



Professional Fiduciaries Bureau
Post Office Box 989005
West Sacramento, CA 95798-9005
Telephone: (916) 574-7340 FAX (916) 574-8645
Website: www.fiduciary.ca.gov



Professional Fiduciaries Bureau (Bureau) Advisory Committee Meeting

**Tuesday May 3, 2016
10:00a.m. – 1:00p.m. or conclusion**

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Advisory Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

**Meeting Location:
Department of Consumer Affairs
1625 North Market Boulevard, 1st Floor Hearing Room
Sacramento, CA 95834**

**Teleconference Location:
Elder Well
6345 Balboa Blvd., #114
Encino, CA 91316**

Committee Members

Barbara de Vries, Chair
Hang Le To, Vice Chair
Dawn Akel
Jenny Chacon
Aileen Federizo
King Gee
Kathleen Thomson

Webcast*

- 1) Call to Order – Barbara de Vries, Chair
- 2) Roll Call & Establishment of Quorum – Julia Ansel, Bureau Chief
- 3) Introductions
- 4) Professional Fiduciaries Bureau Mission Statement – Julia Ansel, Bureau Chief
- 5) Approval of the Advisory Committee Meeting Minutes from February 3, 2016
- 6) Updates from the Director's Office – DCA Executive Staff

- 7) Budget Report – DCA Budget Analyst
 - Budget Overview and Update
- 8) Legislative Update – DCA Legislative Analyst
 - Legislation Impacting the Bureau
 - Legislation Impacting All DCA Licensing Program
 - Intent of AB 1566
- 9) Bureau Update – Julia Ansel, Bureau Chief
 - Statistics
 - E-Newsletter
 - Outreach
 - Status of Client Notification Regulations
 - DCA Travel Guide
- 10) Future Agenda Items
- 11) Future Meeting Dates
 - Wednesday, August 24, 2016
 - Wednesday, November 16, 2016
- 14) Public Comment on Items Not on the Agenda (See “**Note**” below)
- 15) Adjournment

Please note: In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. Government Code Section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration. The public can participate in the discussion of any item on this agenda. If the committee does not offer public comment before going on to the next agenda item, the public may request the floor at the start of the next agenda item to comment on a prior agenda item.

Note: The Professional Fiduciaries Bureau Advisory Committee may take action on any of the above agenda item; however the 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.

Notice: The meeting is accessible to persons with disabilities. A person who needs accommodations or modifications in order to participate in the meeting should make a request no later than five working days before the meeting to the Bureau by contacting Angela Cuadra at (916) 574-7341, angela.cuadra@dca.ca.gov or by sending a written request to the Professional Fiduciaries Bureau, 1625 North Market Blvd., Ste. S-209, Sacramento, California 95834.

Requests for further information should be directed to Ms. Cuadra at the same address and telephone number.

*The Bureau plans to webcast this meeting on its website at www.fiduciary.ca.gov. Webcast availability cannot, however, be guaranteed due to limitations on resources. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location.

OUR VISION

To protect, maintain, and enhance the quality of life for consumers by promoting the highest Professional Fiduciary standards.

OUR MISSION

To protect consumers through licensing, education, and enforcement by ensuring the competency and ethical standards of Professional Fiduciaries.

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**Professional Fiduciaries Bureau (Bureau)
Advisory Committee Meeting
Wednesday, February 3, 2016**

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Meeting Minutes

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Committee Members Present

Barbara de Vries, Chair

Aileen Federizo, Vice Chair (via teleconference location)

Jenny Chacon

Dawn Akel

King Gee

Hang Le To

Kathleen Thomson

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DCA Staff Present

Julia Ansel, Bureau Chief

Angela Bigelow, Bureau Program Analyst

Angelique Scott, DCA Legal Counsel

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- 1) Call to Order – Ms. Barbara de Vries called the meeting to order at 10:05 a.m.
 - 2) Roll Call – Ms. Barbara de Vries, Committee Chair, called roll Committee members Ms. de Vries, Ms. Jenny Chacon, Ms. Dawn Akel, Mr. King Gee, Ms. Hang Le To and Ms. Kathleen Thomson, were present at meeting location 1747 Market Blvd, Sacramento, CA 95834. Ms. Aileen Federizo was present via teleconference from teleconference location 6345 Balboa Blvd., #114, Encino, CA 91316. A quorum was established with all members present.
 - 3) Introductions – DCA staff and Committee Members introduced themselves.
 - 4) Professional Fiduciaries Bureau Mission Statement – Ms. Julia Ansel read the Bureau's mission statement and stated there would be the opportunity for public comment after each agenda item.
 - 5) Approval of the Advisory Committee Meeting Minutes from August 19, 2015 – Ms. Kathleen Thomson motioned to approve the minutes as written. Ms. Aileen Federizo seconded the motion. A vote by roll call was made: Ms. de Vries, Ms. Jenny Chacon, Mr. King Gee, Ms. Hang Le To and Ms. Kathleen Thomson, Ms. Aileen Federizo were in favor, none were opposed, Ms. Dawn Akel abstained, and the motion carried.

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Public Comment: None.

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- 6) Updates from the Director's Office – Ms. Shelly Jones announced the second phase of BreEZe went live on January 19, 2016 with a total of seven boards and one bureau. There are a total of

1 eighteenth programs on BreEZe now and the Department of Consumer Affairs (DCA) will be doing
2 a cost analysis before moving any other programs to the BreEZe database.

