

Meeting Minutes
February 10, 2025



Certified Professional Guardianship and Conservatorship Board

Monday, February 10, 2025

7:30 a.m. – 9:00 a.m.

MEETING MINUTES

Members Present

Judge Cadine Ferguson-Brown, Chair
Commissioner Solomon Kim, Co-chair
Judge Nancy Retsinas
Jack Vogel
Ms. Iris Kingston
Dr. K. Penney Sanders
Mr. Daniel Smerken
Dr. Anita Souza
Ms. Kristina Hammond
Ms. Camille Minogue

Staff Present

Ms. Stacey Johnson
Ms. Cynthia Kennedy
Ms. Rhonda Scott
Ms. Kay King
Ms. Collette Mason
Ms. Sherri White
Ms. Erica Cervantes¹
Ms. Leanna Mistachkin
Mr. Christopher Stanley¹

Members Absent

Judge Jeremy Schmidt
Commissioner Lynn Fleischbein

Ms. Suzanne Thompson-Wininger

1. Meeting Called to Order

Judge Ferguson-Brown called the February 10, 2025 Certified Professional Guardianship and Conservatorship (CPGC) Board meeting to order at 7:30 a.m.

2. Welcome, Roll Call & Approval of Minutes

Judge Ferguson-Brown welcomed all present and then called for approval of the minutes.

Motion: Mr. Smerken moved to approve the January 13, 2025 minutes with a correction of a typo under section 4. Commissioner Kim seconded. 9 in favor. The motion carries.

3. Executive Session (Closed to Public)

4. Chair's Report

Judge Ferguson-Brown welcomed new AOC staff member Leanna Mistachkin. She provided notice that the Board's in-person meetings would no longer be held in the AOC Sea-Tac location. More information regarding an in-person meeting location will be provided at a later date. Judge Ferguson-Brown also made note that Board members were provided with documentation about the Board's recusal procedures to assist with clarifying the process around recusals.

5. Grievance Report

Ms. Scott presented the January grievance report, which is available in the meeting packet. The Board received seven (7) new grievances in January. Four grievances were forwarded to Superior Court. There are a total of thirty-seven unresolved grievances. 12 of the thirty-seven

grievances involve CPGCs or agencies with two or more grievances. Currently, there are two hundred fifty-seven (256) active CPGCs.

6. Reconvene (Open to Public)

The meeting reconvened at 8:54 am.

7. Vote on Executive Session Discussion

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

Motion: Mr. Smerken moved to investigate grievance 2025-002. Commissioner Kim seconded. 9 in favor. None opposed. The motion carries.

Motion: Mr. Smerken moved to refer grievance 2025-003 to superior court. Commissioner Kim seconded. 8 in favor. Ms. Minogue opposed. The motion carries.

Motion: Ms. Hammond moved to refer grievance 2025-004 to superior court. Commissioner Kim seconded. 9 in favor. None opposed. The motion carries.

Motion: Judge Retsinas moved to refer grievance 2025-007 to superior court. Judge Ferguson-Brown seconded. 9 in favor. None opposed. The motion carries.

Motion: Judge Ferguson-Brown moved to refer grievance 2025-008 to superior court. Ms. Hammond seconded. 8 in favor. Mr. Smerken opposed. The motion carries.

Motion: Commissioner Kim moved to refer grievance 2025-009 to superior court. Judge Ferguson-Brown seconded. 8 in favor. None opposed. Judge Retsinas recused. The motion carries.

Motion: Judge Ferguson-Brown moved to dismiss grievance 2024-043 following court review. Mr. Smerken seconded. 7 in favor. None opposed. Ms. Minogue abstained. Judge Retsinas recused. The motion carries.

Motion: Mr. Smerken moved to dismiss grievance 2024-070 following court review. Judge Ferguson-Brown seconded. 7 in favor. None opposed. Ms. Minogue abstained. Judge Retsinas recused. The motion carries.

Motion: Mr. Smerken moved to dismiss grievances 2024-044 and 2024-045 following court review. Judge Retsinas seconded. 9 in favor. None opposed. The motion carries.

Motion: Mr. Smerken moved to dismiss grievance 2024-042 following court review. Judge Retsinas seconded. 8 in favor. None opposed. Ms. Minogue abstained. The motion carries.

Motion: Commissioner Kim moved to dismiss grievance 2024-037 for no actionable conduct. Ms. Hammond seconded. 7 in favor. Ms. Minogue opposed. The motion carries.

Noted for the record that 2025-005 and 2025-006 have been dismissed for no jurisdiction, and 2024-074 has been tabled to the March 10, 2025 meeting.

