



## Certified Professional Guardianship Board

Monday, June 12, 2017 (9:00 am – 1:00 pm)  
SeaTac Office Center, 18000 International Blvd., Suite 1106,  
SeaTac, WA

### Meeting Minutes

#### Members Present

Judge James Lawler, Chair  
Ms. Rosslyn Bethmann  
Dr. Barbara Cochran  
Mr. Jerald Fireman  
Mr. Bill Jaback  
Ms. Victoria Kesala  
Commissioner Diana Kiesel  
Dr. K. Penney Sanders  
Ms. Carol Sloan  
Ms. Barbara West

#### Members Absent

Commissioner Rachelle Anderson  
Judge Gayle Harthcock  
Ms. Amanda Witthauer

#### Staff

Ms. Shirley Bondon  
Ms. Nicolette Bailly  
Ms. Kathy Bowman  
Ms. Carla Montejo  
Ms. Kim Rood

**Guests:** see list on last page

#### 1. Welcome and Introductions

Judge James Lawler called the June 12, 2017 meeting of the Certified Professional Guardianship Board to order at 9:08 am. Judge Lawler introduced Nicolette Bailly, a second year law student at Seattle University. Nicolette is participating in an externship with the Office of Guardianship and Elder Services in the Courts.

#### 2. Chair's Report Approval of Minutes

Judge Lawler entertained a motion for approval of the May 8 2017 teleconference minutes. A motion was made and seconded. Dr. Cochran abstained. The minutes were approved as written.

**Motion:** *A motion was made and seconded to approve the May 8, 2017 minutes. The motion passed. Dr. Cochran abstained.*

Shirley Bondon, AOC Staff, shared that she is resigning from her position at the end of 2017, she will be relocating to a new state. She also shared her interest in becoming an instructor with the University of Washington Continuum College's Guardianship Certificate Program.

### **3. Monthly Grievance Status Report**

Staff reported at the beginning of May, 2017 there were 116 open grievances needing investigation. During the month of May, a total of 10 grievances were resolved. Two grievances were dismissed for no jurisdiction, seven were dismissed for no actionable conduct and one was terminated as part of a certified professional guardian's voluntary surrender of certification. The Board received 12 new grievances in May, bringing the number of grievances needing investigation to 118. Investigations into the two CPGs with the largest number of grievances are in progress.

### **4. Diversion Report**

Staff reported that a contract has been signed with the Dispute Resolution Centers to mediate grievances about the conduct of a certified professional guardian that is largely about communication. There are approximately 12 open grievances that have been identified for mediation.

Three students and one instructor have submitted an application to perform a Financial Audit to resolve a grievance involving the conduct of a certified professional guardians that is largely about managing an estate. Background checks are underway.

There is a paralegal program in Tacoma that has indicated interest in performing court reporting audits. A process must be developed to facilitate their participation.

Looking forward, it is anticipated that once in place, these Diversion processes may be made available to the courts for use in guardianship issues.

### **5. Updates Legislation of Interest**

Staff reported that the following guardianship related bills passed both houses of the legislature:

- **2SHB 1402  
Concerning the rights and obligations associated with incapacitated persons and other vulnerable adults.**
  1. Provides that incapacitated persons retain certain associational rights.
  2. Prohibits guardians from restricting those associational rights, with some exceptions.
  3. Defines "isolate" or "isolation" in the laws regarding abuse of vulnerable adults.
  4. Adds certain notice requirements to the duties of a guardian.

5. Requires the Office of Public Guardianship to work with the Office of the State Long-Term Care Ombuds to develop certain types of targeted training.
- **SB 5691**  
**Modifying or terminating a guardianship when a less restrictive alternative is available to provide for the needs of an incapacitated person.**
    - Requires a court to modify or terminate a guardianship when a less restrictive alternative, such as a power of attorney or a trust, will adequately provide for the needs of an incapacitated person.
  - **ESHB 1153**  
**Concerning crimes against vulnerable persons.**
    1. Lowers the requisite mental state for the crimes of Criminal Mistreatment in the first and second degree from recklessness to criminal negligence.
    2. Creates the crimes of Theft from a Vulnerable Adult in the first degree and second degree, applicable when a person commits theft of property or services from a person the defendant knows or should know is a vulnerable adult.
    3. Categorizes Criminal Mistreatment (first and second degree) and Theft from a Vulnerable Adult as crimes against persons.
    4. Encourages counties to develop written protocols for handling criminal cases involving vulnerable adults, and outlines requirements for vulnerable adult advocacy teams.
  - **SHB 1988**  
**Implementing a vulnerable youth guardianship program**
    1. Creates a new legal proceeding, known as a Vulnerable Youth Guardianship, authorizing a court to appoint a guardian for certain immigrant youth between the ages of 18 and 21 who have been abandoned, abused, or neglected.
    2. Requires the Washington State Task Force against the Trafficking of Persons to evaluate whether vulnerable youth guardianships where the guardian is a nonrelative suitable person have the unintended impact of placing youth at greater risk of being trafficked, and if so, research and identify ways to reduce this risk.

## **WINGS Status Report**

Beginning August 1, 2017, the Moderate Means Program will begin providing reduced fee legal services for guardianship reporting to lay guardians who qualify. The Moderate Means Program is a state-wide, reduced fee lawyer referral service formed through a partnership between the Washington State Bar Association (WSBA) and the law schools of Gonzaga University, Seattle University, and the University of Washington. The Program is designed to connect moderate income households with lawyers who offer reduced fee legal assistance.

