

# CERTIFIED PROFESSIONAL GUARDIAN BOARD



GRIEVANCE REPORT 2010-13

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# CERTIFIED PROFESSIONAL GUARDIAN BOARD GRIEVANCE REPORT 2010-13

## INTRODUCTION

We are pleased to present the 2010-13 Certified Professional Guardian Grievance Report. We make this report available to all with the goal of increasing public awareness of the grievance process. We hope that the disclosure of these grievances will facilitate understanding of the rules and standards applied and the most common concerns of grievants.

Pursuant to legislative mandate, the Washington State Supreme Court established a certification process and procedure for professional guardians by promulgating General Rule (GR) 23. GR 23 created a Certified Professional Guardianship Board<sup>1</sup> to implement the activities necessary to develop a process to certify individuals who choose to become professional guardians. The Supreme Court, however, retains primary jurisdiction over the Board and its functions:

- The Supreme Courts retains jurisdiction over all professional guardians who practice in the state of Washington. GR 23(b).
- The Supreme Court appoints all members to the Board. GR 23(c)(1)(i).
- The Supreme Court designates the Chair of the Board. GR 23(c)(1)(iii).
- The Supreme Court enters the order certifying an individual or agency as a certified professional guardian. GR 23(c)(2)(v).
- The Board may seek Supreme Court enforcement of an order or subpoena that it issued. GR 23(c)(2)(x)(c).
- The Supreme Court approves the Board's expense budget. GR 23(c)(3).
- The Supreme Court, pursuant to its statutory authority to direct the administrative office of the courts, instructs the Administrative Office of the Courts (AOC) to provide administrative support to the Board and authorizes AOC to contract with other agencies or organizations on behalf of the Board. GR 23(c)(8).
- The Supreme Court extends quasi-judicial immunity to the Board where the Supreme Court would have immunity in performing the same functions. GR 23(c)(5).

The Board is charged with all the substantive duties of certification:

- Processing applications;
- Implementing standards of practice;
- Establishing a training program;
- Adopting regulations for continuing education;
- Supervising examinations;
- Approving or denying certification; and
- Investigating grievances and issuing disciplinary sanctions.

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<sup>1</sup> The Board is a board of a judicial branch and is therefore exempt from compliance with the Washington Administrative Procedures Act. RCW 34.05.010.

In any certification program, a grievance process is requisite to maintaining the standards and integrity of the process. The role of the professional guardian is to protect the incapacitated person. By definition, the incapacitated person may not be able to understand or execute the actions needed to protect himself or herself. It is vital to protecting the public that a professional guardian's actions be open to review:

The guardian shall recognize that his or her decisions are open to the scrutiny, criticism, and challenge of others. Subject to orders of the court, the guardian alone is ultimately responsible for decisions made by the guardian on behalf of the incapacitated person.

Standards of Practice 402.1.

This report summarizes the Board's efforts to investigate grievances received from the public regarding certified professional guardians or certified professional guardian agencies.

## **THE GRIEVANCE PROCESS**

### **Purpose and Scope.**

GR 23(a) recites its purpose and scope as:

This rule establishes the standards and criteria for the certification of professional guardians as defined by RCW 11.88.008 and prescribes the conditions of and limitations upon their activities. This rule does not duplicate the statutory process by which the courts supervise guardians nor is it a mechanism to appeal a court decision regarding the appointment or conduct of a guardian.

GR 23(c)(2) outlines in greater detail the duties assigned to the Board in receiving and reviewing grievances:

(viii) Grievances and Disciplinary Sanctions. The Board shall adopt and implement procedures to review any allegation that a professional guardian has violated an applicable statute, fiduciary duty, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians. The Board may take disciplinary action and impose disciplinary sanctions based on findings that establish a violation of an applicable statute, duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians. Sanctions may include decertification or lesser remedies or actions designed to ensure compliance with duties, standards, and requirements for professional guardians.

Among the many regulations governing the certified professional guardians are the Disciplinary Regulations 500 et seq. These regulations detail the grounds for disciplinary action and the procedures for investigation, review, settlement, and hearing.

## How the Grievance Process Works.

Any person may file a grievance with the Administrative Office of the Courts (AOC) regarding a certified professional guardian or a certified professional guardian agency. Grievances may be completed on-line on the Washington Courts website at [www.courts.wa.gov](http://www.courts.wa.gov), or by submitting a written grievance to AOC.

AOC staff reviews the grievance and makes an initial determination if the Board has jurisdiction over the issues raised. AOC provides the professional guardian or agency identified with a copy of the grievance and requests a response.

AOC may perform other necessary investigation of the grievance including interviewing the grievant, interviewing the professional guardian, and obtaining relevant records or documentation from any person or entity. AOC then reports the results of its investigation to the Standards of Practice Committee (SOPC).<sup>2</sup>

The SOPC reviews the reports and takes action on the grievance. The SOPC may request further action as designated from AOC staff, dismiss the grievance, request the Board to file a complaint, or request the Board enter into an Agreement Regarding Discipline.

An Agreement Regarding Discipline is a conditional settlement agreement negotiated between the SOPC and the certified professional guardian (or agency). Once an agreement has been reached, it is presented to the Board in Executive Session for review. The Board then votes to approve or deny the Agreement in open session. The Board's decision is recorded in the meeting minutes. Approved Agreements are posted on the Washington Courts website for public disclosure.

If a settlement cannot be reached, the SOPC may request that the Board file a complaint regarding disciplinary action against the certified professional guardian. Filing of a complaint commences a hearing process not dissimilar to an administrative hearing. Once filed, the complaint is of public record and is posted on the website. All subsequent proceedings are open to the public.

AOC contracts with a hearing officer (administrative law judge) to conduct the remainder of the hearing proceedings. The administrative law judge must prepare a written findings of fact, conclusions of law, and recommendations to the Board regardless of the disposition of the matter. The Board then reviews the findings, conclusions, and recommendation and determines what further action to take.

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<sup>2</sup> The Standards of Practice Committee is comprised of at least three (3) members of the Board including at least one judicial officer or attorney and at least one certified professional. DR 505.1.

## Flow chart of grievance process.



### Structure and Funding.

The Supreme Court delegated primary responsibility to the Board to investigate and sanction professional guardians regarding continued certification however, the Supreme Court retains primary jurisdiction over professional guardians practicing in the State of Washington. Any Board recommendation of suspension or decertification resulting from a disciplinary proceeding must be filed with the Supreme Court. The Supreme Court must review such a recommendation after consideration of the transmitted record. By written order, the Court may adopt, modify, or reverse the Board's recommendation.

