



**Certified Professional Guardianship Board**  
Monday, March 14, 2016 (8:00 a.m. – 9:00 a.m.)  
Teleconference

**Meeting Minutes**

**Members Present**

Judge James Lawler, Chair  
Commissioner Rachelle Anderson  
Mr. Gary Beagle  
Ms. Rosslyn Bethmann  
Dr. Barbara Cochrane  
Ms. Nancy Dapper  
Judge Gayle Harthcock  
Mr. Bill Jaback  
Commissioner Diana Kiesel  
Ms. Amanda Witthauer

**Members Absent**

Ms. Carol Sloan  
Mr. Gerald Tarutis

**Staff**

Ms. Shirley Bondon  
Ms. Carla Montejo  
Ms. Kim Rood

**Attorney General's Office**

Ms. Mary Tennyson  
Mr. Gregory Rosen

**Online Guests** – see list on the last page

**1. Call to Order**

Judge Lawler called the meeting to order at 8:02 a.m.

**2. Welcome and Introductions**

Judge Lawler welcomed the Board members and the public to the meeting.

**3. Chair's Report**

**Approval of Minutes**

Judge Lawler asked for a motion to approve the minutes of the January 11, 2016 meeting.

**Motion:** *A motion was made and seconded to approve the January 11, 2016 minutes. The motion passed. Abstained: Commissioner Anderson and Amanda Witthauer, who did not attend the January 11, 2016 meeting.*

**Grievance Update**

Ms. Montejo provided an updated Grievance report. The Certified Professional Guardianship Board received thirteen new grievances since the last report, dated December 31, 2015. Three grievances were resolved one where there was no actionable conduct by the Certified Professional Guardian (CPG), and the

second due to a lack of jurisdiction. There are currently seventy-eight (78) grievances requiring investigation.

Ms. Montejo referred the Board members to a chart illustrating the number of professional guardians with multiple open grievances needing to be investigated. A total of eleven (11) guardians have more than one pending grievance. The total number of grievances involving guardians with multiple grievances is forty-nine (49). Staff explained that the guardian with nine grievances had agreed to voluntary surrender, and that the Attorney General's office was working on a Complaint involving five grievances involving a single guardian.

#### **New Grievance Investigator**

Staff informed the Board that a new grievance investigator had been hired by the Administrative Office of the Courts (AOC). Eileen Schock has many years of experience as an Elder Law Attorney. She previously worked for Columbia Legal Services, and previous to that was in private practice. AOC is very pleased that Ms. Schock has joined the staff, and feels that she will be a great asset to the Board.

#### **4. Updates**

##### **WINGS Report**

Ms. Bondon reported that she had outlined all the accomplishments of WINGS in a report included in the Board materials. This included creating a twelve person Steering Committee, organizing two guardianship conferences (one of which will be held Thursday, March 17<sup>th</sup>) and forming four ongoing workgroups to refine recommendations made by stakeholders at the initial conference.

##### **State Updates**

Staff indicated that the State of the Judiciary Report issued by the Chief Justice provides information on significant progress and challenges occurring in the judiciary branch. WINGS was featured in the report. That report is available in an on line magazine format.

##### **Laws Related to Decisional Support**

The Uniform Power of Attorney Act, which governs creation, termination, scope of authority, fiduciary duties, and related matters regarding powers of attorney, is expected to be signed into law by the governor. Other bills relating to guardianship did not pass. It is expected that the bills relating to the isolation of individuals under guardianship will be dealt with in the interim session.

##### **National Updates**

The National Center for State Courts announced five pilot states for the Conservatorship Accountability Project. Three implementation awards and two planning awards were given. The Administrative Office of the Courts did not apply because of other projects in progress at this time.

The National Center for State Courts in conjunction with several other entities (including the Government Accountability Office) is collecting data and case information for a project on conservator fraud. They are seeking cases of physical abuse, neglect, and financial exploitation by conservators in which an adult protective services agency or the justice system substantiated the allegation and the case was closed between 2011 and the present. They seek brief description of cases and the sources of information that could be accessed. Information can be sent to Dr. Brenda K Uekert at [buekert@ncsc.org](mailto:buekert@ncsc.org). The deadline is Thursday March 31, 2016.

Staff also reported on a significant development in supported decision-making on the national front. Texas was the first state in the union to pass a statute offering supported decision-making as an alternative to a guardianship. There is some uncertainty as to how banks and hospitals might honor the agreement given that this is new legislation, so staff will continue to watch as the new law is implemented.

In North Dakota an online training has been developed for lay guardians in a collaboration between the North Dakota Administrative Office of the Courts and the National Center for State Court's (NCSC) Creative Learning Services. The cost to develop that course was about \$30,000. The training could provide an excellent template for Washington. The course could be easily modified to accommodate variations in terminology and processes.

### **Board Vacancies**

Notification will go out in April of two upcoming vacancies on the Certified Professional Guardianship Board. One position is open to any Certified Professional Guardian who has an interest in serving and a demonstrated commitment to incapacitated persons in Washington State. The other position is open to a member of the public who advocates for the interest of the elderly.

5. **Executive Session (closed to public)**
6. **Vote on Executive Session Discussion**

### **Applications Committee**

On behalf of the Applications Committee, Mr. Jaback presented the following applications for Board approval.

**Motion:** *A motion was made and seconded to conditionally approve Nicole Emanuel's application for certification upon completion of UW certification program. The members of the Applications Committee abstained. Motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve David Keene’s application for certification upon completion of UW certification program. The members of the Applications Committee abstained. Motion passed.*

**7. Wrap Up / Adjourn**

Judge Lawler adjourned the meeting at 8:55 a.m. The next Board meeting will be at the SeaTac Office Center on Monday April 11, 2016 starting at 9 a.m.

**Recap of Motions from March 14, 2016 Meeting**

Motion Summary	Status
<i><b>Motion:</b> A motion was made and seconded to conditionally approve Nicole Emanuel’s application for certification upon completion of UW certification program. Motion passed.</i>	Passed
<i><b>Motion:</b> A motion was made and seconded to conditionally approve David Keene’s application for certification upon completion of UW certification program. Motion passed.</i>	Passed

**Online Guests**

Kim Rood	03/14/2016 7:53 AM	03/14/2016 8:54 AM
Lyfia VanKust	03/14/2016 7:40 AM	03/14/2016 7:46 AM
Guest	03/14/2016 8:17 AM	03/14/2016 8:22 AM
Tom Goldsmith	03/14/2016 7:44 AM	03/14/2016 8:54 AM
Bill Jaback	03/14/2016 8:00 AM	03/14/2016 8:53 AM
Shirley Bondon	03/14/2016 7:52 AM	03/14/2016 8:53 AM
Chris Neil	03/14/2016 8:00 AM	03/14/2016 8:53 AM
Gary Beagle	03/14/2016 7:57 AM	03/14/2016 8:53 AM