Other WINGS successes include:

- Improve lay guardian training. A \$30,000 grant is being used to add animation to the existing training. The Information and Training Committee is working on a Lay Guardian manual, which when completed will be posted to the website's Guardian Portal.
- Mandatory guardianship forms. A member of WINGS joined the Pattern Forms Committee. The Pattern Forms Committee has released a set of simple, plain-language guardianship forms for review and eventual posting to the AOC website.
- AOC signed a Data Sharing Agreement with the Research and Development Section of DSHS to conduct a study to determine the cost and benefits of guardianship services.
- Representative Kilduff submitted a request to the Joint Legislative Audit and Review Committee to complete a statewide study to determine the need for decision support services.

## **Other Guardianship Projects**

The Probate and Guardianship Committee of the Superior Court Judge's Association is conducting a statewide GAL survey to determine the length of time it takes to find a guardian, and how often a guardianship is proposed without naming a guardian at the time of petition. To- date response has been minimal, therefore the deadline for this survey will likely be extended in order to allow greater participation.

Ms. Victoria Kesala will be holding a GAL recertification training in mid-July and will use this opportunity to encourage attendees to complete and return the questionnaire.

## University of Washington Continuum College Guardianship Certificate Program

Staff provided an update regarding the UW Program contract recently voted on by the Board. Details of the proposed changes to the memorandum of understanding are attached. The Board discussed generating its own evaluation tool and how to achieve the greatest student participation in the evaluation. A Board member questioned whether the Board was overstepping its authority in dictating how the UW program facilitates its program. The Board was reminded that this program is endorsed by the Board, and is a mandatory requirement for certification, thus the Board has a responsibility to ensure the program addresses the needs of professional guardians.

### 6 Disciplinary Regulation 500

Judge Lawler recognized the amount of work done by the Regulations Committee on Disciplinary Regulation 500. Both the Regulations Committee and the Attorney General's office have reviewed Regulation 500, their suggestions have been integrated and the first draft has been published for public comment. A document detailing current and proposed language has been provided in this meeting's packet of materials. The revised language is intended to be both reduced and simplified, and a new section defining terms has been included.

Following discussion by the Board, the following motions were made to further refine Proposed Disciplinary Regulation 500:

**Motion:** *A motion was made and seconded to revise proposed regulation 502.5 to state: "A respondent CPG cannot seek to charge a grievant or an incapacitated person's estate a fee or recover costs from a grievant or incapacitated person's estate for responding to the CPG Board regarding a grievance." The motion passed.*

**Motion:** *A motion was made and seconded to revise proposed regulation 507.3 A to state: "With the voluntary resignation, the respondent may be required to pay all actual costs for which AOC provides documentation." The motion passed.*

**Motion:** *A motion was made and seconded to revise proposed regulation 508.10 Proceeding Based on Criminal Conviction by replacing "the court record of the conviction" with "the certified copy of the judgment sentence". The motion passed.*

Judge Lawler instructed staff to discuss proposed regulation 510.2 with the Assistant Attorney General and report back. He suggested that 510.2 and 510.3 should be combined. It also appeared to him that section 510.6 was either missing or numbered incorrectly.

The proposed Disciplinary Regulation 500 will be e-mailed for public comment

every two weeks, informing the public that the Board is discussing and making changes to the proposed regulations. It is anticipated that the new Disciplinary Regulation 500 will be published as final in January 2018.

### **Public Comments**

Ms. Claudia Donnelly spoke during the public comment period. Her written comments are attached.

#### **7. Executive Session (*Closed to Public*)**

#### **8. Reconvene and Vote on Executive Session Discussion (*Open to Public*)**

On behalf of the Applications Committee, Ms. Barbara West presented the following applications for Board approval. Members of the Applications Committee abstained.

**Motion:** *A motion was made and seconded to conditionally approve Sarah Bailes' application for certification upon completion of the UW Training Program. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Len Brogan's application for certification upon completion of the UW Training Program. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Michelle Gerard's application for certification upon completion of the UW Training Program. The motion passed.*

**Motion:** *A motion was made and seconded to conditionally approve Gretchen Playle's application for certification upon completion of the UW Training Program. The motion passed.*

AOC Staff presented the names of three CPGs for administrative decertification for noncompliance with the continuing education requirement. The three individuals listed below have not completed the required training and have not responded to multiple letters including a certified letter advising them of their pending decertification. The time allowed for response has passed. An administrative query was ran to determine if the CPGs have active cases.

**Motion:** *A motion was made and seconded to administratively decertify Certified Professional Guardians Teresa Howard, Gailann Middleton and Marcella Wilson for noncompliance of continuing education requirements. The motion passed.*

## 9. Wrap Up and Adjourn

The Board was advised that Commissioner Kiesel, Ms. Witthauer and Ms. Sloan will each be completing their terms on the Board at the end of September, 2017. Ms. Sloan said she will recommend a replacement for her position. Commissioner Kiesel and Ms. Witthauer plan to remain on the Board.

The next meeting of the Certified Professional Guardianship Board will take place via Teleconference on August 14, 2017 at 8:00 am. The meeting was adjourned at 1:50 pm.

