

1
2
3 **Professional Fiduciaries Bureau (Bureau)**
4 **Advisory Committee Meeting**
5 **Wednesday, August 24, 2016**

6 **Meeting Minutes**

7
8 **Committee Members Present**

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

15
16 **Committee Members Absent**

17 Barbara de Vries, Chair

18
19
20 **DCA Staff Present**

21 Tracy Montez, Division Chief
22 Angela Bigelow, Bureau Program Analyst
23 Gary Duke, DCA Legal Counsel

- 24
25
26 1) Call to Order – Ms. Hang Le To called the meeting to order at 10:09 a.m.
27
28 2) Roll Call – Ms. Tracy Montez, Division Chief, asked Ms. Angela Cuadra to call roll. Committee
29 members Ms. Dawn Akel, Mr. King Gee, Ms. Jenny Chacon, Ms. Kathleen Thomson, and Ms.
30 Hang Le To, were present at meeting location 1625 N. Market Blvd, Sacramento, CA 95834. Ms.
31 Aileen Federizo was present via teleconference from teleconference location 6345 Balboa Blvd.,
32 #114, Encino, CA 91316. Ms. Barbara de Vries was not present. A quorum was established with
33 six members present.
34
35 3) Update on Status of the Bureau Chief Position – Ms. Tracy Montez thanked Ms. Julia Ansel for
36 serving as the Bureau Chief for the past three years. This position is appointed by the Governor
37 and as soon as an appointment is made by the Governor, Ms. Montez will notify the Committee
38 Members.

39
40 Ms. Ansel thanked the Committee Members and stated it was a pleasure working with all of them.

41
42 Public Comment: None.

- 43
44 4) Introductions – Department of Consumer Affairs (DCA) staff and Committee Members introduced
45 themselves.
46

1 5) Professional Fiduciaries Bureau Mission Statement – Ms. Montez read the Bureau’s mission
2 statement.
3

4 Public Comment: None.
5

6 6) Approval of the Advisory Committee Meeting Minutes from May 3, 2016 – Ms. Federizo motioned
7 to approve the minutes as written. Ms. Akel seconded the motion. A vote by roll call was made:
8 Ms. To, Ms. Akel, Ms. Chacon, Ms. Federizo, Ms. Thomson, and Mr. Gee were in favor, none
9 were opposed, Ms. de Vries was not present, and the motion carried.
10

11 Public Comment: None.
12

13 7) Updates from the Director’s Office – Ms. Shelly Jones, Manager with the Board and Bureau
14 Relations Division, reported in late June, the Governor appointed Jeff Mason as Chief Deputy
15 Director of the DCA. In May, Melinda McClain, Deputy Director of Legislative and Regulatory
16 Review, accepted a position at the Governor’s Office and in July, the Governor appointed Adam
17 Quinonez to the position of Deputy Director of Legislative and Regulatory Review. Also in May,
18 DCA Assistant Chief Counsel, Tamara Colson was appointed as Assistant Chief Counsel at the
19 Bureau of Medical Cannabis Regulation and Ryan Marcroft was appointed to replace Ms. Colson,
20 starting on August 22, 2016.
21 DCA has implemented a process for onboarding new Executive Officers (EO) and Bureau Chiefs
22 (Chief).
23 Additionally, the DCA SOLID office offers a wide variety of services to offices within DCA and at
24 the end of August will hold its third EO and Chief brown bag lunch meeting. The agenda will
25 include discussion on psychological safe work places, building a work philosophy, peer panel, and
26 update on future leadership development program. Peer panel meeting date will be finalized this
27 week and meeting invitations will be sent out.
28 Finally, DCA will be updating the Department’s strategic plan for 2017-2019 and will be sending a
29 survey to stakeholders, including advisory committee members in mid-September.
30

31 Public Comment: None.
32

33 8) Budget Report – Ms. Marina O’Connor, Budget Manager and Mr. Matt Nishimine, Budget
34 Analyst, provided a copy of the Bureau’s fund condition and expenditure report for Fiscal Year
35 2015-2016. Mr. Nishimine reported the Bureau almost fully expended the budget leaving just over
36 \$1,000 in savings. The Bureau has a small/tight budget and the Budget office will continue to
37 work closely with the Bureau to monitor spending.
38 Ms. Montez commented that she will discuss with the new Bureau Chief ideas of how to increase
39 licensing population and making people aware of the profession and that there is a real need for
40 this profession with the aging population growing. Ms. Montez also stated that Ms. Cuadra has
41 already been doing some work in this area.
42 Ms. Federizo asked if the 4.7 months in reserve is the goal for the Bureau and Mr. Nishimine
43 answered that a healthy reserve is three to six months and that there is a statutory cap of six
44 months.
45

