

Professional Fiduciaries Bureau
Post Office Box 989005
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Telephone: (916) 574-7340 FAX (916) 574-8645
Website: www.fiduciary.ca.gov



MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #1 - Call to Order- Marguerite Lorenz, Chair Agenda Item #2 – Roll Call – Julia Ansel, Bureau Chief

Advisory Committee Members:

Marguerite Lorenz – Chair

Barbara de Vries – Vice Chair

Aileen Federizo –Professional Fiduciary

Prescott Cole – Governor Appointee – Nonprofit Organization Advocating on Behalf of the Elderly

Kathleen Thomson – Governor Appointee – Probate Court Investigator

Diana Amaya – Senate Appointee – Programs & Policy Coordinator for HOPE, a Non-Profit Organization

Hang Le To – Speaker of the Assembly Appointee – Finance Coordinator for the San Francisco Labor Council



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MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #3 - Introductions

Advisory Committee Members:

Marguerite Lorenz – Chair
 Barbara de Vries – Vice Chair
 Aileen Federizo – Professional Fiduciary
 Prescott Cole – Nonprofit Organization Advocating on Behalf of the Elderly
 Kathleen Thomson – Probate Court Investigator
 Diana Amaya – Programs & Policy Coordinator for Non-Profit
 Hang Lee To – Finance Coordinator, Labor Council

PFB Staff Present:

Julia Ansel, Bureau Chief
 Angelique Scott, DCA Legal Counsel
 Dave Thornton, Lead Investigator
 Sara Lopez, Investigator
 Jenny Turner, Licensing Analyst



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MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #4 - Approval of the Advisory Committee Meeting Minutes from May 29, 2014

Attachment #1: Advisory Committee Meeting Minutes from May 29, 2014

Attachment #1

**Professional Fiduciaries Bureau
Advisory Committee Meeting
May 29, 2014**

**Department of Consumer Affairs – HQ2
1747 N. Market Boulevard, Hearing Room #186
Sacramento, CA 95834**

Committee Members Present

Marguerite Lorenz, Chair
Barbara de Vries, Vice Chair
Aileen Federizo, CLPF
Prescott Cole, Non-Profit Advocate on Behalf of the Elderly
Kathleen Thomson, Probate Investigator
Diana Amaya, Public Member
Hang Le To, Public Member

Staff Present

Julia Ansel, Bureau Chief
Sonja Merold, Acting Chief, Division of Programs and Policy Review
Angelique Scott, DCA Legal Counsel
Angela Bigelow, Program Analyst

- I. Call to Order – Marguerite Lorenz, Chair
The meeting was called to order at 12:47p.m by Ms. Lorenz, Chair.
- II. Roll call – Julia Ansel, Bureau Chief
Ms. Ansel called roll, all seven members were present and a quorum was established.
- III. Introductions
Ms. Ansel introduced the Bureau staff, welcomed the committee members and audience, and stated the Bureau’s Mission. Ms. Ansel also provided a copy of Business and Professions Code section 6511 that explains Committee Members’ duties to the Bureau.
Public Comment:
None.
- IV. Approval of Advisory Committee Meeting Minutes from February 3, 2014
Ms. de Vries motioned to approve the minutes with amendments: Ms. To seconded the motion; no one opposed; and the motion carried.
Public Comment:
None.
- V. Updates from the Director’s Office – Executive Staff
Ms. Fishman congratulated Chief Ansel on her confirmation by the Senate Rules Committee unanimously on May 7, 2014. The next step is a majority vote on the Senate Floor, which is expected to go smoothly. Ms.

Ansel is an asset to the Bureau as well at the Department of Consumer Affairs.

Public Comment:

None.

VI. Budget Report – DCA Budget Analyst

Mr. de los Reyes, Budget Manager updated the Committee members the Budget Change Proposal (BCP) has been approved in both houses and expected to be approved for the 2014/15 Governor's Budget.

Public Comment:

Mr. Counts, a member of the public, asked why there was an increase in program expenditures between Fiscal Year 13/14 and Fiscal Year 14/15. Mr. de los Reyes answered this is due to the BCP that is expected to be approved.

