



**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](http://www.fiduciary.ca.gov)



**Professional Fiduciaries Bureau (Bureau)  
Advisory Committee Meeting**

**Wednesday, August 24, 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 (DCA)**  
**1747 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 – Hang Le To, Vice Chair
- 2) Roll Call & Establishment of Quorum – Tracy Montez, Division of Programs & Policy Review (DPPR), Chief
- 3) Update on Status of Bureau Chief Position – Tracy Montez, DPPR Chief
- 4) Introductions
- 5) Professional Fiduciaries Bureau Mission Statement – Tracy Montez, DPPR Chief

- 6) Discussion and Possible Action on Approval of the Advisory Committee Meeting Minutes from May 3, 2016
- 7) Updates from the Director's Office – DCA Executive Staff
- 8) Budget Report – DCA Budget Analyst
  - Budget Overview and Update
- 9) Legislative Update – DCA Legislative Analyst
  - AB 1580
  - AB 1700
  - AB 2701
  - AB 2859
  - SB 1130
  - SB 1284
  - Clarification on AB 2701
  - Clarification on SB 1284
- 10) Bureau Updates – Tracy Montez, DPPR Chief
  - Statistics – Comparison by Fiscal Year
  - E-Newsletter
  - Outreach
  - Status of Client Notification Regulations
  - Strategic Plan Update
  - Complaint Breakdown by Type
- 11) Future Agenda Items
- 12) Future Meeting Dates
  - Wednesday, November 16, 2016
- 13) Public Comment on Items Not on the Agenda (See "Note" below)
- 14) 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](mailto: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](http://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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**Professional Fiduciaries Bureau (Bureau)  
Advisory Committee Meeting  
Tuesday, May 3, 2016**

**Meeting Minutes**

**Committee Members Present**

- Barbara de Vries, Chair
- Hang Le To, Vice Chair
- Dawn Akel
- Jenny Chacon
- Aileen Federizo (via teleconference location)
- King Gee

**DCA Staff Present**

- Julia Ansel, Bureau Chief
- Angela Bigelow, Bureau Program Analyst
- Angelique Scott, DCA Legal Counsel

- 1) Call to Order – Ms. Barbara de Vries called the meeting to order at 10:09 a.m.
- 2) Roll Call – Ms. Julia Ansel, Bureau Chief, called roll. Committee members Ms. Barbara de Vries, Ms. Dawn Akel, Mr. King Gee, and Ms. Hang Le To, were present at meeting location 1625 N. Market Blvd, Sacramento, CA 95834. Ms. Aileen Federizo was present via teleconference from teleconference location 6345 Balboa Blvd, #114, Encino, CA 91316. Ms. Jenny Chacon and Ms. Thomson were not present. A quorum was established with five members present.
- 3) Introductions – Department of Consumer Affairs (DCA) staff and Committee Members introduced themselves. Ms. Chacon arrived at 10:10 a.m.
- 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 May 3, 2016 – Ms. To motioned to approve the minutes as written. Ms. Federizo seconded the motion. A vote by roll call was made: Ms. de Vries, Ms. To, Ms. Akel, Ms. Chacon, Ms. Federizo, and Mr. Gee were in favor, none were opposed, Ms. Thomson was not present, and the motion carried.
- 6) Public Comment: None.
- 6) Updates from the Director’s Office – Mr. Jonathan Burke, Manager, DCA Board and Bureau Relation presented the following updates:

1 DCA Chief Deputy Director, Tracy Rhine has left DCA for a position at the Rural County  
2 Representatives of California. Ms. Rhine will be missed at DCA, but we are all very happy for her.  
3 The Little Hoover Commission met on March 30, 2016 in Culver City. Former Chief Deputy  
4 Director, Tracy Rhine, testified and answered questions from the Commission on occupational  
5 licensing. The Commission is focusing specifically on licensing for veterans, felons, and  
6 immigrants. DCA will continue to provide data to the commission for their study which should  
7 conclude by the end of this year. The Bureau Chief and Committee Members should contact  
8 Melinda McClain, Deputy Director of the DCA Legislative Office.  
9

10 Mr. Burke thanked Ms. Ansel for participating in the upcoming DCA Mentoring pilot program.  
11

12 Public Comment: None.  
13

- 14 7) Budget Report – Ms. Marina O’Connor, Manager, DCA Budget Office presented the following  
15 updates:  
16 The fund condition showed what is displayed in the Governor’s FY 15/16 Budget and the Bureau  
17 will expend full budget authority. Future years’ reserves continue to rise steadily.  
18 The projection is a \$3,868 savings this year which is very close and the budget office is working  
19 closely with the Bureau Chief.  
20

21 Public Comment: None.  
22

- 23 8) Legislative Update – Ms. Natalie Martin-Rojas, DCA Legislative Analyst presented the following  
24 legislative updates.  
25

