

Meeting Minutes  
January 10, 2022

# Certified Professional Guardianship and Conservatorship Board

Monday, January 10, 2022

Zoom Meeting

9:00 a.m. – 1:00 p.m.

## PROPOSED Meeting Minutes

Members Present	Members Absent
Judge Diana Kiesel, Chair	Dr. Rachel Wrenn
Judge Grant Blinn	
Judge Robert Lewis	Staff Present
Commissioner Cadine Ferguson-Brown <sup>1</sup>	Ms. Stacey Johnson
Ms. Kristina Hammond	Ms. Kathy Bowman
Ms. Lisa Malpass	Ms. Thai Kien
Ms. Melanie Maxwell	Ms. Kay King
Mr. William Reeves	Mr. Samar Malik
Dr. K. Penney Sanders	Ms. Maureen Roberts
Mr. Dan Smerken	Ms. Eileen Schock
Ms. Susan Starrfield	Ms. Rhonda Scott
Ms. Amanda Witthauer	Ms. Linda Vass
	Ms. Sherri White

**Guests** – see last page

### 1. Meeting Called to Order

Judge Diana Kiesel called the January 10, 2022 Certified Professional Guardianship and Conservatorship Board meeting to order at 9:00 a.m.

### 2. Welcome, Roll Call, and Approval of Minutes

Judge Kiesel welcomed all present.

**Motion:** It was moved and seconded to approve the minutes of the December 13, 2021 regular Board meeting and the December 20, 2021 special Board meeting as corrected. The motion passed.

### 3. Chair's Report

Judge Kiesel announced Board Committee updates. Judge Blinn will continue as chair and Dr. Sanders will co-chair the Standards of Practice Committee. Mr. Smerken will chair the Regulations Committee. Judge Lewis will continue as chair of the Applications Committee. Dr. Wrenn will continue as chair of the Education Committee. Judge Kiesel will chair the newly formed Diversity, Equity and Inclusion (DEI) Committee.

The DEI Committee will hold its first meeting on December 12, and Judge Kiesel will report back at the Board's regular meeting in February.

<sup>1</sup> Commissioner Ferguson-Brown joined the meeting at 9:08 a.m.

The Supreme Court has posted proposed changes to GR 23 for public comment. Proposed changes regard the number of Certified Professional Guardians and Conservators on the CPGC Board, and language regarding open meetings.

The Board continues to review the new guardianship statute, and Judge Kiesel plans to meet with the University of Washington to assure these changes are covered in the Guardian Certification Program.

Staff reported that on-demand training webinars for newly adopted regulations under the UGA are available online and this information will be provided to all Certified Professional Guardians and Conservators via listserv.

## **Public Comments**

The Board heard comments from Ms. Claudia Donnelly, Ms. Glenda Voller, and Ms. Deborah Jameson.

## **4. Grievance Report**

Staff presented the Grievance Report for December, 2021. During the month of December, eleven (11) new grievances were received and three (3) grievances were resolved. Two (2) grievances were dismissed for no jurisdiction and one (1) grievance was resolved for no actionable conduct. A total of forty-one (41) grievances remain open for investigation. Twenty-seven (27) of the total open grievances concern eight (8) agencies or CPGs with two (2) or more grievances.

## **5. Executive Session (Closed to the Public)**

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

**Motion:** A motion was made and seconded to adopt the Findings, Conclusions and Recommendation of the Appeals Committee regarding the Gibbons appeal, to conditionally approve Erin Gibbons' application for certification, conditioned on completion of the UW Certification Program, with transferable skills in budget, finance, and advocacy. The motion passed.

On behalf of the Applications Committee, Judge Lewis presented the following applications for Certified Professional Guardian and Conservator. Members of the Applications Committee abstained.

**Motion:** A motion was made and seconded to deny Pamela Cotton's application for certification, for lack of transferable skills. The motion passed.

**Motion:** A motion was made and seconded to conditionally approve Amber Rasmussen's application for certification, conditioned on completion of the UW Certification Program, with transferrable skills in social services. The motion passed.

**Motion:** A motion was made and seconded to conditionally approve Jessica Westerhold's application for certification, conditioned on completion of the UW Certification Program, with transferrable skills in financial. The motion passed.