VII. Legislative Update – DCA Legislative Analyst

Mr. Pruden introduced five bills that directly affect the Bureau and a few others that the Department of Consumer Affairs is watching.

AB 1859 passed the Assembly May 15th and is now in the Senate and set for hearing in the Senate Judiciary Committee on June 10th.

AB 2024 passed the Assembly on May 8th and is now in the Senate and set for hearing in the Senate Business and Professions Economic Development Committee on June 9th.

AB 2034 passed the Assembly on May 28th and is now in the Senate Rules Committee pending referral to a Policy Committee.

AB 2741 passed the Assembly on May 27th and is now in the Senate Rules Committee pending referral to the appropriate Policy Committee.

SB 940 passed the Senate on May 8th and is set for a hearing in the Assembly on June 10th.

There was a request at the last meeting for the Department to track some residential care bills. AB 1572 passed the Assembly and is now in the Senate set for a hearing on June 10th. AB 1816 is on the Assembly 3rd reading, if it does not pass by tomorrow it will be dead. These bills do not directly affect the Bureau or the profession. AB 188 passed the Assembly on May 28th and is now in the Senate pending referral to the appropriate committee.

Mr. Cole suggested the Department also track AB 2171, which would set up specific rights for residents in statute and AB 1571, which will, among other things, allow information about licensed residential care facilities to be accessed through the web and would be very helpful for Professional Fiduciaries.

Public Comment:

None.

- AB 1339 Clarification – Angelique Scott

Ms. Scott stated there was a request at a previous meeting for the Bureau to clarify AB 1339 as to whether or not Probate Code section 1510(d) pertains to all fiduciaries or only licensed Professional Fiduciaries. This should apply to all fiduciaries but it will be up to the Bureau whether or

not action will be taken against individuals who are not required to be licensed in the Professional Fiduciaries Act.

Public Comment:

None.

VIII. Discussion on Current Fee Structure

Ms. Ansel explained that there is a question of why fees are so high. The Bureau operates from fees that are received from licensing applications and renewals. The Professional Fiduciaries Bureau is a small program and fees are set to meet operational needs and to maintain a prudent reserve of three to six months. The Bureau has a nine-month reserve at this time. Changing this now could inhibit the growth of the program and profession. At this time, the Bureau feels augmentation discussion is premature.

Ms. Lorenz asked if the fees have gone up since the Bureau's inception? Ms. Ansel stated they have not. Ms. To asked if the fees are increased where will the money be allocated? Ms. Ansel stated the Bureau does not anticipate increasing fees at this time. Ms. Lorenz would like this to be an annual discussion for the Committee. Mr. Cole asked how many new hires there will be? Ms. Ansel stated there will be one new employee and a line item of \$50,000 for Attorney General costs over the next two years. Mr. Cole asked when should the Bureau consider raising fees? Ms. Ansel stated when the reserve is down to three to four months. Mr. Cole asked how long it takes to effect a fee change? Ms. Scott answered that it would be a regulation change and it would take the same amount of time as any other regulation approximately one year.

IX. Education Subcommittee Report – Barbara de Vries, Subcommittee Chair

- Status of Subcommittee

Ms. de Vries stated the subcommittee met prior to this meeting and the committee members are working on allocating percentages by subject matter for pre-licensing and continuing education.

- Future Meetings

August 27, 2014

Public Comment:

None.

X. Ethics Subcommittee Report – Aileen Federizo, Subcommittee Chair

- Status of Subcommittee

Ms. Federizo stated the subcommittee will schedule a meeting to close up the committee.

- Future Meetings

TBD

Public Comment:

None.

