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# Colorado Office of Public Guardianship

## Commissioners

Deb Bennett-Woods, Chair  
Kelsey Lesco, Vice-Chair  
Marco Chayet  
Karen Kelley  
Alison Zinn



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## PUBLIC MEETING

July 3, 2019

### Record of Proceedings

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#### CONVENE

The meeting of the Colorado Office of Public Guardianship Commission was convened in the Ralph Carr Judicial Building at 1300 Broadway, Conference Room 2B in Denver, Colorado at 10:05 AM by Commission Chair Bennett-Woods.

A quorum of the Commission was present.

#### **Commission Members Present**

|                          |                          |
|--------------------------|--------------------------|
| Deb Bennett-Woods, Chair | Kelsey Lesco, Vice-Chair |
| Karen Kelley             | Alison Zinn              |
| Marco Chayet*            |                          |

#### **Others Present**

Sueanna Johnson, Senior AAG  
Danielle Becwar, State Court Administrator's Office  
Janel Bravo, State Court Administrator's Office

#### **Public Attendance**

Maureen Welch  
Rob Hernandez  
Marianne Goodwin, Reporter for Colorado Politics

\* Appeared/Participated by Telephone

## **AGENDA ITEMS**

### **I. Call to Order**

The meeting was called to order. Commissioner Kelley was not present at the time the meeting convened, but arrived within minutes.

### **II. Review of the May 22, 2019 Meeting Minutes**

Chair Bennett-Woods has one small edit to specify additional recipients of the thank you letter received a similar note, as each letter was personalized. With that change and no further discussion, Chair Bennett-Woods called for a motion to approve the May 22, 2019 minute meetings as amended. The motion was made by Commissioner Zinn and seconded by Vice-Chair Lesco. The motion passed unanimously.

### **III. Review of the June 11, 2019 Meeting Minutes**

Chair Bennett-Woods has one small question about an incomplete sentence. Senior AAG Johnson indicated that the sentence should be “Commissioner Lesco would like to move this agenda item to the next meeting.” With that change and no further discussion, Chair Bennett-Woods called for a motion to approve the June 11, 2019 meeting minutes as amended. The motion was made by Commissioner Zinn and seconded by Commissioner Lesco. The motion passed with Commissioner Chayet abstaining as he was not present during that meeting.

### **IV. Review of Job Posting for Executive Director**

Ms. Becwar and Ms. Bravo went through the job posting as approved by the OPG Commission but needed some additional information to finalize: (1) name and contact for an applicant to reach out to if there is questions; (2) where the applications should be sent to; and (3) any application questions the Commission wanted the applications to respond to.

After discussion, it was determined that Chair Bennett-Woods should be the contact, and Senior AAG Johnson will provide to Ms. Becwar the Chair’s email for the OPG Commission, OPG Commission number, and the Chair’s cell phone number.

After discussion, the Commission reached consensus that the applications should be submitted to the State Judicial Human Resources in-box, as Ms. Becwar and Ms. Bravo will be assisting the Commission with the initial review of the applications.

Ms. Becwar indicated that she may need a bit more time to review applications, as some reorganization in State Judicial has resulted in her overseeing the hiring of five positions for SCAO. She did not want to hold up the Commission's procedures given her extra workload.

The Commission discussed some minor typos in the sample job posting that included punctuation, extra spaces, and changing the reference to the Seventeenth Judicial District to the Sixteenth Judicial District.

As for compensation, because of the technical issues with the telephone from the last meeting, Chair Bennett-Woods wanted to make clear that the salary cap for the Executive Director position is \$127,000, but because of the initially scaled back pilot project and to provide the Commission with some flexibility, she and Hugh Wilson had suggested a salary range of \$115,000-\$120,000. This would allow the ability of the Commission to reward an Executive Director if that person was able to secure additional funding to expand the program. After brief discussion, the Commission reached consensus on the salary range.

The Chair next turned to a writing sample or asking the applicants to respond to questions to use as a writing sample. She believes such questions are helpful to address some issues that take up time during the interview. Discussion about the possible application questions included:

- Commissioner Lesco believes any question should reveal or draw out the empathy and understanding of the human condition and sensitivity given the work that will be done in the Office.
- Ms. Bravo highlighted that some evaluation tests may be used by the Commission at the Commission's expense to help cull out the soft skills of a candidate.
- The length and scope of the questions by providing some limit in page number, typewritten in certain professional and readable font, such as 12-point Century Schoolbook.

