

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 DAVID E. HAUSFELD
Deputy Attorney General
4 State Bar No. 110639
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2025
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
PROFESSIONAL FIDUCIARIES BUREAU
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

Case No.

13 **TERESA M. CASTIGLIONE**
300 Carlsbad Village Drive, Ste. 108A270
14 **Carlsbad, CA 92008**

A C C U S A T I O N

15 **Professional Fiduciary License No. PF 305**

16
17 Respondent.

18
19
20 Complainant alleges:

21 **PARTIES**

22 1. Gil DeLuna (Complainant) brings this Accusation solely in his official capacity as the
23 Acting Chief of the Professional Fiduciaries Bureau, Department of Consumer Affairs.

24 2. On or about February 2, 2009, the Professional Fiduciaries Bureau, Department of
25 Consumer Affairs, issued Professional Fiduciary License Number PF 305 to Teresa M.
26 Castiglione (Respondent). The Professional Fiduciary License was in full force and effect at all
27 times relevant to the charges brought herein and will expire on May 31, 2011, unless renewed.

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1 **JURISDICTION**

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

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

6 (a) The bureau may upon its own, and shall, upon the receipt of a complaint
7 from any person, investigate the actions of any professional fiduciary. The bureau
8 shall review a professional fiduciary's alleged violation of statute, regulation, or
9 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:

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

(2) License suspension, probation, or revocation.

12

13 5. Section 6582 of the Code states:

14 All proceedings against a licensee for any violation of this chapter or any
15 regulations adopted by the bureau shall be conducted in accordance with the
16 Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of
17 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.

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

22 **STATUTORY REGULATIONS**

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

24 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:

25

(d) Fraud, dishonesty, corruption, willful violation of duty, gross negligence or
26 incompetence in practice, or unprofessional conduct in, or related to, the practice
of a professional fiduciary. For purposes of this section, unprofessional conduct
27 includes, but is not limited to, acts contrary to professional standards concerning
any provision of law substantially related to the duties of a professional fiduciary.

28

1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Director may request
3 the administrative law judge to direct a licentiate found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **FACTS**

7 9. On or about August 25, 2005 respondent was appointed as the Guardian of the Estate
8 of Garrett T., a minor. She held this position continuously until her ward reached the age of
9 majority in September of 2008.

10 10. On or about June 24, 2006, Respondent became registered in the California Statewide
11 Registry of Private Conservators, Guardians & Trustees.

12 11. On or about November 24, 2008, Respondent caused to be filed in the Superior Court
13 of San Diego County, North County Judicial District, the First and Final Account and report of
14 Guardian of the Estate (August 25, 2005 through September 27, 2008). Contained within this
15 document and in the supporting declaration signed by Respondent under penalty of perjury on
16 November 24, 2008 was a statement that Respondent was "a private, professional fiduciary,
17 registered and licensed in the State of California, according to the Professional Fiduciaries Act."
18 This statement was false.

19 12. The Professional Fiduciaries Act (The Act), California Business & Professions Code
20 section 6500, et. seq., became effective on January 1, 2007.

21 13. At the time the declaration was signed, Respondent had passed the State portion of
22 the Professional Fiduciary Licensing examination but had not yet passed the National portion of
23 the examination. Respondent did not receive her license as a professional fiduciary under The
24 Act, until February 2, 2009.

25 **CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct - Dishonesty)**

27 14. Respondent is subject to disciplinary action under section 6584 subdivisions (d) in
28 that she falsely represented to the San Diego Superior Court that she was a licensed professional

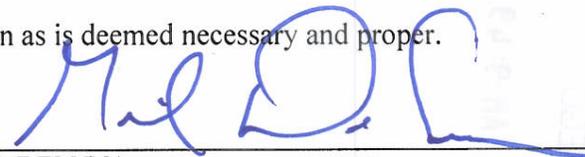
1 fiduciary when she had not yet received her license, as more fully described in paragraphs 10
2 through 14, above.

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, Department of Consumer
6 Affairs, issue a decision:

- 7 1. Revoking or suspending Professional Fiduciary License Number PF 305 issued to
8 Teresa M. Castiglione;
- 9 2. Ordering Teresa M. Castiglione to pay the Professional Fiduciaries Bureau the
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 125.3;
- 12 3. Taking such other and further action as is deemed necessary and proper.

13 DATED: 1-31-11

14 
15 GIL DELUNA
16 Acting Chief
17 Professional Fiduciaries Bureau
18 Department of Consumer Affairs
19 State of California
20 *Complainant*

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