

Meeting Minutes
November 13, 2023



Certified Professional Guardianship and Conservatorship Board

Monday, November 13, 2023

Zoom Meeting

9:00 a.m. – 11:30 a.m.

MEETING MINUTES

Members Present

Judge Robert Lewis, Chair
Judge Grant Blinn
Judge Cadine Ferguson-Brown¹
Commissioner Kim
Ms. Lynda Clark
Ms. Kristina Hammond²
Ms. Melanie Maxwell³
Mr. William Reeves⁴
Dr. K. Penney Sanders⁵
Mr. Dan Smerken
Ms. Susie Starrfield
Ms. Anita Souza

Staff Present

Ms. Stacey Johnson
Ms. Kathy Bowman
Ms. Thai Kien
Ms. Kay King
Mr. Samar Malik
Ms. Rhonda Scott
Ms. Sherri White

Guests – See last page

1. Meeting Called to Order

Judge Robert Lewis called the November 13, 2023 Certified Professional Guardianship and Conservatorship Board meeting to order at 7:32 a.m.

2. Welcome, Roll Call & Approval of Minutes

Judge Lewis welcomed all present. Judge Lewis introduced Commissioner Soloman Kim, the Board's newest member.

Motion: It was moved and seconded to approve the October 9, 2023 minutes. The motion passed.

3. Chair's Report

Judge Lewis welcomed Commissioner Kim to the Board. He noted that the Board is still waiting for the nomination of a WAPG representative.

4. Grievance Report

Ms. Scott reported six (6) new grievances were received during the month of October. The Board dismissed eight (8) grievances and forwarded two (2) grievances to Superior Court. A total of thirty

¹ Judge Ferguson-Brown joined at 7:34 a.m.

² Ms. Hammond joined at 7:34 a.m.

³ Ms. Maxwell joined at 7:37 a.m.

⁴ Mr. Reeves joined at 7:35 a.m.

⁵ Dr. Sanders joined at 7:34 a.m.

(30) grievances were unresolved at the time of the report. Currently, there are two hundred fifty (250) active CPGCs.

5. Executive Session (Closed to Public)

6. Reconvene (Open to Public)

7. Vote on Executive Session Discussion

On behalf of the Application Committee, Ms. Susie Starrfield presented the following applications for certification.

- Motion: It was moved and seconded to approve Pamela Cotton's application for certification with transferable skills in social services and financial. The motion passed.
- Motion: It was moved and seconded to conditionally approve Crystal Joseph's application for certification, conditioned on completion of the UW program, with transferrable skills in social services and financial. The motion passed. Dr. Sanders abstained.
- Motion: It was moved and seconded to deny Crystal Joseph's request to waive the requirement to complete the UW program. The motion passed.
- Motion: It was moved and seconded to deny Christian Letts' application for certification due to lack of requisite experience. The motion passed.
- Motion: It was moved and seconded to conditionally approve Bryan Teed's application for certification, conditioned on completion of the UW program, with transferrable skills in health care and financial. The motion passed.

On behalf of the Standards of Practice Committee, Judge Blinn presented the following grievances for Board action.

- Motion: It was moved and seconded to forward grievance 2023-055 to Superior Court. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2023-056 for no jurisdiction. The motion passed.
- Motion: It was moved and seconded to investigate grievance 2023-057, which was previously forwarded to court. The motion passed.
- Motion: It was moved and seconded to dismiss grievances 2023-047 and 2023-051 following court review. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2023-002 following court review. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2023-026 following court review. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2023-033 following court review. The motion passed.
- Motion: It was moved and seconded to dismiss grievances 2023-039, 2023-040, and 2023-043 following court review. The motion passed.
- Motion: It was moved and seconded to dismiss grievance 2023-041 following court review. Judge Lewis abstained. The motion passed.

Motion: It was moved and seconded to dismiss grievance 2023-042 following court review. The motion passed.

Motion: It was moved and seconded to draft a complaint and petition for interim suspension for grievance 2022-059. The motion passed.

