



**Professional Fiduciaries Bureau (Bureau)
Advisory Committee Meeting
Wednesday, December 8, 2021**

Meeting Minutes

Committee Members Present

Chi Elder, Chair
Bertha Sanchez Hayden, Vice Chair
Wendy Hatch
Elizabeth Ichikawa
James Moore
Denise Nelesen

Department of Consumer Affairs (DCA) Staff Present

Rebecca May, Bureau Chief
Angela Cuadra, Bureau Program Analyst
Fred Chan-You, DCA Legal Counsel

- 1) Call to Order – Ms. Elder called the meeting to order at 10:00 a.m. and stated the meeting was being held via WebEx with no physical public locations due to Government Code section 11133.
- 2) Roll Call & Establishment of Quorum – Ms. Cuadra called roll. Committee members Ms. Wendy Hatch, Ms. Chi Elder, Ms. Bertha Sanchez Hayden, Ms. Denise Nelesen, Ms. Elizabeth Ichikawa, and Mr. James Moore were present via WebEx. A quorum was established with six members present.
- 3) Advisory Committee, Bureau Chief, Staff and Legal Counsel Introductions – Committee members, bureau staff, and legal counsel introduced themselves.
- 4) Public Comment on Items Not on the Agenda –
Public Comment: None.
- 5) Reading of the Professional Fiduciaries Bureau Mission Statement – Ms. May read the bureau’s mission statement.
Public Comment: None.
- 6) Discussion and Possible Approval of the Advisory Committee Meeting Minutes from September 15, 2021 –

Ms. Hatch requested the last bullet on agenda item number ten be amended to read “and stated that he believes the bureau has determined it is not a violation when a licensee bills for more than 24 hours in a day.” Ms. Hatch motioned to approve the minutes with the proposed amendment. Ms. Nelesen seconded the motion. A vote by roll call was made: Ms. Hatch, Mr. Moore, Ms. Elder, Ms. Sanchez Hayden, Ms. Nelesen, and Ms. Ichikawa were in favor. There was no discussion from the committee members and the motion carried with six votes. Ms. Cuadra stated the minutes would be posted to the website as amended.

Public Comment: None.

7) Update from the Director’s Office –

Ms. Brianna Miller, Board and Bureau Relations, reported regarding the Department’s Covid19 safety measures and telework policy. Ms. Miller explained the vaccination and test procedures employees of the Department are required to follow. She reported that remote meetings would be allowed until January 31, 2022, and unless there are future updates, all meetings will be required to meet in person after that date. She also reported that the bureau has one vacant position for a licensee member and the Department is working on recruitment for that position. Finally, 2021 is a mandatory Sexual Harassment Prevention training year and all staff and committee members are required to complete training this year.

Public Comment: None.

8) Budget Report –

Ms. Harmony DeFilippo, Budget Analyst, presented the budget projection report and fund condition for the bureau.

Public Comment: None.

9) Legislative Update and Discussion –

Mr. Greg Pruden, DCA Legislative Manager, reviewed the legislative calendar and status of bills listed on the agenda.

Ms. Hatch stated she thought AB 1194 was removed and Mr. Pruden stated the bill was signed into law. Ms. May stated that Ms. Hatch may be referring to the Client Notification regulation which was withdrawn, not AB 1194. Ms. Nelesen asked if the fine in AB 1194 is for non-professionals as well as professionals. Mr. Pruden stated that section 17 of the bill the fine for non-professionals is a different amount as a professional. Ms. Nelesen stated this may cause individuals not to be licensed. Ms. Nelesen also asked if the schedule of fees would apply to hourly rate only. Mr. Pruden answered the statute reads including but not limited to hourly fees. Ms. May stated that at a minimum the hourly fees will be

posted. Mr. Pruden stated the goal of this law is transparency. Ms. Sanchez Hayden asked how they will differentiate between the GC355 and the care plan for SB 602. Mr. Pruden and Ms. May indicated that they not familiar with the GC355 but will report back at the next meeting. Ms. Sanchez-Hayden clarified that the GC355 is a Judicial Council form.

Public Comment: None.

10)Bureau Updates – Ms. May presented the bureau’s statistics as of October 31, 2021.

- Application Licensing and Enforcement Statistics –

July 1, 2021 – October 31, 2021	
New Licenses	25
Active Licenses	842
Total Licenses Issued	1,280
New Applications Received	36
AG Cases Initiated	0
Citations Issued	0
Complaints Received	34
Complaints Closed	41
Complaints Pending	103
Average Days to Close Complaints	506

Ms. May acknowledged that 506 days to close a complaint is a very high average, but it is down from the last meeting. There are no hard deadlines to close complaints, and some are more complex and take longer to investigate.