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

28 This bill would authorize a decedent's personal representative or trustee to  
29 access and manage digital assets and electronic communications, as  
30 specified. The bill would specify that, if a person has not used an online tool  
31 to give that direction, he or she may give direction regarding the disclosure of  
32 digital assets in a will, trust, power of attorney, or other record. *This bill's*  
33 *hearing in the Senate Committee on Judiciary on*  
34 *April 26, 2016 was cancelled by the author and rescheduled to May 3, 2016.*  
35

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

38 This bill authorizes a representative of a protected consumer, defined as an  
39 individual who is under 16 years of age or in foster care at the time a request  
40 for the placement of a security freeze is made, or an incapacitated person or  
41 a protected individual for whom a guardian or conservator has been  
42 appointed, to place or remove a security freeze for the protected consumer,  
43 as specified. *This bill is being heard in the Assembly Committee on Privacy*  
44 *and Consumer Protection on May 3, 2016.*  
45

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

47 Under current law, with regard to a consumer who is 65 years of age or older,  
48 a consumer credit reporting agency is prohibited from charging a fee for the  
49 placement of an initial security freeze, but is authorized to charge a fee not to

1 exceed a specified amount for the removal of the freeze, the temporary lift of  
2 the freeze for a period of time, the temporary lift of the freeze for a specific  
3 party, or replacing the freeze. This bill would prohibit a consumer credit  
4 reporting agency from charging any of those fees. *This bill was pulled by the*  
5 *author and the Department does not anticipate that this bill will be moving*  
6 *forward.*

7  
8 **AB 1700 (Maienschein R) Trusts: Notice of proposed action by trustee.**

9 This bill would authorize a trustee to provide a notice of proposed action for  
10 preliminary and final discharges and would reduce the minimum amount of  
11 time within which objections to a proposed action can be made to 30 days  
12 from the date of mailing of the notice. *This bill has been referred to the*  
13 *Senate Committee on Judiciary and has yet to be scheduled for a hearing.*

14  
15 **AB 1779 (Gatto) Nonprobate transfers: revocable transfer on death**  
16 **deed.**

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

20  
21 **AB 1836 (Maienschein) Mental health: conservatorship hearings.**

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

26  
27 **AB 1855 (Bonta) Uniform Trust Decanting Act.**

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

35  
36 **AB 2721 (Rodriguez) Elder and dependent adult fraud: informational**  
37 **notice.**

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

42  
43 **SB 929 (Vidak) Compensation of guardians and conservators.**

44 This bill would permit a person who successfully petitioned for the  
45 appointment of a conservator, as specified, to petition the probate court for an  
46 order fixing and allowing compensation to the person and the person's

1 attorney for services rendered in connection with the appointment of a  
2 conservator. *This bill is in Third Reading on the Senate Floor for May 2, 2016.*

3  
4 **SB 938 (Jackson) Protective proceedings: conservator authorizations.**

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

9  
10 **SB 982 (McGuire) State Department of Developmental Services:**  
11 **developmental centers.**

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

14  
15 **SB 1284 (Hernandez) Human remains: conservator of the person or**  
16 **estate.**

17 This bill would add a conservator of the person and a conservator of the  
18 estate to the above provision for purposes of relinquishment, as specified, if  
19 the agent under a power of attorney, the surviving spouse, or any of the other  
20 specified relatives who have the right to control the disposition and arrange  
21 for funeral goods and services fails to act or cannot be found within a  
22 specified period, that the person's right to control the disposition and arrange  
23 for funeral goods. *This bill has been referred to the Assembly Committee on*  
24 *Judiciary and has yet to be scheduled for a hearing*

25  
26 **SB 1452 (Wieckowski) Conservators.**

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

31  
32 Mr. Gee asked for a definition of digital assets as it relates to AB 691. Ms. Martin-  
33 Rojas replied it would be any electronic record which the individual has a right or  
34 interest in.

35 Ms. Chacon asked what would be a reason for a security freeze and Ms. Martin-  
36 Rojas replied it is meant to protect minors under conservatorship.

37  
38  
39 **AB 1033 (Garcia, Eduardo) Economic impact assessment: small**  
40 **business definition.**

41 This bill would authorize state agencies to utilize an alternative definition of  
42 small businesses when determining the number of small businesses impacted  
43 by a regulation within the overall economy, a specific industry, or geographic  
44 region. The alternative definition identifies a small business as independently  
45 owned, independently operated, not dominant in its field of operation, and  
46 employing fewer than 100 individuals. *This bill has been re-referred to the*

1 Assembly Committee on Governmental Organization and has yet to be  
2 scheduled for a hearing.

3  
4 **AB 1566 (Wilk) Reports**

5 This bill would require a written report, as defined, submitted by any state  
6 agency or department to the Legislature, a Member of the Legislature, or any  
7 state legislative or executive body to include a signed statement by the head  
8 of the agency or department declaring that the factual contents of the written  
9 report are true, accurate, and complete to the best of his or her knowledge.

