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**Professional Fiduciaries Bureau (Bureau)  
Advisory Committee Meeting  
Wednesday, August 16, 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  
Angela Cuadra, Bureau Program Analyst  
Gary Duke, DCA Legal Counsel

- 1) Call to Order – Ms. To called the meeting to order at 10:03 a.m. and stated the meeting date and locations.
- 2) Roll Call & Establishment of Quorum – 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, Bldg. 1, Encino, CA 91316. Ms. Barbara de Vries and Ms. Jenny Chacon were present via teleconference from teleconference location 5-Third Street, Suite 1132, San Francisco, CA 94103. A quorum was established with all seven members present.
- 3) Introduction of New Bureau Chief - Ms. Montez announced Governor Jerry Brown appointed Ms. Rebecca May on May 22, 2017 and Ms. May was sworn in by DCA Director, Dean Grafilo on June 5, 2017. Unfortunately, Ms. May was unable to be here today due to a family emergency.  
  
Public Comment: None.
- 4) Advisory Committee Introductions – Department of Consumer Affairs (DCA) staff and Committee Members introduced themselves. Ms. Linda Kincaid and Dr. Robert Fettgather introduced themselves from the teleconference locations. Ms. Montez introduced Bureau staff, Sue Lo and Dan Strike.  
  
Public Comment: None.

- 1  
2 5) Change in DCA Legal Counsel – Mr. Gary Duke is replacing Ms. Myrlys Stockdale as the  
3 Bureau's legal counsel. Mr. Duke was previously counsel for the Bureau from 2007-2013.  
4

5 Public Comment: None.  
6

- 7 6) Updates from the Director's Office – DCA Director, Mr. Dean Grafilo introduced himself and  
8 thanked the committee members for their time, effort, and service. Mr. Grafilo stated he is  
9 honored to be appointed by Governor Brown five months ago. Mr. Grafilo was appointed in 2010  
10 to the Athletic Commission and is glad to be back as the director of DCA. He spent the majority of  
11 his career in Sacramento since 2004 as legislative staffer for four members and most recently for  
12 Assemblymember Rob Bonta, since 2012. Prior to that he served on the California Medical  
13 Association for three years, and Chief of Staff for former Assemblymember Warren Furutani. He  
14 also worked as a legislative aid for former Majority Leader Alberto Torrico.  
15 Prior to his time in the Legislature he attended graduate school at the University of Washington  
16 and worked as a labor union organizer for the Longshore Warehouse Union in Hawaii for six  
17 years.  
18 Mr. Grafilo's style is open door, diversity of opinion, and insight before making decisions. He  
19 welcomed the insight and opinions of the committee members.  
20

21 Public Comment: None.  
22

23 Ms. To thanked Mr. Grafilo for giving this update in person and Ms. Montez thanked Ms. Christine  
24 Lally, Deputy Director of Board and Bureau Relations for being in attendance at this meeting.  
25

- 26 7) Professional Fiduciaries Bureau Mission Statement – Ms. Montez read the Bureau's mission  
27 statement.  
28

29 Public Comment: None.  
30

- 31 8) Discussion and Possible Approval of the Advisory Committee Meeting Minutes from May 3, 2017  
32 – Ms. Akel motioned to approve the minutes as written. Ms. de Vries seconded the motion. A  
33 vote by roll call was made: Ms. Federizo, Ms. Chacon, Ms. Akel, Ms. Thomson, Mr. Gee, Ms. de  
34 Vries, and Ms. To were in favor and the motion carried.  
35

36 Public Comment: None.  
37

- 38 9) Budget Report – Ms. Cuadra noted there was a comment made at the May committee meeting  
39 that the materials were not readable due to formatting and shading. The May materials were  
40 subsequently posted in color and the materials for this meeting were posted so they are able to be  
41 enlarged for clearer readability.  
42 Ms. Nicole Dragoo, DCA Budget Analyst, presented the Fiscal Year 16/17 expenditure projections  
43 as of June 2017 which shows a reversion of approximately 3%, the revenue projections as of  
44 6/30/2017, and the fund condition which shows the Bureau has a 4.5 months reserve at the end of  
45 Fiscal Year 16/17. This reserve is projected to increase slightly each year to 5.2 months by 2020.  
46 The statutory limit for a reserve is 24 months.  
47

48 Mr. Gee stated there did not appear to be a savings from the vacant Chief position. Ms. Montez  
49 replied that the savings was used to conduct an occupational analysis and to attend outreach  
50 events in southern California.  
51

1 Public Comment: None.  
2

3 10) Legislative Update – Ms. Natalie Martin-Rojas introduced Mr. Ben Triffo as the new legislative  
4 analyst for the Bureau.