**Motion:** A motion was made and seconded to deny Meera Shin’s request for additional time to complete the CGC Guardian Certification test. The motion passed.

**Motion:** A motion was made and seconded to administratively decertify Judith Robertson for non-compliance of CEU requirements. The motion passed.

**Motion:** A motion was made and seconded to administratively decertify David Weigelt for non-compliance of CEU requirements. The motion passed.

**Motion:** A motion was made and seconded to administratively decertify Cathy Silins for non-compliance of CEU requirements. The motion passed.

## 15. Wrap Up/Adjourn

The next Certified Professional Guardianship and Conservatorship meeting will take place via Zoom Conference on February 14, 2022 at 8:00 a.m. With no other business to discuss, the December 13, 2021 meeting was adjourned at 11:30 a.m.

### Recap of Motions

Motion Summary		Status
Motion:	It was moved and seconded to approve the December 13 and December 30, 2021 CPGB meeting minutes as corrected.	Passed
Motion:	A motion was made and seconded to adopt the Findings, Conclusions and Recommendation of the Appeals Committee regarding the Gibbons appeal, to conditionally approve Erin Gibbons’ application for certification, conditioned on completion of the UW Certification Program, with transferable skills in budget, finance, and advocacy.	Passed
Motion:	A motion was made and seconded to deny Pamela Cotton’s application for certification, for lack of transferable skills.	Passed
Motion:	A motion was made and seconded to conditionally approve Amber Rasmussen’s application for certification, conditioned on completion of the UW Certification Program, with transferrable skills in social services.	Passed
Motion:	A motion was made and seconded to conditionally approve Jessica Westerhold’s application for certification, conditioned on completion of the UW Certification Program, with transferrable skills in financial.	Passed
Motion:	A motion was made and seconded to deny Meera Shin’s request for additional time to complete the CGC Guardian Certification test.	Passed
Motion:	A motion was made and seconded to administratively decertify Judith Robertson for non-compliance of CEU requirements. The motion passed.	Passed
Motion:	A motion was made and seconded to administratively decertify David Weigelt for non-compliance of CEU requirements. The motion passed.	Passed
Motion:	A motion was made and seconded to administratively decertify Cathy Silins for non-compliance of CEU requirements. The motion passed.	Passed

**Guests**

Claudia Donnelly

Katlyn Balsam

Brenda Morales

Glenda Voller

Karen Klem Newland

Scott Malavotte

David Lord

Deborah Jameson

Niel and Niel

Mark Vohr

Amber Collins

DRAFT

Grievance Report  
January, 2022

**Certified Professional Guardians and Conservators  
Grievance Status  
January 1 – 31, 2022**

Grievances Received January 2022	2
2022 Grievances Dismissed <sup>1</sup>	
2022 Grievances Forwarded to Court	
2022 Grievances Resolved by Court	
2022 Grievances Assigned for Investigation	
2022 Grievances Resolved by Board <sup>2</sup>	

<sup>1</sup> Board Dismissals	No Jurisdiction (GAL)	
	No Jurisdiction (LAY)	
	Incomplete - No Signature	
	Incomplete - No Date	
	Incomplete - Detail	
	Other	
	Total Dismissed	

<sup>2</sup> Board Resolutions	No Actionable Conduct	
	Advisory Letter 507.1	
	ARD – Admonishment	
	ARD – Reprimand	
	ARD – Suspension	
	Voluntary Surrender in Lieu of Discipline	
	Revocation of Certification	
	Total Resolved	

<b>Grievance Status – January 31, 2022</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>Total</b>
Grievances Resolved this Month:							
Grievances Remaining Requiring Investigation*:	<b>32</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>41</b>

