

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

AGENDA			
1.	Meeting Called to Order	Judge James Lawler	9:00 a.m.
2.	Chair’s Report <ul style="list-style-type: none"> • Approval of Minutes • Reminder – Requesting Letters of Interest • Appoint Nominating Committee • Correspondence <ul style="list-style-type: none"> ○ Board’s Response to Jennifer Roach 	Judge James Lawler	9:00 – 9:15 a.m. <i>Page 2</i> <i>Page 5</i> <i>Page 7</i>
3.	Public Comment Period	Judge James Lawler	9:15 – 9:45 a.m.
4.	GR 31.1 Primer	Jan Nutting	9:45 – 10:15 a.m.
5.	Grievances <ul style="list-style-type: none"> • Monthly Grievance Report • CPG Grievance No. 2014-042 (Maureen Carroll) • Lori Petersen’s Request for Reinstatement - Board’s Response to John Pierce, attorney for Lori Petersen 	Staff	10:15 – 11:00 a.m. <i>Page 9</i> <i>Page 10</i> <i>Page 17</i>
6.	Updates <ul style="list-style-type: none"> • Web-based Professional Guardian Recertification • State and National Decisional Support Updates 	Staff	11:00 – 11:15 a.m. <i>Page 27</i>
Break (11:15 - 11:30 a.m.) Working Lunch (11:30 a.m. – 12:30 p.m.)			
7.	Executive Session (Closed to Public)	Judge James Lawler	11:30 – 12:30 p.m.
8.	Reconvene and Vote on Executive Session Discussion (Open to Public)	Judge James Lawler	12:30 – 1:00 p.m.
9.	Wrap Up and Adjourn	Judge James Lawler	1:00 p.m.

Next Meeting Date: August 8, 2016, 8:00 a.m. – 9:00 a.m.
Teleconference

*If you need an accommodation, please contact Shirley Bondon
at the Administrative Office of the Courts at 360.705.5302 or shirley.bondon@courts.wa.gov
This meeting site is barrier free.*

Chair's Report

Certified Professional Guardianship Board

Monday, May 9, 2016 (8:00 a.m. – 9:00 a.m.)

Teleconference

Proposed Meeting Minutes

Members Present

Judge James Lawler, Chair
Mr. Gary Beagle
Ms. Rosslyn Bethmann
Dr. Barbara Cochrane
Ms. Nancy Dapper
Judge Gayle Harthcock
Mr. Bill Jaback
Ms. Carol Sloan
Ms. Barbara West
Ms. Amanda Witthauer

Members Absent

Commissioner Rachelle Anderson
Commissioner Diana Kiesel
Mr. Gerald Tarutis

Staff

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

Online Guests – see list on the last page

1. Call to Order

Judge Lawler called the meeting to order at 8:02 a.m.

2. Welcome, Roll Call & Approval of Minutes

Judge Lawler welcomed the Board members and the public to the meeting. A special welcome was given to new Board member Barbara West, who has a 25 year background as an elder law attorney. She will be serving on the CPG Board's Applications Committee.

Approval of Minutes

Judge Lawler asked if there were any changes or corrections to the proposed minutes from the April 11 meeting. Member of the public Mr. Tom Goldsmith noted he was incorrectly listed as being interested in participating in the Governmental Accountability Office Interviews. The correction was made to indicate that the correct person was Board member Mr. Bill Jaback. A typographical error was noted for correction on Page 5 of the minutes. Judge Lawler then asked for a motion to approve the minutes of the April 11, 2016 meeting.

Motion: *A motion was made and seconded to approve the April 11, 2016 minutes with the noted corrections. The motion passed.*

3. Chair's Report

Requesting Letters of Interest

Staff reported that one letter of interest has been received from a member of the public for a position on the Certified Professional Guardianship Board. Of the two open positions, one is for an advocate for seniors. The other position should

be filled by a CPG. WAPG has indicated they will submit at least one name for consideration.

Correspondence (Jennifer Roach)

Staff received correspondence from a member of the public who attended the April 11, 2016 Board Meeting. Judge Lawler spoke to this complaint, noting that the purpose of the public discussion was to receive input for general planning by the Board, and that as the Chair, he felt it was appropriate to limit the time spent discussion specific personal matters that would be better addressed by other entities. Ms. Bethmann felt that the Board may have failed to specify a time allowance for speakers. Judge Lawler agreed to write Ms. Roach and apologize for any misunderstanding.

4. Updates

Grievance Status Report

Ms. Montejo provided an updated Grievance report. The Certified Professional Guardianship Board has received seven new grievances since the last report, dated April 11, 2016. There have been four grievances dismissed this month either for no actionable conduct or no jurisdiction. Two of the dismissed cases were received in 2013. There are currently 86 grievances requiring investigation. Priority is being given to those CPGs with multiple grievances.

Judge Lawler asked what prompted dismissal for no actionable conduct of the two 2013 grievances. Ms. Bondon advised the Board that a practice is now in place where twice a month, the ten oldest grievances will be reviewed, and a determination made on how they should be processed. Judge Lawler approved of this process as long as new grievances are being reviewed timely as well.

National Updates

Staff provided an update on federally funded Elder Task Forces. There are two in Washington State, one in Pierce County with a focus on Elder Abuse, and another based out of Seattle with a focus on nursing homes.

The Older Americans Act, which funds services such as meals for the elderly, has been renewed.

