
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

June 27, 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, Conference Room 2B in Denver, Colorado 80202 at 10:02 AM by Commission Chair Caton.

A quorum of the Commission was present.

Commission Members Present

Shari Caton, Chair
Karen Kelley
Kelsey Lesco
Marco Chayet

Commission Members Absent

Deb Bennett-Woods, Vice-Chair

Others Present

David Kribs, Office of the State Court Administrator
Hugh Wilson, Office of the State Court Administrator
Connie Lind, Office of the State Court Administrator
Sueanna Johnson, Senior AAG
Ryan Hull, Intern with the Attorney General's Office

Public Attendance

Terry Lake (via telephone)

AGENDA ITEMS

I. Approval of the May 23, 2018 Minutes

Commission Chair Caton asks if there was any discussion relating to the minutes. Amendments to the draft meeting minutes include:

- Correction of Commissioner Kelley's name. Correct spelling is Kelley.
- Page 6 – Under Commissioner Lesco Report: Correct spelling is Zimm Consulting, and The Colorado Trust is correct, therefore, the words 'Health Foundation' should be deleted.

Commissioner Chayet moved for adoption of the May 23, 2018 meeting minutes as amended. The motion was seconded by Commissioner Kelley. The motion passed unanimously.

II. Chair Announcements

Commission Chair Caton announced:

- Commissioner Chayet's "great quotes" were included in an article published in the June 11, 2018 issue of the Law Week Colorado.
- Earlier in June, an email was sent to the Commission regarding a Stakeholder Group being formed, and meetings to be held regarding the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Proceedings Act (UGCOPPA). The Colorado Bar Association (CBA) has held two orientation meetings and has scheduled several feedback meetings.
 - These meetings will be held in Denver at the Colorado Bar Association on:
 - July 11th from 9am- 11am
 - August 1st from 9am – 11am
 - August 22nd from 9am – 11am
 - September 12th from 9am – 11am
 - October 3rd from 9am – 11am
 - October 24th from 9am – 11am

- Commissioner Chayet advised it would be good to have non-attorney Commissioners attend the above mentioned meetings.
- Commission Chair Caton received information regarding national feedback being sought by the U.S. Senate Special Committee on Aging, on the topic of Guardianship Arrangements – four (4) specific questions. A response is due by July 20, 2018.
 - Commission Discussion:
 - Yes, the OPG Commission should respond.
 - It could be a good marketing strategy; however, Commissioners have limited available time between now and the due date.
 - If a response is drafted, will it be reviewed and considered, and will it be impactful.
 - Each Commissioner could take a question to work on.
 - After further discussion and with limited resources, the Commission voted unanimously to set this aside and focus on the other, more pressing matters before them; however, they will be monitoring where this goes.
- Senate Bill 18-251 was passed – Statewide Behavioral Health Court Liaison Program. C.R.S. §16-11.9-201. Mr. Wilson, Budget Manager for the State Court Administrator’s Office, provided clarification regarding the bill, and that the State Court Administrator’s Office would receive one (1) FTE. The remaining funds would funnel through the Judicial Department.

III. Monthly Budget Report

Mr. Wilson provided a hand-out showing the OPG cash funds balance having \$878.01. This monthly budget does not include the balance owed to the Attorney General’s Office for AAG Johnson’s legal services.

Also discussed was:

- Maintaining a list of donors

- AAG Johnson can work with David Kribs, Director of Financial Services to compile the list of those who have donated up to this point
- AAG Johnson, Commission Chair Caton, Mr. Kribs, and Mr. Wilson will meet to discuss the need for tracking donations once donations are made possible on the website, including sending donors a confirmation for their donation and Thank You letter

IV. Fiscal Sponsor Issue

As discussed in May's meeting, there was a concern when applying for grants that the OPG does not have a fiscal sponsor.

Mr. Kribs advised:

- Chris Ryan, State Court Administrator, wants to help and has offered the assistance of Paulina Delora, Grant Management Specialist at SCAO
- All grants must follow judicial approved processes and Chris Ryan must sign-off on the grants
- Marty Galvin, Sr. Finance Manager should also be involved in these discussions as he has been working behind the scenes on OPG matters such as setting up the bank account, etc.

Commission Chair Caton will contact Mr. Kribs after today's meeting to schedule a time to further discuss this matter with SCAO staff.

V. Interim Report to the General Assembly/JBC

Commission Chair Caton has prepared a draft report that was circulated during today's meeting. A discussion with Terry Scanlon, SCAO Legislative Liaison is still needed regarding form and content and if it should be submitted to the JBC.

Mr. Wilson advises the Commission, they may want to consider sending the report to the JBC and the Joint Judiciary Committee (JJC), however, discussing it with Terry Scanlon is still recommended. The JBC meets again the third Wednesday in September, whereas the JJC will not meet again until January 2019.