### Recap of Motions from June 12, 2017 Meeting

Motion Summary	Status
<b>Motion:</b> <i>A motion was made and seconded to approve the minutes of the May 8, 2017 meeting. The motion passed.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to revise proposed Disciplinary Regulation 502.5 to state: "A respondent CPG cannot seek to charge a grievant or an incapacitated person's estate a fee or recover costs from a grievant or incapacitated person's estate for responding to the CPG Board regarding a grievance." The motion passed.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to revise proposed regulation 507.3 A to state: "With the voluntary resignation, the respondent may be required to pay all actual costs for which AOC provides documentation." The motion passed.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to revise proposed regulation 508.10 Proceeding Based on Criminal Conviction by replacing "the court record of the conviction" with "the certified copy of the judgment sentence." The motion passed.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to conditionally approve Sarah Bailes' application for certification upon completion of the UW Training Program. The motion passed. The Applications Committee abstained.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to conditionally approve Len Brogan's' application for certification upon completion of the UW Training Program. The motion passed. The Applications Committee abstained.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to conditionally approve Michelle Gerard's application for certification upon completion of the UW Training Program. The motion passed. The Applications Committee abstained.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to conditionally approve Gretchen Playle's application for certification upon completion of the UW Training Program. The motion passed. The Applications Committee abstained.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to administrative decertify the following CPGs for failure to report Continuing Education Units: Teresa Howard, Gailann Middleton and Marcella Wilson. The motion passed.</i>	Passed

**Public Guests:**

Claudia Donnelly  
Tina Baldwin



The UWCC will execute the following ~~corrective~~ action and implement the following recommendations:

1. Confirm planned use of consistent evaluations tools, both numerical and narrative, over time and in all classes.
2. Advise the CPG Board as to how evaluations are carried out, including steps taken to increase their return.

**[To replace #1 and #2 above]**

UWCC will facilitate implementation of an evaluation developed by the CPG Board of all elements of the UW Guardianship Certificate Program, including curriculum content and instruction. The evaluation process shall be separate and apart from the process UWCC uses to evaluate the Guardianship Certificate Program.

[NOTE: Not to be included in the agreement - The CPGB's evaluation process might include the following:

- Each student will be asked to complete an online evaluation after each weekend meeting.
- Each student will be asked to complete an online evaluation at the conclusion of the course.
- Each student who decides not to complete the course will be asked to complete an online evaluation.
- Each guest speaker will be asked to complete an online evaluation.

## INSTRUCTION

1. Continue to establish and enforce student ground rules for in-class presentation. Instructors will guide and monitor student discussion, and at least one month before a guest speaker is scheduled to present will provide learning objectives for the presentation and prepare each guest speaker to better meet program goals.

**[To replace Part 1 of Instructions #1 above]**

UWCC will establish in-person and online ground rules for class participation. Before each in-person meeting instructors will communicate the ground rules to students and will consistently enforce the rules. Ground rules will be displayed during in-person meetings and displayed each time a student enters the Learning Management System.

**[Note -Not to be included in the agreement - Examples are provided below:**

(Some items excerpted FROM: Intergroup Relations Center Classroom resources (Arizona State University) -- DISCUSSION GROUNDRULES; Available on-line at: <http://www.asu.edu/provost/intergroup/resources/classgroundrules.html>

**Sample Ground Rules for In-Class Discussions:**

[http://www.uvm.edu/~pass/tignor/filmseries\\_files/groundrules.pdf](http://www.uvm.edu/~pass/tignor/filmseries_files/groundrules.pdf)

**Sample online rules of conduct**

<https://tilt.colostate.edu/teachingResources/tips/docx/tip128Editable.docx>

**[To replace Part 2 of Instructions #1 above]**

UWCC will share the following with each guest speaker regarding the lesson he or she is addressing:

1. Lesson Description
  2. Intended Learning Outcomes
  3. How student work and learning be assessed. (Individual and Group)
  4. Timetable (Duration of lesson)
  5. Textbooks, resources, case studies that will be used. The guest speaker may choose to submit materials.
  6. Assignments (Approximate time to complete)
  7. Rationale for assignments (Individual and Group)
  8. How the lesson will be integrated with other lessons.
  9. How the lesson will be evaluated.
- 
2. Advise students as to the time commitments involved and develop in-depth factual backgrounds for case problems.
  3. Provide more information to students about accounting, fiscal management and feasibility, and record keeping. The UWCC will describe to the CPG Board what steps are being taken to emphasize practical aspects of guardianship work.

**[To replace Instructions #2 and #3 above]**

UWCC will provide a detailed course curriculum that provides the following for each lesson

1. Lesson Description
2. Instructor
3. Intended Learning Outcomes
4. How student work and learning be assessed. (Individual and Group)
5. Timetable (Duration of lesson)
6. Textbooks, resources, case studies

7. Assignments (Approximate time to complete)
  8. Rationale for assignment (Individual and Group)
  9. How the lesson will be integrated with other lessons.
  10. How the lesson will be evaluated.
4. Advise the CPG Board of steps that have or will be taken to develop a guardianship glossary, including timelines for its completion and steps for enhancing student awareness of and access to this resource.

**[To replace Instructions #4 above]**

UWCC instructors will share a glossary of guardianship terms with students taken from an existing guardianship resource or develop a new resource.

5. Notify the CPG Board of its understanding of any problems with the Certificate Program course website organization, and any steps that have or will be taken to address it.

**[To replace Instructions #5 above]**

UWCC will describe the steps that have been taken to improve the Certificate Program course website and any improvements planned.

6. Explain to the CPG Board the group work assignments that are required, their learning outcomes, rationale for group versus individual work, and steps taken to ensure that evaluations of group work also reflect individual performance. (Addressed in Instruction #3 above)
7. Identify procedures to facilitate instructor interactions with students needing assistance, such as standard office hours. Instructors will inform students about the procedures at the beginning of each course.

**[To replace Instructions #7 above]**

UWCC instructors will establish, describe and hold regular office hours. Record student participation in office hours.

[NOTE: Sample not to include in the agreement.