3 She spoke about the Little Hoover Commission, an independent state agency which studies
4 various topics and provides recommendations on state agencies. The commission is studying
5 occupational licensing at this time and has a hearing set for February 4, 2016. The focus of the
6 study will be the impact on people such as veterans and convicted felons and the barriers to
7 become licensed. Agendas for the hearings may be found on the Little Hoover Commission's
8 website.

9 Tracy Montez is the new Chief of the Division of Programs and Policy Review (DPPR). Tracy
10 brings with her over twenty years of experience in regulatory expertise.

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12 Public Comment: None.

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14 7) Budget Report – Mr. Robert de los Reyes, Manager of the Budget Office and Ms. Tonya Rogers,
15 Budget Analyst, presented the first handout, a budget report of the actual expenditures for last
16 Fiscal Year (FY) 14/15, the allocated budget for this FY 15/16, and the actual expenditures for this
17 FY 15/16 through December 31, 2015.

18 Mr. de los Reyes reported this year's budget is tight with approximately .1% surplus and the
19 budget will be monitored very closely.

20 The second handout is the fund condition which monitors the overall fund revenue and
21 expenditures. There are two large adjustments to the prorata and enforcement items. There
22 were other small adjustments made to salary and benefit items. Ms. Jenny Chacon asked if the
23 analysts are shared. Mr. de los Reyes stated Bureau analysts are not, but the DCA analysts are
24 and that is reflected in the prorata section. Mr. King Gee asked if the AG (Attorney General)
25 increase was based on prior usage and will the cost increase. Mr. de los Reyes stated yes it is
26 based on prior usage and Ms. Ansel stated yes this cost will increase due to a couple of upcoming
27 cases.

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29 Public Comment: None.

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31 8) Legislative Update – Ms. Natalie Martin-Rojas, DCA Legislative Analyst presented the following
32 legislative updates.

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34 • Legislation Impacting the Bureau –

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37 ➤ **AB 1580 (Gatto) Consumer credit reports: security freezes:
38 protected consumer**

39 This bill authorizes a representative of a protected consumer,
40 defined as an individual who is under 16 years of age at the time a
41 request for the placement of a security freeze is made or an
42 incapacitated person or a protected individual for whom a guardian
43 or conservator has been appointed, to place or remove a security
44 freeze for the protected consumer, as specified. *This bill has yet to
45 be scheduled for a policy hearing.*

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47 ➤ **AB 1581 (Rodriguez) Consumer credit reports: security
48 freezes: fees**

49 Under current law, with regard to a consumer who is 65 years of
50 age or older, a consumer credit reporting agency is prohibited from

1 charging a fee for the placement of an initial security freeze, but is
2 authorized to charge a fee not to exceed a specified amount for the
3 removal of the freeze, the temporary lift of the freeze for a period of
4 time, the temporary lift of the freeze for a specific party, or
5 replacing the freeze. This bill would prohibit a consumer credit
6 reporting agency from charging any of those fees. *This bill has yet
7 to be scheduled for a policy hearing.*

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9 ➤ **AB1700 (Maienschein) Trusts: Notice of proposed action by
10 Trustee**

11 Existing law provides for the creation, modification, and termination
12 of trusts, and regulates the acts of trustees in administering a trust.
13 Existing law establishes provisions by which a trustee may give a
14 notice of proposed action regarding certain matters, while
15 prohibiting the use of these notices for other specified actions,
16 including preliminary and final distributions and discharge. Existing
17 law requires that a notice of proposed action include a time within
18 which objections to a proposed action can be made, which shall be
19 at least 45 days from the mailing of the notice.

20 This bill would instead authorize a trustee to provide a notice of
21 proposed action for preliminary and final discharges and would
22 reduce the minimum amount of time within which objections to a
23 proposed action can be made to 30 days from the date of mailing
24 of the notice. *This bill is in print.*

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26 Following are spot bills which have been introduced as a
27 placeholder and will be changed at a later date AB 1646, SB 926,
28 and SB 929.

29
30 Legislation Impacting All DCA Licensing Programs –

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32 ➤ **AB 1566 (Wilk) Reports**

33 This bill would require a written report, as defined, submitted by
34 any state agency or department to the Legislature, a Member of
35 the Legislature, or any state legislative or executive body to
36 include a signed statement by the head of the agency or
37 department declaring that the factual contents of the written
38 report are true, accurate, and complete to the best of his or her
39 knowledge. *This bill has yet to be scheduled for a policy hearing.*

40
41 ➤ **AB 1648 (Wilk)**

42 This bill would modify the definition of “state publication” to specify
43 that publications issued by the state on the Internet are included
44 within its meaning. The bill would authorize a member of the
45 public, as defined, to copy, share, distribute, or republish a state
46 publication authored by the state.

47
48 ➤ **AB 1693 Committee on Appropriations. Claims against the
49 state: payment.**

1 This bill would state the intent of the Legislature to appropriate
2 funds for the payment of claims against the state, as presented by
3 the Attorney General, and to have any appropriated funds in
4 excess of the amount required to pay those claims revert to the
5 General Fund.

6 This bill would declare that it is to take effect immediately as an
7 urgency statute.

8
9 ➤ **AB 1701 Committee on Appropriations. State claims.**

10 This bill declares the intent of the Legislature to appropriate funds
11 for the payment of claims allowed by the board.

12 This bill would declare that it is to take effect immediately as an
13 urgency statute.

14
15 ➤ **SB 66 (Leyva) Career technical education**

16 This bill would require the department to make available, *only to*
17 *the extent specified*, to the Office of the Chancellor of the California
18 Community Colleges, any licensure information that the
19 department has in electronic format for its boards, bureaus,
20 commissions, or programs to enable *for the sole purpose of*
21 *enabling* the office of the chancellor to measure employment
22 outcomes of students who participate in career technical education
23 programs offered by the California Community Colleges and
24 recommend how these programs may be improved.

