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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 24, 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 10:03 AM by Commission Chair Bennett-Woods.

A quorum of the Commission was present.

### **Commission Members Present**

Deb Bennett-Woods, Chair  
Karen Kelley  
Marco Chayet\*

Kelsey Lesco, Vice-Chair\*  
Alison Zinn\*

### **Others Present**

Connie Lind, State Court Administrator's Office  
Hugh Wilson, State Court Administrator's Office  
Robert Finke, First Assistant Attorney General

### **Public Attendance**

Maureen Welch\*  
Rob Hernandez

\* Appeared/Participated by Telephone

## **AGENDA ITEMS**

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

The meeting was called to order. Mr. Hernandez, Ms. Welch and Mr. Wilson joined the meeting late.

Chair Bennett-Woods indicated she would like to add an agenda item.

### **II. Review of the July 3, 2019 Meeting Minutes**

Ms. Lind stated that she did not recall having a conversation with Ms. Welch as noted on page 9 regarding the Chief Justice. Chair Bennett-Woods pointed out that Ms. Welch's son, James, did not attend the meeting, rather, Ms. Welch brought a cut-out image of James. On page 6, third bullet point should read July 24<sup>th</sup> not June 24<sup>th</sup>. Minutes amended. Commissioner Kelley moves to approve the July 3<sup>rd</sup> Meeting Minutes as amended. Commissioner Zinn seconds the motion. The motion passes unanimously.

### **III. Chair Announcements / Report**

Chair Bennett-Woods informed the Commission:

- That with the help of Ms. Lind, she scheduled a meeting with Judge Leith and Amber Roth of the Denver Probate Court. Chair Bennett-Woods and Ms. Lind met with Judge Leith and Ms. Roth. A detailed explanation of the guardianship court process and standard forms were provided to Chair Bennett-Woods, including but not limited to the Respondent's Rights, Reports, etc. She was informed of a crosswalk document being created for a better understanding of statutes. She asked how often Judge Leith believes the OPG will be referred cases that involve a family contested guardianship. Judge Leith advised that it was possible, although she did not think it would be common. She also mentioned there could be a fair percentage of cases that come out of criminal hearings.

It was noted that no Commissioners joined Chair Bennett-Woods at that meeting, therefore, it was not noticed.

Chair Bennett-Woods also informed the Commission:

- That she received an email that Ms. Lind forwarded to her and AAG Johnson regarding a grant opportunity - Supported Decision Making Across the

Lifespan Planning Grant from the Department of Health and Human Services Administration for Community Living. The grant is very broad and due before an OPG Executive Director can be hired.

- Lara Vandervergh from the Veteran's Association informed her of the National Guardianship Conference; possibly something the Executive Director (once hired) would want to attend; Chair Bennett-Woods may want to attend on her own.

Chair Bennett-Woods supplemented the agenda with an update on the July 29<sup>th</sup> meeting to review applications for the OPG Executive Director:

- Only 4 applications have been received. Posting runs through August 11<sup>th</sup>. Should the July 29<sup>th</sup> meeting be cancelled?
- Chair Bennett-Woods inquires as to the contacts each Commissioner made with regards to the different listservs for posting the Executive Director position (noted on pages 6 and 7 of the July 3, 2019 Meeting Minutes).
- Some contacts have been made. The Commissioners are still working with some of the agencies and waiting to hear back from others.
- OPG email is hard to use. Any email sent essentially goes to Chair Bennett-Woods.
- FAAG Finke recommends the Commissioners review the full set of applications, once scored by SCAO HR.
- Chair Bennett-Woods will contact Ms. Becwar with SCAO HR regarding scoring the applications prior to the Commission meeting.
- July 29<sup>th</sup> meeting is cancelled. New date for the confidential meeting to review the applications is set for August 20<sup>th</sup> – for the entire day. Ms. Lind is asked to reserve a room.

Mr. Wilson from SCAO was present, however, he did not have a budget report.

