

Matter One

Matter 1.1 Location

Bond Estate Planning, St. Clair Shores
Meeting called to order at 10:00 a.m. by Chair

Matter 1.2 Attendance

Those present:

John Payne* (chair), Sara Schimke* (secretary), Chris Smith* (treasurer), Pat Bond* (past chair), Maria Messina*, Todd Tennis.

On the phone:

Christine Caswell*, Howard Collens*, Angela Hentkowski*, David Sprague*, Robert D. Mannor*, Beth Swagman*, Erma Yarbrough-Thomas*, Jacquelyn Rygiel Sprague*, Paul Sturgul, Jennifer Ackroyd-Fabris, Brad Vauter, Robert Anderson, Charlotte Shoup. Kelly Quardokus*, Amanda Murray, Dolores Coulter, Todd Tennis; Kelly Quardokus*, Michael Mestelle*, James Steward*, Nancy Nawrocki, Patricia Dudek, Darling Garcia, Jane Bassett, Don Rosenberg.

(* designates council member)

Matter 1.3 Approval of Minutes

Motion to approve made by Patrick Bond; seconded by Maria Messina. Motion passed unanimously.

Matter 1.4 Treasurer report

Chris Smith made report, he did a complete analysis and discussed our budget with SBM. He was advised that the section account should contain enough money to cover at least 6 months of expenses. Currently our accounts are at this level. Based on financial commitments Counsel has made for the year, we are now at a breakeven point for income vs expenses. If everything stays the same, we will break even/be at a loss for this fiscal year. Our biggest expenses are currently litigation and the fall conference.

Discussion ensued regarding ways to increase revenue, including increasing membership, raising dues (this decision must be made by May), increasing spring conference profit, minimizing losses for fall conference, change phone service providers.

As a council we need to be conscious on how we spend funds, including for litigation.

Discussion regarding raising membership dues ensued.

David Sprague made motion to approve expected budget; seconded by Robert Mannor.

Discussion ensued regarding generating revenue and decreasing expenses. Vote called; motion passed unanimously.

Items discussed for future budget consideration:

1. Cooperation with ICLE
2. Annual section membership dues being increased. Pat Bond made a motion to increase annual section dues by \$10; motion seconded by David Sprague. Motion to table vote made by James Steward; seconded by Robert Manor. Vote called by Chair: Pat Bond opposed, the Chair did not vote, remaining voting members voted in favor; motion passed.

3. Conference cost reduction - copying costs for fall conference will be investigated. It was suggested that the materials be provided electronically. If attendees want a print binder, then an additional fee should be charged.
4. Litigation expenses - Counsel will investigate a process for evaluating litigation requests.

Matter 1.5 State Bar Meeting - John Payne

Annual Meeting is in September in Grand Rapids. Suggested that a speaker from ELDRS present a one hour CLE and ELDRS is represented there. Sara Schimke will reach out to the SBM and get the necessary information.

Matter 1.6 Legislative update - Todd Tennis

- A. Budget - the budget process is pending in Lansing. A revenue estimating conference will take place next week. State of the State will be January 19. Governor will present his recommended budget in February. ELDRS care about senior based services. It is hard to know how those will be affected; hearing that additional money may be proposed for Dementia services.
- B. Digital Assets Bill - scheduled to come up in the senate committee January 26; don't expect that it will be voted on that day.
- C. Real Restate Transfer Issue HB 4930 - moved quickly through legislature and expanded definition for a transfer. The bill was passed and signed into law. Another 3 bill package was introduced in December; this package is more reflective of what the Probate Section was looking for. This was introduced by Senator Casperson and he did work with the Probate Section. James Steward made a motion to adopt a policy position in support of SB 0648, SB 0649, SB 0650 along with HB 5139, 5140, 5141; Seconded by Patrick Bond, (the bills are all identical). Vote called - 15 voted yes, no opposed, no abstain. The Chair did not vote. Motion passes.
- D. SB 270 - A hearing was held in early December. Another hearing will be scheduled on the bill, likely in January. This bill was authored by the Probate Judge's Association. Probate Section adopted position in support of SB 270 in context, so long as the jurisdiction issue is corrected. SB 270 amends jurisdiction under Article 5, but doesn't relate it to EPIC Article 1. James Steward made a motion that ELDRS adopt a policy position supporting the concept of expanding the jurisdiction of probate courts, so long as the language in Article 1 of EPIC to reflect this intent does not ultimately restrict jurisdiction of the court. Second by Patrick Bond. Vote called; 15 yes, no opposed, no abstained, the Chair did not vote; motion passed.
- E. Designated caregiver act passed Senate, it is now in the House. No real opposition to the act at this time. ELDRS amendments were put into the act so there is no conflict with POAs.
- F. House passed The Health Insurance Claims Extension. Senate will be taking this up now.
- G. The entire list of all bills being watched for ELDRS is in the legislative report.

Matter Two - Old Business

Matter 2.1 Ketchum Estate - Charlotte Shoup

Case has been set for oral argument.

Motion made by Beth Swagman for Amy Peterman to file another motion for oral argument; seconded by Kelly Quardokus; discussion ensued. Vote called, motion passes unanimously.

Matter 2.2 Roush amicus brief - James Steward

Amicus brief filed and report submitted to council.

Kelly Quardokus believes we have an opportunity to address residents rights that should have been brought to the courts attention in the brief; a resident in facility has additional rights beyond those of the average person. Believes this piece is missing. James Steward stated that this case was not a patients right issue and that is why it was not addressed. Discussion ensued. Invoice was submitted to the Section (payment to James Steward was previously approved). The press has contacted ELDRS regarding this case.

Matter 2.3 SBO Appeal - Nancy Nawrocki

Nancy filed an appeal for a Medicaid application that was denied based on the use of an SBO Trust within the plan. Nancy won the appeal. This case will be heard by the COA because the motion for leave was granted. If this isn't supported and Nancy loses, SBOs will be gone forever. Nancy is requesting help writing the brief, as a solo practitioner who is doing this pro bono, she requires assistance. James Steward offered to help and suggested that ELDRS also submit an amicus, although if the ELDRS is supporting and involved we may not be able to do an amicus. James Steward and John Payne have offered to help in their individual capacities (pro bono). John Payne will look into the timing to file an amicus brief. The Section is not taking any position for direct involvement with this case. Section will look into time frames, potential costs, and viability of case.

Matter Three - New Matters

Matter 3.1 Fall Conference - Angela Hentkowski

Email Angela with any speakers or topics this week.

Matter 3.2 Spring Conference - Harley Manela

Harley has received a commitment from Representative Leonard. Conference fee will be increased to \$170 this year for non-members, or a \$35 discount if they join council. Lunch is also going up to \$25. Speakers don't pay for conference or lunch. Sponsorships for snacks, drinks, etc is offered. Howard Collens will sponsor morning snacks; Jane Basset will sponsor afternoon snacks.

Matter Four - Announcements

Matter 4.1 Patricia Dudek - new federal legislation

Has federal legislation would like us to support. Will submit to counsel and take up next meeting.

Matter 4.2 Next Meeting

Next meeting will be held on February 6, 2016 at Chalgian & Tripp Law Offices, PLLC, 1019 Trowbridge Rd., East Lansing, MI

Matter 4.3 Adjourn

Motion to adjourn meeting made by Robert Mannor; Chris Smith seconded the motion. Motion passed unanimously.
Adjourned 12:03 p.m.