

**GUARDIANSHIP CERTIFICATION BOARD
MINUTES OF MEETING**

November 1, 2013

11:00 a.m.

Office of Court Administration

205 W. 14th St., Sixth Floor

Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on November 1, 2013 at 11:02 a.m. The meeting was held at the Office of Court Administration in Austin, Texas. Notice of this meeting was posted on the GCB's website and distributed to interested persons in accordance with the GCB's public meetings policy.

ATTENDANCE OF MEMBERS

Lesley Ondrechen, Guardianship Certification Program Director at the Office of Court Administration called the roll. The following members of the GCB were present:

Judge Gladys Burwell	Leah Cohen	Jason Armstrong
Carol Dabner	Barry Anderson	
Garth Corbett	Jamie MacLean	
Don Ford	Marlane Meyer	
Toni Glover	Amy Parsons	

Phillip A. Grant participated by telephone conference call. Dr. Patricia Blair and Bob Jones did not participate. Board staff present were David Slayton, Administrative Director, Judy Speer, Assistant General Counsel and Tyees Holcombe, Judicial Regulatory Assistant of the OCA, and Nancy Fuller of the Office of the Attorney General. Members of the public present at the meeting were Alex Jones and Barbara Scobey of the Texas Department of Aging and Disability Services (DADS), Kathie Seidel, John Shepherd, Sharon Shepherd, Lori Burnett, Debby Valdez, Linda Litzinger, and Belinda Carlton.

MINUTES OF August 2, 2013 MEETING

Upon motion by Ms. Meyer and second by Mr. Anderson, the minutes were adopted as submitted.

DIRECTORS' REPORTS

Mr. Slayton introduced Jeff Rinard to the Board. Mr. Rinard is the new Certification Division Director and will be the Director for the Judicial Branch Certification Commission. Mr. Slayton described Mr. Rinard's prior experience and qualifications. Mr. Rinard stated that he was looking forward to working with the Board.

Mr. Slayton updated the Board on the WINGS program (Working Interdisciplinary Network of Guardianship Stakeholders). He reminded the Board that the Supreme Court of Texas, through the OCA, applied for and received a grant to establish a WINGS group in Texas. He discussed the survey which had been created and sent to stakeholders around the state. He noted that responses had been received from every county. Mr. Slayton advised that some issues which

were identified included providing training for family guardians, providing more training for judges and attorneys, and identifying services that would provide an alternative to guardianship. Another face-to-face meeting of the WINGS group is scheduled on November 15, 2013, and the group will continue to work on the issues. The group will also refer issues and recommendations to the Judicial Council's Elder Committee. Mr. Slayton advised that he will continue to keep the GCB informed and that a more comprehensive report on WINGS will be given at the next Board meeting.

Ms. Ondrechen reported that as of October 30, 2013, there are 395 guardians, 316 who are fully certified and 79 who are provisionally certified. Four applications for provisional certification and eight applications for full certification are pending. She also reported that so far this fiscal year there are three new certified guardians, including two who moved from provisional to full certification. One certified guardian surrendered his certification. Seven certified guardians and three provisional guardians have allowed their certification to expire. Eleven guardians have re-certified and there are twenty new provisionally certified guardians.

The director reported that eleven people were scheduled to take the exam on Wednesday, October 30th. The director noted that three more exams are currently scheduled for this fiscal year in Austin: January 29, 2014; April 23, 2014; and July 23, 2014.

Ms. Ondrechen reported that the Supreme Court has a new General Counsel, Nina Hess Hsu. She advised that Ms. Hsu started on October 16th and that there has not been an opportunity for much interaction with Ms. Hsu yet. The director noted that she did have an email discussion with Ms. Hsu regarding the re-appointment of Barry Anderson and not replacing Bob Warach. The director advised that the pending rule changes which were with the Supreme Court will not be acted upon but will be considered for inclusion in the new Commission rules.

The Application Review Committee met three times since the last Board meeting and is scheduled to meet at the conclusion of this Board meeting to review additional documents which have been provided regarding an application for certification.

August 15, 2013: The Committee (Mr. Ford and Mr. Jones) reviewed additional documents which had been requested at the prior meeting from an applicant for provisional certification. The Committee approved the application.

September 12, 2013: The Committee (Mr. Ford and Mr. Jones) considered two applications for certification. One applicant had an incident on the background check. The Committee approved this application. The other application was reviewed regarding whether the applicant had sufficient experience to meet the requirements. This application was tabled by the Committee in order to allow the applicant to complete the required experience.

October 22, 2013: The Committee (Mr. Ford, Mr. Jones, and Ms. Glover) considered three applications for provisional certification in which background check incidents needed to be reviewed. The Committee approved these three

applications. The committee also considered two applications for full certification each of which had issues concerning whether the experience requirement was met. The Committee denied one application for lack of experience and tabled the other to allow the applicant to produce additional documentation.

The director reported that the Disciplinary Review Committee has met three times since the last Board meeting, in two different configurations, and considered three petitions. The meetings will be summarized when the Board takes up the next agenda item.

UPDATE ON JUDICIAL BRANCH CERTIFICATION COMMISSION

Mr. Slayton also provided an update for the Board regarding the Judicial Branch Certification Commission. He reminded the Board that the Commission will become effective on September 1, 2014. He noted that as of September 1, 2013, members can be appointed to the Commission and rules can be formulated. When the Commission becomes fully effective on September 1, 2014, the certification, licensing, and disciplinary process for certified guardians, court reporters, licensed court interpreters, and licensed process servers will be handled by the Judicial Branch Certification Commission. A Task Force has met three times to work on promulgating rules for the Commission. The Task Force is trying to implement rules which will achieve as much uniformity as possible for administrative functions for all the professions. The Task Force will meet again next week and the goal is to have the draft rules posted for comment by November 8. The Task Force will meet again in December to review the comments and determine whether any changes are needed. The proposed rules would then be sent to the Supreme Court in January, 2014.

POTENTIAL CHANGES TO BOARD POLICIES

Public Meetings Policy

The Board discussed the proposed changes to sections 3 and 5 of its Public Meetings Policy. The changes to Section 3 permit the chair of the Board or a Committee to set limits on the length of public comment, and restrict public comment when a disciplinary matter is being heard. The changes to Section 5 clarify that a consultation with the Board's attorney in closed session may not be recorded. Ms. Meyer moved, and Mr. Ford seconded, to adopt the changes as presented. There being no further discussion, the motion carried.