46 Public Comment: None.
47

48 9) Legislative Update – Ms. Natalie Martin-Rojas, DCA Legislative Analyst stated at the request of
49 the Advisory Committee Members she has shortened the list of items for review at the meeting.
50 The last day of the legislative session is August 31 and there will be no other activity for the rest of
51 the year. The last day for the Governor to sign or veto bills will be September 30.

1 Ms. Martin-Rojas read bills from the handout.
2

3 **2016 Legislation Related to the Bureau**

4 **AB 1580 (Gatto) Consumer credit reports: security freezes: protected
5 consumer**

6 This bill authorizes a representative of a protected consumer, defined as an
7 individual who is under 16 years of age or in foster care at the time a request for the
8 placement of a security freeze is made, or an incapacitated person or a protected
9 individual for whom a guardian or conservator has been appointed, to place or
10 remove a security freeze for the protected consumer, as specified. *This bill is in third
11 reading on the Senate Floor as of publication.*
12

13 **AB 1700 (Maienschein) Trusts: Notice of proposed action by trustee.**

14 This bill would authorize a trustee to provide a notice of proposed action for
15 preliminary and final discharges and would reduce the minimum amount of time
16 within which objections to a proposed action can be made to 30 days from the date
17 of mailing of the notice. *This bill has been passed, signed, and chaptered.*
18

19 **2016 Legislation Related to All DCA Programs**

20 **AB 2859 (Low) Professions and vocations: retired category: licenses.**

21 This bill would allow all programs within the Department to issue a retired license,
22 with specific limitations. *This bill is in third reading on the Senate Floor as of
23 publication.*
24

25 **SB 1130 (Wieckowski) False Advertising: substantiation of claims: county
26 counsel.**

27 This bill would allow a County Counsel to take the same actions as the Director of
28 the Department of Consumer Affairs, the Attorney General, any City Attorney or any
29 District Attorney when the failure of the advertiser to adequately substantiate a claim
30 within a reasonable time occurs or if the requesting official has reason to believe that
31 the advertising claim is false or misleading. *This bill has been passed, signed, and
32 chaptered.*
33

34 Ms. Federizo stated in AB 1700 the word discharge should be distributions and Ms. Martin-Rojas
35 replied that is correct and this was a typo.

36 Ms. Federizo requested all bills related to caregivers be followed and reported on to the
37 committee and Ms. Akel agreed this would be helpful. Ms. Martin-Rojas stated caregiver bills are
38 reviewed by the department which the bills are directly related to. Ms. Martin-Rojas stated she
39 can report on any bills that are specifically requested by the committee.

40 Ms. Montez stated she would follow-up with the DCA Legislative and Regulatory Review office to
41 determine if it is possible to report on the caregiver bills.
42

43 **Board Requested Legislative Updates**

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

46 This bill would require all newly appointed members of programs within the
47 Department of Consumer Affairs to complete training that includes information about
48 the Bagley-Keene Open Meeting Act, the Administrative Procedure Act, the Office of
49 Administrative Law, and the Department's Conflict of Interest Code. *This bill failed to
50 meet the hearing deadline for fiscal bills to be heard and passed out of policy
51 committee in their house of origin and is dead for the 2015-2016 legislative session.*

1
2 **SB 1284 (Hernandez) Human remains: conservator of the person or estate.**

3 This bill would add a conservator of the person and a conservator of the estate to the
4 above provision for purposes of relinquishment, as specified, if the agent under a
5 power of attorney, the surviving spouse, or any of the other specified relatives who
6 have the right to control the disposition and arrange for funeral goods and services
7 fails to act or cannot be found within a specified period, that the person's right to
8 control the disposition and arrange for funeral goods. *This bill has been passed,*
9 *signed, and chaptered.*

10
11 Ms. Martin-Rojas stated the committee requested an update/clarification on AB 2701 and SB
12 1284 and read the bills. AB 2701 required training for all boards, bureaus, and commissions
13 under DCA and the bill did not pass and is dead. The question from the committee was whether
14 training would be different for each office and the answer is the training would have been the
15 same, because the definition of a board includes bureaus, commissions and committees.
16 In regard to SB 1284, the committee had asked for clarification of the role of the conservator. Ms.
17 Martin-Rojas stated the bill was revised to add the conservator has control of the conservatees
18 remains after death.

