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# Colorado Office of Public Guardianship

## Commissioners

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



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## PUBLIC MEETING February 27, 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 10:04 AM by Commission Chair Bennett-Woods.

A quorum of the Commission was present.

#### **Commission Members Present**

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

#### **Others Present**

Hugh Wilson, Office of the State Court Administrator  
Connie Lind, Office of the State Court Administrator  
Ruth Aponte, Aponte & Busam  
Sueanna Johnson, Senior AAG

#### **Public Attendance**

Robert M. Hernandez  
Maureen Welch  
Lara Vandervergh

\* Appeared/Participated by Telephone

## **AGENDA ITEMS**

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

Commission Chair Bennett-Woods advises she may need to move agenda items around. She also asked Ms. Vandervergh, Guardianship Social Worker with the VA to introduce herself and provide a bit of background regarding her position.

### **II. Approval of the January 18, 2019 Minutes. (Not on the agenda but also needing approval are the January 23 and February 14, 2019 Minutes)**

Commission Vice-Chair Lesco moved for adoption of the January 18, 2019 meeting minutes. The motion was seconded by Commissioner Chayet. The motion passed unanimously.

Commissioner Chayet moved for adoption of the January 23, 2019 meeting minutes. The motion was seconded by Commissioner Kelley. Commission Vice-Chair Lesco was not present for that meeting. The motion passed unanimously.

Commissioner Kelley moved for the adoption of the February 14, 2019 meeting minutes. The motion was seconded by Commissioner Chayet. The motion passed unanimously.

### **III. Monthly Budget Report**

Mr. Wilson advised that there were no changes from the prior month.

### **IV. Update on the Budget Supplemental**

Commission Chair Bennett-Woods advised she has texted Mr. Scanlon with Judicial; however, he has not responded. Commissioner Chayet advised he spoke to Mr. Scanlon after the last hearing and Mr. Scanlon stated he would be responding.

Mr. Wilson and Ms. Lind advised they will reach out to Mr. Scanlon after today's meeting.

Commission Chair Bennett-Woods advised she will ask to have the statutory requirements for filling the vacancy posted on the OPG page on the website.

## **V. Fundraising Efforts / Community Outreach**

### ***Commission Chair Bennett-Woods***

Commission Chair Bennett-Woods stated the VA has not been a visible stakeholder. She has contacted Leanna Wheeler, lobbyist for a variety of VA Groups.

### ***Commission Vice-Chair Lesco***

Commission Vice-Chair Lesco advised she has made no attempts to fundraise. In her normal job and trainings, she speaks to the OPG, including answering questions from Representative Snyder regarding the differences between a Public Administrator and a Public Guardian.

### ***Commissioner Chayet***

Commissioner Chayet advised he has nothing of substance to report.

### ***Commissioner Kelley***

Commissioner Kelley advised she sent out notice to the County Commissioners in the 16<sup>th</sup> Judicial District informing them what is taking place with the OPG.

## **VI. Discussion of Job Description for Executive Director**

Commission Chair Bennett-Woods discussed the current legislative process and the uncertainty of funding. Should the OPG receive funding, the Commission should have the Executive Director job description ready. She asked the Commissioners how they would like to proceed.

Further discussion included:

- The views and input have changed since last May/June when the comments were submitted, due to the changes to the path for funding
- Threshold issue: Upon establishment of the OPG, will the Office serve as petitioner or nominees/appointees only. Will there be staff attorneys? Will they handle contested proceedings? What about post adjudication issues/post appointments
- Safeguards are currently in statute

- Need to determine duties and qualifications
- Need to first resolve whether OPG will act as petitioner or not
- Threshold issue if OPG acts as petitioner. Executive Director would need to be an attorney. If not serving as the petitioner, different degree(s) may be required

Commission Chair Bennett-Woods asked if these substantive issues/conversations should be moved to another meeting. All agree they should be. There's a need to devote time to educate the OPG regarding the threshold issue, etc. Stakeholders should be invited to the meeting to provide information (e.g., Lutheran Family Services, ARC, Guardianship Alliance, etc.).

Commissioners should let AAG Johnson know which stakeholders should be contacted for being at the table for this discussion at the next meeting.

This agenda item was temporarily passed as Ms. Aponte arrived at the meeting.

## **VII. Legislative Strategy**

Ms. Aponte provided:

- A brief update regarding HB 19-1045. Bill passed 9-1 out of House Judiciary Committee
- Amendment extending timeline was adopted
- Bill is headed to House Appropriations Committee
- Representative Snyder is working with leadership at the Colorado Bar Association (CBA) regarding the possibility of increasing probate filing fees
- Testimony in appropriations is not common, but OPG Commissioners (at least one) should attend the hearing
- Currently, no Senate sponsor but Representative Snyder is working on that
- CBA is working on FAQ document, which is a CBA document and not OPG document (Carl Glatstein, Esq.)

- Hearings are live streamed and archived, however, Ms. Aponte will update Senior AAG Johnson

### **VIII. Discussion of Job Description for Executive Director – Continued**

Further considerations:

- Is the OPG looking to fill the Executive Director position for the pilot or overall
- Guardianship established, no assets to ward, minimal assets, representative payee, public benefits, Medicaid, etc.
- Need to be mindful of all public benefits
- VA Benefits – UVGA or Guardianship. Ms. Vandervergh will check into this

Commission Chair Bennett-Woods asked if there was a need to move the March OPG meeting, however, it was determined that this agenda item will be carried over to the April meeting. Judicial Department - HR staff will be asked to attend the May meeting.

### **IX. IEC Letter Ruling Follow-Up**

Senior AAG Johnson will take questions from the OPG Commission regarding the IEC Letter. She explained the original vote was 4-1. However, Madam Chair of the IEC was not at the subsequent meeting, therefore, the final vote was 3-1. No questions from the Commission.

### **X. Public Comment**

**Mr. Rob Hernandez** spoke about CJD 05-01 and the fact that some courts were closing certain hearings. He again referred to the actions New Mexico took regarding reform.

**Ms. Maureen Welch** agrees with Mr. Hernandez, referring to them as secretive court hearings. She also voiced her concerns with how OPG works; that OPG doesn't know how services of OPG will work; and urges the OPG to read the dissenting opinion of the IEC opinion, as no lobbyist works for free; benefits and navigating services, such as being a representative payee for Social Security needs to be addressed.

**Commissioner Chayet** points out CJD 05-01 is regarding court records, whereas, § 15-14-308, C.R.S., refers to presence and rights at hearing, including accommodating the respondent.

**Ms. Vandervergh** has no comment.

**XI. Adjourn**

Commission Vice-Chair Lesco moved for the meeting to be adjourned. Commissioner Chayet seconded the motions. As there were no objections, the meeting adjourned at 11:45 a.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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Deb Bennett-Woods  
Commission Chair

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Kelsey Lesco  
Commission Vice-Chair

\_\_\_\_\_  
Date

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Date