

## Guardianship Program Rules

### 518 Conviction of Felony

518.1 The Board shall decertify a professional guardian upon the conviction of a felony, or a misdemeanor or gross misdemeanor involving moral turpitude, under either state or federal law, whether such conviction is after a plea of guilty, nolo contendere, not guilty, or otherwise, and regardless of the pendency of an appeal. The decertification shall be effective upon the filing of a certified copy of such conviction with the Board. The Board shall file the certified copy of the conviction with other Board records pertaining to the professional guardian's certification. The Board shall provide written notice of the decertification to the professional guardian by certified mail, directed to the guardian's last known address maintained by the AOC. The notice shall advise the professional guardian of the decertification and the reason(s) for the decertification. The notice shall further advise that if the professional guardian should not have been decertified by the Board, the professional guardian may file a petition requesting an administrative hearing. The petition shall set forth in detail the facts supporting the professional guardian's claim that an administrative error has occurred and that the professional guardian has not been convicted of a felony, or a misdemeanor or gross misdemeanor involving moral turpitude. The petition must be signed by the professional guardian under penalty of perjury. The professional guardian must file the petition within 15 days of the date of mailing of the Board's notice of decertification. Any petition not filed within 15 days shall be dismissed by the Board.

518.2 If a timely petition is filed by the professional guardian, the Board Chair shall appoint a three-person Review Panel to conduct a hearing on the petition. The sole issue before the Review Panel shall be to determine whether the professional guardian has been convicted of a felony, or of a misdemeanor or gross misdemeanor involving moral turpitude. In the sole discretion of the Review Panel, the hearing may be held by telephone. The Review Panel shall make written findings and a recommendation about whether the petition should be granted. The findings and recommendation of the Review Panel shall be filed with the Board and served by first-class mail on the professional guardian.

518.3 The Board shall review the decision of the Review Panel and shall make a decision approving or denying the petition. If the petition is approved, then the professional guardian shall be eligible for recertification, if the professional guardian shows proof of compliance with all other requirements for certification. The members of the Review Panel shall not participate in the decision of the Board. A copy of the Board's order shall be sent by first-class mail to the professional guardian. Any such order shall be final.