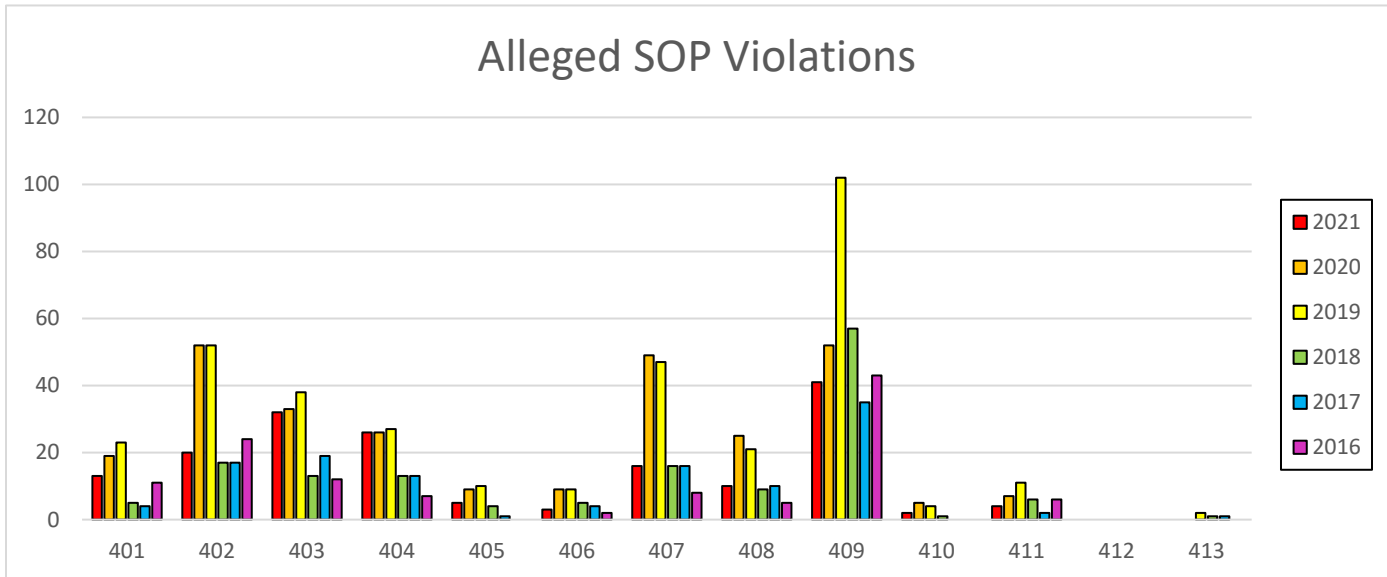
<b>Grievances Pending*</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>Total</b>
Voluntary Surrender/Litigation:							
Conflicts Review Committee:	<b>2</b>						<b>2</b>
ARD:						<b>1</b>	<b>1</b>
Complaint/Hearing:		<b>1</b>	<b>2</b>				<b>3</b>
Administrative Decertification:							
<b>Total Pending:</b>	<b>2</b>	<b>1</b>	<b>2</b>			<b>1</b>	<b>6</b>

**[\*Grievances in Pending status are not counted as Grievances Requiring Investigation.]**

<b>Resolution of Grievances – January 31, 2022</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>Total</b>
Dismissal – No Jurisdiction							
Dismissal – No Actionable Conduct			<b>1</b>				<b>1</b>
Dismissal - Administrative							
Dismissal – Insufficient Grievance							
Mediated – Dismissed							
Advisory Letter 507.1							
ARD - Admonishment							
ARD - Reprimand							
ARD - Suspension							
Terminated – Voluntary Surrender							
Terminated – Administrative Decertification							
Terminated – Decertification							
<b>Total Resolved Grievances: January 31, 2022</b>			<b>1</b>				<b>1</b>

<b>Total Grievance Resolutions</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>Total</b>
<b>Total Grievances Received</b>	<b>95</b>	<b>80</b>	<b>77</b>	<b>85</b>	<b>104</b>	<b>104</b>	<b>545</b>
Dismissal – No Jurisdiction	9	21	15	22	30	20	<b>117</b>
Dismissal – No Actionable Conduct	45	41	38	51	60	55	<b>290</b>
Dismissal - Miscellaneous							
Dismissal – Insufficient Grievance	6	6	5	3	1	2	<b>23</b>
Mediated – Dismissed							
Advisory Letter 507.1		2	5	3	2	4	<b>16</b>
ARD - Admonishment							
ARD – Reprimand		1		1	1	4	<b>7</b>
ARD - Suspension							
Termination – CPG Death							
Termination – Administrative Decertification	3	1	3	1	1	3	<b>12</b>
Termination – Voluntary Surrender			1	2	8	15	<b>26</b>
Termination – Decertification			5	1	1		<b>7</b>
<b>Total Grievances Resolved To Date: January 31, 2022</b>	<b>63</b>	<b>72</b>	<b>72</b>	<b>84</b>	<b>104</b>	<b>103</b>	<b>498</b>





