

The Guardian



A Message from the Bureau Chief

Happy New Year friends of the Professional Fiduciaries Bureau (PFB)!

I don't know about you, but the New Year always inspires me to start fresh. I'm not usually a New Year's resolution type of gal, but I do like to examine my goals and determine if improvements are needed in my strategies to reach them. This inevitably means more time at yoga class and upping my water intake (who's with me?), but this year I've also decided it's time to ensure I have my financial house in order.

My husband and I recently had our trusts and advanced health care directives drafted by an attorney, ensuring that if the unthinkable happens or, let's face it, the inevitable (hopefully many, many years from now), our children and assets will be protected. It takes some burden off knowing that when life suddenly takes a left turn, this one piece is taken care of.

If you or a loved one plan to hire a professional fiduciary, please do your homework first! I highly recommend you check that your professional fiduciary has a current and active license with PFB. You can easily check a license's status at our website, www.fiduciary.ca.gov, or by calling our office at (916) 574-7340. I promise it only takes a few minutes and will give you some peace of mind when hiring a professional fiduciary for yourself or a loved one.

Licenses, the new year brings new laws that may affect your practice. Please take a look at our "Legislative Update" on page 3 to learn about these important changes. If you have not reviewed the laws and regulations in a while, this is the perfect time to refresh yourself on all laws and regulations that govern the practice of a licensed professional fiduciary. It's not the most dynamic reading material, but it's incumbent upon you as a licensee to know the rules that relate to your practice as a professional fiduciary. You can find current laws and regulations at our website [here](#).

As a final note, I would like to advise you of some changes to the makeup of our Advisory Committee. I am happy to welcome Wendy Hatch and Jim Moore, our two new licensee members, who bring a wealth of knowledge and perspective to the Advisory Committee. I am also grateful to our two departing members, Barbara DeVries and Jenny Chacon. I greatly appreciate their dedication to PFB and its successes over the years. I wish them well in their future endeavors.

As always, please sign up for PFB updates via our interested parties list at our website, or feel free to drop us an email at fiduciary@dca.ca.gov if you have any questions or suggestions. I hope you have a wonderful and productive New Year!

Sincerely,

Rebecca May, Bureau Chief

DEPARTMENT OF CONSUMER AFFAIRS

PFB

PROFESSIONAL FIDUCIARIES BUREAU

- Message from the Bureau Chief 1
- Annual Statement 2
- 2019 Legislative Update 3
- Ask Angie..... 4
- 2018 PFB Enforcement Actions 6
- PFB Actions Explanation of Language 7
- Vision and Mission Statements 7
- Send Us Your Feedback 7
- Important PFB Updates and How to Receive Them..... 8
- Contact Information 8
- Advisory Committee Members..... 8
- PFB Staff 8
- Advisory Committee 2019 Meeting Dates 8





Annual Statement

Every year like clockwork, licenses are required to submit their Annual Statement at least **60 days prior** to the expiration date of their license. This important requirement is a condition of licensure pursuant to **Business and Professions Code 6562**.

Licenses will not be renewed unless an updated and complete Annual Statement is on file. Further, licensees who do not send in their

Annual Statement on time risk practicing with an expired license and may be subject to administrative or enforcement actions.

Need help filling out your Annual Statement? Give us a call at (916) 574.7340 or email us at fiduciary@dca.ca.gov.



2019 Legislative Update

PFB has identified three new laws that may influence your practice as a professional fiduciary. We recommend that you take some time to familiarize yourself with them. You can find out more about these bills on the California Legislative Information website [here](#). The following legislative changes that affect licensed professional fiduciaries took effect on Jan. 1, 2019:

AB 3144 (Low, Chapter 681, Statutes of 2018) extends the sunset date of PFB from Jan. 1, 2019, to Jan. 1, 2023. This bill also expands the definition of a professional fiduciary to include personal representatives of a decedent's estate, establishes an experience-only pathway to licensure, and prohibits professional fiduciaries from charging a client for responding to complaints filed against the fiduciary with PFB.

SB 909 (Hertzberg, Chapter 407, Statutes of 2018) allows a fiduciary of an irrevocable trust to distribute the property of a first trust to one or more second trusts, or to modify the first trust without the consent of the beneficiaries or approval of a court, subject to certain exceptions. This bill requires notification of affected parties prior to “decanting” and creates court authority to allow “decanting” on an application by a fiduciary, a beneficiary, or other specified parties.

SB 931 (Hertzberg, Chapter 458, Statutes of 2018) expands the authority of a person or their designee in charge of providing mental health treatment at a county jail, to allow that person or designee to recommend a conservatorship for an individual determined to be gravely disabled. This bill also prohibits conservatorship investigators from failing to schedule an investigation based on the custody status of the individual subject to that investigation.