The GAO may not need any further input from stakeholders in Washington State, as they are now focusing on collecting information from other states.

5. Executive Session (closed to public)

6. Vote on Executive Session Discussion

Motion: *A motion was made and seconded to send a letter to the CPG complained about in Grievance 2013-042, directing him to move for a new court order for fees for the last reporting period that excludes all work done to defend the grievance by the Guardian, including both guardian and legal fees. The Guardian will also be asked to refrain in the future from charging for any work involved in defending against a grievance and to commit to seek court approval and giving notice to all notice parties*

before taking on dual roles as both guardian and attorney for the guardianship. Ms. Dapper wished to be on record that she strongly disagreed and believed the CPG should be formally sanctioned. Ms. Cochrane and Ms. Witthauer voted to approve the motion. Ms. Bethmann opposed the motion. Ms. West, Mr. Beagle, Ms. Sloan and members of the Standards of Practice Committee abstained. The motion passed.

7. Wrap Up / Adjourn

Judge Lawler adjourned the meeting at 8:47 a.m. The next Board meeting will be at the SeaTac Office Center on Monday June 13, 2016 starting at 9 a.m.

Recap of Motions from May 9, 2016 Meeting

Motion Summary	Status
<p>Motion: <i>A motion was made and seconded to send a letter to the CPG complained about in Grievance 2013-042, directing him to move for a new court order for fees for the last reporting period that excludes all work done to defend the grievance by the Guardian, including both guardian and legal fees. The Guardian will also be asked to refrain in the future from charging for any work involved in defending against a grievance and to commit to seek court approval and giving notice to all notice parties before taking on dual roles as both guardian and attorney for the guardianship. Ms. Dapper wished to be on record that she strongly disagreed and believed the CPG should be formally sanctioned. Ms. Cochrane and Ms. Witthauer voted to approve the motion. Ms. Bethmann opposed the motion. Ms. West, Mr. Beagle, Ms. Sloan and members of the Standards of Practice Committee abstained. The motion passed.</i></p>	<p>Passed</p>

Online Guests

Mary McHugh		
Lisa Saar		
Tina Baldwin		
Tom Goldsmith		
Anonymous Guest		

Certified Professional Guardianship Board

BOARD VACANCY - *Response Date: July 1, 2016*

1) OPENING

On October 1, 2016, there will be two openings on the Certified Professional Guardianship Board. One position is open to any **certified professional guardian** who has an interest in serving and a demonstrated commitment to incapacitated persons in Washington State, and one position is open to a member of the public who **advocates for the interest of the elderly**.

In developing procedures and policies, the Board is committed to considering diverse opinions. Therefore, the Board is interested in members from diverse backgrounds, those with diverse experience and knowledge, as well as diversity in geographic location throughout the state of Washington.

2) RESPONSIBILITIES, NOMINATION, APPOINTMENT AND TERM

To achieve the greatest protection for the estates and affairs of incapacitated persons in Washington State, the Certified Professional Guardianship Board adopts and implements regulations governing certification, minimum standards of practice, training and discipline of professional guardians. The Board also investigates all grievances and determines what disciplinary action to take. To learn more about Board visit:

http://www.courts.wa.gov/programs_orgs/guardian/

The Chief Justice of the Washington State Supreme Court makes all appointments to the Board based on a list of nominees submitted by the Board. Generally, an appointment by the Supreme Court to the Board is for a three-year period, however, occasionally individuals are appointed to complete the term of a board member who is resigning before his or her term ends. In this instance, the persons selected will be appointed to fill a full three-year term. The term for this appointment is October 1, 2016 to September 30, 2019.

3) CURRENT MEMBERS

The Board includes representatives from the following areas of expertise: professional guardians, attorneys, advocates for incapacitated persons, courts, state agencies and those employed in medical, social, health, financial or other fields pertinent to guardianships.

4) SCHEDULED MEETINGS

The Board currently meets eight to ten times per year—four times in-person on the second Monday of the month at the Administrative Office of the Courts' (AOC) SeaTac office and four to five times by conference call. The in-person meetings are from 9:00 am to 3:00 pm and the conference calls are from 8:00 am to 9:00 am. One of the in-person meetings is a long-term planning meeting.

5) ADDITIONAL TIME COMMITMENT

The Board operates via a committee structure. Committees include Applications, Education, Regulations, and Standards of Practice. Each Board member serves on at least one committee. Committees usually meet by phone on a monthly or quarterly basis.

6) ATTENDANCE POLICY

Members of the Board are expected to attend meetings on a regular basis, in accordance with the Board's attendance policy (80% per year). A Board member should inform the Board chair or one of the AOC liaisons to the Board when they are not able to attend either an in-person or phone conference meeting and provide the basis for the absence.

7) EXPENSES RELATED TO SERVICE

Approved travel and other expense related to serving on the Board incurred by the member may be reimbursed.

8) CONFLICT OF INTEREST

All applicants should be aware of the need to avoid conflict of interest when serving on the Board. The Board's Conflict of Interest Policy is located at http://www.courts.wa.gov/content/publicUpload/Guardian%20Application/CPGB_Recusal_Procedure.pdf

9) HOW TO APPLY

To express your interest in being nominated, please send the materials listed below to Shirley Bondon, AOC liaison to the Board via e-mail to shirley.bondon@courts.wa.gov, or U. S. Mail to:

**Certified Professional Guardianship Board
c/o Administrative Office of the Courts
P. O. Box 41170
Olympia, WA 98504-1170**

Applications should include your résumé and a brief statement that includes the following:

- Why you are interested in being considered for the CPG Board.
- Your experience with Title 11 guardianships.
- Your professional, volunteer and community qualifications.

