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**CERTIFIED PROFESSIONAL GUARDIAN BOARD**

**DAVID LAIDMAN, CPG No.5215**

**CPGB No. 2008-023**

**AGREEMENT REGARDING DISCIPLINE  
AND STIPULATED FINDINGS**

***Disciplinary Regulation 514***

The parties, David Laidman, CPG No. 5215, a certified professional guardian, 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. Mr. Laidman has 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. The Agreement will be a part of the professional guardian record of Mr. Laidman and will be a public record and subject to public access. This Agreement will be posted on the Washington Courts Web site, Certified Professional Guardian Board Web page, which is maintained by the Administrative Office of the Courts.

**ORIGINAL**

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## 1. JURISDICTION

1.1 At all times relevant herein, Mr. Laidman was a certified professional guardian (CPG) pursuant to General Rule (GR) 23, CPG No. 5215.

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## 2. STATEMENT OF FACTS

2.1 On or about December 10, 2008, the Board opened a grievance, CPGB No. 2008-023, based on Mr. Laidman's self-reporting that he had paid himself guardian fees prior to obtaining court approval.

2.2 Mr. Laidman was the Guardian of the Estate in King County Superior Court No, 88-4-02760-6 SEA. Mr. Laidman filed the Annual Report in this matter on November 7, 2008 and set it for hearing on November 24, 2008. The report covered the period from November 1, 2007 to October 25, 2008.

2.3 On October 28, 2008, Mr. Laidman paid himself \$2,367.00 in guardian fees and \$30.65 in costs prior to obtaining court approval to pay those fees and costs.

2.4 On November 24, 2008, the court approved Mr. Laidman's guardian fees and costs and found that they were earned for guardian services provided. At a review hearing on February 23, 2009, the court concluded that Mr. Laidman was authorized to pay guardian fees and costs to himself on October 28, 2008.

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## 3. VIOLATIONS OF THE STANDARDS OF PRACTICE

3.1 Based on the facts set forth in paragraphs 2.1 to 2.4, Mr. Laidman's conduct constitutes grounds for discipline pursuant to RCW 11.92.180 and Standards of Practice 401.4 and 403.3, which provides in pertinent part:

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**RCW 11.92.180** In all cases, compensation of the guardian or limited guardian and his or her expenses including attorney's fees shall be fixed by the court and may be allowed at any annual or final accounting, but at any time during the administration of the estate, the guardian or limited guardian or his or her attorney may apply to the court for an

allowance upon the compensation or necessary expenses of the guardian or limited guardian and for attorney's fees for services already performed.

**SOP 401.4** The guardian shall not act outside of the authority granted by the court.

**SOP 403.3** All compensation for the services of the guardian shall be documented, reasonable in amount, and incurred for the incapacitated person's welfare. The guardian shall not pay or advance himself/herself fees or expenses except as approved by the court.

**3.2** Based on the facts and violations set forth above, Mr. Laidman's conduct constitutes grounds for discipline pursuant to General Rule (GR) 23(c)(2)(viii) and Disciplinary Regulation (DR) 503, which provide in pertinent part:

**GR 23 Rule for Certifying Professional Guardians – Certified Professional Guardian Board**

...  
(2) Duties and Powers.

...  
(viii) Grievances and Discipline. 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, or regulation. The Board may impose sanctions upon a finding of violation. Sanctions may include decertification or lesser remedies or actions designed to ensure compliance with duties, standards, and requirements for professional guardians.

**DR 503** A professional guardian may be subject to disciplinary action for any of the following:

**DR 503.4** Violation of the oath, duties, or standards of practice of a professional guardian.

**4. AGGRAVATING AND MITIGATING FACTORS**

Pursuant to DR 515.1.4, the Board may consider the existence of aggravating and mitigating factors in determining the sanctions to be imposed.

**4.1 Aggravating Factors.** None.

**4.2 Mitigating Factors.** Self-reported and voluntary admission of violation, absence of dishonesty or a selfish motive, absence of a prior disciplinary record, isolated incident, not likely to recur.

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**5. PRIOR RECORD OF DISCIPLINE**

Mr. Laidman has no prior record of discipline with the Board.

**6. DISCIPLINARY SANCTIONS AND REMEDIES**

The Board imposes the following disciplinary sanctions and remedies on Mr. Laidman for the conduct described in this Agreement. Pursuant to DR 515.1, any disciplinary sanction or remedy imposed by the Board on a certified guardian is a disciplinary sanction.

**6.1 Letter of Admonishment.** Mr. Laidman shall receive a letter of admonishment from the Board, as provided in 515.2.4. A letter of admonishment is generally appropriate when a guardian engages in professional misconduct incompatible with the standards of practice that does not cause significant injury to a party, the public, the legal system, and/or causes interference with a legal proceeding.

**6.2** Mr. Laidman agrees to refrain from paying himself guardian fees and costs prior to obtaining court approval of those fees and costs.

**7. VIOLATION OF AGREEMENT**

**7.1** Failure to comply with the terms of this Agreement shall constitute additional grounds for discipline pursuant to DR 514.4. Failure to comply includes, but is not limited to, paying guardian fees and costs prior to obtaining court approval.

**7.2** In the event of an alleged breach of this Agreement, the Board will issue a Complaint pursuant to its Disciplinary Regulations, providing notice and an opportunity for a hearing to the certified professional guardian alleged to be in breach of the ARD. If the Board finds that Suspension Pending Disciplinary Proceedings is warranted, it may proceed pursuant to Disciplinary Regulation 519.

1 7.3 This Agreement is binding as a statement of all known facts relating to the conduct of  
2 Mr. Laidman, but any additional existing acts may be proven in any subsequent disciplinary  
3 proceedings.

#### 4 8. NOTICE

5 8.1 This Agreement shall be retained by the AOC in Mr. Laidman's disciplinary file.

6 8.2 This Agreement shall be open to public access and disclosure and will be posted on the  
7 Washington Courts Web site, Certified Professional Guardian Board Web page,  
8 ([http://www.courts.wa.gov/programs\\_orgs/guardian/](http://www.courts.wa.gov/programs_orgs/guardian/)).

9 8.3 Notice of the discipline imposed shall be sent to all superior courts pursuant to DR  
10 514.3.2.

#### 11 9. ENTIRE AGREEMENT

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

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

#### 21 11. LAWS GOVERNING

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

Mr. Laidman acknowledges that he has the right to individual counsel for representation in this disciplinary matter, at his expense, as set forth in Disciplinary Regulation 509.1.

13. PRESENTATION OF AGREEMENT TO THE BOARD

Mr. Laidman understands that this Agreement is not binding unless and until it is approved and signed by the Board. If the Board rejects this Agreement, Mr. Laidman waives any objection to the participation in the final determination of this matter of any Board member who heard the Agreement presentation.

The Standards of Practice Committee reserves the right to withdraw this offer of settlement at any time prior to presentation to the Board.

COPY RECEIVED, NOTICE OF PRESENTATION WAIVED:

David Laidman, CPG No. 5215 3/23/2009 Date

Attorney for David Laidman, WSBA # Date

APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN BOARD THIS

17 DAY OF May, 2009.

Hon. Kimberley Prochnau Chair, Certified Professional Guardian Board