XI. Bureau Updates Julia Ansel, Bureau Chief

- Status of the Bureau – The Bureau staff continues to meet or exceed its goals for licensing, renewals, and enforcement measures. The staff is caught up with renewals this month that have been received with all documents completed. Staff has noticed that the Bureau is receiving an increasing number of renewal packets that are incomplete. Please remember to submit your annual statement 60 days prior to expiration, renewal form signed and dated, complete your continuing education, and \$700 renewal fee. If you know your license is expiring and you believe you have submitted your renewal documents, but your license has still not renewed, please contact the Bureau. The staff does its best to contact licensees if something is missing, but this is done as a courtesy and staff does not always have time to call all licensees who have submitted incomplete renewal packets. This month the Bureau received 20 incomplete renewal packets and did not have enough time to contact everyone. The Bureau recently added a Google Translator button to the bottom of our website on the home page. This provides consumers the ability to view our website in a variety of different languages. Additionally, our brochures and complaint form have been translated to Spanish. The Bureau has recently created a Facebook page and a Twitter account. Please follow us on Facebook at “California Professional Fiduciaries Bureau” and on Twitter at “@fiduciarybureau”. We encourage the Advisory Committee Members to send us relevant articles and links that we can share with consumers on both Facebook and Twitter. Thanks to our DCA Communications Office for helping us get started with both of these social media tools.
- Fiscal Year to date statistics
In the past the Bureau Chief has provide the statistics verbally. Ms. Ansel presented a graph of the data as requested by Committee member Prescott Cole. The Bureau Chief split this information into two groups. One was fiscal year to date and the other was the last meeting to date.
- E-Newsletter
Ms. Ansel announced the Bureau’s Spring/Summer E-Newsletter would be completed and distributed in the next couple of months and asked that Committee members submit any articles for consideration to Ms. Ansel or Ms. Bigelow.
- Regulations

Ms. Ansel informed the Committee members the Client Notification Regulations are in our Legislative office for review. There was a delay in the processing of the regulations due to a form change. Once the review is complete, the Bureau will make a 45-day notification, which will allow anyone who would like to comment to do so. The Bureau will begin working on the Disciplinary Guideline Regulations soon.

- **Sunset Review**
AB 2741 has been introduced to extend the Bureau for four additional years. The hearing was in March and the recommendation of the Senate and Assembly Committees was to extend the Bureau.
- **Committee Guidelines**
Attachment #8 is a guideline for the Chair of the Advisory Committee to follow. This includes the role of the Chair, motions, and the format of the Agenda. Ms. Ansel feels the Committee members are doing a good job at this time and there will be a more detailed guideline presented at the next meeting.

Public Comment:

Mr. Counts noted there was an increase in the number of complaints during this time, which resulted in approximately 17% of licensees having a complaint, and he suggested the Bureau should look into why there was an increase.

Ms. Federizo asked what are the next steps for the Strategic Plan? Ms. Ansel answered the plan will be presented at the next meeting.

XII. Complaint and Enforcement Process – Dave Thornton

Mr. Thornton introduced himself as the Investigator for the Bureau. He has been working as a Retired Annuitant for approximately four years. Prior to this, his career with the State began in 1969 as a California Highway Patrol Traffic Officer, Investigator with the Department of Consumer Affairs, and the Executive Director of the Medical Board. The Investigator position for the Bureau is a non-sworn position and he is not able to make arrests. Mr. Thornton stated he would provide an overview of the steps and process of the complaint process from the receipt of the complaint to the resolution and would answer questions at any time during the presentation or after. Protection of the public is the highest priority for the Bureau.

The investigation should determine if there was any violation of law or regulation. The Bureau receives approximately 100 complaints per year. Some types of complaints are for unlicensed activity, communication or not responsive with family members, not acting in the best interest of the client, embezzlement, negligence, incompetence, and self-dealing. An example of self-dealing by one of our licensees was that he owned a real estate investment company and was a Professional Fiduciary. The

Fiduciary removes money from a trust and invests it in his own real estate company without the knowledge of the trustor or beneficiaries. This licensee surrendered his license. Another type of complaint is for inappropriate fees. The Bureau does not get involved with fee disputes unless it is a fraud complaint. Additionally, the Bureau receives arrest/conviction records and will open a case on its own upon receipt. Complaints may be received via email, mail, fax, or phone.