Ethics Policy

After discussion, the consensus of the Board was that no changes to the Ethics Policy are needed at this time.

APPOINTMENT OF COMMITTEE MEMBERS

The Chair appointed members to serve on the two review committees from January 1 through August 31, 2014:

Application Review Committee: Bob Jones, Chair; Leah Cohen; and Phil Grant

Disciplinary Review Committee: Don Ford, Chair; Carol Dabner; and Garth Corbett

The Board discussed the role of the committees once the Commission begins operating. Mr. Slayton noted that while the statute creating the Commission allows for transition of disciplinary matters, it would be preferable to conclude pending matters before the Commission begins operating.

PROPOSED COMMITTEE MEETINGS

Exam Committee

The director reported that one of her staff members had created a spreadsheet with all exam questions by category. She and Ms. Speer recommend that the Committee review questions one category at a time. Ms. Speer noted that it is critical that the exam questions update be completed by September 1. Ms. Ondrechen will contact the Committee members and set a meeting for mid-November.

Minimum Standards Committee

The director reminded the Board that some issues had been brought up at the August meeting: define guardianship programs in relation to providing direct services to wards, and re-visiting limiting the number of wards a guardian can have. A third issue, regarding the ethics of using one's position as a certified guardian in endorsements, was recently brought to the director's attention. The director will contact the Committee members and set a meeting for later this month.

CONSIDERATION OF RECOMMENDATIONS FROM DISCIPLINARY REVIEW COMMITTEES ON PETITIONS TO INITIATE DISCIPLINARY ACTIONS

Two petitions were considered by the committee comprised of Dr. Patricia Blair (Chair), Jamie MacLean and Amy Parsons.

Board member Garth Corbett recused himself from participation in the decision regarding the first petition this Committee considered. He did not participate in the discussion and did not vote on the Committee's recommendation.

The petition was filed by Kathie and Greg Seidel against Cindy Brown, Dana Scherer, Joe Flowers, and Colleen Colton. The petition contained no specific allegations against Joe Flowers or Colleen Colton. The petition alleged that Dana Scherer and Cindy Brown had, in various ways, engaged in conduct that was not in the best interest of the ward and had breached the ward's right to confidentiality.

The Committee met on July 8, August 2 (after the Board meeting), and August 29. The committee recommended dismissal of the petition against all guardians named in the petition. All parties were notified of the recommendation by letters dated September 3, 2013. Ms. Seidel was present in person and was given an opportunity by the Chair to speak briefly to the Board concerning the allegations in the petition. Mr. Seidel did not appear in person or by phone, nor did any of the guardians named in the petition.

Mr. Ford moved that the Board accept and adopt the recommendation of the committee for dismissal of the petition based upon finding no violations of the Board's Rules or Minimum Standards. His motion was seconded by Ms. Meyer. There was no further discussion and the motion was voted upon and passed. Mr. Corbett did not vote.

The second petition considered by this Committee was filed by Avalon Bruce and alleged that certified guardian Irene Schwaninger did not maintain proper relationships with court, family and service providers; that she is not fulfilling her ongoing duties as Guardian of the Person; that she is not permitting the ward to exercise informed consent and decision-making; and that she is not giving the ward information concerning how to challenge, modify, or terminate the guardianship. The Committee met on September 23 to consider this petition. The Committee recommended dismissal of the petition because it found no violations of the Rules or Minimum Standards. Both parties were notified of the committee's recommendation by letters dated September 24. Ms. Bruce did not attend the Board meeting in person or by phone, nor did Ms. Schwaninger.

Mr. Ford moved that the Board accept and adopt the committee's recommendation to dismiss the petition based upon finding no violations of the Rules or Minimum Standards. Mr. Anderson seconded the motion. There was no further discussion and the motion was voted upon and passed.

One petition was considered by the committee comprised of Judge Burwell (Chair), Dr. Patricia Blair, and Toni Glover. This Committee continued to serve after the new Disciplinary Review Committee was appointed in order to allow the same committee to complete this petition. Board member Amy Parsons recused herself from participation in the decision concerning this petition. Respondent and her attorney, Valerie Milholland, participated by telephone; Petitioner attended in person.

Sharon Shepard filed the Petition on March 12 and alleged violations by certified guardian Carolyn Williams of certain Rules and Minimum Standards. The Committee met on May 29, June 28, August 2, and August 29. The Committee made its findings and recommendation at the August 29 meeting, and the Committee's recommendation was sent to both parties by letters dated September 3, 2013.

The Committee found no violations of Minimum Standards 5.I, 12.A.1, 12.A.2, 12.B, 16.III, 16.VIII, 17.I and 17.II. The Committee was unable to reach consensus regarding alleged violation of Minimum Standards 13.VI.F, 17.V and 17.VIII. The Committee found violation of Minimum Standards 4.I, 4.II, 4.VI, 4.VII, 5.III, 5.IV, 12.C, 13.I.A, 13.VI.A, 14.II, 16.I, 16.IV, 16.IX 17.I.A., 17.VI and 17.VIII. In addition, the Committee found a violation of Rule X(a).

The Committee recommended Ms. Williams' certification be suspended for one year, with the suspension fully probated based on her complying with the terms and conditions imposed. Terms and conditions included Ms. Williams completion of specified continuing education and

reviewing all her case files with her supervisor to address issues which are described in the Committee's reasons for the findings of violations. These issues include, but are not limited to, verifying that each ward has a Medicare card, a prepaid funeral contract and a will. Ms. Williams must report the results of this review and any corrective actions taken within ninety days.

After discussion, Mr. Ford moved to reject the Committee's recommendation. He moved to suspend Ms. Williams' certification for a period of one year, and to require completion of fifteen hours of continuing education, as approved by the director, during her suspension. Mr. Anderson seconded the motion. There being no further discussion, the motion carried, with Ms. Parsons abstaining.

Ms. Speer noted that because the Board did not adopt the Committee's recommendation, Respondent could request a formal hearing. Ms. Milholland requested a copy of the letter to Ms. Williams detailing the Board's decision.

