

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of: )  
)  
The Fitness of Cache Integrity )  
Services and Thomas McDuffie as )  
Guardian or Conservator )  
Joint Hearing )  
)  
)  
)

Case No. 3AN-23-02292PR

**ORDER APPOINTING OPA IN ITS CAPACITY AS THE PUBLIC GUARDIAN AS  
SPECIAL INVESTIGATIVE CONSERVATOR**

Pursuant to AS 44.21.410(a)(1) the Office of Public Advocacy shall perform the duties of the public guardian. Alaska Statute 13.26.730 permits OPA in its role as public guardian to intervene if the court finds such intervention is justified.

In this matter, the Court finds that intervention is justified pursuant to subsection (4) – the best interests of the ward, respondent, protected person, or person who is the subject of a conservatorship proceeding require the intervention. The Court makes this assessment based upon the evidence presented that funds have been co-mingled into pooled accounts by Tom McDuffie/Cache Integrity, special skills related to the Public Guardian function are required to assess the different types/sources of funds held, a specialized understanding of Social Security laws and regulations is required, an understanding of Medicaid rules is required, and specialized knowledge regarding pooled accounts held by Key Bank which OPA possesses are required to investigate and track which funds can be sufficiently shown to belong to which client so disgorgement can occur.

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Intervention is also justified under subsection (2) based upon preliminary evidence presented to the Court regarding the possible waste and dissipation of the wards and protected persons' estates as the result of the costs of the guardianship or conservatorship under the appointment of Tom McDuffie/Cache Integrity.

Based upon the special circumstances of this matter, including the existence of the pooled accounts, the potential lack of valid record keeping by Tom McDuffie, and the sheer number of clients affected, the Court hereby ORDERS:

1. The Office of Public Advocacy Administration in its role as the Public Guardian is appointed as Special Investigative Conservator for all clients named in Attachment A and Attachment B.
2. As Special Investigative Conservator, OPA has full authority to issue administrative subpoenas for all financial records belonging to or associated with Cache Integrity and Thomas McDuffie.
3. As Special Investigative Conservator, OPA has full authority to set depositions and take sworn statements from all witnesses it identifies are pertinent to the investigation.
4. As Special Investigative Conservator, OPA has full authority to participate in and coordinate with all federal and state agencies including but not limited to: the Social Security Administration; the Alaska Department of Health; the Alaska Department of Family and Community Services, and to obtain information about every client

listed in Attachment A and Attachment B; to be permitted to be involved in all meetings requested with or by Tom McDuffie related to the return of funds he and/or Cache Integrity is believed to be holding on behalf of the clients listed in Attachment A and Attachment B; and to directly supervise Tom McDuffie's return of such funds as requested by any federal or state agency.

5. As Special Investigative Conservator, OPA is granted full access to all records, in all formats, Cache Integrity, Tom McDuffie, or any current or former employee or Board of Directors member holds related to the Cache Integrity Services business and the clients listed in Attachment A and Attachment B during the time Tom McDuffie and/or Cache Integrity was/is holding funds for these clients, including all back end system reports from EXACT or any other software program Tom McDuffie and Cache Integrity used or uses;
6. As Special Investigative Conservator, OPA is granted full access to all bank records in all formats, related to all bank accounts associated with Cache Integrity Services.
7. As Special Investigative Conservator, OPA has full authority to communicate with and obtain information from all individuals subsequently appointed as guardians and/or conservator to all individuals listed in Attachment A and Attachment B.

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PUBLIC GUARDIAN ANCHORAGE SECTION  
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8. As Special Investigative Conservator, OPA has full authority to file pleadings with the Court as required where it determines such filings are in the best interest of the individuals listed in Attachment A and Attachment B and to the extent possible shall work in conjunction with the individual, in cases of dismissed authorizations; the individual's appointed guardian and/or conservator; and the individual's Respondent counsel as it relates to all filings.
9. As Special Investigative Conservator, OPA has full authority to request permission to file specific pleadings in the Respondent's underlying protective proceeding rather than the Fitness matter in order to protect a Respondent's private information. The Court has ultimate authority over whether to grant all requests and allow or disallow any filing.

DATED this 31<sup>st</sup> day of Jan, 2024.



Eric Aarseth  
Superior Court Judge

\* CERTIFY THAT ON 1/31/24  
COPIES OF THIS FORM WERE SENT

TO CIS, CNS, OPA/PG, OPA/CC,  
DLG, CLERK G. Goodman, L. Jones,

OPA/AJR, OPA/RDS, OPA/Kenai,

A. Porter, S. Simpson, S. Sterling,

AG/PR CNS