Mr. Thornton provides periodic updates to the complainant as the investigation proceeds. There is usually a lot of emotion with family members and some have unreasonable requests to remove the Professional Fiduciary or for the Bureau to require the Professional Fiduciary pay back money to the estate. In both cases, the Bureau would refer the complainant to the court system.

Once the complaint is received, the Investigator contacts the complainant and the licensee (respondent) and requests documents needed for the investigation. Business and Professions Code section 6560 requires the licensee to keep complete and accurate records and to make the records available to the Bureau upon request. The Investigator also coordinates with other agencies, law enforcement, Court Investigators, the FBI, and the Secret Service. Whenever possible interviews are done face-to-face. Once the investigation is complete, a detailed report is prepared and supporting evidence is included. Sometimes an expert consultant is needed to review the case. The Bureau has contracted with five licensees for expert reviews. The investigation file is copied and given to the expert for a written opinion of any violation of laws or regulations. If there is a hearing, the Expert Consultant may be called to testify.

Once the opinion is received the Investigator and Bureau Chief discuss and decide if the case should be sent to the Attorney General's Office, a cite and fine should be issued, or a cease and desist letter should be sent. The Bureau also has the authority to enter into a negotiated settlement with the licensee and if the licensee rejects the settlement offer, the case would automatically be sent to the Attorney General's Office.

If the case is sent to the Attorney General's Office, a decision will be made as to whether an Accusation will be filed. An Accusation is a formal administrative complaint signed by the Bureau Chief and sent to the licensee. If the case goes to hearing, the Bureau would be represented by the Attorney General's Office.

After the complaint is closed both parties are notified. If no action is taken, the investigation is not a matter of public record. If action is taken, the action is posted on the Bureau's website and is public record.

Ms. To asked what moves a complaint to an investigation? Mr. Thornton answered there is a vetting process and the Bureau Chief will assign the complaint to a Customer Services Representative (CSR) or to the Investigator. If at some time the CSR determines an investigation is needed the complaint would be transferred to the Investigator. Ms. Lorenz commented every complaint is responded to, reviewed, and taken

seriously. Ms. de Vries asked how the Bureau handles a complaint if there is a concurrent complaint with the court? Mr. Thornton replied he works with the Court Investigator in these cases. Mr. Cole asked with the limited number of hours Mr. Thornton works, how many additional staff are needed? Mr. Thornton stated most cases are not as involved and take less time. Ms. Lorenz commented there is a budget item to increase enforcement by one position and Ms. Ansel stated this is why the Bureau is hiring a full-time Enforcement Analyst. Ms. Thomson asked if subsequent arrest and conviction notices were for misdemeanors or felonies? Mr. Thornton stated if a licensee is booked for a misdemeanor it would be reported to the Bureau. The Bureau does not take action until the licensee is convicted unless the nature of the crime is a danger to consumers. Ms. Thomson asked what is the Bureau's number one complaint? Mr. Thornton replied it is lack of competence. Ms. Thomson asked if there is a way for the Bureau to recoup money lost for the client who is a victim? Mr. Thornton stated the Bureau does not have that authority. The remedy for the victim would be through the court. Ms. Ansel asked Mr. Thornton to explain cost recovery to the Committee members. Mr. Thornton explained when a case goes to the AG's Office part of the order requested is to recoup the cost of the investigation from the licensee. Ms. Merold asked Mr. Thornton to explain how anonymous complaints are handled. Mr. Thornton explained if there is enough detail the complaint will be fully investigated, however, typically the Bureau does not receive enough information and does not have a way to contact the complainant for the additional information. The Bureau does as much as possible in these cases.

XIII. Future Agenda Items

- Strategic Plan next steps.
- Education requirements and reporting.
- More detailed budget with line items.
- Continuing Education audit final results.
- Breakdown of categories of complaints for Fiscal Year 13/14.

Public Comment:

Mr. Counts suggested the Bureau track complaint intake to see if there is a trend of more complaints being received.

XIV. Future Meeting Dates

- Advisory Committee
August 27, 2014
November 18, 2014
- Education Subcommittee
August 27, 2014
November 18, 2014
- Ethics Subcommittee
None at this time.

