

5727 Baker Way NW Suite 200
Gig Harbor WA 98332
Toll Free 1-877-460-5880
Fax 253-265-3043

Clerk of the Supreme Court
P.O. Box 40929,
Olympia, WA 98504-0929,

By Email only to: supreme@courts.wa.gov.

RE: Proposed Amendments to GR 23 – Supplemental Response.
Supreme Court in Order No. 25700-A-1379

Dear Clerk of the Supreme Court:

The Washington Association of Professional Guardians (WAPG) has previously commented about these proposed changes to GR 23 and wishes to supplement its response and express further concerns. This supplemental response may sound frustrated, and I apologize. It is because WAPG cares deeply about the profession and has been working hard to foster a positive relationship with the Certified Professional Guardianship and Conservator Board (CPGCB). We feel the actions by the CPGCB outlined below frustrate those efforts.

On February 24, 2022 WAPG members and other members of the public attended a video meeting of the Certified Professional Guardian and Conservator Board (CPGCB). Attached is a copy of the agenda from that meeting. The meeting began, the chair called role, and the board immediately went into Executive Session, which was closed to the public. The announced purpose of this meeting was so that the CPGCB could discuss its response to the proposed changes to GR 23.

The CPGCB conducted those discussions in private. There was nothing about this Executive Session on GR 23 that should be deemed private or confidential. To the contrary and ironically, this meeting was about public access and inclusion. About 40 minutes later the CPBCB came out of this meeting back into public session and without any public input voted to unanimously oppose the proposed amendments to GR 23.

The actions of the board in this regard are troubling in a number of ways and their written materials, which were subsequently provided to you, no less so. First, discussion of a matter which is in the public's interest (access to meetings and inclusion) was completely closed to the public. Second, the board offered no rationale or evidence supporting their decision other than citing to a historic discussion now over a decade outdated. Third, they offered no factual support that their position provides any benefit to the public. These last two troubling points are illustrated in the Board's own written response which states:

WAPG is the exclusive organization representing the interests of Certified Professional Guardians (CPGs) in Washington State that meet the standards of certification established by the Washington State Supreme Court through the Certified Professional Guardianship Board.



5727 Baker Way NW Suite 200
Gig Harbor WA 98332
Toll Free 1-877-460-5880
Fax 253-265-3043

The parameters [of board composition] enshrine the critical diversity of voices fundamental to the work of the Board in its oversight of the practice of guardianship. The Board's reasoning at that time [2007] remains valid, and is arguably of greater societal concern at this time. - 2/24/22 CPG Board comment on Suggested GR 23 changes¹

This thirteen-year-old statement says nothing about how the CPGCB, by limiting members, provides a “critical diversity of voices” or somehow addresses “societal concerns”. The CPGCB may argue that having one-third of the board members as certified professional guardians is enough or that they are trying to protect diversity, however, the board offered no evidence to support this position. The only sentence in the board’s November 2007 GR 23 proposal provided:

[N]o more than one-third of the Board membership shall be practicing professional guardians so that Board members are drawn from wide areas of expertise related to the work of the Board and the Board avoids the appearance of guardians having undue influence over the regulatory process.²

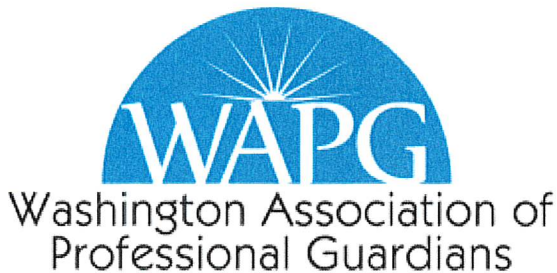
There is no evidence that excluding certified professional guardians increases diversity and it completely ignores that certified professional guardians represent a diverse population from all walks of life. It is concerning that the CPGCB appears not to recognize this. Also concerning is that none of the current certified professional guardians who are on the board represent the views of the over eighty members of WAPG.

Fourth, the CPGCB should be seen as having a conflict of interest in taking a position on a matter that impacts the very operations of the board itself, the creation of which is mandated by statute (1997 ESHB 1771). At most, the board should have taken no position on these proposed changes to GR 23 and left the matter to public comment and the wisdom of the Supreme Court.

