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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 December 12, 2018

### Record of Proceedings

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#### CONVENE

The emergency meeting of the Colorado Office of Public Guardianship Commission was convened by telephone only with a call-in number made available to the public at 4:33 PM by Vice-Chair Bennett-Woods.

A quorum of the Commission was present.

#### **Commission Members Present**

Deb Bennett-Woods, Vice-Chair\*  
Marco Chayet\*

Kelsey Lesco\*  
Karen Kelley\*

#### **Commission Members Absent**

Shari Caton, Chair

#### **Others Present**

Connie Lind, Office of the State Court Administrator\*  
Sueanna Johnson, Senior AAG\*

#### **Public Attendance**

Robert M. Hernandez\*  
Maureen Welch\*

\* Appeared/Participated by Telephone

## AGENDA ITEMS

**Note:** Prior to the meeting being called to order, Commissioner Kelley advised Commission Vice-Chair Bennett-Woods that she will need to exit the conference call at approximately 4:50 p.m. due to a previous engagement.

### **i. Review and Approval of the Report to be Submitted to the Joint Budget Committee in Response to their Questions**

Commission Vice-Chair Bennett-Woods began discussing the two documents sent to the Commission; one being a very rough draft, and the other one a cleaner version that she herself put together. There is a third version from Commission Chair Caton, however, it was sent to AAG Johnson only as a pdf document.

Commission Vice-Chair Bennett-Woods asked the Commissioners if they had any comments or concerns about the two drafts sent out. All three Commissioners responded, they did not, however, as Commission Vice-Chair Bennett-Woods began discussing the version sent out by Commission Chair Caton, it was requested that AAG Johnson send that version to the Commissioners. AAG Johnson complied with the request.

Further discussion, comparing the clean version to the version sent by Commission Chair Caton:

- Page 1 - No changes. Commissioners agree
- Page 2 - Revisions discussed. No objections
- Page 3 – Revisions discussed. Commissioner Chayet believes the reference to APS needs to remain. Commissioner Lesco agrees.
- Commissioner Lesco believes the data is accurate
- AAG Johnson to footnote the source
- Should the last 2 paragraphs in Answer #2 remain? Yes
- Should the Answer to Question #3 remain as drafted? Yes
- Answer #4:
  - Current probate filing fee is \$164, however, it is allocated to different funds
  - Ask for an increase of \$100
  - This needs to be rewritten for clarity
  - Of the 16,738 total probate cases, how many are for guardianship cases
  - Explain the different case types that fall under probate filings
  - AAG Johnson and Ms. Lind should speak with Mr. Wilson to rework

Commissioner Lesco moves to have AAG Johnson work with Mr. Wilson to rewrite answer #4 and delegate to Commissioner Chayet finalizing answer #4. The motion was seconded by Commissioner Chayet. Motion passed unanimously.

- AAG Johnson will work with Mr. Wilson to clarify, of the 16,738 case, how many are guardianship cases, define probate cases, and is the recommended increase of a \$100 to be a surcharge or filing fee, and is it for all probate filings or just guardianship filings
- Answer #5:
  - Commission Chair Caton's version has moved the content around. Last paragraph removed
  - It is unclear as to why it was removed
  - It should remain
  - Could state: The Commission agrees
  - Immunity discussed
  - Point out not enough private guardians

Commission Vice Chair Bennett-Woods recapped the comments made today. AAG Johnson making changes to the draft as discussed.

- #1 – Remain as is
- #2 – Commission Vice Chair Bennett-Woods has minor changes (e.g. use of commas)
- #3 – Remain as is
- #4 – Rewrite
- #5 – Accept the revisions on Chair Caton's version with retaining the first sentence, deleting the final sentence, and redrafting the last paragraph

Commissioner Lesco moves to approve as amended. The motion was seconded by Commissioner Chayet. Motion passed unanimously.

AAG Johnson advises the changes to Answer #4 needs to be finalized tomorrow.

#### **I. Adjourn**

Commissioner Chayet moved for the meeting to be adjourned. The motion was seconded by Commissioner Lesco. With no objections, the meeting was adjourned at 6:12 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.

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Shari Caton, Commission Chair

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Deb Bennett-Woods, Commission  
Vice-Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

For OPG Commission Review - 1-3-2019