XV. Public Comment on Items Not on the Agenda

There was no public comment on items not on the agenda.

XVI. Adjournment

Ms. Lorenz adjourned the meeting at 2:40p.m.

DRAFT



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MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #5 - Update from the Director's Office – DCA Executive Staff

Public Comment:



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MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #6 - Budget Report – DCA Budget Analyst

Attachment #2: Budget Overview

Attachment #3: Bureau Fund Condition

Questions?

Public Comment:

Attachment #2

**Professional Fiduciary Bureau
Budget Overview – Aug 27, 2014**

Budget Update as of Aug 27, 2014

- FY 2013/14 – Summary
- FY 2014/15 – Preview
- Fund Condition Statement

FY 2013/14 - Summary

Expenditures

- Budget \$439,613
- Actual Expenditures \$421,818
- Reversion \$17,795

Revenue

- Estimated Revenue \$578,000
- Actual Revenue \$479,380

FY 2014/15 - Preview

Expenditures

- Personal Services Budget - \$240,412
- Operating Expenses & Equipment - \$355,588

Revenue

- Estimated Revenue - \$499,746

Attachment #3

3108 - Professional Fiduciaries Bureau
Analysis of Fund Condition
(Dollars in Thousands)

Prepared 8/15/2014

Governor's Budget FY 2014-15

	Actuals	CY	GOV	BY	BY +1	BY +2
	2013-14	2014-15	BUDGET	2015-16	2016-17	2017-18
BEGINNING BALANCE	\$ 348	\$ 403	\$ 309	\$ 203	\$ 135	
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -	
Adjusted Beginning Balance	\$ 348	\$ 403	\$ 309	\$ 203	\$ 135	
REVENUES AND TRANSFERS						
Revenues:						
125600 Other regulatory fees	\$ 1	\$ 2	\$ 2	\$ 2	\$ 2	
125700 Other regulatory licenses and permits	\$ 105	\$ 109	\$ 109	\$ 109	\$ 109	
125800 Renewal fees	\$ 369	\$ 385	\$ 385	\$ 385	\$ 385	
125900 Delinquent fees	\$ 3	\$ 4	\$ 4	\$ 4	\$ 4	
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	
150300 Income from surplus money investments	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	
150500 Interest from Interfund loan	\$ -	\$ -	\$ -	\$ -	\$ -	
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -	\$ -	\$ -	
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -	\$ -	
Totals, Revenues	\$ 479	\$ 501	\$ 501	\$ 501	\$ 501	
Transfers from Other Funds						
Transfers to Other Funds						
Totals, Revenues and Transfers	\$ 479	\$ 501	\$ 501	\$ 501	\$ 501	
Totals, Resources	\$ 827	\$ 904	\$ 810	\$ 704	\$ 636	
EXPENDITURES						
Disbursements:						
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	
1111 Program Expenditures (State Operations)	\$ 422	\$ 595	\$ 607	\$ 569	\$ 580	
8880 Financial Information System for California (State Operations)	\$ 2	\$ -	\$ -	\$ -	\$ -	
Total Disbursements	\$ 424	\$ 595	\$ 607	\$ 569	\$ 580	
FUND BALANCE						
Reserve for economic uncertainties	\$ 403	\$ 309	\$ 203	135	\$ 56	
Months in Reserve	8.1	6.1	4.3	2.8	1.1	

3108 - Professional Fiduciaries Bureau

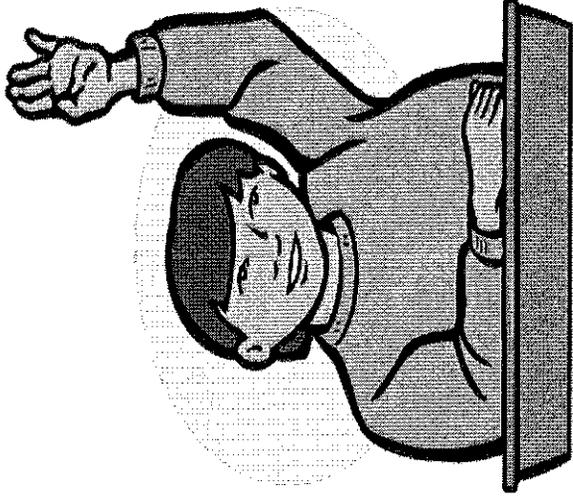
Analysis of Fund Condition

Prepared 8/15/2014

(Dollars in Thousands)