10 *This bill failed to meet the hearing deadline for fiscal bills to be heard and*  
11 *passed out of policy committee in their house of origin and is dead for the*  
12 *2015-2016 legislative session.*

13  
14 **AB 1648 (Wilk) State publications: distribution.**

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

20  
21 **AB 1707 (Linder) Public records: response to request.**

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

28  
29 Ms. de Vries asked that Ms. Martin-Rojas read only the bills related to the  
30 Bureau.

31  
32 Public Comment: None.

33  
34 Break 10:52 a.m. – 11:03 a.m.

35  
36 9) Bureau Update –

- 37 • Statistics – Ms. Julia Ansel presented the statistics for this Fiscal Year (FY) through  
38 March 31, 2016, as follows:

39

Type	FY 15/16 through March 31, 2016
Licenses Issued	58
Active Licenses	698
Total Licenses Issued	909
Complaints Received	96
Complaints Closed	70
Complaints Pending	99

Average Days to Close Complaint	250
Accusations	2
Citations	7

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

Ms. To stated the average days to close a complaint increased. Ms. Ansel stated this was likely due to a single case that closed after being open for a long time.

Ms. Akel asked the difference between active and issued. Ms. Ansel answered the difference is due to retired, death, and non-renewals.

Mr. Gee asked for a breakdown of complaint types at the next meeting.

- E-Newsletter – Will be published within the next week or so.
- Outreach – FY 15/16 made an effort to attend as many events as possible within 100 miles so as to stay within the Bureau’s budget. The Bureau has attended nine events this FY including Senior Scam Stoppers with the Contractor’s State Licensing Board, a Financial Literacy Fair, an Estate Planning Symposium, and Senior Resource Fairs.
- Status of Client Notification Regulations – The modified text has been drafted and the regulation is in a 15-day notice period which will end on May 6, 2016. Once the period is over the regulations will move forward for approval with Office of Administrative Law.
- DCA Travel Guide – A copy of the updated travel guide was included in the packet.

Ms. Chacon asked how the client notification regulations will be enforced and Ms. Ansel answered, the Bureau will follow-up and enforce if a complaint is received.

Public Comment: None.

10) Future Agenda Items

- Clarification of AB 2701
- Provide more detail on SB 1284
- Complaint types for FY 2015-16
- Provide Bureau statistics with FY comparison
- Strategic Plan update on status of objectives/goals

Public Comment: None.

11) Future Meeting Dates

- Wednesday, August 24, 2016
- Wednesday, November 16, 2016

Public Comment: None.

12) Public Comment on Items Not on the Agenda – None.

13) Adjournment – The meeting was adjourned at 11:33 a.m.

### 3108 - Professional Fiduciary Fund Analysis of Fund Condition

(Dollars in Thousands)

## 2016-17 Budget Act

	ACTUAL PY 2015-16	Budget Act CY 2016-17	BY 2017-18	BY +1 2018-19
<b>BEGINNING BALANCE</b>	\$ 315	\$ 213	\$ 247	\$ 272
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 315	\$ 213	\$ 247	\$ 272
<b>REVENUES AND TRANSFERS</b>				
Revenues:				
125600 Other regulatory fees	\$ 3	\$ 6	\$ 6	\$ 6
125700 Other regulatory licenses and permits	\$ 116	\$ 128	\$ 128	\$ 128
125800 Renewal fees	\$ 411	\$ 446	\$ 446	\$ 446
125900 Delinquent fees	\$ 2	\$ 2	\$ 2	\$ 2
150300 Income from surplus money investments	\$ 2	\$ 1	\$ 2	\$ 3
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 534	\$ 583	\$ 584	\$ 585
Totals, Revenues and Transfers	\$ 534	\$ 583	\$ 584	\$ 585
Totals, Resources	\$ 849	\$ 796	\$ 831	\$ 857
<b>EXPENDITURES</b>				
Disbursements:				
1111 Program Expenditures (State Operations)	\$ 635	\$ 548	\$ 559	\$ 570
8880 Financial Information System for California (State Operations)	\$ 1	\$ 1	\$ -	\$ -
Total Disbursements	\$ 636	\$ 549	\$ 559	\$ 570
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 213	\$ 247	\$ 272	\$ 287
Months in Reserve	4.7	5.3	5.5	5.9