8. Wrap Up/Adjourn

With no other business to discuss, Judge Lewis adjourned the November 13, 2023 CPGC Board meeting at 8:37 a.m. The next Board meeting will take place via Zoom on December 11, 2023 beginning at 7:30 a.m.

Recap of Motions:

MOTION SUMMARY		STATUS
Motion:	It was moved and seconded to approve the October 9, 2023 minutes.	Passed
Motion:	It was moved and seconded to approve Pamela Cotton's application for certification.	Passed
Motion:	It was moved and seconded to conditionally approve Crystal Joseph's application for certification, conditioned on completion of UW program.	Passed
Motion:	It was moved and seconded to deny Crystal Joseph's request to waive UW program requirement. Dr. Sanders abstained.	Passed
Motion:	It was moved and seconded to deny Christian Letts' application for certification due to lack of requisite experience.	Passed
Motion:	It was moved and seconded to conditionally approve Bryan Teed's application for certification, conditioned on completion of UW program.	Passed
Motion:	It was moved and seconded to forward grievance 2023-055 to Superior Court. The motion passed.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-056 for no jurisdiction. The motion passed.	Passed
Motion:	It was moved and seconded to investigate grievance 2023-057. The motion passed.	Passed
Motion:	It was moved and seconded to dismiss grievances 2023-047 and 2023-051 following court review.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-002 following court review.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-026 following court review.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-033 following court review.	Passed
Motion:	It was moved and seconded to dismiss grievances 2023-039, 2023-040, and 2023-043 following court review.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-041 following court review. Judge Lewis abstained.	Passed
Motion:	It was moved and seconded to dismiss grievance 2023-042 following court review.	Passed
Motion:	It was moved and seconded to draft a complaint and petition for interim suspension for grievance 2022-059.	Passed

Guests:

Samantha Hellwig, AAG
Byron Cotton
Deborah Jameson

Karen Newland, Puget Sound Guardians
Sarah Trembly
Glenda Voller

DRAFT

Grievance Report
November 2023

**Certified Professional Guardian and Conservator
Grievance Status
November 2023**

New Grievances Received in November 2023:	4
2023 Grievances Dismissed by Board on November 13, 2023:	11
2023 Grievances Forwarded to Superior Court on November 13, 2023:	1

Grievances (UGA)	2022	2023
Total Grievances Received:	75	61
Total Grievances Dismissed: No Jurisdiction, Insufficient Grievance	30	19
Total Grievances Forwarded to Superior Court:	40	36
Total Grievances Dismissed Following Court Order:	39	22
Total Grievances Dismissed Following Investigation:	4	1
Total Grievances Open Pending CRC Review:	1	0
Total Grievances Open Pending Investigation:	1	1

Please note that the numbers reported in this section will not necessarily be equal to the total number of grievances received; this is due to the timing of when new grievances are received and in process of review by the Board.

Active CPGCs: 250

Grievances Pre-UGA

Pre-UGA Grievance Status	2021
Grievances Resolved this Month:	1
Total Grievances Requiring Investigation:	1

Resolution of Pre-UGA Grievances	2021
Total Grievances Received by Year	95
Dismissal No Jurisdiction	9
Dismissal No Actionable Conduct	70
Dismissal Insufficient Grievance	7
Dismissal Administrative	1
Advisory Letter	3
Termination – Administrative Decertification	4
Total 2021 Grievances Resolved:	94

Guardians/Conservators or Agencies with Multiple Grievances November 2023

ID	Year Certified	2023	2022	2021	total OPEN
A	2012	2	0	0	2
B	2016	2	0	0	2
C	2022	2	0	0	2
D	2007	3	0	0	3
E	2009	1	1	0	2
					12

At the time of this report, 12 of the 22 unresolved grievances involved 5 Certified Professional Guardians/Conservators or Agencies with 2 or more grievances.

