

THE

# PFB UPDATE



STATE OF CALIFORNIA  
**dca**  
DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

WINTER 2022

## MESSAGE FROM THE BUREAU CHIEF

### ***Hello friends of the Professional Fiduciaries Bureau!***

The start of the year is a great time to reflect on the prior year's happenings (both good and bad), remember our gratitude for life's lucky moments and simple pleasures, and plan for what's ahead.

At the Bureau, our focus is consumer protection. With that in mind, we work to increase efficiencies in our work processes, collaborate and communicate with our stakeholders, and provide friendly, professional assistance to the public and our licensees. As the year winds down, we reflect on our successes and deliberate on the areas needing improvement. There is always room for growth, regardless of past accomplishments.

2022 brings several big statutory changes to the Professional Fiduciaries Act. I highly recommend the Bureau's licensees review the Legislative Update on page 5 to determine how these changes will affect their business practices.

As always, please do not hesitate to email the Bureau at [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov) if we may be of service to you. May 2022 bring you abundant joy and prosperity.

Sincerely,

Rebecca May, Bureau Chief



DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

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# ASK ANGIE

Angela Cuadra is the Professional Fiduciaries Bureau's resident expert when it comes to the Bureau's functions. If you have a question regarding applications, licensing, licensing renewals, complaints, enforcement, or any other questions related to the bureau, please email [fiduciary@dca.ca.gov](mailto: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. Here are some commonly asked questions.

## Consumers

**Q How can I find out if an individual is licensed as a professional fiduciary?**

**A** You can verify a license online by clicking "[License Verification](#)" on the Bureau's [website](#) or by calling our office at (916) 574-7340.

**Q How do I file a complaint against a licensed professional fiduciary?**

**A** To file a complaint against a licensed California professional fiduciary, fill out a complaint form and either mail, email, or fax it to the Bureau. You can also file a complaint online via the Department of Consumer Affairs' [website](#).

## Applicants

**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 the Bureau, 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 at PSI testing centers. Applicants who meet experience and/or education requirements, pass a background check, pass the examination, and pay fees will receive a professional fiduciary license.

**Q Why is my initial license fee prorated?**

**A** Pursuant to California Code of Regulations (CCR) section 4428, an initial license shall expire at midnight on the last day of the month in which the second anniversary of the licensee's birthday 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, subdivision (b).

**Q How long is my license valid?**

**A** Your license is valid for one year and expires on the last day of your birth month (except an initial license which may be up to 24 months). Licenses are renewed annually.

**Q What are the requirements for a California professional fiduciary once licensed?**

**A** Licensed professional fiduciaries must abide by the Professional Fiduciary Act, California Code of Regulations, and other laws governing the profession. Some of the requirements include:

- Keep complete and accurate records of client accounts and shall make those records available for audit by the Bureau.
- File an Initial Annual Statement with the Bureau within 60 days of the issuance of a license.
- File an Annual Statement at least 60 days prior to the expiration of the license as a condition of license renewal each year.
- Complete 15 hours of approved continuing education courses each year.

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**Q Can my Initial Annual Statement be sent by fax or email?**

**A** Yes, your initial annual statement can be sent to the Bureau by fax to (916) 574-8645 or by email to [PFBRenewals@dca.ca.gov](mailto:PFBRenewals@dca.ca.gov). All emailed statements will receive a confirmation of receipt by email. If you submit your statement by email or fax, please *do not* send a duplicate copy by mail.

## LICENSEES

**Q What is the process for renewing my license?**

**A** Licenses are renewed on an annual basis. In order to renew your license, you must submit a complete Annual Statement 60 days prior to the date your license expires, pay the license renewal fee, and provide verification of completion of continuing education requirements. A license renewal notice will be mailed to you approximately 60 days prior to the expiration of your license. This form will need to be completed and returned with your renewal payment. Postmarking your renewal payment on or before the date your license expires only means you avoid having to pay the delinquent fee (\$150); however, your license will expire if renewal items are not received and processed prior to the license expiration date. The **Annual Statement** is a separate form and will not be mailed to you.