Gov's Budget FY 2014-15	GOV BUDGET				
	Actuals 2013-14	CY 2014-15	BY 2015-16	BY +1 2016-17	BY +2 2017-18
BEGINNING BALANCE	\$ 348	\$ 403	\$ 309	\$ 203	\$ 135
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 348	\$ 403	\$ 309	\$ 203	\$ 135
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 1	\$ 2	\$ 2	\$ 2	\$ 2
125700 Other regulatory licenses and permits	\$ 105	\$ 109	\$ 109	\$ 109	\$ 109
125800 Renewal fees	\$ 369	\$ 385	\$ 385	\$ 385	\$ 385
125900 Delinquent fees	\$ 3	\$ 4	\$ 4	\$ 4	\$ 4
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
150500 Interest from Interfund loan	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 479	\$ 501	\$ 501	\$ 501	\$ 501
Transfers from Other Funds					
Transfers to Other Funds					
Totals, Revenues and Transfers	\$ 479	\$ 501	\$ 501	\$ 501	\$ 501
Totals, Resources	\$ 827	\$ 904	\$ 810	\$ 704	\$ 636
EXPENDITURES					
Disbursements:					
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ 422	\$ 595	\$ 607	\$ 569	\$ 580
8880 Financial Information System for California (State Operations)	\$ 2	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 424	\$ 595	\$ 607	\$ 569	\$ 580
FUND BALANCE					
Reserve for economic uncertainties	\$ 403	\$ 309	\$ 203	\$ 135	\$ 56
Months in Reserve	8.1	6.1	4.3	2.8	1.1

Questions?





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MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #7 Legislative Update – DCA Legislative Analyst

Attachment #4: Legislative Report

Public Comment:

Attachment #4



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Legislative Report

AB 1571 (Eggman) Residential care facilities for the elderly: licensing and regulation.

This bill requires an applicant seeking a license for a residential care facility for the elderly (RCFE) to provide additional information on the application submitted to the Department of Social Services (DSS). This bill requires RCFE applications to additionally be reviewed by the Department of Public Health (DPH). This bill also requires DSS to establish an online RCFE consumer information service system and a rating system, and to meet specific benchmark implementation deadlines in 2015 and 2019.

Location: Held on Senate Appropriations Suspense File

AB 1859 (Maienschein) Professional fiduciaries: professional corporations.

This bill authorizes the formation of Licensed Professional Fiduciary Corporations pursuant to the Moscone-Knox Professional Corporation Act and the Professional Fiduciaries Act. June 15, 2014 amendments required registration with Bureau, payment of a \$250 fee, require employees of corporation to be licensed, authorize Bureau to adopt regulations to enforce, require an insurance amount of \$250,000, among other provisions.

Sponsored by the Professional Fiduciaries Association of California

Location: 2-year bill, was never heard in Senate Judiciary Committee.

AB 2024 (Bonilla) Professional fiduciaries

This bill authorizes the Bureau to designate a license as "retired" or as "cancelled." This bill also authorizes the Bureau to cancel a license that is not renewed within three years following expiration and to reinstate a license from "retired" to "active" upon request of the licensee and completion of specific requirements. Additionally, this bill specifies that the Bureau has jurisdiction over a license that is retired, inactive, cancelled, suspended, or otherwise restricted.

Location: Sent to Enrollment on August 19, 2014.

AB 2034 (Gatto)

This bill allows a family member to petition the court to seek visitation with an isolated elder or dependent adult within existing court processes, and provides that upon a filing of a petition for visitation, the court must determine counsel for the elder or dependent adult, and if no attorney is retained by the elder or dependent adult, this bill authorizes the court to appoint counsel to the elder or dependent adult. This bill also specifies that the non-prevailing party may be required to pay the fees and costs of the elder or dependent adult's legal counsel, and that if the elder or

dependent adult fails to participate in the petition proceeding in any meaningful way, the court shall appoint a guardian ad litem for the elder or dependent adult.