PUBLIC COMMENT

Alex Jones commented during the discussion of the minimum standard relating to limitation on the number of wards. The Chair called for any further public comment, limiting each person to two minutes.

Sharon Shepard addressed the Board regarding the petition she filed against Carolyn Williams. She stated she only wanted what is right for her aunt, that she feels justice was served, and expressed her appreciation for the Board.

Debby Valdez commented regarding a recent lawsuit relating to the rights of mentally and developmentally disabled individuals in nursing homes. Ms. Valdez stated her belief that wards are sometimes placed in nursing homes because it is easier for the guardian, not because it's best for the ward. She is in favor of looking at capping the number of wards a guardian can have.

Linda Litzinger stated she is not speaking on behalf of her organization. She expressed concerns regarding children aging out of foster care who need guardians, and who are not placed in the least restrictive environment. Ms. Litzinger commented that it is difficult to know how to support someone without taking away his or her civil rights.

Lori Burnett stated she had filed a complaint against her sister's guardian, but it was not received. Her purpose in attending the meeting was to find out how to file the complaint. She told the Board that her father, as guardian, had removed her sister from a state school in Abilene and brought her home. Her sister now resides in a nursing home and is the ward of a private guardian.

ADJOURNMENT

On motion by Mr. Ford and second by Ms. Dabner, the meeting was adjourned at approximately 1:54 p.m.

**GUARDIANSHIP CERTIFICATION BOARD
MINUTES OF MEETING**

January 31, 2014

11:00 a.m.

Office of Court Administration
205 W. 14th St., Sixth Floor
Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on January 31, 2014 at 11:04 a.m. The meeting was held at the Office of Court Administration in Austin, Texas. Notice of this meeting was posted on the GCB's website and distributed to interested persons in accordance with the GCB's public meetings policy.

ATTENDANCE OF MEMBERS

Lesley Ondrechen, Guardianship Certification Program Director at the Office of Court Administration called the roll. The following members of the GCB were present:

Judge Gladys Burwell	Barry Anderson	Jason Armstrong
Dr. Patricia Blair	Garth Corbett	Don Ford
Toni Glover	Bob Jones	Jamie MacLean
Marlane Meyer	Amy Parsons	

Judge Burwell, Dr. Blair, Ms. Glover and Ms. Meyer participated by telephone conference call. Carol Dabner and Phillip A. Grant did not participate. Board staff present were Jeff Rinard, Certification Division Director, Judy Speer, Assistant General Counsel, Tyees Holcombe, Judicial Regulatory Assistant and Lesley Ondrechen, Program Director of the OCA, and Nancy Fuller of the Office of the Attorney General. Members of the public present at the meeting were Rosa Berumen of the Texas Department of Aging and Disability Services (DADS) and Ramona Brush of Family Eldercare, Inc.

ELECTION OF VICE-CHAIR

Ms. Ondrechen reminded the Board she had notified them last week of the resignation of Leah Cohen, who served as vice chair. Judge Burwell called for nominations for a vice chair to replace Ms. Cohen. Ms. Meyer nominated Don Ford to serve as vice chair, and Mr. MacLean seconded the nomination. Ms. Parsons moved, and Mr. Anderson seconded, to accept the nomination. The motion carried.

Judge Burwell turned the meeting over to Mr. Ford at 11:12 a.m.

MINUTES OF NOVEMBER 1, 2013 MEETING

Upon motion by Ms. Meyer and second by Judge Burwell, the minutes were adopted as submitted.

STATUS - FORMAL HEARING

A. Extension of Time to Conduct Formal Hearing

The Board went into closed session to consult with its attorneys at 11:13 a.m., and reconvened in open session at 11:26 a.m.

The director explained that the Rules Governing Guardianship Certification require that a formal hearing be held within 120 days of the request, which would be April 2, 2014. Ellen Sameth, the prosecutor assigned by the OAG, requested that the time be extended for 60 days to allow her adequate time to prepare for the formal hearing.

Judge Burwell moved to extend the deadline to conduct the formal hearing by 60 days, and Mr. Anderson seconded. There being no further discussion, the motion carried. The director proposed several possible dates for the formal hearing, and suggested the Board meeting scheduled for May 2, 2014 be moved to follow the formal hearing date. After discussion, the formal hearing was set for May 15, with the Board meeting re-scheduled to May 16.

Ms. Speer advised that while procedures for conducting the formal hearing do need to be established, the Board is not noticed to discuss them at this meeting. If necessary, the director will contact the Board members at a later date to schedule a called meeting to discuss procedures.

DIRECTORS' REPORTS

Ms. Ondrechen asked the Board to consider re-scheduling the August 1, 2014 meeting to either July 11 or July 18 to allow more time to ensure pending items are handled before the transition to the Judicial Branch Certification Commission (JBCC) on September 1. She will contact the Board members next week to establish consensus for the new date.

Ms. Ondrechen reported that as of January 29, 2014, there are 404 certified guardians, 311 who are fully certified and 93 who are provisionally certified. Three applications for provisional certification, five applications for full certification and seven applications for re-certification are pending. She also reported that since the November 1 meeting, there are six new certified guardians, nine new provisionally certified guardians, and five certified guardians have re-certified. Four certified guardians and two provisionally certified guardians have allowed their certification to expire.

The director reported that 24 people took the certification exam on January 29. The director noted that two more exams are currently scheduled for this fiscal year in Austin: April 23, 2014 and July 23, 2014.

Ms. Ondrechen advised the Board that Mr. Anderson has been re-appointed. A replacement for Ms. Cohen will probably not be appointed, because the GCB will exist only for a few more months. Ms. Ondrechen also informed the Board of a decrease in mileage reimbursement to 56 cents per mile as of January 1, 2014.

The Application Review Committee met three times since the last Board meeting.

- November 1, 2013: The Committee (Mr. Ford and Ms. Glover) met to review documents which had been requested at a prior meeting from an applicant for certification. The Committee requested further information from the applicant. The director noted that the applicant took the certification exam on October 30, 2013 and did not pass.
- November 12, 2013: The Committee (Mr. Ford and Ms. Glover) considered two applications one for provisional certification and one for re-certification. One applicant had an incident on the background check, and one had a continuing education issue. The Committee approved both applications.
- December 10, 2013: The Committee (Mr. Ford and Mr. Jones) considered three applications with background check incidents and lack of relevant experience. The Committee approved the provisional certification; it approved one certification application and denied the other for lack of experience.

