

THE

# PFB UPDATE



PROFESSIONAL FIDUCIARIES BUREAU

WINTER 2024

## MESSAGE FROM THE BUREAU CHIEF

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

2023 has been an incredibly busy and milestone-filled year for the Bureau. The Bureau underwent the sunset review process, in which the Legislature takes a comprehensive audit of the Bureau and determines if it is meeting its consumer protection mandate. Subsequently, Governor Gavin Newsom signed AB 1262, a bill extending the Bureau’s sunset period by another four years to January 1, 2028, and making other statutory changes to the Professional Fiduciaries Act.

The Bureau also promulgated regulations to increase its application, initial licensing and renewal fees, and to set the initial license term to one year, instead of prorating it up to 23 months to correspond to birth month. The Bureau relies solely on licensing fees to sustain its operations—it does not draw any funding from other sources. Given the Bureau hasn’t raised fees since its inception in 2007, the added workload and enforcement cost pressures due to the passage of AB 1194 (Chapter 417, Statutes of 2021), and the small licensing population, the fee increase is significant. However, without this increase, the Bureau faces insolvency and the inability

to adequately administer AB 1194. While increased fees are never welcome news, I am optimistic the new fees will put the Bureau on solid financial footing moving forward.

In more encouraging news, I am pleased to announce that the Bureau’s Advisory Committee welcomed a new public member this year, Linda Ng, and members Chi Elder, Elizabeth Ichikawa, James Moore, and Bertha Sanchez Hayden were reappointed. I encourage you to check out the Q&A segment on Elizabeth Ichikawa, the Advisory Committee’s court investigator member, on page 4. The Bureau is lucky to have her insight and expertise on the Advisory Committee!

As always, I welcome your feedback. Please reach out with your comments, concerns and suggestions to: [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov). And stay in the know with all things Bureau-related by signing up for the interested parties list [here](#).

Sincerely,  
Rebecca May, Bureau Chief



DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

### IN THIS ISSUE

Message from the Bureau Chief	1
Legislative Update	2
Regulatory Update	2
Application and Licensing Fee Increase	2
Ask Angie	3

Get To Know Advisory Committee Member Elizabeth Ichikawa	4
Calling All Experts!	5
Annual Statement	5
Vision and Mission Statements	6
Bureau Actions Explanation of Language	6
Enforcement Actions: 2022 and 2023	7

Important Bureau Updates and How to Receive Them	8
2024 Office Closure Dates	8
Upcoming Advisory Committee Meetings	8
Advisory Committee Members	8
PFB Staff	8
Location/Contact	8

## REGULATORY UPDATE

On November 28, 2023, the Office of Administrative Law approved the Bureau's fee increase rulemaking. This rulemaking will increase application, initial, renewal, and reinstatement from inactive or retired status fees, effective January 1, 2024.

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**.

## ATTENTION: APPLICANTS AND LICENSEES APPLICATION AND LICENSING FEE INCREASES

On January 1, 2024, several Bureau fees will increase:

**Application fee:** \$600

**Initial license fee:** \$1,300

**Annual renewal fee:** \$1,300\*

**Reinstatement from inactive to active status:** \$1,300

**Reinstatement from retired to active status:** \$1,300

\*For licenses expiring March 31, 2024, and after.



## LEGISLATIVE UPDATE

The following bills were signed into law in 2023 and may be of interest to our licensees and consumers. Unless otherwise indicated, these bills became effective January 1, 2023. Additional information regarding these bills, including full text and legislative committee analyses, can be found at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov).

### **AB 1262 (Committee on Business and Professions): professional fiduciaries.**

**Status: Chapter 680, Statutes of 2023**

This bill would extend the Professional Fiduciaries Bureau's sunset date to January 1, 2028, and make other changes to the Professional Fiduciaries Act including: stagger the appointment terms of the Advisory Committee members, establish criteria for the reinstatement of a license, remove the requirement for the Bureau to make certain case information publicly accessible, require licensees to notify the Bureau and submit a final Annual Statement if they no longer plan to renew, make unlicensed practice a crime, specify that failure to respond to the Bureau is considered unprofessional conduct, prohibit aiding and abetting unlicensed practice, and make other non-substantive, technical updates.

### **SB 280 (Laird) Review of conservatorships: care plans.**

**Status: Chapter 705, Statutes of 2023**

Beginning January 1, 2025, this bill would require a conservator, within 120 calendar days of appointment and not later than 10 days before a hearing, to determine either the continuation or termination of an existing conservatorship, and to file a care plan regarding the care, custody, and control of the conservatee. It would require notice of the care plan to be delivered to specified persons, including the conservatee and their attorney, but would otherwise make the care plan confidential and limit public access to the records. The bill would require the Judicial Council to develop a mandatory form for the care plan and would impose sanctions for a conservator's failure to file a care plan in a timely manner.

### **SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing.**

**Status: Chapter 216, Statutes of 2023**

This bill would allow, through 2025, members of advisory bodies to participate remotely in meetings from private non-public locations and would allow the advisory body to have one publicly accessible physical location with one staff member present if the public can also access the meeting remotely.

