



**Certified Professional Guardianship and Conservatorship Board  
Regulations Committee**

Tuesday, December 6, 2022

Zoom Meeting

8:00 am – 9:00 am

**Meeting Minutes**

**Members Present**

Mr. Dan Smerken, Chair  
Ms. Lisa Malpass  
Mr. William Reeves\*

**Members Absent**

Judge Cadine Ferguson-Brown

**Guests**

Judge Grant Blinn\*  
Judge Diana Kiesel\*  
Dr. K. Penney Sanders

**Staff**

Ms. Kay King

**1. Meeting Called to Order and Roll Call**

The meeting was called to order at 8:00 am.

**2. Minutes from November 2022 Meeting**

The minutes from the meeting of November 8, 2022 were approved as submitted.

**3. GR 23, Board Regulation 501 and Scope of Board's Jurisdiction**

The Committee discussed the issue of the scope of, and limits on, the Board's authority to investigate CPGC activities that are not related to a CPGC's actions in a guardianship and/or conservatorship case. The Committee discussed the language of GR 23 and the language of regulations as they currently exist. The Committee discussed the difference between the finding of a court or administrative agency vs. investigating a pending case or proceeding. It was suggested that if probable cause had been found in a criminal case, that it may be possible to look at the Board's options. Some attendees opined that the language of GR 23 limits the Board's authority to investigate CPGC activities if they occur outside the CPGC's work in guardianship/ conservatorship cases. A Committee member questioned whether APS findings can be taken as established fact, absent the issue being litigated in court. Some attendees opined that a breach of fiduciary duty in an individual capacity (e.g., breach of fiduciary duty under a POA for a CPGC's parent) would not be a matter for the Board to consider, as there are other agencies that have jurisdiction over such matters. With respect to a criminal matter, most Committee members agreed that the

Board can act upon findings of fact of a court of record. One Committee member opined that the Board shouldn't just take the court's finding, but look at the matter de novo.

The Committee members discussed asking CPGCs that are resigning about any pending criminal or civil matters. The Committee felt that it was important to create a public record of CPGC issues in the event someone applies in another jurisdiction, for example.

The Committee concurred that there needed to be further investigation on how the Board can stay in its lane and not exceed its authority. The Committee agreed that investigations should occur for CPGCs when CPGCs are performing duties only as a CPGC. Other fiduciary duties outside of a CPGC appointment are not per se within the authority of the Board.

The Committee's next meeting date and time is TBD.

The meeting adjourned at 9:00 am.

*\*Mr. Reeves joined the meeting at 8:14 am*

*\*Judge Blinn joined the meeting at 8:08 am and left the meeting at 8:45 am*

*\*Judge Kiesel left the meeting at 8:39 am*