CERTIFIED PROFESSIONAL GUARDIAN BOARD

Adagio Guardian Associates, CPGA #10454 and Helen Helfrich, CPG #9563	)	**PGB No. 2008-001** **AGREEMENT REGARDING DISCIPLINE AND STIPULATED FINDINGS** ***Disciplinary Regulation 514***

The parties, Adagio Guardian Associates LLC (Adagio), CPGA No. 10454, a certified professional guardian agency, and Helen M. Helfrich (Ms. Helfrich), CPG No. 9563, and the Certified Professional Guardian Board (Board) enter into this Agreement Regarding Discipline and Stipulated Findings (Agreement) pursuant to the Board's Disciplinary Regulations for Certified Professional Guardians. Adagio and Ms. Helfrich have committed violations of the Standards of Practice for Certified Professional Guardians, resulting in this disciplinary proceeding before the Board. This Agreement is a resolution of this disciplinary proceeding and shall become effective after all parties have signed the Agreement.

I. STATEMENT OF FACTS

A. On or about February 2008, the Board opened a grievance, 2008-001, based on an investigation into current cases of a certified professional guardian. The investigation disclosed that the guardian and agency appeared not to be in compliance with reporting requirements on four cases.

B. At all times relevant herein, Ms. Helfrich was a certified professional guardian (CPG) pursuant to General Rule of Court (GR) 23, licensed as CPG #9563. Ms. Helfrich is a manager/member and one of the designated certified professional guardians of Adagio.

C. At all times relevant herein, Adagio was a certified professional guardian agency (CPGA) pursuant to General Rule of Court (GR) 23, licensed as CPG #10454.

D. On August 30, 2007, in Pacific County Superior Court, Adagio was appointed as guardian of the person *in* cause #00-4-00003-0. The guardian did not file a personal care plan within three months of appointment as required by RCW 11.92.043(1).

E. After receiving a letter dated January 14, 2008 from the Board regarding the delinquency, the guardian filed a Personal Care Plan on January 24, 2008 and a Designation of Standby Guardian on January 30, 2008. The court approved the guardian's personal care plan on January 25, 2008.

F. On January 20, 2006, in Pacific County Superior Court, Adagio was appointed as guardian of the person and estate *in* cause #05-4-00058-8. The guardian filed the personal care plan, inventory and petition for approval of budget and

disbursements on June 6, 2006. The guardian filed its annual report on July 3, 2007, but did not obtain an order approving the annual report.

G. After receiving the January 14 letter from the Board, the guardian set a hearing and obtained an order on February 1, 2008 approving the annual report

H. On August 12, 2002, in Pacific County, Ms. Helfrich was appointed as the guardian of the person in cause #02-4-00033-8. On June 9, 2006, the court approved changing the guardian from Ms. Helfrich to Adagio. The guardian did not file a personal care plan or annual report.

I. After receiving the January 14 letter from the Board, the guardian filed a Personal Care Plan and Interim Report on January 25, 2008. The court approved the guardian's report and personal care plan on January 30, 2008

J. On August 12, 2002, in Pacific County, Ms. Helfrich was appointed as the guardian of the person in cause #02-4-00030-3. On June 9, 2006, the court approved changing the guardian from Ms. Helfrich to Adagio. The guardian did not file a personal care plan or annual report.

K. After receiving the January 14 letter from the Board, the guardian filed a Personal Care Plan and Interim Report on January 25, 2008. The court approved the guardian's report and personal care plan on January 30, 2008

L. On February 14, 2008, the guardian wrote to the Board and provided copies of the pleadings filed in the above-described cases. The guardian acknowledged the failures to report. The guardian stated that there is now an agency-wide system to track all reporting deadlines.

II. VIOLATIONS OF THE STANDARDS OF PRACTICE

The Board has adopted Standards of Practice (SOP) which govern the professional conduct of certified guardians. Based on the conduct described above, Ms. Helfrich and Adagio violated the following SOP:

SOP 401.1 requires a guardian to be thoroughly familiar with RCW 11.88, RCW 11.92, GR 23 and the Standards of Practice and any other regulations or statutes which govern the conduct of the guardian in the management of affairs of an incapacitated person.

