

Meeting Minutes
September 9, 2024



Certified Professional Guardianship and Conservatorship Board

Monday, September 9, 2024

Zoom Meeting

7:30 a.m. – 9:00 a.m.

MEETING MINUTES

Members Present

Judge Robert Lewis, Chair
Judge Grant Blinn¹
Judge Cadine Ferguson-Brown²
Commissioner Solomon Kim
Ms. Lynda Clark
Ms. Kristina Hammond
Ms. Camille Minogue
Mr. William Reeves
Dr. K. Penney Sanders
Mr. Dan Smerken³
Ms. Susie Starrfield

Guests – See last page

Staff Present

Mr. Christopher Stanley
Ms. Stacey Johnson
Ms. Cynthia Kennedy
Ms. Thai Kien
Ms. Kay King
Ms. Collette Mason
Ms. Maureen Roberts
Ms. Rhonda Scott
Ms. Sherri White

Members Absent

Ms. Melanie Maxwell
Dr. Anita Souza

1. Meeting Called to Order

Judge Robert Lewis called the September 9, 2024 Certified Professional Guardianship and Conservatorship (CPGC) Board meeting to order at 7:30 a.m.

2. Welcome, Roll Call & Approval of Minutes

Judge Lewis welcomed all present and called for approval of the minutes.

Motion: Ms. Minogue moved to approve the August 12, 2024 minutes as written.
Ms. Starrfield seconded. The motion passed.

3. Executive Session (Closed to Public)

4. Reconvene (Open to Public)

5. Chair's Report

Judge Lewis announced that committee reassignments are in progress with the incoming Chair, Judge Ferguson-Brown. The committees will now have co-chairs. The October meeting will be hybrid: both in person and by Zoom. The November meeting falls on Veterans Day, and will instead be held on November 18. A special meeting may be held, or an email vote may occur, if grievance matters need to be voted on prior to the November 18th meeting.

¹ Judge Blinn joined at 8:37 am

² Judge Ferguson-Brown joined at 7:37 a.m.

³ Mr. Smerken joined at 7:37 a.m.

6. Grievance Report

Ms. Scott presented the August grievance report, which is available in the meeting packet. Last month, the Board received five (5) new grievances. There are a total of twenty-five (25) unresolved grievances. Currently, there are two hundred sixty (260) active CPGCs.

7. Application Committee

Ms. Starrfield presented the idea of a mentorship program for experienced and new CPGCs. Board members generally agreed that this would be a good idea to discuss at the October meeting.

8. Vote on Executive Session Discussion

On behalf of the Application Committee, Ms. Starrfield presented the following applications for Board action:

- Motion: Ms. Starrfield moved to deny Henry Amisone's application for certification for lack of transferable skills and decision-making or the use of independent judgement for the benefit of others. Judge Ferguson-Brown seconded. None opposed, none abstained. The motion carries.
- Motion: Ms. Starrfield moved to conditionally approve Rachel Berberich's application for certification with transferrable skills in healthcare and social services. Judge Ferguson-Brown seconded. None opposed, none abstained. The motion carries.
- Motion: Ms. Starrfield moved to approve Heather Chase's application for certification with transferable skills in social services and financial. Judge Ferguson-Brown seconded. None opposed, none abstained. The motion carries.
- Motion: Ms. Starrfield moved to deny Kimberlee Porter's application for certification for lack of transferable skills and decision-making or the use of independent judgement for the benefit of others. Judge Ferguson-Brown seconded. Mr. Reeves opposed, none abstained. The motion carries.
- Motion: Ms. Starrfield moved to approve Vanessa Sherrer's application for certification with transferable skills in social services. Judge Ferguson-Brown seconded. None opposed; Ms. Minogue and Dr. Sanders abstained. The motion carries.

On behalf of the Standards of Practice Committee, Dr. Sanders presented the following grievances for Board action.

- Motion: Dr. Sanders moved to forward grievance 2024-044 to Superior Court as a complete grievance. Seconded. None opposed, none abstained. The motion carries.
- Motion: Dr. Sanders moved to forward grievance 2024-045 to Superior Court as a complete grievance. Ms. Starrfield seconded. None opposed, Ms. Starrfield abstained. The motion carries.