## 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  
30-Jun-16  
FM13

OBJECT DESCRIPTION	FY 2014-15		FY 2015-16			
	ACTUAL EXPENDITURES (MONTH 13)	PRIOR YEAR EXPENDITURES (FM 13)	BUDGET ALLOTMENT	CURRENT YEAR EXPENDITURES 6/30/2016	Budget Office's PROJECTIONS (%)	UNENCUMBERED BALANCE
<b>PERSONNEL SERVICES</b>						
Salary & Wages	102,193	102,193	97,000	124,868	124,868	-27,868
Statutory Exempt	58,355	58,355	77,000	85,452	85,452	-8,452
Temp Help (Examiners)						
Temp Help (Consultant)						
Temp Help (Seasonal)	11,196	11,196	22,000	25,711	25,711	-3,711
Temp Help (Exam Proctor)						
Board Member Per Diem						
Committee Members	2,300	2,300		1,800	1,800	-1,500
Overtime						
Staff Benefits	94,781	94,781	100,000	113,815	113,815	-13,815
<b>TOTALS, PERSONNEL SVCS</b>	<b>268,825</b>	<b>268,825</b>	<b>296,000</b>	<b>351,646</b>	<b>351,646</b>	<b>-55,646</b>
<b>OPERATING EXPENSE AND EQUIPMENT</b>						
General Expense	3,623	3,623	4,000	1,658	1,658	2,342
Fingerprint Reports	142	142				
Minor Equipment	970	970	4,000	1,335	1,335	2,665
Printing	2,684	2,684	1,000	3,391	3,391	-2,391
Communication	419	419	1,000	336	336	664
Postage	2,012	2,012	2,000	2,467	2,467	-467
Insurance						
Travel In State	8,250	8,250	4,000	7,362	7,362	-3,362
Travel, Out-of-State						
Training	128	128	1,000	350	350	650
Facilities Operations	32,947	32,947	32,000	37,275	37,275	-5,275
C & P Services - Inter			3,000			3,000
C & P Services - External	2,151	2,151		394	394	-394
OIS Billing	20,371	20,371	22,000	21,215	21,215	785
Indirect Dist	20,926	20,926	32,000	31,966	31,966	34
Shared SVS			4,000			4,000
DOI Prorata	884	884	1,000	983	983	17
Public Affairs Prorata	28	28				
Communication Prorata			27,000	27,000	27,000	0
PCSD Prorata	163,730	163,730				
PPRD Prorata			113,000	59,281	59,281	53,719
Consolidated Data Center						
DP Maintenance & Supplies	953	953	1,000	1,403	1,403	-403
Central Admin Services - Pro Rata	35,297	35,297	38,000	38,376	38,376	-376
<b>EXAM EXPENSES:</b>						
Exam Supplies	328	328	0	164	164	-164
Exam Freight						
Exam Site Rental						
Exam Contract						
Exam Experts						
<b>ENFORCEMENT:</b>						
Attorney General	36,168	36,168	50,000	31,300	31,300	18,700
Office of Admin. Hearings	1,688	1,688		16,140	16,140	-16,140
Court Reporter Services						
Evidence / Witness Fees				573	573	-573
DCA / Div. of Investigations						
Major Equipment						
Vehicle Operations						
Other Items Expense						
Special Adjustments						
Tort Payments						
<b>TOTALS, OE&amp;E</b>	<b>333,699</b>	<b>333,699</b>	<b>340,000</b>	<b>282,969</b>	<b>282,969</b>	<b>57,030</b>
<b>TOTAL EXPENSES</b>	<b>602,524</b>	<b>602,524</b>	<b>636,000</b>	<b>634,615</b>	<b>634,615</b>	<b>1,384</b>
Scheduled/Unsch Reimbursements	0	0	0	0	0	0
Fingerprints	0	0	0	0	0	0
Internal Cost Recovery	0	0	0	0	0	0
<b>NET APPROPRIATION</b>	<b>602,524</b>	<b>602,524</b>	<b>636,000</b>	<b>634,615</b>	<b>634,615</b>	<b>1,384</b>
<b>Surplus/(Deficit):</b>						<b>1.1%</b>

## Professional Fiduciaries Bureau – Legislative Review

### Important Legislative Dates – Aug/Sept 2016

#### **August 31**

- Last day for each house to pass bills, except bills that take effect immediately or bills in Extraordinary Session.
- Final recess begins upon adjournment.

#### **September 30**

- Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1.