Please be aware that submitting an application of interest does not guarantee appointment. In developing procedures and policies, the Board would like to consider diverse opinions. Therefore, the Board is interested in members from diverse backgrounds and cultures, those with diverse experience and knowledge, as well as diversity in geographic location throughout the state of Washington. When considering appointments, the Board may seek to maintain a certain balance in representation. The Board may consider many factors including, but not limited to geography, experience, expertise and education.

10) DEADLINE

Application materials must be received on or before July 1, 2016.



Certified Professional Guardian Board

May 11, 2016

Jennifer Roach
Director
Parkinson School for Change
P.O. Box 2063
Woodinville, WA 98072

RE: Correspondence with CPG Board

Dear Ms. Roach:

At the board's last meeting on May 9, 2016, your correspondence with the board was reviewed. In your letter, you noted dissatisfaction with the public comment process that occurred at our in-person board meeting on April 11, 2016.

I wanted to take a few minutes to respond to your concerns and let you know that I appreciate your comments. A bit of history may be helpful for perspective. For many years, there was no provision made for the public to comment or to have any input to the board. Several years ago I initiated a process whereby the public could comment on any subject they wanted at the beginning of our in-person meetings. As time passed, we felt it would be good to hear from people on topics they wanted to discuss and to open up a dialogue between the public and the board. I believe that this was our third annual planning meeting where we followed this format.

Please be assured that my intent was not to prevent you from speaking but rather it was to reach a dialogue between all of the public and all of the board. As you may remember, we had limited time and only had until 11:00 to finish. After I let you speak for quite a long time, I tried to direct the conversation to include not just you but many of the other people who were in attendance at the meeting. Your comments were heard and they are appreciated.

Sincerely,

Honorable Judge James W. Lawler
Chair, Certified Professional Guardian Board

Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
www.courts.wa.gov/programs_orgs/guardian/

Grievances

CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES

Status as of May 31, 2016

Grievances (Investigations)	2016	2015	2014	2013	Total
Open-Needing Investigation (April 30, 2016)	20	33	24	9	86
Resolved w/o ARD or Hearing				3	3
Resolved w ARD					
Resolved w Hearing					
Reopened Grievances					
New Grievances (opened since late report)	7				7
Investigated Grievances					
Open-Needing Investigation (May 31, 2016)	27	33	24	6	90
Closed or Investigated				3	3

Year Received (Resolutions)	2016	2015	2014	2013	Total
Dismissal - Administrative					
Dismissal - No actionable conduct				3	3
Dismissal - No jurisdiction					
Dismissal - Insufficient					
Admonishment					
Reprimand					
Suspension					
Decertification					
Administrative Decertification					
Terminated - Death of Guardian					
Totals Closed or Terminated since last report	0	0	0	3	3

Summary Current Activity	2016	2015	2014	2013	Total
Opened since last report	7				7
Closed w/o ARD/Hearing				3	3
Closed w ARD					
Closed w Hearing					

Revised 6/2/2016

CERTIFIED PROFESSIONAL GUARDIAN BOARD

IN THE MATTER OF)
MAUREEN CARROLL,) **CPGB No. 2012-002, 2012-013, 2012-038,**
CPG No. 10908,) **2012-045 and 2012-046**
Respondent.) **CERTIFIED PROFESSIONAL**
) **GUARDIAN BOARD'S FINDINGS OF**
) **FACT, CONCLUSIONS OF LAW, AND**
) **ORDER**
)
) *Disciplinary Regulation 513*

In compliance with DR 512.3, the Certified Professional Guardian Board (Board) reviewed Hearing Officer Jeff B. Crollard's Findings of Fact, Conclusions of Law and Recommendations of February 12, 2016 in the above entitled matter during the public session of its regularly scheduled meeting of Monday April 11, 2016. The Board also reviewed the Board Staff's Statement Requesting Partial Modification, and the Respondent's Rebuttal to the Board Staff's Statement.

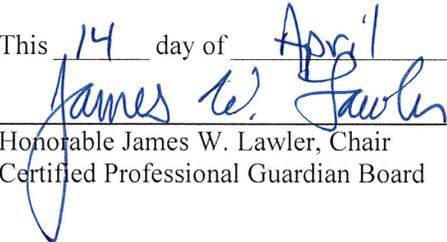
In compliance with DR 512.4.1, the Board renders a decision based on its review of all the materials above, to **ADOPT** the Hearing Officer's Findings of Fact, Conclusions of Law and Recommendations in its entirety. It rejects the Board Staff's request for partial modification. As recommended by the Hearing Officer, the Board will not assess its costs to the Respondent for the disciplinary proceeding.

