

**STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
FINANCIAL INSTITUTIONS DIVISION**

**AB-325 PROPOSED REGULATION WORKSHOP
“THE BUSINESS OF PRIVATE PROFESSIONAL GUARDIANS”**

DECEMBER 18, 2015

MINUTES

A public hearing set forth by the Commissioner of the Financial Institutions Division regarding the proposed regulations for AB-325 was held on December 18, 2015 at the Grant Sawyer Building 555 E. Washington Ave., in Hearing Room 2450, Las Vegas, NV 89101 with video conference at the Gaming Control Board Office in Suite 100, 1919 College Parkway, Carson City, NV 89702.

Financial Institutions Division staff in attendance:

Las Vegas:

Commissioner: George E. Burns

Deputy Commissioner: Leonard Esterly

Division Counsel: Sr. Deputy Attorney General Vivian Rakowsky

Supervisory Examiner: Harveen Sekhon

Supervisory Examiner: Mary Young

Examiner: Christopher Hui

Examiner: Julie Hanevold

Examiner: Andrea Bruce

Examiner: Armando Berumen

Carson City:

Supervisory Examiner: Doug Liveringhouse

Administrative Services Officer: Susan Kuechler

1) Call to Order

1-A-1

Deputy Commissioner Leonard Esterly commenced the workshop for the AB-325 proposed regulations on December 18, 2015 at 10:00 AM referencing the agenda and proposed regulations for consideration at the hearing.

1-A-2

Commissioner Burns stated the purpose of the workshop and gave instructions for any input from all interested parties regarding the draft regulation language.

2) Public Comment

No public comment was received.

3) Proposed Regulations

3-A-1

Deputy Commissioner Esterly stated the Commissioner will hear comments and take possible action regarding whether to add regulatory language addressing the Division's interpretation of the term "Private Professional Guardian Company" as specified in AB-325, Section 10.

3-A-2

Supervisory Examiner Harveen Sekhon read proposed regulation in Section 10.

3-A-3

Shelly Register, a shareholder in Guardianship Services of Nevada, Inc. (A Private Professional Guardianship Company or PPG), addressed her concerns with unlicensed entities and also expressing her opinion regarding PPG Companies that only have one person, stating that a sole practitioner needs to have oversight as well.

3-A-4

Commissioner Burns stated both a business entity and an individual must be licensed. If you are a sole proprietor and the entity is the same as the individual, you do not have to have two licenses. As opposed to a business in which have 3 or more individuals working for them, both the business entity and each of the individuals working as guardians would have to have a license. We are not stating that an individual does not need a license to do business, but the individual would not have to hold two licenses as a sole proprietor.

3-A-5

Shelly Register questioned why bigger companies require duplication of licenses and not small business.

3-A-6

Commissioner Burns stated that we are trying to mitigate this with the authority that we have to foster the least amount of impact on the smaller businesses, and if there are any issues, it can be taken up with the legislators.

3-A-7

Kim Spoon with Guardianship Services of Nevada, Inc had issues with the definition of being licensed independently, Section 51 (2c) as it relates to Section 10. Ms. Spoon read the section and then stated people work for that entity and the entity is appointed and not the specified guardian. In my case Guardianship Services of Nevada Company is appointed, not an individual PPG.

3-A-8

Commissioner Burns stated that FID investigated and asked if it was an individual that is appointed as a guardian or a company that is appointed as a guardian. We were told in our research regarding that a individual is appointed as a guardian and not a company.

3-A-9

Kim Spoon stated that is incorrect. All of our guardianships are under Guardianship Services of Nevada as the entity, and we are then the representatives or principals of that company and are not appointed as the guardians. So we are having some trouble understanding how we will follow the letter of the law because if we have to have a guardian license, we are not the guardians, we are not paid as individual guardians. I am not sure how this is going to work according to the statute. I do not know if the rules can be used to help, but I wanted to bring this to your attention.

3-A-10

Commissioner Burns stated that is a matter of concern, because the research we did with contacting the courts and consulting the Attorney General's office on this, the answers that we got were that individual certified guardians are the one's appointed by the court and not the business/company/entity.

3-A-11

Kim Spoon stated I understand what you are saying. We can show you and send you orders that show that the entities are named as the guardians in the state. If you would like we can send that to you, several of the orders that state that.