The director reported that the Minimum Standards Committee and the Exam Committee each has met twice since the last Board meeting. The meetings will be summarized in later agenda items.

Ms. Ondrechen told the Board that she and Mr. Rinard will speak at the Texas Guardianship Association during its annual conference in Austin, April 23-26, 2014. They will discuss the JBCC, and their presentation will be counted as legislative update continuing education.

UPDATE ON JUDICIAL BRANCH CERTIFICATION COMMISSION

Mr. Rinard provided an update on the JBCC. He told the Board that draft rules had been sent to the Supreme Court last week. The Court will review, then publish the draft rules in the Texas Bar Journal for further public comment.

He told the Board about several projects in preparation for the transition to the JBCC, including moving the licensed court interpreters regulatory function to the OCA, possibly replacing the existing certification software/database, exploring online renewals for all four professions that will come under the JBCC, and meetings with Department of Public Safety staff regarding criminal background checks for applicants. Mr. Rinard stated that the Certification Division will be divided into two sections, Licensing and Compliance. Ms. Ondrechen will be the licensing manager and Michele Henricks, currently the Court Reporters Certification Board director, will be the compliance manager. Mr. Rinard also told the Board that an investigator for the Certification Division, Pedro Villarreal, has been hired.

The meeting was adjourned at 12:12 p.m., and reconvened at 12:50 p.m.

COMMITTEE REPORTS AND RECOMMENDATIONS

A. Minimum Standards Committee

The director reported that the Committee met twice, on November 13, 2013 and January 8, 2014, and discussed changes to Standards 5, 15 and 21.

The Committee had considered a prohibition against endorsements by certified guardians, but could not do so because of language in the statute establishing the JBCC. The addition of Section V to Standard 5 reiterates and emphasizes the need for certified guardians to avoid even the appearance of conflicts of interest or impropriety in dealing with service providers and other professionals.

The proposed changes to Standard 15 were made in an attempt to better define "guardianship programs" for purposes of not providing direct services to wards. Mr. Corbett elaborated on the reasoning behind the proposed change.

Changes proposed to Standard 21, Management of Multiple Guardianship Cases, relate to limitations on a guardian's caseload. The proposed language regarding limitations emphasizes the need for a guardian to be able to fully comply with all Rules, Minimum Standards and statutes when he or she has a large caseload.

There being no further discussion, Ms. Parsons moved to post the proposed changes to the Minimum Standards for public comment. Mr. Corbett seconded, and the motion carried.

Mr. Ford noted that references in the current Minimum Standards are to the Probate Code. The director will change those references to the Estates Code before posting for public comment.

B. Exam Committee

The director reported that the Committee met on November 21, 2014 and January 8, 2014 and is scheduled to meet at the conclusion of this meeting.

Ms. Ondrechen advised that prior to the November meeting, she had consolidated information received from the exam administrator so the Committee could see the pass rate for each question, by category. The Committee has reviewed questions in the categories of Surrogate Decision Making and Medical Decision Making, and will review Professional Practices and Legal and Courts questions at its meeting later today. There are three more categories of questions: Knowledge of Ward, Personal Management and Financial Management. The director noted that after the Committee has reviewed all the questions, she will prepare a document for its review showing all changes made and all questions eliminated. The Committee will then determine if additional questions are needed, and will discuss how to validate them. Ms. Ondrechen told the Board that the Committee anticipates meeting two or three more times after this afternoon's meeting.

REQUIRED ANNUAL REPORTING

Ms. Ondrechen directed the Board's attention to the meeting materials, showing the preliminary numbers of reports received as of January 24, 2014. She noted the deadline is January 31, and that quite a few reports came in after the meeting materials were prepared. She advised that a detailed analysis will be presented at the May Board meeting.

Judge Burwell requested that the director send her a list of counties not reporting prior to the next judges' conference in March.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

On motion by Ms. Parsons and second by Mr. Anderson, the meeting was adjourned at approximately 1:15 p.m.

**GUARDIANSHIP CERTIFICATION BOARD
MINUTES OF MEETING**

March 28, 2014

10:30 a.m.

Office of Court Administration
205 W. 14th St., Sixth Floor
Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on March 28, 2014 at 10:34 a.m. The meeting was held at the Office of Court Administration in Austin, Texas. Notice of this meeting was posted on the GCB's website and distributed to interested persons in accordance with the GCB's public meetings policy.

ATTENDANCE OF MEMBERS

Lesley Ondrechen, Guardianship Certification Program Director at the Office of Court Administration called the roll. The following members of the GCB were present:

Judge Gladys Burwell	Jason Armstrong	Carol Dabner
Don Ford	Toni Glover	Phillip A. Grant
Bob Jones	Jamie MacLean	Marlane Meyer

All Board members participated by telephone conference call. Barry Anderson, Dr. Patricia Blair, Garth Corbett and Amy Parsons did not participate. Board staff present were Judy Speer, Assistant General Counsel, Tyees Holcombe, Judicial Regulatory Assistant and Lesley Ondrechen, Program Director of the OCA, and Nancy Fuller of the Office of the Attorney General. Members of the public present at the meeting were Alex Jones of the Texas Department of Aging and Disability Services (DADS).

The Board went into executive session at 10:35 a.m., and re-convened in open session at 10:45 a.m.

FORMAL HEARING PROCEDURES

The director addressed the Board about the reason for calling the special meeting, to adopt procedures for conducting formal hearings. Ms. Speer reminded the Board that it had previously (April 2012) reviewed and adopted proposed changes to Rule XII of the Rules Governing Guardianship for submission to the Supreme Court of Texas. The proposed draft formed the basis for the formal hearing procedures being considered.