II. ORDER

1. That the Hearing Officer's Findings of Fact are adopted in their entirety.
2. That the Hearing Officer's Conclusions of Law are adopted in their entirety.
3. That the Hearing Officers Recommendations regarding disciplinary sanctions and remedies be adopted in their entirety as summarized here:
 - a. This order imposes the sanction of Letter of Admonishment against Maureen Carroll, CPG No. 10908
 - b. Prohibition on new guardianship case appointments for six (6) months, which will run from the date this decision is signed by the Chair of the Certified Professional Guardian Board.
 - c. Ms. Carroll must arrange for an attorney experienced in guardianship matters to review the guardianship forms she uses in the guardianship cases to which she is currently appointed, on a monthly basis, for the six (6) month period. The attorney will provide the Board with a report at the end of the six (6) month period.
 - d. Mentoring and consultation for a period of twelve (12) months from an experienced certified professional guardian proposed by Ms. Carroll and approved in writing by the Board. The experienced certified professional guardian will be agreed upon by the Board. Terms of Auditing and Mentoring are set out in an attached document signed by the parties.
 - e. Additional training over the next six (6) months on court procedures. Ms. Carroll will attend the next King County Clerk's Continuing Legal Education Workshop on Practical Aspects of the Court and Clerk's Office (Two day, ten hour training). Ms. Carroll will provide the CPGB with proof of attendance.
 - f. Ms. Carroll will hire an auditor at her own expense to review her files at the end of the six (6) month period. The Board must approve the proposed auditor. Terms of Auditing and Mentoring are set out in an attached document signed by the parties.
 - g. Ms. Carroll will provide the Board with a statement regarding all work commitments, including a listing of all employment, including contract employment, being held during the six (6) month period and a list of all guardianship clients. She will list all weekly time commitments for both the other employment and estimated time weekly time commitments for all guardianship clients.

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

This 14 day of April, 2016.



Honorable James W. Lawler, Chair
Certified Professional Guardian Board



Certified Professional Guardianship Board

ADMINISTRATIVE OFFICE OF THE COURTS

Callie T. Dietz
State Court Administrator

Maureen Carroll
CPG No. 10908
CPGB No. 2012-002, 2012-013, 2012-038, 2012-045 and 2012-046

TERMS OF AUDITING AND MENTORING

Maureen Carroll shall be subject to auditing of all cases on which she is the court-appointed guardian, to determine whether she is meeting her duties to her clients pursuant to statute, court order, and the Standards of Practice for Professional Guardians during a six month period. This will be supervised by the Administrative Office of the Courts in accordance with their procedures. Ms. Carroll must provide the Board with the names of three proposed Certified Professional Guardians (and their qualifications) who are willing to perform the auditing. The Board will select a qualified auditor from the names provided.

Ms. Carroll will also participate in mentoring and consultation for a period of twelve months. Ms. Carroll can provide the Board with the names of three additional Certified Professional Guardians who will perform the mentoring and consultation, or she can provide a total of three names and seek selection of one Certified Professional Guardian for both functions. The Board will select a qualified mentor (which could be the same individual as the auditor, if Ms. Carroll prefers) from the names provided. **Ms. Carroll must provide all names of proposed auditors and mentors to the Board within thirty (30) days of receipt of the agreement and grievance order.** The Board will notify Ms. Carroll of the auditor and mentor's name(s) once a selection is made.

Ms. Carroll must fully cooperate with the auditing and mentoring. Auditing shall commence upon appointment of the monitor by the Board and shall be completed no later than six months later. Mentoring and consultation shall commence upon appointment of the mentor, and shall be completed no later than twelve months later but can be prolonged at the desire of Ms. Carroll. The mentor will submit a report confirming substantial compliance with the mentoring at the end of the twelve month period.

During the period of auditing, the auditor shall review all cases and interview clients, family, friends and professionals in which Ms. Carroll is a court-appointed guardian or agency with which she is affiliated. The auditor at a minimum, will review the following items in all cases:

Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
www.courts.wa.gov/cpg

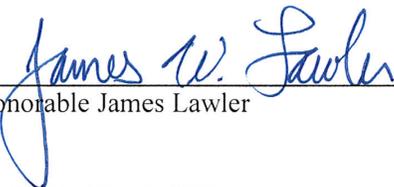
1. The filing dates of all reports and inventories filed by the guardian with the court, or required to be filed by the guardian, to determine whether the documents have been filed within the time period required by statute and/or court order.
2. Frequency of visits by the guardian with the client and the frequency of other contacts with the guardian and the client and others on the client's behalf.
3. The billing record for the previous thirty (30) days, reflecting the auditor's findings and conclusions relating to the files reviewed and the guardian's compliance with the items set forth above.
4. The fees and costs of the auditor shall be paid by Ms. Carroll within thirty (30) days following presentation of the auditor's bill.

NONCOMPLIANCE

Failure to comply with the terms of auditing and mentoring may constitute additional grounds for discipline pursuant to DR 503. In the event of any alleged noncompliance, the Board shall provide notice of the substance of the breach, and the respondent shall have thirty (30) days to respond to the allegations of breach.

APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN BOARD THIS

14 DAY OF April, 2016.



 Honorable James Lawler

ACKNOWLEDGED

 Date

Individually _____

 Date

Richard L. Furman, WSBA #31101
 Aiken, St. Louis & Siljeg, P.S.

Bowman, Kathy

From: Bowman, Kathy
Sent: Friday, April 15, 2016 12:41 PM
To: 'chads@atg.wa.gov'; 'furman@aiken.com'; 'mcarroll.consult@gmail.com'
Subject: CPGB's Findings of Fact, Conclusions of Law and Terms of Auditing and Monitoring - Carroll
Attachments: 25_Board's FOF COL and Order and Terms of Auditing and Monitoring.pdf

Good afternoon,

On behalf of the Certified Professional Guardianship Board, please find attached the Board's Findings of Fact, Conclusions of Law, and Order and Terms of Auditing and Monitoring in the matter of Maureen Carroll, CPG No. 10908.