The Supreme Court approves the Board's budget. Funds from application fees, annual recertification fees, and any other revenue are used to defray expenses. Board members do not receive any compensation for service. Board members are only reimbursed for actual and necessary expenses incurred in the performance of their duties.

The Supreme Court has instructed AOC to provide administrative support to the Board. Staff members who provide support to the Board are AOC employees and receive compensation and benefits according to the human resources policies of AOC at large.

### **Separation of Investigative/Prosecutorial and Adjudicative Functions.**

The Board, the Standards of Practice Committee (SOPC), and AOC serve differing and separate functions in the grievance process. AOC provides administrative and investigative support to the Board. The SOPC, in a more prosecutorial function, reviews reports and evidence, dismisses the grievance, or recommends further action to the Board. Finally, the Board reviews the investigative report, evidence, and the SOPC's recommendation; as part of its adjudicative function, it may approve, deny or recommend other actions.

### **Agreements Regarding Discipline.**

The Standards of Practice Committee has the authority to conditionally settle and dispose of grievances without a hearing. DR 506.5. The agreed settlement with a professional guardian is embodied in an Agreement Regarding Discipline, including a statement of the facts, violations of the Standards of Practice, and sanctions or remedies. DR 514. With the recommendation of the SOPC, the Agreement is presented to the Board for acceptance and approval.

### **Complaint Regarding Disciplinary Action.**

If an Agreement cannot be reached, the SOPC may recommend that the Board file a complaint against a guardian. If the Board approves the filing of a complaint, the Office of the Attorney General represents the Board in the hearing process. DR 511. AOC's Division of Contract Management is responsible for contracting with hearing officers who have sufficient experience in guardianships to competently hear complaints.

### **Disciplinary Actions/Sanctions.**

Any disciplinary sanction against a certified professional guardian or agency is undertaken with only the utmost gravity. A sanction is only appropriate upon a finding of a preponderance of the evidence that the guardian has engaged in professional conduct in violation of an applicable statute, duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians, and that conduct caused, or potentially could cause, harm to the incapacitated person, the public, or a legal proceeding. Alternatively, any conduct that adversely reflects on the guardian's fitness to serve as a guardian, such as criminal activities or deceit, may result in disciplinary action or sanctions regardless of actual or potential harm.

Disciplinary Regulations (DR) 515 Sanctions and Remedies authorize five types of sanctions to be issued against a certified professional guardian:

- Decertification,
- Suspension,
- Prohibition against taking new cases,
- Reprimand, or
- Admonishment.

All five sanctions constitute disciplinary action and are open to public disclosure. If the Board approves of a sanction against a certified public guardian, an announcement of disciplinary

action is sent to all superior courts in Washington. The disciplinary action is maintained in the guardian's file and posted on the Washington Courts website at: [http://www.courts.wa.gov/programs\\_orgs/guardian/](http://www.courts.wa.gov/programs_orgs/guardian/)

### **Decertification.**

Decertification is the most severe sanction. If a professional guardian is decertified, RCW 11.88.008 limits the number of guardianship cases for which a guardian may accept compensation to two (2).

The Disciplinary Regulations describe factors to be considered for decertification:

**DR 515.2.1** Decertification is generally appropriate when a professional guardian engages in:

- 515.2.1.1 Professional misconduct; or deceive the court; or cause serious or potentially serious injury to a party...,
- 515.2.1.2 Felonious criminal conduct,
- 515.2.1.3 Any other intentional misconduct involving dishonesty, fraud, deceit, or misrepresentation...,
- 515.2.1.4 Gross incompetence as demonstrated by a pattern or practice of late filings, accounting errors, case tracking, or other violations of the SOPs, and where the guardian has not corrected the behavior despite previous attempts by the courts or the board to correct the behavior.

To warrant the sanction of decertification the guardian actions must have intentionally violated one or more Standards of Practice or other specified regulation. As a fiduciary, a guardian has the duty to act primarily for another's benefit, selflessly, and with undivided loyalty. Conduct intended to benefit his/herself or involving dishonesty, fraud, deceit or misrepresentation may result in decertification.

A guardian may also be decertified for gross incompetence. The certification process is to establish a baseline of competency among professional guardians. Professional conduct that falls below such a baseline may be deemed "gross incompetence." In considering whether actions constitute gross incompetence, the Board may apply a "reasonableness" standard.

A guardian who has demonstrated a pattern and practice of a particular behavior that falls below the Standards of Practice may also be decertified for gross incompetence. DR 506.4 authorizes the Standards of Practice Committee to direct a guardian to take corrective actions where an issue is of minor significance or of a nature not potentially harmful to clients or other persons. However, repeated failure to meet a SOP may rise to the level of gross incompetence.

For example, a guardian may not file an annual report on time. A few instances are likely correctible and unlikely to cause a client harm. The SOPC may request that the guardian participate in additional training, audit the guardian's cases on a frequent basis, or set up monitoring by an independent third party for a period of time.

However, if the guardian's conduct persists despite these or other attempts to correct the behavior, the pattern and practice of late filing may arise to the level of gross incompetence and warrant decertification.

### **Administrative Decertification.**

Guardians are required to renew their certification annually and complete 24 credit hours of continuing education biennially. Failure to comply with these professional responsibilities may result in administrative decertification.

#### **DR 522 Administrative Decertification**

If the board decertifies a professional guardian for an administrative reason, including but not limited to the professional guardian's failure to: pay required fees, satisfy the continuing education requirements, provide proof of insurance or waiver of insurance, or file required information with the board, any pending disciplinary grievance against the professional guardian may be dismissed. ... Information that a grievance was pending at the time of administrative decertification shall be placed in the guardian's licensing records and shall be available to the public.

Once the renewal deadline has passed, AOC provides a notice to the guardian to comply. In addition to completing the renewal process, the guardian may be required to pay a late fee. Failure to timely complete these actions and file the appropriate applications and disclosures with AOC is a basis for disciplinary action against a guardian for noncompliance. If the guardian fails to comply, the guardian may be decertified upon approval of the Board.

### **Prohibition on taking new cases/Suspension.**

In some cases, an appropriate sanction may be to place limits on the professional guardian's on-going practice. These limitations may be temporary pending a change in the guardian's circumstances or an ongoing limitation or suspension of the guardian's practice.

**DR 515.2.2** Prohibition against taking new cases or suspension for a period of time, or both, is generally appropriate when a professional guardian engages in:

515.2.2.1 Professional conduct incompatible with the Standards of Practice and causes injury or potential injury to a party, the public, or the legal system, or causes interference or potential interference with a legal proceedings, or

515.2.2.2 Criminal conduct that seriously adversely reflects on the professional guardian's fitness to serve.

### **Reprimand.**

A reprimand typically does not disrupt a guardian's practice; however, it indicates a serious error in a guardian's conduct. Repeated actions that warrant multiple reprimands may rise to the level of gross incompetence and subject the guardian to decertification.