- Motion: Dr. Sanders moved to forward grievance 2024-046 to Superior Court as a complete grievance. Ms. Starrfield seconded. None opposed, none abstained. The motion carries.
- Motion: Dr. Sanders noted for the record that grievance 2024-047 was dismissed by AOC Staff prior to Board meeting due to lack of jurisdiction.
- Motion: Dr. Sanders moved to forward grievance 2024-048 to superior court as a complete grievance. Ms. Starrfield seconded. None opposed, none abstained. The motion carries.
- Motion: Dr. Sanders moved to forward grievance 2024-049 to superior court as a complete grievance. Ms. Starrfield seconded. None opposed, none abstained. The motion carries.
- Motion: Dr. Sanders moved to dismiss grievance 2024-013 following review of court actions. Ms. Starrfield seconded. Ms. Minogue opposed, none abstained. The motion carries.
- Motion: Dr. Sanders moved to dismiss grievance 2024-016 following review of court actions. Ms. Starrfield seconded. None abstained. The motion carries.
- Motion: Dr. Sanders moved to dismiss grievance 2024-018 following review of court actions. Judge Ferguson-Brown seconded. None opposed, none abstained. The motion carries.

9. Wrap Up/Adjourn

Judge Lewis expressed his appreciation for the members of the Board and made heartfelt goodbyes as this is his last meeting as a Board Member. The Board welcomes Judge Ferguson-Brown as the Chair beginning in October. With no other business to discuss, Judge Lewis adjourned the September 9, 2024 CPGC Board meeting at 8:52 a.m. The next Board meeting will be hybrid and take place both at the SeaTac office and via Zoom on October 14, 2024 beginning at 9:00 a.m.

Recap of Motions:

MOTION SUMMARY		STATUS
Motion	It was moved and seconded to approve the August 12, 2024 minutes.	Passed
Motion	Ms. Starrfield moved to deny Henry Amisone's application for certification for lack of transferable skills and decision-making or the use of independent judgement for the benefit of others. Judge Ferguson-Brown seconded. None opposed, none abstained.	Passed
Motion	Ms. Starrfield moved to conditionally approve Rachel Berberich's application for certification with transferrable skills in healthcare and social services. Judge Ferguson-Brown seconded. None opposed, none abstained.	Passed

Motion	Ms. Starrfield moved to approve Heather Chase's application for certification with transferable skills in social services and financial. Judge Ferguson-Brown seconded. None opposed, none abstained.	Passed
Motion	Ms. Starrfield moved to deny Kimberlee Porter's application for certification for lack of transferable skills and decision-making or the use of independent judgement for the benefit of others. Judge Ferguson-Brown seconded. Mr. Reeves opposed, none abstained.	Passed
Motion	Ms. Starrfield moved to approve Vanessa Sherrer's application for certification with transferable skills in social services. Judge Ferguson-Brown seconded. None opposed; Ms. Minogue and Dr. Sanders abstained.	Passed
Motion	Dr. Sanders moved to forward grievance 2024-044 to Superior Court as a complete grievance. Seconded. None opposed, none abstained.	Passed
Motion	Dr. Sanders moved to forward grievance 2024-045 to Superior Court as a complete grievance. Ms. Starrfield seconded. None opposed, Ms. Starrfield abstained.	Passed
Motion	Dr. Sanders moved to dismiss grievance 2024-046 for no jurisdiction. Ms. Starrfield seconded. None opposed, none abstained.	Passed
Motion	Dr. Sanders noted for the record that grievance 2024-047 was dismissed by AOC Staff prior to Board meeting due to lack of jurisdiction.	Passed
Motion	Dr. Sanders moved to forward grievance 2024-048 to superior court as a complete grievance. Ms. Starrfield seconded. None opposed, none abstained.	Passed
Motion	Dr. Sanders moved to forward grievance 2024-049 to superior court as a complete grievance. Ms. Starrfield seconded. None opposed, none abstained.	Passed
Motion	Dr. Sanders moved to dismiss grievance 2024-013 based on court actions. Ms. Starrfield seconded. Ms. Minogue opposed, none abstained.	Passed
Motion	Dr. Sanders moved to commence investigations for grievances 2024-016 based on court actions. Ms. Starrfield seconded, none abstained.	Passed
Motion	Dr. Sanders moved to dismiss grievance 2024-018 based on court actions. Judge Ferguson-Brown seconded. None opposed, none abstained.	Passed

