
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

October 3, 2018

Record of Proceedings

CONVENE

The meeting of the Colorado Office of Public Guardianship Commission was convened in the Ralph L. Carr Judicial Center, 1300 Broadway, Headwaters Training Suite (Poudre Room) in Denver, Colorado 80202 at 10:04 AM by Commission Chair Caton.

A quorum of the Commission was present.

Commission Members Present

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

Commission Members Absent

Kelsey Lesco

Others Present

Hugh Wilson, Office of the State Court Administrator
Connie Lind, Office of the State Court Administrator
Sueanna Johnson, Senior AAG
Russell Klein, Deputy AG – Business & Licensing

Public Attendance

Caitlin Carman, Colorado Bank and Trust
Rachel Leamon, Rocky Mountain Human Services
T. Cole, 9News
Katie Wilcox, 9News
Greg Smith, Department of Human Services (APS)*
Peg Rogers, Department of Human Services, (APS)*

Jeremy Schupbach, Colorado Bar Association*

* Appeared/Participated by Telephone

AGENDA ITEMS

I. Approval of the August 29, 2018 Minutes

Commission Vice-Chair Bennett-Woods asked for a minor change on page 3, second to the last bullet point, changing the first sentence to read: Meeting with Hospital Association has been supportive, however, they are not in a position to fund the Office, and *do not view the hospitals as* a likely path to funding in the future. Commissioner Chayet moved for adoption of the August 29, 2018 meeting minutes as amended. The motion was seconded by Commission Vice-Chair Bennett-Woods. The motion passed unanimously.

II. Approval of the September 6, 2018 Minutes

Commission Vice-Chair Bennett-Woods moved for adoption of the September 6, 2018 meeting minutes. The motion was seconded by Commissioner Chayet. The motion passed unanimously.

III. Information Regarding Purdue Litigation Hold Letter

Mr. Klein from the Office of the Attorney General advised the Commission that as an over-abundance of caution, the Commission was sent a Litigation Hold Letter requiring the OPG Commission to preserve all documents related to this litigation. He informed the Commission that AAG Johnson can explain in greater detail during today's executive session, if need be.

Mr. Klein briefly explained the issues regarding the Purdue Litigation:

- Opioids and addiction;
- Over prescribing; and
- Misrepresentation of risk vs benefits.

Commission Vice-Chair Bennett-Woods disclosed, outside of her work on the Commission, she has spoken on the topic of opioids and will continue doing so.

IV. Chair Announcements

Commission Chair Caton began her announcements by welcoming the staff from 9News. Their interest in attending today's OPG meeting to learn more about the Office is much appreciated by the Commissioners. Ms. Wilcox from 9News likewise appreciates the opportunity to be present, and to provide a bit of background and information regarding the story they are working on regarding elder abandonment.

The other Chair announcements include:

- HB 18-1198, C.R.S. 24-3.7-102, Best Practices for State Boards and Commissions is legislation that passed during the last legislative session. AAG Johnson can further discuss this if needed in Executive Session. She is putting together policies regarding this bill, including annual training and any other training needed.
- Rob McCallum from State Judicial/SCAO is willing to provide "media training" to the Commissioners.

V. Monthly Budget Report

Mr. Wilson reports no change. No funds received and no expenditures since the prior report. The balance on the OPG Commission accounts remains at approximately \$1,800.

VI. Update on the JBC Meeting Regarding the 1331 Budget Request / Interim Report

Commission Chair Caton advises the 1331 Budget Request was denied, however, Steve Allen, JBC Staff, presenting on the matter agreed it met both the interim supplemental criteria of § 24-75-711 C.R.S. and the JBC supplemental criterial.

Mr. Allen's report can be found on the JBC's website.

- But Mr. Allen can't agree to endorse general funds when the General Assembly is not in session, but in general, is supportive of the Report.
- Representative Young was very complimentary of the Report, and noted it is unfortunate that it didn't work out as thought with the original legislation.

- A member of the JBC discussed his reservations regarding funding by means of gifts, grants, and donations, and whether the General Assembly should ever go this route for legislation.

Next steps as presented by Hugh Wilson of SCAO, AAG Johnson, and the Commission members:

- Nov. 1 – FY20 Budget Request.
- Dec. 31 – Regular Supplemental that would closely mirror 1331.
- JBC in January.
- Amended legislation could be a part of it. OPG would need a sponsor.
- Possible to ask JBC to be a sponsor and run the bill.
- If passed, mid-March for the Governor to sign for the current fiscal year – March through June.
- Separate Budget Amendment – July 1. Change amount for full funding FY20.
- This can be asked for without statutory changes as it is not prohibited.
- Statutory changes should include updating the Pilot Project dates.
- Interim Report still needs to be presented to Judiciary. Yes.

The Commission will review the current statute for the OPG pilot program, identify issues, and send their recommendations to AAG Johnson by October 17th. AAG Johnson will complete a draft or send suggested edits to the Commission by October 23rd.

Further discussion on possible amendment to the legislation included:

- Could a new Commission be appointed when the new Governor is elected?
- Phase in an OPG for establishing the office, not just a Pilot Project.