**DR 515.2.3** A letter of reprimand is generally appropriate when a professional guardian engages in:

515.2.3.1 Professional misconduct incompatible with the Standards of Practice and causes injury to a party, the public, or the legal system, or causes interference with a legal proceeding, or

515.2.3.2 Any other misconduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the professional guardian's fitness to practice.

### **Admonishment.**

Admonishment is the lowest sanction available. Admonishment is appropriate in minor or single events of misconduct.

**DR 515.2.4** A letter of admonishment is generally appropriate when a professional guardian engages in professional misconduct incompatible with the standards of practice and not rising to the level justifying a reprimand.

### **Remedies.**

In addition to the five sanctions, the Board may implement various remedies for the purpose of ensuring the guardian complies with the duties, standards, and requirements of a professional guardian. For example, the Board may place a guardian on probation, prohibit the guardian from taking new cases, or require the guardian complete additional training. The Board may also require monitoring on a periodic basis or mentoring with regular reports back. Finally, the Board may always review a guardian's caseload through internal audit.

### **Dismissal.**

All grievances received by AOC are investigated as appropriate. AOC may dismiss grievances in limited circumstances: administratively and for lack of jurisdiction.

AOC may dismiss a grievance for administrative reasons. The most common administrative dismissal occurs because the grievant decides not to pursue the grievance. The withdrawal of a grievance does not mandate administrative dismissal; however, circumstances may indicate that dismissal is appropriate.

Second, the Board's jurisdiction is limited to certified professional guardians or agencies acting in the capacity of a guardian.<sup>3</sup> For example, grievances may be filed regarding a guardian ad litem's investigation and report. Some certified professional guardians also act as trustees. However, the Board has no jurisdiction to investigate a grievance in these circumstances. If the Board clearly has no jurisdiction, AOC will promptly dismiss the grievance and may notify the entity with jurisdiction.

The most common basis for dismissal is that the guardian's conduct does not rise to the level of a violation of a Standard of Practice. Following AOC's investigation and report, the SOPC may

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<sup>3</sup> The limited exception is if the guardian's conduct indicates a lack of fitness to be a guardian, such as criminal actions or fraud unrelated to their guardian duties.

dismiss any grievance and is not required to obtain Board approval. However, the SOPC may present a grievance to the Board if there has not been a clear consensus on dismissal, or the SOPC believes that the Board should be consulted for other reasons.

In some grievances, the SOPC determines that a guardian's conduct may not clearly violate a Standard of Practice; however, the guardian's conduct or practice may be improved with additional training, counseling, or other remedial steps. If the guardian complies with the SOPC's direction, the matter is then reported to the Board for approval of the correction. If the Board approves of the SOPC's actions, the grievance may be dismissed with no sanction reported on the guardian's file.

Alternatively, if the guardian does not comply with the SOPC's recommendation, the SOPC may reconsider the grievance, request additional investigation, and the noncompliance may constitute an addition factor in whether to proceed to the level of a sanction.

### **Termination.**

Termination of a grievance is distinguished from dismissal as discussed above. Termination is not based on an investigation and determination on the merits of a grievance. Termination of open grievances serves primarily to conserve the Board's efforts once a CPG is no longer acting as a professional guardian.

As discussed above, a CPG may be decertified for either violation of a Standard of Practice or noncompliance with certification maintenance requirements, including annual certification fee and disclosure, continuing education, or E&O insurance requirements. Once the CPG has been decertified and no longer acting as a guardian, there is no longer a substantial risk of harm to the public.

Similarly, a CPG may request to be on inactive status or to voluntarily surrender of his/her certification. The CPG must comply with all statutory and court-ordered requirements for discharge as a guardian prior to completing transition to inactive status or surrender. Once the former CPG has been discharged, s/he may not accept any new clients or engage in work as a CPG.

A former CPG may petition for reinstatement or return to active status. At that time, AOC may reinstate investigation in any terminated grievance pursuant to DR 504.1.

### **Reviewing and Improving the Grievance Process.**

The Board is a relatively new organization. One of the initial tasks of the Board was to develop regulations and procedures so that individuals could understand the process of becoming a certified professional guardian. However, the task of rulemaking is never completely over. As the Board gains experience and the number of guardians increase, we have to constantly review and revise our regulations for clarity and ease.

The Regulations Committee meets regularly to review and revise the Board's regulations. The Standards of Practice and the Disciplinary Regulations converge in their importance in the grievance process. Regulatory change must be balanced with the ability of a professional guardian to keep up with a demanding caseload and stay abreast of professional standards.

## GRIEVANCES AT A GLANCE 2010-2013

### Screening to Closing.

From 2010-13, the Board opened 183 grievances. Of those, 114 grievances have been closed as of December 31, 2013. The chart below summarizes the overall work flow of grievances opened and closed in each year:

#### **2010-13 CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES**

<b>Grievances</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>TOTAL</b>
Total Opened	33	45	49	56	183 <sup>4</sup>
Total Closed	19	28	37	30	114
EOY - Pending	14	31	43	69	69

### Length of process.

A key consideration for the grievance process is the length of time that it takes a grievance to be resolved. The length of time to process a grievance depends on numerous factors:

- Complexity of the grievance;
- Response time from relevant parties;
- AOC staffing<sup>5</sup>;
- Time to next SOPC review; and then,
- Time to next Board meeting.

Of the grievances opened in each year, the chart below shows the progression of closure in each succeeding year.

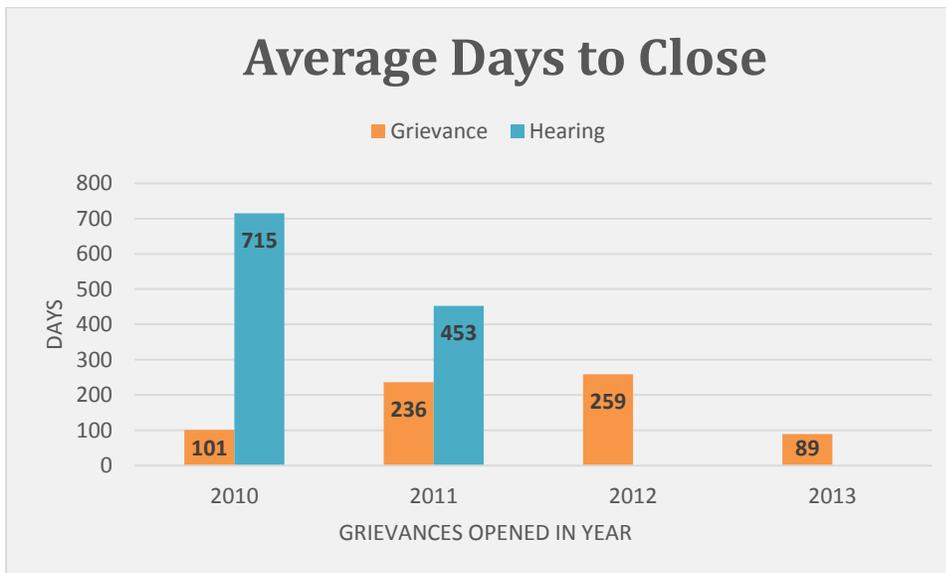
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<sup>4</sup> Of the 183 grievances received, 15 were dismissed for no jurisdiction, leaving 168 grievances filed against CPGs. These grievances involved about 33% of the CPGs in Washington. Of these grievances, 25 (or 15%) resulted in disciplinary sanctions. In total, less than 9% of all certified professional guardians were disciplined.