### 2016 Legislation Related to the Bureau

#### **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 in third reading on the Senate Floor as of publication.*

#### **AB 1700 (Maienschein) 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 passed, signed, and chaptered.*

### 2016 Legislation Related to All DCA Programs

#### **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 third reading on the Senate Floor as of publication.*

#### **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 passed, signed, and chaptered.*

### Board Requested Legislative Updates

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

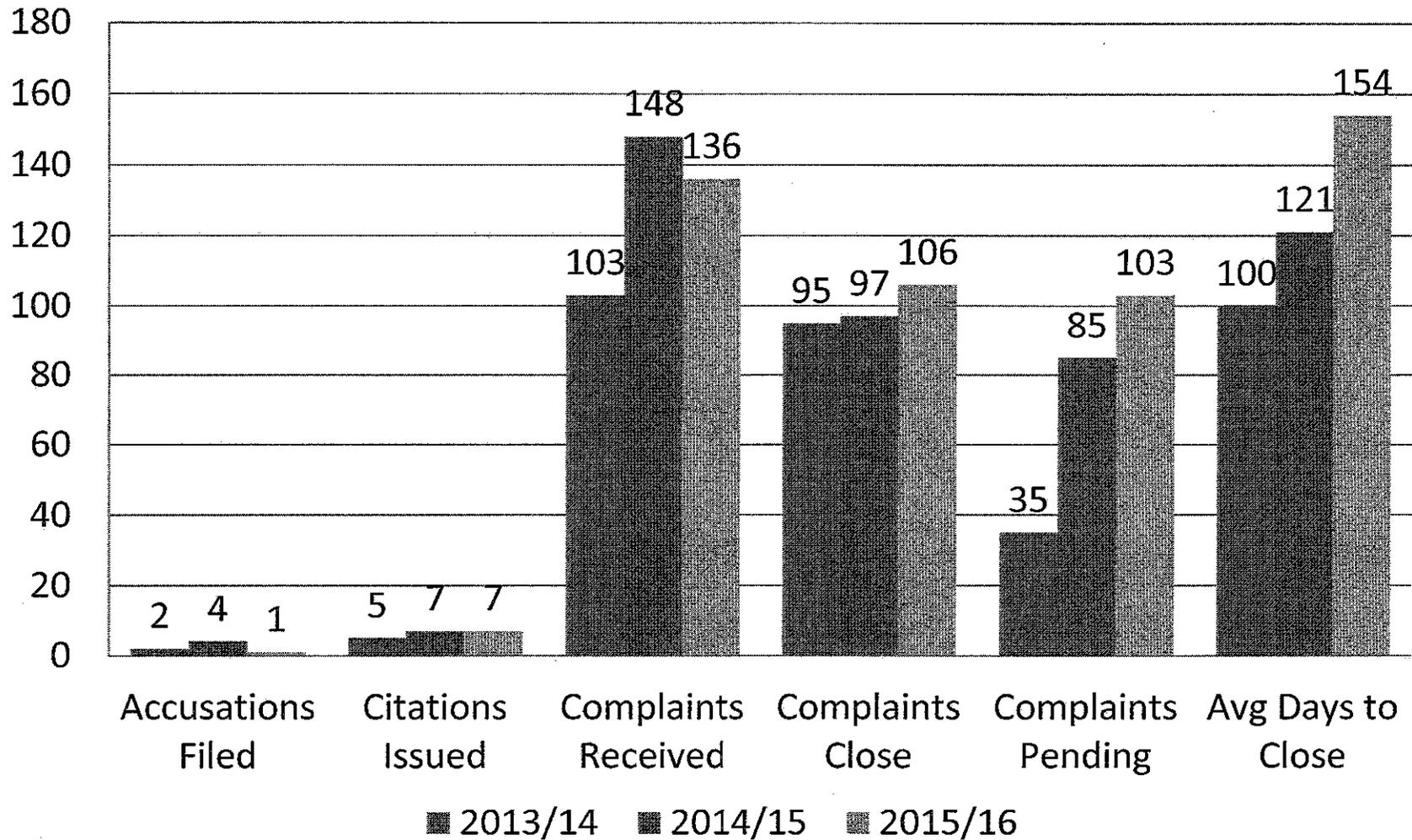
This bill would require all newly appointed members of programs within the Department of Consumer Affairs to complete training that includes information about the Bagley-Keene Open Meeting Act, the Administrative Procedure Act, the Office of Administrative