Regulations Committee

Proposed Changes

Regulation 708	Voluntary Surrender of Certification
Regulation 507.3	Voluntary Surrender, in Lieu of Further Disciplinary Proceedings

Guardianship and Conservatorship Program Regulations

708 ~~Voluntary Surrender~~Retirement or Resignation and Termination of Certification

708.1 A CPGC or Agency ~~may voluntarily surrender certification by shall~~ notifying the Board, in writing, ~~of the date the surrender is to be effective and by complying with the requirements of this regulation~~ that the CPGC or Agency has met all the requirements defined in Section 708.2 to have their termination of certification approved. ~~Staff of the AOC staff is are~~ authorized to grant ~~voluntarily surrender status termination to of a CPGC's (or Agencies's) certification~~ that qualify under these Regulations. AOC ~~s~~Staff ~~denials to voluntarily surrender status request must be of termination of the CPGC's (or Agency's) certification must be reviewed and approved- for approval~~ by the Certification and Application Committee.

708.2 The ~~surrender of~~ termination of certification shall ~~not~~ be effective ~~until when~~ the CPGC or Agency has met the following requirements:

708.2.1 Complied with all statutory and court-ordered requirements for discharge from responsibilities as a guardian or conservator ~~in each case in which the CPGC or Agency has been appointed, with the exception that a guardian and conservator who is not a member of the individual's family and who charges fees for carrying out the duties of court-appointed guardian or conservator may retain guardianship and/or conservatorship over two individuals to ensure the CPGC or Agency no longer meets the definition of "Professional guardian or conservator." RCW 11.130.010 (26);~~

708.2.2 Filed with the Board an affidavit or declaration signed under penalty of perjury stating:

708.2.2.1 Compliance with these requirements.

708.2.2.2 The address where communications may be directed to the former CPGC or Agency, and acknowledging a requirement to keep their address current with the AOC for 36 months following ~~surrender~~ the termination of certification.

2023-12-11 Board Meeting

708.2.2.3 That after ~~surrender~~ the termination of certification, the former CPGC or Agency shall ~~not accept any new clients or engage in work as a CPGC or Agency unless recertified following the rules and regulations applicable to new applicants~~ not engage in work that meets the definition of “Professional guardian or conservator” unless recertified. RCW 11.130.010 (26)

~~708.2.3 The CPGC or Agency shall file the affidavit or declaration required by this regulation within sixty (60) calendar days of the date of the written notice to the Board of the intent to surrender certification.~~

708.3 Failure to file the affidavit or declaration required by this regulation or failure to comply with other statutory or court-ordered requirements regarding discharge from responsibilities as a guardian or conservator shall subject the CPGC or Agency to revocation of certification.

~~708.4 The CPGC or Agency may revoke the notice of intent to surrender certification by notifying the Board in writing.~~

Guardianship and Conservatorship Program Regulations

708 Retirement or Resignation and Termination of Certification

708.1 A CPGC or Agency shall notify the Board, in writing, that the CPGC or Agency has met all the requirements defined in Section 708.2 to have their termination of certification approved. Staff of the AOC are authorized to grant termination of a CPGC's (or Agency's) certification that qualify under these Regulations. AOC Staff denials of termination of the CPGC's (or Agency's) certification must be reviewed for approval by the Certification and Application Committee.

708.2 The termination of certification shall be effective when the CPGC or Agency has met the following requirements:

708.2.1 Complied with all statutory and court-ordered requirements for discharge from responsibilities as a guardian or conservator to ensure the CPGC or Agency no longer meets the definition of "Professional guardian or conservator." [RCW 11.130.010 \(26\)](#);

708.2.2 Filed with the Board an affidavit or declaration signed under penalty of perjury stating:

708.2.2.1 Compliance with these requirements.

708.2.2.2 The address where communications may be directed to the former CPGC or Agency, and acknowledging a requirement to keep their address current with the AOC for 36 months following the termination of certification.

