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2009 APR -9 A 10:39
CLERK

SUPREME COURT OF WASHINGTON

IN THE MATTER OF:)	CPGB NO. 2007-009
)	
DAWN MORGAN,)	ORDER OF DECERTIFICATION
CPG NO. 5288,)	
)	
Respondent.)	
_____)		

On May 19, 2008, the State of Washington Certified Professional Guardian Board (Board) approved an Agreement Regarding Discipline in resolution of the grievance in the above captioned matter. A copy of the Agreement Regarding Discipline approved by the Board is attached hereto and incorporated herein by reference. The Agreement Regarding Discipline required Ms. Morgan to petition the court for approval to resign in the referenced guardianships and accept decertification by the Board. On January 12, 2009, the Board approved the recommendation to the Supreme Court that Dawn Morgan be decertified pursuant to the Agreement Regarding Discipline. This matter regarding decertification of Ms. Morgan is forwarded to the Supreme Court of Washington for review pursuant to DR 512.4.4. Now, therefore, it is hereby

ORDERED that the Board's recommendation for decertification of Dawn Morgan is adopted. Ms. Morgan shall be decertified as a certified professional guardian effective

539/338

immediately. Pursuant to DR 514.3.2, notice of this matter may be referred to the superior court of each county.

DATED at Olympia, Washington this 4th day of April, 2009.

FOR THE COURT

Henry L. Alexander
CHIEF JUSTICE

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CERTIFIED PROFESSIONAL GUARDIAN BOARD

IN THE MATTER OF:

DAWN MORGAN,
CPG #5288

CPGB NO. 2007-009

**BOARD RECOMMENDATION
ON DECERTIFICATION
PURSUANT TO AGREEMENT
REGARDING DISCIPLINE (ARD)**

The Certified Professional Guardian Board (Board) recommends to the Washington State Supreme Court that Dawn Morgan, CPG No. 5288, be decertified pursuant to the Agreement Regarding Discipline (ARD) entered in the above entitled matter on May 19, 2008.

DATED this 12 day of JAN, 2009.

CERTIFIED PROFESSIONAL GUARDIAN BOARD

By: 
KIMBERLEY PROCHNAU, CHAIR

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I. STATEMENT OF FACTS

A. On or about April 6, 2007, the Board opened a grievance based on an investigation of court records in Cowlitz County. Pursuant to the Disciplinary Regulations for Certified Professional Guardians (DR), the grievance was investigated by a Review Panel appointed by the Board's Chairperson. The Review Panel has recommended that the Board enter into this Agreement with Ms. Morgan in resolution of the grievance.

B. At all times relevant herein, Ms. Morgan was a certified professional guardian (CPG) pursuant to General Rule of Court (GR) 23, licensed as CPG #5288.

C. On September 4, 2001, the court in Cowlitz County appointed Ms. Morgan as successor limited guardian of the estate for *T.* (Cause #4-11352). Triennial reporting was required. The initial inventory was filed on January 30, 2002 and an interim report was filed on October 18, 2004. Ms. Morgan petitioned to be discharged and have her final report approved and a new guardian appointed and the court granted the petition on April 7, 2008.

D. On December 17, 2001, the court in Cowlitz County appointed Ms. Morgan as guardian for *S.* (Cause #01-4-00159-9). Triennial reporting was required. Ms. Morgan filed a personal care plan on January 30, 2002. *S.* has passed away. No notice of death has been filed and no final report has been filed and there is no order approving the final report.

E. On August 29, 2002, the court in Cowlitz County appointed Ms. Morgan as successor guardian for *CB* (Cause #01-4-00170-0). No annual reporting was required by the terms of the order. The initial inventory and personal care plan

1 were filed on December 16, 2002. A request for approval of fees was filed on May 17,
2 2004, but an order approving the fee request was not entered. Ms. Morgan petitioned
3 to be discharged and have her final report approved and a new guardian appointed and
4 the court granted the petition on April 7, 2008.

