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# Colorado Office of Public Guardianship

**Commissioners**

Shari Caton, Chair  
Deb Bennett Woods, Vice Chair  
Marco Chayet  
Kelsey Lesco  
Karen Kelley



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## **PUBLIC MEETING**

**April 24, 2018**

### **Record of Proceedings**

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#### **CONVENE**

The meeting of the Colorado Office of Public Guardianship Commission was convened in the Ralph L. Carr Judicial Center, 1300 Broadway, 2<sup>nd</sup> Floor, Platte Room in the Headwaters Suite, Denver, Colorado 80202 at 10:03 AM by Commission Chair Shari Caton.

A quorum of the Commission was present.

#### **Commission Members Present**

Shari Caton, Chair  
Kelsey Lesco  
Marco Chayet

Deb Bennett-Woods, Vice-Chair  
Karen Kelley

#### **Others Present**

Danielle Becwar, Office of the State Court Administrator  
Janel Bravo, Office of the State Court Administrator  
David Kribs, Office of the State Court Administrator  
Connie Lind, Office of the State Court Administrator  
Sueanna Johnson, Office of the Attorney General

#### **Public Attendance**

Rob Hernandez  
Maureen Welch  
Sherry Stwalley  
The Honorable Judge Elizabeth Leith

## AGENDA ITEMS

### I. Public Comment

**Robert Hernandez.** Mr. Hernandez expressed his concerns regarding continuity among the judicial districts and their different interpretation of rules and laws and the handling of guardianship cases. He encouraged the Commission to consider every at risk adult and their needs, and ensure those individuals civil rights are protected before filing a case with the court.

**Maureen Welch.** Ms. Welch introduced herself, as well as her son by means of telling his story. She is concerned about the civil rights of the at risk adult community, as well as: the Adult Protective Services (APS) not being equipped to conduct certain interviews regarding these individuals; that judicial is considering using the C.A.P.S. system for maintaining records, yet may not be thinking about the unintended circumstances that may occur when housing such confidential records; and that the Denver District Attorney's Office was not aware of the OPG and Denver being one of the pilot districts. She asked the Commission to consider adding the call-in information to the meeting agenda and allow for public comment at the end of the meeting, as they do at the beginning.

Both Mr. Rodriguez and Ms. Welch thanked the Commission for the opportunity to attend and speak at the meeting and stated they will both be regular attendees moving forward. The Commission thanked them for taking the time to attend and they look forward to having them attend future meetings.

AAG Johnson also thanked them both for attending and for their comments, and sought to clarify a couple of matters.

- The OPG Commission is an independent agency from State Judicial, and State Judicial is to only offer administrative support to the Commission.
- State Judicial does not make policy or have decision-making authority for the Commission

The matter of the Denver District Attorney's Office not being informed of the pilot program was also clarified, in that the District Attorney's office handles criminal matters; however, the Denver County Attorney's Office is the office that handles guardianship matters, and that Office is fully aware of the OPG and Denver being a pilot district.

**David Kribs.** Mr. Kribs provided an update on securing a bank account with Wells Fargo, discussed the difficulties and challenges they've faced in doing so and advised he will continue working to get the account opened this week. He also

provided a hand-out regarding his research into PayPal, Go Fund Me, Colorado Gifts, etc., and discussed accepting credit card donations.

Checks received go into the Treasury Account (The Office of Public Guardianship Cash Fund), where credit card donations would first go into the bank account and then transferred to the Treasury Account.

Mr. Kribs will work with Ms. Lind and others at SCAO regarding the website and the OPG webpage for easier access.

Also discussed was:

- Placing a checkbox for disclosures when accepting a credit card donation, PayPal, etc.
- Not likely available on PayPal, Go Fund Me, etc.
- Consider placing the Receipt/Disclosure on the website for parties to sign and send in when using one of the above methods for donating

## **II. Chair Announcements**

The Next Fifty grant application was denied, however, consideration should be given to revamping and resubmitting the application the next time it opens-up, or possibly even submitting a letter to Next Fifty regarding the application that was denied.

Commission Chair Caton's donation was received by State Judicial and deposited in the Cash Fund.