25
26 ➤ **SB 547 (Liu) Aging and long-term care services, supports, and**
27 **program coordination**

28 This bill would create the Statewide Aging and Long-Term Care
29 Services Coordinating Council, chaired by the Secretary of
30 California Health and Human Services, and would consist of the
31 heads, or their designated representative, of specified departments
32 and offices.

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34 Ms. Chacon asked for the intent of AB 1566 to be reported at the next meeting.

35 Ms. Martin-Rojas announced the deadline to introduce new bills is February 20, 2016.

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37 Public Comment: None.

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39 9) Bureau Update –

- 40 • Statistics – Ms. Julia Ansel presented the statistics for this Fiscal Year (FY) through
41 December 31, 2015, as follows:
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Type	FY 15/16 through December 31, 2015
Licenses Issued	41
Active Licenses	690
Total Licenses Issued	892
Complaints Received	65
Complaints Closed	49
Complaints Pending	91

Average Days to Close Complaint	158
Accusations	2
Citations	3

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Public Comment: None.

- E-Newsletter – Ms. Ansel announced the e-newsletter should be in edit and design by the end of the month. Deadline for submissions for the next newsletter will be June 30, 2016.
- PFB Survey Update – Ms. Ansel presented additional information requested by the committee on types of cases managed, prior background, and other professional licenses.
- Outreach – Ms. Ansel spoke at an event on January 30, 2016 for the American Association of University Women. The topic was talking to your aging parent. This event was free and open to the public. Bureau staff will be attending the PFAC conference in June of 2016.

Public Comment: None.

10) Continuing Education Audit Results – Ms. Angela Cuadra stated the audit is completed. Audit letters were sent to 45 active licensees which was approximately 5% of the total licensing population at the time of the audit. The Bureau received a 98% response rate and 87% of the licensees who responded were in compliance. The Bureau issued six citations for noncompliance. Citations were issued for no reply, not completing ethics courses, and not completing a total of fifteen hours. Ms. Cuadra referred to the audit as being random. Mr. Gee stated the audit is not truly random because anyone audited for the year 2013, which came up in the randomization for 2014, was removed from the following year's audit pool. Ms. Cuadra explained the Bureau has authority to audit the licensees and the Bureau is not required to complete a random audit, but, the Bureau started conducting audits as a way to determine if licensees are completing the hours and to educate the licensees who are not. Mr. Gee suggested the next audit be done as a pure random audit. Ms. Thomson suggested to just remove the word random if it is not a purely random audit. Ms. Chacon stated, she would like to see if the licensees who were cited one year and then audited the next, gained compliance the second year.

Public Comment: None.

11) New Publication "What is a Professional Fiduciary?" – Ms. Cuadra presented the new brochure which was published December of 2015. Ms. de Vries stated the wording tax preparations sounds like the fiduciary is preparing taxes and Ms. Ansel stated the Bureau will look at revising the wording before the next printing of the brochure.

Public Comment: None.

- 12) Future Agenda Items
- Intent of AB 1566
 - Client Notification Regulations

Public Comment: None.

- 13) Future Meeting Dates
- Tuesday, May 3, 2016

- 1 -Wednesday, August 24, 2016
- 2 -Wednesday, November 16, 2016
- 3
- 4 Public Comment: None.
- 5
- 6 14) Public Comment on Items Not on the Agenda – None.
- 7
- 8 15) Adjournment – The meeting was adjourned at 11:10 a.m.

3108 - Professional Fiduciary Fund Analysis of Fund Condition

(Dollars in Thousands)

2016-17 Governor's Budget

	ACTUAL 2014-15	Budget Act CY 2015-16	Governor's Budget BY 2016-17	BY +1 2017-18
BEGINNING BALANCE	\$ 400	\$ 315	\$ 226	\$ 273
Prior Year Adjustment	\$ -4	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 396	\$ 315	\$ 226	\$ 273
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	\$ 3	\$ 5	\$ 8	\$ 8
125700 Other regulatory licenses and permits	\$ 114	\$ 119	\$ 128	\$ 128
125800 Renewal fees	\$ 400	\$ 420	\$ 455	\$ 455
125900 Delinquent fees	\$ 3	\$ 4	\$ 4	\$ 4
150300 Income from surplus money investments	\$ 1	\$ -	\$ 1	\$ 2
161400 Miscellaneous revenues	\$ 1	\$ -	\$ -	\$ -
Totals, Revenues	\$ 522	\$ 548	\$ 596	\$ 597
Totals, Revenues and Transfers	\$ 522	\$ 548	\$ 596	\$ 597
Totals, Resources	\$ 918	\$ 863	\$ 822	\$ 870
EXPENDITURES				
Disbursements:				
1111 Program Expenditures (State Operations)	\$ 603	\$ 636	\$ 548	\$ 559
8880 Financial Information System for California (State Operations)	\$ -	\$ 1	\$ 1	\$ -
Total Disbursements	\$ 603	\$ 637	\$ 549	\$ 559
FUND BALANCE				
Reserve for economic uncertainties	\$ 315	\$ 226	\$ 273	\$ 311
Months in Reserve	5.9	4.9	5.9	6.3

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING
 B. EXPENDITURE GROWTH PROJECTED AT 2%
 C. ASSUMES 0.3% GROWTH IN INCOME FROM SURPLUS MONEY INVESTMENTS