5 F. The court in Cowlitz County appointed Ms. Morgan as successor guardian for
6 *EB* (Cause #02-4-00002-7). Triennial reporting was required. Ms. Morgan filed
7 a personal care plan on April 10, 2002. Ms. Morgan filed an accounting in November
8 2005. Ms. Morgan filed a Declaration in Support of Fees on July 10, 2007. *EB*
9 passed away. Ms. Morgan petitioned to terminate the guardianship and approve her
10 final report and the court granted to the petition on March 10, 2008.

11 G. On August 11, 2003, the court in Cowlitz County appointed Ms. Morgan as
12 guardian for *D* (Cause #03-4-00143-9). Triennial reporting was required.
13 Ms. Morgan filed an inventory on August 11, 2003 and a personal care plan on August
14 17, 2003. No other reports have been filed. *D* has passed away. No notice
15 of death has been filed and no final report has been filed and there is no order
16 approving the final report.

17 H. On August 11, 2003, the court in Cowlitz County appointed Ms. Morgan as
18 successor guardian for *M* (Cause #03-4-00144-7). Triennial reporting was
19 required. Ms. Morgan filed a personal care plan on August 11, 2003 and an inventory
20 on August 17, 2003. Ms. Morgan petitioned to have a report approved and the court
21 entered the order approving the report and setting a three year reporting period on
22 March 10, 2008.
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1 I. On July 12, 2005, the court in Cowlitz County appointed Ms. Morgan as
2 guardian for S (Cause #05-4-00107-9). Annual reporting was required. The
3 inventory and personal care plan were filed October 10, 2005. No other reports have
4 been filed. Ms. Morgan petitioned to be discharged and have her final report approved
5 and a new guardian appointed and the court granted the petition on April 7, 2008.

6 J. On May 30, 2006, the court in Cowlitz County appointed Ms. Morgan as
7 guardian for A (Cause #06-4-00062-3). Triennial reporting was required.
8 An inventory and personal care plan were filed on February 7, 2008.

9 K. On June 4, 2007, the court in Cowlitz County appointed Ms. Morgan as
10 guardian for V (Cause #07-4-00088-5). Annual reporting was required.
11 An inventory and personal care plan were filed on February 7, 2008.

12 L. On September 24, 2001, the court in Cowlitz County appointed Ms. Morgan
13 as guardian for H (Cause #95-4-00117-1). Ms. Morgan is current on her
14 reports in this matter.

15 M. On June 21, 2004, the court in Cowlitz County appointed Ms. Morgan as
16 guardian of the person for O (Cause #03-4-00263-0). O
17 has passed away. No notice of death has been filed and no final report has been filed
18 and there is no order approving the final report.

19 N. On December 1, 2006, the court in Cowlitz County appointed Ms. Morgan as
20 guardian for J (Cause #03-4-00178-1). Ms. Morgan is current in her
21 reports on this matter.

22 O. On May 23, 2005, the court in Cowlitz County appointed Ms. Morgan as
23 guardian for K (Cause #05-4-00060-9). A personal care plan was filed on
24
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1 October 24, 2005. An inventory was filed January 31, 2006. An order approving the
2 annual report was entered December 10, 2007. K has passed away. No
3 notice of death has been filed and no final report has been filed and there is no order
4 approving the final report.

5 P. On June 7, 2004, the court in Pacific County appointed Ms. Morgan as the
6 successor guardian for W (Cause #04-4-00023-7). Triennial reporting
7 was required. The inventory and personal care plan were filed June 7, 2004.

8 W passed away. No notice of death has been filed and no final report has
9 been filed and there is no order approving the final report.

10 Q. On June 11, 2007, the Board sent a letter to Ms. Morgan notifying her that an
11 investigation had commenced and requesting her to respond to the allegations. On July
12 5, 2007, Ms. Morgan sent a letter to the Board explaining why she was delinquent in
13 filing reports. Ms. Morgan stated that she would correct the specific problems in each
14 case and that all problems would be corrected by the end of August 2007. Ms. Morgan
15 did not correct all of the problems by the end of August 2007.