<sup>5</sup> During the 2010-13 time period, AOC had no grievance investigators for approximately 12 to 14 months. In August 2013, two investigators joined the staff and are actively reducing the backlog of grievances.



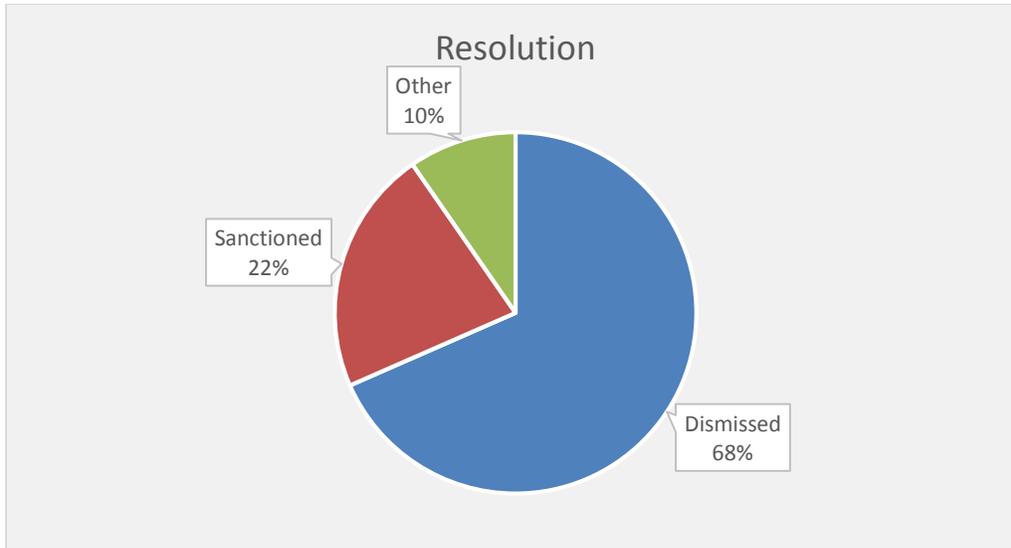
The average time for resolution of a grievance from opening to closing varies significantly by year. Grievances that proceed to hearing require substantially more time and are reported separately.



No hearings have yet been held for any grievances opened in 2012 or 2013.

**Resolution.**

Approximately 68% of the grievances are dismissed, and about 75% of the dismissed grievances are dismissed with no actionable conduct found.



The Board issued sanctions in approximately 1 in 5 of the grievances received. Admonishment of the professional guardian was the most common sanction.

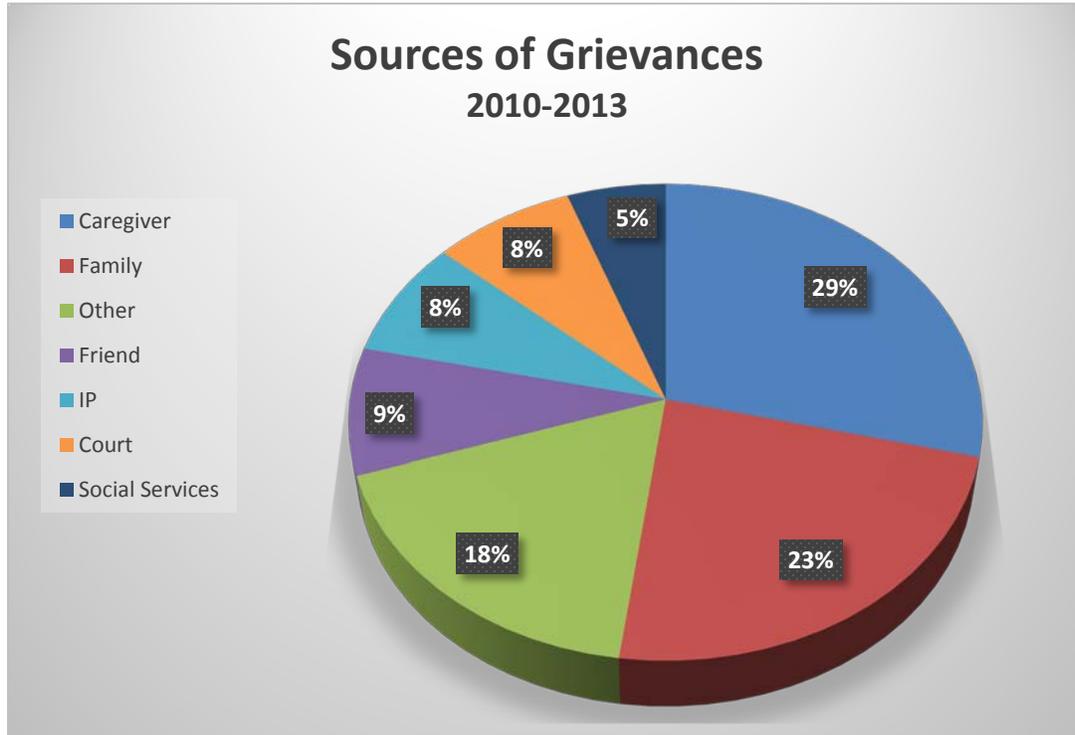
<b>Resolution<sup>6</sup></b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>TOTAL</b>
Dismissal - Administrative	1	1	3		5
Dismissal - No actionable conduct	13	16	21	8	58
Dismissal - No jurisdiction	4		3	8	15
Admonishment	1	3	3	3	10
Reprimand		1	1	3	5
Suspension			2		2
Decertification		3	3		6
Administrative Decertification		1		1	2
Other <sup>7</sup>		3	1	7	11
<b>Total Closed</b>	<b>19</b>	<b>28</b>	<b>37</b>	<b>30</b>	<b>114</b>

<sup>6</sup> The data on resolution is calculated on each individual grievance closed. A sanction against a single professional guardian, however, may have been based on multiple grievances. For example, the total number of suspensions from above are two (2). In the Discipline Case Summaries, only one profession guardian is reported as suspended, but two grievances are identified as the basis for the suspension.