Guests:

Deborah Jameson
Brenda Morales
Melissa McDermott

Karen Newland, Puget Sound Guardians
Glenda Voller

Application Committee
Annual CPGC Recertificaton

Certified Professional Guardianship and Conservatorship Board

Recertification Process

Sherri White, AOC Staff
Kathy Bowmen, AOC Staff
October 14, 2024

Application & Certification Committee Purpose

- ▶ Application and Certification Committee reviews and makes recommendation on individual applications to become certified as a professional guardian and conservator, monthly.
- ▶ Additionally, the Committee reviews administrative decertifications for failure to comply with recertification requirements of General Rule (GR) 23, annually.

Application & Certification Committee Rules and Regs

- ▶ General Rule 23 Rule for Certifying Professional Guardians and Conservators
- ▶ Regulations 100 Series Application Regulations
 - ▶ Individual Certification
 - ▶ Agency Certification
- ▶ Regulations 700 Series Certification Maintenance
 - ▶ Annual Recertification
 - ▶ Termination of Certification (retirement, resignation, or termination)
 - ▶ Inactive Status

Maintenance of Certification

▶ Annual Recertification Reg 703

- ▶ Annually Receive Recertification from every CPGC and Agency
- ▶ GR 23 Disclosures (GR 23(e)(1): judgements, court findings, convictions, APS or CPS findings, licensing or disciplinary actions, changes in employment: employee/employer, residential or business moves or changes
- ▶ Insurance Disclosures (E&O Declaration)
- ▶ Changes in Designated Guardians and Conservators

▶ Termination of Certification Reg 708

- ▶ Retire, resign, leave the practice, change residence, etc.

▶ Inactive Status for CPGC Reg 707

- ▶ Reduced Fee - Insurance Declaration (E&O Disclosure) - GR 23 Disclosure
- ▶ CPGC can have two paid appointments or less (not including family)

Regulation 700 Certification Maintenance

▶ Regulation 102

- ▶ 701 Once certified, all professional guardian and conservators and agencies must maintain their certification through ongoing continuing education and reporting requirements as identified in these Regulations.
- ▶ 703.2.1 Every CPGC and Agency must pay an annual certification fee, which must be paid to the AOC **by August 1 each year**. Every certified guardian and conservator and agency must also submit a GR 23(e) Disclosure by this date.
- ▶ 703.3.1 Failure to pay the required annual certification fee and late fee and submit the required GR 23 (e) Disclosure **by October 1** shall subject the CPGC or Agency **to revocation of certification by the Board**.
- ▶ 703.3.2 To effect such decertification, the **Board shall send a written notice of noncompliance to the CPGC or Agency by certified mail**, directed to the CPGC's or Agency's last known address as maintained on the records of the Administrative Office of the Courts. **The notice shall advise the CPGC or Agency of the pendency of decertification for failure to pay the required annual certification fee and late fee and submit the required declaration.** The notice shall further advise the CPGC or Agency that if the CPGC or Agency believes that an administrative error has been made and that the CPGC or Agency is not in default on the obligation to submit the annual certification fee and late fee and the required declaration, the CPGC or Agency may file a petition requesting an administrative hearing. The petition shall set forth in detail the facts supporting the CPGC's or Agency's claim that an administrative error has been made by the Board and must be signed under penalty of perjury. The CPGC or Agency must file the petition within ten calendar days of notice of the pendency of decertification.

Annual Recertification Admin Process

- ▶ Beginning May 1, a checklist of all active guardians and guardian agencies is compiled, including guardians on inactive status.
- ▶ Beginning June 1, an initial email is sent to CPGC listserv. This email includes instructions and:
 - ❖ Recertification Form(s)
 - ❖ Fee Schedule
 - ❖ Certification Maintenance Regulation 700
- ▶ Recertifications can be completed online or by mail with check.
 - ❖ As they are received, mailed in (paper) recertifications are posted to Guardian Maintenance. To be considered complete, we must receive a completed form, fee, and E&O Insurance Declaration if not exempt.
 - ❖ All recertifications are kept in an electronic “received” folder until October 1. These are then copied to individual and agency folders.
 - ❖ Reminders are sent as a courtesy. To avoid listserv burn-out, a separate curated contact list is created in Outlook, of all CPGCs who have not yet recertified. This list is used beginning with the 2nd Reminder, and is modified for each successive Reminder so it is sent only to those who have not yet recertified.