708.2.2.3 That after the termination of certification, the former CPGC or Agency shall not engage in work that meets the definition of "Professional guardian or conservator" unless recertified. [RCW 11.130.010 \(26\)](#)

708.3 Failure to file the affidavit or declaration required by this regulation or failure to comply with other statutory or court-ordered requirements regarding discharge from responsibilities as a guardian or conservator shall subject the CPGC or Agency to revocation of certification.

Guardianship and Conservatorship Program Regulations

507 RESOLUTION WITHOUT COMPLAINT

Grievances not dismissed can be resolved without the filing of a complaint, through the following non-exhaustive methods: An advisory letter (DR 507.1), an Agreement Regarding Discipline (DR 507.2), or voluntary surrender in lieu of discipline (DR 507.3).

507.1 ADVISORY LETTER

An advisory letter may be issued when a complaint is not warranted, but it is appropriate to caution a respondent CPGC concerning his or her conduct. An advisory letter is not confidential and may be subject to a public records request, but will not be posted to the Board's public website. An advisory letter does not constitute a finding of misconduct, is not a sanction, and is not a disciplinary action. An advisory letter may be issued to notify a certified professional guardian and conservator that:

1. While there is insufficient evidence to support disciplinary action, the Standards of Practice Committee believes that continuation of the activities that led to the investigation may result in further Board action against a respondent certified professional guardian and conservator;
2. The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action; or
3. While a certified professional guardian and conservator has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the Standards of Practice Committee believes that repetition of the activities that led to the investigation may result in further Standards of Practice Committee action against a CPGC.

507.2 AGREEMENT REGARDING DISCIPLINE

1. Requirements. Any disciplinary matter or proceeding may be resolved by an Agreement Regarding Discipline at any time. The Agreement Regarding Discipline must be signed by the respondent CPGC and AOC, and approved by the Standards of Practice Committee and the Board. An Agreement Regarding Discipline is a finding of misconduct, is a sanction and is subject to public disclosure

2. Form. An Agreement Regarding Discipline:
 - A. Must provide sufficient detail regarding the particular acts or omissions of the respondent to permit the Standards of Practice Committee to form an opinion as to the propriety of the proposed resolution, including aggravating and mitigating factors considered, so as to make the Agreement Regarding Discipline useful in any subsequent disciplinary proceeding against the respondent CPGC;

 - B. Must set forth the respondent's prior disciplinary record;

 - C. Must state that the Agreement Regarding Discipline is not binding on the Standards of Practice Committee as a final statement of facts about the respondent's conduct until approved by the Certified Professional Guardianship and Conservatorship Board, and that additional facts may be proved in a subsequent disciplinary proceeding;

 - D. Must fix the amount of costs and expenses, if any, to be paid by the respondent;

 - E. May impose terms and conditions and any other appropriate provisions

3. Conditional Approval. The Standards of Practice Committee's approval is conditional, as all Agreements Regarding Discipline must be submitted to the Board for their final approval. The Board's decision on whether to approve an Agreement Regarding Discipline shall be reflected in Board minutes.

4. Response. Upon receipt of a proposed Agreement Regarding Discipline, the respondent CPGC must respond in writing within thirty (30) days to the proposed Agreement Regarding Discipline. The 180 day clock is tolled during the time the Board is awaiting the CPGC's response to a proposed Agreement Regarding Discipline. The CPGC may:

- E. Agree to and sign the Agreement Regarding Discipline;
- F. Propose changes to the Agreement Regarding Discipline;
- G. Reject the Agreement Regarding Discipline and request a hearing;
- H. Voluntarily surrender certification in lieu of further disciplinary proceedings.

