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**Professional Fiduciaries Bureau (Bureau)
Advisory Committee Meeting
Wednesday, May 3, 2017**

Meeting Minutes

Committee Members Present

- Hang Le To, Chair
- Aileen Federizo, Vice Chair (via teleconference location)
- Dawn Akel
- Jenny Chacon (via teleconference location)
- Kathleen Thomson
- Barbara de Vries (via teleconference location)
- King Gee

Department of Consumer Affairs (DCA) Staff Present

- Tracy Montez, Division Chief
- Sabina Knight, Operations Manager
- Angela Cuadra, Bureau Program Analyst
- Myrlys Stockdale, DCA Legal Counsel

- 1) Call to Order – Ms. To called the meeting to order at 10:01 a.m. and stated the meeting date and locations.
- 2) Roll Call – Ms. Montez, Division Chief, asked Ms. Cuadra to call roll. Committee members Ms. Hang le To, Ms. Dawn Akel, Mr. King Gee, and Ms. Kathleen Thomson, were present at meeting location 1625 N. Market Blvd, Sacramento, CA 95834. Ms. Aileen Federizo was present via teleconference from teleconference location 6345 Balboa Blvd., #114, Encino, CA 91316. Ms. Barbara de Vries was present via teleconference from teleconference location 5-Third Street, Suite 1132, San Francisco, CA 94103. A quorum was established with six members present. Ms. Jenny Chacon arrived at 10:13 a.m. at the teleconference location in San Francisco.
- 3) Introductions – Department of Consumer Affairs (DCA) staff and Committee Members introduced themselves. Ms. Deanna Wiebe, Mr. James Counts, and Ms. Jordan Goldstein introduced themselves from the teleconference locations.

Public Comment: None.
- 4) Update on Status of the Bureau Chief Position – Ms. Montez stated the position is still vacant and awaiting appointment by the Governor's office but the Bureau is pleased to have Ms. Sabina Knight as the Operations Manager to assist running the Bureau until the appointment is announced.

Public Comment: None.

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2 5) Professional Fiduciaries Bureau Mission Statement – Ms. Montez read the Bureau’s mission
3 statement.
4

5 Public Comment: None.
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7 6) Discussion and Possible Approval of the Advisory Committee Meeting Minutes from February 8,
8 2017 – Edits were requested to lines 17 and 27 on page three of the minutes. Ms. Federizo
9 motioned to approve the minutes with edits. Ms. de Vries seconded the motion. A vote by roll call
10 was made: Ms. Federizo, Ms. Chacon, Ms. Akel, Ms. Thomson, Mr. Gee, Ms. de Vries, and Ms.
11 To were in favor and the motion carried.
12

13 Public Comment: None.
14

15 7) Updates from the Director’s Office –Mr. Jon Burke, Manager with the DCA Board and Bureau
16 Relations Office, reported Ms. Alexis Podesta was appointed in February as the Secretary of the
17 Business, Consumer Services and Housing Agency. Also, in February, Director Awet Kidane
18 accepted a new job opportunity and Mr. Dean Grafilo was appointed as the new Director of DCA.
19 Mr. Grafilo joined DCA on March 20, 2017.

20 The Governor’s proposed changes to the 2017/18 State budget, also known as the May Revise,
21 will be announced soon and the deadline for the Legislature to approve the budget is June 15,
22 2017. Also, DCA will be releasing the Department’s Strategic Plan this month and it will be
23 emailed to all board and bureau committee members.

24 Mr. Burke thanked the members for submitting the Form 700 filing in a timely manner and
25 reminded the members that 2017 is a mandatory Sexual Harassment Prevention training year and
26 all employees, board and committee members are required to complete the training even if it was
27 completed in 2016.
28

29 Public Comment: None.
30

31 8) Budget Report – Ms. Marina O’Connor, Manager of the Budget Office, introduced Ms. Nicole
32 Dragoo as the new budget analyst for the Bureau. Ms. O’Connor presented the expenditure
33 projections as of fiscal month nine. This report is projecting a high reversion of \$149,456 which is
34 due to the Bureau Chief vacancy. Ms. Montez stated the Bureau will be drafting an interagency
35 agreement with the DCA Office of Professional Examination Services (OPES) to complete an
36 Occupational Analysis (OA) of the current examination. Some of the reversion funds will be used
37 to complete the OA. Ms. de Vries asked which category of the budget the funds for the OA would
38 be charged and Ms. O’Connor stated the line titled IA w/OPES.