Thank you,

Kathy Bowman | Office of Guardianship and Elder Services
Administrative Office of the Courts | PO Box 41170 | Olympia, WA 98504-1170
(360) 704-5543 | Kathy.Bowman@courts.wa.gov | www.courts.wa.gov
Fax (360) 956-5700



Bowman, Kathy

From: Bowman, Kathy
Sent: Friday, April 15, 2016 12:49 PM
To: 'chads@atg.wa.gov'; 'furman@aiken.com'; 'mcarroll.consult@gmail.com'
Subject: Certificate of Service
Attachments: Certificate of Service 2016 04 15.pdf

Good afternoon,

Please find the attached Certificate of Service.

Thank you,

Kathy Bowman | Office of Guardianship and Elder Services
Administrative Office of the Courts | PO Box 41170 | Olympia, WA 98504-1170
(360) 704-5543 | Kathy.Bowman@courts.wa.gov | www.courts.wa.gov
Fax (360) 956-5700



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CERTIFICATE OF SERVICE

I, Kathryn L. Bowman certify under the penalty of perjury under the laws of the state of Washington that I am over 18 years of age, have personal knowledge of the matters stated herein, and am competent to testify.

On April 15, 2016, per agreement of the parties and the Hearing Officer's Order of September 8, 2016, I emailed the following document:

CPGB'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER and TERMS OF AUDITING AND MENTORING CPGB NO. 2012-002, 2012-013, 2012-038, 2012-045 and 2012-046

to the following persons:

Chad Standifer, Assistant Attorney General
Assistant Attorney General
P.O. Box 40100
Olympia, WA 98504-0100
Attorney for Certified Professional Guardian Board
(Email) ChadS@atg.wa.gov

Richard Furman, Esq.
Attorney for Respondent Maureen Carroll
Aiken St. Louis & Siljeg P.S.
801 Second Ave., Ste 1200
Seattle, WA 98104
(Email) furman@aiken.com

Maureen Carroll
Certified Professional Guardian
1019 S. Sullivan Street
Seattle, Washington 98108
(Email) Mcarroll.consult@gmail.com

Executed this 15th day of April, 2016, at Olympia, Washington.


Kathryn L. Bowman, Program Assistant

Certified Professional Guardianship Board

ADMINISTRATIVE OFFICE OF THE COURTS

Callie T. Dietz
State Court Administrator

May 6, 2016

Mr. John Pierce
Attorney at Law
505 West Riverside Avenue, Suite 518
Spokane, Wa 99201

Dear Mr. Pierce:

I am responding on behalf of the Certified Professional Guardianship Board (CPGB) to your letter to me dated April 12, 2016.

In response to your question about the activities of Ms. Petersen that will require monitoring after reinstatement of her certification, you are correct that the monitoring is only required of Ms. Petersen's actions and decisions regarding the residential relocation of an incapacitated person for whom Ms. Petersen is the guardian. The monitoring of these activities was recommended by the Administrative Law Judge, affirmed by the CPGB, and by the State Supreme Court. You take issue with the Board's requirement that Ms. Petersen present the Board with the names of three potential supervisors, but the Board suggested this to allow Ms. Petersen some input into who the supervisor might be, not as a requirement in the statutes or rules. If Ms. Petersen does not want any input into who is chosen to monitor her activities, the Board can appoint an individual, but will require Ms. Petersen's cooperation with the monitor chosen by the Board, as well as paying expenses of monitoring in a prompt manner. My recommendation is that Ms. Petersen provide the names to the Board, via Board staff, and the terms of monitoring can be further discussed at the time a monitor is chosen.

It is apparent from your letter that we disagree about Ms. Petersen's compliance with the Board's direction to provide a listing of all cases in which she was the appointed guardian in March, 2015. Ms. Petersen has never provided the CPGB with the Affidavit of Compliance that was promised in Ms. Jameson's letter that you attached. Rule 513.4.5 provides:

513.4.5 Affidavit of Compliance: Within ten (10) days of the effective date of the decertification or suspension order, the decertified or suspended professional guardian shall file with the Administrative Office of the Courts) AOC:

a) An affidavit attesting to full compliance with the provisions of the order, and with these regulations, including current mailing address.

b) A copy of the notification letter sent to all parties entitled to notice, together with a list of the names and addresses of all persons to whom the notice was sent.

Ms. Jameson made it clear to the Board that she was only representing Ms. Petersen in the Supreme Court case in her attempt to obtain a stay of the court's decision to impose the suspension on Ms. Petersen. Ms. Jameson subsequently withdrew from her representation of Ms. Petersen, after concerns were raised about the fact that Ms. Jameson was employed by the AOC, and the managing member of the firm she worked for was a member of the CPGB Standards of Practice Committee during the time the grievances against Ms. Petersen were being investigated. You are the only legal representative the Board has heard from since Ms. Jameson withdrew as counsel for Ms. Petersen.

