DEPARTMENT OF CONSUMER AFFAIRS
PFB
PROFESSIONAL FIDUCIARIES BUREAU

Professional Fiduciaries Bureau
Post Office Box 989005
West Sacramento, CA 95798-9005
Telephone: (916) 574-7340 FAX (916) 574-8645
Website: www.fiduciary.ca.gov

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

Citation Order

Date: **February 5, 2013**

Name: **William A. Hlavaty**

Address: **10336 Emerson Road**
Oak Hills, CA 92344

License Number: **PF 121**
Case Number: **PF 2009 3**

I, Gil DeLuna, hereby issue this citation solely in my official capacity as Acting Bureau Chief of the Professional Fiduciaries Bureau of California, hereinafter referred to as the "Bureau."

License History:

The records of the Bureau show that license number PF121 was issued to you, William A. Hlavaty, on July 23, 2008 and will expire on August 31, 2013.

Citation:

A citation is hereby issued to you in accordance with section 125.9 and 6580(b)(1) of the Business and Professions Code for the violations(s) described below.

Cause for Violation:

Cause exists to issue a citation based on the following conduct:

Violating section 6561(a)(5) of the Business and Professions Code for failing to report to the Bureau you resigned or settled a matter in which a complaint had been filed with the court on your Annual Statement signed by you on July 20, 2010 and received by the Bureau on August 10, 2010.

In August and September 2007 Petitions were filed by the brother of J.O. and the attorney for J.O. to have you removed as Conservator for J.O. and to suspend your powers as Conservator. On or about September 17, 2009 in the Superior Court for the State of California, County of San Bernardino you entered into a Settlement and Order After Settlement Conference in the matter of the Conservatorship of J.O. whereby you agreed to resign as Conservator of J.O.

Order of Abatement and Corrective Action:

The Bureau hereby directs you to provide a corrected Annual Report disclosing the resignation from the J.O. Conservatorship.

Unless you are contesting the citation, failure to abate the violation charged within 30 days of the date of your receipt of this document may be deemed to constitute a violation of the Professional Fiduciaries Act. Failure to comply may result in disciplinary action being taken by the Bureau or other appropriate judicial relief being taken against you.

Fine:

The Bureau is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to Sections 125.9 or 6580(b)(1) of the Business and Professions Code against a professional fiduciary who has committed any acts or omissions which are in violation of the Act or the regulations contained in Division 41, Title 16, California Code of Regulations.

The fine for this violation is $1,500.00

Payment of the administrative fine, if any and abatement will be considered satisfactory resolution of the violation(s) cited.

The citation will become a final order of the Bureau 30 days after the date of issuance of the citation. Payment must be made by cashier's check or money order only, payable to the Professional Fiduciaries Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite S-209, Sacramento, CA 95834.

Appeal of Citation:

If you desire a hearing to contest the finding of the violation, the request must be made in writing within thirty (30) days of the issuance of this citation.

In addition to requesting an administrative hearing as provided for in subdivision (b)(4) of Section 125.9 of the Business and Professions Code, you may request an informal conference to review the acts charged in the citation. Your request for an informal conference must be made in writing, within ten (10) days after the issuance of the citation. If the conference is requested, the Bureau will hold the conference within sixty (60) days from the receipt of your request.

At the conclusion of the informal conference, the Bureau may affirm, modify or dismiss your citation, including any fine levied or order of abatement issued. The Bureau will issue a written decision explaining the reasons for its action. The decision will be deemed to be a final order of the Bureau with regard to the citation issued; including any administrative fine levied or order of abatement.

If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If the cited person desires a formal hearing to contest the new citation or to contest the Bureaus affirmation of the citation,

you must make a new request in writing, within thirty (30) days of receipt of the informal conference decision, to the Bureau. The hearing will be conducted as provided for in subdivision (b)(4) of Section 125.9. You may not request an informal conference for a citation which has been modified following an informal conference.

If a hearing is not requested, payment of any fine will not constitute an admission of the violation charged. Issuance of a citation is subject to public disclosure. Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine will be represented as a satisfactory resolution of the matter for purposes of public disclosure. **Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee in accordance with the Business and Professions Code Section 125.9.**

Gil DeLuna, Acting Bureau Chief

2-5-2013
Date