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CERTIFIED PROFESSIONAL GUARDIAN BOARD

In the Matter of the Notice of)
Noncompliance with Application)
Regulation 117 (Insurance) of:)
 CONCERNED CITIZENS,)
 CPGA No. 10600,)
) Respondent.)
_____)

AGREEMENT REGARDING
DISCIPLINE FOR NONCOMPLIANCE
WITH APPLICATION REGULATION
117 (INSURANCE)

The parties, Concerned Citizens, CPGA No. 10600, a certified professional guardian agency, and the Certified Professional Guardian Board (Board) enter into this Agreement Regarding Discipline (Agreement) pursuant to Application Regulation (AR) 117.7 and the Board's Disciplinary Regulations for Certified Professional Guardians. Concerned Citizens failed to file a declaration regarding its compliance with the errors and omissions insurance requirement pursuant to AR 117.5.1, resulting in this noncompliance proceeding before the Board. This Agreement is a resolution of this proceeding and shall become effective after all parties have signed the Agreement.

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2 **I. STATEMENT OF FACTS**

3 **A.** On July 9, 2007, Concerned Citizens was certified as a professional
4 guardian agency pursuant to General Rule of Court (GR) 23, and was so certified at all
5 times relevant to this matter.

6 **B.** On or about March 21, 2008, the Board issued a Notice of Noncompliance
7 with Application Regulation 117 and Notice of Right to File Petition for Administrative
8 Hearing (Notice) to Concerned Citizens based on its failure to file a declaration with the
9 Board in compliance with AR 117. On March 24, 2008, Concerned Citizens
10 acknowledged receipt of the Notice sent via certified mail.

11 **C.** On March 19, 2008, Concerned Citizens filed with the Board a Declaration
12 of Required Errors & Omissions Insurance – Regulation 117, declaring that it had
13 obtained the required insurance even though it met the exemption contained in AR
14 117.3.

15 **D.** On April 1, 2008, Linda L. Middleton, CPG No. 10601, and Designated
16 CPG for Concerned Citizens, CPGA No. 10600, filed with the Board a Petition for an
17 Administrative Hearing to Determine Compliance with Regulation 117 (Insurance). The
18 Petition was filed on behalf of Concerned Citizens, CPGA 10600, Linda L. Middleton,
19 CPG No. 10601, and Bonnie K. Hurd, CPG 10534. The Petition indicated that though
20 Concerned Citizens was exempt from the requirement for errors and omissions
21 insurance, the Board of Directors, deciding it would be prudent, obtained the insurance
22 in November, 2007. The Petition included an apology and acceptance of responsibility
23 for the late filing of the declaration.
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2 **II. VIOLATIONS**

3 Certified professional guardians and certified professional guardian agencies are
4 required to maintain a minimum of \$500,000 of errors and omissions insurance which
5 covers the acts of the guardian or agency unless exempted or waived by the regulation.

6 AR 117.2. By January 31 each year, every guardian and agency shall file with the
7 Board a declaration signed under penalty of perjury on a form approved by the Board
8 stating that the guardian or agency either maintains a policy of errors and omissions
9 insurance, that the guardian or agency is exempt, or has been granted a waiver by the
10 Board. AR 117.5.1. Failure to comply with AR 117 may subject the guardian or agency
11 to disciplinary sanctions. AR 117.7.1. Based on the facts stated above, Concerned
12 Citizens has violated AR 117.5.1.

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14 **III. PRIOR RECORD OF DISCIPLINE**

15 Concerned Citizens, CPGA No. 10600, has no prior record of discipline with the
16 Board.

17 **IV. DISCIPLINARY SANCTIONS IMPOSED BY THE BOARD**

18 The Board recognizes as mitigating factors: that upon receiving the Notice from
19 the Board, Concerned Citizens filed the required errors and omissions declaration, and
20 that the agency had obtained the required errors and omissions insurance in November,
21 2007, even though it met the exemption contained in AR 117.3.

22 Based on the type of violation in this matter and the mitigating factors set forth
23 above, an appropriate disciplinary sanction is reimbursement of the costs of this
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1 disciplinary proceeding. Concerned Citizens is required to reimburse the Board fifty
2 dollars (\$50.00) for the costs of this disciplinary proceeding.
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4 **V. VIOLATION OF AGREEMENT**

5 Failure to comply with the terms of this Agreement shall constitute additional
6 grounds for discipline pursuant to DR 514.4. In the event of an alleged breach of this
7 Agreement, the Board shall provide notice to the certified professional guardian agency
8 of the substance of the breach, and the certified professional guardian agency shall
9 have 30 days to respond to the allegations of the breach. If the Board finds that the
10 Agreement has been breached, the Board may pursue disciplinary action against the
11 certified professional guardian agency for violation of the Agreement.
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13 This Agreement is binding as a statement of all known facts relating to the
14 conduct of Concerned Citizens, CPGA No. 10600, but any additional existing acts may
15 be proven in any subsequent disciplinary proceedings.

16 **VI. NOTICE**

17 This Agreement shall be retained by the AOC in the certified professional
18 guardian agency's disciplinary file. This Agreement shall be open to public access and
19 disclosure. Notice of the discipline imposed shall be sent to all superior courts pursuant
20 to DR 514.3.2.

21 **VII. ENTIRE AGREEMENT**

22 This Agreement comprises the entire agreement of the parties with respect to the
23 matters covered herein, and no other agreement, statement, or promise made by any
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1 party which is not included herein shall be binding or valid. This Agreement may be
2 modified or amended only by a written amendment signed by all parties.
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4 **VIII. SEVERABILITY**

5 The provisions of this Agreement are intended to be severable. If any term or
6 provision of this Agreement is illegal or invalid for any reason, the remainder of the
7 Agreement will not be affected.

8 **IX. LAWS GOVERNING**

9 This Agreement shall be governed by the laws of the State of Washington, and
10 any question arising from the Agreement shall be construed or determined according to
11 such law. This Agreement is a public record and is subject to public disclosure or
12 release.
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14 **X. RIGHT TO COUNSEL**

15 Concerned Citizens acknowledges that it has the right to individual counsel for
16 representation in this disciplinary matter, at its expense, as set forth in Disciplinary
17 Regulation 509.1.

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