Because the Board was aware of Ms. Petersen's ownership of Hallmark Guardianship Services, the Board staff communicated the Notice of Intent to suspend Hallmark to you as Ms. Petersen's attorney, and because of your letter to the Board, dated March 18, 2015. Mr. Whitely notified the Board that he would no longer serve as a designated guardian for Hallmark, effective April 23, 2015. Ms. Shoemaker also resigned as the designated guardian for Hallmark Care Service Inc. dba Castlemark Guardianship and Trusts, Eagle Guardianship and Professional Services LLC and Guardianship Services, effective April 21, 2015.

Board staff provided you with information related to the notice of intent to suspend Hallmark, and other information, by a letter dated September 11, 2015. The July Notice was not appealed or contested in any way, thus the matter was referred to the Supreme Court, which acted in August, 2015. The Board's Petition for Decertification is attached, with Appendix A, a copy of the July 9, 2015 letter. Rule 513.4 provides:

513.4.2 Agencies: If the Board has recommended decertification or suspension of a professional guardian to the Supreme Court, the employer agency, if any, shall, upon notice of the Board's recommendation, promptly appear before the Board to determine how the decertification or suspension shall affect continuation of the agency's certification. Continuing certification of an agency affected by the suspension or decertification of a professional guardian shall be determined by the Board. The Board's primary concern shall be the best interests of the incapacitated persons. This provision does not supplant the exclusive jurisdiction of the superior court of each county over guardianship cases.

The Rule 513.4.2 makes it clear that the local court in each county has jurisdiction over the guardianship cases in that county, thus the Board will not comment on your statements regarding the actions taken by Spokane County that you are contesting in court. That rule also required Ms. Petersen to at least discuss with the Board to determine how the Board's recommendation of the suspension of her certification would affect the continuing certification of the agency(ies). Hallmark Care Service Inc. dba Castlemark Guardianship

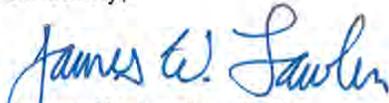
Mr. John Pierce
May 6, 2016

and Trusts, Eagle Guardianship and Professional Services LLC and Guardianship Services remain decertified at this time.

To the extent that you assert that a list of cases compiled by Commissioner Anderson of Spokane County somehow provided the Board with the information requested of Ms. Petersen, Commissioner Anderson was, and is, in no way an agent of, or surrogate for Ms. Petersen. Commissioner Anderson's letter is in no way evidence of Ms. Petersen complying with the Board's direction that she supply the Board with a listing of all cases in which she was the appointed guardian as of March, 2015. As you are aware, Ms. Petersen had appointments in counties other than Spokane, and Ms. Anderson providing a copy of a letter from the Spokane County Courts to the Board in no way serves as a proper response from Ms. Petersen to the Board's direction. Commissioner Anderson was not acting on behalf of the CPGB when she sent correspondence to Ms. Petersen and her legal counsel.

If Ms. Petersen wishes to seek to regain her certification, I suggest that Ms. Petersen contact the staff to discuss how and when that may be accomplished. A continued dialogue of the nature of the suspension, decertification of Hallmark Care Services, and argument about the actions of the Spokane County Superior Court do nothing to achieve recertification of Ms. Petersen's status with the Certified Professional Guardianship Board.

Sincerely,



James W. Lawler, Chair

Enc (1)

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

IN THE MATTER OF THE)	
RECOMMENDATION OF THE)	No.
CERTIFIED PROFESSIONAL)	
GUARDIANSHIP BOARD FOR)	PETITION FOR ORDER OF
DECERTIFICATION PURSUANT TO)	DECERTIFICATION
GENERAL RULE 23 OF HALLMARK)	
CARE SERVICES, dba CASTLEMARK)	
GUARDIANSHIPS AND TRUSTS and)	
dba EAGLE GUARDIANSHIP AND)	
PROFESSIONAL SERVICES)	

Pursuant to Certification Maintenance Regulation (Reg) 706.1, each certified professional guardian agency must have at least two individual certified professional guardians designated as having final decision-making authority for incapacitated persons or their estates. These individuals are known as “designated guardians.”

Pursuant to 706.3, if a change in circumstances results in an agency having only one designated guardian, the agency shall notify the Board within five (5) calendar days of the change of circumstances. The agency shall have sixty (60) calendar days from the date the agency is no longer in compliance with GR 23 to add a designated guardian to the agency. During that sixty-calendar day period, the agency must file a copy of its board minutes or a board resolution designating an additional guardian as a person with decision-making authority

for incapacitated persons or their estates with the Certified Professional Guardianship Board. If the agency fails to meet the requirements of GR 23 and these regulations regarding the required number of designated guardians, the Board may decertify the agency. The Board shall send the agency written notice that the Board intends to decertify the agency at least fifteen (15) calendar days before the Board takes action.

On July 9, 2015 the Board sent a notice to counsel for the below indicated guardian agencies that they were not in compliance with the Board's regulations regarding designated guardians. The letter indicated that Ms. Joan Shoemaker wrote to the Board in a letter dated April 19, 2015 stating that as of April 21, 2015 she was resigning as a designated certified professional guardian for Hallmark Care Services dba Castlemark Guardianship and Trusts and Eagle Guardianship and Professional Services LCC. Ms. Shoemaker's resignation resulted in Hallmark Care Services having one designated guardian. It has been more than sixty (60) days since Ms. Shoemaker's resignations. During the period since her resignation, the Respondent agencies did not file board minutes of a board resolution designating an additional guardian as a person with decision-making authority or their estates with the Board. The Board specified that it consequently would decertify the agencies at its August 10, 2015 Board meeting. An employee of the law firm signed a Certified Mail Receipt for the letter on July 13, 2015. The letter is attached to this Petition as Appendix "A".

