited [REDACTED] when she was with [REDACTED] testified on [REDACTED] behalf. Regardless the restraining order was issued.

[REDACTED] was provided an independent guardian, locked permanently in a Dementia Ward (based on a \$50 verbal test done by an unqualified physician to a woman who [REDACTED] Hospital had declared legally deaf), denied the right to her attorney, and her visitations with [REDACTED] were restricted. Unfortunately [REDACTED] was concerned about her mother, [REDACTED] and when she again began to ask questions, the facility provided false testimony in court to deny [REDACTED] visitation rights. (On the days the facility stated [REDACTED] gave her mother unauthorized food, [REDACTED] wasn't there. [REDACTED] did not have a car, rode the senior bus to and from the facility and had documented proof she was at home on the days in question.)

Needless to say Judge [REDACTED] a member of the state guardian board, the director of the guardianship program in Spokane County presented a factual lie in his facts and findings to deny [REDACTED] visitations and re-enforced his position by stating [REDACTED] guardian "had an excellent reputation in the community" so the guardian was in the best position to make a decision.....

no one cared about the law, [REDACTED] legal rights or [REDACTED] legal rights. It is my belief that the system in Washington State is corrupt from start to finish. The Senior facilities use Adult protection to deny family members the right to visitation, if family members question what is going on Adult protection uses the State Attorney Generals office to appoint a guardian and thus denying the senior of any rights. Family members have no one to call when a senior is being abused by a facility or a guardian. A family's only recourse is to spend thousands of dollars hiring attorney's to attempt to get help for their loved one. No one in this state protects seniors or their family members. I believed so strongly that the system is corrupt that as a Republican/Independent I voted for Enslley a Democrat for Governor. [REDACTED] and his manipulation of the Attorney Generals office in denying senior rights scared me.

I appreciate and applaud anything that can be done to protect the rights of citizens of Washington State including seniors. My only concern with the bills being presented is that there is no enforcement procedure. In [REDACTED] case several laws were broken including RCW 11.92.190. When [REDACTED] attorney and [REDACTED] attorney argued this law and how [REDACTED] was being detained against her will in a locked Dementia Ward, Judge [REDACTED] the Spokane office of The Attorney General, DSHS Adult Protection and the GAL all laughed in their faces and stated the " the law means nothing" [REDACTED] was to remain locked in a Dementia Ward against her will with restricted visitation until she died and this is how she lived the remainder of her life.

The stress of not being able to help her mother contributed to [REDACTED] unexpected sudden death. [REDACTED] spent ten of thousands of dollars attempting to regain her rights, [REDACTED] also spent tens of thousands of dollars in attempt to get her mother off of the morphine and receive appropriate medical treatment; physical therapy, an appropriate dementia test (although [REDACTED] attorney believed she was elderly, she was 95; her attorney did not believe she had dementia that the Morphine had and continued to interfere with [REDACTED]s mental health), occupational therapy, the right to live where she wanted, the right to see who she wanted, the right to eat what she wanted; thousands were spent to no avail.

The State and the Judge both treated [REDACTED] as if she were mentally unstable, an inconvenience and a danger. She was in fact a retired college professor with a masters in psychology. She wanted her mother to be treated fairly, respectfully and legally.

Even to this day Ms. [REDACTED] helps the state escape responsibility by stating "you don't know the whole story". Unfortunately I do, I found [REDACTED] attorney and helped process the paperwork, I helped find [REDACTED] attorney and provided statements, legal documents and coordinated an investigation of [REDACTED] trust account covering a period of over 15 years with the IRS, the banks and social security. I knew 99.9% of everything that involved the life of [REDACTED] and [REDACTED] and it is my opinion that they were both denied their rights as citizens of this state.

So while any progress is good progress please address the need for enforcement. Again there were RCW's that could have helped [REDACTED] if anyone would have enforced the law.

Best wishes
[REDACTED]
[REDACTED]

RCW 11.92.190

Detention of person in residential placement facility against will prohibited—Effect of court order—Service of notice of residential placement.

No residential treatment facility which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an incapacitated person shall be void and of no force or effect. This section does not apply to the detention of a minor as provided in chapter 70.96A or 71.34 RCW.