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.*

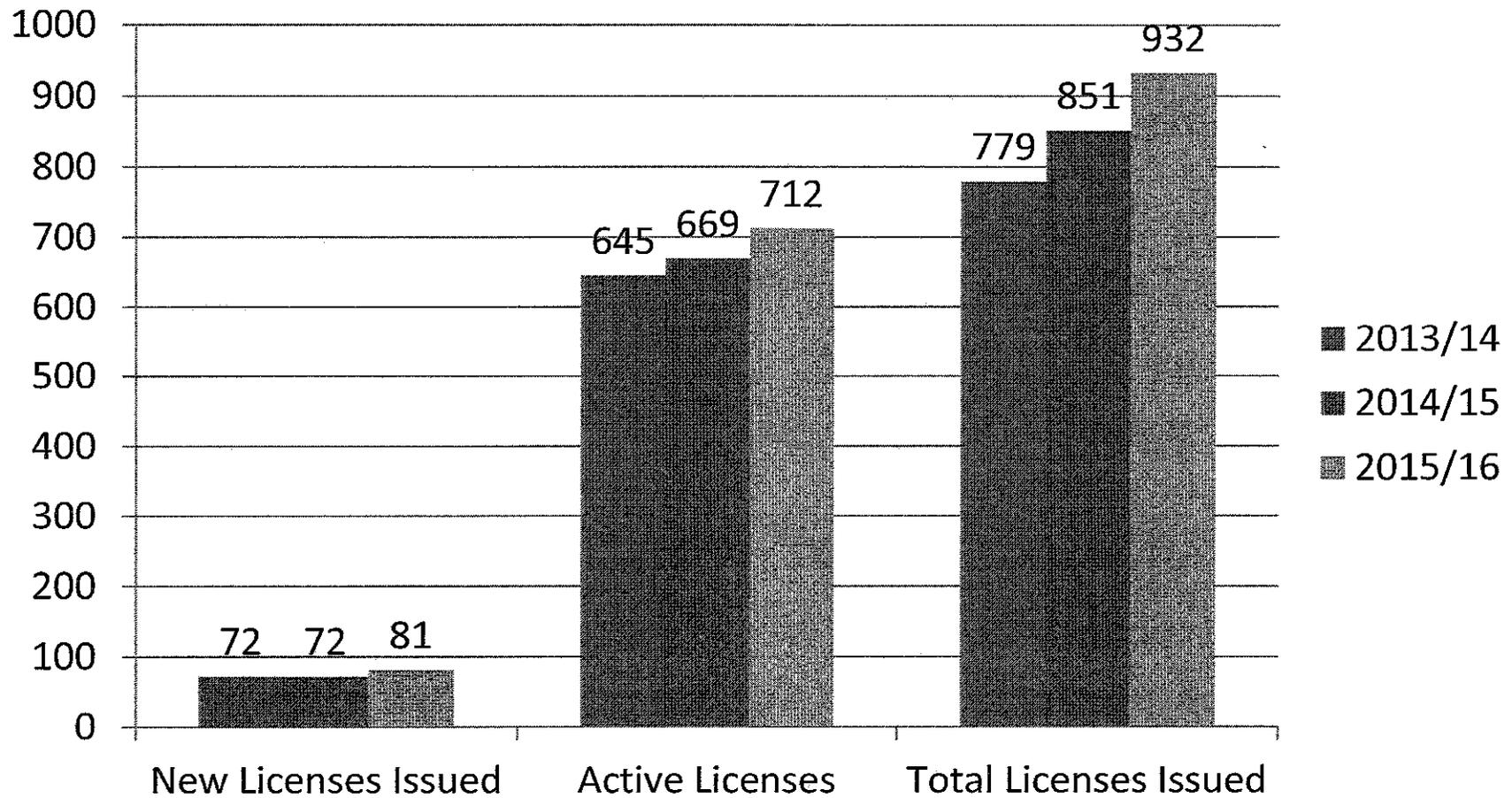
**SB 1284 (Hernandez) Human remains: conservator of the person or estate.**

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 passed, signed, and chaptered.*

# Complaint Statistics by Fiscal Year



# Licensing Statistics by Fiscal Year



<b>Major Actionable Tasks to Accomplish</b>	<b>Responsible Party</b>	<b>Completion Quarter</b>	<b>Year</b>	<b>Status</b>
<b>1.1 Partner with other government agencies, professional associations and advocacy organizations to educate about Professional</b>				
1.1.1 Create direct contact list of partner organizations.	Aileen/Kathleen/Prescott	Q2	2015	Completed
1.1.2 Identify means of disseminating information to these groups and sharing their information through our outlets.	Aileen/Kathleen	Q2	2015	
1.1.3 Disseminate information to organizations.	Marguerite /Bureau Chief	Q2	2015	
<b>1.2 Create legislation for a Retired, Deceased, and/ or Cancelled license designation. Additionally, create legislation to allow reinstatement of a license when appropriate.</b>				
1.2.1 Define retired, deceased and cancelled license.	Bureau Chief /PFB Program Analyst	Q1	2014	Completed
1.2.2 Draft legislative language.	Bureau Chief / PFB Program Analyst	Q2	2014	Completed
1.2.3 Find a sponsor and introduce legislation.	DCA	Q4	2014	Completed
1.2.4 Draft regulations to clarify chaptered legislation	Bureau Chief / PFB Program Analyst	Q1	2015	In Process
<b>1.3 Update the Bureau's Website to include current information on the licensing process.</b>				
1.3.1 Determine changes to website including estimated processing timeframes.	PFB Program Analyst	Q2	2014	In Process
1.3.2 Work with DCA internet team to post changes.	PFB Program Analyst	Q3	2014	
<b>1.4 Research the feasibility of creating a Specialty and/or Certification license.</b>				
1.4.1 Create survey for licensees to determine current practices and services.	Marguerite /Kathleen	Q1	2015	Completed

<b>Major Actionable Tasks to Accomplish</b>	<b>Responsible Party</b>	<b>Completion Quarter</b>	<b>Year</b>	<b>Status</b>
1.4.2 Launch survey and collect and analyze data.	Marguerite /Kathleen/ PFB Program Analyst	Q2	2015	Completed
1.4.3 Identify potential specialties.	Marguerite /Kathleen/ PFB Program Analyst	Q3	2015	Completed
1.4.4 Draft feasibility report including information on necessary legislative changes that would be required.	Marguerite /Kathleen/ PFB Program Analyst	Q4	2015	
1.4.5 Committee reviews report and makes recommendations to Bureau.	Advisory Committee	Q1	2016	
<b>2.1 Actively seek out unlicensed activity in partnership with other government agencies.</b>				
2.1.1 Identify partner agencies.	Marguerite / Bureau Chief	Q2	2014	
2.1.2. Develop electronic or printed outreach materials and write articles targeted at these government agencies, such as: defining unlicensed activity and educating them on how to report unlicensed activity.	Marguerite / Bureau Chief	Q3	2014	
2.1.3 Encourage licensees to display their fiduciary license number and report unlicensed activity.	Marguerite / Bureau Chief	Q1	2015	This should be handled through Advertising regulations.
2.1.4 Track unlicensed citations separately and report out quarterly.	PFB Program Analyst	Q1	2014	Ongoing
<b>2.2 Ensure adequate enforcement staffing levels to comply with Departmental enforcement timeframes.</b>				

