

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
46

**Professional Fiduciaries Bureau
Advisory Committee Meeting
Tuesday, November 18, 2014
Meeting Minutes**

**Department of Consumer Affairs (DCA) – HQ1
1625 N. Market Boulevard, 1st Floor Hearing Room
Sacramento, CA 95834**

Committee Members Present

Marguerite Lorenz – Chair
Barbara de Vries, Vice Chair
Aileen Federizo
Kathleen Thomson
Hang Le To
Prescott Cole
Diana Amaya

Staff Present

Julia Ansel, Bureau Chief
Angela Bigelow, Program Analyst
Angelique Scott, DCA Legal Counsel
Awet Kidane, DCA Director
Robert de los Reyes, DCA Budget Analyst
Greg Pruden, DCA Legislative Analyst

- 1) Call to Order – Ms. Lorenz called the meeting to order at 10:30 a.m.
- 2) Roll Call – Ms. Julia Ansel, Bureau Chief called roll. There were seven members present and a quorum was established. Ms. Ansel welcomed the Committee Members, public, and webcast viewers. The meeting started with Ms. Ansel reading the Professional Fiduciaries Bureau (Bureau) mission statement.
- 3) Introductions – Those in attendance introduced themselves.
- 4) Approval of the Advisory Committee Meeting Minutes from August 27, 2014 – Changes were requested as follows:
 - Page 1, item 4, line 1, change “ay” to “May”
 - Page 2, item 7, bullet 4, line 2, change “dependant” to “dependent”
 - Page 3, item 7, bullet 7, line 3, change “stated” to “states”
 - Page 3, item 7, last paragraph, line 6, add the word “to” after “Bureau”
 - Page 3, item 7, last paragraph, line 7, change “of” to “that”
 - Page 5, item 10, line 1, add the word “said” after “Ms. Scott”

1 Page 5, item 11, paragraph 2, 4th line from the bottom, change “notice” to “noticed”

2 Page 6, item 11, line 2, change “embers” to “members”

3 Page 6, item 11, 8th line from the bottom, add the word “not” between the words “had received”

4 Ms. Federizo made a motion to approve the minutes with changes, Ms. To seconded the motion,
5 all were in favor, none were opposed, and the motion carried.

6 Public Comment: None.

- 7
- 8 5) Updates from the Director’s Office – DCA Director Awet Kidane thanked the Committee Members
9 for inviting him to speak and stated that the committee serves a very important role in the
10 community. He stated the Governor has brilliantly balanced the budget in a very efficient way and
11 is asking all employees to challenge themselves to do their jobs better, faster, and more
12 efficiently. In order to do this the he will need data to determine what type of training is needed to
13 be more efficient in our jobs. His office will be working closely with the Bureau Chief and
14 welcomes any feedback or suggestions from the Committee Members.

15 Public Comment: None.

- 16
- 17 6) Budget Report – Mr. Robert de los Reyes, DCA Budget Analyst stated there were no major
18 budget updates. The Budgets office is in the process of building the budget and the Governor will
19 release the budget on January 10, 2015.

20 Public Comment: None.

- 21
- 22 7) Legislative Update – Mr. Greg Pruden, DCA Legislative Analyst presented on the following bills:

23 AB 1571 is dead.

24 AB 1859 is dead.

25 AB 2024 was signed and will be effective January 1, 2015. Ms. Lorenz asked if regulations will be
26 in place by the effective date and Ms. Ansel answered that they will not be completed.

27 AB 2034 is dead.

28 AB 2171 was signed and will be effective January 1, 2015.

29 AB 2741 was signed and will extend the Bureau’s sunset date to January 1, 2019.

30 SB 940 was signed and will be effective January 1, 2016.

31 Mr. Cole stated that although AB 2171 was signed the clause “private right of action” was stricken
32 from the bill.

33 Public Comment: None.

- 34
- 35 8) Bureau Update – Ms. Ansel Stated all licensing, renewals, and enforcement intake were up-to-
36 date at this time. The Bureau has established a new process of making a courtesy call to all new
37 licensees to answer any questions the new licensee might have and to remind the new licensee of
38 his/her reporting duties to the Bureau. The Bureau staff has attended senior scam stopper events
39 in partnership with the Contractor’s State Licensing Board and the Department of Insurance. The
40 Bureau will be attending the Solano County Fraud Fair in Fairfield next week.

- 41 • Statistics – Ms. Ansel presented the statistics for this Fiscal Year as follows:

42 2 Accusations, 2 Citations, 55 average days to close complaints, 66 pending complaints,
43 54 complaints received, 639 active licenses, 804 total licenses issued since inception. Ms.
44 Federizo would like to see a comparison of this Fiscal Year and last Fiscal Year at the next
45 meeting.