ASK ANGIE

Angela Cuadra is PFB's resident expert when it comes to PFB functions. If you have a question regarding applications, licensing, licensing renewals, complaints, enforcement, or any other questions related to PFB, please email her at fiduciary@dca.ca.gov with the phrase ASK ANGIE in the subject line. Questions will be answered directly, and if the question is popular, the answer will be published in our next e-newsletter. Please note that we cannot provide legal advice. Below are some commonly asked questions.

Q: Can you explain the license application process?

A: There are three main steps to the licensure process. There is an application and background check with PFB, an application and background process with the Center for Guardianship Certification (CGC), the provider of the fiduciary examination, and a registration and appointment process with Psychological Services Incorporated (PSI), which administers the examination. The examination is offered throughout California. Once an applicant successfully passes a background check, the examination, and pays fees, he or she will receive a professional fiduciary license.

Q: Why is my initial license fee prorated?

A: Pursuant to section 4428 of the California Code of Regulations (CCR), division 41 of title 16, an initial license shall expire at midnight on the last day of the month in which the second anniversary of the licensee occurs after the issuance of the license, and no license shall be issued for less than 12 months or more than 24 months. Prorated fees are calculated pursuant to CCR 4580 (b) and (c).

Q: What do I do if I do not receive a license renewal application?

A: Your license renewal application will be mailed to you approximately 60 days prior to the expiration of your license. If you do not receive the license renewal application, please contact PFB. Please remember this is the form you return your payment with. The Annual Statement, which is due 60 days prior to your expiration, is a separate form and will not be mailed to you. It is each licensee's responsibility to mail their Annual Statement to PFB on time.

Q: How long does it take PFB to process my renewal once it is received?

A: It takes approximately four to six weeks from the date of receipt to process your renewal package, provided it is complete. It is important that you mail your Annual Statement at least 60 days prior to your expiration date and your renewal notice with payment to ensure that your renewal can be processed prior to the date your license expires. Renewals are processed in the order they are received. If any part of the renewal documents is not received on time, your license may not be renewed prior to its expiration date.

Q: What happens if I am short continuing education hours for my annual renewal?

A: Your license will not be renewed until all requirements, including continuing education stated in Business and Professions Code (BPC) section 6541 are completed.



Q: How long do I need to keep proof/documentation of my completed continuing education?

A: According to CCR section 4452 (b), “A licensee shall maintain documentation of completion of continuing education courses for a period of at least three years from the date of renewal.” PFB conducts periodic continuing education audits.

Q: What happens if PFB selects me for a continuing education audit?

A: According to CCR section 4452 (c), “Each licensee shall provide any information requested by PFB within ten (10) business days of the request, to determine compliance with the continuing education requirements for license renewal.”

Q: Which client cases should I report to PFB when renewing my license?

A: When submitting your Annual Statement for renewal, report only the cases you opened or closed since the date of your LAST Annual Statement. This includes all court-appointed and private-party conservatorship, guardianship, trust, durable power of attorney, and personal representative cases.

Q: Can I have a copy of the complaint that was filed against me?

A: No. Complaint and investigative records conducted by state agencies are exempt from disclosure under the California Public Records Act, pursuant to Government Code section 6254 (f).

Q: Why is PFB investigating a complaint against me? It is a meritless and frivolous complaint.

A: PFB is required by law to investigate all complaints. BPC section 6580 (a) states, “PFB may upon its own, and shall, upon the receipt of a complaint from any person, investigate the actions of any professional fiduciary. ... PFB shall review a professional fiduciary’s alleged violation of statute, regulation, or the Professional Fiduciaries Code of Ethics and any other complaint referred to it by the public, a public agency, or the department, and may impose sanctions upon a finding of a violation or a breach of fiduciary duty.”



2018 PFB Enforcement Actions

Licensee/Applicant	License Number	Action Taken	Effective Date
Desiree Jane Vance	949	Voluntary Surrender	01/08/2018
Stanley R. Mandell	100	Citation	01/22/2018
Christine Valerie Witherspoon	252	Revocation	03/02/2018
Gregory Richard Schasiepen	727	Accusation	03/29/2018
Mary F. Gallagher	469	Accusation	04/16/2018
Dawn Elizabeth Akel	138	Citation: Order Satisfied	05/07/2018
Andrea Leung	259	Citation: Order Satisfied	05/19/2018
Andrei Andreev	685	Citation: Order Satisfied	05/15/2018
Rita Deborah Michael	217	Decision	06/22/2018
Gregory Richard Schasiepen	727	Revocation	07/11/2018
Stanley R. Mandell	100	Accusation	07/16/2018
Mary F. Gallagher	469	2 Yrs. Probation	08/13/2018
Fessha Taye	201	Accusation	09/07/2018
Juan Guzman	674	Citation	11/05/2018
Stanley R. Mandell	100	2 Yrs. Probation	11/08/2018
Pamela Blattner	873	Citation	11/30/2018

PFB Actions Explanation of Language

Accusation—A formal, written statement of charges filed against a licensee.