- Discussion about whether the writing sample would be scored or evaluated by Ms. Becwar and her staff, and consensus that it would not be scored, but the Commission may come up with a general interview question to address or probe further in the writing sample.
- Discussion about using the second question prepared by Chair Bennett-Woods for the application and then a second question that targets the applicant's philosophy or soft skills, such as why a person is interested in the position and what passion will be brought to the position.
- The consensus was providing two questions for the application which included:
  1. Briefly describe your knowledge and prior experience with (a) project management; (b) research; (c) fundraising or grant writing; (d) hiring and supervision; (e) budget management; and (f) strategic planning.
  2. Describe your interest in this position, including what excites you and what challenges you anticipate.
- AAG Johnson will send contact information and writing sample questions to Ms. Becwar to be updated in the job posting.
- Other minor changes to the job description included some typos, spacing, and changing reference to the Seventeenth Judicial District to the Sixteenth Judicial District.

**V. Discussion and Approval of the Matrix Provided by Ms. Becwar**

Ms. Becwar explained that the matrix as follows:

- Each applicant's name will appear
- The matrix will indicate if the application met the job qualifications, and if not, then no further review will be conducted.
- The applicants will then receive scores up to 2 points on the following:
  - Licensure

- Masters
- More than 6 years' experience
- The applicants will then receive weighted scores (0-5) for the following areas:
  - Experience with case management
  - Demonstrates experience in public sector/non-profit
  - Community outreach
  - Variety of stakeholders
  - Legislative Process
- Total points then added up and with objective criteria provides top candidates as starting point for Commission review

The Commission discussion included questions about how factors are weighed, and whether to include familiarity with legislative process, it was decided legislative process is necessary to interact with the General Assembly for additional funding.

The Commission reached consensus on the information and scoring process for the matrix.

Commissioner Zinn moved to adopt the matrix with the amendment that familiarity with the legislative process would be scored up to 2 points instead of weighted. The motion was seconded by Commissioner Lesco. The motion passed unanimously.

## **VI. Discussion about Interview Questions**

Ms. Becwar provided some feedback on the interview questions, which included:

- Have same questions for the interviews
- 8-10 questions is generally recommended for 45 minute interviews
- longer interviews may be done but need to be scheduled to run over
- follow-up questions from the 8-10 set interview questions are permissible
- May have as one of the 8-10 questions follow up on writing sample or responses to questions

Discussion about whether to do two rounds of interviews and interview questions also included:

- Not coming up with a final list of interview questions until know if going to do one or two rounds of interviews
- Cancelling the July 19<sup>th</sup> meeting but making that a deadline to provide AAG Johnson with top ten interview questions from each Commissioner
- At July 24<sup>th</sup> meeting, can discuss possible length of interviews and number of rounds

The Commission reached consensus that the July 19<sup>th</sup> meeting that was set aside will be cancelled and that is a deadline for Commission members to provide to AAG Johnson top ten interview questions that was provided by Chair Bennett-Woods, Vice-Chair Lesco and Ms. Becwar.

Discussion next turned to where to post the job description and for how long, which included:

- Time period of one month on the State Judicial website for the courtesy posting
- Commission members will work to get the job posting, once finalized, by Ms. Becwar to various community groups/non-profits/entities email distribution lists.

The following assignments were generally made about which Commission members would investigate the job posting being circulated as follows:

- Commissioner Chayet
  - NELA
  - Academy of Special Need Planners
- Chair Bennett-Woods
  - Colorado Nursing Association
  - Contact Ms. Vandenvergh to obtain entities that serve Veterans and social workers

- Commissioner Zinn
  - National Guardianship Association
  - Colorado Guardianship Association
  - Colorado Bar Association and certain sections (Elder Law, Small Firm Practice, Disability)
  - Other Specialty Bars (e.g. Women’s Bar, Hispanic, Asian Bars, etc.)
  - American Bar Association
  
- Commissioner Lesco
  - National Legal Service Developers Association
  - Community Integration System
  - ARC
  - Other entities for adult protection and agency works
  
- Commission Kelley
  - TASH
  - American Association on Intellectual and Developmental Disabilities
  - Colorado Down Syndrome Association
  - National Down Syndrome Society
  - National Down Syndrome Congress

Chair Bennett-Woods requests that contacts be made and hopefully the job description can be sent to the assigned organizations to be posted on their email distribution lists by Monday, July 8, 2019.