Further discussion included:

- Seeking general funds to get the OPG started
- Asking for \$900,000 to start the OPG versus the entire 1.7 million
- Consider HB 1331
- Consider speaking with the bill sponsors for their ideas
- Mr. Wilson and Mr. Kribs have offered to draft a proposed budget request, providing different options and laying out the challenges for raising awareness
- The draft report prepared by Commission Chair Caton should include more details regarding community outreach, fundraising efforts, the fiscal sponsor issue, and the difficulties faced up to this point

Timeline for updated draft report and proposal:

- Commission comments due July 13th
- Mr. Wilson's draft proposal due July 20th

The Commission thanked Mr. Kribs and Mr. Wilson for attending today and for their assistance. Mr. Wilson thanked the Commission for taking the agenda items out of order.

VI. Fundraising/Outreach Reports by Commission Members

Commissioner Chayet Report

- Finds Commission Vice-Chair Woods' Report helpful
- He attended a UGCOPPA orientation meeting (referenced in the Chair's Announcements)
- In speaking with individuals from private family fund foundations, the common feedback is:
 - They would not fund OPG

- The perception is the State should be the one funding the pilot program
- He is finding there is zero percent interest in funding
- Commissioner Chayet has reached his limit regarding fundraising. There are no new leads
- Commission Chair Caton and Commissioner Lesco agree, as they too have experienced the same and are reaching their limit as well
- Suggestion received from others is look to “planned giving” (e.g. estate planning), however, that is for future funds
- Although Commissioner Chayet has taken the lead in Denver, it should be a Commission-wide effort, as Denver is such a large judicial district
- Commissioner Chayet has been in touch with Judge Elizabeth Leith several times. She has provided him the name of the deputy director for Behavioral Health and he is willing to talk with Commissioner Chayet

Commission Chair Caton Report

- She shares Commissioner Chayet’s frustration on lack of fundraising leads and encounters
- No new leads
- She and Commissioner Chayet are giving a presentation on the OPG at the Elder Law Retreat in August
- She and Mr. Kribs plan to meet with the Executive Director of Next 50 regarding improving their grant application

Commissioner Lesco Report

- Should OPG consider medical marijuana foundations, as well as dispensaries (Lightshade)
- 1.7 million is becoming a barrier and may need to narrow in on smaller fund raising pitch

- Need for marketing materials. She can develop and work with a professional for free
- Spoke with approximately 40 individuals in June at the Jefferson County Senior Law Day, however, most were looking for services
- Presentation at Montrose Hospital
- Discussed outreach activity in Montrose with Judge Mary Deganhart
 - Has a 3 page outreach list
 - Telluride Foundation is a possibility
 - No date has been set as they are still looking into room availability, etc.
 - Will need marketing materials for mailings
- AAG Johnson would need one week to get any marketing materials to Richo for mailings
- Commission Chair Caton recommended reaching out the local bar association

General Discussion

- Are there funds the OPG would not accept (acceptable, legitimate, legal, etc.)
- Could accepting certain funds hinder OPG from receiving grants due to not wanting to be associated with such donations/donors
- AAG Johnson will research this and put something together as this is an interesting time in law regarding marijuana (somewhat of a grey area).

Commissioner Kelley Report

- Reached out to the Director of Human Services in Denver

- Spoke with Judge MacDonnell who is a bit apprehensive regarding community outreach but asked her to keep him apprised
- Seeking to get into the Veteran's Association at a higher level (representative from Washington)
- She too is running into the same issues as the other Commissioners on private funding options

VII. Review/Discussion of Commission Members' Edits and Suggested Changes to OPG Executive Director Job Description

Tabled for the next meeting

VIII. Guardianship/Conservatorship Law 101 Talking Points by Commissioner Chayet

Commissioner Chayet was thanked for his work. Commission Chair Caton asked the members to review the handout and come back with any comments before the Commission approves its use in outreach and fundraising efforts.

When the OPG is up and running, the Commission will need to focus on duties of the Office. There is a distinction between what the Office will do which is not to petition for guardianship but serve as guardianship after the Court determines a guardianship is needed for those who meet the criteria of the Office.

IX. Public Comment

Mr. Lake indicated that he has spoken to his supervisors about the OPG and will continue to do so as appropriate.

The August 22nd meeting is reschedule to August 29, 2018

X. Review/Discussion of Memo Regarding Required IRS Filings

Tabled for the next meeting.

XI. Review/Discussion of Registration as Charitable Organizations in Other States

At 11:58 AM, Commission Chair Caton requested a motion to enter into Executive Session to review and discuss attorney-client privileged information from AAG Johnson about registration as a charitable organization in other states.

Commissioner Chayet made the motion, which was seconded by Commissioner Kelley. The motion passed with two-thirds majority.

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

Executive Session was recorded

Return to open meeting

At 12:35 p.m., the Commission returned to Open Session

Commissioner Chayet made a motion to proceed with the recommendations made by AAG Johnson as discussed in Executive Session. Commissioner Kelley seconded the motion. The motion passed unanimously.

VII. Adjourn

Commissioner Kelley moved for the meeting to be adjourned. The motion was seconded by Commissioner Lesco. With no objections, the meeting was adjourned at 12:37 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