Nothing in this section shall be construed to require a court order authorizing placement of an incapacitated person in a residential treatment facility if such order is not otherwise required by law: PROVIDED, That notice of any residential placement of an incapacitated person shall be served, either before or after placement, by the guardian or limited guardian on such person, the guardian ad litem of record, and any attorney of record.

4 [REDACTED] isolation and abuse story- OK for the public

My friend, we'll call him [REDACTED] is now 83. The last 3 years of his life has been that of a captive because the Kitsap Superior court put him into guardianship. It was obvious that his "best friend" was stealing his money and lying to him about his health and friends, but the court gave Mr. "Best friend" the guardianship (he's a local) and brought charges against me when I tried to get [REDACTED] help. The APS agent told me; "We can't let [REDACTED] talk to his friends or that will make him sad" and then she filed to put me on the state wide abuse list with a list of false charges, some not even abusive. [REDACTED] was given a court appointed GAL who did not tell him he had rights. He had asked the APS agent for help and she refused.

[REDACTED] was transferred to a dementia ward at [REDACTED] Port Orchard, because [REDACTED] staff heard him telling someone on the phone that he wanted to go home and would escape. [*RCW 11.92.190-holding a person against his will in a residential facility unlawful.*] Park Vista was told [REDACTED] had dementia and quickly placed him in "memory care" (lock down ward.) He was not allowed visitors or calls and they started over drugging him. [REDACTED] does NOT have dementia. [REDACTED] had no lawyer to represent him. Any friend who reported the abuse to the APS agent was labeled "meddling and manipulating" and was no longer allowed to talk to [REDACTED]

*It is unlawful, but there is no punishment for doing it.

Later that year, friends called the longterm care Ombudsman of Kitsap County. After talking to [REDACTED] "best friend" (now guardian) the Ombudsman declined to help [REDACTED] at all. After the State Ombudsman was contacted, the local was forced to help [REDACTED] and he got his right to return to his house in King county which he loves (and wants to die in) as he had built it for his now deceased wife. Then the real torture started.

The care-givers were told to try to keep [REDACTED] isolated from his "manipulating" friends. They would refuse to take him to his Parkinson's therapy (because "bad people" might show up there) and would screen calls from his friends and discourage visitors. One got dragged into court for "helping" [REDACTED] after talking to him on the phone once and others were threatened. Burglar alarms were installed inside his house to keep him under control and finally on his bedroom door. When he got up in the middle of the night, a 120 db alarm screamed in his ears. He had a visitor (his last) the next day and told her about it. He had 24 hour "care-givers" who were basically just to spy on him as he needed no help with ADLs. They took his phone away. They thought that someone might be talking to [REDACTED] at night, so they hired a night watchman at [REDACTED] expense. Finally they locked him in his bedroom. He escaped and ran down the street yelling for help, so they told the police that he had dementia and the police allowed him to be taken back to [REDACTED] Port Orchard again without an investigation.

Back in Port Orchard he was again locked in the isolation ward without the ability to contact anyone but APS. In the APS records it states that he called asking for help and then "records closed." Someone had, however, managed to get a lawyer for him while he was home. He was appointed a Certified Professional Guardian (CPG.) Sounds great? Nope. He allowed the

first guardian/best friend (whom [REDACTED] was wanting to get rid of) take care of [REDACTED] health care. The CPG proceeded to charge [REDACTED] outrageous fees and uses [REDACTED] money to hire his own firm to bring [REDACTED] to court to take away his home and money. He charges \$1000 a month for "property management" when all he does is have the yard mowed once every 6 months. No one was allowed to visit [REDACTED] except [REDACTED] "best friend" who takes him to medical appointments and convinces the doctors [REDACTED] needs more drugs. (Easy to do with Parkinson's medications.)