3-A-12

Commissioner Burns stated it would be beneficial in helping to get this clarified because that is one of the things that was investigated very closely and Commissioner Burns did not want to get into talking about NRS 159, because it is not in his Division's purview, but the Division knows that supposedly only a certified guardian can be appointed by the court. It doesn't say certified company because companies aren't certified, its individuals who are certified. In discussions with the court, we were told that yes, it is just the individuals, so what you may have to do is procedurally get a determination from the courts because that is how they are going to appoint guardians in the future, by individual and not by companies. The Commissioner said he thanked Kim Spoon for bringing that up, and we knew that was an issue and that is why we explored it very extensively and obviously the reality does not match the answers that we got. We will investigate it further.

3-B-1

Deputy Commissioner Esterly stated the Commissioner will hear comments and take possible action regarding whether to add regulatory language addressing the "Translation of documents written in a language other than English" as specified in AB-325, Section 14.

3-B-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 14.

3-B-3

No public comment was received.

3-B-4

Commissioner Burns explained the purpose of Section 14. Section 14 was drafted with the anticipation of having to deal with documents that would have to be drawn in a language other than English. He did not know if there is a case where this had occurred, but in the future it might he and wanted to make sure FID has the ability to make sure this capability for legitimate translation of these documents existed, not only for FID but also for the private professional guardians and for any parties concerned with the ward.

3-C-1

Deputy Commissioner Esterly stated the Commissioner will hear comments and take possible action regarding whether to add regulatory language addressing a party or person's "Failure to appear at a hearing for unlicensed activity" as specified in AB-325, Section 17.

3-C-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 17.

3-C-3

No public comment was received.

3-C-4

Commissioner Burns explained the purpose of Section 17 is to ensure that any party that fails to appear at a hearing for unlicensed activity will still be held accountable for the violation of being unlicensed.

3-D-1

Deputy Commissioner Esterly stated that the Commissioner will hear comments and take possible action regarding whether to add regulatory language regarding “Proof of certain qualifications of applicant required” as specified in AB-325, Section 18.

3-D-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 18.

3-D-3

Kim Spoon stated the difference between a guardian and a certified guardian.

3-D-4

Commissioner Burns thanked Kim Spoon for the explanation and he would take her explanation into consideration with the issue discussed in section 10. The Commissioner also asked for confirmation from the forum that someone can be appointed by the court that is not a certified guardian.

3-D-5

Kim Spoon agreed and stated that as long as the individual is a certified guardian or a certified guardian is working in the entity that is to appointed by the court.

3-D-6

Shelly Register stated the reference in Section 18 regarding being a certified professional guardian and that both Ms. Spoon and Ms. Register were highly involved in the implementation of NRS 159 and the standards of being a certified guardian.

3-D-7

Commissioner Burns requested that if there are specific requests for changes to please submit in writing and it will be reviewed for consideration.

3-E-1

Deputy Commissioner Esterly stated The Commissioner will hear comments and take Possible action regarding whether to add regulatory language establishing the actual “Fees and Assessments” as specified in AB-325, Section 18.

3-E-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 18.

3-E-3

Denise Comastro from Senior Guidance questioned about where/how the amounts for the licensing fees were determined and why were the amounts set as they are.

3-E-4

Commissioner Burns replied that the fees were set to be the actual cost of the division and that division is only funded by these fees. He mentioned that the statute allows for higher fee amounts but FID decided the proposed amounts will be lower than what is allowed. In addition, there are costs to the division that he will not be charging. Such as background checks, no charge for when examiners are going and returning from an exam, and in closing the Commissioner would like to know what the industry believes would be reasonable.

3-E-5

Denise Comastro from Senior Guidance replied that she now understands where the costs come from, however from her view point, she does not believe she should have to pay a higher fee than a registered nurse or as an attorney.

3-E-6

Commissioner Burns stated that if there are any suggestions to submit them in writing. The purpose of licensure is to give legitimacy to the profession, that those who are legitimate are operating properly, and those that are not operating properly to allow supervision of them and put them in compliance or enforcement. The Commissioner talked about the overall cost of this, that there are number of things which are taking place. Such as pursuing unlicensed activities and that there is no recuperating this cost other than the initial licensing cost. In addition, one of the other items that will be provided is the complaint process, which will be more efficient and may lower the cost for licensees. Commissioner Burns also asked to please submit what is

believed to be reasonable and that he would do his best to get as close as he can to cover the costs and to provide the level of support that is expected for licensure process.