AAG Johnson worked with Ricoh (private copy center in the Carr Judicial Building) on printing materials for mailings to community stakeholder involving informational letters and the fundraising invite at the Colorado Bar Association.

Ms. Stwalley provided letterhead for the Commission, as well as reached out to the judges in the pilot districts (The Second, Seventh, and Sixteenth Judicial Districts) regarding community outreach. Judges Leith, Deganhart, and MacDonnell all agreed to host a public meeting in their respective Judicial Districts.

Commission Members will serve as representatives and assist the pilot districts are as follows:

- Commissioner Chayet for the 2<sup>nd</sup> Judicial District, Denver Probate Court
- Commissioner Lesco for the 7<sup>th</sup> Judicial District
- Commissioner Kelley for the 16<sup>th</sup> Judicial District

### **III. Approval of the Corrected March 9, 2018 Minutes**

A minor correction was needed to the date in section II of those minutes.

Commissioner Kelley moved to adopt the corrected March 9, 2018 meeting minutes. The motion was seconded by Commission Vice-Chair Bennett-Woods. The motion passed unanimously.

### **IV. Approval of the March 26, 2018 Minutes**

Commission Vice-Chair Bennett-Woods moved for adoption of the March 26, 2018 meeting minutes. The motion was seconded by Commissioner Lesco. The motion passed unanimously.

### **V. Amendment to the Interim Fundraising Guidelines**

Amendments to Section 3.2 of the Interim Fundraising Guidelines was needed.

Other OPG materials discussed are the:

- Fact Sheet
- Letter Re: The Office of Public Guardianship Pilot Project
- Receipt of Gift, Grant, or Donation that includes the Mandatory Disclosures
- Invitation to the May 11, 2018 Fundraiser & Informational Meeting to be held at the Colorado Bar Association

Approximately 85 names of entities in the targeted counties were provided to AAG Johnson for mailing above-mentioned materials.

Commission Chair Caton thanked Ms. Stwalley for her work on the OPG letterhead.

Commission Vice-Chair Bennett-Woods will be presenting at an event on Thursday and asked if it is appropriate for her to distribute OPG materials to the attendees (e.g. Invitation, Fact Sheet, etc.). AAG Johnson will meet with Commission Vice-Chair Bennett-Woods after today's meeting to discuss how to get such printed materials to her.

At the fundraiser on May 11<sup>th</sup>, should the Colorado Bar Association (CBA) or any other entity or individual make a donation, should a member of the OPG Commission be prepared to provide the donor with a receipt right then and have the donor sign the receipt/disclosure statement? AAG Johnson indicated that the receipt should be completed at the time of donation.

During a recent meeting held at the Colorado Bar Association (CBA) it was mentioned that the Elder Law Section is considering making a \$1,000 donation and asked what happens to gifts, donations, grants received if the entire 1.7 million is not raised for the OPG.

AAG Johnson advised per the statute and noted in the mandatory disclosure section of the receipt, if the OPG Pilot Program is not continued or modified by the General Assembly, all donations that are not spent prior to the expiration of the pilot program in 2021 will revert to the general funds for the State of Colorado.

Commission Vice-Chair Woods-Bennett and Commissioner Chayet voiced their concerns regarding that disclosure as it relates to grants. Grant funds awarded must be used as intended and detailed in the grant application and meet the requirements of grant.

Further discussion includes:

- Remove 'Grant' from the current receipt and have a separate receipt for grants
- Have three separate receipts – one for each – Gift, Grant, Donation
- A separate letter with disclosures. The letter along with the receipt could be submitted with future grand applications.
- The Commission can seek a legislative fix regarding returning funds to the donor should the entire 1.7 million dollars not be raised
- Can grant funds be held in an interim account
- Grants are bit different, however, once grant funds are deposited, they too are subject to being turned over to the general fund as stated above

Commission Chair Caton asks if there is a motion to change the receipt.

Commission Vice-Chair Bennet-Woods recommends it remain 'as is' for now. AAG Johnson is hesitant to separate out the receipts but can add a footnote at the bottom indicating that terms and conditions may vary with the receipt of grants.

Commissioner Chayet moved for adoption of the Revised Interim Fundraising Guidelines with amendments to Section 3.2, and motioned to accept revisions to the Receipt of Gift, Grant, or Donation by adding the suggested language. The motions were seconded by Commissioner Kelley. The motions passed unanimously.