8. Wrap Up/Adjourn

With no other business to discuss, Judge Ferguson-Brown adjourned the February 10, 2025 CPGC Board meeting at 9:09 a.m. The next Board meeting will take place via Zoom on March 10, 2025, beginning at 7:30 a.m.

Recap of Motions:

MOTION SUMMARY		STATUS
Motion	Mr. Smerken moved to approve the January 13, 2025 minutes with a spelling correction. Commissioner Kim seconded. 9 in favor.	Passed
Motion	Mr. Smerken moved to investigate grievance 2025-002. Commissioner Kim seconded. 9 in favor. None opposed.	Passed
Motion	Mr. Smerken moved to refer grievance 2025-003 to superior court. Commissioner Kim seconded. 8 in favor. Ms. Minogue opposed.	Passed
Motion	Ms. Hammond moved to refer grievance 2025-004 to superior court. Commissioner Kim seconded. 9 in favor. None opposed.	Passed
Motion	Judge Retsinas moved to refer grievance 2025-007 to superior court. Judge Ferguson-Brown seconded. 9 in favor. None opposed.	Passed
Motion	Judge Ferguson-Brown moved to refer grievance 2025-008 to superior court. Ms. Hammond seconded. 8 in favor. Mr. Smerken opposed.	Passed
Motion	Commissioner Kim moved to refer grievance 2025-009 to superior court. Judge Ferguson-Brown seconded. 8 in favor. None opposed. Judge Retsinas recused.	Passed
Motion	Judge Ferguson-Brown moved to dismiss grievance 2024-043 following court review. Mr. Smerken seconded. 7 in favor. None opposed. Ms. Minogue abstained. Judge Retsinas recused.	Passed
Motion	Mr. Smerken moved to dismiss grievance 2024-070 following court review. Judge Ferguson-Brown seconded. 7 in favor. None opposed. Ms. Minogue abstained. Judge Retsinas recused.	Passed
Motion	Mr. Smerken moved to dismiss grievance 2024-044 and 2024-045 following court review. Judge Retsinas seconded. 9 in favor. None opposed.	Passed
Motion	Mr. Smerken moved to dismiss grievance 2024-042 following court review. Judge Retsinas seconded. 8 in favor. None opposed. Ms. Minogue abstained.	Passed
Motion	Commissioner Kim moved to dismiss grievance 2024-037 for no actionable conduct. Ms. Hammond seconded. 7 in favor. Ms. Minogue opposed.	Passed

Guests:

Samantha Hellwig, general counsel (AAG)
Deborah Jameson

Sarah Tremblay²
Karen Newland, Puget Sound Guardians

Grievance Review

February 2025

Certified Professional Guardian and Conservator
Grievance Status
February 2025

Activity during February 2025	
New Grievances Received in February 2025:	4
Grievances Dismissed by Board:	4
Grievances Forwarded to Superior Court:	5
Grievances Determined for Investigation:	1

Grievance Resolutions (UGA)	2022	2023	2024	2025
Total Grievances Received	75	69	81	11
Dismissed:	30	22	23	2
No Jurisdiction	13	8	13	2
Insufficient Grievance	17	14	10	0
Forwarded to Superior Court	45	47	57	7
Dismissed Following Court Review	39	38	26	0
Dismissed Following Investigation	5	7	4	0
Open Pending Investigation, CRC Review or Other Disciplinary Process	1	2	5	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: 255

Grievances Pre-UGA

Pre-UGA Grievance Status	2021
Total Grievances Pending Investigation Resolution:	1

Guardians and Conservators, or Agencies with Multiple Open Grievances

ID	Year Certified	2021	2023	2024	2025	Total OPEN
A	2015	0	0	2	0	2
B	2002	1	0	1	0	2
C	2009	0	0	1	2	3
D	2011	0	0	3	0	3
E	2012	0	2	2	0	4
F	2020	0	0	1	1	2
G	2014	0	0	1	1	2
H	2015	0	0	1	1	2
I	2016	0	0	2	0	2
J	2017	0	0	6	0	6
K	2022	0	0	2	0	2
						30

At the time of this report, 30 of the 41 unresolved grievances involve 11 Certified Professional Guardians/Conservators or Agencies with two or more grievances.