#### 400 Standards of Practice Regulations

- 401 Guardian's Duty to Court
- 402 Guardian's Relationship to Family and Friends of Incapacitated Person and to Other Professionals
- 403 Self-Determination of Incapacitated Person
- 404 Contact with the Incapacitated Person
- 405 General Decision Standards
- 406 Conflicts of Interest
- 407 Residential Decisions
- 408 Medical Decisions
- 409 Financial Management
- 410 Guardian Fees and Expenses
- 411 Changes of Circumstances/Limitation/Termination
- 412 Sale or Purchase of Guardianship Practice
- 413 Responsibilities of Certified Public Guardian Agencies

#### Pending Grievances Involving Guardians with Multiple Grievances January 31, 2022

ID	Year Cert.	Open	Year(s) Grievances Received
A	2009	3	2021 (3)
B	2015	2	2021 (2)
C	2016	5	2021 (5)
D	2014	5	2019 (1), 2020 (2), 2021 (2)
E	2011	3	2021 (3)
F	2002	2	2021 (2)
G	2001	5	2018 (1), 2020 (4)
H	2006	2	2021 (2)
		27	

**Of 41 currently open grievances requiring investigation, 27 concern 8 Agencies/CPGs with 2 or more open grievances.**

# Suggested Changes to GR 23

# THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED )  
AMENDMENTS TO GR 23—RULE FOR )  
CERTIFYING PROFESSIONAL GUARDIANS )  
AND CONSERVATORS )  
 )  
 )  
\_\_\_\_\_ )

**ORDER**

NO. 25700-A-1379

Attorney Deborah Jameson, having recommended the suggested amendments to GR 23—  
Rule for Certifying Professional Guardians and Conservators, and the Court having approved the  
suggested amendments for publication;

Now, therefore, it is hereby

**ORDERED:**

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as attached  
hereto are to be published for comment in the Washington Reports, Washington Register,  
Washington State Bar Association and Administrative Office of the Court's websites in  
November 2021.

(b) The purpose statement as required by GR 9(e), is published solely for the  
information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S.  
Mail or Internet E-Mail by no later than February 28, 2022. Comments may be sent to the  
following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or  
[supreme@courts.wa.gov](mailto:supreme@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500  
words.

Page 2

ORDER

IN THE MATTER OF THE SUGGESTED AMENDMENTS TO GR 23—RULE FOR  
CERTIFYING PROFESSIONAL GUARDIANS AND CONSERVATORS

DATED at Olympia, Washington this 5th day of October, 2021.

For the Court

  
González, C.J.

GERALD W. NEIL  
CHRISTOPHER E. NEIL  
DEBORAH J. JAMESON

**NEIL & NEIL, P.S.**  
ATTORNEYS AT LAW  
5302 PACIFIC AVENUE  
TACOMA, WASHINGTON 98408  
(253) 475-8600  
(253) 473-5746 FAX

October 3, 2021

Clerk of the Supreme Court  
PO Box 40929  
Olympia WA 98504-0929

Re: Proposed Changes to GR 23 Cover Sheet

Dear Clerk:

The Supreme Court has recently reviewed General Rule 23 to comply with RCW 11.130, the Uniform Guardianship, Conservatorship, and Other Protective Arrangement Act (UGA). I am writing to request two additional changes to GR 23.

**Name of Proponent:** Deborah Jameson

**Spokesperson:** Deborah Jameson

**Purpose:**

Change to number of certified professional guardians on the Board:

In 2009, GR 23 was amended to limit the number of professional guardians to no more than one-third of the Board membership. Part of the thinking was that the certification of professional guardians was relatively new (11 years). There was a sense that professional guardians would not provide effective oversight of their fellow professionals, even though the Washington Association of Professional Guardians was fully behind the movement to create the certification process.