19
20 Public Comment: None.

21
22 10) Bureau Update –

- 23 • Statistics – Ms. Montez presented explained the statistic comparisons by FY 2013/14,
24 2014/15, and 2015/16

Type	FY 2013/14	FY 2014/15	FY 2015/16
Accusation	2	4	1
Citations Issued	5	7	7
Complaints Received	103	148	136
Complaints Closed	95	97	106
Complaints Pending	35	85	103
Average Days to Close	100	121	154
New Licenses Issued	72	72	81
Active Licenses	645	669	712
Total Licenses Issued	779	851	932

- 25
26
27 • E-Newsletter – The Guardian E-newsletter was published and distributed to the interested
28 parties list on June 22 and is also posted on the Bureau's website. The Bureau is
29 currently accepting articles and topics for the next E-newsletter.
30 • Outreach – The Bureau attended and/or spoke at several events since the last Advisory
31 Committee meeting. Ms. Montez listed the events attended and asked Ms. Cuadra to
32 elaborate on the events the Bureau staff attended.
33 Ms. Cuadra stated the Bureau attended the Senior Resource Fair in Citrus Heights for the
34 second time and handed out brochures and spoke with consumers about the services
35 Professional Fiduciaries provide. The Bureau also attended the Professional Fiduciary
36 Association of California (PFAC) conference in Indian Wells in June, spoke at the opening
37 remarks session, lead lunchtime roundtable discussions, and spoke with new applicants
38 and licensees. Finally, the Bureau spoke at several Senior Scam Stoppers (SSS) which
39 are led by the Contractors state Licensing Board. Mr. Gee stated he was able to attend
40 the SSS sponsored by Assembly member Cooper at the Asian Community Center. Mr.

1 Gee also explained that the Asian Community Center in Sacramento does many things in
2 the Sacramento area including running the Meals on Wheels program in Sacramento and
3 Placer Counties and running a nursing home in Sacramento.

4 Ms. Thomson asked about using committee members to speak at outreach events and
5 Ms. Cuadra answered this was brought up in the past but the Bureau has not received any
6 requests outside of the Sacramento area since this was discussed. Ms. Montez stated
7 she will add this for discussion with the new Bureau Chief once appointed.

- 8 • Status of Client Notification Regulations – The regulations will be submitted on time and
9 will become effective January 1, 2017.

10 Ms. Akel asked how the information will be transmitted to the licensees and Ms. Montez
11 answered it will be posted on the website and included in the newsletter. Ms. Cuadra
12 stated notification will also be sent to the interested parties' mailing list. Ms. Akel
13 recommended the information be passed on to PFAC for distribution. Ms. Federizo asked
14 how this will be enforced and Ms. Montez answered the Bureau would investigate through
15 complaints.

- 16 • Strategic Plan Update – The plan expires this year and this will be one of the items for the
17 new Bureau Chief to work on. A copy of the plan was included in the materials and
18 committee members should review and give input when the time comes. The plan is a
19 wish list and some items have been completed, some are in progress, and others will not
20 be completed.
- 21 • Complaint Breakdown by Type – The top five complaint categories were presented on the
22 handout.

23 Ms. Chacon asked what “governing documents” under the heading of unprofessional
24 conduct refers to. Ms. Cuadra replied it is the document governing the fiduciary
25 appointment such as the trust or government benefits. Ms. Montez will follow-up with the
26 committee at the next meeting.

27
28 Public Comment: None.

29
30 11) Future Agenda Items

- 31 -Reporting on Caregiver Bills
- 32 -Follow-up on meaning of governing documents
- 33 -Strategic Plan
- 34 -Election of Chair and Vice Chair
- 35 -Set Meeting Dates for 2017

36
37 Public Comment: None.

38
39 12) Future Meeting Dates

- 40 -Wednesday, November 16, 2016

41
42 Public Comment: None.

43
44 13) Public Comment on Items Not on the Agenda – None.

45
46 14) Adjournment – The meeting was adjourned at 11:10 a.m.