

CERTIFIED PROFESSIONAL GUARDIAN BOARD

Lori Petersen, CPG No. 9713

CPGB No. 2010-004

**AGREEMENT REGARDING DISCIPLINE
AND STIPULATED FINDINGS**

Disciplinary Regulation 514

The parties, Lori Petersen (Ms. Petersen) CPG No. 9713, 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. Ms. Petersen 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 Ms. Petersen and will be a public record and subject to public access.

1. JURISDICTION

1.1 At all times relevant herein, Ms. Petersen was a certified professional guardian (CPG) pursuant to General Rule (GR) 23, CPG No.9713. Ms. Petersen was certified as a professional guardian on November 5, 2001.

ORIGINAL

1.2 The Certified Professional Guardian Board is responsible for reviewing any allegation that a certified professional guardian or certified professional guardianship agency has violated an applicable statute, fiduciary duty, standard of practice, rule, or regulation. Pursuant to its Disciplinary Regulations, the Board may impose discipline, sanctions, costs and other remedies upon a finding of violation, or may recommend that the Washington Supreme Court impose discipline, sanctions and costs, when the recommendation is for suspension or decertification of the certified professional guardian or agency.

2. STATEMENT OF FACTS

2.1 On or about March 17, 2010, the Board opened a grievance, CPGB No. 2010-004, based on allegations that Ms. Petersen failed to respond to requests for financial information in four guardianship cases all in Spokane County: Case No. 08-4-00664-8, Case No. 09-4-00704-9, Case No. 08-4-01161-7, and Case No. 07-4-00014-5.

2.2 The Spokane County Superior Court appointed a Guardian ad Litem to investigate the allegations. The court reviewed the Guardian ad Litem's investigation and found that the guardian failed to cooperate with the determination of the incapacitated person's eligibility for public pay for cost of care and the guardian failed to fill out periodic forms required to determine public pay status. The court found that Ms. Petersen violated Standard of Practice 406.8.

3. VIOLATIONS OF THE STANDARDS OF PRACTICE

3.1 Based on the facts set forth in paragraphs 2.1 and 2.2, Ms. Petersen's conduct constitutes grounds for discipline pursuant to Standards of Practice 406 and 406.8, which provide in pertinent part:

SOP 406 Financial Management The guardian shall assure competent management of the property and income of the estate. In the discharge of this duty, the guardian shall exercise the highest level of fiduciary responsibility, intelligence, prudence, and diligence and avoid any self-interest.

SOP 406.8 When it is likely that the incapacitated person's estate will be exhausted, the guardian shall, as appropriate, make plans and take necessary steps to acquire public benefits on behalf of the incapacitated person....

3.2 Based on the facts and violations set forth above, Ms. Petersen'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 503.1 Violation of or noncompliance with applicable statutes, court orders, court rules, or other authority.

DR 503.3 Failure to perform any duty one is obligated to perform as 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. Substantial experience as a guardian, multiple offenses, pattern of conduct, intentional, knowing or grossly incompetent or negligent act.

4.2 Mitigating Factors. Absence of dishonesty, absence of a prior disciplinary record, implementation of remedial measures to mitigate risk of harm, lack of harm.

5. PRIOR RECORD OF DISCIPLINE

Ms. Petersen has no prior record of discipline with the Board.

6. DISCIPLINARY SANCTIONS AND REMEDIES

The Board imposes the following disciplinary sanctions and remedies on Ms. Petersen 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.

Letter of admonishment. The Board hereby imposes a letter of admonishment on Ms. Petersen. This Agreement constitutes the letter of admonishment and shall be placed in the Board's disciplinary files for Ms. Petersen.

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, failing to timely respond to financial status requests.

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 Agreement. If the Board finds that Suspension Pending Disciplinary Proceedings is warranted, it may proceed pursuant to Disciplinary Regulation 519.

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

8. NOTICE

This Agreement shall be retained by the AOC in Ms. Petersen'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.

9. 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.

10. 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.

11. 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.

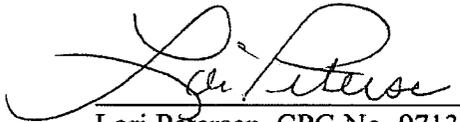
12. RIGHT TO COUNSEL

Ms. Petersen acknowledges that she has the right to individual counsel for representation in this disciplinary matter, at her expense, as set forth in Disciplinary Regulation 509.1.

13. PRESENTATION OF AGREEMENT TO THE BOARD

Ms. Petersen understands that this Agreement is not binding unless and until it is approved and signed by the Board. If the Board rejects this Agreement, Ms. Petersen waives any objection to the participation in the final determination of this matter of any Board member who heard the Agreement presentation. The SOPC reserves the right to withdraw this Agreement at any time prior to the presentation to the Board.

COPY RECEIVED, NOTICE OF PRESENTATION WAIVED:



Lori Petersen, CPG No. 9713
Individually

4/18/11

Date

Date
Attorney for Lori Petersen
WSBA # _____

APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN BOARD THIS

_____ DAY OF _____, 2011.

Hon. Christopher Wickham
Chair, Certified Professional Guardian Board

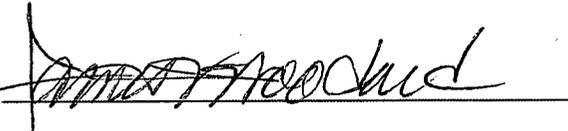
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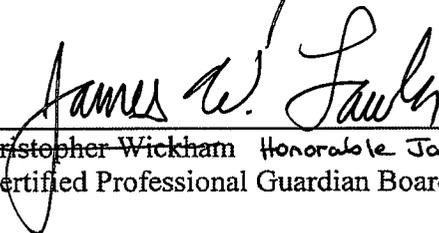
Attorney for Lori Petersen
WSBA # 11294

4/19/11

Date

APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN BOARD THIS

12th DAY OF May, 2011.



~~Hon. Christopher Wickham~~ Honorable James Lawler
Acting Chair, Certified Professional Guardian Board