[https://www2.uwstout.edu/content/profdev/teachingonline/office\\_hours.html](https://www2.uwstout.edu/content/profdev/teachingonline/office_hours.html)

8. Explain to the CPG Board what systems are in place for students to communicate with one-another, and what additional opportunities will be

provided for students to connect.

**[To replace Instructions #8 above]**

UWCC instructors will share with student's opportunities for them to interact, including access to message boards, online forums and chatrooms where comments and questions can be posted and/or discussed.

**IMPLEMENTATION**

- ~~Implement all CPG Board recommendations promptly, with sufficient time to allow evaluation of steps taken before the end of the contract period.~~
  
- The CPG Board and UWCC share the goals of providing high quality education. In response to a CPG Board request for program review and suggestions for changes, UWCC made several revisions to the program, which were completed in June 2017. A final report on those revisions will be presented to the CPG Board within 90 days of signing of this Agreement. The parties intend that any of the following recommendations provided by CPG Board in May 2017 that are not addressed in the report referenced above will be addressed during the first year of the current contract period.

**G. REPORTING**

1. Within 90 days of signing of this Agreement, UWCC will provide a final report on revisions/changes made due to the 2014 CPG Board recommendations.
2. Six months prior to termination of the contract, UWCC will provide the CPG Board resumes for all instructors, syllabus for all courses, and summaries of student evaluations of all courses.
3. Within one year of signing this Agreement, or as otherwise agreed, UWCC will provide the CPG Board a written report on the implementation of the 2017 recommendations. The report will include the following:
  - How instructors facilitated completion of the CPGB evaluation process.
  - The in-class and online participation ground rules
  - The written information shared with each guest speaker.
  - The detailed curriculum course curriculum.
  - The glossary of guardianship terms shared with students.
  - A description of Instructor Office Hours and a record of student participation.
  - A description of opportunities UWCC provides for students to interact.

**5/23/17**

**Good morning:**

**In April, Ms. Bondon accused me of harassing her. All I am doing is sending her and other state leaders copies of documents that talk about guardian abuse and trying to protect the elderly. .**

**Aren't you – as a Board – concerned how professional guardians are abusing vulnerable adults? I am concerned about protecting the elderly as I am over 65.**

**I would like to read you some stuff I've gotten. In 2007, Seattle attorney, Margaret Dore, wrote an article for the WSBA about moving supervision of guardians to DFI. After the article was published, a number of people in this state wrote letters to the editor. Since the WINGS Steering Committee wants to hear from state stakeholders, I will be sending them a copy of the letters – and I would like to read a letter that was written by someone who lives in Oregon. So much for our state doing the right thing.**

In addition, in August 2015, Kerri Kasem, was in Seattle to talk to legislators from across the county pushing her isolation and association bill. August was also the date of the first WINGS meeting in Wenatchee. The Family and Friends Committee recommended that isolation of seniors be stopped and for guardian monitoring. An isolation bill has been signed into law and the BJA didn't want to fund the guardian monitoring program this past legislative session.

In November 2015, I heard that 2 state representatives were writing Kerri's isolation and association bill. I asked Ms. Bondon if I could mention this to the WINGS Legislative Committee – she said no – because “we – meaning the AOC – didn't write the bill, so why should we care about talking about it”. I also, have something sent to me by a WA Stakeholder – regarding financial exploitation by a professional guardian in Eastern WA. **WHAT DOES THIS BOARD DO TO PREVENT FINANCIAL EXPLOITATION OF wards?**

Thank you.

Claudia Donnelly

PS: one last thing: On Wednesday, June 15, the World will celebrate World Elder Abuse Awareness Day. What will this Board to?

*if anything,*



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### To guardian or not to guardian

**EDITOR'S NOTE:** *Following are all the letters received as of April 13 commenting on Margaret Dore's article "The Time Is Now: Guardians Should Be Licensed Under the Executive Branch, Not the Courts," which appeared in the March 2007 Bar News. Letters over 250 words have been edited for length.*

I am a clinical psychologist and I have evaluated hundreds of involuntary proceedings brought against the elderly (62 and above). Too often the cases are nightmares, and this court-sanctioned abuse continues in every state in America, including Washington State.

Last September, California's Governor Arnold Schwarzenegger signed the Omnibus Conservatorship and Guardianship Reform Act of 2006 for the purpose of strengthening oversight of professional conservators (called professional guardians in Washington). The most hopeful aspect of this Act is the establishment of a new Professional Fiduciaries Bureau under the executive branch (SB 1550, to take effect July 1, 2008). This step will, hopefully, begin to eliminate numerous problems which currently exist.

Unfortunately, the Act also provides for "increased supervision" by the very judges who appoint conservators. That the day-to-day supervision of professional conservators/guardians has been left to the courts is a disappointment to many experts in the field. Probate judges and their staff members are typically not accountants. They are thus ill-trained and ill-equipped to review complex annual reports. Would we expect a judge who sentences a criminal to prison to also oversee the finances of and care being given that person during his/her years in prison? Hardly. Do our elderly not deserve the layering of protections that shield convicted criminals from harm?

I believe Ms. Dore's suggestion that guardians in Washington be licensed and regulated under the executive branch rather than the courts is an idea with great merit and worthy of serious evaluation.

SEARCH

SITE INDEX

*Diane G. Armstrong, Santa Barbara, California*

I must respectfully disagree with Ms. Dore that *The Time Is Now*, March 2007. I respect her concern, but question the economics. It is probably true that no matter what we do we cannot ensure that one person will not take advantage of another. No system is perfect and the matters addressed in Ms. Dore's article are unfortunate and distressing. However, creating another taxpayer-supported bureaucracy ( an atomic bomb) to address what I think is a minimal, although condemnable, problem ( an African bee) is not economically justifiable.