Annual Recertification 2024

- ▶ For FY2025 Recertification, Reminder dates were:
 - ❖ Initial notice: June 3 by email to listserv
 - ❖ 1st Reminder: June 25 by email to listserv
 - ❖ 2nd Reminder: July 8 by email to curated contact list
 - ❖ 3rd Reminder: July 22 by email to curated contact list
 - ❖ 4th Reminder - Last Chance for Timely Recertification: July 29 by email to curated contact list
 - ❖ 5th Reminder - Late Recertification: August 27 by US Mail and email to curated contact list
 - ❖ 6th Reminder - Phone Calls to Agencies/Individuals who have not yet recertified: September 18
 - ❖ 7th Reminder - Final Last Chance for Late Recertification: September 27 by email to curated contact list
- ▶ Notice of Non-Compliance sent October 11 via email, US Mail and Certified/Return Receipt (this includes opportunity to claim Administrative Error)
- ▶ Application/Certification Committee Meeting - List of individuals/agencies out of compliance: November 25
- ▶ Board Meeting - Vote on Decertification: December 9
- ▶ Retirement or Resignation and Termination of Certification Reg 708
 - ❖ Retire, leave the practice, change residence, etc.

Petition Requesting an Administrative Hearing

▶ 703.3.2 To effect such decertification, the Board shall send a written notice of noncompliance to the CPGC or Agency by certified mail, directed to the CPGC's or Agency's last known address as maintained on the records of the Administrative Office of the Courts. The notice shall advise the CPGC or Agency of the pendency of decertification for failure to pay the required annual certification fee and late fee and submit the required declaration. The notice shall further advise the CPGC or Agency that if the CPGC or Agency believes that an administrative error has been made and that the CPGC or Agency is not in default on the obligation to submit the annual certification fee and late fee and the required declaration, **the CPGC or Agency may file a petition requesting an administrative hearing. The petition shall set forth in detail the facts supporting the CPGC's or Agency's claim that an administrative error has been made by the Board and must be signed under penalty of perjury. The CPGC or Agency must file the petition within ten calendar days of notice of the pendency of decertification.**

Regulations Committee

Regulation 508.3

Regulation 509.5

Content. The Notice to Answer must be substantially in the following form:

In Re:

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NOTICE TO ANSWER

AND TO: Respondent Attorney

1. You are hereby notified that a Complaint Regarding Disciplinary Action (hereinafter, "Complaint") has been filed against you with the Administrative Office of the Courts, a copy of which is served upon you with this Notice. Pursuant to DR 504.1, service is made by registered or certified mail to your address on file with the Administrative Office of the Courts. Service shall be deemed complete on the third day after mailing in accordance with Civil Rule 5(b)(2).
2. You must deliver or mail an original and one copy of your Answer to the Disciplinary Action **within 30 days of service (exclusive of the date of service)** to the Certified Professional Guardianship and Conservatorship Board, Administrative Office of the Courts, P.O. Box 41170, Olympia, WA 98504-1170. Electronic service or filing is not accepted without prior agreement.

3. ~~You are hereby notified that a Complaint Regarding Disciplinary Action (hereinafter, "Complaint") has been filed against you with the Administrative Office of the Courts, a copy of which is served upon you with this Notice. Pursuant to DR 504.1, service is made by registered or certified mail to your address on file with the Administrative Office of the Courts. Service shall be deemed complete on the third day after mailing in accordance with Civil Rule 5(b)(2).~~

4. ~~You must deliver or mail an original and one copy of your Answer to the Disciplinary Action **within 30 days of service (exclusive of the date of service)** to the Certified Professional Guardianship and Conservatorship Board, Administrative Office of the Courts, P.O. Box 41170, Olympia, WA 98504-1170. Electronic service or filing is not accepted without prior agreement.~~

5.3. Upon receipt of your Answer to Disciplinary Action, a Hearing Officer will be appointed to conduct all further proceedings. The Hearing Officer shall ensure that the parties receive notice of the time and place of the hearing at least thirty (30) days before the hearing.