DEPARTMENT OF CONSUMER AFFAIRS
3108 - PROFESSIONAL FIDUCIARIES BUREAU

BUDGET REPORT
FY 2015-16 EXPENDITURE PROJECTION
31-Mar-16

OBJECT DESCRIPTION	FY 2014-15		FY 2015-16				UNENCUMBERED BALANCE
	ACTUAL EXPENDITURES (MONTH 13)	PRIOR YEAR EXPENDITURES (FM 09)	BUDGET ALLOTMENT	CURRENT YEAR EXPENDITURES 3/31/2016	PERCENT SPENT	Budget Office's PROJECTIONS (%)	
PERSONNEL SERVICES							
Salary & Wages	102,193	72,432	97,000	92,857	95.7%	124,168	-27,168
Statutory Exempt	58,355	43,766	77,000	64,089	83.2%	85,452	-8,452
Temp Help (Examiners)	0	0	0	0	0.0%	0	0
Temp Help (Consultant)	0	0	0	0	0.0%	0	0
Temp Help (Seasonal)	11,196	3,839	22,000	17,485	79.5%	25,869	-3,869
Temp Help (Exam Proctor)	0	0	0	0	0.0%	0	0
Board Member Per Diem	0	0	0	0	0.0%	0	0
Committee Members	2,300	1,200	0	1,100	0.0%	2,300	-2,300
Overtime	0	0	0	0	0.0%	0	0
Staff Benefits	94,781	69,468	100,000	84,822	84.8%	113,096	-13,096
TOTALS, PERSONNEL SVCS	268,825	190,705	296,000	260,353	88.0%	350,885	-54,885
OPERATING EXPENSE AND EQUIPMENT							
General Expense	3,623	3,474	4,000	1,536	38.4%	2,048	1,952
Fingerprint Reports	142	142	0	0	0.0%	0	0
Minor Equipment	970	970	4,000	1,335	33.4%	1,335	2,665
Printing	2,684	2,485	1,000	1,689	168.9%	3,000	-2,000
Communication	419	273	1,000	205	20.5%	273	727
Postage	2,012	1,547	2,000	901	45.1%	1,201	799
Insurance	0	0	0	0	0.0%	0	0
Travel In State	8,250	4,077	4,000	4,913	122.8%	9,942	-5,942
Travel, Out-of-State	0	0	0	0	0.0%	0	0
Training	128	128	1,000	350	35.0%	350	650
Facilities Operations	32,947	31,855	32,000	37,017	115.7%	36,337	-4,337
C & P Services - Inter	0	0	3,000	0	0.0%	0	3,000
C & P Services - External	2,151	2,151	0	394	0.0%	1,000	-606
OIS Billing	20,371	15,327	22,000	16,500	75.0%	22,000	0
Indirect Dist	20,926	15,366	32,000	24,000	75.0%	32,000	0
Shared SVS	0	0	4,000	0	0.0%	0	4,000
DOI Prorata	884	441	1,000	750	75.0%	1,000	0
Communication Prorata	28	429	27,000	20,250	75.0%	27,000	0
PPRD Prorata	163,730	122,940	113,000	84,750	75.0%	58,000	55,000
Consolidated Data Center	0	0	0	0	0.0%	0	0
DP Maintenance & Supplies	953	953	1,000	1,403	140.3%	1,871	-871
Central Admin Services - Pro Rata	35,297	26,473	38,000	28,782	75.7%	38,000	0
EXAM EXPENSES:							
Exam Supplies	328	328	0	164	0.0%	164	-164
Exam Freight	0	0	0	0	0.0%	0	0
Exam Site Rental	0	0	0	0	0.0%	0	0
Exam Contract	0	0	0	0	0.0%	0	0
Exam Experts	0	0	0	0	0.0%	0	0
ENFORCEMENT:							
Attorney General	36,168	22,785	50,000	27,105	54.2%	43,025	6,975
Office of Admin. Hearings	1,688	1,163	0	1,813	0.0%	2,631	-2,631
Court Reporter Services	0	0	0	52	0.0%	69	-69
Evidence / Witness Fees	0	0	0	0	0.0%	0	0
DCA / Div. of Investigations	0	0	0	0	0.0%	0	0
Major Equipment	0	0	0	0	0.0%	0	0
Vehicle Operations	0	0	0	0	0.0%	0	0
Other Items Expense	0	0	0	0	0.0%	0	0
Special Adjustments	0	0	0	0	0.0%	0	0
Tort Payments	0	0	0	0	0.0%	0	0
TOTALS, OE&E	333,699	253,307	340,000	253,909	74.7%	281,247	59,147
TOTAL EXPENSES	602,524	444,012	636,000	514,262	80.9%	632,132	3,868
Scheduled/Unsch Reimbursements	0	0	0	0	0.0%	0	0
Fingerprints	0	0	0	0	0.0%	0	0
Internal Cost Recovery	0	0	0	0	0.0%	0	0
NET APPROPRIATION	602,524	444,012	636,000	514,262	80.9%	632,132	3,868
Surplus/(Deficit):							0.6%

Professional Fiduciaries Bureau – Legislative Review UPDATED

Important Legislative Dates – May/June 2016

May 6

- Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house.

May 27

- Last day for fiscal committees to meet and hear and report to the Floor bills introduced in their house.

June 3

- Last day for each house to pass bills introduced in that house.