Of all the formal guardianships in Washington, much less the alternatives, what percentage are problematic? One in one hundred? One in a thousand? What is the data that supports the creation of such an oversight department which must be legislated, regulated, staffed, and paid. At what cost? And at whose cost?

Is it necessary to create a system that costs a few million to administer to, hopefully, prevent comparative minimal losses. I need more data to support Ms. Dore's position. Would her proposal only apply to professional guardians? How much would it cost? How would it be financed? Do we surcharge all filing fees? From my experience, quite frankly, although I agree wrongdoers should be dealt with appropriately, we should not assume all guardians are potential wrongdoers.

I applaud Ms. Dore for her dedication to the issues she presents. I'm not sure her solution is truly necessary or economically justifiable.

*Craig M. Liebler, Kennewick*

I am a self-employed business person whose family came into contact with one of Washington's Certified Professional Guardians. Please accept this letter from the perspective of the consumer.

The guardianship company in question was appointed personal representative of my uncle's estate. There were repeated problems for which we called to complain. The company's response was to blame us. Perhaps most notably, I never saw any reasonable list of values and assets, as might be made by my business clients.

Even the "Final Report" listed assets at \$1.00 holding values, as opposed to their actual values. I was also never sure as to the total fees charged. I tried to raise these issues with the court, but was shut down. The guardian's attorney, by contrast, was allowed to speak as she wished. It was a horrible, dehumanizing experience. I still don't know how much the estate was actually worth or whether my mother, who was the actual heir, received what she was due.

I hope that the situation can be improved so as to prevent other families from having the same or similar experience. Perhaps Ms. Dore's suggestions are a start.

*Doug Holt, Beaverton, Oregon*

One need look no further than the consequences of courtroom "monitoring" to see that critical changes are needed. The courts don't monitor. Probate courts have deferred to their colleagues (court-appointed guardians



and their attorneys) and applied the rubberstamp to their requests. This blanket approval has created a subculture of predatory guardians who are exploiting the very people they are required to protect. Guardianships are shaping up to be the organized crime of the 21st century, increasingly referred to as the "Barfia," by those in the know. A national site, [www.stopguardianabuse.org](http://www.stopguardianabuse.org), is replete with horrific tales of guardian abuse.

This has resulted in a profound lack of respect for the "judicial system." The "rule of law" has morphed into "government by judicial whim or bias." The author claims that the courts are doing "the best they can" with the huge numbers of cases dumped on them daily. I disagree. You'll never find surgeons rushing through 20 operations a day. To believe that the rubberstamp is the best our courts can do is to fail to value justice. Monitoring needs to be in the hands of those with the time, the skills, and the desire to do it appropriately. Only then can the guardianship program be what it was intended to be — a protection for our loved ones who are no longer able to protect themselves.

*Sharon Denney, Vice President National Association to Stop Guardian Abuse, Seattle*

I'd like to comment on the article by Margaret Dore with a clarification of charges stated in the Seattle Times, December 3 article "Your Courts, Their Secrets." The hearing which determined who was to be my mother's (Evy Hohner) guardian cost her over \$10,000. According to the first annual accounting my mother's court appointed guardian charged her \$16,000 in attorneys fees which to my understanding is a result of the time he spent answering my various complaints, one of which was the inadequate care she was receiving. A subsequent Guardian ad Litem report substantiated my claim. Along with the charge of attorney fees, my mother's former guardian alleged that she spent \$18,058.18 in "Personal Allowance." In the final accounting he alleged she spent \$8,610 under the heading of "Personal Allowance" which is exactly the amount my mother received from Social Security.

The court apparently did not have the time for a close perusal of the accountings and consequently the former guardian was not cited for allowing my mother to allegedly spend \$26,668.18 on nonessentials. When he became my mothers guardian the amount of spending per year on nonessentials was to have been \$1,500.

Is looking for the "outrageous" a purely subjective assessment? Clearly reform is necessary by allowing the over burdened courts more time to peruse accountings and to give guardians more incentive to check the spending of their clients.

*Dean Libey*

Thank you for the article on the regulation of guardians. I believe that Margaret Dore makes an excellent point that professional guardians should be subject to oversight or an audit requirement to insure that the incapacitated person's assets are appropriately invested. Regulation by the Department of Financial Institutions (DFI) would be efficient and reasonable. The regulators at DFI are conversant with supervising

and disciplining entities that manage money for others. In addition, DFI is self-supporting in that its operating revenues are paid by the organizations and individuals it regulates, rather than the State's general tax funds.

From my experience practicing in King County, the Judges and Court Commissioners simply do not have the time to carefully examine the financial details of a particular ward's investments. In addition, very few guardianship estates are large enough to justify an annual independent audit. Ms. Dore's suggestion would allow the benefits of audits to be received by a ward whose assets were managed by professional guardians, while having that cost spread out among all such guardianships.

Again, thank you for bringing this important issue to the attention of the Courts and attorneys of this State.

*James W. Minorchio, Seattle*

I was pleased to see Margaret Dore's article discussing an issue, which is often ignored: the abuse of wards by their court-appointed guardians (known as conservators in many states). I first became aware of this issue in connection with my own family.

In 2001, I set up my own website as a clearinghouse for guardianship information. Since then I have been contacted by individuals describing abuse against themselves and/or their families. Their oft repeated complaints include: churning; over-billing; over-drugging; and the guardian's demonizing of family members, so that the court will not believe their complaints.