3-E-7

Denise Comastro from Senior Guidance replied that she is grateful and looks forward to the licensure implementation. She just wants it to be fair.

3-E-8

Commissioner Burns stated that it is also our objective as well, that FID is not trying to make a profit but just break even. In addition, this new process will be a total learning process for everyone.

3-E-9

Bonnie Walker from Guardianship Services of Nevada stated that they feel strongly the fees are too high. She then asked what is the smallest industry that Financial Institutions Division licenses?

3-E-10

Commissioner Burns stated the smallest by volume is debt adjusters.

3-E-11

Bonnie Walker from Guardianship Services of Nevada asked how many are there.

3-E-12

Commissioner Burns stated that it is about 23.

3-E-13

Bonnie Walker from Guardianship Services of Nevada stated that again she feels that the fees are too high. She also believes that it is gouging small business, and that they are making up for sole practitioners because they have more than one practitioner. She also believes that they should not be paying more than what attorneys are paying.

3-E-14

Stanley S. Broki from Adult Guardian Management Services LLC stated that he has been trying to get people to be interested in taking over his business, but after the mention of the fee structure individuals that were interested become not interested immediately. He believes the fee structure is abusive and why is it every year instead of every other year?

3-E-15

Susan Hoy with Nevada Guardian Services wanted to clarify the fee structure by using an example.

3-E-16

Commissioner Burns questioned the amount of personal that would be working within the entity for the example.

3-E-17

Susan Hoy with Nevada Guardian services stated that she has 150 wards.

3-E-18

Commissioner Burns stated that there are a number of exceptions and PPGs with fewer than three (3) wards do not need to be licensed. In this case, there are more than one private professional guardian and more than three wards, and then it would require the licensing of the company and individual professional guardians.

3-E-19

Susan Hoy with Nevada Guardian services was concerned about sole practitioners operating without dual licensing.

3-E-20

Commissioner Burns stated that fewer than three wards was a decision the legislature made and he had made comments during the session that someone with one ward has as much responsibility as someone with ten wards and did not believe in the exclusion. However, it was done to minimize the impact on very small businesses.

3-E-21

Kim Spoon stated that there is not an entity where there are less than three (3) wards and you would not be considered by the industry a private professional guardian. She is concerned that with paying for the social services in addition to her certificates the new licensing fees, there are numerous additional fees that she would have to pay.

3-E-22

Commissioner Burns stated he is aware that this would add to the cost of business, but FID cannot do this for free because there is cost of business to FID as well. FID has taken upon this task without any additional funding and has to find a breakeven level.

3-E-23

Dan Roberts with The Vegas Voice asked what would the licensing cost be on (as an example) a company with only 2 private professional guardians?

3-E-24

Commissioner Burns stated the amount it would cost for licensing fees based on that scenario.

3-E-25

Shelly Register with Nevada Guardian Services stated that she was surprised that there was zero cost to the state and that she is concerned that the state agency was balancing their budget on the backs of the citizens. In addition, her company has already raised their prices due to the new incoming fees and costs. She then went on to state that after the change to the statutes, she is not appointed as an individual private professional guardian but that it is her company that is appointed as the guardian. She also stated that she would be submitting her comments in writing to assist the division in getting the most accurate information.

3-E-26

Commissioner Burns asked for clarification in the scenario that Shelly Register gave.

3-E-27

Shelly Register responded that they were all certified guardians.

3-E-28

Dennis Comastro with Senior Guidance stated that they are also in the same situation. The court appoints the company (entity) as the guardian and not the individual and he and his associate are certified.

3-F-1

Deputy Commissioner Esterly stated The Commissioner will hear comments and take possible action regarding whether to add regulatory language to define the requirement for “Duty to report changes in information” to the Commissioner as specified in AB-325, Section 18.

3-F-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 18.

3-F-3

No public comment was received.

3-G-1

Deputy Commissioner Esterly stated The Commissioner will hear comments and take possible action regarding whether to add regulatory language to explain the process on how a guardian can “Change of location of business” and be submitted to the Commissioner as specified in AB-325, Section 18.

3-G-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 18.

3-G-3

No public comment was received.

3-H-1

Deputy Commissioner Esterly stated the Commissioner would hear comments and take possible action regarding whether to add regulatory language to define “Restrictions on service for multiple private professional guardian companies” as specified in AB-325, Section 18.

3-H-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 18.

3-H-3

No public comment was received.

