



Certified Professional Guardianship Board
Monday, January 9, 2017 (9:00 a.m. – 1:00 p.m.)
SeaTac Office Center, 18000 International Blvd., Suite 1106
SeaTac, WA

Meeting Minutes

Members Present

Commissioner Rachelle Anderson
Ms. Rosslyn Bethmann
Dr. Barbara Cochrane
Mr. Jerald Fireman
Judge Gayle Harthcock (by phone)
Mr. William Jaback
Ms. Victoria Kesala
Commissioner Diana Kiesel
Ms. Carol Sloan
Ms. Amanda Witthauer

Members Absent

Judge James Lawler, Chair
Dr. K. Penney Sanders¹
Ms. Barbara West

Staff

Ms. Shirley Bondon
Ms. Kathy Bowman
Ms. Carla Montejo
Ms. Kim Rood
Ms. Eileen Schock

1. Meeting Called to Order

Commissioner Rachelle Anderson, acting chair in Judge Lawler’s absence, called the January 9, 2017 Certified Professional Guardianship Board (Board) meeting to order at 9:07 a.m.

2. Welcome and Introductions

Commissioner Anderson introduced new board members Victoria Kesala and Jerald Fireman, and AOC Extern Christopher Fournier. Ms. Kesala has been an elder law attorney in Clark County since 2010 and is representing the Washington State Bar Association on the Board. This is the first in-person board meeting Mr. Fireman has attended. Mr. Fireman retired from the Area Agency on Aging in Snohomish County and he serves as an elder advocate on the Board. Mr. Fournier, a third-year law student at Seattle University, will be completing an externship with the Office of Guardianship and Elder Services.

3. Minutes

Commissioner Anderson asked for changes or additions to the minutes of the November 14, 2016 board meeting. Hearing none, there was a motion to approve the minutes.

¹ Arrived at the meeting location but was called away to an emergency before the meeting was called to order.

Motion: *A motion was made and seconded to approve the November 14, 2016 meeting minutes. The motion passed. Judge Harthcock abstained.*

Per the recently adopted CPGB By-Laws section on confidentiality, board members are required to sign a Confidentiality Agreement annually. Confidentiality Agreement forms were distributed to all Board members for review and signature. Forms should be returned to Shirley Bondon. In the future, Confidentiality Agreements will be signed annually during the October board meeting.

4. Public Comment Period

Ms. Claudia Donnelly made public comments. A copy of her comments is attached to these minutes.

5. Grievance Update

Staff reported that 24 new grievances were received since the November board meeting, bringing the total number of open cases to 117. A total of 13 complaints were closed in December. Of these, six cases were closed because the Board had no jurisdiction (lay guardian or GAL), three cases were terminated as the CPG elected voluntary surrender, and four cases were closed due to no actionable conduct by the CPG.

Of the 117 open cases, 73 are filed against guardians who have multiple grievances. There are currently 24 guardians who have multiple grievances opened against them. Sixteen (16) of these guardians were certified before the University of Washington Certificate Program was adopted, so they have not taken the training.

A board member asked if the Board can do anything to help with the grievance backlog process. Staff informed the Board that the increase in grievances received in 2016 is partially due to the new statutory process of the courts forwarding to the Board, grievances received by the courts. No additional staffing has been provided to facilitate this additional workload.

Mr. Fournier, the extern, will be tasked with assisting the grievance process, including proposing investigative plans, conducting grievance investigations and witness interviews. He will also be researching applicable statutes and auditing court reports.

Commissioner Kiesel suggested sending another letter to the courts to remind them of the grievance process included in RCW 11.88.120. Staff agreed to send a reminder.

6. Staff Proposed Grievance Process

Staff presented a proposal to work through the backlog of grievances in a reasonable manner and timeframe.

The proposal recommends corrective action to resolve some grievances that involve the following types of allegations:

- Communication issues: refer to mediation. Agreed mediation will resolve a grievance without a sanction.

- Issues involving finances: refer to a financial audit. If no malfeasance, the grievance will be resolved without a sanction.
- Court reports not filed timely: refer to an audit of court reports, which will resolve the complaint without a sanction.

The cost, if any, for mediation, financial or court report audit will be borne by the AOC.

Staff is working to locate auditors. The Dispute Resolution Centers of Washington State will provide the mediators. Mediators will receive training about guardianships and standards of practice.

Board members approved the proposal as it is corrective rather than punitive, and felt it would increase the ability of the Board to effectively resolve grievances.

One board member stressed that diversion must be a voluntary process for CPGs. He also suggested that the Standard of Practice Committee should be more involved in investigating grievances. The majority of the Board felt that Staff should continue as investigators. Involving volunteer board members in actual investigations could potentially increase the delay in completing the investigations.

Commissioner Rachelle Anderson asked if there was a motion on the matter.