Guardianship was promulgated to GUARD against the person becoming a danger to themselves, and to CONSERVE their assets so that the person would not become a ward of the state. But the way guardianship often works today, is an irony: Instead of preventing financial depletion, the ward's assets are methodically depleted by the guardianship. Often, the wards then become nursing home patients at public expense. The purpose of guardianship is turned on its head. A solution must be found to bring guardianship back to its original meaning to protect — not abuse — the wards and their families. I believe that monitoring should be done by an outside agency.

*Lori Duboys, www.victimsofguardians.net*

Margaret Dore's article urging a regulatory paradigm shift for "professional" guardians is endorsed by my family and me. Our keen appreciation for Ms. Dore's call for change began when my mother-in-law was served with a petition for guardianship in 2000.

Our experiences with the guardianship industry are in marked contrast with other industries, including the real estate industry with which I am most familiar. The Department of Licensing (DOL) regulates real estate brokers and conducts periodic unannounced audits. Anyone with a complaint against a licensee can file a complaint with DOL, an arm's length regulator, without costs or legal counsel. Consequences can include license suspension, revocation and/or criminal charges. This is in contrast to guardian oversight in which the complainant must go to court against the guardian. We have observed that many abuses are not pursued because family members do not have the resources for

this undertaking.

The state's current guardianship structure/practices assure success for the guardians and their attorneys, while abuses suffered by wards and their families (the customers/clients) at hands of "Certified Professional Guardians" (CPG) continue. Industry education for the disarming "CPG" moniker requires only a two-day class. Beauticians, insurance agents, real estate sales people, etc., have exceedingly more difficult licensing requirements yet never achieve the Certified Professional designation.

Thank you Ms. Dore, may your peers support your efforts to improve a broken system typically outside the public's awareness until it's too late.

*Larry Ingraham, Lynnwood*

Thank you for publishing Margaret Dore's article about problems with oversight of guardians. It was a thought provoking article, on a subject which deserves more attention.

*Rosemarie Warren LeMoine, Bellevue*

A court-appointed guardian often has complete control over a person's finances, medical care, housing, and social activities. One would expect that information regarding the qualifications and complaints against guardians would be readily available. Surprisingly, the experience, credentials, and complaints are often veiled in secrecy. A guardian may have provided poor or even dishonest service to many families but the courts and the new clients have no way of obtaining this information. Short of spending countless hours digging through case files at the court house, families of vulnerable adults have no method to learn about a guardian's past performance or undisclosed relationships with other industry professionals. My review of court files has shown numerous allegations of misconduct against certain guardians and industry professionals. Even so, the courts have failed to take action against these guardians and continue to appoint them. This state of affairs cries for a regulatory solution. The state government must get involved and force guardians to make all aspects of their dealings with clients known to the court and the clients. All complaints against guardians should be public information.

Margaret Dore's article proposing guardian licensing and regulating (March 2007) provides potential solutions. A regulatory agency could have the resources and expertise to watch out for the best interests of our state's most vulnerable. Guardianships are meant to protect our state's at risk population — let's work together to make sure that happens.

*Tami M. Thompson, Lynnwood*

Ms. Dore supports her position for professional guardian licensure by citing articles "In the popular press" that allegedly reflect the misdeeds of professional guardians. While these articles are interesting and raise the readers' ire, they should not be assumed to reflect the practices of the majority of the approximately 250 certified professional guardians available to assist vulnerable adults in the state of Washington. These articles sensationalize isolated

incidents with the intention of selling newspapers. The articles appearing in the newspapers do not and cannot offer the in-depth analysis necessary to truly understand the dynamic elements underlying the problems in question. They simply place blame.

While repositioning oversight might make it easier for litigious attorneys to second guess and attack the activities of professional guardians, it does not address the systemic problems within the industry, not the least of which is the paradox inherent in the nature of the venue used to protect vulnerable citizens.

The development of a structure that protects the vulnerable citizens of our state should include input from the legal community, not emanate from it or be completely controlled by it. Otherwise, I am afraid that the legal community's misplaced efforts to "protect" will only continue to add to the already overabundant litigation in guardianship cases, the systemic exploitation of vulnerable elderly population, and the further alienation of qualified persons who are truly capable of serving the needs of the vulnerable citizens of our State.

*George Marcoe, certified professional guardian*

Perhaps the most controversial aspect of Ms. Dore's piece is not the need for change, but how that change ought to take place. Ms. Dore is opposed to the judiciary serving as "super" monitor. If I were creating a monitoring system, my initial reaction would not be to turn necessarily to the courts since our courts are fundamentally an adjudicatory institution; not regulatory in nature. Obviously the courts are (and will always be) necessary to "adjudicate" the issue of wrongdoing by a fiduciary, but to also be the body that monitors and investigates fiduciaries? I have my doubts about that. Assume the court investigates and uncovers what it believes to be wrongdoing by a guardian. Now what does the investigator do? Take action to correct the problem? And if he does, to whom does the guardian turn if the guardian wishes to defend herself? How can she turn to the court for a fair adjudication of her actions when it was the court that determined wrongdoing? The "neutral" trier of fact has now become the accuser and the avenger! I well understand that the initial reaction by those wishing to finally see fiduciary oversight is to turn to the courts as the logical choice since they appointed the guardian in the first place. However, such an approach seems more like a knee-jerk reaction to an admittedly troubling issue rather than a thought out approach that makes sense to all involved. I thank Ms. Dore for at least starting the debate.

*Anthony J. Serra, Princeton, New Jersey*

Kudos to Margaret Dore for her article regarding the dark side of guardianships. As a probate practitioner, I have observed instances of financial abuse (over-billing, over-staffing, and incompetence) by certain guardians and their attorneys. The system lacks meaningful oversight. Recourse to the court is often impractical, unproductive or counter-productive. The most vulnerable among us and their families (if they have families) pay the bill.

