



**Professional Fiduciaries Bureau**  
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**Professional Fiduciaries Bureau  
Strategic Planning Meeting  
August 1, 2013**

**1747 N. Market Blvd., Emerald Rm., Ste. 184  
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

**Staff Present**

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

**I. Call to Order – Chair**

The meeting was called to order by Ms. Lorenz at 9:00am.

**II. Roll Call – Julia Ansel, Bureau Chief**

There were five members present and a quorum was established.

**III. Introductions**

Ms. Lorenz stated introductions were not needed as this had been done yesterday and no one new was present.

**IV. Strategic Planning Session –**

- Review of Day 1 Strategic Planning Session – Mr. Roy reviewed the Vision and Mission Statements and Values that were decided on. All in attendance were satisfied with the finished product. Mr. Roy reviewed the existing Strategic Plan 2010-2013 and asked for the items completed and if any of the items need to be carried forward to the new Strategic Plan.
- Review Responses and Environmental Scan – Mr. Roy reviewed the Environmental Scan which was created from a survey that was sent to Bureau employees-internal, Committee Members-external, and Consumer Advocates.
- Review and Update of Goals – Mr. Roy reviewed the existing Strategic Plan 2010-2013 and asked which items were completed and if any of the items need to be carried forward to the new Strategic Plan. The committee reviewed the existing goals and objectives and determined the following:
  - Goal 1: Licensure
    - Increase the number of licensees by reaching out to other professions with relatable experience (i.e. social workers, gerontology, etc.) – This was completed,

however, the committee determined this item should be carried forward to the next plan to continue reaching out to other professions.

- Partner with other government entities to increase licensure – Mr. DeLuna worked with Assembly Member Joan Buchanan and talked about care givers and healthcare organization and possibly creating a sub-category under the fiduciary license. Ms. Bigelow stated this item was assigned to former committee member Sharon O'Neil and Ms. O'Neil did make initial contacts to Adult Protective Services and the Public Guardian. Ms. Lorenz thinks this should be carried over to the next plan.
  - Research the feasibility of creating an entry level license type for trainees, and develop the program if viable – This was not done. Ms. Bigelow stated this would be a Legislative change. The intent of this objective was to create a trainee or internship license. Ms. Lorenz does not support this objective. Ms. Scott stated this would take a Legislative change and that the license type would have a variation to show the consumers the person is a trainee and not fully licensed. Ms. de Vries stated this is only researching the possibility of doing this. Mr. DeLuna stated it could also be a license category such as someone who only handles Trusts or only Conservatorships and then a license that encompasses all types of cases.
- Goal 2: Enforcement
    - Establish the Bureau's Cite and Fine program – This was done.
    - Actively seek out unlicensed activity in partnership with the Department's Unlicensed Activities Unit – This unit no longer exists. Mr. DeLuna stated the Bureau does seek out unlicensed activity.
    - Leverage enforcement activity with Division of Investigation – This was done and is on-going.
    - Attend underground economy task force meetings and partner with Economic Employment Enforcement Coalition (EEEC) – Mr. DeLuna did this and it was specific to unlicensed activity but the coalition had more to do with construction.
    - Post formal disciplinary accusations against licensed professionals on the Bureau's website – This was done and is on-going and is also published in the E-Newsletter.
    - Participate in the Department's Consumer Satisfaction survey on closed complaints – This is not done anymore.
  - Goal 3: Communication & Education
    - Educate consumers and provide license information to professionals (online FAQ's for licensing information and Professional Fiduciaries Bureau forms) – Yes this is done and is on-going.
    - Seek out media opportunities – Mr. DeLuna clarified this was to do press releases about enforcement actions and this did not happen. This should be carried forward.
    - Develop Professional Fiduciaries Bureau publications in multiple foreign languages – This was not done. The committee decided not to carry this forward.
    - Work with the Department's Publications Design unit to develop new publications – This was done. There is an E-Newsletter and the brochures have been redesigned and the publications are on the Bureau's website.