17 II. VIOLATIONS OF THE STANDARDS OF PRACTICE

18 A. The Board has adopted Standards of Practice (SOP) which govern the
19 professional conduct of certified guardians.

20 B. SOP 401.3 requires a guardian to provide reports and accountings that are
21 timely, complete, accurate, understandable, and in a form acceptable to the court. The
22 failure of the guardian to timely file annual reports and accountings as required by
23 statute deprives the superior court of the information necessary for the court to exercise
24 its supervisory authority over the guardianship. Ms. Morgan has been delinquent in
25

1 filing reports in 10 guardianship cases in which she was the court-appointed guardian.
2 Each delinquency constitutes a separate violation of SOP 401.3.

3 **III. OBLIGATIONS OF MS. MORGAN PURSUANT TO THIS AGREEMENT**

4 **A.** Ms. Morgan agrees that she will accept no new appointments as a court-
5 appointed guardian, either as an individual or on behalf of a guardianship agency.

6 **B.** Ms. Morgan will petition the court for approval to resign and appoint a
7 successor guardian, another certified professional guardian, no later than April 3, 2008
8 and Ms. Morgan will prepare final reports and obtain orders from the court approving
9 her reports and discharging her no later than April 18, 2008 in the following cases:

10 T
11 S
12 CB

13 **C.** Ms. Morgan will petition the court for approval to resign and appoint a
14 successor guardian, another certified professional guardian, no later than July 17, 2008
15 and Ms. Morgan will prepare final reports and obtain orders from the court approving
16 her reports and discharging her no later than August 1, 2008 in the following cases:

17 A
18 V

19 **D.** Ms. Morgan will send Notices of Death by May 2, 2007 on the following cases
20 and petition for orders closing guardianship and discharging the guardian and obtain
21 orders closing the guardianship and discharging the guardian in the following
22 guardianships no later than June 20, 2008:

23 K
24 D
25 O
S
W

1 E. Ms. Morgan agrees to notify the court in Cowlitz County in writing no later
2 than August 8, 2008 on all remaining cases in which she is the court-appointed
3 guardian that she is giving up her certification as a professional guardian and may not
4 have more than two fee-paying incapacitated people as clients.

5 F. Ms. Morgan agrees to accept decertification by the Board no later than
6 September 2008. After that date, Ms. Morgan may not act as a certified professional
7 guardian in the state of Washington.

8 IV. VIOLATION OF AGREEMENT

9 Violation of this Agreement by Ms. Morgan will constitute grounds for discipline
10 under the Disciplinary Regulations for Certified Professional Guardians. In the event of
11 an alleged breach of this Agreement, the Board shall provide notice to the professional
12 guardian alleged to be in breach of the Agreement of the allegations regarding breach
13 of the Agreement, and the professional guardian so notified shall have 14 days to
14 respond to the allegations of breach. If the Board finds that the Agreement has been
15 breached, the Board may pursue disciplinary action against the professional guardian
16 for violation of the Agreement.
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18 V. ENTIRE AGREEMENT

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

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

5 **VII. LAWS GOVERNING**

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

10 **VIII. RIGHT TO COUNSEL**

11 **A.** Ms. Morgan acknowledges that she has the right to individual counsel to
12 represent her in this disciplinary matter, at her expense, as set forth in Disciplinary
13 Regulation 508. Ms. Morgan acknowledges that she has either consulted with counsel
14 or has had the opportunity to do so and chosen not to consult with counsel.
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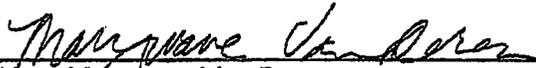
16 Copy received and Notice of Presentation Waived:
The foregoing is agreed to by:

17
18 
19 Dawn Morgan, Certified Professional Guardian

4-26-08
DATE

20 **APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN**
21 **BOARD THIS**

22 19 DAY OF May, 2008.

23
24 
25 Hon. Marywave Van Deren
Chair, Certified Professional Guardian Board