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9 **BEFORE THE**
PROFESSIONAL FIDUCIARIES BUREAU
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

12 **RONALD BRADLEY OLUND**
13 **1356 S. San Mateo**
14 **Palm Springs, CA 92264**

A C C U S A T I O N

15 **Professional Fiduciary License No. 243**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

- 20 1. Julia Ansel (Complainant) brings this Accusation solely in her official capacity as the
21 Bureau Chief of the Professional Fiduciaries Bureau, Department of Consumer Affairs.
- 22 2. On or about November 14, 2008, the Professional Fiduciaries Bureau issued
23 Professional Fiduciary License Number 243 to Ronald Bradley Olund (Respondent). The
24 Professional Fiduciary License was in full force and effect at all times relevant to the charges
25 brought herein and will expire on September 30, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Professional Fiduciaries Bureau (Bureau), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 6580 of the Code states, in pertinent part:

(a) The bureau may upon its own, and shall, upon the receipt of a complaint from any person, investigate the actions of any professional fiduciary. The bureau shall review a professional fiduciary's alleged violation of statute, regulation, or the Professional Fiduciaries Code of Ethics and any other complaint referred to it by the public, a public agency, or the department, and may impose sanctions upon a finding of a violation or a breach of fiduciary duty.

(b) Sanctions shall include any of the following:

(1) Administrative citations and fines as provided in Section 125.9 for a violation of this chapter, the Professional Fiduciaries Code of Ethics, or any regulation adopted under this chapter.

(2) License suspension, probation, or revocation.

....

6. Section 6582 of the Code states:

All proceedings against a licensee for any violation of this chapter or any regulations adopted by the bureau shall be conducted in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), and shall be prosecuted by the Attorney General's office, and the bureau shall have all the powers granted therein.

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STATUTORY PROVISIONS

7. Section 6584 of the Code states, in pertinent part:

A license issued under this chapter may be suspended, revoked, denied, or other disciplinary action may be imposed for one or more of the following causes:

....

(d) Fraud, dishonesty, corruption, willful violation of duty, gross negligence or incompetence in practice, or unprofessional conduct in, or related to, the practice of a professional fiduciary. For purposes of this section, unprofessional

1 14. Maxine owned a mobile home at the Apache Mobile Home Park in Yucca Valley and
2 was required to pay homeowner's association fees every month. The bill came to Maxine's home
3 at the mobile home park every month and Maxine's neighbor faxed the bill to Respondent each
4 month. Respondent failed to respond to the bills and pay what was due in a timely manner and
5 also incurred several late fees.

6 15. On March 2, 2010, the Office Manager of the Apache Mobile Home Park sent
7 Respondent a letter stating that Maxine's homeowner's association dues were three months in
8 arrears and requested payment in the amount of \$1,933.67 to be paid no later than March 10,
9 2010 and be paid by cashier's check. Respondent was informed that foreclosure proceedings
10 were started and that Maxine's mobile home would have to be removed from the park by April 1,
11 2010. On March 10, 2010, Respondent paid the past due homeowner's association dues by
12 check. The Homeowner's Association Board president decided to accept Respondent's check
13 even though it had requested the payment to be made by cashier's check.

14 16. Respondent did not timely monitor and pay Maxine's telephone and TV cable
15 services, which resulted in cancellations and disconnections of these services on multiple
16 occasions. The phone services were cancelled in March and May 2010 and the cable TV services
17 were cancelled in January and August 2010 for non-payment.

18 17. On October 1, 2010, Maxine's supplemental Medicare health insurance was cancelled
19 for non-payment.

20 18. On November 24, 2010, a check written to Maxine's care giver bounced due to
21 insufficient funds in the account.

22 19. Respondent neglected to apply for Veterans Administration survivor benefits that
23 Maxine was eligible to receive.

24 20. Maxine died on January 8, 2011.