Ms. Dore hit the nail on the head regarding the problem. I am not, however, sure about the solution. I

agree that there should be more discussion. Meanwhile, I can only selfishly hope and pray that no family member or friend of mine ever be the subject of guardianship proceeding under the current system.

*Theresa Schrempp, Bellevue*

**A fine mess**

I am responding to Kevin Curtin's letter in the April 2007 Bar News. I agree that 20 percent is too steep a fine for paying your dues three days late. I paid my dues on time, but I got socked with a surprising late fee anyway. I was one-half credit short of my ethics CLE credits this year. When I tallied it up in December this year, I was surprised to find that I was half an hour short on the mandatory ethics credits. I tried to make up the credit with an online seminar in December, but my computer is apparently too antiquated to be able to handle that. I ended up taking a 6.5 hour class in March that cost \$195 (plus lunch and parking), just to get that half-hour ethics credit, and the Bar Association dinged me for \$150 for getting the half-hour credit after December 31.

It's hard enough for sole practitioners just to pay the rent and secretary's wages every month, let alone keep taking expensive seminars, but when the Bar Association charges outrageous late fees, it makes it that much harder to continue to provide the public service that I do. After almost 20 years of active practice, isn't there a point where you don't need to continue to take so many ethics credits to stay active? That \$150 just means I'll take one less pro bono case this month.

*Paula McManus, Everett*

Last Modified: Tuesday, May 08, 2007

Contact Information

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On Nov 4, 2015, at 11:29 AM, Mail1 OPG <[Mail1.OPG@courts.wa.gov](mailto:Mail1.OPG@courts.wa.gov)> wrote:

Ms. Donnelly

I certainly understand the feeling of urgency; however, developing a monitoring program and a budget, drafting legislation, getting stakeholder buy-in and obtaining sponsors all take time. That's why this item was scheduled for 2017. I don't believe this can get done before January 2016. In addition, this is a supplemental budget year. New programs are generally not introduced during a supplemental budget year because the biennium (2 year) budget was established the first year of the biennium, in this case in 2015. New programs are generally introduced during the first year of the biennium. That will be 2017. (2)

Shirley

-----Original Message-----

From: Claudia Donnelly [<mailto:thedonnellys@oo.net>]

Sent: Wednesday, November 04, 2015 11:07 AM

To: Mail1 OPG <[Mail1.OPG@courts.wa.gov](mailto:Mail1.OPG@courts.wa.gov)>; Walt Bowen <[walt@waseniorlobby.org](mailto:walt@waseniorlobby.org)>

Subject: Proposed WINGS legislation

Dear Ms. Bondon

:Dear Walt:

On the WINGS recommendation for the legislative committee, what is the possibility of doing stuff that has been assigned other years now - like in 2016? As you are aware, Ms. Bondon, there are 2 representatives working on a bill written in part by the Kerri Kasem Foundation that would stop professional guardians from isolating vulnerable seniors. As I have talked to people, I have suggested that our state needs Guardian Monitoring now - not in 2017. Is this something I can bring up for discussion at our next telecon? (V)

Thank you for any assistance you can provide.

Claudias

acknowledge that it's happening. She told me that she has given the representatives her concerns. Why not let everyone else on the Committee know what is taking place?

Thank you.

Claudia Donnelly

On Nov 4, 2015, at 12:04 PM, Mail1 OPG <[Mail1.OPG@courts.wa.gov](mailto:Mail1.OPG@courts.wa.gov)> wrote:

Ms. Donnelly

My goal is to make the best use of everyone's time and get things accomplished. If others are drafting a bill, why would we need to discuss it? When the drafters are ready to ask for support, hopefully they will contact WINGS. (4)

Shirley

**From:** Claudia Donnelly [<mailto:thedonnellys@oo.net>]  
**Sent:** Wednesday, November 04, 2015 11:52 AM  
**To:** Mail1 OPG <[Mail1.OPG@courts.wa.gov](mailto:Mail1.OPG@courts.wa.gov)>  
**Cc:** Walt Bowen <[walt@waseniorlobby.org](mailto:walt@waseniorlobby.org)>  
**Subject:** Re: Proposed WINGS legislation

Ms. Bondon:

Thanks for the information. But what about this new bill that some people are already working on that would combat isolation of seniors? An isolation bill was drafted 2 years ago by Senator Conway — it failed; a new one is being written as we speak by 2 state representatives. Why can't I bring this up at our next telecon? Some of us will be meeting with both representatives involved over the next couple of months, and I spoke to the AARP lobbyist this morning about what is happening. I got a draft of the isolation bill and have forwarded it to the people on my email list. (3)

This is what I wrote:

As you are aware, Ms. Bondon, there are 2 representatives working on a bill written in part by the Kerri Kasem Foundation that would stop professional guardians from isolating vulnerable seniors.

Thank you.

Claudia Donnelly

From: **Claudia Donnelly** <thedonnellys@oo.net>  
Subject: WINGS and isolation of seniors  
Date: January 2, 2016 at 2:12 PM  
To: Justice Barbara A. Madsen <J\_B.Madsen@courts.wa.gov>, johnson.charles@courts.wa.gov

Dear Justice Madsen and Johnson:

One of the recommendations that came out of the WINGS family and friends committee was to work to stop isolating seniors. This is what was written:

### 5. Prohibit isolation of persons in a guardianship.

47  21

Develop a professional guardian standard of practice to address. Assign to the Standards and Practice Committee. Timeframe 12 – 24 months.

