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

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6 **Meeting Minutes**

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8 **Committee Members Present**

9 Barbara de Vries, Chair  
10 Hang Le To, Vice Chair  
11 Dawn Akel  
12 Jenny Chacon  
13 Aileen Federizo (via teleconference location)  
14 King Gee

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17 **DCA Staff Present**

18 Julia Ansel, Bureau Chief  
19 Angela Bigelow, Bureau Program Analyst  
20 Angelique Scott, DCA Legal Counsel

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22  
23 1) Call to Order – Ms. Barbara de Vries called the meeting to order at 10:09 a.m.  
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25 2) Roll Call – Ms. Julia Ansel, Bureau Chief, called roll. Committee members Ms. Barbara de Vries,  
26 Ms. Dawn Akel, Mr. King Gee, and Ms. Hang Le To, were present at meeting location 1625 N.  
27 Market Blvd, Sacramento, CA 95834. Ms. Aileen Federizo was present via teleconference from  
28 teleconference location 6345 Balboa Blvd., #114, Encino, CA 91316. Ms. Jenny Chacon and Ms.  
29 Thomson were not present. A quorum was established with five members present.  
30  
31 3) Introductions – Department of Consumer Affairs (DCA) staff and Committee Members introduced  
32 themselves. Ms. Chacon arrived at 10:10 a.m.  
33  
34 4) Professional Fiduciaries Bureau Mission Statement – Ms. Julia Ansel read the Bureau’s mission  
35 statement and stated there would be the opportunity for public comment after each agenda item.  
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37 5) Approval of the Advisory Committee Meeting Minutes from May 3, 2016 – Ms. To motioned to  
38 approve the minutes as written. Ms. Federizo seconded the motion. A vote by roll call was made:  
39 Ms. de Vries, Ms. To, Ms. Akel, Ms. Chacon, Ms. Federizo, and Mr. Gee were in favor, none were  
40 opposed, Ms. Thomson was not present, and the motion carried.

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42 Public Comment: None.

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44 6) Updates from the Director’s Office – Mr. Jonathan Burke, Manager, DCA Board and Bureau  
45 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

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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.