Motion: *A motion was made and seconded to adopt the proposed diversion process, as approved in its current draft, for a 6-month trial period. The motion passed.*

7. Reviewing Applicant Credit Reports

When reviewing applications, board members notice that some applicants seem to be unaware of the credit report requirement for acceptance of the application. Staff explained that a credit report with a score of 700 is not reviewed by the Applications Committee, as this is considered good credit. A score under 700 is reviewed, and the applicant is given an opportunity to provide an explanation about any issues on his or her credit report including bankruptcy or judgment.

A board member suggested that the Board adopt a bright line rule that a credit report with a specified score was acceptable and any score that is less than the specified score would be denied. The Board has been advised not to adopt a “bright line rule” on credit scores, as sometimes discretion must be exercised. The Board must recognize those different situations, such as medical bills, that impact credit scores. Board members agreed that clear expectations must be defined for applicants, including Board requirements, to be fair.

Before submitting a final application, candidates are given ample opportunity to provide information that would be required by the Board for consideration in the cases of lower scores due to bankruptcy or judgments. When an application is denied, applicants are advised that an appeal can only include information already on the record, although an explanation of why the applicant is appealing is allowed.

A board member asked if there could be a “double” or “dotted-line” rule versus a “bright-line” rule. For example, a score of 700+ would be accepted. Scores between 650 and 700 would require explanation and review. Any score below 650 would be denied.

Staff commented that a bright-line might make reviewing the application easy for the committee, but isn’t always fair to the candidate.

A board member commented that some qualified applicants could be denied using the bright line rule without discretion.

Another member suggested that a good credit score is the only means of determining if someone would be a good fiduciary of another’s estate, and that the use of discretion may be too subjective.

The Board agreed to the following rule: a FICO credit score of 700 or higher would be accepted without additional review; FICO scores between 650 and 699 will require review of applicant’s credit report and credit explanation to determine if the financial responsibility requirement is met; applications with a FICO score below 650 will be denied. Staff agreed to draft the appropriate language for the application.

8. Standards of Practice Committee Report – WINGS Proposed Standards of Practice

The WINGS Standards of Practice Committee submitted several proposed standards to the Board for consideration. The Board asked that its Standards of Practice Committee to review and provide comment to the Board. The Board’s Standards of Practice Committee recommended that the Board consider developing advisory opinions to address several of the issues and to post one issue for public comment.

A board member asked staff to clarify the role of WINGS vs. the role of the Board, noting that WINGS may find it concerning that the Board did not agree to make all the changes suggested by the SOP Committee. Staff clarified that WINGS is a stakeholder group working to improve the guardianship system. WINGS made recommendations to the Board, which the Board can approve or not. Judge Harthcock suggested including the issue of standards of practice versus advisory opinions on the agenda for the upcoming annual planning meeting.

The Board voted to post for comment the issue of a CPG serving as a GAL and a CPG in the same matter. The other matters required further discussion. Staff was asked to draft a letter to WINGS explaining the Board decisions, for Judge Lawler’s signature.

9. Annual Planning Meeting Agenda Topics

In addition to the topics noted on the agenda, other suggested topics for the annual planning meeting included:

- A broader policy discussion of guardianship issues around the state. For example, counties terminating guardianships because a guardian cannot be found.
- How to effectively get a guardianship in place for an indigent individual.
- Update on the newly devised Grievance Diversion Process.

- Standards of Practice versus Advisory Opinions

10. Executive Session (closed to public) and Vote on Executive Session Discussion (open to public)

Applications Committee

On behalf of the Applications Committee, Ms. Witthauer presented the following application for Board approval. Members of the Applications Committee abstained.

Motion: *A motion was made and seconded to conditionally approve Geraldine de Rooy Key's application for certification. The motion passed.*

Appeals Committee

On behalf of the Appeals Committee, Dr. Cochrane presented the following appeals for Board action. Members of the Appeals Panel abstained

Motion: *A motion was made and seconded to affirm the denial of Lynette Love's application for certification. The motion passed.*

Motion: *A motion was made and seconded to affirm the denial of Lucy Leach's application for certification. The motion passed.*

12. Wrap-up and Adjourn

Commissioner Rachelle Anderson thanked the members of the Board for their time and reminded everyone that the next board meeting would be held by teleconference March 13, 2017. The meeting adjourned at 12:25 pm.

Recap of Motions from January 9, 2017 Meeting

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve the minutes of the November 14, 2016 meeting. The motion passed.</i>	<i>Passed</i>
Motion: <i>A motion was made and seconded to adopt the proposed diversion process, as approved in its current draft, for a 6-month trial period. The motion passed.</i>	<i>Passed</i>
Motion: <i>A motion was made and seconded to conditionally approve Geraldine de Rooy Key's application for certification. The motion passed.</i>	<i>Passed</i>
Motion: <i>A motion was made and seconded to affirm the denial of Lynette Love's application for certification. The motion passed.</i>	<i>Passed</i>
Motion: <i>A motion was made and seconded to affirm the denial of Lucy Leach's application for certification. The motion passed.</i>	<i>Passed</i>