5 Mr. Triffo gave the following legislative update:

- 6 • Legislative Dates Summer/Fall – Mr. Triffo read the hand-out
- 7 • 2017 Legislation Related to the Bureau - So far this year there are no bills identified that  
8 relate to the Bureau.
- 9 • 2017 Legislation Related to the Department – All but two of the bills on this list have halted  
10 in process and became 2-year bills since the last meeting. AB 492 is on the Senate floor  
11 going to concurrence. AB 827 is on the Senate suspense file in the Appropriations  
12 Committee.
- 13 • AB 1380 – Mr. Triffo read this bill and stated this bill is with the Senate Appropriations  
14 Committee.

15  
16 Mr. Duke asked for a definition of “regional centers.”  
17

18 Public Comment: None.  
19

20 11) Update on Tracking of Caregiver Legislation – Ms. Montez stated there is one bill being tracked  
21 at the request of the committee members, AB 1380. If there are other bills the committee would  
22 like tracked, please let the Bureau know.  
23

24 Public Comment: None.  
25

26 12) Bureau Updates –

- 27 • Statistics – Ms. Montez presented and explained the licensing and enforcement statistics  
28 for the past three Fiscal Years.  
29

30 Ms. Thomson asked why the average days to close complaints increased and Ms. Montez stated  
31 this is an average so there were some outliers. Ms. Federizo asked what causes the slight  
32 increase in licensees and Mr. Montez replied it may be the outreach and we are hoping the OA  
33 and Chief will help to create a greater increase. Mr. Gee asked if the Bureau has a geographical  
34 dispersion by number of licensees and Ms. Montez stated there are 403 in Northern California,  
35 435 in Southern California, and 13 out of state. Ms. Akel asked for a break down by city and Ms.  
36 Cuadra replied that the Bureau does have a breakdown by county which can be presented at the  
37 next meeting.  
38

39 Public Comment: Ms. Kincaid stated she is concerned with the days to close complaints. She  
40 has been contacted by consumers that state they never hear back from the Bureau. Ms. Montez  
41 stated the Bureau did have a backlog, but that backlog has been cleared. If anyone has not  
42 heard back, they should contact the Bureau.  
43

- 44 • Outreach Events – Ms. Montez listed the events staff has attended since the last meeting  
45 and four upcoming events.

46 Ms. To stated she is concerned about the staff time for outreach and Ms. Montez stated since the  
47 Bureau is fully staffed, the staff is able to attend outreach and complete their daily work.  
48

49 Public Comment: None.  
50

- Sunset Review – The Bureau is set in statute to sunset, unless extended, in 2019. The Bureau is putting together a report to be submitted to the Senate Business and Professions Committee in 2018. This report will be drafted and reviewed by DCA and Agency, prior to submission, and Ms. May will testify in front of the committee in 2018.

Public Comment:

Ms. Kincaid is interested in the sunset review process and asked if advocates can get involved. Ms. Martin-Rojas stated the hearing is usually scheduled late February or early March and the public is invited to attend and make comments.

Mr. Jerry Desmond stated PFAC will be there to continue to support the continuation of the Bureau.

- Client Notification of Licensure Regulation Status – The comment period for the last 15-day comment period ended on August 14, 2017. The Bureau received comments and is in the process of reviewing the comments before submitting the final rulemaking file to the Office of Administrative Law.

Public Comment: Mr. Desmond stated PFAC appreciated the chance to comment and is confident the latest version will work for licensees especially the March 1, 2018 date to allow for compliance.

- 13) Discussion of the Professional Fiduciaries Code of Ethics and Possible Ways to Improve the Code – Ms. Montez asked that this item be tabled until the next meeting so that Ms. May could be involved in this discussion and the committee members agreed.

