

Faulk, Camilla

From: julianfwheeler@aol.com
Sent: Wednesday, April 30, 2008 2:01 PM
To: Faulk, Camilla
Subject: Comment on proposed amendment to GR 23

Regarding the following proposed amendment:

"GENERAL RULES (GR)
RULE 23. RULE FOR CERTIFYING PROFESSIONAL GUARDIANS

II. The Board's Authority to Implement the Regulatory Framework.

Suggested Amendments to GR 23(c).

The suggested amendments to GR 23(c) address issues related to Board service and administration that are not currently addressed in the rule:

- Subsection (c)(1)(i), specifying the areas of expertise from which Board members should be drawn, updates the term "guardian advocates" to "advocates for incapacitated persons" to more accurately describe this area of expertise. The proposed amendment also provides that no more than one-third of the Board membership shall be practicing professional guardians so that Board members are drawn from wide areas of expertise related to the work of the Board and the Board avoids the appearance of guardians having undue influence over the regulatory process."

I support the comments submitted by James R. Hardman, J.D., C.P.G. in opposition to this proposed amendment, and for the following reasons:

1. There is no inherent conflict of interest when certified professional guardians (CPG's) consider a motion that would impact the standing or affairs of a fellow certified professional guardian. Where an actual conflict of interest arises, I am confident the General Rules can otherwise address the matter and compel said voter to refrain from voting.
2. To my understanding, such a proposed amendment rule restricting Board membership is not the prevailing norm among other boards in the state of Washington or other similar jurisdictions. Time limits do not permit me to research this particular assertion, however.
3. Declining this proposed amendment would not necessarily exclude non-CPG's from acceding to positions on the Board and would not put the Board at great risk of undue influence. The Board or other authority is already competent to make admission decisions on a case-by-case basis when considering applications.
4. It is my personal understanding that the media reporting in 2007 that inspired this particular amendment contained many substantial factual inaccuracies and omitted pertinent facts concerning parties covered in the story. In my personal view, this would render the proposed amendment unnecessary.

Thank you for the opportunity to submit the above comment.

Sincerely,

Julian Wheeler, J.D.
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