Regulations Committee

Regulation 509.6

Interim Suspension in Other Circumstances

Regulation 508.1

Resolution with Complaint

Regulation 501.1

Scope Jurisdiction and Definitions

509.6 INTERIM SUSPENSION IN OTHER CIRCUMSTANCES

1. Types of Interim Suspension. An interim suspension may be applicable under any of the following circumstances.

- A. ~~Standards of Practice Committee~~ Finding of Risk to Public. ~~AOC The Standards of Practice Committee~~ may petition ~~the Standards of Practice Committee~~ the Board for an order suspending the respondent CPGC during the pendency of any proceeding under these rules if: it appears that a respondent's continued practice as a CPGC poses a substantial threat of serious harm to the public.
- B. ~~Standards of Practice Committee~~ Recommendation for Decertification. When the recommended sanction in a Complaint is decertification, ~~AOC the Standards of Practice Committee may may file a~~ petition the Board for the respondent's suspension during the remainder of the proceedings.
- C. Failure ~~To to~~ Cooperate with Investigation. When any CPGC fails without good cause to comply with a request under DR 505.2.5 for information or documents, or with a subpoena issued under DR 504.6, ~~AOC the Standards of Practice Committee~~ may petition ~~the Standards of Practice Committee~~ the Board for an order suspending the CPGC pending compliance with the request or subpoena. If the CPGC complies with the request or subpoena, the Board may lift the suspension on terms the Board deems appropriate. ~~the Standards of Practice Committee may lift the suspension on terms the Standards of Practice Committee deems appropriate.~~

2. Procedure.

- A. Hearing Officer. Petitions under this regulation, and requests to lift or terminate interim suspensions, shall be heard by a Hearing Officer appointed for that purpose. The rules in DR 508.10 related to disciplinary proceedings shall apply. The Board shall act promptly upon recommendations from the Hearing Officer.
- A-B. Petition. A Petition to the ~~Standards of Practice Committee~~ Board under this ~~rule~~ regulation must set forth the acts of the CPGC constituting grounds for interim suspension. The Petition may be supported by documents or affidavits. The AOC staff must serve the Petition on the ~~Standards of Practice Committee~~ Board and respondent CPGC.
- B-C. Show Cause Order. Upon filing of the Petition, ~~the Standards of Practice Committee Chair~~ the Hearing Officer orders the respondent CPGC to appear in person or telephonically before the ~~Standards of Practice Committee Hearing Officer~~ to show cause why the Petition for interim suspension should not be granted. This Show Cause Hearing

cannot occur less than ten (10) days after service on the respondent CPGC of the Show Cause Order.

G.D. Answer to Petition. The respondent CPGC may answer the Petition. An Answer may be supported by documents or affidavits. Failure to answer does not result in default or waive the right to appear at the Show Cause Hearing.

D.E. Filing of Answer. Any Answer must be ~~filed with~~ served on the AOC within ten (10) days of ~~receipt~~ service of the Show Cause ~~Order~~ Hearing. In lieu of a written Answer, the respondent CPGC may provide their Answer orally at the Show Cause Hearing.

D.F. Show Cause Hearing. ~~The respondent CPGC must~~ may appear before the Hearing Officer either in person or electronically at the hearing to show cause why the Petition for interim suspension should not be granted. The respondent CPGC may provide testimony and present witnesses at the hearing. If, after proper notice, the respondent CPGC fails to attend the hearing, the Hearing Officer may enter an Order of Default as set forth in section 508.5.3.

G. Settlement Agreement. At any time a respondent CPGC and ~~Standards of Practice Committee~~ the Standards of Practice Committee may stipulate that the respondent CPGC be suspended during the pendency of any investigation or proceeding ~~because of conviction of a serious crime or for the reasons enumerated in section 509.6.1 a substantial threat of serious harm to the public.~~ Settlement Agreements under this ~~rule~~ regulation are public upon filing with the AOC, but the ~~Standards of Practice Committee~~ Standards of Practice Committee may order that supporting materials are confidential. _

E.H. Termination of Interim Suspension. The respondent CPGC may petition the ~~Standards of Practice Committee~~ Board to terminate the interim suspension, and on a showing that the cause for the interim suspension no longer exists, the ~~Standards of Practice Committee~~ Hearing Officer may ~~terminate~~ recommend termination of the interim suspension to the Board. The same Hearing Officer appointed for the related Show Cause Hearing shall be used whenever practicable. The Board shall act promptly on the Hearing Officer's recommendation.

~~F. Show Cause Hearing. The respondent may appear before the Standards of Practice Committee at the hearing to show cause why the Petition for interim suspension should not be granted.~~

I. Application of Other Rules. If the ~~Standards of Practice Committee~~ Hearing Officer ~~enters~~ recommends that the Board enter an interim order suspending the respondent CPGC, the rules relating to suspended CPGCs, including DR 509.4, apply. The Board shall review the Hearing Officer's recommendation and promptly render a decision. The Board's Orders of Interim Suspension are final, and not subject to Supreme Court review (per section 510.5.4).