2016 Legislation Related to the Bureau

AB 691 (Calderon) Revised Uniform Fiduciary Access to Digital Assets Act

This bill would authorize a decedent's personal representative or trustee to access and manage digital assets and electronic communications, as specified. The bill would specify that, if a person has not used an online tool to give that direction, he or she may give direction regarding the disclosure of digital assets in a will, trust, power of attorney, or other record. *This bill's hearing in the Senate Committee on Judiciary on April 26, 2016 was cancelled by the author and rescheduled to May 3, 2016.*

AB 1580 (Gatto) Consumer credit reports: security freezes: protected consumer

This bill authorizes a representative of a protected consumer, defined as an individual who is under 16 years of age or in foster care at the time a request for the placement of a security freeze is made, or an incapacitated person or a protected individual for whom a guardian or conservator has been appointed, to place or remove a security freeze for the protected consumer, as specified. *This bill is being heard in the Assembly Committee on Privacy and Consumer Protection on May 3, 2016.*

AB 1581 (Rodriguez) Consumer credit reports: security freezes: fees

Under current law, with regard to a consumer who is 65 years of age or older, a consumer credit reporting agency is prohibited from charging a fee for the placement of an initial security freeze, but is authorized to charge a fee not to exceed a specified amount for the removal of the freeze, the temporary lift of the freeze for a period of time, the temporary lift of the freeze for a specific party, or replacing the freeze. This bill would prohibit a consumer credit reporting agency from charging any of those fees. *This bill was pulled by the author and the Department does not anticipate that this bill will be moving forward.*

AB 1700 (Maienschein R) Trusts: Notice of proposed action by trustee.

This bill would authorize a trustee to provide a notice of proposed action for preliminary and final discharges and would reduce the minimum amount of time within which objections to a proposed action can be made to 30 days from the date of mailing of the

notice. *This bill has been referred to the Senate Committee on Judiciary and has yet to be scheduled for a hearing.*

AB 1779 (Gatto) Nonprobate transfers: revocable transfer on death deed.

This bill would clarify that a beneficiary of a revocable TOD deed may include an entity, such as a trust. *This bill is being heard in the Assembly Committee on Judiciary on May 3, 2016.*

AB 1836 (Maienschein) Mental health: conservatorship hearings.

This bill would permit a probate court to recommend an LPS conservatorship by a county conservatorship investigator. *This bill has been placed on suspense in the Assembly Committee on Appropriations and has yet to be scheduled for a hearing.*

AB 1855 (Bonta) Uniform Trust Decanting Act.

This bill would enact the Uniform Trust Decanting Act, under which a fiduciary of an irrevocable trust may distribute the property of a first trust to one or more 2nd trusts or modify the terms of the first trust without the consent of the beneficiaries or approval of the court, subject to certain exceptions. *This bill failed to meet the hearing deadline for fiscal bills to be heard and passed out of policy committee in their house of origin and is dead for the 2015-2016 legislative session.*

AB 2721 (Rodriguez) Elder and dependent adult fraud: informational notice.

This bill would require the Department of Justice to develop and distribute an informational warning notice to the public about elder and dependent adult fraud and where to file complaints. *This bill is being heard in the Assembly Committee on Appropriations on May 4, 2016.*

SB 929 (Vidak) Compensation of guardians and conservators.

This bill would permit a person who successfully petitioned for the appointment of a conservator, as specified, to petition the probate court for an order fixing and allowing compensation to the person and the person's attorney for services rendered in connection with the appointment of a conservator. *This bill is in Third Reading on the Senate Floor for May 2, 2016.*

SB 938 (Jackson) Protective proceedings: conservator authorizations.

This bill would replace references to the term dementia in related provisions with the term major neurocognitive disorders (MNCDS). *This bill has been placed on suspense in the Senate Committee on Appropriations and has yet to be scheduled for a hearing.*

SB 982 (McGuire) State Department of Developmental Services: developmental centers.

This bill was amended to address local developmental centers and no longer impacts the Department.

SB 1284 (Hernandez) Human remains: conservator of the person or estate.

This bill would add a conservator of the person and a conservator of the estate to the above provision for purposes of relinquishment, as specified, if the agent under a power

of attorney, the surviving spouse, or any of the other specified relatives who have the right to control the disposition and arrange for funeral goods and services fails to act or cannot be found within a specified period, that the person's right to control the disposition and arrange for funeral goods. *This bill has been referred to the Assembly Committee on Judiciary and has yet to be scheduled for a hearing*

SB 1452 (Wieckowski) Conservators.

This bill would add the right to receive electronic mail to a conservatee's personal rights for purposes of these provisions. *This bill has been referred to the Assembly Committee on Judiciary and has yet to be scheduled for a hearing*

2016 Legislation Related to All DCA Programs

AB 1033 (Garcia, Eduardo) Economic impact assessment: small business definition.

This bill would authorize state agencies to utilize an alternative definition of small businesses when determining the number of small businesses impacted by a regulation within the overall economy, a specific industry, or geographic region. The alternative definition identifies a small business as independently owned, independently operated, not dominant in its field of operation, and employing fewer than 100 individuals. *This bill has been re-referred to the Assembly Committee on Governmental Organization and has yet to be scheduled for a hearing.*

AB 1566 (Wilk) Reports

This bill would require a written report, as defined, submitted by any state agency or department to the Legislature, a Member of the Legislature, or any state legislative or executive body to include a signed statement by the head of the agency or department declaring that the factual contents of the written report are true, accurate, and complete to the best of his or her knowledge. *This bill failed to meet the hearing deadline for fiscal bills to be heard and passed out of policy committee in their house of origin and is dead for the 2015-2016 legislative session.*

AB 1648 (Wilk) State publications: distribution.

This bill would modify the definition of "state publication" to include internet publications and would authorize a member of the public to copy, share, distribute, or republish those publications. *This bill has been re-referred to the Assembly Committee on Appropriations and has yet to be scheduled for a hearing.*

AB 1707 (Linder) Public records: response to request.

