



## Certified Professional Guardianship Board Meeting

Monday, June 13, 2016 (9:00 a.m. – 1:00 p.m.)  
SeaTac Office Center, 18000 International Blvd., Suite 1106  
SeaTac, WA

### Meeting Minutes

#### Members Present

Judge James Lawler, Chair  
Mr. Gary Beagle  
Ms. Rosslyn Bethmann (phone-in)  
Dr. Barbara Cochrane  
Ms. Nancy Dapper  
Judge Gayle M. Harthcock  
Mr. William Jaback  
Commissioner Diana Kiesel  
Ms. Carol Sloan  
Ms. Barbara West

#### Members Absent

Commissioner Rachelle Anderson  
Mr. Gerald Tarutis  
Ms. Amanda Witthauer

#### Staff

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

#### 1. Call to Order<sup>1</sup>

Judge Lawler called the meeting to order at 9:10 am.

#### 2. Welcome, Roll Call & Approval of Minutes

Judge Lawler welcomed new board member Barbara West to her first in-person board meeting. Ms. West has a 25 year background as a guardianship and elder law attorney. Administrative Office of the Courts (AOC) grievance investigator Eileen Schock was also welcomed back, following a brief absence. Judge Lawler next noted this would be the final in-person board meeting to be attended by Mr. Gary Beagle and Ms. Nancy Dapper and thanked them both for their service. Because nine years is the maximum time that anyone can serve on the board, they will be leaving their positions September 30, 2016.

Judge Lawler entertained a motion for approval of the May 9 meeting minutes. The motion was moved and seconded. There were no corrections or additions. Ms. Diana Kiesel abstained, as she was not present at the May 9 meeting. The minutes were approved.

#### Chair's Report

Staff gave the Board an update on the status of recruiting new Board members: The initial recruiting announcement was distributed in April. To date, staff has received four

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<sup>1</sup> Group and individual Certified Professional Guardianship Board photos were taken by Administrative Office of the Courts' Communications Officer Monto Morton. These updated photos will be included on the Guardianship and Elder Services' informational exhibit that is used for display at various meetings and conferences

letters of interest from members of the public. The Washington Association of Professional Guardians (WAPG) has advised that they will submit at least one name for consideration. The final deadline for application is July 1.

September 2016 also marks the end of a three year term for four members of the Board. Mr. Bill Jaback, Ms. Rosslyn Bethman and Commissioner Rachelle Anderson. When the Chair has no concerns, board members who have not served three full terms can choose to remain on the board and continue to serve. The three members above have decided to continue serving. Per the policy of the Washington State Bar Association (WSBA), Mr. Tarutis, as a representative WSBA, cannot automatically remain on the Board. WSBA will accept letters of interest and will share those letters with the Board's nominating committee. If he wishes, Mr. Tarutis may reapply through the WSBA.

### **3. Public Comment Period**

Mr. Tom Goldsmith and Ms. Claudia Donnelly spoke during the public comment period. Ms. Donnelly also provided a written statement to the Board, which is attached.

### **4. GR 31.1 Primer**

Ms. Jan Nutting, Public Records Officer for the Administrative Office of the Courts, gave a brief overview of General Rule (GR) 31.1, which has been approved by the Board for Judicial Administration, and the Supreme Court. As of January 1, 2016, all guardianship records are disclosable (with redactions). The assumption should be that records generated by the Board are disclosable. If a request is made for records and there is a way to provide the information, AOC will do so. Handouts and templates were provided to the Board and staff. Examples of exemptions to disclosure are included in the handout, with a section that applies to the CPG Board specifically. While the Executive branch is governed under the Public Records Act (PRA), GR 31.1 governs disclosure of documents of the Judicial Branch.

A board member noted that GR 31.1 mandated the disclosure of grievances, but wondered about internal deliberations and emails. Ms. Nutting advised that the deliberations of the Standard of Practice Committee (SOPC) are not disclosable, however, once a case has been investigated, the summary of that investigation is disclosable. Discussions with the Attorney General would be privileged. A board member wanted to confirm their understanding that any correspondence between judges would be non-disclosable. Ms. Nutting said that while correspondence between judges is protected, if the correspondence is shared with a third party, not a judge, the correspondence would then be disclosable.