6.4. All disciplinary hearings shall be held within the State of Washington at such place and time as may be directed by the Hearing Officer. Hearings may take place by telephone or other electronic means, at the discretion of the Hearing Officer.

7.5. If you fail to answer within 30 days of the date of service of this Complaint, the Board may proceed to obtain an order of default against you pursuant to DR 508.5. Upon entry of an order of default, the allegations and violations in the formal complaint and any amendments to the complaint are deemed admitted and established for the purpose of imposing discipline and you may not participate further in the proceedings unless the order of default is vacated under this regulation.

8.6. The Certified Professional Guardianship and Conservatorship

Board Disciplinary Regulations govern all proceedings and may be found on the Washington Courts website at:

[Certified Professional Guardianship and Conservatorship Board Regulations](#)

Dated this _____ day of _____, 20____

Certified Professional Guardianship and Conservatorship Board

By _____

509.5 INTERIM SUSPENSION FOR CONVICTION OF A CRIME

1. Definitions.

A. "Conviction" means:

~~i. for the purposes of this rule occurs upon~~ An entry of a plea of guilty, or a verdict of guilty for a crime, unless the ~~defendant~~ person affirmatively shows that the ~~guilty~~ plea or verdict was not accepted or ~~was~~ withdrawn, or

~~ii. upon~~ An entry of a finding or verdict of guilty for a crime, unless the ~~defendant~~ person affirmatively shows that the judgment was arrested or a new trial was granted.

Conviction does not include findings or verdicts that were disclosed by the person at the time of application for professional guardian or conservator certification. Convictions previously disclosed at the time of application are not addressed by this regulation and are governed by Washington State Court General Rule 23 and the Board's Series 100 Application Regulations.

B. ~~"Serious Crime" includes any means, regardless of whether under a law of~~ Washington, any other state, or the United States:

~~i. Felony~~ Any felony criminal offense;

~~ii. Crime~~, A criminal offense, a necessary element of which, as determined by its statutory or common law definition, includes ~~any of the following~~ dishonesty, neglect, abuse, violence, or use of physical force;

~~a. Commission of an act of violence;~~

~~b. Interference with the administration of justice;~~

~~c. Perjury;~~

~~d. Fraudulent misrepresentation;~~

~~e. Bribery;~~

~~f. Extortion;~~

~~g. Misappropriation;~~

~~h. Theft.~~

~~iii. Attempt, or a conspiracy, or solicitation of another, to commit a~~ "serious crime" Any criminal offense listed under RCW 43.43.830
Background checks – Access to children or vulnerable persons -
Definitions;

iv. Any criminal offense listed under RCW 43.43.842 Vulnerable adults – Additional licensing requirements for agencies, facilities, and individuals providing services; or

v. Any criminal offense relevant to the functions assumed as guardian or conservator.

~~2. Procedure upon Conviction.~~

~~If a CPGC is convicted of a felony or other serious crime involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator, or, is convicted of a misdemeanor or gross misdemeanor involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator, AOC must file with the Board a certified copy of the judgment and sentence that sets out such conviction. The Board shall decertify a professional guardian and conservator upon the conviction of such crimes, under either state or federal law, regardless whether such conviction is after a plea of guilty, nolo contendere, not guilty, or otherwise, and regardless of the pendency of any appeal.~~

~~AOC must also petition the Standards of Practice Committee Chair for an order suspending the respondent CPGC during the pendency of disciplinary proceedings.~~

~~The decertification shall be effective upon the filing of a certified copy of such conviction with the Board. The Board shall file the certified copy of the conviction with other Board records pertaining to the professional guardian's certification. The Board shall provide written notice of the decertification to the professional guardian and conservator by certified mail, directed to the guardian and conservator's last known address maintained by the AOC. The notice shall advise the professional guardian and conservator of the decertification and the reason(s) for the decertification. The notice shall further advise that if the professional guardian and conservator should not have been decertified by the Board, the professional guardian and conservator may file a petition requesting an administrative hearing. The petition shall set forth in detail the facts supporting the professional guardian and conservator's claim that an administrative error has occurred and that the professional guardian and conservator has not been convicted of a felony, or a misdemeanor or gross misdemeanor involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator. The petition must be signed by the professional guardian and conservator under penalty of perjury. The professional guardian and conservator must file the petition within 15 days of the date of mailing of the Board's notice of decertification. Any petition not filed within 15 days shall be dismissed by the Board. If a timely petition is filed by the professional guardian and conservator, the Board Chair shall appoint a three-person Review Panel to conduct a hearing on the petition. The sole issue before the Review Panel shall be to determine whether the professional guardian has been convicted of a felony, or of a misdemeanor or gross misdemeanor involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator. In the sole discretion of the Review Panel, the hearing may be held by telephone. The Review Panel shall make written findings and a recommendation about whether the petition should be granted. The findings and recommendation of the Review Panel shall be filed with the Board and served by first-class mail on the professional guardian and conservator.~~