**Q Can my Annual Statement be sent by fax or email?**

**A** Yes, your Annual Statement can be sent to the Bureau by fax to (916) 574-8645 or by email to [PFBRenewals@dca.ca.gov](mailto:PFBRenewals@dca.ca.gov). All emailed statements will receive a confirmation of receipt by email. If you submit your statement by email or fax, please *do not* send a duplicate copy by mail.

**Q Which client cases should I report to the Bureau 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 of a decedent's estate cases. Please be sure to include the date of open or closure in the format requested on the form.

**Q What if I do not receive a license renewal notice?**

**A** If you do not receive a license renewal notice, please complete this **form** and mail it to the Bureau with your \$700 renewal fee. The **Annual Statement**, which is due 60 days prior to your expiration, is a separate form and will not be mailed to you.

**Q How long does it take the Bureau 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 submit your Annual Statement by email, fax, or mail at least 60 days prior to your expiration date and your license 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.

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**Q How many hours of continuing education do I need for renewal and where do I find continuing education providers?**

**A** Pursuant to California Code of Regulations (CCR) section **4442**, licensees must complete a minimum 15 hours of continuing education including two hours in ethics during the annual renewal period. Starting January 1, 2023, licenses shall be required to complete at least two hours of instruction in ethics, two hours of instruction in cultural competency, or two hours of instruction in both ethics and cultural competency every year. You can find approved education providers and courses on our website by clicking "**Education**" at the top right of the homepage.

**Q What happens if I am short on 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 California Code of Regulations (CCR) section 4452, subdivision (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." The Bureau conducts periodic continuing education audits.

**Q I understand my continuing education requirements were waived as a result of the pandemic. Can you tell me more?**

**A** In response to the COVID-19 State of Emergency, and pursuant to the Governor's Executive Order N-39-20, the director of the Department of Consumer Affairs temporarily waived continuing education requirements. However, with California's economy reopening, students returning to the classroom, and overall improved conditions in the state, the Bureau has been informed by the Department that the continuing education waiver has ended as of October 31, 2021. Licensees are required to fulfill their continuing education requirements within six months of the end of the waiver.

**Q What happens if the Bureau selects me for a continuing education audit?**

**A** According to CCR section 4452, subdivision (c), "Each licensee shall provide any information requested by the Bureau within 10 business days of the request, to determine compliance with the continuing education requirements for license renewal."

**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, subdivision (f).

**Q I've moved. Do I need to let the Bureau know?**

**A** Yes. Licensees are required to notify the Bureau of any change to address or phone number within 15 business days, pursuant to CCR section 4544. The Bureau has a **form** you may use to do so.







## LEGISLATIVE UPDATE

The following bills were signed into law in 2021 and may be of interest to our licensees and consumers. Unless otherwise noted, these bills become effective January 1, 2022. Additional information regarding these bills, including full text and policy committee analyses, can be found at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov).

**AB 260 (Chapter 578, Statutes of 2021)** requires the court to have good cause to waive a local child welfare services agency investigation and would prohibit the guardianship proceedings from being completed until the investigation is completed and a report is provided to the juvenile court. Second, this bill requires the state-funded Kinship Guardianship Assistance Payment Program (Kin-GAP) aid to be provided on behalf of any child under 18 years of age and to any eligible youth under 21 years of age who has kinship guardianship established. This bill also eliminates existing law requirements to receive Kin-GAP aid.

**AB 465 (Chapter 167, Statutes of 2021)** requires professional fiduciary licensees, beginning January 1, 2023 as part of their renewal or restoration of a license, to complete at least two hours of instruction in ethics, cultural competency, or both, on an annual basis.

In addition, beginning January 1, 2023, new licensees must complete at least one hour of instruction in cultural competency as part of their initial 30 hours of education required for licensure.

**AB 1194 (Chapter 417, Statutes of 2021)** requires: (1) a professional fiduciary with an internet website to post a schedule of fees on their website, or to provide a fee schedule before contracting for their services or upon request by January 1, 2023; (2) a licensed professional fiduciary to be liable for a civil penalty up to \$10,000 if the court finds the professional fiduciary abused a conservatee; (3) the Judicial Council, by January 1, 2024, to report to the Legislature its findings measuring court effectiveness in conservatorship cases; and (4) the Bureau to investigate specified allegations and impose sanctions or revoke an individual's license, as appropriate. This bill also prohibits a guardian or trustee or an employee of the guardian or conservator to hire or refer business to an entity where they have a financial interest.