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.

**Q My annual statement was returned to me for not checking a box related to removals. Why do you need this information?**

The Bureau relies on its licensees to provide accurate and complete information on their annual statements, filling out all sections with an answer as required by law. Pursuant to **Business and Professions Code (BPC) section 6561** and **California Code of Regulations Section 4542**, licensees should always remember to report the following:

- **Removals**—Licensees are required to report removals *for cause* as a conservator, guardian, trustee, personal representative of a decedent’s estate, agent under a durable power of attorney for health care, agent under a durable power of attorney for finances, or a position arising from appointment as a professional fiduciary practice administrator. Licensees shall submit a record of the court findings and orders related to each specific case and may include an additional statement of the issues and facts pertaining to the case.
- **Resignations and settlements**—Licensees are required to report if they have resigned or settled in a matter *in which a complaint was filed with the court*, along with the case number, a statement of the issues and facts pertaining to the allegations, and the court findings and orders related to each specific case. A “complaint” means a civil complaint, a petition, motion, objection, or other pleading

filed with the court against the licensee alleging the licensee has not properly performed the duties of a fiduciary.

Failure to fully fill out your annual statement may cause delays in processing your renewal and can also result in discipline on your license.

**Q Can I compel a complainant to withdraw their complaint with the Bureau as part of a settlement agreement? It is a frivolous complaint.**

Regardless of a complaint’s merits, Bureau licensees cannot include or permit to be included a provision in a settlement agreement that prohibits the other party from filing a complaint, cooperating with the Bureau, or requires the other party to withdraw a complaint filed with the Bureau pursuant to **BPC section 143.5**. This act is contrary to the Bureau’s consumer protection objective in licensing and regulating professional fiduciaries and any licensee who includes or permits to be included a provision of this nature in a settlement agreement is subject to discipline by the Bureau.



## GET TO KNOW ADVISORY COMMITTEE MEMBER **ELIZABETH ICHIKAWA**

Elizabeth Ichikawa was appointed by the Governor as the court investigator member to the Professional Fiduciaries Bureau's Advisory Committee in 2022.

### **TELL US A LITTLE ABOUT YOURSELF AND YOUR BACKGROUND.**

I am the supervising investigator for the Solano County Superior Court. I have been the supervisor since July 2020, and have been an investigator since October 2014. I have worked in the legal field since high school, primarily in the fields of probate and family law. I have a bachelor's degree in animal science from U.C. Davis, a graduate certificate in court administration from Sacramento State, and I am currently enrolled in the Master's of Public Administration program at San Diego State.

### **WHAT UNIQUE PERSPECTIVE DO YOU BRING TO THE ADVISORY COMMITTEE?**

I think working as a court investigator provides me with a unique perspective of the professional fiduciary profession. As part of my job, I work in the field of conservatorships. This involves interviewing conservatees, their families, and their caregivers about the conservatorship and the conservator. This provides me with an inside look at what families want in a conservator or professional fiduciary.

I work with families from diverse backgrounds, which has helped me understand the importance of having diversity in the profession. Families want a fiduciary who understands their social and cultural backgrounds, and will make decisions on their behalf with that knowledge in mind. I also see the need for fiduciaries to have a variety of skillsets including verbal and written communication; accounting; empathy; conflict resolution; and advocacy. When working on licensing requirements for the profession, understanding what the day-to-day job requires and what consumers value, is important.

### **WHY/HOW IS CONSUMER PROTECTION IMPORTANT TO YOU?**

Consumer protection is very important, particularly when families are putting their trust in someone to properly care for a loved one. It is very difficult for people to turn over control of financial and medical decisions, and it is difficult for family members to watch their loved one give so much control to a stranger. Professional fiduciaries are in a position of great power, so it is important there are safeguards in place to ensure they are doing right by their clients. As the population of California continues to age, professional fiduciaries are going to be more in demand. If consumers do not trust in the profession, there will be many vulnerable people at risk for being abused or neglected.

### **WHAT HAS SURPRISED YOU MOST ABOUT BEING ON THE ADVISORY COMMITTEE?**

This is the first time I have been on a board for a government agency. I was surprised by the way the meetings work and how many rules there are regarding the way meetings are structured and managed. I appreciate how it might be frustrating to someone addressing the Committee about a problem or suggestion, but I now have a better appreciation for how agendas are put together and the importance of following them than I did prior to being on the Advisory Committee.

### **TELL ME ABOUT SOMEONE WHO HAS INFLUENCED YOUR DECISION TO WORK WITH THE PROFESSIONAL FIDUCIARIES BUREAU?**

My former supervisor (and former Advisory Committee member) Kathleen Thomson influenced my decisions to work with the Bureau. She was my mentor for the six years we worked together. She is both a believer in the profession and a strong advocate for consumer protection. Kathleen instilled in me the idea that investigators are an important layer of protection for the vulnerable members of the community. Investigators are an important part of protecting people's rights, but also in a unique position to do so much more because of the access we get to people's lives and the connection we can bridge to the court and other justice partners. I like to think being a member of the Advisory Committee is another way for me to fulfill that mission.