- Partner with CIC and Outreach to increase the dissemination of PFB messages and publications – This has been completed but is on-going. CIC has staff that is trained by the Bureau to answer calls for the Bureau.
  - Develop PSA's and forums for the Senior Legislature – This was not done. This item will be carried forward to the next plan. However, Mr. DeLuna worked on a task force and a Senior Gateway website was created as a one-stop shop for seniors.
  - Partner with State Bar's Trust and Estate section to increase outreach – This was not done. Ms. Bigelow stated Barry could not be here today, but stated they are still willing to partner with the Bureau. Mr. Cole stated this program would fit in nicely with the Bureau's education program.
  - Attend local PFAC and California Association Superior Court Investigators meetings and their Annual conference for training purposes – Mr. DeLuna attended meetings but due to travel restrictions was not able to attend the conference. Mr. Lorenz stated the E-Newsletter got into each PFAC Conference bag and this was a great accomplishment.
  - Establish Outreach and communication to judges through the Administrative Office of the Courts (AOC) – This was assigned to Richard Lambie and as far as Ms. Bigelow knows this was not completed. This will be carried over to the next plan.
  - Gather and disseminate examples of industry best practices – This was not done, however, there was some information on this in the E-Newsletter. This will be carried over to the next plan.
  - Gather and disseminate victims' accounts of consumer fraud and abuse – This was not done. The Bureau does use social media through the publications office and the Bureau meetings are archived on youtube.com. This will be on-going. Ms. Scott feels this should be addressed legally as to what can be shared. Gathering stories from the Bureau's complaints and printing them is not legally permissible. However, asking for stories from licensees would be permissible as long as names and other personal information is not used.
  - Clarify the license renewal process – Ms. Lorenz feels this has been completed. This has been clarified by the website, phone calls, emails, and in the E-Newsletter. This will be on-going.
- Goal 4: Regulation and Legislation
- Seek Legislation to require licensure for all types of Durable Power of Attorney and Estate Administration not currently covered under present statutes – Ms. Bigelow stated the former committee wanted DPOA for estate administration to be added. This has not been done. This will be carried forward to the next plan.
  - Develop Cite and Fine regulations – This was done.
  - Develop advertising regulations requiring the inclusion of a licensee's professional fiduciary license number – This is in process, the language has been approved. This will be carried forward to the next plan.
  - Seek ways to streamline the license process through legislation – Ms. Bigelow stated the process is as streamlined as much as possible for the Bureau. The length of time it takes to become licensed is due to the pre-licensing requirement which can take a year or more to complete then the licensing and exam process. The Bureau staff continues to meet their goals in licensing and enforcement. This will not be carried over to the next plan.

Below are the accomplishments of the Bureau since the 2010 strategic plan was adopted. The following accomplishments will be highlighted in the new strategic plan:

- Reduced expenses by implementing provisions of Senate Bill 543, Steinberg (Chapter 448, Statutes of 2011) authorizing the Bureau to enter into stipulated agreements with applicants and licensees.
- Conducted an occupational analysis and made revisions to the State and National portions of the licensing exam.
- Implemented a cite-and-fine program.
- Successfully partnered with the Department of Consumer Affairs, Division of Investigation to investigate complaints of misconduct and pursue unlicensed activity.
- Created and implemented an expert consultant process enabling the Bureau to conduct enforcement investigations more quickly and effectively.
- Improved education to consumers and licensees through updates to the Bureau's website, e-newsletter, brochures and other promotional material.
- Posted formal disciplinary accusations and cite and fines against licensed professionals on the Bureau's website.
- Created a social media presence for gathering and disseminating consumer information via YouTube and Twitter.
- Participated in the creation of the Senior Gateway web portal which is the Department of Consumer Affairs' one-stop website that connects seniors, their families, and caregivers with the information, services, and resources needed to find answers and solve problems.
- Recruited and appointed a new Bureau Chief with Professional Fiduciary experience.

Mr. Counts suggested the Bureau should educate the EEEEC on what to look for in unlicensed activity. Also, the Bureau should partner with the California State BAR Association to ask about having a table at their section meeting to educate tax attorneys. The Bureau should also work with the trust section to be on the panel to educate tax attorneys.

Break 10:08-10:28

The Committee determined the following will be the goals for the new strategic plan:

1. Licensure – Promote licensing standards to protect consumers and allow access to the professions.
  2. Enforcement – Consumer quality of life is protected by the enforcement of laws and regulations governing the fiduciary profession.
  3. Communication & Outreach – Consumers and licensees are proactively informed about the practice, regulations, and developments that affect the fiduciary profession.
  4. Professional Education – Consumer protection is enhanced through initial and continuing education requirements for licensees.
  5. Regulation and Legislation – Protect consumers by enhancing regulation and legislation to meet evolving industry challenges.
  6. Administration – Efficiently use resources and personnel to meet Bureau goals and objectives.
- Review and Update Objectives – After reviewing the Environmental Scan results, the committee discussed and determined the following objectives for each goal:
    1. Licensing
      - 1.1 Partner with other government agencies, professional associations and advocacy organizations to educate about Professional Fiduciary licensing requirements.