~~The Board shall review the decision of the Review Panel and shall make a decision approving or denying the petition. If the petition is approved, then the professional guardian and conservator shall be eligible for recertification, if the professional guardian and conservator shows proof of compliance with all other requirements for certification. The members of the Review Panel shall not participate in the decision of the Board. A copy of the Board's order shall be sent by first-class mail to the professional guardian and conservator. Any such order shall be final.~~

~~A. If a CPGC is convicted of a crime that is not a felony, a serious crime, or a misdemeanor or gross misdemeanor involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator, the Standards of Practice Committee considers a report of the conviction in the same manner as any other report of possible misconduct by a CPGC~~

~~3. Petition. A petition to the Standards of Practice Committee for suspension under this rule must include a copy of any available document establishing the fact of conviction. AOC may also include additional facts, statements, arguments, affidavits, and documents in the petition. AOC must serve a copy of the petition on the respondent, and proof of service filed with the AOC.~~

~~24. Immediate Interim Suspensionsuspension procedure. If the crime of conviction is a felony or other serious crime or a misdemeanor or gross misdemeanor involving dishonesty, neglect, abuse, or use of physical force, or otherwise relevant to the functions of a guardian or conservator, the Standards of Practice Committee must enter an order immediately suspending the respondent's CPGC certification.~~

~~A. If suspended, the respondent must comply with DR 509.4.4. Upon conviction of a certified professional guardian or conservator (CPGC) of a crime, the Administrative Office of the Courts (AOC) must file a certified copy of the judgment and sentence with the Board.~~

~~A.B. Suspension under this rule occurs: The Standards of Practice Committee (SOPC) shall review the certified copy of the judgment and issue an order suspending the CPGC (respondent) during the pendency of disciplinary proceedings under these rules.~~

~~i. Whether the conviction was under a law of this state, any other state, or the United States;~~

~~ii. Whether the conviction was after a plea of guilty, nolo contendere, not guilty, or otherwise; and~~

~~iii. Regardless of the pendency of an appeal of the underlying conviction.~~

C. The SOPC will direct service of a copy of the order on the respondent.

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D. When suspended, the CPGC must comply with DR 509.4.4 – Duties of CPGC upon suspension.

~~5. Duration of Interim Suspension. An interim suspension under this rule must terminate when the disciplinary proceedings in response to the complaint are fully completed or after appeal of the Standard of Practice Committee's decision.~~

~~63. Termination of interim Suspensionssuspension.~~

~~A. Petition and Response. A respondent may at any time petition the Standards of Practice Committee to recommend termination of an interim suspension. AOC, through disciplinary counsel, may file a response to the petition. An interim suspension will terminate when the disciplinary proceeding under these rules, including any review or appeal of a disciplinary sanction, is complete.~~

~~B. Standards of Practice Committee Recommendation. If either party requests, the Standards of Practice Committee must hear oral arguments on the petition at a time and place and under terms as the Standards of Practice Committee Chair directs. The Standards of Practice Committee may recommend termination of a suspension only if the Committee makes an affirmative finding of good cause to do so. There is no right of appeal from a Standards of Practice Committee's decision regarding interim suspension. At any time, the suspended CPGC may petition the Board to terminate the interim suspension.~~

i. The SOPC, through disciplinary counsel, may file a response. Any response must be filed within 5 business days. The response shall be served on the respondent CPGC.

ii. If either the suspended CPGC or the SOPC requests, a Hearing Officer appointed for the matter must hear oral arguments on the petition at a time and place and under terms as the Hearing Officer directs.

iii. The Hearing Officer shall make written findings and may recommend to the Board that the interim suspension be terminated only upon an affirmative finding of good cause to do so. Any recommendation of the Hearing Officer shall be considered by the Board at its next scheduled meeting.

iv. There is no appeal right from a decision on this petition.