Ms. Becwar and Ms. Bravo need to leave for another meeting. Brief discussion on future tasks for them is that Ms. Becwar will provide a check in once a week during the application process, tries to evaluate on a rolling basis as applications come in, will have better sense whether posting should be extended, if necessary.

The Commission thanks Ms. Becwar and Ms. Bravo for their hard work and assistance

Additional discussion about using the July 29<sup>th</sup> as a meeting to evaluate applications:

- Senior AAG Johnson provided some legal advice and background on evaluation of applications done in Executive Session, as applications of non-finalists are exempt from disclosure under CORA

- Senior AAG Johnson reports that she will be out of the country on July 24 and 29<sup>th</sup>, but Robert Finke, First Assistant Attorney General, will cover for her at these meetings.

## **VII. Public Comment**

*Rob Hernandez* continues to be concerned about the closed courtrooms in the Second Judicial District and the lack of discussion by the Commission about how resources (e.g. housing, disability benefits, etc.) for the protected people in which the OPG will become nominated to be guardian will be obtained. He has attended Commission meetings and he hears no discussion about how services will be provided; instead he hears discussion about appointing the Executive Director and fundraising. Mr. Hernandez requests that discussion of how resources and services will be provided by the guardians to the protected persons be added to next meeting's agenda.

Chair Bennett-Woods responds to the public comment by indicating that the enabling legislation made the Commission responsible for appointing the ED and fundraising. Once the ED is hired, then the ED will begin assessing how services will be provided by the Office. The Chair indicated that she does not believe the Commission is ignoring Mr. Hernandez's comments, but such issues will be addressed when the ED is appointed.

*Maureen Welch* is present with a cardboard cut-out of her son, James. She has a few housekeeping items first: (1) listen to people attending the Commission meetings and not be judgmental but engage with actual input; (2) request the OPG Commission maintain an email list for sending out meeting materials to the public; and (3) request that the OPG Commission meetings be recorded in the future.

As for her comments, she believes that there is a lack of transparency and engagement, and especially concerned with the issues in the Second Judicial District where the pilot program is going to be run. She and her state representative were kicked out of hearings before Judge Leith. After complaints, the dockets with names are now being provided, and the sign indicating the courtroom is closed has been taken down, but Ms. Welch is still getting kicked out of the courtroom. She believes there is collusion amongst the attorneys that cite statute asking for a closed hearing. Family members are being torn apart, and protected persons are having their civil rights taken away from them. Ms. Welch passed out an article from the Colorado Politics about the OPG pilot program.

Commissioner Lesco responded that Disability Law Colorado investigates complaints by the protected party, investigates complaints of third parties, and



third parties are directed to contact the nursing home ombudsman program if they have issues

Commissioner Chayet indicated that oversight in the guardianship arena has been lacking but has improved in recent years with the mandatory reporting, protected proceeding monitor, and post-adjudication rights council.

Ms. Welch indicated that the PPM in one judicial district is the same court clerk who kicks her out of the courtroom so she does not see that being very helpful. She indicated that Ms. Connie Lind has indicated the Chief Judges of each judicial district are allowed to craft policies for PPMs so difference in each judicial district. Ms. Lind does not recall having such a conversation with Ms. Welch about this issue.

### **VIII. Mandatory Legal and Ethical Training for Commissioners**

Due to time constraints, the training is tabled for the July 24<sup>th</sup> meeting. First AAG Finke will handle the training for Senior AAG Johnson. Senior AAG Johnson indicated that at least four Commissioners need to attend if they want to have the training conducted in Executive Session.

### **IX. Adjourn**

Commission Chair Bennett-Woods called for a motion to adjourn the meeting. The motion was made by Commissioner Zinn and seconded by Commissioner Kelley. With no objections, the meeting adjourned at 11:52 AM.

### **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.



Deb Bennett-Woods  
Commission Chair



Kelsey Lesco  
Commission Vice-Chair

7-24-2019  
Date

7-24-2019  
Date