- 1.2 Create legislation for a Retired, Deceased, and Cancelled license designation. Additionally, create legislation to allow reinstatement of a license when appropriate.
- 1.3 Update the Bureau's website to include current information on the licensing process.
- 1.4 Research the feasibility of creating a Specialty and/or Certification license type.
- 1.5 Research the feasibility of creating an Entry Level license type.
- 2. Enforcement
  - 2.1 Actively seek out unlicensed activity in partnership with other government agencies.
  - 2.2 Ensure adequate enforcement staffing levels to comply with Department enforcement timeframes.
  - 2.3 Clarify the complaint process on the Bureau's website to better inform stakeholders. Provide information about mandated reporting on the complaint form.
  - 2.4 Establish regulations for the Bureau's disciplinary guidelines.
  - 2.5 Research and identify multi-professional licensees to determine potential conflict of interest or misuse of their fiduciary license.

Break 12:02pm-1:35pm

Roll call was taken again after lunch and there were five Committee Members present.

- 3. Communication & Outreach
  - 3.1 Establish relationships with other regulatory agencies, professional associations and advocacy organizations to educate consumers about the Professional Fiduciaries Bureau.
  - 3.2 Identify and use media opportunities to increase Bureau visibility and its activities.
  - 3.3 Establish an electronic subscriber list for the E-Newsletter and increase circulation by 30%.
  - 3.4 Gather and disseminate stakeholder article submissions through the E-Newsletter.
  - 3.5 Identify other professional license types held by licensees to target fiduciary education and outreach efforts in these disciplines.
- 4. Professional Education
  - 4.1 Standardize pre-licensing requisites for approved Professional Fiduciary educational programs.
  - 4.2 Standardize continuing education requisites for approved Professional Fiduciary continuing education vendors.
  - 4.3 Explore the legality and feasibility of providing self-study continuing education units through the Bureau's E-Newsletter.
- 5. Regulation and Legislation
  - 5.1 Establish regulations to require a licensee's professional fiduciary license number on advertisements.
  - 5.2 Establish regulations for record retention and disclosure requirements.
  - 5.3 If creation of an Entry Level license type is feasible, pursue legislative and regulatory changes and implement.
  - 5.4 If creation of Specialty and/or Certification license types is feasible, pursue legislative and regulatory changes and implement.
  - 5.5 Assess feasibility (and modify if appropriate) CCR 4446 to remove the list of approved education providers.
  - 5.6 Establish legislation requiring licensees to disclose professional liability insurance.
  - 5.7 Establish legislation to expand professional fiduciary licensure to include estate/probate administration, personal representatives and special administrators in parity with Business & Professions Code 6501(f)(2).

6. Administration

6.1 Ensure adequate staffing levels to achieve the Bureau's mandated goals and objectives in the areas of licensing, enforcement and education.

6.2 Finalize internal Bureau policy and procedures manual.

6.3 Work with the Department of Consumer Affairs to ensure successful implementation of the BreEZe system.

6.4 Create an assessment tool for staff in the Complaint Resolution Program to assist in triaging Bureau complaints to better protect the public and to reduce enforcement cycle times.

Break

V. Strategic Planning – Next Steps:

- Draft Strategic Plan to the Bureau by 9/1/2013
- Edits from Bureau to Solid by 9/15/2013
- Final Draft to the Bureau by 10/1/2013
- Adoption of Strategic Plan at 11/19/2013 Advisory Committee Meeting
- Action Planning 2/??/2014

VI. Public Comment on Items Not on the Agenda

Ms. Bessey requested the Business and Profession code be changed to allow an LLC to be licensed.

Ms. Lorenz replied a fiduciary is not allowed to operate under an LLC and this would not be a protection for consumers. Ms. Bessey also requested the consideration of lowering renewal fees. This is not a possibility at this time.

Mr. Counts suggested the Bureau provide direction to the Trust Attorney's on how to subscribe to the E-Newsletter and request article submissions from them. He would also like the Bureau to explain to CPAs and attorneys why they should not be doing fiduciary work without the adequate training.

VII. Adjournment

The meeting was adjourned at 3:15pm