Citation and Fine—Licensee is issued a citation and required to pay a fine commensurate with the violation committed.

Default Decision—Licensee fails to respond to an accusation by filing a Notice of Defense or fails to appear at an administrative hearing.

Effective Decision Date—The date the disciplinary decision/order goes into operation.

Letter of Public Reprimand—A formal reprimand issued by PFB, which could be in lieu of filing a formal accusation.

Revoked—The license is voided and the right to practice has ended.

Revoked, Stayed, Probation—“Stayed” means the revocation is postponed, put off. Professional practice may continue so long as the licensee complies with specified probationary terms and conditions. Violation of probation may result in the revocation that was postponed by the stay.

Statement of Issues—Charges filed against an applicant to deny licensure due to alleged violations of the Professional Fiduciaries Act.

Stipulated Settlement—The case is negotiated and settled prior to hearing.

Surrender of License—While charges are still pending, the licensee agrees to turn in the license—subject to acceptance by PFB.

Suspension—The licensee is prohibited from practicing for a specified period.

Writ—An appeal filed by the licensee in Superior Court asking the court to overturn PFB’s decision.

VISION AND MISSION STATEMENTS

OUR VISION

Safeguarding the well-being of consumers who receive professional fiduciary services.

OUR MISSION

To protect consumers through licensing, education, and enforcement of the Professional Fiduciaries Act by promoting and upholding competency and ethical standards across the profession.

Send us your feedback

We hope you find *The Guardian* useful. PFB welcomes your comments and suggestions for future issues. You can contact us by phone at (916) 574-7340 or by email at fiduciary@dca.ca.gov. Online copies of *The Guardian* are available at www.fiduciary.ca.gov/forms_pubs/newsletter.shtml.

Please share this newsletter with your staff and let them know they can sign up to receive a copy by joining PFB’s interested party list at www.dca.ca.gov/webapps/fiduciary/subscribe.php.

Important PFB Updates and How to Receive Them

PFB is now on Facebook and Twitter! Follow PFB by clicking on the following icons or going to the specified link:



or www.facebook.com/pages/California-Professional-Fiduciaries-Bureau/281715915342772



or <https://twitter.com/FiduciaryBureau>

Additionally, if you would like to receive notifications from PFB about upcoming events, new regulations, and meetings, please sign up to receive email notifications from PFB at the following link: www.dca.ca.gov/webapps/fiduciary/subscribe.php.

DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

Contact Information

Location:

1625 N. Market Blvd., Suite S-209
Sacramento, CA 95834

Phone: (916) 574-7340

Fax: (916) 574-8645

Email: fiduciary@dca.ca.gov

Hours: Monday–Friday, 8 a.m.–5 p.m.

Advisory Committee Members

Hang Le To, chair, public member

Kathleen Thomson, vice chair,
probate court investigator

Aileen Federizo, licensee

King Gee, nonprofit organization advocating
on behalf of the elderly

Wendy Hatch, licensee

James Moore, licensee

Vacant, public member

PFB Staff

Rebecca May, Bureau Chief

Angela Cuadra, program analyst

Sue Lo, enforcement analyst

Jenny Turner, licensing analyst

Advisory Committee 2019 Meeting Dates

<u>Date</u>	<u>Location</u>
May 29	1625 N. Market Blvd., Lou Galiano Hearing Room, Sacramento, CA 95834
Aug. 14	1625 N. Market Blvd., Lou Galiano Hearing Room, Sacramento, CA 95834
Nov. 13	1625 N. Market Blvd., Lou Galiano Hearing Room, Sacramento, CA 95834

Our office will be closed on the following holidays for 2019:

Monday, April 1–Cesar Chavez Day (observed)

Monday, May 27–Memorial Day

Thursday, July 4–Independence Day

Monday, Sept. 2–Labor Day

Monday, Nov. 11–Veterans Day

Thursday, Nov. 28–Thanksgiving Day

Friday, Nov. 29–Holiday

Wednesday, Dec. 25–Christmas Day