3-I-1

Deputy Commissioner Esterly stated the Commissioner would hear comments and take possible action regarding whether to add regulatory language to define the “Prerequisites to conduct business under license” as specified in AB-325, Section 19.

3-I-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 19.

3-I-3

No public comment was received.

3-J-1

Deputy Commissioner Esterly stated the Commissioner would hear comments and take possible action regarding whether to add regulatory language to define the requirement on proper “Display of license” as specified in AB-325, Section 27.

3-J-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 27.

3-J-3

No public comment was received.

3-K-1

Deputy Commissioner Esterly stated the Commissioner will hear comments and take possible action regarding whether to add regulatory language to interpret the meaning of “Place of Business: "Place of Business or Office interpreted” as specified in AB-325, Section 27.

3-K-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 27.

3-K-3

Stanley S. Broki from Adult Guardian Management Services, LLC stated that his company is a home based business and this disconnect will also affect others from trying to start-up this type of business and he objected to this.

3-K-4

Commissioner Burns stated the reason for this provision is for professionalism and security regarding examiners having to go to a personal resident to conduct an examination. FID feels that this is not professional and can produce a security concern for the examiners.

3-K-5

Stanley S. Broki from Adult Guardian Management Services, LLC was interviewed recently and the interviewer was impressed by the number of computers within his resident (Place of business).

3-L-1

Deputy Commission Esterly stated the Commissioner will hear comments and take possible action regarding whether to add regulatory language to define the requirements for “Renewals and reinstatement of expired or revoked licenses” as specified in AB-325, Section 29.

3-L-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 29.

3-L-3

Dennis Comastro with Senior Guidance stated that he would like FID to reconsider the licensing cost due to possible high costs.

3-L-4

Commissioner Burns stated this is an unfunded mandate and having to license, supervise, and examine this industry is a cost FID will have to absorb.

3-M-1

Deputy Commissioner Esterly stated the Commissioner will hear comments and take possible action regarding whether to add regulatory language to further define “Branch Offices: Outside of this State” and “Arrangements required for maintenance of records and guardianship accounts” as specified in AB-325, Section 32.

3-M-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 32.

3-M-3

No public comment was received.

3-N-1

Deputy Commissioner Esterly stated the Commissioner will hear comments and take possible action regarding whether to add regulatory language to further define the proper method for “Retention and examinations of records and accounts” as specified in AB-325, Section 37.

3-N-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 37.

3-N-3

No public comment was received.

3-O-1

Deputy Commissioner Esterly stated the Commissioner will hear comments and take possible action regarding whether to add regulatory language to further define what is meant by “Certain fees not to be assessed to the wards” as specified in AB-325, Section 37.

3-O-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 37.

3-O-3

Kim Spoon with Guardianship Services of Nevada stated she wanted additional clarification on the language written in Section 37 regarding direct and indirect fees assessment to the wards.

3-O-4

Commissioner Burns stated that he understands this is part of the cost of business and that FID is specifying that it will not be done directly.

3-O-5

Kim Spoon with Guardianship Services of Nevada stated on the documents received, it stated directly and indirectly.

3-O-6

Deputy Commissioner Esterly stated that costs will not be assessed directly to the estate of the ward.

3-O-7

Kim Spoon with Guardianship Services of Nevada had a question regarding the trust account that is required for each ward. She then gave an example with wards that cannot obtain an account due to not having a social security number.

3-O-8

Commissioner Burns stated the intent for a separate trust account is for the accounting of all the debits and credits going into the wards account and also to identify what goes in and what went out during the examination process. He then stated that he is not familiar with anyone unable to establish a trust account for any individual. During the examination process, it will be sorted out if the trust accounts that are established meet the requirements of the statute.

3-O-9

Kim Spoon with Guardianship Services of Nevada stated if it is possible to have exemptions so she would not be in violation of the statute.

3-O-10

Commissioner Burns stated that it is not possible. FID cannot make a regulation that is counter to the plain language of the statute. He also stated that FID will try to work with her on the examination process.

3-P-1

Deputy Commissioner Esterly stated the Commissioner would hear comments and take possible action regarding whether to add regulatory language to define what is meant by “Confidentiality of records” as specified in AB-325, Section 37.

3-P-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 37.

3-P-3

Kim Spoon with Guardianship Services of Nevada wanted clarification if it is the ward’s account or if it is the business records of the entity?