**SB 607 (Chapter 367, Statutes of 2021)** extends the Professional Fiduciaries Bureau's sunset date to January 1, 2024.

**SB 826 (Chapter 188, Statutes of 2021)** makes technical, clarifying changes to the work experience requirements required for licensure by the Professional Fiduciaries Bureau.

## REGULATORY UPDATE

The Bureau is pleased to announce that the Office of Administrative Law (OAL) approved the Bureau's regulatory change, without regulatory effect, updating the Bureau's address. The text of the new regulation is located on the Bureau's website by clicking on [Laws/Regs](#).

The Bureau is currently promulgating regulations to establish retired and inactive license types. The final rulemaking package was submitted to OAL on December 29, 2021, and is pending approval. The proposed text and supporting documentation establishing why this regulatory change is needed is located on the Bureau's [homepage](#) under "What's Happening."

The Bureau has also decided to withdraw from OAL its proposed regulation establishing standards by which licensees notify their clients that they are licensed by the Bureau. The Bureau received and considered the many thoughtful comments it received during the public comment period and is working with the Department of Consumer Affairs to determine its next steps related to this proposed regulation. The notice to withdraw this proposed regulation is located on the Bureau's [homepage](#) under "What's Happening."

If you would like to receive updates regarding proposed regulatory changes as soon as they occur, you are encouraged to sign up for the Bureau's interested parties list by visiting the Bureau's [website](#) and clicking on [Join Our Mailing List](#).

## CONTINUING EDUCATION WAIVER ENDS

With California's economy reopening, students returning to the classroom, and overall improved conditions in the state, the Bureau has been informed by the Department of Consumer Affairs (DCA) that its remaining active law waivers that were put in place due to the COVID-19 State of Emergency have ended as of October 31, 2021. The Bureau and DCA thank you for your continued dedication to serving California consumers. A link to the Bureau's COVID-19 waivers and their expiration dates can be found on [DCA's website](#).

## NEW MAILING ADDRESS

The Professional Fiduciaries Bureau closed its post office box effective July 1, 2021. Please mail all correspondence to:

**Professional Fiduciaries Bureau  
1625 North Market Blvd., Suite S-209  
Sacramento, CA 95834**

If you would like confirmation that your correspondence was received, please use a mail system that allows for tracking and delivery receipt. In lieu of mailing your initial and annual statements, you may submit by email to: [PFBRenwals@dca.ca.gov](mailto:PFBRenwals@dca.ca.gov) or by fax to: (916) 574-8645.



## QUICKER SUBMISSION OF INITIAL AND ANNUAL STATEMENTS

The Professional Fiduciaries Bureau is always looking for ways to decrease processing times, make the renewal process more convenient, and reduce its paper usage when possible! There are three ways to submit Initial and Annual Statements to the Bureau:

- **By mail**—1625 North Market Blvd, Suite S-209, Sacramento, CA 95834  
The Bureau is unable to provide confirmation of mail receipt. If you would like confirmation of receipt, please use a mail service that provides you a method of tracking and confirmation of delivery.
- **By email**—[PFBRenwals@dca.ca.gov](mailto:PFBRenwals@dca.ca.gov)  
Emailed Initial and Annual Statements will be sent a confirmation message of receipt.
- **By fax**—(916) 574-8645  
The Bureau is unable to provide confirmation of fax receipt. If you would like a confirmation that your fax was received, please ensure your fax machine is set up to provide you a confirmation of delivery. Please do not send duplicate copies of your statement(s) as this slows the processing time for Bureau staff.



## CALLING ALL EXPERTS!

The Professional Fiduciaries Bureau established its expert consultant program in 2011 as an impartial and professional way to support the investigation and enforcement functions of the bureau.

Expert consultants provide expert reviews and opinions on complex complaints received by the Bureau.