The Board reviewed each item of the proposed formal hearing procedures. The discussion included

- Time limit for each party to produce documents and witness list, with an extension at the Chair's discretion
- Requiring parties, attorneys and witnesses to appear in person
- Fact witnesses vs. character witnesses
- Segregating witnesses who have not testified, with the Chair having the discretion to make an exception if deemed appropriate

- Witnesses must be sworn, and must be on the witness list before they can testify
- Board members and the prosecutor may ask questions
- The Board will vote on each alleged violation
- The Board will address any sanctions only after all alleged violations have been addressed
- Time limits for summary statements, witness testimony and closing statements

The Board also discussed general instructions to be given at the formal hearing regarding the confidentiality of some information and documents, the preparation of a summary of the alleged violations, and devising a method to identify documents already submitted. Ms. Speer advised the Board that its decision at the formal hearing must be reduced to writing and provided to the parties within fifteen days of the hearing date.

There being no further discussion, Ms. Meyer moved adoption of the proposed procedures, as amended during the meeting. Ms. Dabner seconded, and the motion carried.

PUBLIC COMMENT

Mr. Alex Jones asked if the procedures would be publicly available. The Director advised they would be posted to the Board's website in advance of the hearing date.

ADJOURNMENT

On motion by Mr. Ford and second by Ms. Meyer, the meeting was adjourned at approximately 12:15 p.m.

**GUARDIANSHIP CERTIFICATION BOARD
MINUTES OF MEETING**

May 8, 2014

10:30 a.m.

Office of Court Administration
205 W. 14th St., Sixth Floor
Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on May 8, 2014 at 10:33 a.m. The meeting was held at the Office of Court Administration in Austin, Texas. Notice of this meeting was posted on the GCB's website and distributed to interested persons in accordance with the GCB's public meetings policy.

ATTENDANCE OF MEMBERS

Lesley Ondrechen, Guardianship Certification Program Director at the Office of Court Administration called the roll. The following members of the GCB were present:

Judge Gladys Burwell	Barry Anderson	Jason Armstrong
Dr. Patricia Blair	Carol Dabner	Don Ford
Toni Glover	Phillip A. Grant	Bob Jones
Jamie MacLean	Marlane Meyer	

All Board members participated by telephone conference call. Garth Corbett and Amy Parsons did not participate. Board staff present were Judy Speer, Assistant General Counsel; Tyees Holcombe, Judicial Regulatory Assistant; Jeff Rinard, Certification Division Director; Michele Henricks, Program Director; Maria Elena Ram6n, General Counsel; and Lesley Ondrechen, Program Director of the OCA; and Nancy Fuller and Ellen Sameth of the Office of the Attorney General. Members of the public present at the meeting were Alex Jones of the Texas Department of Aging and Disability Services (DADS); Sharon Shepard; John Shepard; Samuel Thomas; Carolyn Williams and Lavern Ashley of the Harris County Protective Services Guardianship Program; Susan Fillion of the Harris County Attorney's Office; and Don Stricklin.

The Board went into executive session at 10:36 a.m., and re-convened in open session at 11:01 a.m.

STATUS OF FORMAL HEARING

Ms. Speer reminded the Board that the formal hearing is still scheduled for May 15, 2014. If an agreement is reached regarding the proposed settlement to be considered in the next agenda item, then the formal hearing will not take place. The regular meeting of the Board is scheduled for May 16, 2014.

CONSIDERATION OF AND ACTION ON PROPOSED SETTLEMENT

Carolyn Williams, Complaint No. FY13-2

Judge Burwell summarized the Disciplinary Review Committee's actions regarding the complaint filed by Sharon Shepard against Carolyn Williams relating to the care of, and guardianship services provided on behalf of, Ivory Ellis. The recommendation of the Committee

to the Board is to accept the terms of the settlement proposed by Ms. Williams through her attorney, Ms. Fillion.

The Chair reminded the Board of its missions: to certify guardians, to investigate complaints and discipline certified guardians as appropriate, and to improve guardianship services in Texas through disciplinary action. She noted that some of the problems found by the Committee relating to issues raised in the complaint have been resolved.

Under the proposed settlement, Ms. Williams will stipulate to certain violations of the Minimum Standards for Guardianship Services. The Chair noted that the second paragraph of item 1 should be changed to reflect that the Social Security Administration and the District Attorney, not the Probate Court, are the proper entities that should have been notified. Ms. Williams' certification is to be suspended for two weeks, with a one year probationary status thereafter. The terms of the proposed settlement require her to complete additional continuing education, to review all of her case files, to report any deficiencies to the Board, to report corrective action taken to cure any deficiencies, and to prepare a PowerPoint presentation regarding proper guardianship management of a ward's person and estate. The terms of the proposed settlement also provide that non-compliance will result in Ms. Williams' inability to provide guardianship services.

The Chair stated she is in favor of accepting the proposed settlement. She stated that acceptance of the proposed settlement will result in Ms. Williams being a better guardian, and will influence others to be better guardians. The Board discussed the proposed settlement, including Board approval of the additional continuing education. Several Board members expressed their concerns about how violations could have occurred, and that the corrective actions proposed are actions that should have been taken all along.

Ms. Meyer moved to accept the settlement agreement as submitted, and Ms. Dabner seconded. There being no further discussion, the motion carried. Ms. Ondrechen noted that jurisdiction, as of September 1, 2014, will lie with the Judicial Branch Certification Commission

PUBLIC COMMENT

Ms. Shepard addressed the Board on her ongoing concerns relating to her aunt's care. She stated her belief that her aunt should be cared for by her family, and expressed her dismay that the family is still not allowed to visit Ms. Ellis.

Mr. Thomas reiterated Ms. Shepard's concerns. He stated he believes that the courts should investigate more thoroughly to ensure family members are not available to serve as guardian, that a hearing to determine incapacity should be held, and that family members should be included. Mr. Thomas further stated his opinion that the guardianship program should be held accountable for what has happened to his sister, Ms. Ellis.

There was no other public comment.

ADJOURNMENT

On motion by Mr. Grant and second by Mr. Ford, the meeting was adjourned at approximately 11:59 a.m.

**GUARDIANSHIP CERTIFICATION BOARD
MINUTES OF MEETING**

May 16, 2014

11:00 a.m.

John H. Reagan Building
105 W. 15th St., Room 140
Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on May 16, 2014 at 11:11 a.m. The meeting was held in the John H. Reagan Building in Austin, Texas. Notice of this meeting was posted on the GCB's website and distributed to interested persons in accordance with the GCB's public meetings policy.