On August 10, 2015, at its regularly scheduled meeting, the Board concluded that the Respondent guardian agencies had failed to comply with the requirement to employ two designated guardians, that notice as required under Reg. 706.3 had been provided, and that the following agencies were recommended for decertification:

<u>Guardian Agency</u>	<u>Guardian #</u>
Hallmark Care Services	5132
Castlemark Guardianships and Trusts	5128
Eagle Guardianship and Professional Services	5132

Pursuant to Disciplinary Regulation 512.4.4, the Board, therefore, petitions the Court to enter an Order of Decertification of these certified professional guardian agencies.

RESPECTFULLY SUBMITTED this ____ day of August, 2015.

CERTIFIED PROFESSIONAL GUARDIAN BOARD

Shirley Bondon
Manager, Office of Guardianship and Elder Services

PETITION FOR DECERTIFICATION
TO THE
WASHINGTON STATE SUPREME COURT
Hallmark Care Services
APPENDIX "A"



Certified Professional Guardianship Board

July 9, 2015

John Pierce
Attorney at law
505 West Riverside Avenue, Suite 518
Spokane, WA 99201

Hallmark Care Services
1626 W. Providence
Spokane, WA 88205

RE: NOTICE OF NON-COMPLIANCE OF CERTIFICATION REQUIREMENTS and
PENDING DECERTIFICATION

Dear Mr. Pierce:

This letter is notice to you that our records show that Hallmark Care Services is not in compliance with the Certified Professional Guardianship Board's regulations regarding designated guardians.

Under Regulation 706.1 and pursuant to General Rule of Court (GR) 23, a certified agency must have at least two individual certified professional guardians designated as having final decision-making authority for incapacitated persons or their estates ("designated guardians").

If a change in circumstances results in an agency having only one designated guardian, the agency shall have sixty (60) calendar days from the date the agency is no longer in compliance with GR 23 to add a designated guardian to the agency. During that sixty calendar-day period, the agency must file a copy of its board minutes or a board resolution designating an additional guardian as a person with decision-making authority for incapacitated persons or their estates with the Certified Professional Guardianship Board. If the agency fails to meet the requirements of GR 23 and these regulations regarding the required number of designated guardians, the Board may decertify the agency.

In a letter dated April 19, 2015, Joan Shoemaker notified the Board that effective April 21, 2015, she was resigning as a designated certified professional guardian for Hallmark Care Services dba Castlemark Guardianship and Trusts and Eagle Guardianship and Professional Services LCC. Ms. Shoemaker's resignation resulted in Hallmark Care Services having one designated guardian. It has been more than 60 days since Ms. Shoemaker's resignations. During the period since her resignation, Hallmark Care Services did not file board minutes or a board resolution designating an additional guardian as a person with decision-making

Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
www.courts.wa.gov/cpg

Mr. John Pierce
July 9, 2015

authority for incapacitated persons or their estates with the Certified Professional Guardianship Board. Due to this failure and continued non-compliance the Board will decertify Hallmark Care Services during its August 10, 2015 Board meeting.

If you have any questions, please contact Shirley Bondon at (360) 705-5302 or shirley.bondon@courts.wa.gov.

Sincerely,



Shirley Bondon, Manager
Office of Guardianship and Elder Services

Enclosures (2)

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To	John Pierce
Street, P.O. Box, or PO B	Attorney at law
City, State	505 West Riverside Ave, Ste 518
	Spokane, WA 99201
PS Form 3811, July 2013	Use reverse for instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:	B. Received by (Printed Name) C. Date of Delivery
<p>John Pierce Attorney at law 505 West Riverside Ave, Ste 518 Spokane, WA 99201</p>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery
PS Form 3811, July 2013	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

7014 1200 0001 4215 6389

PS Form 3811, July 2013 Domestic Return Receipt

Updates

Callie T. Dietz
State Court Administrator

STATE AND NATIONAL DECISIONAL SUPPORT UPDATES

June 2016

WASHINGTON UPDATES

Lay Guardian Training

April 26, 2016, the Office of Guardianship and Elder Services - Washington State Administrative Office of the Courts (AOC) submitted a formal application for a Curriculum Adaptation Training (CAT) grant of \$30,000 to develop and deliver, in partnership with the National Center for State Courts (NCSC) and the Institute for Court Management (ICM), the following:

1. an online curriculum that is optimized for an interactive training program adapted from the Washington and North Dakota Lay Guardian Training materials and a collection of other individual resources for online delivery which will be adapted into an interactive online training program for lay guardians and other members of the public and;
2. An adaptation of process will include the delivery of an interactive, self-paced, learning delivery format with graphics, a virtual coach, practice case scenarios, iterative testing, and a certificate of completion. Several screen shots are provided below.





Guardianship Forms

May 16, 2016, utilizing funds provided by the Interpreter Program, AOC contracted with three Certified Court Spanish Interpreters to create new Spanish translations of 15 guardianship forms (the guardianship petition and notice and reports due in the first 90 days of a guardianship appointment) by June 30, 2016.

Guardian ad Litem (GAL) Training

May 3, 2016, DSHS decided to contract with King County Bar Association Guardianship and Elder Law Section to review and revise the GAL training, as requested by WINGS.