Requests for records must be made in writing to the Public Records Office at AOC. While the AOC is not governed by the PRA, it may be consulted. Judge Lawler suggested that all Board members be mindful of what is written in email and other correspondence as it could potentially be made public.

Draft copies of a record can be destroyed, but the final copy, or decisional document would have a specific retention period. Any requests for records received by individual members of the Board should be forwarded to the Public Records Officer. There is no obligation under GR 31.1 to create a record. GR 31.1 only applies to documents created on or after January 1, 2016.

## **5. Grievances**

The Certified Professional Guardianship Board has received seven new grievances since the last report, bringing the total open grievances requiring investigation to 90. Ms. Montejo noted that during this past month, three grievances from 2013 have been dismissed for no actionable conduct. A board member inquired about the number of guardians who had multiple grievances, and asked that this statistic is included as part of the regular reporting. Judge Lawler agreed this would be useful information to include. A board member asked about the average time it takes to complete a grievance investigation. Judge Lawler explained that priority is given to those grievances where an incapacitated person is potentially in harm's way.

The Board's Findings of Fact, Conclusions of Law and Order along with Terms of Auditing and Mentoring in matter CPGB 2012-002, 2012-013, 2012-038, 2012-045 and 2012-046 involving CPG Maureen Carroll were sent to the guardian on April 15, 2016. The documents were mailed to the guardian, and they were sent by certified mail. The guardian was given thirty days to respond, or May 18, 2016. When the original deadline passed, a new deadline of June 21 was given. In anticipation of another missed deadline, staff requested direction from the Board on next steps. Board members stated that lack of timeliness was typical of the complaints against this CPG. Potential consequences of missing the June 21 deadline were discussed. Judge Lawler stated that the consequence spelled out in the Order was that the CPG could be decertified. A board member stated that the CPG was already in default due to her lack of response, and the lack of response by her counsel. As this CPG has already been given additional time to respond and is nearing a second deadline, Judge Lawler believed it is now appropriate to commence the next disciplinary action for failure to comply. A board member suggested that sanctions should be more clearly spelled out, and that language should be added to the ARD that failure to respond timely could result in decertification. Mr. Jaback reminded the Board of the original April 15 mailing, and that those actions specified by the Order were required to take place within 30 days. The CPG is clearly out of compliance. Judge Lawler advised staff to begin the decertification process commencing on June 22, 2016 if the CPG had not yet responded.

The Board next discussed the status of CPG Lori Peterson who has requested reinstatement following a one-year suspension. The Board noted this CPG has not yet paid fees or fines, nor has this CPG complied with other actions required by the Board. It was determined the CPG remains suspended and there is no other action to take at this time.

## 6. Updates

Staff provided an update on the web-based Professional Guardian recertification program, advising that in 2017 CPG recertification is scheduled to occur online. Electronic copies of documents and reports of work completed will be generated. The existing recertification form has been converted for completion online. Disclosures and additional forms such as E&O insurance and Designated Guardian declarations will be downloadable. The forms for agency designated CPG, and standby guardian will accept electronic signature. Reminder letters will be automated via email. Mr. Jaback said the pathway for CPGs to review CEUs online is difficult to locate. Staff noted the website is being revamped and there will be new buttons to help with navigation.

Regarding new CPG applicants, it was suggested that if a new applicant is using volunteer work as a transferrable skill to satisfy the experience requirement, this should include a verification of hours on the website's CPG Application Form.

## 7. Executive Session (closed to public)

## 8. Vote on Executive Session Discussion

### Applications Committee

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

**Motion:** *A motion was made and seconded to conditionally approve Anthony Alfieri's application for certification upon completion of the UW certification program. The members of the Applications Committee abstained. Motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Katrina Morales' application for certification upon completion of the UW certification program. The members of the Applications Committee abstained. Motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Chester Newman's application for certification upon completion of the UW certification program and verification of volunteer time as transferrable experience. The members of the Applications Committee abstained. Motion passed.*

The Executive Committee also reviewed the CPG complained about in Grievance 2013-042 and determined that he should be given one week to respond to the most recent correspondence from the Board. If the CPG does not respond within this time, it will be assumed that he does not agree with the Board's determination. No additional vote is required as this was the decision made in Executive Session on May 9, 2016.