Location: Awaiting vote on Senate Floor.

AB 2171 (Wieckowski) Residential care facilities for the elderly

This bill establishes a bill of rights for residents of Residential Care Facilities for the Elderly. This bill also establishes a private right of action for current or former residents of RCFEs, providing a three-year statute of limitation that begins when the violation is discovered.

Location: Awaiting vote on Senate Floor.

AB 2741 (Bonilla) Professional Fiduciaries Bureau

This bill extends the sunset date of the Professional Fiduciaries Bureau (Bureau) four years, to January 1, 2019.

Location: Sent to Enrollment on August 20, 2014.

SB 940 (Jackson) California Conservatorship Jurisdiction Act

Beginning January 1, 2016, this bill codifies a set of recommendations developed by the California Law Revision Commission (Commission) which are based on the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Specifically, this bill, 1) establishes a process for resolving jurisdictional disputes regarding conservatorships; 2) establishes a process for transfer of a conservatorship to California and from California to another jurisdiction; 3) establishes a registration procedure to facilitate recognition of a conservatorship that was established in another state, and; 4) conforms several provisions of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act to existing California law.

Location: Enrolled and presented to the Governor on August 18, 2014.



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MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #8 – Discussion on Committee Member Responsibilities and Guidelines – Angelique Scott, DCA Staff Legal Counsel

Public Comment:



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MEMORANDUM

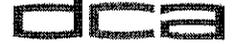
DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #9 – Education Subcommittee Report – Barbara de Vries, Subcommittee Chair

- Status of Subcommittee

Public Comment:



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MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #10 – Ethics Subcommittee Report – Aileen Federizo, Subcommittee Chair

- Status of Subcommittee

Public Comment:



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MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #11 – Bureau Update – Julia Ansel, Bureau Chief