UW Guardianship Advisory Board

May 17, 2016, the University of Washington Guardianship Advisory Board held its annual meeting. The agenda and excerpts from the meeting minutes prepared by Malia Morrison are provided below:

- Welcome and Introductions
- Program Update
- Trends in the field to be aware of/thoughts on curriculum given the current state of affairs in the CPG community
- CPG Career Frequently Asked Questions

Program Updates

Malia Morrison started the meeting by announcing that she would be stepping down as the program manager for the Guardianship Certificate, and Ricardo Valdez would be assuming the role. Ricardo has been at the University of Washington Education Outreach for many years and is Director of UW Community Partnerships in the Yakima Valley where he serves as a liaison to UW faculty and students. Ricardo also currently manages E-Learning Design and Development and Editing certificate programs.

Malia then walked through a handout, updating the group on enrollments, student demographics, and instructor evaluations. Program enrollments are very strong and on an upward trajectory and evaluations for the program have been good. Malia also let the group know that Penney Sanders would most likely be stepping down from teaching in the program in the coming year. Leesa Arthur will be returning as a co-instructor along with Jamie Shirley.

The online portion of the program is also undergoing a total revision and update this year. The overall curriculum will not change, but everything will be reviewed, aligned, modernized and adjusted where needed. Leesa Arthur will be doing this work in conjunction with an instructional designer from PCE. Leesa is retiring from her day job in June so will have the time available to do this work along with teaching in the program.

Suzanne Thompson Winniger provided an update on the two field trips she led to King and Kitsap County courts. She felt that the experience was very worthwhile for the students and reported that they had a lot of questions and little experience with the courts. She said that it was very difficult to coordinate schedules so starting scheduling earlier before their write-up was due would have been helpful. For those who could not go with someone, she suggested providing some material to orient them to the courts. She suggested that the Bar Association puts on a video on behalf of DSHS that could be a good teaching tool. Gary Beagle also mentioned that courtrooms in Clark County Superior Court video proceedings.

Updates in the Guardianship Community

- Shirley Bondon shared that the WINGS group was recommending some reforms of SOPs, mostly focusing on lay guardians.
- The state CPG program applied for a grant to revise the lay guardian training.
- WINGS is considering proposing legislative changes to some terms.
- There is a new law in WA re: digital assets and a CPG's ability to obtain them.
- For CPGs doing trustee work, there is a new law that provides guidance about the amount of trustee work a CPG can do.
- There is a move to credential GALs. King County Bar Association is looking at updating the GAL training.
- New DPOA law passed.

- DSHS is re-writing some WACs.

If not already included, the group suggested that the UW curriculum should include legislative updates and laws passed in the past year. WSBA produces materials on this that the course could leverage.

The discussion shifted to least-restrictive alternative and the group emphasized that it is critical for new CPGs to understand that the initial order appointing may not be appropriate in the long run for a client, especially if their health or situation improves under the care of the CPG. CPGs can request that the court, via a GAL, review and re-evaluate the order. A standard piece of the annual report is whether full or limited guardianship is needed. (Jamie Shirley later confirmed that this is covered in one of the client simulations where a less restrictive order needs to be requested).

Shirley Bondon noted that she didn't see anything in the syllabus about CPG rules – i.e. how to re-certify; how many CEUs you need, etc. She is developing a webinar about this that will run two weeks after the UW program ends that students should be directed to.

FAQ re: CPG Careers

Malia shared with the group a list of FAQs that she is commonly asked by prospective students trying to understand the career. There is not a good place to direct those questions. Shirley Bondon is working on developing a FAQ page on the state CPG Program website with a committee. Once it is up the UW website and the WAPG website can direct people there.

Singapore Office of the Public Guardian

May 23, 2016, a delegation from the Singapore Office of the Public Guardian met with Shirley Bondon, Manager of the Washington State Office of Public Guardianship. Other invited guest included David Lord, Disability Rights Washington, Lorelee McDonell-Williams and Albert Williams, Public Guardians, Daniel Smerken, Certified Professional Guardian and President of the Washington Association of Professional Guardians (WAPG) and Launi Whedon, a lay guardian. Singapore is developing a public guardian program and wanted to learn about Washington's program. The Singapore delegation also met with representatives from the UW Guardianship Certificate Program.

WINGS – Public Guardianship Committee

May 24, 2016, WINGS extended an invitation to stakeholders to participate in a committee to discuss and develop recommendations to transition the Washington State Office of Public Guardianship from a pilot program to a robust statewide program providing the decisional-support services needed by individuals with intellectual and cognitive disabilities.

Brenda Uekert, Ph.D. Principal Court Research Consultant for the National Center for State Courts (NCSC), will facilitate the WINGS Public Guardianship Committee and provide technical assistance. As the website for the NCSC states, "*NCSC is the organization courts turn to for authoritative knowledge and information because its efforts are directed by collaborative work with the Conference of Chief Justices, the Conference of State Court Administrators, and other associations of judicial leaders.*" For more information about the NCSC, click on the following hyperlink.

<http://www.ncsc.org/About-us.aspx>

Dr. Uekert and Shirley Bondon, WINGS Coordinator, hope to collaborate with Erica Wood, Assistant Director, ABA Commission on Law and Aging, and Professor Pamela Teaster, Associate Director, Center for Gerontology, Virginia Tech to leverage work these leaders in decisional-support are coordinating in other states to address the delivery of public guardianship services.