ATTENDANCE OF MEMBERS

Lesley Ondrechen, Guardianship Certification Program Director at the Office of Court Administration called the roll. The following members of the GCB were present:

Judge Gladys Burwell	Barry Anderson	Jason Armstrong
Dr. Patricia Blair	Garth Corbett	Don Ford
Toni Glover	Phillip A. Grant	Jamie MacLean
Marlane Meyer	Amy Parsons	

Mr. Armstrong, Dr. Blair, and Mr. Grant participated by telephone conference call. Bob Jones did not participate. Board staff present were Jeff Rinard, Certification Division Director; Judy Speer, Assistant General Counsel; Tyees Holcombe, Judicial Regulatory Assistant; Pedro Villarreal, Certification Division Investigator; Michele Henricks, Program Director; and Lesley Ondrechen, Program Director of the OCA, and Kara Holsinger of the Office of the Attorney General. Members of the public present at the meeting were Alex Jones of the Texas Department of Aging and Disability Services (DADS), Ramona Brush of Family Eldercare, Inc., Brenda Baker and Laura Beth Pleasant.

MINUTES OF NOVEMBER 1, 2013 MEETING

January 31, 2014

Upon motion by Ms. Meyer and second by Ms. Glover, the minutes were adopted as submitted.

March 28, 2014

Upon motion by Ms. Meyer and second by Ms. Glover, the minutes were adopted as submitted.

DIRECTORS' REPORTS

Mr. Rinard addressed the Board under agenda item VIII, Update on Judicial Branch Certification Commission (JBCC).

Ms. Ondrechen reported that as of May 15, 2014, there are 416 certified guardians, 323 who are fully certified and 93 who are provisionally certified. 13 applications for certification are pending; two did not pass the exam in April; three are registered to take the exam in July and otherwise qualify; three applicants have been referred to the Application Review Committee.

Since the January meeting, 14 guardians have moved from provisional to full certification; 20 new certifications (including the previous 14), 17 new provisional certifications and 32 re-certifications have been issued. Eight certified and five provisionally certified guardians' certifications have expired.

The director reported that 23 people took the certification exam on April 23. The director noted that one more exam is currently scheduled for this fiscal year in Austin: July 23, 2014. She will meet with the exam administrator to schedule exams for the coming fiscal year.

Ms. Ondrechen told the Board that she and Mr. Rinard spoke at the Texas Guardianship Association during its annual conference in Austin, on April 23. Mr. Rinard gave an overview of the JBCC, the proposed rules, the transition of licensed court interpreters to the JBCC, changes in how criminal history information will be processed for process servers and court interpreters, a JBCC web site, form and process consolidation, new complaint procedures, and new performance measures. Ms. Ondrechen explained how the changes affected certified guardians. She and Mr. Rinard gave essentially the same presentation to DADS Guardianship supervisors on April 30.

The Application Review Committee met once, on March 20, since the last Board meeting. The Committee (Mr. Jones, Mr. Grant and Mr. Armstrong) considered and approved an application for provisional certification

The Exam Committee (Dr. Blair, Ms. Meyer and Mr. MacLean) met four times since the last Board meeting - January 31, February 11, February 25 and April 24 - and has completed its review of all questions in the pool. Ms. Ondrechen told the Board she is now working on re-sorting the questions to determine how many are in the pool for each category. The plan is to re-constitute three versions of the exam using the revised question pool; the new exams will be used starting in fiscal year 2015.

The Disciplinary Review Committee met once, on April 2, since the last Board meeting. That meeting will be discussed in detail under agenda item V.

Mr. Ford asked about the applications that were reviewed by the Application Review Committee. The director explained that one provisional certification applicant was approved by the Committee; the Committee will schedule a meeting to review three applicants for certification who appear to lack the required experience.

CONSIDERATION OF WAIVERS TO EXTEND PROVISIONAL CERTIFICATION PERIODS

The director presented the request for a waiver submitted by Rita Raymond. Ms. Raymond's provisional certification will expire on June 20. She is requesting a 12-month extension to allow her sufficient time to prepare for the certification exam. Ms. Raymond joined the meeting by telephone. She answered questions from the Board regarding her request.

Mr. Ford moved, and Mr. Anderson seconded, to extend Ms. Raymond's provisional certification through December 31, 2014. There being no further discussion, the motion carried. The director reminded Ms. Raymond that if she does not pass the certification exam after four attempts, she must seek permission to take it a fifth time.

Ms. Ondrechen presented Gordon Storey's request for a waiver. His provisional certification will expire on July 9, and he is seeking an additional 12 months of provisional certification. Mr. Storey joined the meeting by telephone. He explained to the Board that between working, going to school to earn his bachelor's degree, and volunteering with a group that helps the elderly and disabled with home repairs, he has not been able to prepare for the exam. He answered questions from the Board regarding when he plans to take the test.

Mr. Ford moved to extend Mr. Storey's provisional certification through December 31, 2014. Ms. Meyer seconded, and there being no further discussion, the motion carried.

**CONSIDERATION OF RECOMMENDATION OF DISCIPLINARY REVIEW
COMMITTEE ON PETITION TO INITIATE DISCIPLINARY PROCEDURES**

The Board went into closed session at 11:44 a.m., and reconvened in open session at 12:07 p.m.

Ms. Baker and her attorney, Ms. Pleasant, attended in person. Mr. Ford reported on the April 2 meeting of the Committee. There were two alleged violations: failure to complete the required annual report to the Board, and failure to disclose a felony indictment. (After being notified of the petition, Ms. Baker filed the required annual report.) The Committee recommended suspension of Ms. Baker's certification for six months, with the opportunity to re-visit the length of suspension after three months. Mr. Ford suggested if the Board adopted the recommendation, that the suspension become effective on June 1 to allow Ms. Baker time to make arrangements for her wards. The Chair called for questions from the Board; there were none.

Mr. Ford moved that the Board accept the Committee's recommendation to suspend Ms. Baker's certification for six months. Mr. Grant seconded, and there being no discussion, the motion carried.

Ms. Pleasant inquired about procedures for seeking to reduce the length of the suspension. Mr. Ford cautioned Ms. Baker that she cannot provide guardianship services during the period of her suspension.

