

1
2
3 **Professional Fiduciaries Bureau (Bureau)**
4 **Advisory Committee Meeting**
5 **Wednesday, February 3, 2016**

6 **Meeting Minutes**

7
8 **Committee Members Present**

9 Barbara de Vries, Chair

10 Aileen Federizo, Vice Chair (via teleconference location)

11 Jenny Chacon

12 Dawn Akel

13 King Gee

14 Hang Le To

15 Kathleen Thomson

16
17 **DCA Staff Present**

18 Julia Ansel, Bureau Chief

19 Angela Bigelow, Bureau Program Analyst

20 Angelique Scott, DCA Legal Counsel

21
22
23 1) Call to Order – Ms. Barbara de Vries called the meeting to order at 10:05 a.m.

24
25 2) Roll Call – Ms. Barbara de Vries, Committee Chair, called roll Committee members Ms. de Vries,
26 Ms. Jenny Chacon, Ms. Dawn Akel, Mr. King Gee, Ms. Hang Le To and Ms. Kathleen Thomson,
27 were present at meeting location 1747 Market Blvd, Sacramento, CA 95834. Ms. Aileen Federizo
28 was present via teleconference from teleconference location 6345 Balboa Blvd., #114, Encino, CA
29 91316. A quorum was established with all members present.

30
31 3) Introductions – DCA staff and Committee Members introduced themselves.

32
33 4) Professional Fiduciaries Bureau Mission Statement – Ms. Julia Ansel read the Bureau's mission
34 statement and stated there would be the opportunity for public comment after each agenda item.

35
36 5) Approval of the Advisory Committee Meeting Minutes from August 19, 2015 – Ms. Kathleen
37 Thomson motioned to approve the minutes as written. Ms. Aileen Federizo seconded the motion.
38 A vote by roll call was made: Ms. de Vries, Ms. Jenny Chacon, Mr. King Gee, Ms. Hang Le To
39 and Ms. Kathleen Thomson, Ms. Aileen Federizo were in favor, none were opposed, Ms. Dawn
40 Akel abstained, and the motion carried.

41
42 Public Comment: None.

43
44 6) Updates from the Director's Office – Ms. Shelly Jones announced the second phase of BreZE
45 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.

11
12 Public Comment: None.

- 13
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.

28
29 Public Comment: None.

- 30
31 8) Legislative Update – Ms. Natalie Martin-Rojas, DCA Legislative Analyst presented the following
32 legislative updates.

- 33
34 • Legislation Impacting the Bureau –

35
36
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.*

46
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.*

8
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.*

25
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 –

31
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.

33
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.

36
37 Public Comment: None.

38
39 9) Bureau Update –

- 40 • Statistics – Ms. Julia Ansel presented the statistics for this Fiscal Year (FY) through
41 December 31, 2015, as follows:
42

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

1
2 Public Comment: None.

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

11
12 Public Comment: None.

13
14 10) Continuing Education Audit Results – Ms. Angela Cuadra stated the audit is completed. Audit
15 letters were sent to 45 active licensees which was approximately 5% of the total licensing
16 population at the time of the audit. The Bureau received a 98% response rate and 87% of the
17 licensees who responded were in compliance. The Bureau issued six citations for
18 noncompliance. Citations were issued for no reply, not completing ethics courses, and not
19 completing a total of fifteen hours.
20 Ms. Cuadra referred to the audit as being random. Mr. Gee stated the audit is not truly random
21 because anyone audited for the year 2013, which came up in the randomization for 2014, was
22 removed from the following year's audit pool. Ms. Cuadra explained the Bureau has authority to
23 audit the licensees and the Bureau is not required to complete a random audit, but, the Bureau
24 started conducting audits as a way to determine if licensees are completing the hours and to
25 educate the licensees who are not. Mr. Gee suggested the next audit be done as a pure random
26 audit. Ms. Thomson suggested to just remove the word random if it is not a purely random audit.
27 Ms. Chacon stated, she would like to see if the licensees who were cited one year and then
28 audited the next, gained compliance the second year.

29
30 Public Comment: None.

31
32 11) New Publication "What is a Professional Fiduciary?" – Ms. Cuadra presented the new brochure
33 which was published December of 2015. Ms. de Vries stated the wording tax preparations
34 sounds like the fiduciary is preparing taxes and Ms. Ansel stated the Bureau will look at revising
35 the wording before the next printing of the brochure.

36
37 Public Comment: None.

38
39 12) Future Agenda Items
40 -Intent of AB 1566
41 -Client Notification Regulations

42
43 Public Comment: None.

44
45 13) Future Meeting Dates
46 -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.