It is these very types of actions by the CPGCB that concern certified professional guardians and conservators and demonstrate the need for the proposed changes to GR 23. These actions impact the credibility of the board and its regulation of certified professional guardians at a time when clear and transparent leadership is crucial.

¹https://www.courts.wa.gov/court_Rules/proposed/2021Oct/GR%2023/Certified%20Professional%20Guardianship%20and%20Conservatorship%20Board%20-%20GR%2023.pdf

² https://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=126



5727 Baker Way NW Suite 200
Gig Harbor WA 98332
Toll Free 1-877-460-5880
Fax 253-265-3043

WAPG plans to continue its efforts to work with the CPGCB and stands firm in its belief that changes to GR 23 are needed. We ask that the rules committee confirm the CPGCB is subject to the Open Meetings Act, putting an end to these secret meetings. If the rules committee determines the CPGCB is not subject to the Open Public Meeting Act, we request that GR 23 be clarified to limited Executive Session to discussion of applications, discipline and any litigation involving the board. The rules committee should also permit the increase in the number of Certified Professional Guardians on the board. Such changes are a crucial and important step forward in the regulation of guardians and public inclusion and we representing Washington Certified Professional Guardians, strongly support these changes.

Washington Association of Professional Guardians

Mark C. Vohr, President.

Endorsed by:

Gary Beagle, NMG, CPG, OFPC, CPG Board member from 2007 to 2016, WAPG Past President.

Michael J. Longyear, JD, CPG and CPG Board member from 2001-2008.

Enc. CPGCB Meeting Agenda



Certified Professional Guardianship and Conservatorship Board

Thursday, February 24, 2022
8:00 a.m. – 9:00 a.m.

Zoom Meeting

<https://wacourts.zoom.us/j/92607227389>

Dial 253 215 8782
Meeting ID: 926 0722 7389

| AGENDA | | | |
|--------|--|-----------------|------------------|
| 1. | Meeting Called to Order | Judge Kiesel | 8:00 a.m. |
| 2. | Executive Session (<i>Closed to Public</i>) | Judge Kiesel | 8:05 – 8:45 a.m. |
| 3. | Reconvene and Vote on Executive Session Discussion (<i>Open to Public</i>) | Judge Kiesel | 8:45 – 8:55 a.m. |
| 4. | Current Suggested Changes to GR 23 | Mr. Dan Smerken | 8:55 – 9:00 a.m. |
| 5. | Wrap Up/Adjourn | Judge Kiesel | 9:00 a.m. |

Next Meeting Date: Monday, March 14 at 8:00 a.m. via Zoom

If you need an accommodation, please contact Stacey Johnson at the Administrative Office of the Courts at 360.705.5302 or stacey.johnson@courts.wa.gov

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Proposed Changes to GR 23, Order 25700-1379 Supplemental Response by Washington Assoc. of Professional Guardians
Date: Friday, February 25, 2022 2:42:21 PM
Attachments: [2022-02-25 ct Clerk of the Supreme Court Re GR 23 - Supplemental.pdf](#)

From: Mark Vohr [mailto:mcv@ohanafc.com]
Sent: Friday, February 25, 2022 2:34 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Changes to GR 23, Order 25700-1379 Supplemental Response by Washington Assoc. of Professional Guardians

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Please see attached

Regards,

Mark

| | |
|--|--|
| <i>Ohana Fiduciary Corp. A Washington Chartered Trust Company</i> | <i>Mark C. Vohr, J.D., CPG, Principal 155 NE 100th St., Suite 209 Seattle, WA 98125 T: (206) 782-1189 F: (206) 782-1434 mcv@ohanafc.com www.ohanafc.com</i> |
| <p>CONFIDENTIAL AND/OR PRIVILEGED COMMUNICATION</p> <p>This communication may contain information that is confidential. It was intended only for the named or a specific recipient. If you have received this communication in error. Please delete it immediately and contact the sender to advise them of improper delivery.</p> <p>This communication is not intended to provide legal advice to the recipient. The sender does not represent you as legal counsel and neither this communication or any conversations you may have with the sender creates an attorney client relationship with the sender. If you seek legal advice please retain an attorney, but it will be someone else.</p> | |