25 **FIRST CAUSE FOR DISCIPLINE**

26 (Incompetence)

27 21. Respondent is subject to disciplinary action under Code section 6584(d) in that he
28 was incompetent when he demonstrated a lack of knowledge or ability to perform his professional

1 obligations to the person and estate of Maxine. The circumstances are set forth in detail in
2 paragraphs 9 through 20 above, and as follows:

- 3 a. Respondent failed to monitor Maxine's estate in a prudent and timely manner.
- 4 b. Respondent failed to notify all creditors, service providers and vendors of his role as
5 conservator and request that all bills, invoices, statements or correspondence be mailed to his
6 office.
- 7 c. Respondent failed to pay bills on time and set up a system to notify him when bills
8 were due, thereby eliminating the accrual of late fees and over draft charges.
- 9 d. Respondent failed to apply for Veterans Administration survivor benefits that Maxine
10 was eligible to receive.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Gross Negligence)

13 22. Respondent is subject to disciplinary action under Code section 6584(d) in that he
14 failed to manage Maxine's estate with prudence, care and judgment, and failed to maintain
15 detailed fiduciary records as required by law. The circumstances are set forth in detail in
16 paragraphs 9 through 20 above, and as follows:

- 17 a. Respondent failed to implement an efficient and effective system in monitoring all
18 income and expenses when dealing with Maxine's finances.
- 19 b. Respondent failed to monitor and transfer funds from Maxine's savings account into
20 her checking account in order to avoid the bank overdraft fees he incurred in Maxine's Wells
21 Fargo bank account in September, October and November 2010.
- 22 c. Respondent failed to hire others to assist him during the conservatorship to prevent
23 his client from suffering from any financial consequences and numerous bank overdraft fees.
- 24 d. Respondent failed to respond to and pay the homeowner's association dues for the
25 Apache Mobile Home Park in a timely manner and incurred several late fees. Additionally,
26 Respondent took a chance of the homeowner's association not accepting payment by regular
27 check when they had specifically requested that Respondent make payment by cashier's check.

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1 e. Respondent failed to make timely payments to Maxine's supplemental Medicare
2 Insurance which resulted in the policy being cancelled on October 1, 2010.

3 f. Respondent failed to properly handle the telephone and cable TV service utilities for
4 Maxine's estate which resulted in cancellations and disconnections of phone services in March
5 and May 2010 and cable TV services in January and August 2010 for non-payment.

6 **THIRD CAUSE FOR DISCIPLINE**

7 (Willful Violation of Duty)

8 23. Respondent is subject to disciplinary action under Code section 6584(d) in that
9 he displayed a willful violation of his duty as a fiduciary when he failed to handle Maxine's estate
10 in a prudent manner, failed to notify all creditors, service providers and vendors of his role as
11 conservator and request that all bills, invoices, statements or correspondence be mailed to his
12 office, allowed Maxine's health insurance to be cancelled and failed to institute safeguards to
13 ensure bills were handled in an expeditious manner with a back up system in place. The
14 circumstances are set forth in detail in paragraphs 9 through 20 above and are incorporated herein
15 by reference as though fully set forth.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 (Unprofessional Conduct)

18 24. Respondent is subject to disciplinary action under Code section 6584(d) in that he
19 failed to handle Maxine's estate in a professional manner. The circumstances are set forth in
20 detail in paragraphs 9 through 20 above, and as follows:

21 a. Respondent incurred bank and overdraft fees to Maxine's Wells Fargo bank account
22 in September, October and November 2010.

23 b. Respondent failed to respond and pay the homeowner's association dues for the
24 Apache Mobile Home Park in a timely manner and incurred several late fees.

25 c. Respondent failed to make timely payments to Maxine's supplemental Medicare
26 Insurance, which resulted in the policy being cancelled on October 1, 2010.

27 d. Respondent allowed cancellations and disconnections of Maxine's telephone services
28 in March and May 2010 and cable TV services in January and August 2010 for non-payment.

1 e. Respondent failed to apply for Veterans Administration survivor benefits that Maxine
2 was eligible to receive.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Professional Fiduciaries Bureau issue a decision:

6 1. Revoking or suspending Professional Fiduciary License Number 243, issued to
7 Ronald Bradley Olund;

8 2. Ordering Ronald Bradley Olund to pay the Professional Fiduciaries Bureau the
9 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
10 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

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13 DATED: 8/6/13

Julia Ansel

JULIA ANSEL
Bureau Chief
Professional Fiduciaries Bureau
Department of Consumer Affairs
State of California
Complainant

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