39 The revenue projection handout provides a snapshot of revenue as of the same month for the last
40 two year as a comparison. The Bureau’s revenue is projected at \$619,000 by the end of the fiscal
41 year which is higher than was originally projected in the Governor’s Budget. Mr. Thomson asked
42 about the Investigation cost recover line item and Ms. O’Connor replied, once an enforcement
43 case is completed some of the costs may be recoverable to the Bureau. Mr. Gee asked why the
44 projected revenue was higher than the original projections and Ms. O’Connor answered that it is
45 normal for projections to be off a little as this is an estimate projection.

46 The fund condition report includes one additional fiscal year past the governor’s approved budget
47 projections. The Bureau is budgeted to spend \$494,000 this year, but will be spending less than
48 that according to the current projections.

49 Statewide prorata will no longer appear in the budget, but will be shown on the fund condition
50 report. It is now a direct assessment to the Bureau’s fund. Mr. Gee asked what the prorata is
51 based on and Ms. O’Connor answered it is payment to other State offices for services provided to

1 the Bureau. Ms. To asked how the amount is determined and Ms. O'Connor answered the
2 amount is determined by the Department of Finance (DOF). Ms. Montez added DOF does factor
3 in the size of the Bureau in its calculations.
4

5 Public Comment:

6 Mr. Jim Counts stated he cannot read the handouts because the type is too small and part of one
7 handout is shaded.

8 Ms. Montez asked Ms. O'Connor to read the numbers from the shaded revenue projection report.
9 The font size will be taken into account for the next meeting. Ms. Montez stated the color version
10 of the reports will be posted to the website.

11 Mr. Jerry Desmond, Legislative Analyst commented that on behalf of the Professional Fiduciaries
12 Association of California (PFAC), PFAC is interested in the prorata amounts and how they are
13 determined, but also recognizes the sensitivity of the issue. PFAC would like to be involved,
14 when the time comes, with the OA.
15

- 16 9) Legislative Update – Ms. Julia Bishop, Manager of the Legislative Office read the upcoming
17 Legislative dates and bills on the handout. So far this year there are no bills identified that relate
18 to the Bureau.

19 AB 12, AB 77, AB 241, and AB 827 are currently being held in the suspense file at the
20 Appropriations Committee.

21 AB 349 and AB 1005 are with the Assembly Appropriations Committee.

22 AB 492 is on the Assembly floor for vote.

23 AB 703 failed to pass the first policy committee and will not be moving forward this year.

24 AB 1053 failed to pass the first house policy deadline and will not be moving forward this year.

25 AB 1631 will not be moving forward this year.

26 SB 27 is with the Senate Appropriations Committee.

27 SB 496 was amended and no longer applies to DCA.
28

29 Ms. Federizo asked for an update on tracking caregiver legislation. Ms. Bishop stated there is an
30 agenda item for this meeting to discuss caregiver legislation. DCA receives direction from the
31 Governor's office of which bills to track for the Bureau.

32 Ms. Chacon asked for an explanation of the rationale of AB 349 and AB 827. AB 349 would
33 require the Bureau to move these applicants to the top of the pile for processing, but it is unclear
34 what the intention of the word "assist" is and that will need to be clarified. AB 827 lacks
35 specificity; however, the Bureau staff is already doing this in its normal process and has not
36 identified any changes if this bill is passed.

37 Mr. Gee asked for more information on the impact of SB 496 to DCA. This bill was amended and
38 no longer impacts DCA.
39

40 Public Comment: None.
41

- 42 10) Discussion of Possible Caregiver Legislation to Track – Ms. Knight and Ms. Bishop explained
43 after searching bills with the word caregiver, the Bureau struggles with determining which bills will
44 actually relate to the Professional Fiduciary profession. The Bureau asks the committee members
45 to identify bills or types of bills they would like followed.

46 Ms. Federizo, Ms. de Vries, and Ms. Akel stated they are interested in bills which relate to
47 increased costs, working conditions, and wage laws. Ms. Bishop stated that the scope is so
48 broad that it would be helpful if the committee members will identify specific bills for DCA to follow.