SOP 401.3 requires a guardian to provide reports and accountings that are timely, complete, accurate, understandable, and in a form acceptable to the court.

III. PRIOR RECORD OF DISCIPLINE

Adagio and Helen Helfrich have no prior records of discipline with the Board.

IV. DISCIPLINARY SANCTIONS IMPOSED BY THE BOARD

The Board recognizes as mitigating factors that Adagio and Ms. Helfrich have taken steps to correct the circumstances that led to the grievance. Adagio has set up a unified tracking system for all reporting requirements. The Board acknowledges that no individual client appears to have suffered any harm as a result of the failure to report.

Finally, the Board notes that Ms. Helfrich took immediate steps to address the Board's concern, including completing reports and seeking court approval of those reports. Ms. Helfrich kept the Board informed of the steps she was taking to address the matter and was cooperative throughout the process.

Under Disciplinary Regulation (DR) 515.1, any sanction or remedy imposed by the Board is a disciplinary sanction. A remedy is designed to ensure compliance with duties, standards, and requirements for a professional guardian. In this matter, the appropriate remedy is to require Ms. Helfrich and Adagio to create and implement a unified tracking system for all guardianships which will prevent any future missed or late filings of reports as well as providing better case management. Ms. Helfrich and Adagio have complied with the Board's requirement by creating and implementing a unified tracking system for all guardianships and shall maintain such a system. The Board's approval and entry of this Agreement is an appropriate disciplinary sanction.

V. VIOLATION OF AGREEMENT

Failure to comply with the terms of this Agreement shall constitute additional grounds for discipline pursuant to DR 514.4. Failure to use and update the unified tracking system for all guardianships is a violation of this Agreement. Failure to complete required reports in a timely fashion may result in a breach of this Agreement. In the event of an alleged breach of this Agreement, the Board shall provide notice to Ms. Helfrich and Adagio of the substance of the breach, and Ms. Helfrich and Adagio shall have 30 days to respond to the allegations of the breach. If the Board finds that the Agreement has been breached, the Board may pursue disciplinary action against the professional guardian or agency for violation of the Agreement.

This Agreement is binding as a statement of all known facts relating to the conduct of Ms. Helfrich and Adagio, but any additional existing acts may be proven in any subsequent disciplinary proceedings.

VI. NOTICE

This Agreement shall be retained by the AOC in Ms. Helfrich's and Adagio's disciplinary file.

This Agreement shall be open to public access and disclosure. Notice of the discipline imposed shall be sent to all superior courts pursuant to DR 514.3.2.

VII. ENTIRE AGREEMENT

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

VIII. SEVERABILITY

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

IX. LAWS GOVERNING

This Agreement shall be governed by the laws of the State of Washington, and any question arising from the Agreement shall be construed or determined according to such law. This Agreement is a public record and is subject to public disclosure or release.

X. RIGHT TO COUNSEL

Adagio and Helen Helfrich acknowledge that each has the right to individual counsel for representation in this disciplinary matter, at her expense, as set forth in Disciplinary Regulation 509.1.

XI. PRESENTATION OF AGREEMENT TO THE BOARD

Adagio and Ms. Helfrich understand that this Agreement is not binding unless and until it is approved and signed by the Board. If the Board rejects this Agreement, Adagio and Ms. Helfrich waive any objection to the participation in the final determination of this matter of any Board member who heard the Agreement presentation.

COPY RECEIVED, NOTICE OF PRESENTATION WAIVED:

_____ 24 April 2008

Helen Helfrich, Date
Individually and as Designated CPG of Adagio

_____ _____

Date

Attorney for Adagio and Ms. Helfrich
WSBA #_____

APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN BOARD THIS

19 DAY OF May, 2008.

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Hon. Marywave Van Deren
Chair, Certified Professional Guardian Board