This is really happening in our state. I am in contact with Kerri Kasem — do you remember what happened with her dad? Kerri wants to sponsor a bill that you prevent isolation of seniors in our state. I am also on the Legislative Committee for this go around of WINGS and I asked Ms. Bondon if I could talk about her proposed bill. She said no. Why not?

I have word that there is another bill going to be introduced that would protect elder civil rights — since our courts aren't doing anything to stop it.

To me and to someone I talked to Saturday, what Ms. Bondon is saying is not compatible with what her job is — of trying to protect our seniors from elder abuse/isolation. To me, she needs to be replaced.

Thank you.

CLaudia Donnelly

From: Mail1 OPG <Mail1.OPG@courts.wa.gov>  
Subject: RE: Proposed WINGS legislation  
Date: November 4, 2015 at 12:20:01 PM PST  
To: 'Claudia Donnelly' <thedonnellys@oo.net>, Mail1 OPG <Mail1.OPG@courts.wa.gov>  
Cc: Walt Bowen <walt@waseniorlobby.org>

Ms. Donnelly

This isn't my bill. The drafters have not requested my input or involvement. I see no reason to discuss it.

Shirley

From: Claudia Donnelly [mailto:thedonnellys@oo.net]  
Sent: Wednesday, November 04, 2015 12:18 PM  
To: Mail1 OPG <Mail1.OPG@courts.wa.gov>  
Cc: Walt Bowen <walt@waseniorlobby.org>  
Subject: Re: Proposed WINGS legislation

5

Ms. Bondon:

I don't want to argue with you but the AARP lobbyist — Cathleen MacCaul — told me she talked to you and David Lord about this proposed bill. It's like you don't even want to



From: **Claudia Donnelly** [thedonnellys@oo.net](mailto:thedonnellys@oo.net)  
Subject: Re: financial exploitation cases  
Date: May 30, 2017 at 9:07 AM  
To: Jason (GOV) McGill [jason.mcgill@gov.wa.gov](mailto:jason.mcgill@gov.wa.gov), Bill (DSHS/AL TSA) Moss [mossBD@dshs.wa.gov](mailto:mossBD@dshs.wa.gov), Lashway, Patricia (DSHS) [LashwayPK@dshs.wa.gov](mailto:LashwayPK@dshs.wa.gov), Steve Tharinger [ttlhsteve.tharinger@leg.wa.gov](mailto:ttlhsteve.tharinger@leg.wa.gov), Barbara Bailey [barbara.bailey@leg.wa.gov](mailto:barbara.bailey@leg.wa.gov), Jinkins, Rep. Laurie [laurie.jinkins@leg.wa.gov](mailto:laurie.jinkins@leg.wa.gov), Rivers, Sen. Ann [ann.rivers@leg.wa.gov](mailto:ann.rivers@leg.wa.gov), [governor.inslee@gov.wa.gov](mailto:governor.inslee@gov.wa.gov), [ann.cainor.inslee@gov.wa.gov](mailto:ann.cainor.inslee@gov.wa.gov)  
Cc: Shirley Bondon [shirley.bondon@courts.wa.gov](mailto:shirley.bondon@courts.wa.gov), ramsey.radwan@courts.wa.gov, sean.o'donnell@courts.wa.gov, robert.lewis@courts.wa.gov, Tony Ruegel@courts.wa.gov, Callie Dietz [callie.dietz@courts.wa.gov](mailto:callie.dietz@courts.wa.gov), mary.fairhurst@courts.wa.gov, Bob Ferguson (ATG) [bobf@atg.wa.gov](mailto:bobf@atg.wa.gov), Page Ulrey [Page.Ulrey@kingcounty.gov](mailto:Page.Ulrey@kingcounty.gov), michael.downes@courts.wa.gov  
Bcc: K in S@q.com, [guardianblog-vengopla@oo.net](mailto:guardianblog-vengopla@oo.net)

Karen:

This is why we need to include professional guardians in the new financial exploitation bill — no one in our state leadership cares or wants to help. No one wants to listen to us — after all, we aren't experts like APS people, or our judges or AOC people — or ?.

Claudia  
On May 29, 2017, at 4:15 PM,

Claudia. the state does nothing to help the elderly, expect steal from them. In addition to the GAL's that steal. My mom has worked her whole life for these scum bags to tell her what she can't and can't do with her money, because they are afraid they won't get money from her. So the GAL charged mom 900.00 for one hour standing in line so she could have her name on a check book. There is something wrong with this system. Who are the real thieves? Family? GAL? attorneys? state senators? state reps?  
I could handle mom's stuff because the state said I was crazy, not sure when they became doctors and are able to diagnose. All because I used the 800 number to report. I am crazy.

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From: "Claudia Donnelly" <[thedonnellys@oo.net](mailto:thedonnellys@oo.net)>

Cc: [guardianblog-vengopla@oo.net](mailto:guardianblog-vengopla@oo.net)  
Sent: Monday, May 29, 2017 12:38:31 PM  
Subject: financial exploitation cases

Karen:

I sure do remember what APS did to you and your mom. DSHS/APS doesn't want to do anything except to force innocent people onto their "state-wide abuser list". I also remember what APS/DSHS did to Aileen Kinney. To me, our state does one thing to help the elderly and they seem to want to call it good.

Claudia  
On May 29, 2017, at 11:58 AM,

Claudia.  
I am not sure you remember, but since I called APS and protected my mom situation, which APS failed to protect mom, APS blamed me.  
To steal from mom, the guardians, lawyers and judges were going to force mom's house out of trust so they could get paid. So why put the house in trust if all of these