3-P-4

Commissioner Burns stated it is all of it. FID is very conscious of the confidentiality of client records and also of the licensee, so they are able to maintain confidentiality without a subpoena.

3-P-5

Kim Spoon with Guardianship Services of Nevada stated that she wants to make sure there are no conflicting issues due to the accounts of the ward as public information.

3-P-6

Commissioner Burns stated from his point of view, it is the court procedures and law that establishes confidentiality at their level, but from our view, it is confidential.

3-P-7

Kim Spoon with Guardianship Services of Nevada stated if it is possible for provision to be put in place to ensure there are no conflicting issues with confidentiality.

3-P-8

Commissioner Burns stated that it would not work very well trying to put a different type of confidentiality requirement between FID and the courts. Also, it is outside of his purview. He wants to make sure that the licensee understands that documents submitted such as background checks and financial records from the licensee would not be subjected to public information requests. In addition, if there are other means the information could be accessible, such as the accounting that is through the court, then it is fine.

3-P-9

Kim Spoon with Guardianship Services of Nevada stated that she appreciates that personal information is confidential, but the information given to FID is already public.

3-P-10

Commissioner Burns stated it would be fine, since it would be public from them and not from FID. It also makes it a much more of a conducive process; otherwise FID might run in to complications with the examination process with the licensee not wanting to disclose information because of confidentiality reasons.

3-P-11

Dan Roberts with The Vegas Voice stated that this process came to light due to their investigation on private professional guardians. He gave an example with this provision and under this provision he would not be able to prove what the licensee gave to FID is true or not because he would not be able to request information regarding the examination.

3-P-12

Commissioner Burns stated if there are concerns on false information you would be more than welcome to file a complaint and FID will then investigate.

3-P-13

Dan Roberts with The Vegas Voice stated that this is a good solution.

3-P-14

Commissioner Burns also stated that it is a good solution and then gave an example of a complaint that is filed and that during the investigation FID can determine if it is valid or not valid. Moreover, if it is valid, FID will take action on the enforcement action. In addition, for public purposes when exam is done, a rating is assigned and if it is unsatisfactory FID will issue a Cease and Desist Order (which is a public document) so the public will know if a licensee is acting in a unsafe manner

3-P-15

Dan Roberts with The Vegas Voice stated that under this example, until FID issues a Cease and Desist order; no one will know what FID is doing. Therefore, if there is a complaint and they want to look at the records, they would not be able to point out any flaws within the record until FID orders a Cease and Desist Order. In addition, as a newspaper, how do I continue the investigation?

3-P-16

Commissioner Burns stated that he is correct and that when a complaint is filed FID will investigate the complaint. An answer would be given to the filed complaint with the findings.

3-P-17

Dan Roberts with The Vegas Voice asked for confirmation that the process is done by FID.

3-P-18

Commissioner Burns stated that is correct.

3-P-19

Dan Roberts with The Vegas Voice questioned how the public will know the outcome since FID is going to investigate the complaint and the press will not have proof that the investigation has been completed or done correctly? He then stated that through his experience, when the court has approved something and when he went to investigate, there were issues with the approval for information and he wants to make sure his newspaper would be able to bring to light these types of issues to the public.

3-P-20

Commissioner Burns stated that FID does not conduct investigations in any manner that is pro industry or pro public. FID sees itself as neutral referees, which both parties are given equal weight when reviewing both sides of the matter. FID will investigate to whatever degree that the matter is brought to their attention since FID is subject to a great deal of scrutiny themselves.

3-P-21

Dan Roberts with The Vegas Voice stated that he would like to see consideration to be taken in order for the media to be able to protect the wards, and based on this, they would not be able to investigate.

3-P-22

Commissioner Burns stated that is the reason that there is a provision that allows for the Commissioner sole discretion that if the public interest in the information being disclosed outweighs the licensee, then the information will be disclosed. In addition, for those circumstances it is of certain public danger.

3-P-23

Dan Roberts with The Vegas Voice stated that he hopes that if he has to contact the Commissioner, that the Commissioner remembers this conversation.

3-P-24

Commissioner Burns stated that he would.

3-P-25

Shelly Register, a shareholder in Guardianship Services of Nevada stated that she also has concerns with the language. She then stated that one of the benefits of this process is that a independent government agency would be conducting the examination and she will rely on that. However, she does not believe a government agency should be allowed to be used by the media as an investigator and it would be inappropriate use of government funds. She then agreed with the proposed language that is being added to Sub Section 2, but she does not believe personal information should be given to a media source.