To be an expert consultant for the Bureau, you must meet the following minimum criteria:

1. Possess a current California professional fiduciary license in good standing for the previous five years.
2. Have no prior or pending administrative or disciplinary actions.

3. Have an active fiduciary practice with a current case load with at least three clients during your career as a licensed professional fiduciary.
4. Possess in-depth knowledge of fiduciary work (trusts, conservatorships, durable power of attorney, and/or guardianships) and the professional fiduciary industry's best practices.

The Bureau has set the reimbursement rate for fiduciaries conducting case reviews and report writing at \$75 per hour and \$90 per hour for providing expert testimony at an Administrative Hearing.

If you have any questions, please email [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov).

## ANNUAL STATEMENT

Every year like clockwork, licensees 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 section 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? Visit our website at [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov) for a helpful tutorial **video**. You are also welcome to call us at (916) 574-7340 or email us at [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov).





## SEND US YOUR FEEDBACK

We hope you find *The PFB Update* useful. The Bureau 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](mailto:fiduciary@dca.ca.gov). Click [here](#) to find previous online copies of *The PFB Update*.

Please share this newsletter with your colleagues and let them know they can sign up to receive a copy by joining the Bureau's interested party list. Click [here](#) to subscribe.



## 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.

## BUREAU 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 the Bureau, 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 as 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.

### Writ

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



## 2021 ENFORCEMENT ACTIONS

LICENSEE/APPLICANTS	LICENSE NUMBER	ACTION TAKEN	EFFECTIVE DATE
Michael Cunningham	428	<a href="#">Surrender</a>	1/4/2021
Gloria Garcia-Ortiz	539	<a href="#">Citation Status</a> : Citation Satisfied	4/30/2021
Sally Cicerone	164	<a href="#">Surrender</a>	7/27/2021
Donna Bogdanovich	572	<a href="#">Stipulated Settlement</a>	9/24/2021
Debra Rose	796	<a href="#">Stipulated Settlement</a>	9/24/2021



## IMPORTANT BUREAU UPDATES AND HOW TO RECEIVE THEM

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



[www.facebook.com/  
CaliforniaProfessionalFiduciariesBureau](https://www.facebook.com/CaliforniaProfessionalFiduciariesBureau)



<https://twitter.com/FiduciaryBureau>



Additionally, if you would like to receive notifications from the Bureau about upcoming events, new regulations, and Advisory Committee meetings, please sign up to receive email notifications from the Bureau at the following link:

[www.dca.ca.gov/webapps/  
fiduciary/subscribe.php](https://www.dca.ca.gov/webapps/fiduciary/subscribe.php)

### OUR OFFICE WILL BE CLOSED ON THE FOLLOWING HOLIDAYS IN 2022:

MARTIN LUTHER KING DAY	MONDAY, JANUARY 17
PRESIDENTS DAY	MONDAY, FEBRUARY 21
CESAR CHAVEZ DAY	THURSDAY, MARCH 31
MEMORIAL DAY	MONDAY, MAY 30
INDEPENDENCE DAY	MONDAY, JULY 4
LABOR DAY	MONDAY, SEPTEMBER 5
VETERANS DAY	FRIDAY, NOVEMBER 11
THANKSGIVING HOLIDAY	THURSDAY AND FRIDAY, NOVEMBER 24-25
CHRISTMAS (OBSERVED)	MONDAY, DECEMBER 26

### ADVISORY COMMITTEE 2022 MEETING DATES:

MARCH 9 | JUNE 22 | SEPTEMBER 14 | DECEMBER 7

### ADVISORY COMMITTEE MEMBERS

**Chi K. Elder**, chair, public member

**Bertha Sanchez-Hayden**, vice chair, nonprofit organization  
advocating on behalf of the elderly

**Wendy Hatch**, licensee

**James Moore**, licensee

**Denise Nelesen**, public member

**Elizabeth R. Ichikawa**, probate court investigator

**Vacant**, licensee

### PFB STAFF

**Rebecca May**, bureau chief

**Angela Cuadra**, program analyst

**Sue Lo**, enforcement analyst

DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

#### LOCATION

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

#### CONTACT

Phone: (916) 574-7340

Fax: (916) 574-8645

Email: [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov)