

SEP 12 2017

KRISTYAN CALHOUN
5110 Tieton Drive, Se. 370
Yakima, WA 98908
509-248-8539
September 8, 2017

Kathy Bowman
Guardianship and Elder Services
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Re: Grievance No. 2017-066

Dear Ms. Bowman:

With regard to your inquiry regarding a temporary guardianship, the overarching purpose of Washington State's guardianship statute is to protect those individuals that are either substantial risk of personal or financial harm. The term "incapacity" is not a medical determination, but rather a legal one that focuses on the person's ability to protect himself or herself from harm. This is reflected several places in the statute.

Both in RCW 11.88.090(9) and RCW 11.88.045(5), the Court is vested with the authority to consider temporary measures to protect an alleged incapacitated person. This provides the Court with the broad discretion to fashion temporary protections that fit the situation with the ultimate goal of providing protection to an person who has been alleged to be incapacitated, i.e., at substantial risk of personal or financial harm. As with any temporary measures under RCW 7.40, the alleged incapacitated has an opportunity to object to the same if so desired.

RCW 11.88.090

(9) The court-appointed guardian ad litem shall have the authority to move for temporary relief under chapter 7.40 RCW to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.

RCW 11.88.045

(5) During the pendency of an action to establish a guardianship, a petitioner or any person may move for temporary relief under chapter 7.40 RCW, to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person.

Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.

With regard to the balance of the complaint, I have included my guardianship notes and requested registers for Kathryn Owen. I have been working with Mrs. Owen since November of 2016. To address the complaint most efficiently I offer the following:

1. Failed to pay utility bills (phone and electricity) Bounced a check to assisted living facility

Mr. Jeff Owen was receiving bills at his home address and Mrs. Kathryn Owen was also receiving bills at her assisted living. There were several issues involving Mr. Jeff Owen dropping bills off at my office which were already past due, or close to it. As this was a temporary guardianship I did not have authority to marshal assets and debts.

I believe that one of the primary issues in this case for Mr. Jeff Owen is his desire to own the family cabin. The family cabin is owned by Mrs. Kathryn Owen, and there has been a settlement agreement with a purchaser of the property by Mrs. Kathryn Owen's attorney, Marcus Fry. The temporary guardianship was filed regarding property sales. I did not pay the annual power bill for the cabin at the direction of Mrs. Owen. I have taken direction from Mrs. Owen from the beginning of my appointment. Mr. Jeff Owen has had sole access to the cabin for many years. He was paying the taxes, utilities and insurance for the cabin from his parent's funds. I had paid the taxes and insurance at the direction of Mrs. Kathryn Owen but did not pay the power bill. This was shared with Mr. Owen's prior and present attorney.

Regarding bouncing a check to the assisted living facility, I did do this. I did not realize that the auto pay agreement would go into effect within that time frame. On May 19, 2017, I began the transition to SEM EMS guardianship software to alleviate a bill payment error from occurring again. I did also contact that attorneys involved in the case, as well as told Mrs. Owen what had occurred. I also made a staff change, switching staff tasks.

2. Allowed other family members to access the AIP's finances

I have no knowledge of any family members accessing Mrs. Kathryn Owen's finances. Kathryn did take funds out a few times, for small amounts and withdrew funds to purchase a suit for her husband to be buried in. She had full access to her funds.

3. Wrongful death of Keith Owen

I have received calls from Tracey Williams of APS (509) 568-3731 regarding allegations against Kathryn's daughter, Kristi Ernsberger. I received a call Lucinda Vautour, Complaint Investigator with DSHS (509-225-2805) who had no concerns regarding Mr. Owen's access to care. I was actually commended, as was the facility at how quickly we acted to have Mr. Owen seen by his primary care clinic. I was told by both investigators that they would notify the complainant. Jeff Owen knew that outcome of those complaints before he made this complaint.

4. Harassment of family members

I have never allowed myself to be alone with Jeff Owen. I do not believe I have been alone with anyone involved in this case other than Kathryn. I have recently invited, Caela Bianchi, the facility administrator to be present when I am planning to discuss any pertinent issues with Kathryn. I don't want to be perceived as influencing Kathryn in any of her decisions. I am aware of the past family allegations and feuds and would not put myself in a position to be accused of this.

5. Failure to protect Kathryn from abusive family members

Jeff is the only person that Kathryn has stated that she is fearful of. She has been clear and consistent of this fact with myself as well as my staff. She has articulated her concerns to her attorney, Marcus Fry, as well as the Guardian Ad Litem, Amy Clark (509-823-3986). Kathryn has also seen a mental health counselor for many months. She has been visited many times by the long-term care ombudsman, Lisa Kromerii. Kathryn had not wanted a VAPO against her son. She has not wanted him to get in "trouble".

6. Isolation/insistence that family members not speak to Kathryn about money

My request that Jeff not speak to his mother about finances stemmed from a situation related to a TV. Caela Bianchi, assisted living administrator, and I were visiting with Kathryn. Kathryn commented that she had not been able to watch TV in a long time due to her vision. She had a

small 20" TV close to her chair so that she could listen to it. I understand Kathryn's field of vision and asked her if she would like a larger TV so that she could watch it. Kathryn thought that this may work. My staff purchased a very large TV and stand. Kathryn was able to watch TV again. She loved the TV.

During my next visit, Kathryn and her caregiver stated separately that Jeff had come to visit and was quite upset that there was a new TV. He told her that he hoped she liked it because he paid for it. Kathryn was very upset. One other issue is that Kathryn had 1:1 agency caregivers for a time due to health complications. Jeff told her that she did not need the care and that it was too expensive.