<b>Major Actionable Tasks to Accomplish</b>	<b>Responsible Party</b>	<b>Completion Quarter</b>	<b>Year</b>	<b>Status</b>
2.2.1 Draft and submit Budget Change Proposal for additional staff.	Bureau Chief	Q1	2014	Completed
2.2.2 Hire and onboard additional staff.	Bureau Chief	Q3	2014	Completed
2.3 Clarify the complaint process on the Bureau's Website to better inform stakeholders. Provide information about mandated reporting on complaint form.				
2.3.1 Modify information on the Bureau's website and add information and links about mandatory reporting.	PFB Program Analyst	Q1	2014	Completed
2.4 Establish regulations for the Bureau's disciplinary guidelines.				
2.4.1 Draft disciplinary guidelines	Bureau Chief	Q1	2015	In Process
3.1 Establish relationships with other regulatory agencies, professional associations and advocacy organizations to educate consumers about the Professional Fiduciary Bureau.				
3.1.1 Create direct contact list of partner organizations.	Aileen/Prescott	Q3	2014	Completed
3.1.2 Identify means of disseminating information to these groups and sharing their information through our outlets.	Aileen/Prescott	Q3	2014	
3.1.3 Disseminate information to organizations including information regarding professional liability insurance and bonding.	Aileen/Prescott	Q3	2014	

<b>Major Actionable Tasks to Accomplish</b>	<b>Responsible Party</b>	<b>Completion Quarter</b>	<b>Year</b>	<b>Status</b>
3.1.4 Ask Bar Association to add information about Professional Fiduciaries in their outreach program and newsletter.	Prescott/ Marguerite	Q3	2014	Completed on BAR website
<b>3.2 Identify and use media opportunities to increase Bureau's visibility and its activities.</b>				
3.2.1 Identify low cost or free media opportunities (including social media, blogs, webinars, schools, etc.).	Marguerite /Barbara	Q1	2015	Communication Plan-from Public Affairs - Implement
3.2.2 Create a media outreach campaign.	Marguerite /Barbara	Q4	2014	Communication Plan-from Public Affairs - Implement
3.2.3 Work with DCA's Public Affairs office to create identified social media accounts such as Facebook and twitter.	Marguerite /Barbara/ PFB Program Analyst	Q4	2014	Completed
3.2.4 Work with DCA's Public Affairs office (and possibly schools) to create a library of audio and/or video explaining the benefits of licensing and post to Bureau website.	Marguerite /Barbara/ PFB Program Analyst	Q4	2015	In Process
3.2.5 Encourage licensees to add link to video on their professional websites.	Marguerite /Barbara	Q4	2015	
<b>3.3 Establish an electronic subscriber list for e-newsletter and increase circulation by 30%.</b>				
3.3.1 Measure current circulation and report out to the committee quarterly.	PFB Program Analyst	Q2	2014 ongoing	Completed

<b>Major Actionable Tasks to Accomplish</b>	<b>Responsible Party</b>	<b>Completion Quarter</b>	<b>Year</b>	<b>Status</b>
3.3.2 Add a callout on the Bureau's Website and mention at committee meetings to encourage list-serv participation.	PFB Program Analyst / Marguerite	Q2	2014	
3.3.3 Publish article in Professional Fiduciary Association of California newsletter and Bureau newsletter to encourage sign-up.	PFB Program Analyst /Barbara	Q1	2015	
3.3.4 Add information about the list-serv to information provided to outreach partner organizations (including schools).	Prescott/Barbara/ Bureau Chief	Q2	2014	
<b>3.4 Gather and disseminate stakeholder article submissions through the e-newsletter.</b>				
3.4.1 Define stakeholders.	Bureau Chief / Marguerite	Q1	2015 ongoing	
3.4.2 Identify external groups and other committee members that can contribute articles.	Bureau Chief / Marguerite	Q1	2015 ongoing	
3.4.3 Solicit contributions and suggest topics.	Bureau Chief / Marguerite	Q1	2015 ongoing	
3.4.4 Create article submission schedule.	PFB Program Analyst	Q1	2015 ongoing	
<b>3.5 Identify other professional license types held by licensees to target Professional Fiduciary education and outreach efforts in these</b>				
3.5.1 Research and identify other license types to target for outreach (consider using survey created in Objective 1.4).	Bureau Chief / Marguerite	Q1	2015	