49 Ms. Montez stated we could reach out to a couple other departments, boards, and bureaus and
50 do a little more research on this. Ms. Knight stated there were approximately 80 bills with the

1 word caregiver, so we could try to narrow the search by added secondary terms such as wages or
2 time off.

3
4 Public Comment:

5 Mr. Counts recommends following AB 1380.

6 Mr. Desmond stated PFAC can also focus on these bills and share this information with the
7 Bureau and Legislative Office.

8
9 11) Bureau Updates –

- 10 • Statistics – Ms. Montez presented and explained the statistics year-to-date for Fiscal Year
11 2016/17

AG Cases Initiated	4
Citations Issued	0
Complaints Received	90
Complaints Closed	124
Complaints Pending	56
Average Days to Close	272
New Licenses Issued	50
Active Licenses	725
Total licensed Issued	982

12
13 Ms. Thomson asked if the number of cases sent to the AG has increased and Ms. Cuadra stated
14 this is average and the number only includes cases sent to the AG this year, there are several
15 other cases pending.

- 16
17 • Upcoming Outreach Events – Bureau staff will be attending two senior scam stoppers on
18 May 11th and 12th in Union City and Pacifica, SOAR in Citrus Heights on May 18th, is
19 currently awaiting approval to attend the PFAC Conference in June, and a Senior
20 Resource Fair in Woodland on October 12th. Ms. Knight stated the Bureau will provide
21 brochures if anyone will be attending an event and would like to display the Bureau's
22 materials.

23
24 Public Comment:

25 Mr. Counts asked for a comparison of the statistics over several years. Ms. Knight stated this will
26 be done at the next meeting.

27
28 12) Regulations Update – Sabina Knight, Operations Manager

- 29 • Client Notification 4640 of Article 12, of Title 16 of the California Code of Regulations –
30 This regulation has been distributed for public comment for a final time and the comment
31 period which ends on May 16th.
- 32 • Advertising – The language has gone through an informal review with Legal Affairs. The
33 Bureau will move forward with this regulation once the Client Notification regulations are
34 completed.
- 35 • Retired/Inactive License Status – Same status as the Advertising regulation.
- 36 • Notification of Action Against Licensees to Clients – Researching this issue.
- 37 • Notification of Action Against Licensees to Court – Once it is public record it is public and a
38 regulation is not needed.

39
40 Ms. Federizo asked if it is up to the licensee to look up the public record information and Ms.
41 Knight stated it is and this information is posted on the Bureau's website.

1 Ms. Cuadra pointed out that the Client Notification regulations will require the licensee to notify the
2 clients of the website and the clients will be educated as to where to look for this information. Mr.
3 Gee asked how far back the Bureau's actions go and Ms. Cuadra stated indefinitely.
4 Ms. To asked if the Bureau posts when a citation is closed or satisfied and Ms. Knight stated the
5 website is updated once the citation has been satisfied.
6

7 Public Comment:

8 Ms. Goldstein asked if there is a specific harm we are trying to cure with the Client Notification
9 regulations. Ms. Knight answered it is to educate the public of the licensing profession and that
10 the Bureau exists. Ms. Goldstein believes the notice requirements are onerous and possibly over-
11 regulating the profession.

12 Ms. Montez pointed out this regulation is required for all DCA boards and bureaus.

13 Mr. Counts stated he will be submitting written comments as well on this regulation.

14 Mr. Desmond stated PFAC has been involved since the inception of this regulation and has
15 commented on each comment period and will be submitting comments for this period as well.
16

17 13) Newsletter – Ms. Knight requested articles and ideas for the newsletter.

18 Mr. Gee recommended polling the licensees and asking for stories of how they have helped
19 clients and statistics on how many cases by type each licensee holds.

20 Ms. de Vries recommended a licensee write a case presentation article.
21

22 14) Future Agenda Items

23 Update on tracking of caregiver legislation.

24 Three-year statistical comparison.

25 AB 1380

26 Review of National exam.

27 Staff update

28 Sunset Review discussion

29 Review Code of Ethics
30

31 Public Comment: None.
32

33 15) Future Meeting Dates

34 -Wednesday, August 16, 2017

35 -Wednesday, November 15, 2017
36

37 Public Comment: None.
38

39 16) Public Comment on Items Not on the Agenda – No public comment.
40

41 17) Adjournment – The meeting was adjourned at 11:21 a.m.