507.3 VOLUNTARY SURRENDER, IN LIEU of FURTHER DISCIPLINARY PROCEEDINGS

1. Grounds. A respondent CPGC who desires not to contest or defend against allegations of misconduct may, at any time, voluntarily surrender his or her certification as a CPGC in lieu of further disciplinary proceedings.
2. Process. The respondent first notifies the AOC that the respondent intends to submit a voluntary surrender request and asks AOC, to prepare a statement of alleged misconduct and a declaration of costs. After receiving the statement and the declaration of costs, if any, the respondent may surrender their license by submitting to AOC a signed voluntary surrender, sworn to or affirmed under oath and notarized. The signed voluntary surrender must include the following to be accepted for filing:
 - A. AOC's statement of the alleged misconduct, and either: 1) an admission of that misconduct; or 2) a statement that while not admitting the misconduct the respondent agrees not to contest the facts on which the misconduct is based;
 - B. An acknowledgement that the voluntary surrender may be permanent, including the statement, "I understand that my voluntary surrender may be permanent and that any future application by me for reinstatement as a CPGC will consider the circumstances around the voluntary surrender including resolution of the pending disciplinary action."

- C. A list of all guardian and conservator appointments;
 - D. The completion of the steps stated in Regulation 708 regarding ~~Voluntary Surrender of Certification~~ Retirement or Resignation and Termination of Certification;
 - E. A statement that when applying for any employment as a fiduciary, the respondent agrees to disclose the voluntary surrender in response to any question regarding disciplinary action or the status of the respondent's certification;
 - F. A statement that the respondent agrees to pay any restitution or additional costs and expenses as may be requested by the Standards of Practice Committee, and attaches payment for costs as described in DR 507.3.5; and
 - G. A statement that when the voluntary surrender becomes effective, the respondent will be subject to all restrictions that apply to a CPGC whose certification has been revoked.
3. Public Filing. Upon receipt of a voluntary surrender in lieu of discipline meeting the requirements set forth above, AOC shall file it as a public record of the Standards of Practice Committee. AOC will also notify the superior courts and all other agencies from which the CPGC receives appointments of the voluntary surrender.
4. Effect. A voluntary surrender in lieu of discipline meeting the requirements set forth above, under this rule is effective upon its filing with the AOC and completion of the steps required under Regulation 708 Voluntary Surrender. All disciplinary proceedings against the respondent terminate. However, the Board has the discretion to continue any investigations deemed appropriate under the circumstances to create a sufficient record of the respondent's actions for consideration in the event the respondent seeks certification at a later time, unless the respondent agrees not to seek recertification as part of the voluntary surrender in lieu of discipline.

5. Costs and Expenses.

- A. With the voluntary surrender, the respondent may be required to pay all actual costs for which AOC provides documentation.
- B. If additional proceedings are pending at the time respondent serves the notice of intent to voluntarily surrender, AOC, through disciplinary counsel, may also file a claim under DR 509.13 for costs and expenses for that proceeding.

6. Review of Costs, Expenses. Any claims for costs and expenses not resolved by agreement between the AOC and the respondent may be submitted at any time including after the voluntary surrender, to the Standards of Practice Committee in writing, for the determination of appropriate costs and expenses.

507.4 PROCEDURE IF RESOLUTION NOT REACHED WITHIN 180 DAYS OF GRIEVANCE RECEIPT PLUS TOLLED PERIODS

507.4.1 If the grievance cannot be resolved within one hundred eighty days plus any tolled periods, the Board shall notify the CPGC.

507.4.2 The CPGC may propose a resolution of the grievance with facts and/or arguments.

507.4.3 The Board may accept the proposed resolution or determine that an additional ninety days are needed to review the grievance.

507.4.4 If the Board has not resolved the grievance within the additional ninety days the CPGC may:

- (a) File a motion for a superior court order to compel the Board to resolve the grievance within a reasonable time; or
- (b) Move for the superior court to resolve the grievance instead of being resolved by the Board

Bowman, Kathy

From: K Mewhinney <Rhema.Guardian@outlook.com>
Sent: Friday, July 7, 2023 9:24 PM
To: AOC DL - Guardianship Program
Cc: Bowman, Kathy; Kien, Thai
Subject: RE: [CERTIFIEDGUARDIANS] Guardianship Program Proposed Amendments to Regulation 708 Posted for Comment

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Kathy,
I have a thought, in response to this proposal, the following section.