## **VI. Overview of HR Assistance from State Judicial for Appointment of the OPG Director.**

Ms. Bravo and Ms. Becwar from the State Court Administrator's Office, Division of Human Resources introduced themselves and provided the Commission with a draft posting for the position of Executive Director of the OPG, which includes statutes specific to this position, and is similar to that of the Director of Colorado Office of the Child's Representative (OCR).

The Commission is responsible for determining the:

- Salary
- Minimum requirements and qualifications (e.g., education, work history, etc.)
- Final job announcement for posting
- Grid for measurable markers (for determining who to interview)
- Interview questions
- Rules for conducting interviews for consistency and fair treatment of all candidates

Ms. Becwar advised she can assist the Commission by:

- Posting the director position on the Judicial Branch's website
- Collecting all applications submitted
- Assist with the criteria for the initial screening of applicants and interview questions

When the Commission has their list of top candidates, Ms. Becwar can:

- Reserve meeting space for conducting the interviews
- Contact candidates to schedule interviews

When the Commission has selected their top 2 or 3 candidates from the interview process, Ms. Becwar can:

- Check the references provided by these candidates, summarize the feedback received and provide it to the Commission; and
- Lastly, run a background check on the top candidate being offered the position.

Commission Vice-Chair Bennet-Woods asked if the description for the position would be different; the director of the pilot project needing to be qualified in fund raising in order to help raise the 1.7 million dollars required (a limited hire), and then different qualifications for the director position to run the OPG.

Ms. Becwar advised statutes specific to the position must be included in the job announcement/posting. She and Ms. Bravo recommended including more detail in the posting, such as minimum qualification and preferred qualifications, and also recommended that the Commission not use the judicial application for employment as it could be confusing to applicants. They should use the same application form for all candidates and have only one link for applicants to access when applying for the position. That link can then be shared on other websites as deemed appropriate by the Commission.

Ms. Bravo and Ms. Becwar were asked if they could recommend a salary and minimum qualifications for the position. Ms. Bravo advised they can seek assistance from the Branch's Total Compensation Manager regarding a recommended salary, and Ms. Becwar can reach out to her contacts such as the National Center for State Courts for information, as well as search what other states might have.

The Commission asked Ms. Bravo and Ms. Becwar to attend the next meeting to provide an update as to what they learned regarding salary, minimum qualifications, etc.

## **VII. Closing Comments**

Commission Chair Caton allowed public comments at the end of the meeting as requested by Ms. Welch and Mr. Rodriguez. Ms. Welch and Mr. Rodriguez thanked the Commission for allowing this. Both summarized their previous comments. Ms. Welch also discussed having the correct stakeholders involved, the \$300,000 allocated to the OPG, and asked that meeting materials be posted ahead of the meeting so that those attending in person and via phone would have them.

The Commission clarified that they were given spending authority through this fiscal year; however, no funds have been allocated to the OPG Commission.

Specifically, the supplemental budget request of \$350,000 that State Judicial submitted to the Colorado General Assembly on behalf of the OPG Commission and approved by the General Assembly was for spending authority for monies received in FY 2017-18, and not general revenue appropriated to the agency. The OPG Commission must raise all monies from gifts, grants or donations to begin implementation of the pilot program. The only donation received up to this point is the one made by Commission Chair Caton.

Commission Chair Caton indicated that she has worked with AAG Johnson and the IRS to obtain the government tax exempt letter from the IRS.

The next meeting will be held on May 23, 2018 from 10am – 12pm at the Ralph L. Carr Judicial Center.

### VII. Adjourn

Commissioner Vice-Chair Bennet-Woods moved for the meeting to be adjourned. The motion was seconded by Commissioner Chayet. With no objections, the meeting was adjourned at 12:06 p.m.

### ATTESTATION

As Commission Chair and Commission Vice-Chair, we attest that these minutes of the open public meeting of the Colorado Office of Public Guardianship Commission substantially reflect the substance of the discussion and action taken related to the matters under the authority of the Commission.



Shari Caton, Commission Chair



Deb Bennett-Woods, Commission Vice-Chair

June 13, 2018

Date

June 13, 2018

Date