Certification has now been required for over 20 years for professional guardians. Guardianship in Washington has existed far longer than certification, going back to the founding of the state. It is time for guardians to be recognized as professionals who have an interest in ensuring the high caliber of other practitioners.

The Certified Professional Guardian Board is nearly the only professional organization where the regulated professionals make up a minority of the regulating Board. (See attached chart). It is also a highly specialized profession where

stakeholders have little opportunity to develop a detailed understanding of the responsibilities of being a professional guardian. Even people who work with the populations that guardians serve, do not know what it is to actually be a guardian.

Using myself as an example, I have been involved in guardianship for over 20 years as a Guardian ad Litem, CPG Board grievance investigator, staff for the CPG Board, and as an attorney for lay and professional guardians. I recently became a guardian and still find myself learning about what guardians actually do.

Professional guardians should be regulated by people with an in-depth understanding of the duties, challenges, and experience of professional guardians, i.e., other professional guardians. The Court should change GR 23 and eliminate the limitation on the number of professional guardians who may be on the Board.

I also want to disclose that a change to GR 23 would potentially affect me. I plan to apply to be a member of the CPG Board as one of the WSBA's nominees. However, because I am also a professional guardian, I would not be eligible.

#### Change to language re open meetings:

During the past year or two, the Board has been conducting substantive discussions while in Executive Session. For example, the Board discussed creating an alternate training program for applicants this year because the University of Washington suspended training. The discussion was held in Executive Session and only the final or confirming vote was in the public session.

The Board has taken the position that committee recommendations (Regulations, Educations, Standards of Practice, Applications) are discussed in Executive Session because the discussions are "preliminary". The Board argues that having those recommendation discussions in Executive Session allows the Board to ask questions of the committee. The Board states that there is still adequate discussion of the proposals in open sessions.

The Board's discussions should be in public unless there is some confidentiality required (as is true of applications and disciplinary matters). The public should be able to hear the questions the Board asks. The public should be a witness to the entire discussion by the Board. Washington favors open meetings and the Board has been acting contrary to policy.

The recent Supreme Court case of *Beauregard v. WSBA*, No. 97249-4, February 11, 2021 holds that some entities are subject to the Open Public Meetings Act (OPMA). The OPMA applies to each governing body of a public agency. Public agencies have been defined as any State board created by, or pursuant to statute, other than courts

and the legislature.<sup>1</sup> (Emphasis added)

The CPG Board was created by the legislature in 1997 in ESHB 1771. GR 23 in its very first sentence cites to its creation by statute, namely RCW 11.88.008. Based upon the Beauregard analysis, the CPG Board is a public agency subject to the Open Meeting Act and GR 23 should be amended to reflect that fact.

**Hearing:**

A public hearing would be useful because stakeholders in guardianship may wish to testify about increasing the representation of professionals on the board, including both professional guardians and groups like the Ombud Program and Disability Rights Washington.

On the issue of requiring the Board to hold open meetings except in limited circumstances, proponents of open government may want to testify, so having a public hearing would be useful.

**Expedited Consideration:**

Expedited consideration is requested because the Board selects new members at this time of year and if the proportion of professional guardians is increased, it could affect those people chosen.

Sincerely,

DEBORAH JAMESON

---

<sup>1</sup> RCW 42.30.020(1)(a).

### **Proposed Changes to GR 23**

#### GR 23(c) Certified Professional Guardian Board.

(1) *Establishment.*

(i) Membership. The Supreme Court shall appoint a Certified Professional Guardian Board (Board) of 12 or more members. The Board shall include representatives from the following areas of expertise: professional guardians; attorneys; advocates for incapacitated persons; courts; state agencies; and those employed in medical, social, health, financial, or other fields pertinent to guardianships. ~~No more than one third of the Board membership shall be practicing professional guardians.~~

....

(2) *Duties and Powers.*

(xii) Meetings. The Board shall hold meetings as determined to be necessary by the chair. Meetings of the Board will be open to the public except for executive session, review panel, or disciplinary meetings prior to filing of a disciplinary complaint.

Executive session shall be limited to discussion of applications and disciplinary matters.

The Open Public Meetings Act shall apply to the Board.