509.5 INTERIM SUSPENSION FOR CONVICTION OF A CRIME

1. Definitions.

A. "Conviction" means:

- i. An entry of a plea of guilty or a verdict of guilty for a crime, unless the person affirmatively shows that the plea or verdict was not accepted or withdrawn; or
- ii. An entry of a finding or verdict of guilty for a crime, unless the person affirmatively shows that the judgment was arrested or a new trial was granted.

Conviction does not include findings or verdicts that were disclosed by the person at the time of application for professional guardian or conservator certification. Convictions previously disclosed at the time of application are not addressed by this regulation and are governed by Washington State Court General Rule 23 and the Board's Series 100 Application Regulations.

B. "Crime" means, regardless of whether under a law of Washington, any other state, or the United States:

- i. Any felony criminal offense;
- ii. A criminal offense, a necessary element of which, as determined by its statutory or common law definition, includes dishonesty, neglect, abuse, violence, or use of physical force;
- iii. Any criminal offense listed under RCW 43.43.830 Background checks – Access to children or vulnerable persons - Definitions;
- iv. Any criminal offense listed under RCW 43.43.842 Vulnerable adults – Additional licensing requirements for agencies, facilities, and individuals providing services; or
- v. Any criminal offense relevant to the functions assumed as guardian or conservator.

2. Interim suspension procedure.

- A. Upon conviction of a certified professional guardian or conservator (CPGC) of a crime, the Administrative Office of the Courts (AOC) must file a certified copy of the judgment and sentence with the Board.
- B. The Standards of Practice Committee (SOPC) shall review the certified copy of the judgment and issue an order suspending the CPGC (respondent) during the pendency of disciplinary proceedings under these rules.
- C. The SOPC will direct service of a copy of the order on the respondent.
- D. When suspended, the CPGC must comply with DR 509.4.4 – Duties of CPGC upon suspension.

3. Termination of interim suspension.

- A. An interim suspension will terminate when the disciplinary proceeding under these rules, including any review or appeal of a disciplinary sanction, is complete.
- B. At any time, the suspended CPGC may petition the Board to terminate the interim suspension.
 - i. The SOPC, through disciplinary counsel, may file a response. Any response must be filed within 5 business days. The response shall be served on the respondent CPGC.
 - ii. If either the suspended CPGC or the SOPC requests, a Hearing Officer appointed for the matter must hear oral arguments on the petition at a time and place and under terms as the Hearing Officer directs.
 - iii. The Hearing Officer shall make written findings and may recommend to the Board that the interim suspension be terminated only upon an affirmative finding of good cause to do so. Any recommendation of the Hearing Officer shall be considered by the Board at its next scheduled meeting.
 - iv. There is no appeal right from a decision on this petition.

Grievance Report

September 2024

Certified Professional Guardian and Conservator
Grievance Status
September 2024

Activity during September 2024	
New Grievances Received in September 2024:	9
Grievances Dismissed by Board:	4
Grievances Forwarded to Superior Court:	5
Grievances Determined for Investigation:	0

Grievance Resolutions (UGA)	2022	2023	2024
Total Grievances Received	75	69	56
Dismissed: No Jurisdiction, Insufficient Grievance	30	22	17
Forwarded to Superior Court	45	47	32
Dismissed Following Court Review	39	37	12
Dismissed Following Investigation	5	7	2
Open Pending Investigation, CRC Review or Other Disciplinary Process	1	2	2

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: 260

Grievances Pre-UGA

Pre-UGA Grievance Status	2021
Grievances Resolved this Month:	0
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 and Conservators, or Agencies with Multiple Open Grievances

ID	Year Certified	2024	2023	2021	Total OPEN
A	2012	1	2		3
B	2009	3			3
C	2014	2			2
D	2017	3			3
E	2016	2			2
F	2011	3			3
G	2002	1		1	2
					18

At the time of this report, 18 of the 29 unresolved grievances involve 7 Certified Professional Guardians/Conservators or Agencies with two or more grievances.