
Colorado Office of Public Guardianship

Commissioners

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



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PUBLIC MEETING

January 23, 2019

Record of Proceedings

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 Marco Chayet
Kelsey Lesco (joined late)*
Karen Kelley*

Others Present

Hugh Wilson, Office of the State Court Administrator
Connie Lind, Office of the State Court Administrator
Sueanna Johnson, Senior AAG

Special Guest

Ruth Aponte, Aponte & Busam

Public Attendance

Robert M. Hernandez
Maureen Welch

* Appeared/Participated by Telephone

AGENDA ITEMS

I. Approval of the January 3, 2019 Minutes

Commissioner Chayet moved for adoption of the January 3, 2019 meeting minutes. The motion was seconded by Commissioner Kelley. The motion passed unanimously.

II. Monthly Budget Report

Mr. Wilson presented a handout of the OPG Financials that included FY18 and FY19. There is currently \$1,867 in the cash fund. The only expenditures have been postage and printing.

III. Update on the Budget Supplemental

Mr. Wilson advised that the JBC would hear the proposed budget supplemental along with all judicial matters. He will try to attend and provide an update to the OPG.

IV. Legislative Strategy

Commission Chair Bennett-Woods asked to skip around on the agenda due to a guest speaker attending today's meeting. The discussion concerns the possible hiring of a lobbyist.

Commission Chair Bennett-Woods advised a ruling by the Independent Ethics Commission was made that determined by voice vote with a later written ruling to follow that the IEC did not have jurisdiction over the question at hand. Consequently, Chair Bennett-Woods reached out to Aponte & Busam, who have agreed to provide temporary service, as an in-kind donation. It was former Commission Chair Caton that had initial conversations with this firm. Commission Chair Bennett-Woods would like a motion to accept the firm of Aponte & Busam as the lobbyist for OPG.

Commissioner Chayet moved to accept the firm of Aponte & Busan as the pro-bono lobbyist for the OPG on a limited capacity. The motion was seconded by Commissioner Kelley. The motion passed unanimously.

Commissioner Chayet moved to delegate administrative responsibilities and action to Chair Deb Bennett-Woods in working with Aponte & Busam. The motion was seconded by Commissioner Kelley. Motion passed unanimously.

V. Names for Possible Candidates for Commission Vacancy

Commission Chair Bennett-Woods advised that former Commission Chair Caton regrettably resigned. At the Emergency OPG meeting held January 18, 2019, nominations were made and the OPG Commission voted for Deb Bennett-Woods to fill the role of Chair and Kelsey Lesco to fill the role of Commission Vice-Chair. As to filling the OPG Commission vacancy, Terry Scanlon from SCAO asked for recommendations from the OPG Commission. The below names were received by Commission Chair Bennett-Woods and forwarded to Mr. Scanlon.

- Judge Elizabeth Leith, Denver Probate submitted the names of: Leia Usuary and Jane Bishop
- Jeremy Schupbach from the Colorado Bar Association submitted the names of: Bernie Buescher and Ford Allison.

Commissioner Chayet recommends Alison Zinn, Esq. and Thomas A. Rodriguez, Esq. Hand-outs of their resumes were provided. Both have extensive knowledge of guardianship matters, including petitioning for guardianship, post adjudication matters, and the intricacies of guardianship. Both are very qualified, available, and have the time commitment needed to serve. Commissioner Chayet points out there is no policy and procedure currently in place, however, in the best interest of the OPG, he believes the OPG Commission should vet candidates and submit names to judicial, from the OPG Commission; not as the appointing authority but as a recommendation. Commissioner Chayet recommends Alison Zinn and Thomas A. Rodriguez names be submitted to judicial.

Commissioner Kelley agrees with Commissioner Chayet. Candidates should be knowledgeable regarding the Probate Code.

Commission Chair Bennett-Woods defers to Commissioners Chayet and Kelley.

AAG Johnson will draft a cover letter along with these names to send to Mr. Scanlon at State Judicial.

Commission Vice-Chair Lesco joins the meeting 10:26 AM

Commission Chair Bennett-Woods advises her of the discussion for filling the commission vacancy.

Commissioner Chayet moves to vote on the recommendation and rationale of the two candidates to fill the commission vacancy, and for the Commission Chair or Legal Counsel to write a letter to Mr. Scanlon with the understanding the Commission is not the nominating authority, but provided nominations as requested. The motion was seconded by Commissioner Kelley. The motion passed unanimously.

