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**CERTIFIED PROFESSIONAL GUARDIAN BOARD**

In the Matter of the Notice of )  
Noncompliance with Application )  
Regulation 117 (Insurance) of: )  
 )  
          BONNIE K. HURD, )  
          CPG No. 10534, )  
 )  
                          Respondent. )  
\_\_\_\_\_ )

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

The parties, Bonnie K. Hurd, CPG No. 10534, a certified professional guardian,  
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. Ms. Hurd  
failed to file a declaration regarding her 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 October 25, 2006, Bonnie K. Hurd was certified as a professional  
4 guardian pursuant to General Rule of Court (GR) 23, and was so certified at all times  
5 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 Ms. Hurd based on her failure to file a declaration with the Board in  
9 compliance with AR 117. On March 24, 2008, Ms. Hurd acknowledged receipt of the  
10 Notice sent via certified mail.

11 **C.** On March 19, 2008, Ms. Hurd filed with the Board a Declaration of  
12 Required Errors & Omissions Insurance – Regulation 117, declaring that her employer  
13 agency, Concerned Citizens, CPGA No. 10600, had obtained the required insurance,  
14 and that she met the exemption contained in AR 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 would be prudent, obtained the insurance in  
22 November, 2007. The Petition included an apology and acceptance of responsibility for  
23 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, Ms. Hurd has  
12 violated AR 117.5.1.

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14 **III. PRIOR RECORD OF DISCIPLINE**

15 Bonnie K. Hurd, CPG No. 10534, has no prior record of discipline with the Board.

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

17 The Board recognizes as mitigating factors: that upon receiving the Notice from  
18 the Board, Ms. Hurd filed a declaration of exemption from the errors and omissions  
19 insurance; that Ms. Hurd meets the requirements for exemption set forth in AR 117.3;  
20 and that Ms. Hurd provided information regarding her employer agency's errors and  
21 omissions insurance even though the agency meets the exemption also.

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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2 disciplinary proceeding. Bonnie K. Hurd is required to reimburse the Board fifty dollars  
3 (\$50.00) for the costs of this disciplinary proceeding.

#### 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 of the  
8 substance of the breach, and the certified professional guardian shall have 30 days to  
9 respond to the allegations of the breach. If the Board finds that the Agreement has  
10 been breached, the Board may pursue disciplinary action against the certified  
11 professional guardian or agency for violation of the Agreement.

12 This Agreement is binding as a statement of all known facts relating to the  
13 conduct of Bonnie K. Hurd, CPG No. 10534, but any additional existing acts may be  
14 proven in any subsequent disciplinary proceedings.

#### 16 **VI. NOTICE**

17 This Agreement shall be retained by the AOC in the certified professional  
18 guardian'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.

13 **X. RIGHT TO COUNSEL**

14 Ms. Hurd acknowledges that she has the right to individual counsel for  
15 representation in this disciplinary matter, at her expense, as set forth in Disciplinary  
16 Regulation 509.1.  
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2 **XI. PRESENTATION OF AGREEMENT TO THE BOARD**

3 Bonnie K. Hurd understands that this Agreement is not binding unless and until it  
4 is approved and signed by the Board. If the Board rejects this Agreement, Bonnie K.  
5 Hurd waives any objection to the participation in the final determination of this matter of  
6 any Board member who heard the Agreement presentation.

7 COPY RECEIVED, NOTICE OF PRESENTATION WAIVED:

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9  4/28/08  
10 Bonnie K. Hurd, CPG No. 10534 Date

11  
12 **APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN**  
13 **BOARD THIS**

14 19 DAY OF May, 2008.

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16   
17 Judge Marywave Van Deren  
18 Chair, Certified Professional Guardian Board