708.2.2.2 The address where communications may be directed to the former CPGC or Agency, and acknowledging a requirement to keep their address current with the AOC for 36 months following surrender the termination of certification.

I do understand the need for 36 months of contact for vital information on the client however, is there a plan as to how this information would be maintained so that it is off of public websites possibly so that access is somewhat limited?

Kaarina Mewhinney
Rhema Guardianship
Rhema.Guardian@outlook.com
509) 244-0980

Confidentiality Notice:

This message and any attached files may contain confidential information and other HIPPA protected information. The information is intended for the use of the individual(s) or entities originally named as addressees. The improper disclosure of such information may be subject to civil or criminal penalties. If this message reached you in error, please contact the sender and destroy this message. Disclosure, copying, forwarding or distributing by unauthorized individuals or entities is strictly prohibited by law.

From: Certified Guardians <CERTIFIEDGUARDIANS@LISTSERV.COURTS.WA.GOV> **On Behalf Of** Bowman, Kathy
Sent: Friday, June 16, 2023 12:25 PM
To: CERTIFIEDGUARDIANS@LISTSERV.COURTS.WA.GOV
Subject: [CERTIFIEDGUARDIANS] Guardianship Program Proposed Amendments to Regulation 708 Posted for Comment

This message is sent on behalf of Stacey Johnson, Manager, Office of Guardianship and Elder Services

Good Afternoon Board Members, Certified Professional Guardians and Conservators, and Stakeholders:

The Guardianship Program has posted Proposed Amendments to Regulation 708 Voluntary Surrender.

Please follow the link below to review the proposed amendments.

https://www.courts.wa.gov/programs_orgs/Guardian/?fa=guardian.proposed

Comments will be accepted any time between now and the close of business on July 17, 2023.

Please send comments to one of the following addresses:

E-mail comments to:

Or, you may send your comments via US Mail to:

Kathy Bowman
Guardianship Program
Administrative Office of the Courts
P. O. Box 41170
Olympia, WA 98504-1170

Thank you,

Stacey Johnson

Manager | Office of Guardianship and Elder Services

Administrative Office of the Courts

P: 360.705.5302 **F:** 360.956.5700

Stacey.Johnson@courts.wa.gov

www.courts.wa.gov



This e-mail has been sent to everyone in the CERTIFIEDGUARDIANS@LISTSERV.COURTS.WA.GOV mailing list. To reply to the sender, click Reply.

You can remove yourself from this mailing list at any time by sending a "SIGNOFF CERTIFIEDGUARDIANS" command to LISTSERV@LISTSERV.COURTS.WA.GOV.



5727 Baker Way NW Suite 200
Gig Harbor WA 98332
Toll Free 1-877-460-5880
Fax 253-265-3043

July 17, 2023

Certified Professional Guardian/Conservatorship Board
c/o Administrative Office of the Courts
PO Box 41170
Olympia WA 98504

via email only to: guardianshipprogram@courts.wa.gov

Re: Comments to Proposed Regulation 708

Dear CPGC Board:

The Washington Association of Professional Guardians (WAPG) appreciates the opportunity to comment on the proposed changes to Regulation 708. WAPG would like to propose some changes (provided in a red line version attached). WAPG also proposed a NEW FORM called Request for Termination of Certification, for CPGCs to initiate a request to terminate their certification.

WAPG agrees “Termination of Certification” is a good title for the regulation. The word “termination” makes the seriousness of the process clear. “Termination of Certification” also covers both reasons to voluntarily terminate: (1) the *surrender* of certification in lieu of discipline (per 507.3); and (2) *resignation* (for example, retirement). Decertification is not (and should not be) a part of the 708 process, so it was not included.

708.1 WAPG proposes changing 708.1 to simply state the purpose of the regulation and clarify its use. The information about AOC’s role in granting termination was moved to a later section of this regulation for simplicity and readability.

708.2 WAPG simplified 708.2 by combining paragraphs. It is confusing to read regulations with many layers of subsections (e.g., 708.X.Y.Z).