[REDACTED] lawyer? Oh, she quit. She got bought out by [REDACTED] CPG to keep her mouth shut by giving her a position in his firm. The new Kitsap court appointed lawyer won't do anything for him. The new lawyer has witnessed the overdosing and the financial embezzlement and wouldn't tell the court. The problem is that the court rubber stamps fees without looking at them. When the guardian does something bad the court can't do anything for fear of getting exposed. King county defense for the elderly, [REDACTED] told me that once the court signs for fees, no matter how outrageous they are, there is nothing that can be done to the guardian. It is probable that some in the courts don't even know guardianship law.

By 2015 [REDACTED] was so over drugged he can hardly get a sentence out. Because of fast turnover of care-givers at [REDACTED] (new care-givers hadn't learned to isolate him yet) 3 friends got in to visit and witnessed [REDACTED] body swinging and contorting from the drug over dose. His arms and legs flailing all over. Even though he was in a wheel chair because of breaking his hip (due to the excessive body movement) he could hardly stay in it. He couldn't get out a complete sentence because of the drugs had such a terrible effect on his mind, yet they brought him more right there while he was already being overdosed. [REDACTED] can't remember [REDACTED]

We took testimony to the court and court records showing his being over charged and over drugged and isolated- 400 pages of backing documentation. His guardian had even written in court documents that he was forcing pills on [REDACTED] and "had to" lock him in the dementia unit because someone gave him a copy of his right and a book on healing. It was blatant. The Kitsap court judge said she would not do anything. Motion to stop abuse of VA- DENIED. She did tell the guardian to get [REDACTED] out of Kitsap before the month was over. (Elections are coming up.) Some time later the over-drugging stopped. We think a doctor must have found out.

[REDACTED] was brought to West Seattle and put in a care house with people from Russia. Foreign care-givers believe that it's OK to take old people's rights away. They were told that there are "evil people" out there and [REDACTED] was only to have approved visitors. None of his friends were allowed to talk to him. Visitors were turned away. [REDACTED] tried to escape in 90 degree heat just a few months after breaking his hip.

The state Ombudsman was told what was happening. Shortly after, [REDACTED] was moved north of Seattle with APS agent and social worker in tow. All are being told by [REDACTED] guardian that [REDACTED] has evil friends and it is important to keep 24 hour watch on [REDACTED] new care-givers are also foreign born, low on English skills and gullible. [REDACTED] didn't have a phone and they were "protecting" his address, so they were not in the court records. Friends didn't know he was close by until the state Ombudsman sent someone to help [REDACTED] get a cell phone. He is not allowed to go out of the house without a care-giver driving him (except his "best

friend”) and permission from his guardian. Did I mention that [REDACTED] best friends had written a Trust for [REDACTED] giving himself all of [REDACTED] \$1 Million in assets and the wife is the one who can decide if [REDACTED] Trust money should be “handled” for him? [REDACTED] wants his money to go to woman's charities.

The cell phone only lasted one month. They decided to “save [REDACTED] money” and he could use the care-giver's home phone. Everyone has to check in with the care-giver- if she answers. Some are [REDACTED] long-term friends being turned away as “dangerous and manipulating.”

[REDACTED] lawyer had helped write the CPG manual for WA state and knows that guardians are not allowed to hire their own firms with their ward's money. Conflict of interest. She knows it, but refuses to help [REDACTED] get a different guardian. [REDACTED] current CPG has other wards whom he uses to fund his firm with also. I have heard that he sells his ward's property to his friends at below cost. He has been doing guardianships long enough that the courts don't even check his records anymore. He has very accurate records. He itemizes everything, including charging [REDACTED] for general filing. He charges \$375 per hour to talk on the telephone to [REDACTED] or anyone else about [REDACTED] which is supposed to be covered by his monthly guardianship fee of \$1200 - over 3 times the state maximum.

[REDACTED] CPG possibly has 20 wards under his guardianship at \$1200 per month (\$24,000 per month) plus the money he collects from using his own law firm to “represent” them in court. \$360,000 plus \$375 per hour should exceed half a million per year “protecting” the elderly from abuse. Good racket.

Did I mention that guardianship is supposed to help protect the rights of the vulnerable, not take them away? This is America we are supposed to have ALL our rights protected until we die. Not just until we are old enough to be controlled.