The meeting was adjourned at 12:14 p.m., and reconvened at 1:01 p.m.

**BOARD APPROVAL OF CONTINUING EDUCATION PURSUANT TO SETTLEMENT
AGREEMENT**

Ms. Parsons recused herself from voting in this matter, and did not participate in the discussion.

The Chair advised the Board that the issue before it was whether the Board would direct the continuing education to be completed to fulfill the terms of the settlement agreement adopted at its special meeting last week, or whether Respondent Carolyn Williams may take any Board-approved course. The director summarized a list of courses proposed by the Harris County Guardianship Program.

The Board discussed the proposed courses, including specific areas of content and on-line vs. live courses. Ms. Fillion stated that Ms. Williams would take courses as directed by the Board, noting she could not travel out of state to do so. The Board also discussed the PowerPoint presentation required under the terms of the settlement agreement.

Mr. MacLean moved to accept the proposed courses as satisfying the terms of the settlement agreement, and Ms. Meyer seconded. Mr. MacLean clarified that each course on the list must be approved by the Board, and all courses must be taken. There being no further discussion, the motion carried.

UPDATE ON JUDICIAL BRANCH CERTIFICATION COMMISSION

Mr. Rinard provided an update on the JBCC. He told the Board that the Supreme Court had adopted the proposed rules and fees, subject to public comment. Comments will be accepted through August 1, and the rules will go into effect on September 1.

Mr. Rinard introduced Michele Henricks, compliance manager, and Pedro Villarreal, investigator. He noted that he, along with Mr. Henricks and Mr. Villarreal, are working on a procedures manual for handling complaints that come before the JBCC.

Mr. Rinard updated the Board on several projects in preparation for the transition to the JBCC, including moving the licensed court interpreters regulatory function to the OCA, designing a web page for the JBCC, a wallet card for each regulated professional, new performance measures that have been approved by the Legislative Budget Board, new office space on the fifth floor of the Tom C. Clark Building for Certification Division staff, and a revised retention schedule. He told the Board that JBCC members have not been appointed yet, but that should happen early this summer.

PROPOSED CHANGES TO MINIMUM STANDARDS FOR GUARDIANSHIP SERVICES

The director reminded the Board that proposed changes were posted for public comment between February 14 and March 21, 2014, and noted all references to the Probate Code have been changed to the Estates Code. She reported that one comment was received, concerning the proposed change to Minimum Standard 21 regarding the number of wards.

The Board discussed the proposed change, which would require a certified guardian to inform the Board if he or she had more than 50 wards. Mr. Corbett moved, and Ms. Parsons seconded,

to adopt the proposed changes to the Minimum Standards as presented. There being no further discussion, the motion carried.

REQUIRED ANNUAL REPORTING

Ms. Ondrechen summarized the information reported as of May 1, noting that Travis County had filed its report timely. 132 county clerks reported, with 61 counties reporting registered private professional guardians. DADS reported 1,345 wards statewide. 16 guardianship programs and 57 private professional guardians filed reports, and 13 "other certified guardians" reports were received.

The Chair told the Board that she had discussed the required annual reports and the OCA monthly reports at the June college of probate judges. She asked for the Board's assistance in bringing the issue to the attention of county clerks and judges. The Chair noted that part of the problem with not receiving timely and/or accurate reports from counties is that there is no sanction or penalty for not reporting.

PUBLIC COMMENT

Mr. Alex Jones commented that DADS had 931 direct services wards; the others are served by contractors. Judge Burwell requested that Mr. Jones ask DADS supervisors to talk to county clerks about not reporting; Mr. Jones noted that without accurate numbers, resources could not be obtained. Ms. Speer told the Board that the OCA was contemplating holding a "boot camp" for new clerks.

ADJOURNMENT

On motion by Ms. Dabner and second by Ms. Meyer, the meeting was adjourned at approximately 2:02 p.m.

**GUARDIANSHIP CERTIFICATION BOARD
MINUTES OF MEETING**

July 18, 2014

11:00 a.m.

John H. Reagan Building
105 W. 15th St., Room 140
Austin, Texas

NOTE: These minutes were recognized by the Judicial Branch Certification Commission, but were not officially approved by the entity that held the meeting.

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on July 18, 2014 at 11:03 a.m. The meeting was held in the John H. Reagan Building in Austin, Texas. Notice of this meeting was posted on the GCB's website and distributed to interested persons in accordance with the GCB's public meetings policy.

ATTENDANCE OF MEMBERS

Lesley Ondrechen, Guardianship Certification Program Director at the Office of Court Administration called the roll. The following members of the GCB were present:

Judge Gladys Burwell	Barry Anderson	Jason Armstrong
Garth Corbett	Carol Dabner	Don Ford
Toni Glover	Bob Jones	Jamie MacLean
Marlane Meyer		

Mr. Jones and Ms. Dabner participated by telephone conference call. Dr. Patricia Blair, Phil Grant and Amy Parsons did not participate. Board staff present were Jeff Rinard, Certification Division Director; Judy Speer, Assistant General Counsel; Tyees Holcombe, Judicial Regulatory Assistant; Michele Henricks, Program Director; and Lesley Ondrechen, Program Director of the OCA, and Nancy Fuller and Catharine Hansard of the Office of the Attorney General. Members of the public present at the meeting were Alex Jones and Rosa Berumen of the Texas Department of Aging and Disability Services (DADS), Claudia Gonzalez, Cecilia Longoria, Kirk Monroe, Sheryl Monroe, Kristen Reins, Susan Fillion and Carolyn Williams.

MINUTES

May 8, 2014

Upon motion by Ms. Meyer and second by Ms. Glover, the minutes were adopted as submitted.

March 16, 2014

Upon motion by Ms. Meyer and second by Ms. Glover, the minutes were adopted as submitted.

DIRECTORS' REPORTS

Mr. Rinard addressed the Board under agenda item IV, Update on Judicial Branch Certification Commission (JBCC).

Ms. Ondrechen conveyed Ms. Parsons' remarks that it has been an honor and a pleasure to serve on the Board.

The director reported that as of July 17, 2014, there are 417 certified guardians, 329 who are fully certified and 88 who are provisionally certified. 10 applications for certification, two applications for provisional certification and one application for re-certification are pending.