<sup>7</sup> "Other" includes grievances that are terminated due to voluntary surrender of certification, decertification, administrative decertification, change to inactive status, or death.

## Sources of Grievances.

Any person may file a grievance regarding the conduct of a certified professional guardian. The Board may on its own authority file a grievance against a guardian either as a result of a random audit or concerns that have been brought to the Board's attention.



The most common grievants are caregivers or care facilities (29%), such as skilled nursing or rehabilitation. Family members (23%) are the second most common source of a grievance. It is not surprising that the two groups of individuals who have the most frequent and the closest contact with the incapacitated person are most likely to see conduct that causes them concern.

A minor source (5%) appearing on the chart is "Social Services." Social Services includes Adult Protective Services (APS), Developmental Disability, social workers, and/or other medical personnel. Most commonly concerns are referred first to APS, which has its own intake and investigation process. Although both APS and the Board are concerned about the protection of vulnerable individuals, their purposes and remedies are different.

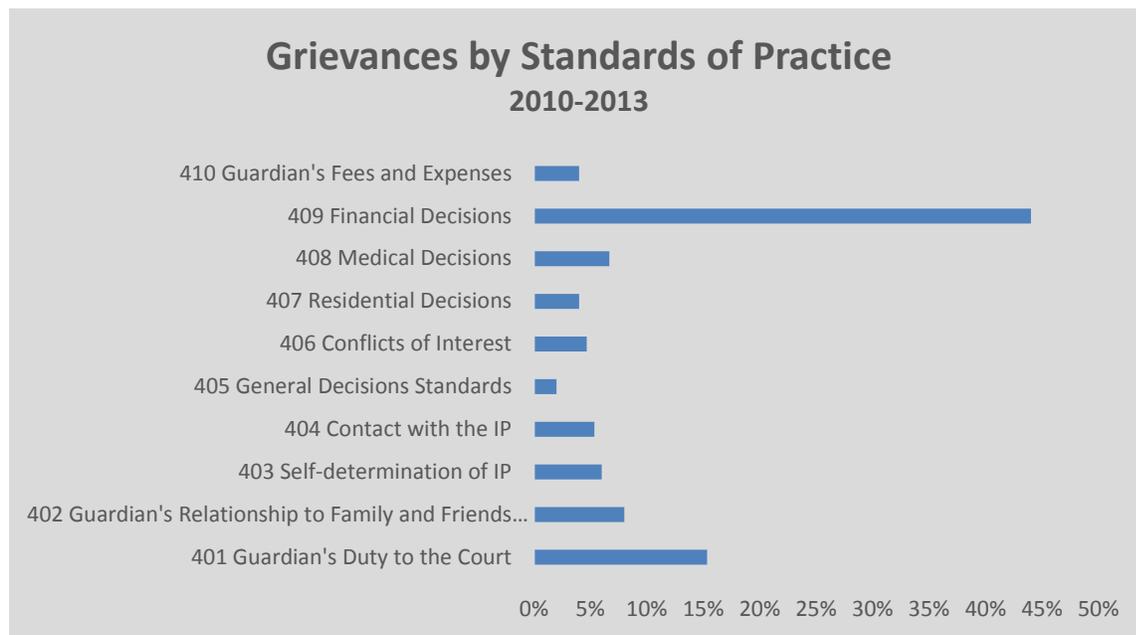
## Grievances by Standards of Practice.

Grievances are evaluated against the Standards of Practice, which are fairly comprehensive statements of the professional conduct expected from professional guardians. The Standards of Practice may be found in their entirety at:

[http://www.courts.wa.gov/content/publicUpload/CPG/20131014\\_SOP\\_Regulations.pdf](http://www.courts.wa.gov/content/publicUpload/CPG/20131014_SOP_Regulations.pdf)

Although the Standards of Practice cover the broad range of a professional guardian's responsibilities, almost half of the grievances received arise from a guardian's financial decisions. Generally grievances about financial matters fall into one or more of these subcategories: 1) mismanagement of the estate; 2) failure to timely pay bills; or 3) failure to apply for public benefits.

The second most common standard of practice is the guardian's duty to the court. A guardian's duty to the court includes timely filing all required annual reports to the court, maintaining current letters of guardianship, and timely filing of a designation of stand-by guardian.



## GRIEVANCE CASE SUMMARIES

Below are brief summaries for the grievances investigated and closed by the Certified Professional Guardian Board from 2010-13.

Agreements Regarding Discipline (sanctions) are of public record and posted on the Washington Courts website at: <http://www.courts.wa.gov/programs/orgs/guardian/>. Although dismissals are not subject to public disclosure at this time, they are summarized below without the identity of the guardian.

The five types of sanctions authorized in the Disciplinary Regulations are discussed above. As briefly discussed in footnote 4 above, a sanction is issued against the professional guardian. Multiple grievances may support issuance of a sanction. All grievances associated with a particular sanction are noted in each entry below.

### Decertification.

CPGB No. 2010-017 Wanda Cain [CPG No. 10490] [Kitsap County], decertified for failure to perform duties and discharge obligations in accordance with applicable Washington law and to provide reports, notices, and financial accountings that are timely, complete, accurate and consistent with the statutory requirements. SOP 401.1 and 401.5.

CPGB No. 2010-020 and 2011-021 Carole Gahein [CPG No. 10330] [Spokane County], decertified for failure to perform duties and discharge obligations in accordance with applicable Washington law, to provide reports, notices, and financial accountings that are timely, complete, accurate and consistent with the statutory requirements, to carry out her duties carefully and honestly, to competently manage the property and income of the estate, and to charge reasonable guardian's fees. SOP 400, 401.1, 401.5, 409.1, and 410.1.

CPGB No. 2010-025, 2011-005, and 2011-010 Sharon Nielson [CPG No. 10082] [Skagit County], decertified for failure to perform duties and discharge obligations in accordance with applicable Washington law, to provide reports, notices, and financial accountings that are timely, complete, accurate and consistent with the statutory requirements, or to protect and preserve the guardianship estate. SOP 400, 401.1, 401.5, and 409.11.

### Administrative Decertification.

CPGB No. 2011-027 Alfreda Golidy [CPG No. 9711] [King County], decertified administratively for noncompliance with CE reporting requirements. CMR 704.7.1.

CPGB No. 2011-040 Robin Williams [CPG No. 10247] [King County], decertified administratively for noncompliance with certification maintenance regulations, including failure to pay annual certification fee, to file annual disclosure statement, and to file an Errors & Omissions insurance declaration. CMR 704.7.1.