<b>Major Actionable Tasks to Accomplish</b>	<b>Responsible Party</b>	<b>Completion Quarter</b>	<b>Year</b>	<b>Status</b>
3.5.2 Target outreach to the professions through outreach efforts created in Objectives 1.1 and 3.1.	Bureau Chief /Marguerite	Q2	2015	
<b>4.1 Standardize pre-licensing requisites for approved Fiduciary educational programs.</b>				
4.1.1 Establish education sub-committee.	Prescott/Barbara	Q1	2014	Completed
4.1.2 Complete presentations to the sub-committee by schools currently offering pre-licensure courses on their program content.	Prescott/Barbara	Q1	2014	Completed
4.1.3 Create suggested standardizations for pre-licensure schools.	Prescott/Barbara	Q4	2014	
4.1.4 Review and approve suggested standardizations.	Advisory Committee	Q4	2014	
4.1.5 Disseminate these suggestions to schools via letter from the Bureau Chief.	Barbara/ Bureau Chief	Q4	2014	
4.1.6 Draft regulatory language changes.	Bureau Chief / PFB Program Analyst	Q3	2016	
4.1.7 Submit regulations packet to OAL.	Bureau Chief / PFB Program Analyst	Q3	2016	
4.1.8 Complete the public comment for the regulations.	Bureau Chief / PFB Program Analyst	Q1	2017	
4.1.9 Obtain OAL approval of regulations.	Bureau Chief / PFB Program Analyst	Q4	2017	
<b>4.2 Standardize continuing education requisites for approved Professional Fiduciary continuing education vendors.</b>				

<b>Major Actionable Tasks to Accomplish</b>	<b>Responsible Party</b>	<b>Completion Quarter</b>	<b>Year</b>	<b>Status</b>
4.2.1 Establish education sub-committee.	Prescott/Barbara	Q1	2014	Completed
4.2.2 Conduct research on courses currently offered to fulfill PFB CE requirements and CE requirements of like professions.	Prescott/Barbara	Q1	2014	
4.2.3 Create suggested standardizations for continuing education content.	Prescott/Barbara	Q4	2014	
4.2.4 Review and approve suggested standardizations.	Advisory Committee	Q4	2014	
4.2.5 Disseminate these suggestions to continuing education vendors via letter from the Bureau Chief.	Barbara/ Bureau Chief	Q4	2014	
4.2.6 Draft regulatory language changes.	Bureau Chief / PFB Program Analyst	Q3	2016	
<b>4.3 Explore the legality and feasibility of providing self-study continuing education units through the Bureau's e-newsletter.</b>				
4.3.1 Establish education sub-committee.	Prescott	Q1	2014	Completed
4.3.2 Conduct research on providers currently offering these types of self-study courses.	Prescott/Diana	Q3	2014	
4.3.3 Survey licensees to determine interest in these types of courses (as part of survey conducted as part of Objective 1.4).	Prescott/Diana	Q2	2015	

<b>Major Actionable Tasks to Accomplish</b>	<b>Responsible Party</b>	<b>Completion Quarter</b>	<b>Year</b>	<b>Status</b>
4.3.4 Discuss issues with DCA Legal Office to determine legality.	Prescott/Diana	Q1	2014	Completed
4.3.5 Report and make recommendations to the Bureau.	Prescott/Diana	Q3	2015	
<b>5.1 Establish regulations to require a licensee's Professional Fiduciary license number on advertisements.</b>				
5.1.1 Draft regulatory language changes.	Bureau Chief / PFB Program Analyst	Q1	2015	
5.1.2 Submit regulations packet to OAL.	Bureau Chief / PFB Program Analyst	Q2	2015	
5.1.3 Complete public comment for the regulatory changes.	Bureau Chief / PFB Program Analyst	Q3	2015	
<b>5.2 Establish regulations for record retention and/or disclosure requirements.</b>				
5.2.1 Draft regulatory language changes.	Bureau Chief / PFB Program Analyst	Q2	2015	
5.2.2 Submit regulations packet to OAL.	Bureau Chief / PFB Program Analyst	Q4	2015	
<b>5.5 Asses feasibility (and modify if appropriate) CCR 4446 to remove the list of approved education providers.</b>				
5.5.1 Create criteria for education providers to include in regulation in lieu of provider list.	Education Committee	Q4	2015	
5.5.2 Make recommendations to Committee for input and review .	Education Committee	Q4	2015	
5.5.3 Draft regulatory language changes.	Bureau Chief / PFB Program Analyst	Q1	2016	

# Types of Complaints Fiscal Year 2015/16

- **Unprofessional Conduct – 69**
  - Not providing accountings on time.
  - Not reading trust documents.
  - Not knowledgeable/in compliance with applicable governing documents.
- **Negligence – 28**
  - Not paying bills on time resulting in fees, foreclosure, or loss of benefits.
- **Non-Jurisdictional – 14**
  - Not required to be licensed by the Bureau.
  - Not related to Professional Fiduciary work.
- **Personal Conduct – 9**
  - Lack of communication.
- **Unlicensed Activity – 5**
  - Acting as a Professional Fiduciary and required to be licensed by the Bureau, but is not licensed.