Ms. Ondrechen reported that 18 people are registered to take the certification exam on July 23. She met with the exam administrator to schedule exams for the coming fiscal year; they have been set for October 22, 2014; January 28, 2015 and July 22, 2015 in Austin. The Texas Guardianship Association's annual conference will be in Waco next April; the exam administrator will be able to grade the exams and provide the statistical analysis if the exam is administered and proctored by OCA staff. Exam dates will be posted on the website once the date and administration of the exam in Waco is confirmed.

The Application Review Committee met once, on June 5, since the last Board meeting. The Committee (Mr. Jones, Mr. Grant and Mr. Armstrong) considered three applications for certification; all three were denied because the applicants lacked the necessary experience or education. One applicant is already provisionally certified, one intends to apply for provisional certification, and one has requested reconsideration of the denial. The reconsideration will be discussed in agenda item VII. Ms. Ondrechen clarified that all denials were based on lack of experience or education; no background check incidents were involved in the Committee's decisions.

The Disciplinary Review Committee met once, on June 25, since the last Board meeting. That meeting will be discussed in detail under agenda item V.

UPDATE ON JUDICIAL BRANCH CERTIFICATION COMMISSION

Mr. Rinard announced that the Judicial Branch Certification Commission (JBCC) members have been appointed by the Supreme Court of Texas. He congratulated Mr. Ford on his appointment. Mr. Rinard told the Board that orientation training for the JBCC members is scheduled for September 4, and the first meeting scheduled for September 5. Advisory board members are expected to be appointed in mid-August.

Mr. Rinard updated the Board on the transition of licensed court interpreters from the Texas Department of Licensing and Regulation to the JBCC; procedures for applicants to obtain their criminal history records; specifications for a new licensing database; new performance measures for the JBCC, as approved by the Legislative Budget Board; the Certification Division's move to the 5th floor of the Tom C. Clark Building; and the new complaint process. Finally, he commended all the Certification Division staff members for their commitment and professionalism.

CONSIDERATION OF RECOMMENDATION FROM DISCIPLINARY REVIEW COMMITTEE ON PETITION TO INITIATE DISCIPLINARY PROCEDURES

Mr. Monroe and his attorney, Ms. Reis, attended in person. Mr. Ford reported on the June 25 meeting of the Committee (Mr. Ford, Mr. Corbett and Ms. Dabner; Judge Burwell also attended). The manager of a group home, from which the guardian had moved all of his program's wards, filed a complaint alleging violations of procedures and standards related to the moves. Mr. Ford reported that the Committee found no violation of the Board's Rules or Minimum Standards, and recommended the petition be dismissed.

Mr. Ford moved that the Board accept the Committee's recommendation to take no disciplinary action and to dismiss the petition. Ms. Meyer seconded, and there being no discussion, the motion carried. The Chair thanked Mr. Monroe for appearing in person.

CONSIDERATION OF WAIVER TO EXTEND PROVISIONAL CERTIFICATION PERIODS

The director presented the request for a waiver submitted by Sandra Brown. Her provisional certification will expire on August 27, and she is seeking an additional six months of provisional certification.

Ms. Brown and her supervisor, Debbie Schutkowski, joined the meeting by telephone. Ms. Brown and Ms. Schutkowski answered questions from the Board regarding testing and continued supervision of Ms. Brown.

Ms. Meyer moved to extend Ms. Brown's provisional certification through February 27, 2015. Ms. Glover seconded, and there being no further discussion, the motion carried.

REQUEST FOR RECONSIDERATION OF DENIAL OF APPLICATION FOR CERTIFICATION

Brad Young was notified of the Board meeting, but did not contact the director regarding attending. Ms. Ondrechen told the Board that Mr. Young he does not have a four-year degree or experience that would qualify him for certification, and that he has not registered to take the exam. His application for certification was denied by the Application Review Committee on June 5. The Chair asked Mr. Jones, chair of the Application Review Committee, some questions regarding Mr. Young's application. Mr. Jones verified that the possibility of becoming provisionally certified was discussed with the applicant.

Mr. MacLean moved, and Mr. Armstrong seconded, to deny Mr. Young's request for reconsideration. After discussion, the motion carried. The director will notify Mr. Young of the Board's decision, and will reiterate he has the opportunity to become provisionally certified.

REVISED CERTIFICATION EXAM

The director reminded the Board that the Exam Committee (Dr. Blair, Mr. MacLean and Ms. Meyer) met several times and reviewed all questions in the current exam pool. Ms. Ondrechen

cautioned the Board that if specifics of exam question on the exam was discussed, that discussion would have to take place in closed session. The OCA is seeking Board approval to complete the process of revising the certification exam.

Ms. Meyer moved that the Board authorize Board staff and the director to take necessary actions to prepare revised versions of the guardianship certification exam, including but not limited to assembling revised versions of the exam based on the updated question pool as reviewed by the Board's Exam Committee; incorporate questions which have not been used on previous versions of the exam; incorporate revisions to existing questions which were made by the Exam Committee; incorporate questions which will not be included in the test score in order to obtain validation information for such questions; and incorporate questions which have been validated into revised versions of the exam. Mr. Ford seconded, and there being no questions or discussion, the motion carried.

The Board adjourned at 11:42 a.m., and reconvened at 12:00 noon.

STATUS OF COMPLIANCE WITH TERMS OF PROBATION PURSUANT TO SETTLEMENT AGREEMENT

The Board went into closed session at 12:02 p.m., and reconvened in open sessions at 12:50 p.m.

The Chair noted that the Board must determine whether it will allow the PowerPoint presentation required under the settlement agreement to be provided beyond the due date of August 6. Mr. Ford moved to allow the presentation to take place after August 6. After discussion, he amended his motion to allow for the presentation after August 6, but before August 31. Mr. Anderson seconded, and the motion carried.

The Chair asked that possible dates be provided to Ms. Speer. The Chair will attend the presentation, and will ask the two Houston Board members to attend. She suggested that court investigators and probate judges also be invited to attend.

PUBLIC COMMENT

Mr. Alex Jones thanked the Board for its service, and looks forward to working with the JBCC.

ADJOURNMENT

On motion by Mr. Ford and second by Ms. Meyer, the meeting was adjourned at approximately 12:55 p.m.