



Certified Professional Guardianship Board
Monday, November 17, 2014 (8:00 a.m. – 9:00 a.m.)
Telephone Conference

Meeting Minutes

Members Present

Judge James Lawler, Chair
Commissioner Rachelle Anderson
Commissioner Diana Kiesel
Mr. Gary Beagle
Ms. Rosslyn Bethmann
Dr. Barbara Cochrane
Mr. Andrew Heinz
Mr. William Jaback
Ms. Carol Sloan
Mr. Gerald Tarutis

Members Absent

Judge Robert Swisher
Ms. Nancy Dapper

Staff

Ms. Carla Montejo
Ms. Sally Rees
Ms. Kim Rood

1. Call to Order

Judge Lawler called the meeting to order at 8:05 a.m.

2. Welcome and Introductions

Judge Lawler welcomed Board members and members of the public to the meeting.

3. Approval of Minutes

Judge Lawler asked for changes or corrections to the October 20, 2014 proposed minutes. Mr. Beagle asked that there be an addition to the minutes to reflect the conversation that took place regarding the guardianship complaint procedure proposed by the Elder Law Section of the WSBA. The conversation took place during the Chair's Report. Administrative Office of the Courts (AOC) staff will prepare for Mr. Beagle's approval.

Motion: *A motion was made and seconded to approve minutes with the above referenced addendum from the October 20th, 2014 meeting. The motion passed.*

4. Chair's Report

- **WAPGs proposed changes to GR 23 and also to GR 31.1.** This is a process that will go through the Rules Committee of the Supreme Court. Judge Lawler met with Justice Johnson and Justice Owens regarding this matter. The proposed changes included would be to change the membership of the Board to 15, with five members being Certified Professional Guardians. Other proposed changes were regarding the investigation process, and to continue the present protection from disclosure for unfounded complaints. Judge Lawler reviewed the history of the Board; when the Board was started

there were 14 to 15 members and that became too unwieldy, so over the years the Board has reverted to the current number of 13 members. Judge Lawler related that history to the Justices along with information regarding the number of complaints, and how the complaints are investigated. Judge Lawler also gave perspective on how the Board and the Committees work. Judge Lawler commented that these proposed changes are in the beginning stages.

- **Guardianship Complaint Procedure proposed by the Elder Law Section of the WSBA.** Judge Lawler noted that these are changes to RCW 11.88.120, Modification or termination of guardianship – Procedure. Judge Lawler stated that if someone wanted to remove a guardian, this is the statute used. This statute also deals with the notification by the court to the CPG Board. (The requested changes are in the meeting materials). Judge Lawler stated that there was concern by CPGs with the last line of the suggested change, “Any further action taken by CPGB shall be consistent with the court order.” Judge Lawler stated it would be a good thing to have these steps clarified for the guardians and for the people who might be complaining against them or otherwise involved.
- **Legislation Limiting a Guardian’s Ability to Limit Contact between an Incapacitated Person and Another Person.** Judge Lawler noted that there are a number of changes that have been proposed. The premise of the changes are that a CPG should not be able to isolate an incapacitated person (IP) from family or friends, and the only reason to do so would be to protect the IP. When this was put into practice, originally, this could be done without notice, but only for the time necessary to file a petition for a court order. In the proposed language it states no more than 30 days.

Judge Lawler asked the members of the Board whether they felt the time frame of 30 days was sufficient. It was deemed sufficient.

A Board member questioned whether there was some definition of “substantial harm” and whether that could be referenced in the CPG Board Minutes? Mr. Beagle noted that if you looked on the National Guardianship Association website, the definition of substantial harm would be included in the Standards of Practice. (You may find it at http://guardianship.org/documents/Standards_of_Practice.pdf)

- **Proposed Rules – Responses to Request for Public Comment.** Comments will be made available at the next Board meeting.

5. Executive Session (*Closed to the public*)

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

Appeals Panel¹

Mr. Heinz presented the recommendation to the Board on behalf of the Appeals Panel.

Motion: *A motion was made and seconded to reverse the denial of Clare Brown’s application to be a certified professional guardian. The motion passed.*

Standards of Practice Committee²

Staff presented two Agreements Regarding Discipline to resolve CPG Board Grievances # 2011-038 and 2011-042.

Motion: *A motion was made and seconded to approve the Agreement Regarding Discipline for Paula Zamudio for Letter of Admonishment. The motion passed.*

Motion: *A motion was made and seconded to approve the Agreement Regarding Discipline for Marykay Lamoureaux for a Letter of Reprimand. The motion passed.*

7. Wrap Up and Adjourn

Meeting was adjourned at 8:50 a.m. The next Board meeting will be an in-person meeting held on Monday, January 12th, 2015 at the SeaTac Office Center, 18000 International Blvd., Suite 1106, SeaTac, WA.

Recap of Motions from November 17th, 2014 Meeting

Motion Summary	Status
Motion: <i>A motion was made and seconded to reverse the denial of Clare Brown’s application. The motion passed.</i>	Passed
Motion: <i>A motion was made and seconded to approve the Agreement Regarding Discipline for Paula Zamudio, CPGB # 2011-038 and 2011-042. The motion passed. Commissioner Kiesel abstained.</i>	Passed
Motion: <i>A motion was made and seconded to approve the Agreement Regarding Discipline for Marykay Lamoureaux, CPGB # 2011-038 and 2011-042. The motion passed. Commissioner Kiesel abstained.</i>	Passed

¹ Members of the Appeals Panel did not vote.

² Members of the Standards of Practice Committee did not vote.

Action Items	Status
<i>None at this time.</i>	