708.2.4 WAPG added a subsection specifically for the Designated CPGCs of an agency. Designated CPGC should be reminded of their additional duty to comply with Regulation 706.

708.4 WAPG proposes that the AOC has a timeline for processing the request for termination.

708.5 Finally, WAPG has created a new subsection to address the Board's online database of current and past CPGCs. The Board's database only lists *active* CPGCs. Unlike medical providers, lawyers, and other licensed professionals, there is no online record of past CPGCs. This should be corrected.

The Board was created, in part, to prevent bad guardians from going to another jurisdiction and setting up a practice. When searching for information about a CPGC, the website is the logical place to look. The online database should include the names of all CPGCs regardless of their status—resigned, decertified, inactive, active, etc.

WAPG strongly encourages the Board to keep the names of terminated CPGCs on the AOC website and indicate whether they have resigned, surrendered in lieu of discipline, or been decertified. WAPG looks forward to a robust discussion of this regulation and its proposed changes.

Thank you for the work you do.

Very Truly Yours,

WAPG, President
Karen Klem Newland

WAPG Legislative Committee
Christopher E. Neil
Deborah J. Jameson
Christopher J. Fast
Shannon B. Marsh

Encl:

Proposal re: Regulation 708 Voluntary Surrender (markup & non-markup versions).

Proposed NEW form: Request for Termination of Certification

cc: WAPG Board of Directors
WAPG Members

708 Termination of Certification

708.1 A CPGC or Agency may resign their certification or voluntarily surrender in lieu of discipline (per Regulation 507.3) by: completing the Request for Termination of Certification form; sending it to the AOC; and complying with the requirements of this regulation.

708.2 The termination of certification is initiated when the CPGC or Agency has filed the Request for Termination of Certification form with the AOC, signed under penalty of perjury that:

708.2.1 The CPGC/Agency has complied with all statutory and court-ordered requirements for discharge from their responsibilities as a guardian or conservator to ensure the CPGC or Agency no longer meets the definition of "Professional guardian or conservator." RCW 11.130.010(26);

708.2.2 The CPGC/Agency has provided an address where communications may be directed to the former CPGC or Agency, and acknowledges the requirement to keep their address current with the AOC for 36 months following the termination of certification;

708.2.3 The CPGC/Agency confirms they will not engage in work that meets the definition of "Professional guardian or conservator" unless recertified. RCW 11.130.010(26); and

708.2.4 If an Agency, they have, or will, take the steps necessary to comply with CPGC Regulation 706.

708.3 Failure to file the Request for Termination of Certification required by this regulation or failure to comply with other statutory or court-ordered requirements regarding discharge from responsibilities as a guardian or conservator shall subject the CPGC or Agency to revocation of certification.

708.4 AOC staff are authorized to grant termination of certification requests and shall send confirmation of termination to the CPGC/Agency within 30 days of the receipt of the request. If the request for termination is denied by AOC staff, the request must be reviewed by the Certification and Application Committee within 60 days of the initial request for termination.

708.5 When a Request for Termination of Certification is approved, the AOC shall update the CPGC or Agency's status to "voluntary surrender in lieu of disciplinary proceeding" or to "resignation" in the publicly accessible database.

REQUEST FOR TERMINATION OF CERTIFICATION

I request termination of my certification as a Certified Professional Guardian and Conservator because: *(check only one)*

I am resigning. I certify there is no disciplinary investigation or proceeding pending against me; and I have no personal knowledge that the filing of a grievance of substance is imminent.

I am surrendering my certification in lieu of further disciplinary proceedings against me, per Regulation 507.3.

I certify I have complied with all statutory and court-ordered requirements for discharge from my responsibilities as a guardian/conservator in each case in which I have been appointed in compliance with the definition of "Professional Guardian or Conservator" in RCW 11.130.010(26).

I acknowledge that, if granted, my certification as a professional guardian/conservator in the State of Washington will be immediately terminated. I confirm I will not engage in work that meets the definition of "Professional Guardian or Conservator" as defined in RCW 11.130.010(26), unless recertified.