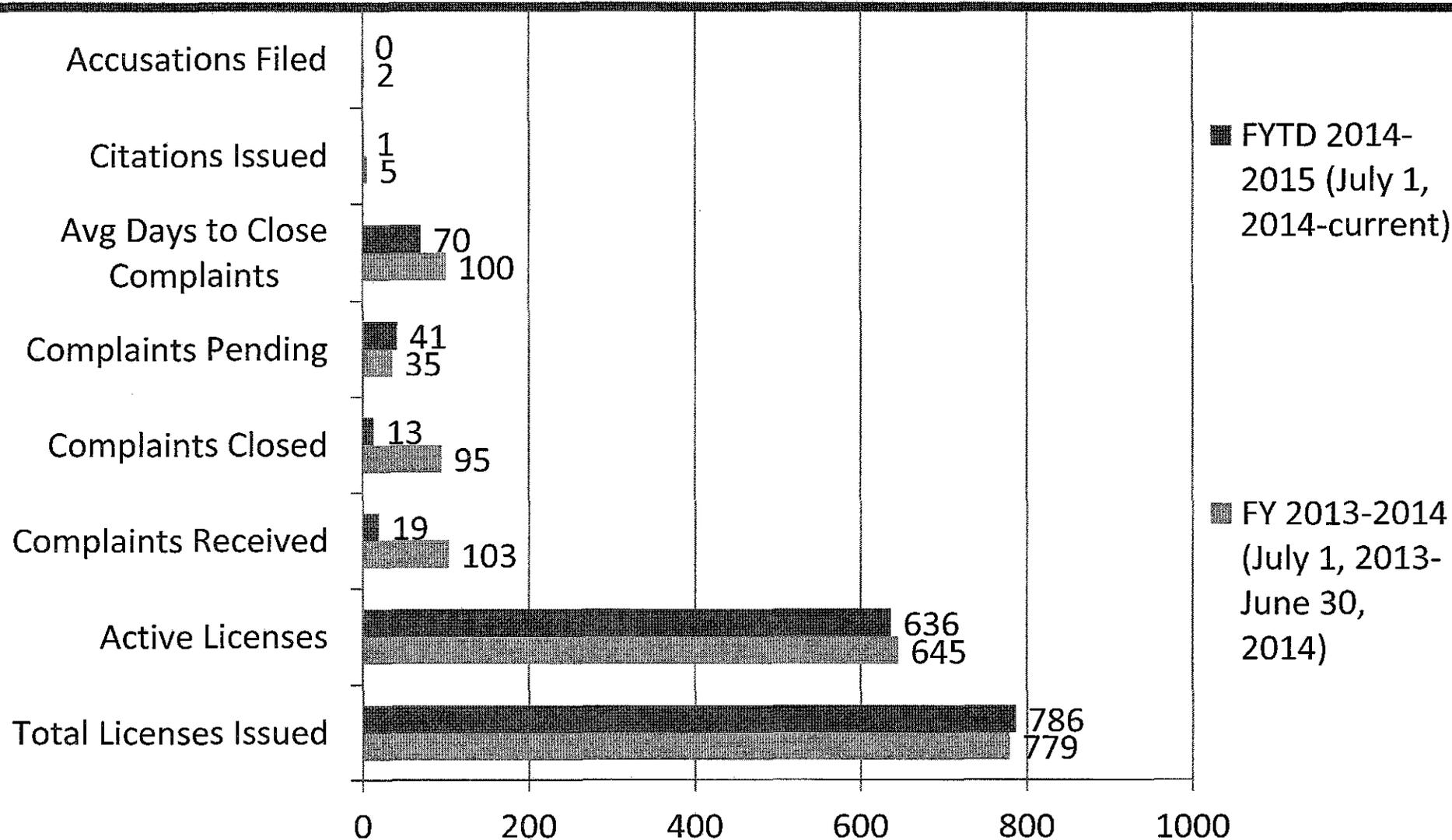
- Status of the Bureau
- New Staff Member
- Fiscal Year-To-Date Statistics
Attachment #5: Statistical Graph
- Review of Continuing Education Audit
- Strategic Plan
- E-Newsletter
- Complaint / Enforcement Discussion

Public Comment:

Attachment #5



Fiscal Year to Date Statistics





Bureau Actions 2011 through 2014

- Accusations: 4
- Citations: 13
- Letter of Reprimand: 2
- Revocation: 1
- Petition to Revoke Probation: 1
- Probation: 7



Definitions of Bureau Actions

DEFINITIONS:

- **Accusation** – A formal, written statement of charges filed against a licensee. If there is sufficient evidence to substantiate a violation of the Professional Fiduciaries Act, a pleading is filed by the Bureau with the Attorney General's Office. It is a legal document that lists formal charges. The licensee is given an opportunity to dispute the charges at an administrative hearing or negotiate a stipulated agreement.
- **Cite and Fine Order** – In lieu of filing an accusation, the licensee is issued a citation, which may contain an administrative fine and/or order of abatement, can be issued for lesser violations of the Professional Fiduciaries Act.
- **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.
- **Petition to Revoke Probation** – A formal written statement requesting revocation of probation filed with the attorney general's office.
- **Probation** – Professional practice may continue so long as the licensee complies with specified probationary terms and conditions. Violation of probation may result in the revocation.





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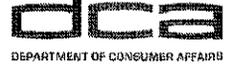
MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #12 – Future Agenda Items

Public Comment:



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MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #13 – Future Meeting Dates

- Advisory Committee
- Education Subcommittee

Public Comment:



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MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #14 – Public Comment on Items Not on the Agenda (See “ Note ” below)

Note: The Professional Fiduciaries Bureaus Advisory Committee may not discuss or take action on any matter raised that is not included in this agenda. The Committee may, however, decide to place the matter on the agenda of a future meeting.



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MEMORANDUM

DATE	August 27, 2014
TO	Advisory Committee Members Professional Fiduciaries Bureau
FROM	Professional Fiduciaries Bureau
SUBJECT	Agenda Item #15 – Adjournment