CPGB No. 2011-007 and 2011-018 Sound Guardianship Agency [CPGA No. 10722] [Thurston County], decertified administratively for failure to maintain at least two individual designated guardians. CMR 706.4.

## **Suspension.**

CPGB No. 2010-005 and 2010-006 Lori Petersen [CPG No. 9713] [Spokane County], suspension recommended for failure to consider the views and opinions of professionals, family and friends knowledgeable about the IP, to consult with IP and respect the feelings, values and opinions of the IP, and to consult with IP before relocating to a new residence. SOP 402.2, 403.2, and 407.7. [*Appeal pending*, Wash. Supreme Court Case No. 872520.]

## **Reprimand.**

CPGB No. 2011-001 Sound Senior Assistance [CPG No. 10504] [King County], Madeleine Hudson (5196), Barbara Hunter (11521), [King County], reprimanded for failure to communicate with other professionals, to respond to urgent need for medical decisions, and to provide instructions regarding treatment or non-treatment in emergencies. SOP 402.2, 408.1, 408.3, and 408.5.

CPGB No. 2011-007 and 2011-018 Pamela Privette [CPG No. 9714] [Pierce County], reprimanded for failure to perform duties and discharge obligations in accordance with applicable Washington law, to provide reports, notices, and financial accountings that are timely, complete, accurate and consistent with the statutory requirements, to communicate with family, and for acting outside of the authority granted by the court and separating the IP from family and friends. SOP 401.1, 401.2, 401.5, 402.2, and 407.5.

CPGB No. 2012-001 Sheila Brashear [CPG No. 4729] [Snohomish County], reprimanded for failure to competently manage the property and income of the estate. SOP 409.1.

## **Admonishment.**

CPGB No. 2010-004 Lori Petersen [9713] [Spokane County], admonished for failure to apply for all public and insurance benefits for which IP was eligible. SOP 409.7.

CPGB No. 2010-018 Renee Ewalt [CPG No. 6268] [Okonogan County], admonished for conflict of interest. SOP 406.3.

CPGB No. 2011-009 Ethicare [CPG No. 5133] and Julie A. Crawford [CPG No. 10408] [King County], admonished for acting outside of the authority granted by the court. SOP 401.2.

CPGB No. 2011-011 Joyce Ostby [CPG No. 10509] [Spokane County,] admonished for noncompliance with multiple filing deadlines. SOP 401.1 and 401.3.

CPGB No. 2011-012 Comprehensive Guardianship Services [CPG No. 5131], James Christnacht [CPG No. 5168], and Debra Christnacht [CPG No. 9616] [Pierce County], admonished for failure to perform duties and discharge obligations in accordance with Washington law, acting outside of the authority granted by the court, and to provide requested information to the IP and notice parties. SOP 401.1, 401.2, and 403.6.

CPGB No. 2011-014 Steven Broom [CPG No. 10300] [Cowlitz County], admonished for failure to communicate with family, to effectuate IP's residential preferences, and separating IP from family members. SOP 402.2, 407.3, and 407.5.

CPGB No. 2011-016, Cynthia Hanning [CPG No. 9608] [King County], admonished for appearance of a conflict of interest. SOP 406.2.

CPGB No. 2011-032 and 2011-047 Cynthia Winters [CPG No. 10665], Adult Guardianship Services [CPG No. 10884] [King County], admonished for failure to manage the estate to provide for the needs of the IP, to provide services and incur fees so as to preserve the IP's estate, and to ensure continuity of care to the IPs during the sale or transfer of an agency. SOP 406.1, 409.1, 409.4, 410.1, and 412.1.

CPGB No. 2012-004 Patricia Joubert [CPG No. 10316] [Kitsap County], admonished for failure to apply for public and insurance benefits to which IP was entitled. SOP 409.7.

## **Dismissal.**

CPGB No. 2010-001 [Spokane County], alleged guardian serving as a trustee failed to provide reports, notices and financial accountings that are timely and accurate by; dismissed for lack of jurisdiction. SOP 400 and 401.5.

CPGB No. 2010-002 [King County], alleged failure to consult and have meaningful contact with IP, to manage IP's estate to provide for the needs of IP, to conserve IP's estate by charging reasonable fees; dismissed for no actionable conduct. SOP 403.2, 404.1, 409.4, and 410.2.

CPGB No. 2010-003 [King County], alleged misconduct as a trustee; dismissed for lack of jurisdiction. SOP 400.

CPGB No. 2010-007 [Spokane County], alleged failure to consider opinions of others who were knowledgeable about IP; dismissed for no actionable conduct. SOP 402.2.

CPGB No. 2010-008 [Spokane County], alleged failure to perform duties and discharge obligations in accordance with Washington law, to timely provide reports, notices, and accountings consistent with statutory requirements, and to apply for all public benefits for which the IP is eligible; dismissed for no actionable conduct. SOP 401.1, 401.5, and 409.7.

CPGB No. 2010-009 [King County], alleged failure to allow family member to participate in IP's education, and to work towards reintegration of IP into the residence with the family member to enhance the quality of life of the IP; dismissed for no actionable conduct. SOP 402.2, 407.3 and 407.6.

CPGB No. 2010-010 [Lewis County], alleged failure to have meaningful in-person contact with IP, to maintain regular communication with caregivers, to manage the estate to provide for the needs of the IP, and to apply for all public benefits for which IP is eligible; dismissed for no actionable conduct. SOP 402.1, 402.2, 409.4 and 409.7.

CPGB No. 2010-011 [Clark County], alleged failure to work cooperatively with others for the benefit of IP, to consult with IP before relocating to a new residence, and to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 402.1, 403.2, and 407.5.

CPGB No. 2010-012 [King County], alleged failure to perform duties and discharge obligations in accordance with Washington law, to timely provide reports, notices, and accountings consistent with statutory requirements, to consult with IP before relocating to a new residence, and to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 401.1, 401.5, 403.2, 403.4, 407.7, and 409.4.

CPGB No. 2010-013 [Skagit County], alleged failure to apply “substituted judgment standard,” and to apply for all public and insurance benefits for which IP is eligible; dismissed for no actionable conduct. SOP 403.2, 405.1, 409.1 and 409.7.

CPGB No. 2010-014 [King County], alleged failure to charge reasonable fees; dismissed for no actionable conduct. SOP 410.1.

CPGB No. 2010-015 [Spokane County], alleged failure to communicate with family, to provide informed consent for IP’s medical care, treatment, and services, and to allow the IP to maintain contact with family and friends; dismissed for no actionable conduct. SOP 402.2, 408.1, and 407.5.

