



Certified Professional Guardian Board Meeting

Monday, September 10, 2012(8:00 a.m. – 9:00 a.m.)

Teleconference

Meeting Minutes

Chair

Judge Robert Swisher, Vice-Chair

Members Absent

Judge James Lawler, Chair

Judge Sally Olsen

Members Present

Ms. Robin Balsam

Ms. Gary Beagle

Dr. Barbara Cochrane

Ms. Nancy Dapper

Mr. William Jaback

Mr. Chris Neal

Ms. Emily Rogers

Professor Winsor Schmidt

Ms. Carol Sloan

Commissioner Joseph Valente, Ret.

Staff

Ms. Shirley Bondon

Ms. Katrin Johnson

1. Call to Order

Judge Swisher called the meeting to order.

2. Board Business

Judge Swisher established that a quorum was present.

Approval of Minutes

Judge Swisher asked for changes or corrections to the August 13 and August 20, 2012 minutes.

Motion: *A motion was made and seconded to approve minutes from the August 13 and 20 meetings. The motion passed.*

3. Nominating Committee

Commissioner Valente reviewed board member representation described in General Rule 23 i.e. judges, attorneys, certified professional guardians and advocates for disabled persons.

Judicial Letter of Interest

Commissioner Valente explained that his retirement resulted in one judicial opening on the Board. A letter of interest was received from Commissioner Rachelle E. Anderson, Spokane County Superior Court to fill the opening.

Motion: *A motion was made and seconded to approve Commissioner Anderson to fill the judicial opening on the board created by Commissioner Valente's retirement. The motion passed.*

Attorney Letters of Interest

Chris Neil represents the Washington State Bar Association (WSBA) on the Board and his term is ending. He is eligible for reappointment. WSBA nominates attorney representatives to the Board, although the Board may submit recommendations to WSBA during its selection process.

A motion was made and seconded to support Chris Neil's nomination for a second term on the Board.

Professor Schmidt and Mr. Neil abstained from voting. Motion passed.

A motion was made and seconded to support the nomination of Andrew Heinz. Motion passed.

Public Letters of Interest. The public representatives/advocates for incapacitated persons applications were discussed.

A motion was made and seconded to appoint Ms. Rosslyn Bethmann to the Board. Ms. Emily Rogers abstained from voting. Motion passed.

CPG Letter of Interest. The Board does not have an opening at this time for a CPG.

4. Proposed Change to WAC 460-24A

Mr. Jaback explained possible amendments or proposed changes to the Washington Administrative Code, submitted by the Department of Financial Institution (DFI). Some CPGs serve as Durable Power of Attorney and Trustee. When CPGs are providing these services they are not currently regulated. Some CPGs are concerned that the proposed amendments introduced by DFI may require persons hiring investments advisors to become licensed investment advisors. The Board discussed the amendment and asked Ms. Bondon to inform AOC and the Supreme Court about the issue. Judge Swisher asked that the issue be added to the October agenda for further discussion.

5. Executive Session

Confidential

6. Reconvene- Applications Committee

- Motion:** *A motion was made and seconded to approve the application of Vicki O'Brien. The motion passed.*
- Motion:** *A motion was made and seconded to approve the application of Heather Kurt. The motion passed.*
- Motion:** *A motion was made and seconded to approve the application of Frank Puschak. The motion passed.*
- Motion:** *A motion was made and seconded to approve the application of Judy Glad. The motion passed.*
- Motion:** *A motion was made and seconded to approve the application of Joshua Guthmueller. The motion passed.*
- Motion:** *A motion was made and seconded to approve the application of Alicia Wilson. The motion passed.*
- Motion:** *A motion was made and seconded to approve the application of Loren Sorenson. The motion passed.*
- Motion:** *A motion was made and seconded to approve the application of Steven Depner. The motion passed.*

Agency Application

- Motion:** *A motion was made and seconded to approve the application of Abacus.*

Discussion -Board members asked that an advisory letter accompany the approval indicating Board concerns regarding conflicts of interest with the owners of Abacus exerting influence on the guardians to use the owner's law firm to provide legal services.

Abstained: Ms. Balsam, Ms. Sloan and Mr. Neil. The motion passed.

- Motion:** *A motion was made to table approval of Abacus until it could be discussed further at the next Board meeting. Ms. Rogers seconded the motion. Both the motion and the second came from individuals who voted with the majority. No discussion. Motion passed.*
- Motion:** *A motion was made to reconsider the original motion for the approval of Abacus as a certified professional guardian agency. It*

was moved and seconded that the Board put the application question on the agenda for the next meeting. The motion passed.

Appeal - Carter

Motion: *A motion was made and seconded that the recommendation of the appeal panel, to deny the appeal, be approved. All members of the Appeals panel abstained from voting. The motion passed.*

7. Adjourned

The meeting adjourned at 9:20 a.m. The next meeting is scheduled for October 8th 2012 to be held at the SeaTac office.

Recap of Motions from September 10th, 2012 Meeting

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve the proposed minutes from the August 13 and 20, 2012 meetings.</i>	Passed
Motion: <i>A motion was made and seconded to approve Commissioner Anderson to fill the judicial opening on the board created by Commissioner Valente's retirement.</i>	Passed
Motion: <i>A motion was made and seconded to support Chris Neil's nomination for a second term on the Board.</i>	Passed
<i>Motion: A motion was made and seconded to support the nomination of Andrew Heinz.</i>	Passed
Motion: <i>A motion was made and seconded to have Ms. Rosslyn Bethmann join the Board as a public representative.</i>	Passed
Motion: <i>A motion was made and seconded to approve the application of Vicki O'Brien. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to approve the application of Heather Kurt.</i>	Passed
Motion: <i>A motion was made and seconded to approve the application of Frank Puschak.</i>	Passed
Motion: <i>A motion was made and seconded to approve the application of Judy Glad.</i>	Passed

Motion Summary	Status
Motion: <i>A motion was made and seconded to approve the application of Joshua Guthmueller.</i>	Passed
Motion: <i>A motion was made and seconded to approve the application of Alicia Wilson.</i>	Passed
Motion: <i>A motion was made and seconded to approve the application of Loren Sorenson.</i>	Passed
Motion: <i>A motion was made and seconded to approve the application of Steven Depner.</i>	Passed
Motion: <i>A motion was made and approved for further discussion of the Agency application of Abacus at the next Board meeting.</i>	Passed
Motion: <i>A motion was made and approved for reconsideration and further discussion of the agency application of Abacus at the next Board meeting.</i>	Passed
Motion: <i>A motion was made and seconded to approve the recommendation of the appeal panel, to deny the appeal.</i>	Passed
Action Item Summary	
Action Item: Ms. Bondon will inform AOC and the Supreme Court about the issues related to the proposed change to WAC 460-24A.	Completed