- 46 • E-Newsletter – The deadline for submissions for the 2015 Winter edition is February 1,
47 2015.

- 48 • Expiration of Advisory Committee Member’s Terms – Some of the Advisory Committee
49 Member’s terms expire on January 1, 2015. There is a one-year grace period if a new
50 member is not appointed prior to the expiration date. If current members would like to
51 reapply, he/she should contact the appropriate appointing committee.

- 1 • Discussion on Retirement of Licensed Professional Fiduciaries – Ms. Ansel stated the
2 subject of licensees wanting to retire comes up often. With that also comes the problem
3 that the licensee may still have a caseload which requires he/she to be licensed and
4 he/she has not completed the required continuing education needed to renew his/her
5 license because he/she had anticipated retiring. The Bureau expects all licensees to
6 remain licensed as long as his/her caseload is required to by law. Ms. de Vries stated
7 trying to retire is difficult for a Professional Fiduciary. The licensee may stop taking cases
8 but it may take years to finish the caseload. Ms. Lorenz suggested this be part of the
9 discussion with new licensees and to put it in the e-newsletter.

10 Public Comment: None.

11 Ms. Angelique Scott, DCA Legal Counsel stated regulations may be needed to have a definition of
12 retired and Ms. Lorenz asked if a subcommittee was needed to help the Bureau with this and Ms.
13 Ansel answered the Bureau did not need the assistance of a subcommittee at this time, but would
14 like to reserve the right to ask for this later if needed.

- 15
16 9) Education Subcommittee Report – Ms. de Vries presented the following proposal for the Advisory
17 Committee to recommend to the Bureau for consideration:

18
19 **Rationale for Professional Fiduciary Uniform Education Requirement**

20
21 The hallmark of every profession is the minimum level of competency required of its
22 practitioners. Consumers and the public at large need to be assured that a licensed professional has
23 the knowledge and skills necessary to handle their affairs. The rudimentary qualification of a
24 Professional Fiduciary is to be capable of managing the health and financial affairs of their clients and
25 to be ethical and organized in those endeavors.

26
27 In preparation for becoming a licensed Professional Fiduciary a candidate needs to become
28 familiar with the basics of four substantive areas. The substantive areas they need to know are:
29 introduction to being a private Professional Fiduciary and best practices; services dealing with the
30 person; services dealing with finances; and public benefits. The requisite number of hours for each of
31 the substantive areas should be as follows: three hours for introduction and best practices; ten hours
32 for services dealing with the person; fourteen hours for services dealing with finances; and three
33 hours for public benefits. While the Professional Fiduciary may not choose to practice in these areas,
34 he/ she must know what resources are available and how to access them.

35
36 With the completion of these hours, by passing the Professional Fiduciary License Exam, and
37 by complying with the other rules for licensing, the public can have confidence that those who hold
38 the Professional Fiduciary license possess the foundation of knowledge necessary for taking over and
39 managing the health and financial affairs of their clients.

40
41 Ms. Thomson made a motion to recommend the proposal to the Bureau, Ms. Federizo seconded
42 the motion, all were in favor, none were opposed, there were no abstentions, and the motion
43 carried.

44 Ms. de Vries stated the Education Subcommittee has no future meetings scheduled at this time.
45 Public Comment: None.

- 46
47 10) Election of 2015 Chair and Vice Chair – Ms. Ansel stated due to several members terms expiring
48 prior to the next meeting, she would like to continue this item to the next meeting. Ms. de Vries
49 motioned to postpone the election until the February 2015 meeting, Ms. To seconded the motion,
50 all were in favor, none were opposed, there were no abstentions, and the motion carried.
51 Public Comment: None.
52

- 1 11) Future Agenda Items
2 -Discuss Education Subcommittee proposal and drill down into more detailed subject topics.
3 -Election of Chair and Vice Chair.
4 -At a future meeting the Education Subcommittee take a look at continuing education
5 requirements.
6 -How the Bureau can educate the public and licensees on requirements.
7 -Discussion on how to provide outreach and education about the profession.
8 -Invite a representative from the Trust & Estates section of the California BAR Association to
9 speak about their program.
10 Public Comment: Mr. Counts suggested the Bureau use you tube videos for education. He also
11 suggested the Bureau ask the Franchise Tax Board to add a question to the Form 541 asking if a
12 person is doing Professional Fiduciary work and is not licensed by the Bureau, how are they
13 exempt.
14
15 12) Future Meeting Dates
16 -February 4, 2015
17 -May 6, 2015
18 -August 19, 2015
19 -November 18, 2015
20
21 13) Public Comment on Items Not on the Agenda – None.
22
23 14) Adjournment – The meeting was adjourned at 12:30p.m.