



John H. Lightfoot, Jr.
Chairman

State of New Hampshire Guardian ad Litem Board

25 Capitol Street - Room 120, Concord, New Hampshire 03301
TDD Access: Relay NH 1-800-735-2964
Web site: www.nh.gov/gal

Phone: (603) 271-1199
Fax: (603) 271-6600
E-mail: gal.board@nh.gov

In the Matter of:
Susan Denenberg
Adjudicatory Proceeding

DECISION AND ORDER

Before the Guardian ad Litem Board (the Board) is the matter of Susan Denenberg following the denial of her application for certification as a Guardian ad Litem.

BACKGROUND INFORMATION

On April 11, 2008, Guardian ad Litem Susan Denenberg's (Ms. Denenberg) certification expired.

On December 29, 2010, the Guardian ad Litem Board (the Board) office received Ms. Denenberg's request for temporary certification.

On January 21, 2011, the Board approved the temporary certification until the first Board meeting scheduled after the next available training.

On March 9, 2012, a letter was sent to Ms. Denenberg informing her of the upcoming training and her temporary certification would expire on June 11, 2012.

On May 22, 2012, a letter was sent to Ms. Denenberg clarifying that the 90 days after expiration rule does not apply.

On June 5, 2012, the Board office received the following from Ms. Denenberg:

- Original plus 3 copies of Application, Supplemental Application, and Log of Professional Experience, Written Submission, Statement containing information required by GAL 401.06.

- A Copy of Ms. Denenberg's transcript, photo ID, and certificates of completion for GAL training.

- A signed and notarized original Criminal Records Release plus the check for Dept. of Safety

- Check for \$75 application fee.

- Waiver of Confidentiality

- Incomplete Central Registry Request

On June 6, 2012 the Board office called Ms. Denenberg to let her know that Central Registry Request was incomplete.

On June 7, 2012, the Board office received a reference letter from Nancy Lehoux.

On June 9, 2012, the Board office received a fax copy of the completed Central Registry Request.

On June 12, 2012, the Board office received the Original Central Registry Request.

On June 15, 2012, the Board office received a reference letter from Glynn Talley.

On June 20, 2012, the Board voted to deny Ms. Denenberg's certification pursuant to GAL 401.06(e)(8) The applicant failed to comply with any prior condition of certification, including the terms of any settlement or agreement with the board.

On June 21, 2012, the Board office received a reference letter from Elaine Beauchesne.

On June 22, 2012, a letter was sent to Ms. Denenberg informing her of the denial.

On June 28, 2012, the Board office received a request for hearing from Ms. Denenberg.

On July 2, 2012, the Notice of Hearing was mailed via certified return receipt to Ms. Denenberg and signed for on July 3, 2012.

The notice of hearing provided that the following specific issues would be determined at the adjudicatory proceeding: Whether Ms. Denenberg meets the requirements of GAL 401.06(a)(1) In circumstances other than those described in Gal 401.02 (a) – (d), a formerly certified person may seek a new certification by submitting the following: A new, original, fully executed application, together with 3 copies of that form, a new, original, fully executed supplemental application form, together with 3 copies of that form, and the supporting materials and fee as specified in Gal 302.01 (b);

Board member Jack Lightfoot was appointed to serve as presiding officer.

HEARING

An adjudicatory hearing was held on July 20, 2012 in room 101 of the Legislative Office Building, Concord.

Present were: board members Jack Lightfoot, Presiding Officer, Susan Duncan, Alan Cantor, Nina Gardner, Representative Jeffrey Oligny

Also present were Susan Denenberg, respondent.

The record in this case consists of the following:

Documents from the Board's file on Ms. Denenberg:

2012 Renewal Application of Susan Denenberg filed on June 5, 2012.
Notice of Hearing dated July 2, 2012

Respondent's exhibits submitted prior to the hearing:

No exhibits submitted prior to the hearing.

Respondent's exhibits submitted at the hearing:

Letter from Glynn Tally, reference.
Letter from Elaine Beauchesne, reference.

Summary of Evidence

Ms. Denenberg testified that she has been a GAL since 1981. At that time there was no formal training offered. Ms. Denenberg took the GAL training in Spring 2012. Ms. Denenberg sent her references out with self addressed stamped enveloped stating they needed to be in by June 11, 2012. She said that her reference Elaine Beauchesne is the mother of an infant and a teenager and she let the reference slip away. Ms. Denenberg submitted as evidence a letter from Elaine Beauchesne stating why her letter was late and to not blame Ms. Denenberg. Ms. Denenberg also testified that her reference Glynn Tally's answering machine was broken and he never got any of Ms. Denenberg's messages. She finally got a hold of him on vacation in Florida. She also submitted into evidence a letter from Glynn Tally. Ms. Denenberg testified that she thought a fax copy of the Central Registry Request by the date would have met the requirement. She has never had a late report. She has met the requirements of the rules and requests some leniency. Ms. Denenberg does not feel that the return of references by the deadline is not her responsibility.

FINDINGS OF FACT

1. Ms. Denenberg's Original Central Registry Request was not received by June 11, 2012.
2. Two of Ms. Denenberg's reference letters were not received by June 11, 2012.

RULINGS OF LAW

1. Ms.. Denenberg did not provide a complete application according to 401.06(a)(1) by not submitting her Original Central Registry Request and two reference letters by the deadline of June 11, 2012 of her temporary certification.

DISCUSSION AND CONCLUSION

Ms. Denenberg received a letter in March stating her temporary certification would expire on June 11, 2012. Ms. Denenberg had plenty of time to complete the application and additional documentation. Although, Ms. Denenberg is not taking responsibility for anything being late, she is qualified and trained and state should not lose her services as a certified guardian ad litem.

THEREFORE IT IS ORDERED that the application of Susan Denenberg be denied pursuant 401.06(a)(1), as the applicant did not submit a complete application by the temporary certification expiration date of June 11, 2012.

IT IS FURTHER ORDERED that Susan Denenberg may reapply for new certification by submitting a new application fee and amending her application specifically Part G #4 & 5.

IT IS FURTHER ORDERED that respondent Susan Denenberg immediately notify any courts in which she currently holds an appointment as guardian ad litem of the results of this disciplinary hearing.

IT IS FURTHER ORDERED that a copy of this order be delivered to the Administrative Office of the Courts, the Administrative Judges of the Superior, Probate, District and Family Division Courts, and the Attorney Discipline Committee.

Appeals from orders of the Board may be taken pursuant to RSA 541. See RSA 490-C:8. Within 30 days of the date of this decision, the respondent may appeal by petition for a writ of certiorari to the New Hampshire Supreme Court. See RSA 541:6.

BY ORDER OF THE BOARD

DATE: September 5, 2012



Jack Lightfoot
Presiding Officer

cc: Susan Denenberg
P.O. Box 1142, Portsmouth, NH 03802-1142
Rosemary Wiant, Assistant Attorney General, New Hampshire Department of Justice,
33 Capitol Street, Concord, New Hampshire 03301