Wisconsin --Guardianship Support Help-Line

Prepared for WA CPGB, 11 Jan 2016 In-Person Meeting

Good Morning,

Let me report to the Board on a piece of the WA WINGS project some of us have been working on. Where I have seen first-hand why further study of issues and suggestions already prioritized by stakeholders can be thought-provoking and fruitful.

I see the underlying objective of Washington State's WINGS **stakeholder** effort as being to encourage more "good" guardianships, and fewer "less-good" ones. Whether lay or paid professional guardianships, and with more "professionalism" and support for all fiduciary efforts involved, as the concept "**supported decision-making**" appears to be taking root in more and more peoples' thinking.

My WINGS work has been with the Long Range Planning Committee, which has set up a number of sub-committees to further examine prioritized questions. Our committee is looking at "**providing education and assistance**", by establishing "**a hot-line for guardianship questions**".

Shirley Bondon's national contacts have made her aware of a "**help-line**" which has been in operation in Wisconsin (WI) for almost 30 years. Working within a "Guardian Support Center" (GSC)¹.

Wisconsin --Guardianship Support Help-Line

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Wisconsin, with almost six million rural and urban inhabitants, is similar in many ways to Washington State, with seven million. Details include:

- A decentralized 72-County Circuit Courts system, as compared to Washington's Superior Courts in 39 counties.
- A WINGS² effort, is led by a retired Judge recently appointed as Executive Assistant to the WI Chief Justice.³ WI kicked off with a first summit 27 May 2015, and a second summit planned for this April.
- One person is running the help-line on a ca. \$100,000 core annual budget⁴, with volunteers, and limited matching funds from the state's Area Aging Agencies organization, the GWAAR (Greater Wisconsin Agency on Aging Resources). The GSC is housed within the GWAAR and receives support from the Department of Health Services (DHS) as it Works in collaboration with the LTC Ombudsman, Wisconsin Guardianship Association, Court Registers of Probate, Elder Law Section of the Wisconsin Bar Associations, and others, under a contract re-established every second year, starting with a DHS administered RFP procedure⁵.
- Five or six attorney GSC incumbents over the years have stayed in touch with each other, to provide mutual support and continuity. The current

Wisconsin --Guardianship Support Help-Line

Prepared for WA CPGB, 11 Jan 2016 In-Person Meeting

incumbent returned in November from her first-child maternity leave.

- Activities of the GSC, supported by volunteers, include:
 - Managing a telephone (with voice-mail) and e-mail **help-line** function that fields some 2,000 “calls” annually. Issues are tracked while working with a thousand or more callers, professionals, and other involved persons.
 - A quarterly newsletter⁶, with detailed “case law” descriptions, and published “help-line” topics.Similar in some ways to a Washington CPGB “Guardian Focus” newsletter⁷ I’ve seen from 2007, which featured “Ethical Advisory Opinions”.
 - A statewide list-serve and web-site containing GSC newsletters, and other documents covering priorities and policies, geographic issues, and reform.
 - At least 12 and as many as 20 “out-reach” events per year, sometimes with 100-200 attendees each, across the state. (Like having several WINGS stakeholder conferences, and continuing education, all rolled into one?)
- Focus on providing legal information, and neutral, general consultation to inquiries. From

Wisconsin --Guardianship Support Help-Line

Prepared for WA CPGB, 11 Jan 2016 In-Person Meeting

“guardians, other surrogate decision makers, family members, wards, other vulnerable adults, professionals, and related agencies. “

With explicit guidelines NOT to provide direct legal representation or specific legal advice.⁸ Rather, to cite and clarify Wisconsin statutes, and applicable Federal law.Always following a policy of recommending that the caller engage a private attorney.

- As I understand it, only very limited Legislature lobbying is permitted, yet advisory consultations are provided, when asked.

Interestingly (although this is clearly only my own non-legal-mind impression) it appears that the case-law and help-line advisory writings describe a body of law more coherent / easily-understood than what I've seen in Washington State. Perhaps because the Legislature is the only “gate-keeper”, and is separate from the responsibilities of the Judiciary. That is, there is no duality, or gray-area Standards of Practice thinking, forming a supplement to statutes, which the Courts are not obliged to consider. With the result that perhaps newcomers to guardianships might feel able to more easily and intuitively understand the complex body of law they encounter.