VI. Conservatorship/Guardianship Talking Points (Chayet)

The “talking points” are already out there and have been beneficial as an informational tool, not guidelines.

Commission Vice-Chair Lesco moves to approve the Guardianships and Conservatorships in Colorado drafted by Commissioner Chayet as informal information for the Commission to use as talking points. The motion was seconded by Commissioner Kelley. Motion passed unanimously.

Commission Chair Bennett-Woods added that she had asked for this information for non-attorney commissioners, not as a guideline but to be more informed.

AAG Johnson will include the date of approval and if work with Commissioner Chayet as to the disclaimer.

VII. Legislative Strategy

Commission Chair Bennett-Woods introduces Ms. Ruth Aponte of Aponte and Busam. Ms. Aponte provides a bit of history about her firm and provides a hand-out. She advised her firm is very much aware of the OPG and the original measures with Representative Dave Young. Their firm believes this is good public policy.

Ms. Aponte lays out the strategy, as lobbyist, and discusses with the Commission:

- a. Update on Commissioner Contacts with General Assembly Regarding HB 19-1045
 - Dual approach/dual tracks with the Budget Amendment and the Judiciary hearing on January 31, 2019
 - Appropriation clause for other revenue
 - Ms. Aponte will stay on top of the matters, work with stakeholders, and inform the commission

- Budget supplement will likely not pass as Mr. Allen will likely not recommend
- Discussion of where/to whom to expand the list of stakeholders

Other bills (e.g. Bill of Rights for Protected Persons) were discussed; keep separate – distinct/big differences; providing commentary for other bills could give the appearance of conflicts.

- A one-page fact sheet would be helpful for Ms. Aponte if the Commission could draft one
- Commissioner Chayet moves to delegate to Commission Chair Bennett-Woods the authority to develop and approve a fact sheet compiled from existing materials. The motion was seconded by Commissioner Kelley. The motion passed unanimously.
- Ms. Aponte will reach out to Representative Snyder and recommends Commission Chair Bennett-Woods do the same
- It is noted, if 2 or more OPG Commissioners meet with Representative Snyder, it must be noticed

b. Possible testimony on January 31, 2019 and other Hearings

- Commission Chair Bennett-Woods will give an opening statement
- Other commissioners should attend to take questions. All responded they will be available to attend

c. Stakeholder Meetings or Outreach for Support in Committee Hearings at General Assembly

- Media, such as Channel 9 was discussed.
- Separate sit-down regarding funding, but no need before the Jan. 31st hearing
- Ms. Aponte and Commission Chair Bennett-Woods to meet on Jan. 23 @ 1:30 PM with Wade Buchanan in the Governor's Office

VIII. Fundraising Efforts / Community Outreach

Commission Chair Bennett-Woods had recent contact with Representative Galindo. Remaining Commission members – no contact with legislators.

Next OPG meeting is scheduled for Wednesday, February 27, 2018 at 10 AM to Noon.

IX. Public Comment

Mr. Hernandez

He questions the commission vacancy process.

Commission Chair Bennett-Woods is not certain of the application process; however, she will contact Mr. Scanlon with Judicial.

Ms. Welch

She encourages an open and transparent process with the bill drafter, and encourages Ms. Aponte to be open and transparent as well; more information regarding Commission appointment process should be added to the website. Commission Chair Bennett-Woods will check with Mr. Scanlon to see what can be posted.

Mr. Hernandez

He added that there should have been notice of former Commission Chair Caton's resignation.

AAG Johnson advised it was in the Notice of the Emergency Meeting held in January.

He also advised the Commission of the bill process when it is contentious.

AAG Johnson provided clarification regarding HB 19-1045:

- Discussion regarding amendments to the statute and an extension of the pilot were discussed during the public session of a prior OPG meeting
- No intent to add more than what is necessary
- OPG did not take part in drafting HB 19-1045
- Public session includes time for public comment

Ms. Welch

She added that being a guest at an OPG meeting is different from taking part in drafting a bill – involvement with a bill drafter.

X. Adjourn

Commissioner Chayet moves to adjourn. Commission Vice-Chair Lesco seconds the motion. Without receiving any objection, at 12:04 PM, the meeting 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.

Deb Bennett-Woods
Commission Chair

Kelsey Lesco
Commission Vice-Chair

Date

Date