- Outreach Events – There have been no outreach events since the last meeting. Ms. May asked the committee to inform the bureau of any outreach events by email.
- E-Newsletter – Ms. May stated the fall newsletter is almost complete and will be disseminated to the interested parties list by the end of the year.
- Delays in Mail Delivery and Receipt – Ms. May stated the delays seem to have improved since the post office box was closed in July. Ms. May requested all mail be mailed to the bureau’s physical address and if confirmation of receipt is needed, to please send via a delivery method that allows for tracking. Additionally, to further shorten processing times, initial annual and annual statements may be sent to the bureau by email to PFBRenewals@dca.ca.gov or by fax to (916) 574-8645. All emailed statements will receive a confirmation email of receipt.

- Strategic Plan – Enforcement Objective – Ms. May asked the advisory committee members to examine objective 3.5 under the communication and outreach section of the strategic plan and bring back ideas to discuss at the next advisory meeting.

Public Comment: None.

11) Strategic Plan Discussion of Recommendations from the Committee for Goal 2:

Enforcement – Ms. May began the discussion on the following items:

- Item 2.4 – Determine the feasibility of utilizing an internal consultant to assist with review of enforcement cases.

Ms. Hatch asked if a licensee would have to give up their practice to participate and Ms. May replied no. Ms. Hatch also asked what type of liability would be involved and would it be confidential or public. Ms. May stated it would be a high-level discussion and personal information would be confidential. Ms. Nelesen suggested a retired fiduciary may be a good option. Ms. Hatch stated a retired fiduciary would not have liability insurance. Mr. Chan-You asked for clarification on liability. Ms. Hatch stated that the internal consultant may be open to liability or civil suit from the party that is being investigated. Ms. Ichikawa asked if the consultant would be paid and Ms. May replied that there would be a contract and the consultant would be paid for a limited number of hours. Ms. Ichikawa also asked if using a public guardian may work for this position. Mr. Moore suggested contacting the Professional Fiduciaries Association of California for recommendations. Ms. Elder asked if there is a criterion in place and Ms. May replied the criteria is not in place but would be similar to the criteria used to hire subject matter experts. Ms. Hatch asked to add the criteria to the next agenda for the committee members to assist with criteria selection.

Public Comment: None.

12) Proposed Rulemakings Update –

Ms. May reported that the inactive/retired license regulation was filed with the Office of Administrative Law on November 2, 2021 and the public comment period will end on December 27, 2021. The client notification proposed regulation was withdrawn from the Office of Administrative Law on November 16, 2021. The bureau is currently working with the Department to determine its next steps.

Public Comment: A comment was made on behalf of the Professional Fiduciaries Association of California, that the association appreciates the challenges with this regulation package and the consideration the bureau took of all the comments.

13) 2022 Chair and Vice Chair Advisory Committee Elections – Rebecca May, Bureau Chief

Ms. Hatch nominated the current Chair, Ms. Chi Elder, as the Chair for 2022. Ms. Sanchez Hayden seconded the motion. There were no other nominations There was no

other comment from the members or the public. A vote by roll call was made: Ms. Hatch, Mr. Moore, Ms. Elder, Ms. Sanchez Hayden, Ms. Nelesen, and Ms. Ichikawa were in favor. There was no discussion from the committee members and the motion carried with six votes.

Ms. Nelesen nominated Ms. Hatch for Vice Chair. Ms. Hatch declined the nomination.

Ms. Hatch nominated Ms. Sanchez Hayden for Vice Chair for 2022. Ms. Elder seconded the motion. There were no other nominations There was no other comment from the members or the public. A vote by roll call was made: Ms. Hatch, Mr. Moore, Ms. Elder, Ms. Sanchez Hayden, Ms. Nelesen, and Ms. Ichikawa were in favor. There was no discussion from the committee members and the motion carried with six votes.

Public Comment: None.

14) Future Agenda Items –

Ms. Cuadra noted the agenda items requested to be added to a future agenda were:

- Clarification of the difference between the care plan and a GC355 in SB 602.
- Developing criteria for an Internal Consultant.

Public Comment: None.

15) Future Meeting Dates

- Wednesday, March 9, 2022
- Wednesday, June 22, 2022
- Wednesday, September 14, 2022
- Wednesday, December 7, 2022

Committee members did not mention any scheduling conflicts for the future dates and were asked to contact Ms. Cuadra if any conflicts arise.

Public Comment: None.

16) Adjournment – The meeting was adjourned at 11:21 a.m.