3-P-26

Dan Roberts with The Vegas Voice questioned if a Cease and Desist is issued would it override a court case. He stated that he could foresee a case that could happen when a licensee refused the Cease and Desist order because it conflicted with a court order.

3-P-27

Commissioner Burns stated that he hopes that never happens, but it can be adjudicated through a process called the 233B hearing. That is an administrative law hearing in front of an administrative judge or it can go directly through the court that gave the order to see if the Cease and Desist order is valid or would the court override the C&D order. FID responded by stating FID will do its job and let the court do theirs.

3-Q-1

Deputy Commissioner Esterly stated the Commissioner will hear comments and take possible action regarding whether to add regulatory language to further define "Revocation or suspension of license" as specified in AB-325, Section 44.

3-Q-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 44.

3-Q-3

No public comment was received.

3-R-1

Deputy Commissioner Esterly stated the Commissioner will hear comments and take POSSIBLE ACTION regarding whether to add regulatory language to further define the requirements for display of “Notice of toll-free telephone number for concerns and complaints“ as specified in AB-325, Section 47.

3-R-2

Supervisory Examiner Harveen Sekhon read the proposed regulation in Section 37.

3-R-3

No public comment was received.

4) Additional Public Comment

4-A-1

Stanley S. Broki from Adult Guardian Management Services stated that he did take offence that having a home based business is not professional. Another concern is that he is trying to offload his wards and what happens when January 1, 2016 arrives and if there are still wards under him that he is unable to off load due to setback by the court or attorneys. Would he be prosecuted or would he be excused.

4-A-2

Commissioner Burns stated that Mr. Broki should follow up with FID and that he has received Mr. Broki’s letter and will get back to him. He also apologized if Mr. Broki has taken any offense in his comment about home based business not being professional and what he meant to say is that it is not professional for a FID employee to enter someone’s home to conduct an examination and FID will be in touch with him shortly.

4-A-3

Stanley S. Broki from Adult Guardian Management Services stated that someone visits him frequently from the veteran affairs and the person that visits his home based business has had no problem.

4-A-4

Kim Spoon with Guardianship Services of Nevada stated that she wants to inform FID that the industry is not against licensure, they do believe it is a very positive thing, and just wants to be sure that it is fair for them. She also commented to Mr. Broki that the laws do not go into effect on January 1, 2016, but in all actuality it is not until approved through the legislature.

4-A-5

Commissioner Burns stated that it is correct; however, as of January 1, 2016, private professional guardians will be required to comply with all the provisions that they can comply with at that time. Such as certain provisions that may require surety bonds because it is something that they can accomplish at this time. However, what they cannot comply with such as licensure until it is approved through the legislative commission.

4-A-6

Kim Spoon with Guardianship Services of Nevada stated that she is confused because she can't be licensed until this process is completed, but surety bonds is part of the process of being licensed, and why would she need it first?

4-A-7

Commissioner Burns asked for further clarification from Ms. Spoon.

4-A-8

Kim Spoon with Guardianship Services of Nevada stated why would she need to have the surety bond by January 1 if obtaining the surety bond is part of obtaining the license. In addition, if they were not licensed yet, why would they be required to have the surety bond by the January 1?

4-A-9

Commissioner Burns stated to allow him some time to re-examine the statute more closely, but his understanding of it is that you shall maintain a surety bond, not that you will have surety bond as a part of the licensing process. In these types of circumstances, in his experience is you must comply with the items that you can and you do not need to comply with provisions that you cannot. However, he will get it clarified and will get back with Ms. Spoon.

4-A-10

Kim Spoon with Guardianship Services of Nevada stated it would be great if he can send it to all the companies, so they know what they need to do to comply.

4-A-11

Commissioner Burns stated he will consult with the Deputy AG for clarification and he would not want the companies to be in violation on something they are capable to comply at this time.

4-A-12

Kim Spoon with Guardianship Services of Nevada stated that their initial impression is that the bill as an entirety would not go into effect until everything was completed.

4-A-13

Stanley S. Broki from Adult Guardian Management Services stated that his wards that have large assets already have a surety bond and asked if the Commissioner wants a separate surety bond for the corporation also.

4-A-14

Commissioner Burns stated he would need additional information on the matter, so please address it to FID so the question can be answered.

4) Adjournment

Meeting adjourned on December 18, 2015 at 12:20 PM