#### **IV. Review / Discussion of Interview Questions for OPG Executive Director Candidates**

Interview questions will be discussed and selected during the open/public session of

this meeting. Hand-outs with the proposed questions received from Chair Bennett-Woods (2 sets), Vice-Chair Lesco, Commissioner Kelley, and SCAO HR were distributed.

Discussion as to having two sets of interview questions. First round interviews may have slightly more broad questions, with the second round interview questions being more screening type questions. Desirable questions would include topics such as personal biases, possibly self-awareness vs biases; limited guardianship – alternative/supported decision making; knowledge of the guardianship processes and procedures; open ended questions (referencing their writing samples); etc. First AAG Finke recommends 2 sets of questions, one for the 1<sup>st</sup> round of interviews, and another for the 2<sup>nd</sup> round.

Tentatively, 8 questions have been selected for the first round of interviews, and 2 for the second round. These questions can be discussed and finalized after the applications have been reviewed.

First AAG Finke will research whether the questions are to be posted ahead of the interviews taking place.

**V. Direction/Advice on Housekeeping Requests from Maureen Welch, Including:**

**1. Providing Engagement with the Public**

First AAG Finke advises there is no legal requirement for public input. OPG meetings already have a public comment period. There is a Public Comment Policy in place and posted on the OPG webpage.

**2. Recording Meetings**

First AAG Finke advises there are no requirements to record meetings. Chair Bennett-Woods advises they may reconsider once the Office is up and running.

**3. Email Distribution List for Meeting Materials and Updates**

First AAG Finke advises there is no obligation to do so, but some committees do have distribution lists. Not a requirement but he does recommend it. The OPG Commission will reconsider once the Office is up and running. Meeting materials are currently posted on the OPG webpage.

## **VI. Public Comment**

**Mr. Hernandez** discussed the Denver Probate Court closing their courtroom for all cases; in Judge Leith's courtroom (Denver Probate Court), parties are asked to leave, including Representative Froelich; Representative Froelich has concerns and will be sharing them with other legislators; parties are asked to leave even over the objections of the Respondent; concerns among the at risk community and the LGBTQ community; he wants Judge Leith to open her courtroom; and concerns with the core ethics of Judicial as a whole (under audit – newspaper articles) and has asked to speak with the new State Court Administrator now that Chris Ryan has resigned, and Representative Froelich has asked to meet with Chief Justice Coats.

**Ms. Welch** worries about the at risk adults, people's rights/human rights are being stripped and that she and Representative Froelich were asked to leave Judge Leith's courtroom; asked the Commission to reconsider recording the meetings; public confidence of the Judicial Branch is under scrutiny as they are being investigated by the Statue Auditor's Office; asked the Commissioners to attend hearings with her - held at the Denver Probate Court; and go above and beyond transparency.

## **VII. Legal and Ethical Training for Commission Members Pursuant to § 24-3.7-102, C.R.S. (2019)**

This portion of the meeting will be conducted in Executive Session to receive legal advice. At 11:52 AM, Commissioner Kelley moves to go into Executive Session. Commissioner Chayet seconds the motion. The motion passes unanimously.

**Executive Session was held to protect attorney-client privileged information**

**Executive Session was recorded**

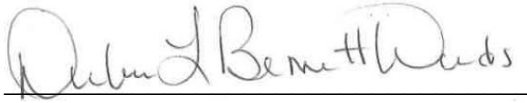
**Return to open meeting**

## **VIII. Adjourn**

With no objections, the meeting was adjourned.

**ATTESTATION**

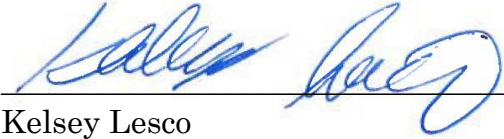
As Commission Chair and Commission Vice-Chair, we attest that these minutes of the open public meeting of the Colorado Office of Public Guardianship Commission substantially reflect the substance of the discussion and action taken related to the matters under the authority of the Commission.



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Deb Bennett-Woods  
Commission Chair

8-28-2019

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Date



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Kelsey Lesco  
Commission Vice-Chair

8-28-2019

\_\_\_\_\_  
Date