## 9. Wrap Up / Adjourn

Judge Lawler adjourned the meeting at 11:55 a.m. The next Board meeting will be a teleconference on Monday, August 8 starting at 8:00 a.m.

### Recap of Motions from June 13<sup>th</sup>, 2016 Meeting

| Motion Summary   | Status |
|--|--------|
| <b>Motion:</b> A motion was made and seconded to conditionally approve Anthony Alfieri's application for certification upon completion of UW certification program. Motion passed.   | Passed |
| <b>Motion:</b> A motion was made and seconded to conditionally approve Katrina Morales' application for certification upon completion of UW certification program. Motion passed.  | Passed |
| <b>Motion:</b> A motion was made and seconded to conditionally approve Chester Newman's application for certification upon completion of UW certification program and verification of volunteer time as transferrable experience. Motion passed. | Passed |

June 13, 2016

Good morning:

In the past, I've talked about WA residents being isolated from loved ones, neighbors and friends. I have asked why it happens; no one answers. I've asked about the report Ms. Bondon wrote in 2014 about why she thinks it doesn't happen here – it's a perceived problem here in WA State. ~~I've received no response from her.~~ I heard that stories I've told you about isolation are innuendoes and not to be believed. I would like to read you part of a declaration written for a Court to ponder. It was written by someone who works for a state agency and she doesn't want to become known. *This ~~is~~ is an APS ~~referral~~ referral. gentleman*

"During this March 3 meeting, Ms. \_\_\_\_\_ told me that Mr. \_\_\_\_\_ would return home on March 6, and she authorized me to begin preliminary clean-up of his home. Ms. \_\_\_\_\_ said that "she was the person making decisions" and personally told me that I could clean Mr. \_\_\_\_\_ home. I informed Ms. \_\_\_\_\_ that \_\_\_\_\_ and I would begin cleaning the next day, and Mr. \_\_\_\_\_ spent two full days clearing Mr. \_\_\_\_\_ home of trash, recyclables, and sorting through personal paperwork. Mr. \_\_\_\_\_ found an additional gun in Mr. \_\_\_\_\_'s sofa and I emailed the guardian at that time to inform her of this. When Ms. \_\_\_\_\_ did not call me on March 6, I called her and learned that Mr. \_\_\_\_\_ would not return home and in fact, he was being sent to a locked memory care unit in Snohomish County. The plan was for Mr. \_\_\_\_\_ to return home until the guardian learned of his assets, then the plan suddenly changed". Now this person's home has been sold – per the guardian.

There is an SOP – 407.5 – that says guardians cannot isolate a senior. What needs to happen before you start recognizing that my so called innuendoes are real and isolation and financial exploitation of our seniors does happen in WA State? The GAO is being told of all the stories I hear. ~~I have thought this before. Ostriches are dumb birds.~~

~~Thank you.~~ Another problem you have is a lack of privacy. I found this excerpt from a John L. Scott statement: “we take reasonable measures to protect your personal information in an effort to prevent loss, misuse and unauthorized access, disclosure and destruction. All employees with access to the personal information you provide to us, through the Site, via property tracker and/or Market Watch or through any other means, are bound by a confidentially agreement prohibiting the unauthorized disclosure and/or use of your personal information.

Last but not least, I got a book that maybe the AOC would like to have a copy of – “Guardianship – How Judges and Lawyers Steal Your Money”. I bought my copy but was given this copy to give to whomever I wish so they can read what is happening in WA Courts. One of the stories listed was broadcast by KING TV 5 about a year ago. So, please don't tell me these stories are innuendoes or lies. This copy is for Ms. Bondon. If any of the rest of you want a copy, please let me know (~~I have extra copies in my car.~~) Thank you.

~~The WA lady~~

*Claudia Donnelly*