CPGB No. 2010-019 [Clark County], alleged conflict of interest by providing direct services to IP; dismissed for no actionable conduct. SOP 406.4.

CPGB No. 2010-021 [King County], alleged failure to comply with applicable Washington law; dismissed for no actionable conduct. SOP 401.1.

CPGB No. 2010-022 [King County], alleged failure to manage estate to provide for IP’s needs; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2010-023 [King County], alleged failure to perform duties and discharge obligations in accordance with applicable Washington law, lack of communication with family, and conflict of interest by providing direct services to IP; dismissed for no actionable conduct. SOP 401.1, 402.2, and 406.4.

CPGB No. 2010-024 [King County], alleged lack of communication with family and failure to provide informed consent for IP’s medical care, treatment, and services; dismissed for no actionable conduct. SOP 402.2 and 408.1.

CPGB No. 2010-026 [Snohomish County], alleged actions outside of the authority granted by the court; dismissed for no actionable conduct. SOP 401.2.

CPGB No. 2010-027 [Spokane County], alleged failure to work cooperatively with others for the benefit of IP and to manage the estate for the benefit of the IP; dismissed for no actionable conduct. SOP 402.1 and 409.4.

CPGB No. 2010-028 [Thurston County], alleged failure to defer to IP’s residual capacity and to charge reasonable fees; dismissed for no actionable conduct. SOP 403.4 and 410.1.

CPGB No. 2010-029 [Clallam County], alleged failure to manage the estate for the needs of the IP, to report to the court when IP appears to require assistance which exceeds the authority of the guardian, and to take reasonable measure to effectuate the IP's residential preferences; dismissed for no actionable conduct. SOP 407.3, 409.4, and 411.5.

CPGB No. 2010-030 [King County], alleged failure to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2010-031 [Pierce County], alleged failure to assess IP's health and personal care needs and to ensure that the personal care plan is being followed; dismissed for no actionable conduct. SOP 404.1.1 and 401.1.4.

CPGB No. 2010-032 [King County], alleged failure to competently manage the property and income of the estate; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2010-033 [King County], alleged failure to competently manage the property and income of the estate; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2011-002 [Skagit County], alleged failure to communicate with family and to competently manage the property and income of the estate; dismissed for no actionable conduct. SOP 402.2 and 409.1.

CPGB No. 2011-003 [King County], alleged failure to select residential placement to provide for IP's physical comfort and safety, to competently manage the property and income of the estate, and to charge reasonable guardianship fees; dismissed for no actionable conduct. SOP 407.6, 409.1, and 410.1.

CPGB No. 2011-004 [Kitsap County], alleged failure to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2011-006 [King County], alleged failure to apply for all public and insurance benefits for which IP is eligible; dismissed for no actionable conduct. SOP 409.7.

CPGB No. 2011-008 [Lewis County], alleged failure to manage the estate to provide for the needs of the IP and to apply for all public and insurance benefits for which IP is eligible; dismissed for no actionable conduct. SOP 409.4 and 409.7.

CPGB No. 2011-015 [Pierce County], alleged appearance of self-interest in management of the estate; dismissed for no actionable conduct. SOP 406.2.

CPGB No. 2011-017 [Lincoln County], alleged failure to communicate with family and to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 402.2 and 409.4.

CPGB 2011-019 [Skagit County], alleged failure to communicate with family, to apply for all public and insurance benefits for which IP is eligible, and to ensure that the personal care plan is being properly followed; dismissed for no actionable conduct. SOP 402.2, 404.1.5, and 409.7.

CPGB No. 2011-020 [Thurston County], alleged failure to ensure that IP reside in the least restrictive environment that is appropriate and available and to effectuate IP's residential preferences; dismissed for no actionable conduct. SOP 407.1 and 407.3.

CPGB No. 2011-022 [Pierce County], alleged failure to communicate with family, to manage estate to provide for the needs of the IP, and to apply for all public and insurance benefits for which IP was eligible; dismissed for no actionable conduct. SOP 402.2, 409.4, and 409.7.

CPGB No. 2011-023 [Clallam County], alleged failure to take reasonable measures to effectuate the IP's residential preferences, to competently manage the property and income of the estate, to manage the estate to provide for the needs of the IP, and to protect and preserve the guardianship estate; dismissed for no actionable conduct. SOP 407.3, 409.1, 409.4, and 409.11.

CPGB No. 2011-024 [King County], alleged failure to perform duties and discharge obligations in accordance with applicable Washington law and to provide reports, notices, and financial accountings that are timely and accurate; dismissed for no actionable conduct. SOP 401.1 and 401.5.

CPGB No. 2011-029 [King County], alleged lack of fitness to serve as guardian; dismissed for no actionable conduct. SOP 400.

CPGB No. 2011-030 [King County], alleged failure to provide reports, notices and financial accountings that are timely, complete, accurate, and consistent with the statutory requirements; dismissed for no actionable conduct. SOP 401.5.

CPGB No. 2011-031 [Clark County], alleged failure to work cooperatively with the IP or others for the benefit of the IP, to communicate with the family, to apply the substituted judgment standard, and to acknowledge the residual capacity and preferences of the IP; dismissed for no actionable conduct. SOP 402.1, 402.2, 403.2, and 405.1.

CPGB No. 2011-034 [Clark County], alleged failure to provide reports, notices and financial accountings that are timely, complete, accurate, and consistent with the statutory requirements, to avoid an appearance of conflict, to competently manage the estate, and to charge reasonable guardian's fees; dismissed for no actionable conduct. SOP 401.1, 401.5, 406.2, 409.1 and 410.1.

CPGB No. 2011-035 [Snohomish County], alleged failure to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2011-037, [Stevens County], alleged failure to apply for all public and insurance benefits for which the IP is eligible; dismissed for no actionable conduct. SOP 409.7.

CPGB No. 2011-039 [King County], alleged actions occurred while CPG was serving as a trustee; dismissed for lack of jurisdiction. SOP 400.

CPGB No. 2011-041 [Snohomish County], alleged failure to communicate with family, to assess the appropriateness of IP's living situation, to maintain regular communication with service providers, to provide for IP's physical comfort and safety, to actively promote IP's health, and to respond to IP's urgent need for medical decisions; dismissed for no actionable conduct. SOP 402.2, 402.7 404.1.1, 407.6, 408.4, and 408.5.

CPGB No. 2011-043 [Pierce County], alleged failure to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2011-044 [Spokane County], alleged failure to defer to IP's residual capacity to make decisions; dismissed for no actionable conduct. SOP 403.2 and 403.3.

CPGB No. 2011-046 [Spokane County], alleged failure to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 409.1 and 409.4.