Guardianship and Conservatorship Program Regulations

508 RESOLUTION WITH COMPLAINT

508.1 GENERAL PROCEDURE

1. **Applicability of Civil Rules.** The civil rules for the superior courts of the State of Washington serve as guidance in proceedings under this title and, where indicated apply directly.

2. **Hearing Officer.** The Board may appoint a Hearing Officer to conduct disciplinary proceedings under Sections 508 and 509, and recommend decisions to the Board. Hearing Officers shall be selected from a registry maintained by AOC staff listing qualified applicants with guardianship, litigation and judicial decision-making experience.

508.2 COMMENCEMENT OF PROCEEDINGS

1. Complaint.

A. **Filing.** After a preliminary finding of misconduct by the Standards of Practice Committee pursuant to DR 506, a Complaint may be filed by the Board with AOC.

B. **Service.** After the Complaint is filed, AOC must serve the Complaint, with a Notice to Answer, on the respondent CPGC.

C. **Content.** The Complaint must state the respondent CPGC's acts or omissions in sufficient detail to inform the respondent of the nature of the allegations of misconduct and the sanction sought. AOC must sign the Complaint.

D. **Prior Discipline.** Prior disciplinary action against the respondent may be described in the Complaint.

E. **Amendment of Complaint.** AOC may amend a Complaint at any time to add facts or charges. AOC shall serve an Amended Complaint on the respondent as provided in DR 508.3.1(B) with a Notice to Answer. A Respondent must answer the amendments to the complaint as described in DR 508.4.

2. **Joinder.** The Standards of Practice Committee may, in its discretion, consolidate alleged violations relating to two or more grievances against the same respondent in one Complaint, or may consolidate alleged violations against two or more respondents in one Complaint that relate to the same grievance or grievances.

Guardianship and Conservatorship Program Regulations

501.1 DEFINITIONS

Unless the context clearly indicates otherwise, terms used in these rules have the following meanings:

1. **“Advisory Letter”** is a non-disciplinary letter to notify a professional guardian and conservator that:
 - A. While there is insufficient evidence to support disciplinary action, the Board 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; or
 - B. The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action; or
 - C. 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.
2. **“Agreement Regarding Discipline”** is a written settlement agreement approved by the professional guardian and conservator and the Board of a disciplinary matter against a professional guardian and conservator. The final agreement, approved by the parties, is a finding of misconduct, is a sanction and is subject to public disclosure.
3. **“AOC”** means staff of the Administrative Office of the Courts.
4. **“Board”** means the Certified Professional Guardianship and Conservatorship Board.
5. **“Chair”** when used alone means the Chair of the Certified Professional Guardianship and Conservatorship Board.
6. **“Contempt of a Board Proceeding”** means:
 - A. Disorderly, contemptuous, or insolent behavior toward a Hearing Officer while conducting a hearing or other proceeding, tending to impair its authority, or to interrupt the due course of a hearing or other Board proceedings;

- B. Disobedience of any lawful judgment, decree, order, or process of the Certified Professional Guardianship and Conservatorship Board;
 - C. Refusal as a witness to appear, be sworn, or, without lawful authority, to answer a question; or
 - D. Refusal, without lawful authority, to produce a record, document, or other object.
7. **“Complaint”** means the formal document, as described in DR 508.2, filed by the Board with the AOC to initiate a contested hearing before a Hearing Officer for a factual hearing on the issue of whether the professional guardian and conservator’s conduct provides grounds for the imposition of disciplinary sanctions by the Board. In a complaint, the Board describes how the professional guardian and conservator allegedly violated an applicable statute, fiduciary duty, court order, standard of practice, rule, regulation, or other authority. The Board must approve the filing of a complaint.
8. **“Court”** unless otherwise specified, means the Supreme Court of Washington.
9. **“CPGC or CPGCA”** when used alone means a Certified Professional Guardian and Conservator or Certified Professional Guardian and Conservator Agency.
10. **“Decertification”** of a professional guardian and conservator or agency occurs when the Board or the Supreme Court revokes the certification of a professional guardian and conservator or agency for any reason.
11. **“Deliberative Records”** are records that contain preliminary or draft opinions or recommendations as part of a deliberative process.
12. **“Designated CPGC”** means the certified professional guardian and conservator working for an agency who has the final decision-making authority for individuals subject to guardianship and/or conservatorship or their property, finances and estate on behalf of the agency. The designated CPGC is responsible for the actions of the agency(ies) for which they serve as designated CPGC.
13. **“Disciplinary Records”** are the records maintained by the Washington State Administrative Office of the Courts (AOC) of any disciplinary review, sanction, or other action imposed by the Board on the professional guardian and conservator, which shall include the reason for the Board’s action. The AOC shall maintain such records as defined by records retention schedules of the judicial branch and the AOC.