(check only one)

I am not a Designated CPGC of an Agency.

I am a Designated CPGC of _____
(agency name)

and I certify that the Agency has or will comply with Regulation 706 Changes in Designated Guardian and Conservators.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Dated _____ at _____
(City, State)

Signature _____

Printed Name: _____ CPGC # _____

Contact Information. I understand the AOC must be informed of my address for 3 years.

Address: _____

Phone number: _____ Email: _____

**Termination of Certification is not effective until
confirmed in writing by the Administrative Office of the Courts.**

708 Retirement or Resignation and Termination of Certification

708.1 A CPGC or Agency shall notify the Board, in writing, that the CPGC or Agency has met all the requirements defined in Sections 708.1 and 708.2 to have their termination of certification approved. Staff of the AOC are authorized to grant termination of a CPGC's (or Agency's) certification that qualify under these Regulations. AOC Staff denials to termination of the CPGC's (or Agency's) certification must be reviewed for approval by the Certification and Application Committee. A CPGC or Agency may resign their certification or voluntarily surrender in lieu of discipline (per Regulation 507.3) by: completing the Request for Termination of Certification form; sending it to the AOC; and complying with the requirements of this regulation.

708.2 The termination of certification shall be effective is initiated when the CPGC or Agency has met the following requirements filed the Request for Termination of Certification form with the AOC, signed under penalty of perjury that:

708.2.1 The CPGC/Agency has cComplied with all statutory and court-ordered requirements for discharge from their responsibilities as a guardian or conservator to ensure the CPGC or Agency no longer meets the definition of "Professional guardian or conservator." RCW 11.130.010(26);

~~708.2.2 Filed with the Board an affidavit or declaration signed under penalty of perjury stating:~~

~~708.2.2.1 Compliance with these requirements.~~

~~708.2.2.2 The CPGC/Agency has provided an~~ address where communications may be directed to the former CPGC or Agency, and acknowledged ~~getting the~~ requirement to keep their address current with the AOC for 36 months following the termination of certification;

~~708.2.3 The~~ That after the termination of certification, the former CPGC/_or Agency confirms they shall will not engage in work that meets the definition of "Professional guardian or conservator" unless recertified. RCW 11.130.010(26); and

708.2.4 If an Agency, they have, or will, take the steps necessary to comply with CPGC Regulation 706.

708.3 Failure to file the Request for Termination of Certification affidavit or declaration required by this regulation or failure to comply with other statutory or court-ordered requirements regarding discharge from responsibilities as a guardian or conservator shall subject the CPGC or Agency to revocation of certification.

708.4 AOC staff are authorized to grant termination of certification requests and shall send confirmation of termination to the CPGC/Agency within 30 days of the receipt of the request. If the request for termination is denied by AOC staff, the request must be reviewed by the Certification and Application Committee within 60 days of the initial request for termination.

708.5 When a Request for Termination of Certification is approved, the AOC shall update the CPGC or Agency's status to "voluntary surrender in lieu of disciplinary proceeding" or to "resignation" in the publicly accessible database.



Certified Professional Guardianship and Conservatorship Board

The Regulations Committee wishes to acknowledge the contribution of stakeholders submitting comments to proposed regulation amendments. With respect to submitted comments to the proposed changes to Regulation 708, the Committee notes the following.

- ✓ Current Regulation 708 Voluntary Surrender is a separate process from Regulation 507.3 Voluntary Surrender, In Lieu of Further Disciplinary Proceedings. Regulation 708 Voluntary Surrender refers to situations where an individual is retiring or resigning from the profession and requires only the steps outlined in the regulation. Regulation 507.3 Voluntary Surrender, In Lieu of Further Disciplinary Proceedings has a different series of required actions and is invoked in distinguishable circumstances.

- ✓ The Committee continues to propose the changes to Regulation 708 included in the Board materials, as well as the proposed change to Regulation 507.3, an updated cross-reference to Regulation 708 if adopted.