This bill would require any agency that responds to a Public Records Act (Act) request to identify records that were withheld and the specific exemption from the Act that allows the record to be withheld. *This bill failed to meet the hearing deadline for fiscal bills to be heard and passed out of policy committee in their house of origin and is dead for the 2015-2016 legislative session.*

AB 1868 (Wagner) Regulations: legislative notice.

This bill would require a regulatory notice of proposed action to be submitted to the Legislature if it includes information relative to economic cost impacts to businesses or private individuals. *The hearing for this bill in the Assembly Committee on Appropriations on April 27, 2016 was cancelled at the request of the author. The hearing has not been rescheduled.*

AB 1887 (Low) State government: discrimination: travel.

This bill would prohibit state funded or sponsored travel to any state with a law that sanctions or requires discrimination of any type. This law would apply to state agencies, the California State University system, and the University of California. *This bill is being heard in the Assembly Committee on Appropriations on May 4, 2016.*

AB 1939 (Patterson) Licensing Requirements.

This bill would require the Director of the Department of Consumer Affairs to conduct a study and submit to the Legislature by July 1, 2017, a report identifying, exploring, and addressing occupational licensing requirements that create unnecessary barriers to labor market entry or mobility; specifically as it pertains to dislocated workers, transitioning service members, and military spouses. *This bill has been placed on suspense in the Assembly Committee on Appropriations and has yet to be scheduled for a hearing.*

AB 1949 (Baker) Department of Consumer Affairs.

This is currently a spot bill related to the Department of Consumer Affairs. *This bill has yet to be scheduled for a policy hearing.*

AB 1991 (Jones) State Contract Act.

This bill would require a state agency that seeks to award a contract on a noncompetitive bid basis in the amount of \$1 million or more to notify the appropriate policy and fiscal committees of both houses of the Legislature. The agency would be prohibited from awarding the contract until 90 days after the date of notification and the Legislature would be authorized to waive the waiting period by adoption of a concurrent resolution in the case of a bona fide emergency. *This bill failed to meet the hearing deadline for fiscal bills to be heard and passed out of policy committee in their house of origin and is dead for the 2015-2016 legislative session.*

AB 2181 (Brown) Public contracts: contract specifications.

This bill requires state departments, the Regents of the University of California, and the Trustees of the California State University to submit a report to the Legislature on the greenhouse gas emissions associated with energy-intensive products for projects within their jurisdiction for infrastructure with a minimum estimated cost of \$1 million. *This bill has been re-referred to the Assembly Committee on Appropriations and has yet to be scheduled for a hearing.*

AB 2421 (Jones) Professions and Vocations.

This is currently a spot bill related to Professions and Vocations. *This bill has yet to be scheduled for a policy hearing.*

AB 2557 (Santiago) Zoning regulations: interim ordinances. *This bill was amended to address local zoning ordinances and no longer impacts the Department.*

AB 2611 (Low) The California Public Records Act: exemptions.

This bill adds to the list of exemptions to the California Public Records Act to include: 1) investigatory or security audio and video recordings compiled by any state or local law enforcement; and, 2) any audio or video recording depicting the death or serious bodily injury of a peace officer. Additionally, this bill prohibits state and local law enforcement agencies from disclosing certain information to a crime victim if the disclosure would endanger the privacy of a witness or the victim. *This bill has been re-referred to the Assembly Committee on Appropriations and has yet to be scheduled for a hearing.*

AB 2701 (Jones) Department of Consumer Affairs: boards: training requirements.

This bill would require all newly appointed members of programs within the Department of Consumer Affairs to complete training that includes information about the Bagley-Keene Open Meeting Act, the Administrative Procedure Act, the Office of Administrative Law, and the Department's Conflict of Interest Code. *This bill failed to meet the hearing deadline for fiscal bills to be heard and passed out of policy committee in their house of origin and is dead for the 2015-2016 legislative session.*

AB 2801 (Gallagher) Local government: fees and charges: written protest.

This bill was amended to address maintenance of written protests and no longer impacts the Department.

AB 2859 (Low) Professions and vocations: retired category: licenses.

This bill would allow all programs within the Department to issue a retired license, with specific limitations. *This bill is in Second Reading on the Assembly Floor for May 2, 2016.*

SB 1130 (Wieckowski) False Advertising: substantiation of claims: county counsel.

This bill would allow a County Counsel to take the same actions as the Director of the Department of Consumer Affairs, the Attorney General, any City Attorney or any District Attorney when the failure of the advertiser to adequately substantiate a claim within a reasonable time occurs or if the requesting official has reason to believe that the advertising claim is false or misleading. *This bill has been re-referred to the Assembly Committee on Judiciary and has yet to be scheduled for a hearing.*

SB 1140 (Moorlach) Legislature: operation of statutes.

This bill would require the automatic repeal of a regulatory authorization statute two years after the statute goes into effect, except under specified circumstances. *This bill failed passage in the Senate Committee on Governmental Organization, but has been granted reconsideration.*

SB 1155 (Morrell) Professions and vocations: licenses: military service.

This bill would require every board within the Department of Consumer Affairs to waive application and initial license fees for veterans who have been honorably discharged

from the California National Guard or United States Armed Forces. *This bill has been referred to the Senate Committee on Appropriations and has yet to be scheduled for a hearing.*

SB 1176 (Galgiani) Small Business Procurement and Contract Act: business size.

This bill would raise the amount of average annual gross receipts to be considered a small business or microbusiness. *This bill has been re-referred to the Senate Committee on Appropriations and has yet to be scheduled for a hearing.*

SB 1237 (Bates) State government: regulations.