14. **“Disciplinary Action”** encompasses the process described by these disciplinary regulations.
15. **“Disciplinary Counsel”** the Office of the Attorney General serves as disciplinary counsel for complaints, or when otherwise requested by AOC or the Board.
16. **“Grievance”** is a written document filed by any person with the Board, or filed by the Board itself, for the purpose of commencing a review of the professional guardian and conservator’s conduct under the statutes, fiduciary duties, court orders, standards of practice, rules, regulations, any requirement governing the conduct of professional guardian or conservators and any other authority applicable to professional guardian or conservators. The grievance must include a description of the conduct of the professional guardian and conservator that the grievant alleges violates a statute, fiduciary duty, court order, standard of practice, rule, regulation, or other authority applicable to professional guardian and conservators, including the approximate date(s) of the conduct. If the grievant is unable to submit a grievance in written form due to a disability or inability to communicate in written language, it may be communicated orally to AOC staff. AOC staff shall offer to assist the grievant by providing, in written form, the circumstances underlying the grievance, and shall offer to submit what the grievant communicates as the grievance
17. **“Grievant”** means the person or entity who files a grievance against a CPGC.
18. **“Hearing Officer”** means the person appointed by the Board to conduct a disciplinary hearing and ~~render~~ recommend a decision.
19. **“Investigative Records”** are records related to an investigation pursuant to GR 23 and these disciplinary regulations, into the conduct of the professional guardian and conservator, prior to the imposition of any disciplinary sanction or dismissal.
20. **“Motion”** means a written request to the Standards of Practice Committee, Board, Hearing Officer or Supreme Court to issue a ruling or order.
21. **“Party”** means respondent CPGC and the Board.
22. **“Punitive Sanction”** means a sanction imposed to punish.
23. **“Remedial Sanction”** means a sanction imposed for the purpose of assurance performance when a failure to perform consists of the omission or refusal to perform an act that is in the person's power to perform.
24. **“Resignation”** is the act or instance of resigning something, surrendering; the formal notification of resigning.

25. **“Respondent”** means a CPGC or CPGC agency and a designated CPGC against whom a grievance is filed.
26. **“Revoked” or “Revocation”** means a professional guardian and conservator’s certification is cancelled by the Board or the Washington State Supreme Court pursuant to the procedures set forth in these disciplinary regulations or any other regulations of the Board, as a result of the professional guardian and conservator’s failure to comply with any statutes, fiduciary duties, court orders, standards of practice, rules, regulations, any requirement governing the conduct of professional guardian or conservators and any other authority applicable to professional guardian or conservators. The Board must specify whether the CPGC is eligible to apply for certification with the AOC guardian and conservator program at a future date.
27. **“Standard of Practice”** means a model of established practice as promulgated by the Certified Professional Guardianship and Conservatorship Board.
28. **“Summary Judgment”** is a judgment rendered by the court or Hearing Officer prior to a verdict because no material issue of fact exists and one party or the other is entitled to a judgment ascertained through the use of statutes, rules, court decisions, and interpretation of legal principles.
29. **“Suspension”** of a professional guardian and conservator occurs when the Board or the Supreme Court orders that the certification of a professional guardian and conservator or agency be temporarily cancelled for a specified period of time. A suspended professional guardian and conservator or agency may not act as a certified professional guardian or conservator for any person during the period of suspension.
30. **“To File”** means submitting a written document, exhibit, or other information to the AOC regarding a grievance which will be included in the disciplinary record.
31. **“Words of Authority”**
- A. “May” means “has discretion to,” “has a right to,” or “is permitted to”.
 - B. “Must” and “shall” mean “is required to”.
 - C. “Should” means recommended but not required.
32. **“Voluntary Resign (Surrender)”** means a process where a certified professional guardian and conservator voluntarily decides to discontinue practice in the profession and surrenders his or her certification pursuant to regulations adopted by the Board.
33. **“Voluntary Surrender in Lieu of Discipline”** means a process where a certified professional guardian and conservator surrenders certification with a statement of charges for dismissal.