7. Allowed the insurance on real estate rental to lapse

The insurance was in Jeff and Keith Owen's names. The bill was mailed to Jeff's home. I received this in the mail after it was already due. Keith had passed away and Kathryn Owen is the executor of the estate. Kathryn's attorney asked that this be paid from the community estate. The bill was paid as soon as I was asked to do so.

8. Complained that she lacked the time/capacity to perform even basic duties, replacing eye glasses

I am including a string of emails that explain that I had concerns that Keith could not interact with an eye exam and that I had just had a staff member return from a significant illness. All of Kathryn's children were involved in appointments, haircuts and shopping with, or for, their parents. This was never an issue as you can see from the supporting e-mails. This was also 5 months prior to the complaint.

This complaint was made on August 3, 2017. On August 2, 2017, I picked up statements from Yakima Federal Savings and Loan for a CD that was in Keith Owen's name. I did not know about the CD at the time of my initial inventory. I had filed the inventory and Jeff Owen received a copy of the inventory and attended the court hearing on the inventory. I only found out about the CD by accident after the hearing, as a bank teller told me that there was an account listed in Keith's name only. I went to the bank to ask of a printed statement for Keith and Kathryn's account. Jeff Owen is also on this same account and has been since I was appointed. The initial value was \$147,000 in 2009. The current value at the time I found the account was \$7,000. Jeff Owen has online access to the checking account and I believe that he saw the charges for those CD statements and then made this complaint.

Kathy Bowman
September 11, 2017
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Mrs. Owen is a delightful client who is more than competent to direct her actions and voice her needs. She is intimidated by her son and has recently lost her husband of 72 years. She is aware that Jeff has done something to me, but does not know what. She won't tell me how she knows this. I have not shared any details of this complaint with her. I do believe that there are many professional contacts that can support my statements regarding Jeff and his interactions. Kathryn is aware that I will be writing a letter regarding some difference of opinion that Jeff and I have and that she may be contacted. I have in no way isolated, abused or neglected Kathryn. I have built a professional relationship with Kathryn over the past 9 months.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kristyan Calhoun', written in a cursive style.

Kristyan Calhoun
CPG 10954

KC

Bowman, Kathy

From: Joanne Davis <office@senioravenues.com>
Sent: Monday, September 11, 2017 1:27 PM
To: Bowman, Kathy
Cc: kristyan@senioravenues.com
Subject: CPG Grievance 2017-066
Attachments: ltr to Kathy Bowmanpdf.pdf

Categories: GUARDIANSHIP AND ELDER SERVICES

Dear Ms. Bowman:

Attached please find Kristyan's letter in response to the above grievance. The supporting documentation is being sent via fed ex due to the large volume of the documents requested.

Joanne Davis
Case Manager
Senior Avenues
5110 Tieton Drive, Ste. 370
Yakima, WA 98908
Phone: 509-248-8539
Fax: 509-494-8490

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Bowman, Kathy

From: Joanne Davis <office@senioravenues.com>
Sent: Monday, September 11, 2017 4:15 PM
To: Bowman, Kathy
Cc: kristyan@senioravenues.com
Subject: Grievance 2017-066

Categories: GUARDIANSHIP AND ELDER SERVICES

Ms. Bowman:

I was going to fed ex the supporting documents to you, but I just realized that you only provided us with a PO Box. Is there a street address I can send this to? I called and left a message for Ms. Montejo asking for a street address as well.

In the interest of getting this information to you timely, I will place the documents in the mail if I do not hear from you or Ms. Montejo before 5:00 pm.

Also, we just realized that we are missing copies of some Yakima Federal checks and are contacting the client about obtaining access to. We will forward those documents to you as soon as they are available.

Joanne Davis
Case Manager
Senior Avenues
5110 Tieton Drive, Ste. 370
Yakima, WA 98908
Phone: 509-248-8539
Fax: 509-494-8490

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Kristyan Calhoun

From: Jeff Owen <jeff.k.owen@gmail.com>
Sent: Wednesday, March 15, 2017 4:25 PM
To: Kristyan Calhoun
Subject: Re: Keith Owen Glasses

Great, I hope Sam is feeling better.
If there's anything else we can do just let us know.
Thanks!
~Teresa

On Wed, Mar 15, 2017 at 4:22 PM, Kristyan Calhoun <kristyan@senioravenues.com> wrote:

That would be great. I don't think he will do well with a visit for glasses. Sam is back from his illness but we are behind on some these issues. Please forward me a bill and I will reimburse you.

Kristyan Calhoun

Director

Certified Professional Guardian

Senior Avenues

5110 Tieton Drive, Ste. 370

Yakima, WA 98908

Phone: [509-248-8539](tel:509-248-8539)

Fax: [509-494-8490](tel:509-494-8490)

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From: Jeff Owen [<mailto:jeff.k.owen@gmail.com>]
Sent: Wednesday, March 15, 2017 3:46 PM

To: Kristyan Calhoun <kristyan@senioravenues.com>
Subject: Keith Owen Glasses

Hi Kristyan,

Just wanted to touch base about Keith's glasses and see if he had new ones ordered yet.

Jeff and I use Zenni Optical -- it's an online place where you can get glasses super cheap. they do bifocals as well. If his aren't ordered, would you object to us getting his prescription from his eye dr. and ordering some through Zenni Optical and just getting reimbursed?

Thanks!

~Teresa

--

~ Jeff Owen

--

~ Jeff Owen

Kristyan Calhoun

From: Kristyan Calhoun <kristyan@senioravenues.com>
Sent: Wednesday, March 15, 2017 4:23 PM
To: 'Jeff Owen'
Cc: 'Kristyan'
Subject: RE: Keith Owen Glasses

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Kristyan Calhoun
Director
Certified Professional Guardian

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