This bill would make several nonsubstantive changes to provisions that require the Office of Administrative Law to review adopted regulations. *This bill has yet to be scheduled for a policy hearing.*

SB 1251 (Moorlach) Publication of state financial obligations: internet web site and ballot pamphlet.

This bill would create the California Financial Transparency Act of 2016. The Act would require each State Agency to disclose financial information on its web site, including: revenues, expenditures, unfunded infrastructure needs and bond debt. *This bill failed passage in the Senate Committee on Governmental Organization, but has been granted reconsideration.*

SB 1348 (Cannella) Licensure applications: military experience.

This bill would require all Department of Consumer Affairs programs that accept military education, experience or training to amend their applications to advise veteran applicants of the ability to apply that education, experience, or training. *This bill has been placed on suspense in the Senate Committee on Appropriations and has yet to be scheduled for a hearing.*

SB 1444 (Hertzberg) Personal information: privacy: state agencies: mitigation and response plans.

This bill would require a State Agency that owns or licenses personal information data to prepare a mitigation and response plan for breach of the database. *This bill has been re-referred to the Senate Committee on Appropriations and is being heard on May 2, 2016.*

SB 1448 (Glazer) Department of Consumer Affairs.

This is a spot bill related to the Department of Consumer Affairs. *This bill has yet to be scheduled for a policy hearing.*

2015 Legislation Affecting all Departmental Programs: 2-Year Bills

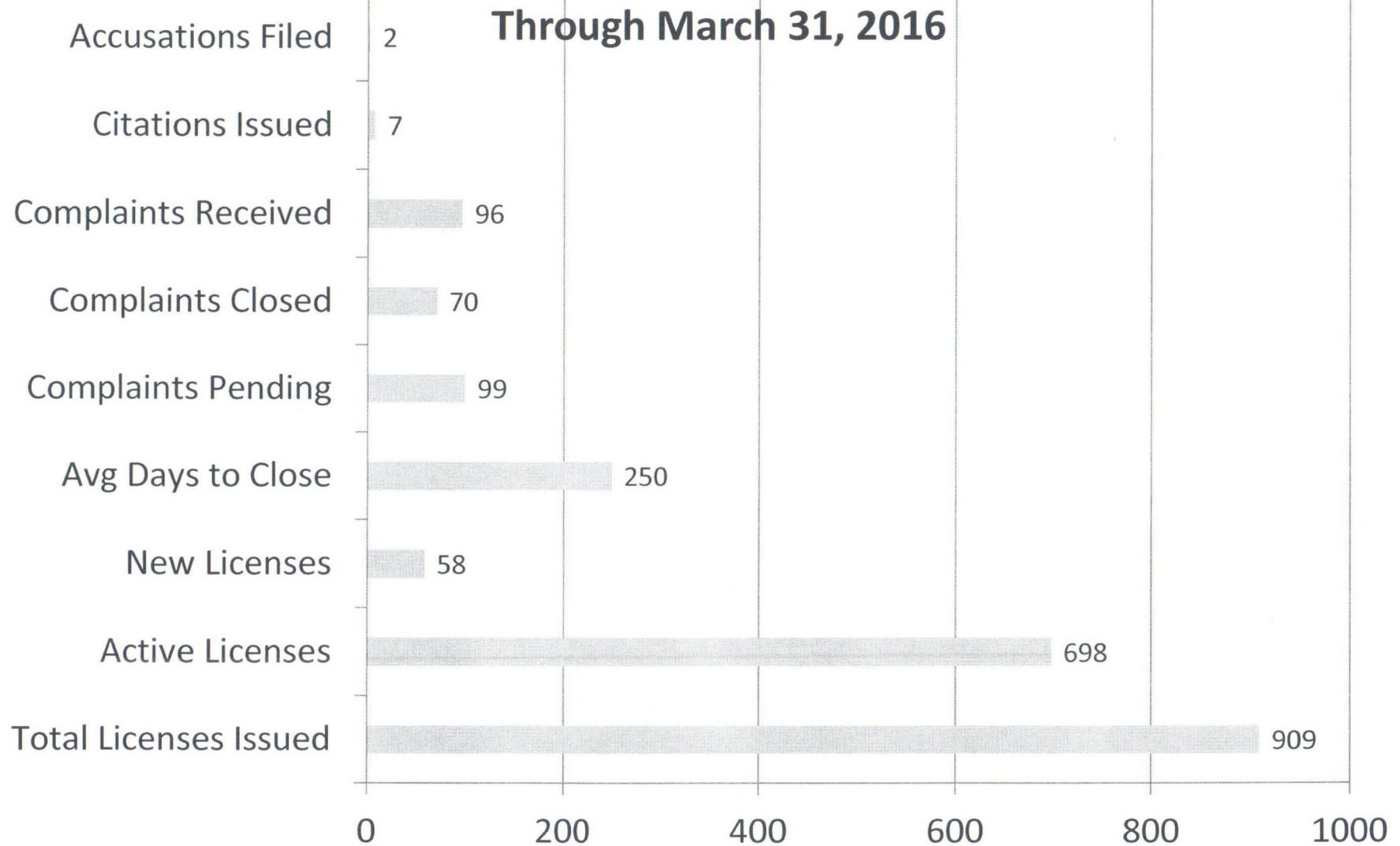
AB 507 (Olsen) State government: administrative regulations: review.