## CALLING ALL EXPERTS!

The Professional Fiduciaries Bureau’s expert consultant program provides impartial support to 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 would like to apply, or have 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.

Please be sure to use the most current version of the annual statement **form**. Please refer to the Bureau’s **Licensee page** for the most up-to-date information regarding the annual statement process.





# VISION AND MISSION STATEMENTS

## OUR VISION

The well-being of consumers receiving professional fiduciary services is safeguarded.



## OUR MISSION

To protect consumers through licensing, consumer education, and enforcement of the Professional Fiduciaries Act and promote and uphold 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.

## 2023 ENFORCEMENT ACTIONS

LICENSEE/APPLICANTS	LICENSE NUMBER	ACTION TAKEN	EFFECTIVE DATE
Deirdre Nesbit-Combs	309	<a href="#">Citation</a> Status: Citation Satisfied	1/9/2023
Paula Rebecca Bibbs	267	<a href="#">Citation</a> Status: Citation Satisfied	1/13/2023
Rick Ronald Emmett	936	<a href="#">Citation</a> Status: Citation Satisfied	1/18/2023
Kathryn Anne Glenn	453	<a href="#">Citation</a>	1/23/2023
Winnie Weshler	202	<a href="#">Citation</a>	1/26/2023
Debra Rose	796	<a href="#">Accusation</a>	2/1/2023
Livia Argano	231	<a href="#">Citation</a> Status: Citation Satisfied	2/15/2023
Gail Greer	143	<a href="#">Revocation</a>	3/6/2023
Jeffrey Moore	980	<a href="#">Accusation</a>	3/13/2023
Debra Rose	796	<a href="#">Revocation</a>	4/14/2023
Donna Bogdanovich	572	<a href="#">Accusation</a>	5/25/2023
Stuart Sherman	494	<a href="#">Citation</a> Status: Citation Satisfied	6/16/2023
Kimberley Valentine	1071	<a href="#">Citation</a> Status: Citation Satisfied	6/20/2023
Jeffrey Moore	980	<a href="#">Revocation</a>	7/17/2023
David Keeler	440	<a href="#">Citation</a> Status: Citation Satisfied	7/12/2023
Winnie Weshler	202	<a href="#">Accusation</a>	8/1/2023
Richard Norene	82	<a href="#">Citation</a> Status: Citation Satisfied	8/17/2023
Janet Welborn	640	<a href="#">Citation</a>	8/25/2023
Leyla Zabih	189	<a href="#">Citation</a> Status: Citation Satisfied	8/29/2023
Christie Gough	277	<a href="#">Citation</a>	8/29/2023
Natalie Ann Blickenstaff	605	<a href="#">Citation</a>	9/14/2023
Andrew Lewis Harker	965	<a href="#">Citation</a> Status: Citation Satisfied	9/14/2023
Steven Dale Eperthener	1018	<a href="#">Citation</a> Status: Citation Satisfied	9/14/2023
Hambleton Frederick Leas Jr.	590	<a href="#">Citation</a> Status: Citation Satisfied	9/19/2023
Linda Maxwell	76	<a href="#">Accusation</a>	9/25/2023
Winnie Weshler	202	<a href="#">Revocation</a>	10/25/2023
James Allen Coulter	638	<a href="#">Citation</a>	11/16/2023
Donald Dennis Farnsworth	586	<a href="#">Citation</a>	11/17/2023

# 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 by clicking [here](#).

## 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.

## 2024 OFFICE CLOSURE DATES

NEW YEAR'S DAY	MONDAY, JANUARY 1
MARTIN LUTHER KING JR. DAY	MONDAY, JANUARY 15
PRESIDENT'S DAY	MONDAY, FEBRUARY 19
CESAR CHAVEZ DAY	MONDAY, APRIL 1
MEMORIAL DAY	MONDAY, MAY 27
INDEPENDENCE DAY	THURSDAY, JULY 4
LABOR DAY	MONDAY, SEPTEMBER 2
VETERANS DAY	MONDAY, NOVEMBER 11
THANKSGIVING HOLIDAY	THURSDAY AND FRIDAY, NOVEMBER 28-29
CHRISTMAS	WEDNESDAY, DECEMBER 25

## UPCOMING ADVISORY COMMITTEE MEETINGS

MARCH 13, 2024	SEPTEMBER 11, 2024
JUNE 12, 2024	DECEMBER 11, 2024

## ADVISORY COMMITTEE MEMBERS

**Bertha Sanchez Hayden**, chair, nonprofit organization advocating on behalf of the elderly  
**Chi K. Elder**, public member  
**Elizabeth R. Ichikawa**, probate court investigator  
**James Moore**, licensee  
**Linda Ng**, licensee  
**Vacant**, licensee  
**Vacant**, licensee

## BUREAU STAFF

**Rebecca May**, bureau chief  
**Angela Cuadra**, program analyst  
**Sue Lo**, enforcement analyst

DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

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