- Concerns with past fiscal notes. Prior reports are outdated (2012/2013).
- Mr. Schupbach offered to review the draft legislation when completed.
- This will be a topic for the 10/24 OPG meeting.
- It is suggested that Terry Scanlon, SCAO Legislative Liaison be asked to attend the 10/24 meeting to speak on the legislative process. Mr. Wilson will reach out to Mr. Scanlon.

VII. Revision to Public Comment Policy

AAG Johnson presented minor edits to the Public Comment Policy in redline form. Commission Vice-Chair Bennett-Woods moved for adoption of the revised Public Comment Policy. The motion was seconded by Commissioner Chayet. A question was whether this policy allowed for flexibility, and AAG Johnson indicated it was specifically drafted with that intent. The motion passed unanimously.

VIII. Fundraising Efforts/Community Outreach

Commission Chair Caton Report

- Worked on the 1331 Report, and attended the JBC Meeting.
- Will give a presentation this upcoming Friday to a group of Social Workers / Case Managers.
- Spoke with Rocky Mountain Human Services. (A representative being present today.) Will continue her dialog and collaboration with them.
- Continued dialogue with the Department of Human Services as mentioned in prior meetings.

Ms. Leamon from Rocky Mountain Human Services informed the Commission of her agency's efforts, including a bid they won for the "Momentum Program", helping to transition people out mental facilities and into the community. Ms. Leamon has agreed to help gather current statistical data for the Commission relating to the need for guardians.

Commission Vice-Chair Bennett-Woods Report

- Worked on the 1331 Report, and attended the JBC Meeting.
- Had a conversation with Representative Young regarding viability of pilot program without general funding.
- Discussed the comments received from the JBC meeting.

Commissioner Lesco Report

- AAG Johnson gave an update for Commissioner Lesco:
 - Commissioner Lesco has an event scheduled on October 18, 2018 at the Montrose Judicial Center (15 entities were invited)
 - Commissioner Lesco sent the Commission revised Marketing Materials for review

Commissioner Chayet Report

- Worked on the 1331 Report.
- Fundraising has hit a brick wall (as previously reported), however, as to outreach efforts, continues to speak about the OPG any time he is in-front of individuals interested in the Office.
- Spoke with Judge Leith, Denver Probate Court, and reports she is interested in assisting with amending the legislation
- 18th J.D. Senior Law Day.

Commissioner Kelley Report

- Still working with the 16th J.D.
- Additional interest from Pueblo, Kiowa, and Prowers County outside of the 16th J.D., but possible outreach in those areas.

Commissioner Chayet suggests another joint effort / community outreach for January or February next year. Commission Chair Caton agrees and asks the

Commission to check their schedules for the last two weeks of January, first two weeks of February, and provide suggestions regarding a location for holding such an event.

Commission Vice-Chair Bennett-Woods states fundraising efforts are not working and proposed the Commission move forward with updating current legislation. Commission Chair Caton advises that the Commission's charge is to continue fundraising, even if efforts may not be successful.

Ms. Leamon asked if she could ask a couple of questions. Commission Chair Caton allowed her questions.

**IX. Review and Approval of Guardianship/Conservatorship Law
101 Talking Points**

Commission Chair Caton recommends tabling this until the next meeting. All agree. Comments/edits are to be sent to AAG Johnson by October 17, 2018.

X. Review of Revised Marketing Materials

Commission Chair Caton recommends tabling this until the next meeting when Commissioner Lesco is present. All agree. Commissioner Kelley asked if the spelling of her name could be corrected on page one under "Commissioners." Commissioners are to send comments/edits to AAG Johnson by October 17, 2018.

**XI. Review/Discussion of Edits and Suggested Changes to OPG
Executive Director Job Description**

Commission Vice-Chair Bennett-Woods recommends semi-permanently tabling this issue until funding is clarified. All agree.

XII. Public Comment

No public comment from those on the phone or in person.

**XIII. Attorney-Client Advice Regarding Next Steps Following JBC
Meeting**

At 11:45 AM, Commission Chair Caton requested a motion to enter into Executive Session to discuss next steps for the Commission in light of the JBC's decision to not

grant the 1331 Budget Request. Commission Vice-Chair Bennett-Woods moved to enter into Executive Session. Commissioner Kelley seconded the motion. The motion passed unanimously.

**Executive Session was held to protect
the Attorney-Client Privilege.**

Executive Session was recorded

Return to open meeting

At 12:40 p.m., the Commission returned to Open Session

The Commissioners determined that the Interim Report/1331 Budget Request needs to be sent to the appointing authorities, the Governor and Chief Justice Coats. The Commission recommended that Commission Vice-Chair Bennett-Woods was delegated authority to send out the letters as drafted by AAG Johnson. A motion for such delegation was made by Vice-Chair Woods. The motion was seconded by Commissioner Kelley. The motion passed unanimously.

As a recap for the October 24th meeting, the Commissioners are to come prepared to discuss possible legislative amendments to the pilot program statute, sponsorship, and discuss other issues related to the legislative process.

XII. Adjourn

Commission Vice-Chair Bennett-Woods moved for the meeting to be adjourned. The motion was seconded by Commissioner Kelley. With no objections, the meeting was adjourned at 12:44 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

Date

Date