CPGB No. 2011-049 [Jefferson County], alleged failure to protect the rights and liberties of the IP and to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 403.1 and 409.4.

CPGB No. 2012-005 [Spokane County], alleged failure to ensure IP remain in her family home and to consider the needs of the IP's dependents for support or maintenance; dismissed for no actionable conduct. SOP 407.5 and 409.5.

CPGB No. 2012-007 [King County], alleged failure to work cooperatively with IP or others for the benefit of the IP and to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 402.1 and 409.4.

CPGB No. 2012-008 [King County], alleged failure to fulfill a fiduciary's duty to act honestly and with undivided loyalty to the IP; dismissed for no actionable conduct. SOP 400.

CPGB No. 2012-009 [Clark County], alleged failure to maintain regular communication with others attending to the IP and to be alert to changes in the IP's condition or circumstances; dismissed for no actionable conduct. SOP 404.1.2 and 411.1.

CPGB No. 2012-010 [Grays Harbor County], alleged failure to determine the extent to which the IP identified with particular cultural values and to acknowledge the need to allow IP to engage in conditions and live in conditions that are culturally and socially acceptable; dismissal for no actionable conduct. SOP 403.7 and 407.2.

CPGB No. 2012-011 [King County], alleged failure to perform duties and discharge obligations in accordance with Washington law, to provide reports, notices and financial accountings, to seek independent evaluation of IP's needs and best interests; dismissed for no actionable conduct. SOP 401.1, 401.2, 401.5, and 402.3.

CPGB No. 2012-014 [Clark County], alleged failure to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2012-017 [Island County], alleged failure to apply for all public benefits for which IP was eligible and to manage the estate to provide for the needs of the IP; dismissed for no jurisdiction. SOP 409.4 and 409.7.

CPGB No. 2012-018 [King County], alleged failure to manage the trust's investments and to charge reasonable fees while acting as trustee; dismissed for lack of jurisdiction. SOP 400, 409.8, and 410.1.

CPGB No. 2012-020 [King County], alleged guardian ad litem acted outside of the authority of the court; dismissed for lack of jurisdiction. SOP 400 and 401.2.

CPGB No. 2012-021 [Pierce County], alleged failure to exercise the highest level of fiduciary responsibility; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2012-022, [Snohomish County], alleged failure to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 409.4.

CPGB No. 2012-023 [King County], alleged failure to perform duties and discharge obligations in accordance with applicable Washington law and to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 401.1 and 409.4.

CPGB No. 2012-024 [Ector County, Texas], alleged failure of lay guardian to manage estate to provide for the needs of the IP; dismissed for lack of jurisdiction. SOP 400 and 409.4.

CPGB No. 2012-026 [King County], alleged guardian ad litem acted outside of the authority of the court; dismissed for lack of jurisdiction. SOP 400 and 401.2.

CPGB No. 2012-027 [King County], alleged guardian ad litem acted outside of the authority of the court; dismissed for lack of jurisdiction. SOP 400 and 401.2.

CPGB No. 2012-030 [Walla Walla County], alleged failure to perform duties and discharge obligations in accordance with Washington law; dismissed for lack of jurisdiction. SOP 400 and 401.1.

CPGB No. 2012-035 [Snohomish County], alleged failure to communicate with family, to assess the appropriateness of the IP's current living situation, and to manage the estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 402.2, 404.1.1, and 409.1.

CPGB No. 2012-037 [Clark County], dismissed administratively due to lack of a complete grievance. DR 504.3.

CPGB No. 2012-040 [Spokane County], alleged failure to select a residential placement to provide for physical comfort and safety of IP, to maintain regular communication with the caregiver, and to manage estate to provide for the needs of the IP; dismissed for no actionable conduct. SOP 404.1.2, 407.6, and 409.4.

CPGB No. 2013-007 [King County], alleged guardian ad litem failed to perform duties and discharge obligations in accordance with Washington law; dismissed for lack of jurisdiction. SOP 400 and 401.1.

CPGB No. 2013-011 [King County], alleged guardian ad litem failed to perform duties and discharge obligations in accordance with Washington law; dismissed for lack of jurisdiction. SOP 400 and 401.1.

CPGB No. 2013-020 [King County], alleged trustee failed to assure that compensation for services and fees were reasonable and incurred for IP's benefit; dismissed for lack of jurisdiction. SOP 400, 410.1, and 410.2.

CPGB No. 2013-026 [King County], dismissed administratively due to withdrawal of grievance. DR 504.3.

CPGB No. 2013-032 [King County], alleged guardian ad litem failed to perform duties and discharge obligations in accordance with Washington law; dismissed for lack of jurisdiction. SOP 400 and 401.1.

CPGB No. 2013-033 [Kitsap County], alleged guardian ad litem failed to perform duties and discharge obligations in accordance with Washington law; dismissed for lack of jurisdiction. SOP 400 and 401.1.

CPGB No. 2013-037 [Orange County, CA], alleged guardian in state of California failed to failure to treat IP with respect, to charge reasonable fees, and to disclose personal or other sensitive information to third parties; dismissed for lack of jurisdiction. SOP 400, 402.5, 403.1, and 403.2.

CPGB No. 2013-038 [King County], alleged trustee failed to manage estate to provide for the needs of the IP, to assure that compensation for services and fees were reasonable and incurred for IP's benefit; dismissed for lack of jurisdiction. SOP 400, 409.4, 410.1, and 410.2.

CPGB No. 2013-044 [Thurston County], alleged failure to competently manage property and income of the estate; dismissed for no actionable conduct. SOP 403.1 and 409.1.

CPGB No. 2013-051 [North Carolina], alleged guardian ad litem failed to assure that compensation for services and fees were reasonable and incurred for minors' benefit; dismissed for lack of jurisdiction. SOP 400, 410.1, and 410.2.

## **Termination.**

CPGB No. 2011-048 Wanda Cain [CPG No. 10490], [Kitsap County], terminated due to CPG's decertification (see CPGB No. 2010-017 *above*).

CPGB No. 2010-016 and 2011-045 Carole Gaherin [CPG No. 10330], [Spokane County], terminated due to CPG's decertification (see CPGB no. 2010-020 *above*.)

CPGB No. 2012-003, 2012-044, 2013-005, and 2013-021 Alfreda Golidy [CPG No. 9711], [King County], terminated due to CPG's administrative decertification (see CPGB No. 2011-027 *above*).

CPGB No. 2013-003, 2013-008, and 2013-030 [Clark County], terminated due to CPG's voluntary surrender. SOP 404.1, 404.1.3, 408.4, 409.1, 409.4, 409.7, 410.1, and 410.2.

CPGB No. 2012-028 [Island County], terminated due to CPG's death. SOP 401.1 and 404.1.