Wisconsin --Guardianship Support Help-Line

Prepared for WA CPGB, 11 Jan 2016 In-Person Meeting

Also, I found that the incumbent coordinator appeared to be very interested in Washington State's:

- Paid guardian certification,
- CPG complaint and discipline system,
- County Court monitoring.

In the course of speaking with Attorney Susan Fisher, who is currently leading the Wisconsin GSC, I learned a lot about that state's approach to guardianships. I understand the WI Department of Health Services – Division of Quality Assurance Services regulates ca. 100 paid “corporate guardians”⁹, as described in four compact pages of Wisconsin's DHS Administrative code.¹⁰ The WI Department of Financial Institutions (DFI) also plays a role.So our sub-committee will surely be studying these issues further.

Thank You.

Tom Goldsmith

Reference information, as we study further, includes:

¹ An abbreviated Guardian Support Center Policy Manual is available, which describes the help-line activities and policies.

² For further information on WINGS see:

<https://www.naela.org/NAELADocs/PDF/Media/Press%20Releases/2015/Press%20Release%20-%20NGN%20WINGS%202015.pdf> and

https://www.naela.org/NGN/WINGS/State_WINGS_Groups_in_Action/NGN/WINGS/State_WINGS.aspx

³ The appointment of retired Judge Bissonnette is described in a Wisconsin Court System, “The Third Branch” newsletter: Found at: <http://www.wicourts.gov/news/thirdbranch/current/special4.htm>

⁴ A clearer picture of this budget would be helpful. I've been told the grant requires a minimum 10% matching, and that no more than 10% of the awarded grant may be used for administrative purposes. Also that because outreach activities are always provided “on request” (typically unsolicited) their costs are

Wisconsin --Guardianship Support Help-Line

Prepared for WA CPGB, 11 Jan 2016 In-Person Meeting

modest, and do not include facility, catering, or related fees. While also, no payments or gifts are accepted, for presenting or for the help-line.

⁵ Most recently with Wisconsin DHS Request for Proposal 1741 DLTC-JB.

⁶ Find recent newsletter links at the bottom of the GWAAR home page, at:

<http://www.gwaar.org/component/content/article/10-articles/aging-programs-and-services/206-wi-guardianship-support-center.html>

⁷ Find the year 2007 Washington newsletter at:

http://www.courts.wa.gov/content/PublicUpload/Newsletter%20Guardian%20Focus/01_E-Newsletter.pdf

⁸ Footings of all GSC e-mails include the following text:

“WI Guardianship Support Center

* This email only contains and is only meant to contain general legal information. It does not provide legal advice. If you would like specific legal advice, please consult an attorney. No legal and/or attorney-client relationship has been formed between the sender, the recipient, or any named individual.”

⁹ Two Wisconsin forms, helpful in understanding the nature and scope of this function, can be found at:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=0ahUK EwidxMbw18XKAhVJx4MKHdE2ArYQFgg1MAM&url=https%3A%2F%2Fwww.dhs.wisconsin.gov%2Fforms1%2Ff6%2Ff62546.doc&usg=AFQjCNGzj6-qZTx8DR6V2ahMEyNH8GVW9A&sig2=SLO0wKAQ93lhxXWku2Yphg&bvm=bv.112454388,d.eWE>

and

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&cad=rja&uact=8&ved=0ahUK EwidxMbw18XKAhVJx4MKHdE2ArYQFgg7MAQ&url=https%3A%2F%2Fwww.dhs.wisconsin.gov%2Fforms1%2Ff6%2Ff60820.docx&usg=AFQjCNE7cSOXKBCUIVly_6pO_70amiLJ5Q&sig2=SRSQ6HoA19mOl3Qq2vPmdA&bvm=bv.112454388,d.eWE

¹⁰ See, Chapter DHS 85, NON-PROFIT CORPORATIONS AND UNINCORPORATED

ASSOCIATIONS AS GUARDIANS: http://docs.legis.wisconsin.gov/code/admin_code/dhs/030/85.pdf