

Meeting Minutes

November 10, 2020

9:00 a.m. Remote Meeting

Members Present

- David Bastian, Chair
- Derek Matthews
- Tina Carroll
- Nestor Gorfinkel
- Shelley Miner
- Caitlin Finley
- Scott Osborne
- Tom Peterson
- Bill Ronhaar

Liaisons and Staff Present

- Carla Higginson, BOG Liaison
- Bobby Henry, WSBA Staff Liaison
- Katherine Skinner, RSD Analyst
- Renata de Carvalho Garcia, RSD Director

Board Business:

- The meeting was called to order at 9:05 a.m.
- The August 11, 2020 meeting minutes were approved.
- The Rules Committee recommended an amendment to the WSBA Bylaws in order to address challenges LPOs have with financial responsibility when in between jobs. Because LPOs are required to provide financial responsibility with an active license, most LPOs must change to inactive status when they are in-between jobs (LLTs face the same challenge, however, lawyers do not have a requirement to provide proof of financial responsibility or liability insurance). To help alleviate this challenge, the Rules Committee recommended waiving the \$100 to-active status application fee when an LPO is on inactive status for 90 days or less. This requires a WSBA Bylaws amendment. The Board approved the recommendation and directed staff to add the proposed amendment to the agenda for the next Board of Governors meeting.
- At the July Board meeting, Dawn Barry presented on House Bill 1450 to amend the income threshold for non-compete agreements. Dawn requested the Board's support in amending the bill. At this meeting, the Rules Committee recommended against the Board taking a position on the legislation. The Board discussed the issue and agreed with the Rules Committee. The primary reason for the Board's decision was that it did not believe it was the appropriate entity to intervene in legislation involving employment contracts between employees and employers. In addition, the Board did not see a direct cause and effect between LPO non-compete agreements and LPO working conditions. The Board acknowledges that there is the possibility of an impact on LPO working conditions, but, at this time, does not have reason to believe that non-compete agreements alone are having a substantial adverse effect on LPOs. Because there is the possibility of a future impact on LPOs, the Board will monitor this issue.



- In response to an inquiry about an inconsistency between the acknowledgements on the LPO forms approved by the Board and the acknowledgements in the state notary handbook, the Forms Committee recommended amending the LPO forms with an acknowledgement. The amendments to those forms would involve replacing the current acknowledgement with the short form of the acknowledgement provided for in RCW 42.45.140, which was recently amended effective October 1, 2020. The Board approved the recommendation and directed the Forms Committee to identify all forms needing the amendments and to develop a process for sunseting the current version of the forms with a recommendation that the sunset date be December 31, 2021.
- In response to an email from an LPO who asked the Board to take a stance against particular comments made by Governor Higginson at the June Board of Governors meeting, the Board declined to take any formal action. Several Board members and Governor Higginson made comments on the issue. The Board based its decision to take no action on the fact that the WSBA and the Board of Governors are already taking steps to address the matter. These include referring the matter to an outside ombudsperson and the Board of Governors participating in a comprehensive training program on diversity, equity, inclusion, oppression and trauma. The Board is confident that the WSBA and the Board of Governors are capable of handling this matter with the processes that they have in place, including the ombudsperson investigation. The Board trusts that all governors and leaders of the Bar will learn from this experience and the ongoing training program that they are currently undergoing. The Board is neither condoning nor supporting Governor Higginson's comments by making no comment.
- The Board discussed committee work and assignments. Except for adding Lori Smith to, and removing Tina Carroll from, the Exam Committee, the Board asked members to consider work that interests them and will make committee assignments at the next meeting.
- The meeting adjourned at 11:00 a.m.

Respectfully submitted,

Bobby Henry

WSBA Staff Liaison to the LPB