Public Comment: Ms. Kincaid stated revision of the ethics section would be a perfect time to educate licensees. She would like to see additions to include isolation as elder abuse and listed the following codes to be considered when revising the code of ethics; Welfare and Institutions Code sections 15610.57 and 15610.43, Penal Code section 368(c), and the California Department of Justice elder abuse policy.

Mr. Fettgather stated the Bureau's laws and regulations are very small compared to other boards and bureaus, most others are 600+ pages.

- 14) Professional Fiduciaries Bureau Examination Occupational Analysis –

Ms. Montez introduced Mr. Raul Villanueva and Mr. Brian Knox from the Office of Professional Examination Services (OPES).

Mr. Villanueva stated the mission of OPES is to protect the interest of consumers by supporting DCA and its regulatory entities. The main focus of OPES is to establish and maintain licensing examinations that are fair, valid, and legally defensible. The Occupational Analysis (OA) is an applied research study which focuses on identifying the critical tasks and knowledges related to entry level licensure and is mandated by BPC 139.

The process starts with a look at past research, review of literature, and interviewing licensees. OPES holds one-hour interviews with eight to ten licensees to determine the tasks and knowledges, changes in the profession and laws which have impacted the profession in the last three to five years, and any changes which may be forthcoming in the next three to five years. The next step is to conduct workshops which will be one to two days and consist of six to ten licensees at each workshop. In the workshops, the licensees will work to refine the tasks and knowledges and develop demographic items for the pilot survey which will be sent out sometime in November 2017. The answers to the pilot survey will help to refine the final survey which will be sent out to all licensees by regular mail.

1 Ms. Federizo stated the survey should be sent out by listserv instead on "snail mail." Mr.  
2 Villanueva replied postal mail is the typical way to do this part of the process in order to reach all  
3 licensees.

4 Mr. Gee asked what a typical response rate would be and Mr. Villanueva replied 10-15% is a  
5 typical response with 20% being a very good response rate. Ms. Montez added the Bureau will  
6 reach out in other ways if the response rate is low and that an OA is very important for the  
7 profession especially at this time with the Little Hoover Commission looking closely at all licensing  
8 professions. The OA will show what is currently being done in the profession.

9 Ms. Federizo stated this process is very important for the profession and it would be helpful to  
10 work with PFAC to facilitate responses from licensees.

11 Mr. Villanueva continued to explain that all of this information will be compiled into a validation  
12 report and presented to the Bureau along with the results, meaningfulness of the results, and the  
13 next steps for application of the results. The process takes nine months to one year. Finally,  
14 there are three questions in the meeting material packet that the committee members should look  
15 at and submit feedback to the Bureau.

16  
17 Public Comment: Dr. Fettgather asked if the exam would cover Probate and Penal Codes and  
18 would it cover practice? Mr. Villanueva stated this question is a bit premature. The OA will  
19 identify areas of the profession and later be used in refining the examination.  
20

21 15) Strategic Planning –

22 Ms. Elizabeth Coronel from the SOLID Planning Solutions office will be assisting the  
23 Bureau with its Strategic Plan. There are five components to the plan and the  
24 process takes approximately 18 weeks. There will be a preliminary meeting with the  
25 Bureau to set up the schedule and create a customized plan. Then there will be an  
26 environmental scan which includes surveys, interviews, and focus groups. Next, will  
27 be the Bureau's planning session to review the results. From these results, SOLID  
28 will draft a plan which will be approved by the Bureau. Finally, SOLID offers action  
29 planning sessions to put the plan in action.  
30

31 Public Comment: None.  
32

33 16) Future Agenda Items

34 AB 1380  
35 List of licensees by county  
36 OA Update  
37 Discussion of professional fiduciaries code of ethics and possible ways to improve the code  
38 Chair and Vice Chair elections  
39 2018 meeting dates  
40

41 Public Comment: None.  
42

43 17) Future Meeting Dates

44 -Wednesday, November 15, 2017  
45

46 Public Comment: None.  
47

48 18) Public Comment on Items Not on the Agenda – No public comment.

49 Ms. Kincaid requested to submit into public record complaints against licensee Patricia Cooney.  
50 Mr. Duke explained that names of individuals cannot be entered into public record due to

1 confidentiality. Mr. Duke asked that Ms. Kincaid submit the complaints to Angela Cuadra at the  
2 Bureau.

3

4 19) Adjournment – The meeting was adjourned at 11:36 a.m.