This bill would require the Department to submit a report to the Legislature and the Department of Finance, on or before March 1, 2016, and annually thereafter when available, detailing the implementation status of the Department's enterprise-wide

licensing system known as BreEZe. This report would contain the Department's plan for implementing BreEZe for the remaining 19 programs on legacy licensing systems, the total remaining cost for BreEZe implementation, and a description of any increased efficiency achieved by implementing BreEZe. *This is a 2-year bill that is awaiting scheduling in the Senate Committee on Business, Professions, and Economic Development.*



Fiscal 2015/16 Year to Date Statistics



**Professional Fiduciaries Bureau
1625 N. Market Blvd., Ste. S-209
Sacramento, CA 95834**

April 21, 2016

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATION

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the Professional Fiduciaries Bureau (Bureau) is providing notice of changes made to proposed regulation section 4640 which was the subject of a Notice of Proposed Rulemaking published in the California Regulatory Notice Register on August 28, 2015. These changes are in response to comments received regarding the proposed regulation.

If you have any comments regarding the proposed changes, the Bureau will accept written comments between April 21, 2016 and May 6, 2016. All written comments must be received by the Bureau no later than 5:00 p.m. on May 6, 2016, and addressed to:

Julia G. Ansel, Bureau Chief
Professional Fiduciaries Bureau
1625 N. Market Blvd., Ste. S-209
Sacramento, CA 95834
julia.ansel@dca.ca.gov

All written comments received by May 6, 2016, which pertain to the indicated changes will be reviewed and responded to as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text.

PROFESSIONAL FIDUCIARIES BUREAU

(Division 41, Title 16, California Code of Regulations)

Modified Text

LEGEND

Underline Indicates proposed amendments or additions to the existing regulation.

~~Strikeout~~ Indicates proposed deletions to the existing regulation.

Double Underline Indicates an addition to the originally proposed text of regulations.

~~Double Strikeout~~ Indicates a deletion to the originally proposed text of regulations.

Adopt Article 12, § 4640 of the California Code of Regulations as follows:

Article 12. Rules of Professional Conduct.

Section 4640. Client Notification.

Every licensed Professional Fiduciary shall at all times provide notice reasonably calculated to be received by the licensee's current and prospective clients, of the fact that the licensee is licensed by the Professional Fiduciaries Bureau, as set forth in subdivisions (a), (b), and (c) below. For purposes of this section, "licensee" means a person who is a licensed Professional Fiduciary under the Professional Fiduciaries Act. Notice shall be provided to all current and prospective clients by all of the following methods:

(a) At the licensee's place of business, in a location which is accessible to the public, notification shall be prominently posted in a conspicuous location visible to clients, and shall include the following statement and information in at least 48 – point type in Arial font:

NOTIFICATION TO CONSUMERS

Professional Fiduciaries are licensed and regulated

by the Professional Fiduciaries Bureau

Professional Fiduciaries Bureau Telephone: (916) 574-7340

Professional Fiduciaries Bureau Website: www.fiduciary.ca.gov

(b) Licensees shall provide a written notice as described in subsection (a) to all parties ~~to all clients stating the licensee is a licensed Professional Fiduciary and regulated by the Bureau. The written notice shall contain the Bureau's telephone number and website address. The notice shall be signed and dated by the client and retained in the client's records. If the client is a minor or deemed mentally or physically incapacitated, or has a court representative, or is represented by an attorney of law, a copy of the notice shall be mailed to the client's legal representative, court appointed representative and/or attorney's address of record.~~ as described in subdivisions (1), (2), (3), and (4) of this subsection. Notice can be provided in person, by email, by mail or by facsimile. If notice is provided in person, licensee shall maintain dated copies, signed by all required parties in the client file. If notice is provided by email, licensee shall maintain a copy of email confirming notice was sent. If notice is provided by mail, licensee shall maintain proof of mailing, including proof of service in accordance with California Code of Civil

Procedure 1013 (a), registered mail or certified mail. If notice is provided by facsimile, licensee shall maintain a copy of notice and facsimile confirmation in client file. Dated copies of the written notice shall be kept in the case file as proof of mailing and provided to the following parties in at least 14 – point Arial font:

(1) If licensee is serving as trustee, written notice as described in subsection (a) shall be provided to the settlor(s). If the settlor(s) are deceased, written notice shall be provided to all parties referred to in Probate Code section 16061.7 (b) (1) & (2). Licensee may provide the required written notice with notice as required under Probate Code section 16061.7 or under separate cover.

(2) If the licensee is serving as conservator, written notice as described in subsection (a) shall be provided to all parties referred to in Probate Code section 1822 (b). At the inception of a conservatorship, licensee shall also provide notice to the attorney for the conservatorship, if one exists. Licensee may provide the required written notice with notice as required under Probate Code section 1822 or under separate cover.

(3) If the licensee is serving as guardian, written notice as described in subsection (a) shall be provided to all parties referred to in Probate Code section 1511 (b) and (c). At the inception of a guardianship, licensee shall also provide notice to the attorney for the guardianship, if one exists. Licensee may provide the required written notice with notice as required under Probate Code section 1511 or under separate cover.

(4) If the licensee is serving as agent under durable power of attorney (POA) for finance or healthcare, written notice as described in subsection (a) shall be provided to the individual the licensee is serving as POA.

(c) If the licensee maintains a Website, a written notice as described in subsection (a) ~~“NOTIFICATION TO CONSUMERS.”~~ shall be posted on the licensee’s Website in at least 14 – point type Arial font.

NOTE: Authority cited: Sections 138 and 6517 of the Business and Professions Code. Reference: Sections 6515, 6516, 6520, 6530, 6532 and 6533 of the Business and Professions Code; and Sections 1511, 1822, and 16061.7 of the Probate Code.

DATED: _____

Julia G. Ansel, Chief
Professional Fiduciaries Bureau